



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB7334**

Introduced 10/05/04, by Rep. Monique D. Davis

**SYNOPSIS AS INTRODUCED:**

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 upon the school board's expulsion of any student for any reason, the board must provide, and the expelled student must attend, an alternative school setting. Amends the State Mandates Act to require implementation without reimbursement.

LRB093 23498 RAS 53493 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 changing Sections  
5 10-22.6 and 34-19 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 pupils; school  
8 searches.

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

23 (b) To suspend or by regulation to authorize the  
24 superintendent of the district or the principal, assistant  
25 principal, or dean of students of any school to suspend pupils  
26 guilty of gross disobedience or misconduct, or to suspend  
27 pupils guilty of gross disobedience or misconduct on the school  
28 bus from riding the school bus, and no action shall lie against  
29 them for such suspension. The board may by regulation authorize  
30 the superintendent of the district or the principal, assistant  
31 principal, or dean of students of any school to suspend pupils  
32 guilty of such acts for a period not to exceed 10 school days.

1 If a pupil is suspended due to gross disobedience or misconduct  
2 on a school bus, the board may suspend the pupil in excess of  
3 10 school days for safety reasons. Any suspension shall be  
4 reported immediately to the parents or guardian of such pupil  
5 along with a full statement of the reasons for such suspension  
6 and a notice of their right to a review, a copy of which shall  
7 be given to the school board. Upon request of the parents or  
8 guardian the school board or a hearing officer appointed by it  
9 shall review such action of the superintendent or principal,  
10 assistant principal, or dean of students. At such review the  
11 parents or guardian of the pupil 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.

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

22 (d) The board may expel a student for a definite period of  
23 time not to exceed 2 calendar years, as determined on a case by  
24 case basis. A student who is determined to have brought a  
25 weapon to school, any school-sponsored activity or event, or  
26 any activity or event which bears a reasonable relationship to  
27 school shall be expelled for a period of not less than one  
28 year, except that the expulsion period may be modified by the  
29 superintendent, and the superintendent's determination may be  
30 modified by the board on a case by case basis. For the purpose  
31 of this Section, the term "weapon" means (1) possession, use,  
32 control, or transfer of any gun, rifle, shotgun, weapon as  
33 defined by Section 921 of Title 18, United States Code, firearm  
34 as defined in Section 1.1 of the Firearm Owners Identification  
35 Act, or use of a weapon as defined in Section 24-1 of the  
36 Criminal Code, (2) any other object if used or attempted to be

1 used to cause bodily harm, including but not limited to,  
2 knives, brass knuckles, or billy clubs, or (3) "look alike" of  
3 any weapon as defined in this Section. Expulsion or suspension  
4 shall be construed in a manner consistent with the Federal  
5 Individuals with Disabilities Education Act. A student who is  
6 subject to suspension or expulsion as provided in this Section  
7 may be eligible for a transfer to an alternative school program  
8 in accordance with Article 13A of the School Code. The  
9 provisions of this subsection (d) apply in all school  
10 districts, including special charter districts and districts  
11 organized under Article 34.

12 (e) To maintain order and security in the schools, school  
13 authorities may inspect and search places and areas such as  
14 lockers, desks, parking lots, and other school property and  
15 equipment owned or controlled by the school, as well as  
16 personal effects left in those places and areas by students,  
17 without notice to or the consent of the student, and without a  
18 search warrant. As a matter of public policy, the General  
19 Assembly finds that students have no reasonable expectation of  
20 privacy in these places and areas or in their personal effects  
21 left in these places and areas. School authorities may request  
22 the assistance of law enforcement officials for the purpose of  
23 conducting inspections and searches of lockers, desks, parking  
24 lots, and other school property and equipment owned or  
25 controlled by the school for illegal drugs, weapons, or other  
26 illegal or dangerous substances or materials, including  
27 searches conducted through the use of specially trained dogs.  
28 If a search conducted in accordance with this Section produces  
29 evidence that the student has violated or is violating either  
30 the law, local ordinance, or the school's policies or rules,  
31 such evidence may be seized by school authorities, and  
32 disciplinary action may be taken. School authorities may also  
33 turn over such evidence to law enforcement authorities. The  
34 provisions of this subsection (e) apply in all school  
35 districts, including special charter districts and districts  
36 organized under Article 34.

