



Sen. Steve McClure

**Filed: 4/14/2026**

10400SB0939sam001

LRB104 05246 JDS 36765 a

1 AMENDMENT TO SENATE BILL 939

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 939 by replacing  
3 everything after the enacting clause with the following:

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

1 registered or certified mail and shall state the time, place  
2 and purpose of the meeting. The board, or a hearing officer  
3 appointed by it, at such meeting shall state the reasons for  
4 dismissal and the date on which the expulsion is to become  
5 effective. If a hearing officer is appointed by the board, the  
6 hearing officer shall report to the board a written summary of  
7 the evidence heard at the meeting and the board may take such  
8 action thereon as it finds appropriate. If the board acts to  
9 expel a student, the written expulsion decision shall detail  
10 the specific reasons why removing the student from the  
11 learning environment is in the best interest of the school.  
12 The expulsion decision shall also include a rationale as to  
13 the specific duration of the expulsion. An expelled student  
14 may be immediately transferred to an alternative program in  
15 the manner provided in Article 13A or 13B of this Code. A  
16 student must not be denied transfer because of the expulsion,  
17 except in cases in which such transfer is deemed to cause a  
18 threat to the safety of students or staff in the alternative  
19 program.

20 (b) To suspend or by policy to authorize the  
21 superintendent of the district or the principal, assistant  
22 principal, or dean of students of any school to suspend  
23 students guilty of gross disobedience or misconduct, or to  
24 suspend students guilty of gross disobedience or misconduct on  
25 the school bus from riding the school bus, pursuant to  
26 subsections (b-15) and (b-20) of this Section, and no action

1 shall lie against them for such suspension. The board may by  
2 policy authorize the superintendent of the district or the  
3 principal, assistant principal, or dean of students of any  
4 school to suspend students guilty of such acts for a period not  
5 to exceed 10 school days. If a student is suspended due to  
6 gross disobedience or misconduct on a school bus, the board  
7 may suspend the student in excess of 10 school days for safety  
8 reasons.

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

1 misconduct resulting in the decision to suspend. The  
2 suspension decision shall also include a rationale as to the  
3 specific duration of the suspension.

4 (b-5) Among the many possible disciplinary interventions  
5 and consequences available to school officials, school  
6 exclusions, such as out-of-school suspensions and expulsions,  
7 are the most serious. School officials shall limit the number  
8 and duration of expulsions and suspensions to the greatest  
9 extent practicable, and it is recommended that they use them  
10 only for legitimate educational purposes. To ensure that  
11 students are not excluded from school unnecessarily, it is  
12 recommended that school officials consider forms of  
13 non-exclusionary discipline prior to using out-of-school  
14 suspensions or expulsions.

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

19 (b-15) Out-of-school suspensions of 3 days or less may be  
20 used only if the student's continuing presence in school would  
21 pose a threat to school safety or a disruption to other  
22 students' learning opportunities. For purposes of this  
23 subsection (b-15), "threat to school safety or a disruption to  
24 other students' learning opportunities" shall be determined on  
25 a case-by-case basis by the school board or its designee.  
26 School officials shall make all reasonable efforts to resolve

1 such threats, address such disruptions, and minimize the  
2 length of suspensions to the greatest extent practicable.

3 (b-20) Unless otherwise required by this Code,  
4 out-of-school suspensions of longer than 3 days, expulsions,  
5 and disciplinary removals to alternative schools may be used  
6 only if other appropriate and available behavioral and  
7 disciplinary interventions have been exhausted and the  
8 student's continuing presence in school would either (i) pose  
9 a threat to the safety of other students, staff, or members of  
10 the school community or (ii) substantially disrupt, impede, or  
11 interfere with the operation of the school. For purposes of  
12 this subsection (b-20), "threat to the safety of other  
13 students, staff, or members of the school community" and  
14 "substantially disrupt, impede, or interfere with the  
15 operation of the school" shall be determined on a case-by-case  
16 basis by school officials. For purposes of this subsection  
17 (b-20), the determination of whether "appropriate and  
18 available behavioral and disciplinary interventions have been  
19 exhausted" shall be made by school officials. School officials  
20 shall make all reasonable efforts to resolve such threats,  
21 address such disruptions, and minimize the length of student  
22 exclusions to the greatest extent practicable. Within the  
23 suspension decision described in subsection (b) of this  
24 Section or the expulsion decision described in subsection (a)  
25 of this Section, it shall be documented whether other  
26 interventions were attempted or whether it was determined that

1 there were no other appropriate and available interventions.

