



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5447

Introduced 2/13/2026, by Rep. Christopher "C.D." Davidsmeyer

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. In provisions concerning a school board's suspension or expulsion of pupils, provides that a student who is determined to have initiated sexual activity with another individual without that individual's consent, a sexual assault, or an attempted sexual assault at a school, a school-sponsored activity or event, or an activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year. Provides that (i) a student initiates sexual activity with another individual without that individual's consent if the student uses force or a threat of force to make the other individual perform a nonconsensual sexual act; (ii) a student initiates a sexual assault if the student commits an act of sexual penetration and uses force or a threat of force; and (iii) a student initiates an attempted sexual assault if, with the intent to commit a sexual assault, the student commits an act that constitutes a substantial step toward the commission of a sexual assault. Allows the expulsion requirement to be modified by the superintendent of the school district and the superintendent's determination to be modified by the school board on a case-by-case basis. Provides that the expulsion shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act and a student who is subject to expulsion may be eligible for a transfer to an alternative school program. Effective immediately.

LRB104 19888 LNS 33338 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 10-22.6 as follows:

6 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

7 Sec. 10-22.6. Suspension or expulsion of students; school
8 searches.

9 (a) To expel students guilty of gross disobedience or
10 misconduct, including gross disobedience or misconduct
11 perpetuated by electronic means, pursuant to subsection (b-20)
12 of this Section, and no action shall lie against them for such
13 expulsion. Expulsion shall take place only after the parents
14 or guardians have been requested to appear at a meeting of the
15 board, or with a hearing officer appointed by it, to discuss
16 their child's behavior. Such request shall be made by
17 registered or certified mail and shall state the time, place
18 and purpose of the meeting. The board, or a hearing officer
19 appointed by it, at such meeting shall state the reasons for
20 dismissal and the date on which the expulsion is to become
21 effective. If a hearing officer is appointed by the board, the
22 hearing officer shall report to the board a written summary of
23 the evidence heard at the meeting and the board may take such

1 action thereon as it finds appropriate. If the board acts to
2 expel a student, the written expulsion decision shall detail
3 the specific reasons why removing the student from the
4 learning environment is in the best interest of the school.
5 The expulsion decision shall also include a rationale as to
6 the specific duration of the expulsion. An expelled student
7 may be immediately transferred to an alternative program in
8 the manner provided in Article 13A or 13B of this Code. A
9 student must not be denied transfer because of the expulsion,
10 except in cases in which such transfer is deemed to cause a
11 threat to the safety of students or staff in the alternative
12 program.

13 (b) To suspend or by policy to authorize the
14 superintendent of the district or the principal, assistant
15 principal, or dean of students of any school to suspend
16 students guilty of gross disobedience or misconduct, or to
17 suspend students guilty of gross disobedience or misconduct on
18 the school bus from riding the school bus, pursuant to
19 subsections (b-15) and (b-20) of this Section, and no action
20 shall lie against them for such suspension. The board may by
21 policy authorize the superintendent of the district or the
22 principal, assistant principal, or dean of students of any
23 school to suspend students guilty of such acts for a period not
24 to exceed 10 school days. If a student is suspended due to
25 gross disobedience or misconduct on a school bus, the board
26 may suspend the student in excess of 10 school days for safety

1 reasons.

2 Any suspension shall be reported immediately to the
3 parents or guardians of a student along with a full statement
4 of the reasons for such suspension and a notice of their right
5 to a review. The school board must be given a summary of the
6 notice, including the reason for the suspension and the
7 suspension length. Upon request of the parents or guardians,
8 the school board or a hearing officer appointed by it shall
9 review such action of the superintendent or principal,
10 assistant principal, or dean of students. At such review, the
11 parents or guardians of the student may appear and discuss the
12 suspension with the board or its hearing officer. If a hearing
13 officer is appointed by the board, he shall report to the board
14 a written summary of the evidence heard at the meeting. After
15 its hearing or upon receipt of the written report of its
16 hearing officer, the board may take such action as it finds
17 appropriate. If a student is suspended pursuant to this
18 subsection (b), the board shall, in the written suspension
19 decision, detail the specific act of gross disobedience or
20 misconduct resulting in the decision to suspend. The
21 suspension decision shall also include a rationale as to the
22 specific duration of the suspension.

23 (b-5) Among the many possible disciplinary interventions
24 and consequences available to school officials, school
25 exclusions, such as out-of-school suspensions and expulsions,
26 are the most serious. School officials shall limit the number

1 and duration of expulsions and suspensions to the greatest
2 extent practicable, and it is recommended that they use them
3 only for legitimate educational purposes. To ensure that
4 students are not excluded from school unnecessarily, it is
5 recommended that school officials consider forms of
6 non-exclusionary discipline prior to using out-of-school
7 suspensions or expulsions.