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

4 (g) A school district may adopt a policy providing that if  
5 a student is suspended or expelled for any reason from any  
6 public or private school in this or any other state, the  
7 student must complete the entire term of the suspension or  
8 expulsion before being admitted into the school district. This  
9 policy may allow placement of the student in an alternative  
10 school program established under Article 13A of this Code, if  
11 available, for the remainder of the suspension or expulsion.  
12 This subsection (g) applies to all school districts, including  
13 special charter districts and districts organized under  
14 Article 34 of this Code.

15 (h) Upon the board's expulsion of any student for any  
16 reason, the board must provide, and the expelled student must  
17 attend, an alternative school setting.

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

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

20 Sec. 34-19. By-laws, rules and regulations; business  
21 transacted at regular meetings; voting; records. The board  
22 shall, subject to the limitations in this Article, establish  
23 by-laws, rules and regulations, which shall have the force of  
24 ordinances, for the proper maintenance of a uniform system of  
25 discipline for both employees and pupils, and for the entire  
26 management of the schools, and may fix the school age of  
27 pupils, the minimum of which in kindergartens shall not be  
28 under 4 years and in grade schools shall not be under 6 years.  
29 It may expel, suspend or, subject to the limitations of all  
30 policies established or adopted under Section 14-8.05,  
31 otherwise discipline any pupil found guilty of gross  
32 disobedience, misconduct or other violation of the by-laws,  
33 rules and regulations. Upon the board's expulsion of any  
34 student for any reason, the board must provide, and the  
35 expelled student must attend, an alternative school setting.

1 The bylaws, rules and regulations of the board shall be  
2 enacted, money shall be appropriated or expended, salaries  
3 shall be fixed or changed, and textbooks and courses of  
4 instruction shall be adopted or changed only at the regular  
5 meetings of the board and by a vote of a majority of the full  
6 membership of the board; provided that notwithstanding any  
7 other provision of this Article or the School Code, neither the  
8 board or any local school council may purchase any textbook for  
9 use in any public school of the district from any textbook  
10 publisher that fails to furnish any computer diskettes as  
11 required under Section 28-21. The board shall be further  
12 encouraged to provide opportunities for public hearing and  
13 testimony before the adoption of bylaws, rules and regulations.  
14 Upon all propositions requiring for their adoption at least a  
15 majority of all the members of the board the yeas and nays  
16 shall be taken and reported. The by-laws, rules and regulations  
17 of the board shall not be repealed, amended or added to, except  
18 by a vote of 2/3 of the full membership of the board. The board  
19 shall keep a record of all its proceedings. Such records and  
20 all by-laws, rules and regulations, or parts thereof, may be  
21 proved by a copy thereof certified to be such by the secretary  
22 of the board, but if they are printed in book or pamphlet form  
23 which are purported to be published by authority of the board  
24 they need not be otherwise published and the book or pamphlet  
25 shall be received as evidence, without further proof, of the  
26 records, by-laws, rules and regulations, or any part thereof,  
27 as of the dates thereof as shown in such book or pamphlet, in  
28 all courts and places where judicial proceedings are had.

29 Notwithstanding any other provision in this Article or in  
30 the School Code, the board may delegate to the general  
31 superintendent or to the attorney the authorities granted to  
32 the board in the School Code, provided such delegation and  
33 appropriate oversight procedures are made pursuant to board  
34 by-laws, rules and regulations, adopted as herein provided,  
35 except that the board may not delegate its authorities and  
36 responsibilities regarding (1) budget approval obligations;

1 (2) rule-making functions; (3) desegregation obligations; (4)  
2 real estate acquisition, sale or lease in excess of 10 years as  
3 provided in Section 34-21; (5) the levy of taxes; or (6) any  
4 mandates imposed upon the board by "An Act in relation to  
5 school reform in cities over 500,000, amending Acts herein  
6 named", approved December 12, 1988 (P.A. 85-1418).  
7 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)

8 Section 90. The State Mandates Act is amended by adding  
9 Section 8.28 as follows:

10 (30 ILCS 805/8.28 new)

11 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8  
12 of this Act, no reimbursement by the State is required for the  
13 implementation of any mandate created by this amendatory Act of  
14 the 93rd General Assembly.