2 (b-25) Students who are suspended out-of-school for longer  
3 than 3 school days shall be provided appropriate and available  
4 support services during the period of their suspension. For  
5 purposes of this subsection (b-25), "appropriate and available  
6 support services" shall be determined by school authorities.  
7 Within the suspension decision described in subsection (b) of  
8 this Section, it shall be documented whether such services are  
9 to be provided or whether it was determined that there are no  
10 such appropriate and available services.

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

13 A school district shall create a policy to facilitate the  
14 re-engagement of students who are suspended out-of-school,  
15 expelled, or returning from an alternative school setting. In  
16 consultation with stakeholders deemed appropriate by the State  
17 Board of Education, the State Board of Education shall draft  
18 and publish guidance for the re-engagement of students who are  
19 suspended out-of-school, expelled, or returning from an  
20 alternative school setting in accordance with this Section and  
21 Section 13A-4 on or before July 1, 2025.

22 (b-30) A school district shall create a policy by which  
23 suspended students, including those students suspended from  
24 the school bus who do not have alternate transportation to  
25 school, shall have the opportunity to make up work for  
26 equivalent academic credit. It shall be the responsibility of

1 a student's parents or guardians to notify school officials  
2 that a student suspended from the school bus does not have  
3 alternate transportation to school.

4 (b-35) In all suspension review hearings conducted under  
5 subsection (b) or expulsion hearings conducted under  
6 subsection (a), a student may disclose any factor to be  
7 considered in mitigation, including his or her status as a  
8 parent, expectant parent, or victim of domestic or sexual  
9 violence, as defined in Article 26A. A representative of the  
10 parent's or guardian's choice, or of the student's choice if  
11 emancipated, must be permitted to represent the student  
12 throughout the proceedings and to address the school board or  
13 its appointed hearing officer. With the approval of the  
14 student's parent or guardian, or of the student if  
15 emancipated, a support person must be permitted to accompany  
16 the student to any disciplinary hearings or proceedings. The  
17 representative or support person must comply with any rules of  
18 the school district's hearing process. If the representative  
19 or support person violates the rules or engages in behavior or  
20 advocacy that harasses, abuses, or intimidates either party, a  
21 witness, or anyone else in attendance at the hearing, the  
22 representative or support person may be prohibited from  
23 further participation in the hearing or proceeding. A  
24 suspension or expulsion proceeding under this subsection  
25 (b-35) must be conducted independently from any ongoing  
26 criminal investigation or proceeding, and an absence of

1 pending or possible criminal charges, criminal investigations,  
2 or proceedings may not be a factor in school disciplinary  
3 decisions.

4 (b-40) During a suspension review hearing conducted under  
5 subsection (b) or an expulsion hearing conducted under  
6 subsection (a) that involves allegations of sexual violence by  
7 the student who is subject to discipline, neither the student  
8 nor his or her representative shall directly question nor have  
9 direct contact with the alleged victim. The student who is  
10 subject to discipline or his or her representative may, at the  
11 discretion and direction of the school board or its appointed  
12 hearing officer, suggest questions to be posed by the school  
13 board or its appointed hearing officer to the alleged victim.

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

18 (c-5) School districts shall make reasonable efforts to  
19 provide ongoing professional development to all school  
20 personnel, school board members, and school resource officers  
21 on the requirements of this Section and Section 10-20.14, the  
22 adverse consequences of school exclusion and justice-system  
23 involvement, effective classroom management strategies,  
24 culturally responsive discipline, trauma-responsive learning  
25 environments, as defined in subsection (b) of Section 3-11,  
26 the appropriate and available supportive services for the

1 promotion of student attendance and engagement, and  
2 developmentally appropriate disciplinary methods that promote  
3 positive and healthy school climates.