8 (b-10) Unless otherwise required by federal law or this
9 Code, school boards may not institute zero-tolerance policies
10 by which school administrators are required to suspend or
11 expel students for particular behaviors.

12 (b-15) Out-of-school suspensions of 3 days or less may be
13 used only if the student's continuing presence in school would
14 pose a threat to school safety or a disruption to other
15 students' learning opportunities. For purposes of this
16 subsection (b-15), "threat to school safety or a disruption to
17 other students' learning opportunities" shall be determined on
18 a case-by-case basis by the school board or its designee.
19 School officials shall make all reasonable efforts to resolve
20 such threats, address such disruptions, and minimize the
21 length of suspensions to the greatest extent practicable.

22 (b-20) Unless otherwise required by this Code,
23 out-of-school suspensions of longer than 3 days, expulsions,
24 and disciplinary removals to alternative schools may be used
25 only if other appropriate and available behavioral and
26 disciplinary interventions have been exhausted and the

1 student's continuing presence in school would either (i) pose
2 a threat to the safety of other students, staff, or members of
3 the school community or (ii) substantially disrupt, impede, or
4 interfere with the operation of the school. For purposes of
5 this subsection (b-20), "threat to the safety of other
6 students, staff, or members of the school community" and
7 "substantially disrupt, impede, or interfere with the
8 operation of the school" shall be determined on a case-by-case
9 basis by school officials. For purposes of this subsection
10 (b-20), the determination of whether "appropriate and
11 available behavioral and disciplinary interventions have been
12 exhausted" shall be made by school officials. School officials
13 shall make all reasonable efforts to resolve such threats,
14 address such disruptions, and minimize the length of student
15 exclusions to the greatest extent practicable. Within the
16 suspension decision described in subsection (b) of this
17 Section or the expulsion decision described in subsection (a)
18 of this Section, it shall be documented whether other
19 interventions were attempted or whether it was determined that
20 there were no other appropriate and available interventions.

21 (b-25) Students who are suspended out-of-school for longer
22 than 3 school days shall be provided appropriate and available
23 support services during the period of their suspension. For
24 purposes of this subsection (b-25), "appropriate and available
25 support services" shall be determined by school authorities.
26 Within the suspension decision described in subsection (b) of

1 this Section, it shall be documented whether such services are
2 to be provided or whether it was determined that there are no
3 such appropriate and available services.

4 A school district may refer students who are expelled to
5 appropriate and available support services.

6 A school district shall create a policy to facilitate the
7 re-engagement of students who are suspended out-of-school,
8 expelled, or returning from an alternative school setting. In
9 consultation with stakeholders deemed appropriate by the State
10 Board of Education, the State Board of Education shall draft
11 and publish guidance for the re-engagement of students who are
12 suspended out-of-school, expelled, or returning from an
13 alternative school setting in accordance with this Section and
14 Section 13A-4 on or before July 1, 2025.

15 (b-30) A school district shall create a policy by which
16 suspended students, including those students suspended from
17 the school bus who do not have alternate transportation to
18 school, shall have the opportunity to make up work for
19 equivalent academic credit. It shall be the responsibility of
20 a student's parents or guardians to notify school officials
21 that a student suspended from the school bus does not have
22 alternate transportation to school.

23 (b-35) In all suspension review hearings conducted under
24 subsection (b) or expulsion hearings conducted under
25 subsection (a), a student may disclose any factor to be
26 considered in mitigation, including his or her status as a

1 parent, expectant parent, or victim of domestic or sexual
2 violence, as defined in Article 26A. A representative of the
3 parent's or guardian's choice, or of the student's choice if
4 emancipated, must be permitted to represent the student
5 throughout the proceedings and to address the school board or
6 its appointed hearing officer. With the approval of the
7 student's parent or guardian, or of the student if
8 emancipated, a support person must be permitted to accompany
9 the student to any disciplinary hearings or proceedings. The
10 representative or support person must comply with any rules of
11 the school district's hearing process. If the representative
12 or support person violates the rules or engages in behavior or
13 advocacy that harasses, abuses, or intimidates either party, a
14 witness, or anyone else in attendance at the hearing, the
15 representative or support person may be prohibited from
16 further participation in the hearing or proceeding. A
17 suspension or expulsion proceeding under this subsection
18 (b-35) must be conducted independently from any ongoing
19 criminal investigation or proceeding, and an absence of
20 pending or possible criminal charges, criminal investigations,
21 or proceedings may not be a factor in school disciplinary
22 decisions.

