



## 93RD GENERAL ASSEMBLY

### State of Illinois

2003 and 2004

HB3979

Introduced 1/5/2004, by Monique D. Davis

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.134 new  
105 ILCS 5/10-22.6 from Ch. 122, par. 10-22.6  
105 ILCS 5/34-19 from Ch. 122, par. 34-19  
30 ILCS 805/8.28 new

Amends the School Code. Provides that if a pupil is suspended for one or more school days, then, for that period of suspension, the pupil's parent or guardian may place the pupil in a community-based education program approved by the State Board of Education and the school district must pay the community-based education program an amount equal to one-half of the amount the school spends per pupil per day for each day that the pupil is suspended and attends the program. Amends the State Mandates Act to require implementation without reimbursement. Effective July 1, 2004.

LRB093 15080 NHT 40666 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning schools.

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 adding Section  
5 2-3.134 and changing Sections 10-22.6 and 34-19 as follows:

6 (105 ILCS 5/2-3.134 new)

7 Sec. 2-3.134. Community-based education programs;  
8 suspended students. The State Board of Education shall issue  
9 vendor numbers to community-based education programs that the  
10 State Board of Education has approved to educate students that  
11 have been suspended from public school. The State Board of  
12 Education may adopt any rules necessary to implement this  
13 Section.

14 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

15 Sec. 10-22.6. Suspension or expulsion of pupils; school  
16 searches.

17 (a) To expel pupils guilty of gross disobedience or  
18 misconduct, and no action shall lie against them for such  
19 expulsion. Expulsion shall take place only after the parents  
20 have been requested to appear at a meeting of the board, or  
21 with a hearing officer appointed by it, to discuss their  
22 child's behavior. Such request shall be made by registered or  
23 certified mail and shall state the time, place and purpose of  
24 the meeting. The board, or a hearing officer appointed by it,  
25 at such meeting shall state the reasons for dismissal and the  
26 date on which the expulsion is to become effective. If a  
27 hearing officer is appointed by the board he shall report to  
28 the board a written summary of the evidence heard at the  
29 meeting and the board may take such action thereon as it finds  
30 appropriate.

31 (b) To suspend or by regulation to authorize the

1 superintendent of the district or the principal, assistant  
2 principal, or dean of students of any school to suspend pupils  
3 guilty of gross disobedience or misconduct, or to suspend  
4 pupils guilty of gross disobedience or misconduct on the school  
5 bus from riding the school bus, and no action shall lie against  
6 them for such suspension. The board may by regulation authorize  
7 the superintendent of the district or the principal, assistant  
8 principal, or dean of students of any school to suspend pupils  
9 guilty of such acts for a period not to exceed 10 school days.  
10 If a pupil is suspended due to gross disobedience or misconduct  
11 on a school bus, the board may suspend the pupil in excess of  
12 10 school days for safety reasons. Any suspension shall be  
13 reported immediately to the parents or guardian of such pupil  
14 along with a full statement of the reasons for such suspension  
15 and a notice of their right to a review, a copy of which shall  
16 be given to the school board. Upon request of the parents or  
17 guardian the school board or a hearing officer appointed by it  
18 shall review such action of the superintendent or principal,  
19 assistant principal, or dean of students. At such review the  
20 parents or guardian of the pupil may appear and discuss the  
21 suspension with the board or its hearing officer. If a hearing  
22 officer is appointed by the board he shall report to the board  
23 a written summary of the evidence heard at the meeting. After  
24 its hearing or upon receipt of the written report of its  
25 hearing officer, the board may take such action as it finds  
26 appropriate.

27 (c) The Department of Human Services shall be invited to  
28 send a representative to consult with the board at such meeting  
29 whenever there is evidence that mental illness may be the cause  
30 for expulsion or suspension.

31 (d) The board may expel a student for a definite period of  
32 time not to exceed 2 calendar years, as determined on a case by  
33 case basis. A student who is determined to have brought a  
34 weapon to school, any school-sponsored activity or event, or  
35 any activity or event which bears a reasonable relationship to  
36 school shall be expelled for a period of not less than one

1 year, except that the expulsion period may be modified by the  
2 superintendent, and the superintendent's determination may be  
3 modified by the board on a case by case basis. For the purpose  
4 of this Section, the term "weapon" means (1) possession, use,  
5 control, or transfer of any gun, rifle, shotgun, weapon as  
6 defined by Section 921 of Title 18, United States Code, firearm  
7 as defined in Section 1.1 of the Firearm Owners Identification  
8 Act, or use of a weapon as defined in Section 24-1 of the  
9 Criminal Code, (2) any other object if used or attempted to be  
10 used to cause bodily harm, including but not limited to,  
11 knives, brass knuckles, or billy clubs, or (3) "look alike" of  
12 any weapon as defined in this Section. Expulsion or suspension  
13 shall be construed in a manner consistent with the Federal  
14 Individuals with Disabilities Education Act. A student who is  
15 subject to suspension or expulsion as provided in this Section  
16 may be eligible for a transfer to an alternative school program  
17 in accordance with Article 13A of the School Code. The  
18 provisions of this subsection (d) apply in all school  
19 districts, including special charter districts and districts  
20 organized under Article 34.

21 (e) To maintain order and security in the schools, school  
22 authorities may inspect and search places and areas such as  
23 lockers, desks, parking lots, and other school property and  
24 equipment owned or controlled by the school, as well as  
25 personal effects left in those places and areas by students,  
26 without notice to or the consent of the student, and without a  
27 search warrant. As a matter of public policy, the General  
28 Assembly finds that students have no reasonable expectation of  
29 privacy in these places and areas or in their personal effects  
30 left in these places and areas. School authorities may request  
31 the assistance of law enforcement officials for the purpose of  
32 conducting inspections and searches of lockers, desks, parking  
33 lots, and other school property and equipment owned or  
34 controlled by the school for illegal drugs, weapons, or other  
35 illegal or dangerous substances or materials, including  
36 searches conducted through the use of specially trained dogs.