4 (d) The board may expel a student for a definite period of  
5 time not to exceed 2 calendar years, as determined on a  
6 case-by-case basis. A student who is determined to have  
7 brought one of the following objects to school, any  
8 school-sponsored activity or event, or any activity or event  
9 that bears a reasonable relationship to school shall be  
10 expelled for a period of not less than one year:

11 (1) A firearm. For the purposes of this Section,  
12 "firearm" means any gun, rifle, shotgun, weapon as defined  
13 by Section 921 of Title 18 of the United States Code,  
14 firearm as defined in Section 1.1 of the Firearm Owners  
15 Identification Card Act, or firearm as defined in Section  
16 24-1 of the Criminal Code of 2012. The expulsion period  
17 under this subdivision (1) may be modified by the  
18 superintendent, and the superintendent's determination may  
19 be modified by the board on a case-by-case basis.

20 (2) A knife, brass knuckles or other knuckle weapon  
21 regardless of its composition, a billy club, or any other  
22 object if used or attempted to be used to cause bodily  
23 harm, including "look alike" of any firearm as defined in  
24 subdivision (1) of this subsection (d). The expulsion  
25 requirement under this subdivision (2) may be modified by  
26 the superintendent, and the superintendent's determination

1           may be modified by the board on a case-by-case basis.  
2           Expulsion or suspension shall be construed in a manner  
3           consistent with the federal Individuals with Disabilities  
4           Education Act. A student who is subject to suspension or  
5           expulsion as provided in this Section may be eligible for a  
6           transfer to an alternative school program in accordance with  
7           Article 13A of the School Code.

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

25          (d-10) A student who is determined to have initiated a  
26          sexual assault or an attempted sexual assault, at a school, a

1 school-sponsored activity or event, or an activity or event  
2 that bears a reasonable relationship to school, against a  
3 student victim and without the student victim's consent shall  
4 be expelled for a period of not less than one year.

5 A student who is determined to have initiated sexual  
6 conduct, at a school, a school-sponsored activity or event, or  
7 an activity or event that bears a reasonable relationship to  
8 school, against a student victim, without the student victim's  
9 consent shall be expelled for a period of not less than 6  
10 months.

11 (1) A student initiates sexual conduct if the student  
12 uses force or a threat of force to make the student victim  
13 perform a nonconsensual sexual act.

14 (2) A student initiates a sexual assault if the  
15 student uses force or threat of force and commits an act of  
16 sexual penetration on the student victim.

17 (3) A student initiates an attempted sexual assault  
18 if, with the intent to commit a sexual assault under  
19 paragraph (2), the student commits an act that constitutes  
20 a substantial step toward the commission of a sexual  
21 assault under paragraph (2).

22 (4) An act is committed without the student victim's  
23 consent if the student victim does not freely agree to  
24 participate in the sexual act or is unable to give knowing  
25 consent because the student victim is unconscious, asleep,  
26 or unaware that the act is occurring; if the student

1 victim is impaired by intoxication or drugs; or if the  
2 student victim lacks capacity to consent due to a  
3 disability.

4 (5) In determining whether or not a student has  
5 initiated sexual conduct, sexual assault, or attempted  
6 sexual assault, or whether to modify an expulsion under  
7 this subsection, the hearing officer, superintendent, and  
8 board shall consider whether the student was unable to  
9 understand the nature of the student's conduct because of  
10 age or disability.

11 (6) The expulsion requirement in this subsection  
12 (d-10) may be modified by the superintendent, and the  
13 superintendent's determination may be modified by the  
14 board on a case-by-case basis. In reviewing whether to  
15 modify an expulsion under this subsection, the hearing  
16 officer, superintendent, and board shall consider whether  
17 the student was unable to understand the nature of the  
18 student's conduct because of age or disability. Expulsion  
19 under this subsection (d-10) shall be construed in a  
20 manner consistent with the federal Individuals with  
21 Disabilities Education Act and Title IX of the federal  
22 Education Amendments of 1972.

23 (7) Expulsion under this subsection (d-10) shall  
24 comply with the expulsion procedures set forth in  
25 subsection (a).