23 (b-40) During a suspension review hearing conducted under
24 subsection (b) or an expulsion hearing conducted under
25 subsection (a) that involves allegations of sexual violence by
26 the student who is subject to discipline, neither the student

1 nor his or her representative shall directly question nor have
2 direct contact with the alleged victim. The student who is
3 subject to discipline or his or her representative may, at the
4 discretion and direction of the school board or its appointed
5 hearing officer, suggest questions to be posed by the school
6 board or its appointed hearing officer to the alleged victim.

7 (c) A school board must invite a representative from a
8 local mental health agency to consult with the board at the
9 meeting whenever there is evidence that mental illness may be
10 the cause of a student's expulsion or suspension.

11 (c-5) School districts shall make reasonable efforts to
12 provide ongoing professional development to all school
13 personnel, school board members, and school resource officers
14 on the requirements of this Section and Section 10-20.14, the
15 adverse consequences of school exclusion and justice-system
16 involvement, effective classroom management strategies,
17 culturally responsive discipline, trauma-responsive learning
18 environments, as defined in subsection (b) of Section 3-11,
19 the appropriate and available supportive services for the
20 promotion of student attendance and engagement, and
21 developmentally appropriate disciplinary methods that promote
22 positive and healthy school climates.

23 (d) The board may expel a student for a definite period of
24 time not to exceed 2 calendar years, as determined on a
25 case-by-case basis. A student who is determined to have
26 brought one of the following objects to school, any

1 school-sponsored activity or event, or any activity or event
2 that bears a reasonable relationship to school shall be
3 expelled for a period of not less than one year:

4 (1) A firearm. For the purposes of this Section,
5 "firearm" means any gun, rifle, shotgun, weapon as defined
6 by Section 921 of Title 18 of the United States Code,
7 firearm as defined in Section 1.1 of the Firearm Owners
8 Identification Card Act, or firearm as defined in Section
9 24-1 of the Criminal Code of 2012. The expulsion period
10 under this subdivision (1) may be modified by the
11 superintendent, and the superintendent's determination may
12 be modified by the board on a case-by-case basis.

13 (2) A knife, brass knuckles or other knuckle weapon
14 regardless of its composition, a billy club, or any other
15 object if used or attempted to be used to cause bodily
16 harm, including "look alikes" of any firearm as defined in
17 subdivision (1) of this subsection (d). The expulsion
18 requirement under this subdivision (2) may be modified by
19 the superintendent, and the superintendent's determination
20 may be modified by the board on a case-by-case basis.

21 Expulsion or suspension shall be construed in a manner
22 consistent with the federal Individuals with Disabilities
23 Education Act. A student who is subject to suspension or
24 expulsion as provided in this Section may be eligible for a
25 transfer to an alternative school program in accordance with
26 Article 13A of the School Code.

1 (d-5) The board may suspend or by regulation authorize the
2 superintendent of the district or the principal, assistant
3 principal, or dean of students of any school to suspend a
4 student for a period not to exceed 10 school days or may expel
5 a student for a definite period of time not to exceed 2
6 calendar years, as determined on a case-by-case basis, if (i)
7 that student has been determined to have made an explicit
8 threat on an Internet website against a school employee, a
9 student, or any school-related personnel, (ii) the Internet
10 website through which the threat was made is a site that was
11 accessible within the school at the time the threat was made or
12 was available to third parties who worked or studied within
13 the school grounds at the time the threat was made, and (iii)
14 the threat could be reasonably interpreted as threatening to
15 the safety and security of the threatened individual because
16 of the individual's duties or employment status or status as a
17 student inside the school.

18 (d-10) A student who is determined to have initiated
19 sexual activity with another individual without that
20 individual's consent, a sexual assault, or an attempted sexual
21 assault at a school, a school-sponsored activity or event, or
22 an activity or event that bears a reasonable relationship to
23 school shall be expelled for a period of not less than one
24 year.

25 For purposes of this subsection (d-10), (i) a student
26 initiates sexual activity with another individual without that

1 individual's consent if the student uses force or a threat of
2 force to make the other individual perform a nonconsensual
3 sexual act; (ii) a student initiates a sexual assault if the
4 student commits an act of sexual penetration and uses force or
5 a threat of force; and (iii) a student initiates an attempted
6 sexual assault if, with the intent to commit a sexual assault
7 under clause (ii), the student commits an act that constitutes
8 a substantial step toward the commission of a sexual assault
9 under clause (ii). The expulsion requirement under this
10 subsection (d-10) may be modified by the superintendent, and
11 the superintendent's determination may be modified by the
12 board on a case-by-case basis.

