



Sen. Steve McClure

**Filed: 4/15/2026**

10400SB0939sam002

LRB104 05246 LNS 36877 a

1 AMENDMENT TO SENATE BILL 939

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

5 "Section 5. The School Code is amended by changing Section  
6 10-22.6 as follows:

7 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

10 (a) To expel students guilty of gross disobedience or  
11 misconduct, including gross disobedience or misconduct  
12 perpetuated by electronic means, pursuant to subsection (b-20)  
13 of this Section, and no action shall lie against them for such  
14 expulsion. Expulsion shall take place only after the parents  
15 or guardians have been requested to appear at a meeting of the  
16 board, or with a hearing officer appointed by it, to discuss

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

21 (b) To suspend or by policy to authorize the  
22 superintendent of the district or the principal, assistant  
23 principal, or dean of students of any school to suspend  
24 students guilty of gross disobedience or misconduct, or to  
25 suspend students guilty of gross disobedience or misconduct on  
26 the school bus from riding the school bus, pursuant to

1 subsections (b-15) and (b-20) of this Section, and no action  
2 shall lie against them for such suspension. The board may by  
3 policy authorize the superintendent of the district or the  
4 principal, assistant principal, or dean of students of any  
5 school to suspend students guilty of such acts for a period not  
6 to exceed 10 school days. If a student is suspended due to  
7 gross disobedience or misconduct on a school bus, the board  
8 may suspend the student in excess of 10 school days for safety  
9 reasons.

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

1 decision, detail the specific act of gross disobedience or  
2 misconduct resulting in the decision to suspend. The  
3 suspension decision shall also include a rationale as to the  
4 specific duration of the suspension.

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

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

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

1 School officials shall make all reasonable efforts to resolve  
2 such threats, address such disruptions, and minimize the  
3 length of suspensions to the greatest extent practicable.

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

1 interventions were attempted or whether it was determined that  
2 there were no other appropriate and available interventions.

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

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

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

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

1 equivalent academic credit. It shall be the responsibility of  
2 a student's parents or guardians to notify school officials  
3 that a student suspended from the school bus does not have  
4 alternate transportation to school.

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

1 criminal investigation or proceeding, and an absence of  
2 pending or possible criminal charges, criminal investigations,  
3 or proceedings may not be a factor in school disciplinary  
4 decisions.

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

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

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

1 the appropriate and available supportive services for the  
2 promotion of student attendance and engagement, and  
3 developmentally appropriate disciplinary methods that promote  
4 positive and healthy school climates.

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

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

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

1 the superintendent, and the superintendent's determination  
2 may be modified by the board on a case-by-case basis.

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

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

26 (d-10) A student who is determined to have initiated a

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

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

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

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

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

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

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

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

17 (6) Expulsion under this subsection (d-10) shall  
18 comply with the expulsion procedures set forth in  
19 subsection (a).

20 (7) A student who is subject to expulsion as provided  
21 in this subsection (d-10) may be eligible for a transfer  
22 to an alternative school program in accordance with  
23 Article 13A of this Code.

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

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

23           (f) Suspension or expulsion may include suspension or  
24 expulsion from school and all school activities and a  
25 prohibition from being present on school grounds.

26           (g) A school district may adopt a policy providing that if

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

14 (h) School officials shall not advise or encourage  
15 students to drop out voluntarily due to behavioral or academic  
16 difficulties.

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

21 A student must not be issued a monetary fine, fee, ticket,  
22 or citation as a school-based disciplinary consequence or for  
23 a municipal code violation on school grounds during school  
24 hours or while taking school transportation by any person,  
25 though this shall not preclude requiring a student to provide  
26 restitution for lost, stolen, or damaged property.

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

9           (j) Subsections (a) through (i) of this Section shall  
10 apply to elementary and secondary schools, charter schools,  
11 special charter districts, and school districts organized  
12 under Article 34 of this Code.

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

17           (k-5) On and after July 1, 2026, the expulsion of children  
18 enrolled in programs funded under Section 15-25 of the  
19 Department of Early Childhood Act is subject to the  
20 requirements of paragraph (7) of subsection (a) of Section  
21 15-30 of the Department of Early Childhood Act.

22           (l) An in-school suspension program provided by a school  
23 district for any students in kindergarten through grade 12 may  
24 focus on promoting non-violent conflict resolution and  
25 positive interaction with other students and school personnel.  
26 A school district may employ a school social worker or a

1 licensed mental health professional to oversee an in-school  
2 suspension program in kindergarten through grade 12.

3 (Source: P.A. 103-594, eff. 6-25-24; 103-896, eff. 8-9-24;  
4 104-417, eff. 8-15-25; 104-430, eff. 8-20-25.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.".