26 (8) A student who is subject to expulsion as provided

1       in this subsection (d-10) may be eligible for a transfer  
2       to an alternative school program in accordance with  
3       Article 13A of this Code.

4       As used in this subsection (d-10), "sexual conduct" and  
5       "sexual penetration" have the meanings given to those terms in  
6       Section 11-0.1 of the Criminal Code of 2012.

7       (e) To maintain order and security in the schools, school  
8       authorities may inspect and search places and areas such as  
9       lockers, desks, parking lots, and other school property and  
10      equipment owned or controlled by the school, as well as  
11      personal effects left in those places and areas by students,  
12      without notice to or the consent of the student, and without a  
13      search warrant. As a matter of public policy, the General  
14      Assembly finds that students have no reasonable expectation of  
15      privacy in these places and areas or in their personal effects  
16      left in these places and areas. School authorities may request  
17      the assistance of law enforcement officials for the purpose of  
18      conducting inspections and searches of lockers, desks, parking  
19      lots, and other school property and equipment owned or  
20      controlled by the school for illegal drugs, weapons, or other  
21      illegal or dangerous substances or materials, including  
22      searches conducted through the use of specially trained dogs.  
23      If a search conducted in accordance with this Section produces  
24      evidence that the student has violated or is violating either  
25      the law, local ordinance, or the school's policies or rules,  
26      such evidence may be seized by school authorities, and

1 disciplinary action may be taken. School authorities may also  
2 turn over such evidence to law enforcement authorities.

3 (f) Suspension or expulsion may include suspension or  
4 expulsion from school and all school activities and a  
5 prohibition from being present on school grounds.

6 (g) A school district may adopt a policy providing that if  
7 a student is suspended or expelled for any reason from any  
8 public or private school in this or any other state, the  
9 student must complete the entire term of the suspension or  
10 expulsion in an alternative school program under Article 13A  
11 of this Code or an alternative learning opportunities program  
12 under Article 13B of this Code before being admitted into the  
13 school district if there is no threat to the safety of students  
14 or staff in the alternative program. A school district that  
15 adopts a policy under this subsection (g) must include a  
16 provision allowing for consideration of any mitigating  
17 factors, including, but not limited to, a student's status as  
18 a parent, expectant parent, or victim of domestic or sexual  
19 violence, as defined in Article 26A.

20 (h) School officials shall not advise or encourage  
21 students to drop out voluntarily due to behavioral or academic  
22 difficulties.

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

1           A student must not be issued a monetary fine, fee, ticket,  
2 or citation as a school-based disciplinary consequence or for  
3 a municipal code violation on school grounds during school  
4 hours or while taking school transportation by any person,  
5 though this shall not preclude requiring a student to provide  
6 restitution for lost, stolen, or damaged property.

7           This subsection (i) does not modify school disciplinary  
8 responses under this Section or Section 10-20.14 of this Code  
9 that existed before the effective date of this amendatory Act  
10 of the 104th General Assembly or responses to alleged  
11 delinquent or criminal conduct set forth in this Code, Article  
12 V of the Juvenile Court Act of 1987, or the Criminal Code of  
13 2012. This subsection (i) does not apply to violations of  
14 traffic, boating, or fish and game laws.

15           (j) Subsections (a) through (i) of this Section shall  
16 apply to elementary and secondary schools, charter schools,  
17 special charter districts, and school districts organized  
18 under Article 34 of this Code.

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

23           (k-5) On and after July 1, 2026, the expulsion of children  
24 enrolled in programs funded under Section 15-25 of the  
25 Department of Early Childhood Act is subject to the  
26 requirements of paragraph (7) of subsection (a) of Section

1 15-30 of the Department of Early Childhood Act.

2 (1) An in-school suspension program provided by a school  
3 district for any students in kindergarten through grade 12 may  
4 focus on promoting non-violent conflict resolution and  
5 positive interaction with other students and school personnel.  
6 A school district may employ a school social worker or a  
7 licensed mental health professional to oversee an in-school  
8 suspension program in kindergarten through grade 12.

9 (Source: P.A. 103-594, eff. 6-25-24; 103-896, eff. 8-9-24;  
10 104-417, eff. 8-15-25; 104-430, eff. 8-20-25.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law."