13 Expulsion under this subsection (d-10) shall be construed
14 in a manner consistent with the federal Individuals with
15 Disabilities Education Act. A student who is subject to
16 expulsion as provided in this subsection (d-10) may be
17 eligible for a transfer to an alternative school program in
18 accordance with Article 13A of the School Code.

19 (e) To maintain order and security in the schools, school
20 authorities may inspect and search places and areas such as
21 lockers, desks, parking lots, and other school property and
22 equipment owned or controlled by the school, as well as
23 personal effects left in those places and areas by students,
24 without notice to or the consent of the student, and without a
25 search warrant. As a matter of public policy, the General
26 Assembly finds that students have no reasonable expectation of

1 privacy in these places and areas or in their personal effects
2 left in these places and areas. School authorities may request
3 the assistance of law enforcement officials for the purpose of
4 conducting inspections and searches of lockers, desks, parking
5 lots, and other school property and equipment owned or
6 controlled by the school for illegal drugs, weapons, or other
7 illegal or dangerous substances or materials, including
8 searches conducted through the use of specially trained dogs.
9 If a search conducted in accordance with this Section produces
10 evidence that the student has violated or is violating either
11 the law, local ordinance, or the school's policies or rules,
12 such evidence may be seized by school authorities, and
13 disciplinary action may be taken. School authorities may also
14 turn over such evidence to law enforcement authorities.

15 (f) Suspension or expulsion may include suspension or
16 expulsion from school and all school activities and a
17 prohibition from being present on school grounds.

18 (g) A school district may adopt a policy providing that if
19 a student is suspended or expelled for any reason from any
20 public or private school in this or any other state, the
21 student must complete the entire term of the suspension or
22 expulsion in an alternative school program under Article 13A
23 of this Code or an alternative learning opportunities program
24 under Article 13B of this Code before being admitted into the
25 school district if there is no threat to the safety of students
26 or staff in the alternative program. A school district that

1 adopts a policy under this subsection (g) must include a
2 provision allowing for consideration of any mitigating
3 factors, including, but not limited to, a student's status as
4 a parent, expectant parent, or victim of domestic or sexual
5 violence, as defined in Article 26A.

6 (h) School officials shall not advise or encourage
7 students to drop out voluntarily due to behavioral or academic
8 difficulties.

9 (i) In this subsection (i), "municipal code violation"
10 means the violation of a rule or regulation established by a
11 local government authority, authorized by Section 1-2-1 of the
12 Illinois Municipal Code.

13 A student must not be issued a monetary fine, fee, ticket,
14 or citation as a school-based disciplinary consequence or for
15 a municipal code violation on school grounds during school
16 hours or while taking school transportation by any person,
17 though this shall not preclude requiring a student to provide
18 restitution for lost, stolen, or damaged property.

19 This subsection (i) does not modify school disciplinary
20 responses under this Section or Section 10-20.14 of this Code
21 that existed before the effective date of this amendatory Act
22 of the 104th General Assembly or responses to alleged
23 delinquent or criminal conduct set forth in this Code, Article
24 V of the Juvenile Court Act of 1987, or the Criminal Code of
25 2012. This subsection (i) does not apply to violations of
26 traffic, boating, or fish and game laws.

1 (j) Subsections (a) through (i) of this Section shall
2 apply to elementary and secondary schools, charter schools,
3 special charter districts, and school districts organized
4 under Article 34 of this Code.

5 (k) Through June 30, 2026, the expulsion of students
6 enrolled in programs funded under Section 1C-2 of this Code is
7 subject to the requirements under paragraph (7) of subsection
8 (a) of Section 2-3.71 of this Code.

9 (k-5) On and after July 1, 2026, the expulsion of children
10 enrolled in programs funded under Section 15-25 of the
11 Department of Early Childhood Act is subject to the
12 requirements of paragraph (7) of subsection (a) of Section
13 15-30 of the Department of Early Childhood Act.

14 (l) An in-school suspension program provided by a school
15 district for any students in kindergarten through grade 12 may
16 focus on promoting non-violent conflict resolution and
17 positive interaction with other students and school personnel.
18 A school district may employ a school social worker or a
19 licensed mental health professional to oversee an in-school
20 suspension program in kindergarten through grade 12.

21 (Source: P.A. 103-594, eff. 6-25-24; 103-896, eff. 8-9-24;
22 104-417, eff. 8-15-25; 104-430, eff. 8-20-25.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.