

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 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

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.

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

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 case by
7 case basis. A student who is determined to have brought a
8 firearm, a knife, brass knuckles, or a billy club ~~weapon~~ to
9 school, any school-sponsored activity or event, or any activity
10 or event which bears a reasonable relationship to school shall
11 be expelled for a period of not less than one year, except that
12 the expulsion requirement ~~period~~ may be modified by the
13 superintendent, and the superintendent's determination may be
14 modified by the board on a case by case basis. For the purpose
15 of this Section, the term "firearm" ~~"weapon"~~ means (1)
16 possession, use, control, or transfer of any gun, rifle,
17 shotgun, firearm ~~weapon~~ as defined by Section 921 of Title 18,
18 United States Code, or firearm as defined in Section 1.1 of the
19 Firearm Owners Identification Act, ~~or~~ or use of a weapon as
20 defined in Section 24-1 of the Criminal Code or (2) any other
21 object if used or attempted to be used to cause bodily harm,
22 including but not limited to, ~~knives, brass knuckles, or billy~~
23 ~~clubs, or~~ (3) "look alike" of any firearm ~~weapon~~ as defined in
24 this Section. Expulsion or suspension shall be construed in a
25 manner consistent with the Federal Individuals with
26 Disabilities Education Act. A student who is subject to

1 suspension or expulsion as provided in this Section may be
2 eligible for a transfer to an alternative school program in
3 accordance with Article 13A of the School Code. The provisions
4 of this subsection (d) apply in all school districts, including
5 special charter districts and districts organized under
6 Article 34.

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. The
3 provisions of this subsection (e) apply in all school
4 districts, including special charter districts and districts
5 organized under Article 34.

6 (f) Suspension or expulsion may include suspension or
7 expulsion from school and all school activities and a
8 prohibition from being present on school grounds.

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.