1 If a search conducted in accordance with this Section produces  
2 evidence that the student has violated or is violating either  
3 the law, local ordinance, or the school's policies or rules,  
4 such evidence may be seized by school authorities, and  
5 disciplinary action may be taken. School authorities may also  
6 turn over such evidence to law enforcement authorities. The  
7 provisions of this subsection (e) apply in all school  
8 districts, including special charter districts and districts  
9 organized under Article 34.

10 (f) Suspension or expulsion may include suspension or  
11 expulsion from school and all school activities and a  
12 prohibition from being present on school grounds.

13 (g) A school district may adopt a policy providing that if  
14 a student is suspended or expelled for any reason from any  
15 public or private school in this or any other state, the  
16 student must complete the entire term of the suspension or  
17 expulsion before being admitted into the school district. This  
18 policy may allow placement of the student in an alternative  
19 school program established under Article 13A of this Code, if  
20 available, for the remainder of the suspension or expulsion.  
21 This subsection (g) applies to all school districts, including  
22 special charter districts and districts organized under  
23 Article 34 of this Code.

24 (h) If a pupil is suspended for one or more school days,  
25 then, for that period of suspension, the pupil's parent or  
26 guardian may place the pupil in a community-based education  
27 program approved by the State Board of Education under Section  
28 2-3.134 of this Code and the school district must pay the  
29 community-based education program an amount equal to one-half  
30 of the amount the school spends per pupil per day for each day  
31 that the pupil is suspended and attends the program.

32 (Source: P.A. 92-64, eff. 7-12-01.)

33 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

34 Sec. 34-19. By-laws, rules and regulations; business  
35 transacted at regular meetings; voting; records. The board

1 shall, subject to the limitations in this Article, establish  
2 by-laws, rules and regulations, which shall have the force of  
3 ordinances, for the proper maintenance of a uniform system of  
4 discipline for both employees and pupils, and for the entire  
5 management of the schools, and may fix the school age of  
6 pupils, the minimum of which in kindergartens shall not be  
7 under 4 years and in grade schools shall not be under 6 years.  
8 It may expel, suspend or, subject to the limitations of all  
9 policies established or adopted under Section 14-8.05,  
10 otherwise discipline any pupil found guilty of gross  
11 disobedience, misconduct or other violation of the by-laws,  
12 rules and regulations. If a pupil is suspended for one or more  
13 school days, then, for that period of suspension, the pupil's  
14 parent or guardian may place the pupil in a community-based  
15 education program approved by the State Board of Education  
16 under Section 2-3.134 of this Code and the school district must  
17 pay the community-based education program an amount equal to  
18 one-half of the amount the school spends per pupil per day for  
19 each day that the pupil is suspended and attends the program.  
20 The bylaws, rules and regulations of the board shall be  
21 enacted, money shall be appropriated or expended, salaries  
22 shall be fixed or changed, and textbooks and courses of  
23 instruction shall be adopted or changed only at the regular  
24 meetings of the board and by a vote of a majority of the full  
25 membership of the board; provided that notwithstanding any  
26 other provision of this Article or the School Code, neither the  
27 board or any local school council may purchase any textbook for  
28 use in any public school of the district from any textbook  
29 publisher that fails to furnish any computer diskettes as  
30 required under Section 28-21. The board shall be further  
31 encouraged to provide opportunities for public hearing and  
32 testimony before the adoption of bylaws, rules and regulations.  
33 Upon all propositions requiring for their adoption at least a  
34 majority of all the members of the board the yeas and nays  
35 shall be taken and reported. The by-laws, rules and regulations  
36 of the board shall not be repealed, amended or added to, except

1 by a vote of 2/3 of the full membership of the board. The board  
2 shall keep a record of all its proceedings. Such records and  
3 all by-laws, rules and regulations, or parts thereof, may be  
4 proved by a copy thereof certified to be such by the secretary  
5 of the board, but if they are printed in book or pamphlet form  
6 which are purported to be published by authority of the board  
7 they need not be otherwise published and the book or pamphlet  
8 shall be received as evidence, without further proof, of the  
9 records, by-laws, rules and regulations, or any part thereof,  
10 as of the dates thereof as shown in such book or pamphlet, in  
11 all courts and places where judicial proceedings are had.

12 Notwithstanding any other provision in this Article or in  
13 the School Code, the board may delegate to the general  
14 superintendent or to the attorney the authorities granted to  
15 the board in the School Code, provided such delegation and  
16 appropriate oversight procedures are made pursuant to board  
17 by-laws, rules and regulations, adopted as herein provided,  
18 except that the board may not delegate its authorities and  
19 responsibilities regarding (1) budget approval obligations;  
20 (2) rule-making functions; (3) desegregation obligations; (4)  
21 real estate acquisition, sale or lease in excess of 10 years as  
22 provided in Section 34-21; (5) the levy of taxes; or (6) any  
23 mandates imposed upon the board by "An Act in relation to  
24 school reform in cities over 500,000, amending Acts herein  
25 named", approved December 12, 1988 (P.A. 85-1418).  
26 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)

27 Section 90. The State Mandates Act is amended by adding  
28 Section 8.28 as follows:

29 (30 ILCS 805/8.28 new)

30 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and  
31 8 of this Act, no reimbursement by the State is required for  
32 the implementation of any mandate created by this amendatory  
33 Act of the 93rd General Assembly.

1           Section 99. Effective date. This Act takes effect July 1,  
2    2004.