

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 Sections
5 10-22.6, 13B-20.25, 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. An expelled pupil may be immediately transferred
23 to an alternative program in the manner provided in Article 13A

1 or 13B of this Code. A pupil must not be denied transfer
2 because of the expulsion, except in cases in which such
3 transfer is deemed to cause a threat to the safety of students
4 or staff in the alternative program.

5 (b) To suspend or by policy to authorize the superintendent
6 of the district or the principal, assistant principal, or dean
7 of students of any school to suspend pupils guilty of gross
8 disobedience or misconduct, or to suspend pupils guilty of
9 gross disobedience or misconduct on the school bus from riding
10 the school bus, and no action shall lie against them for such
11 suspension. The board may by policy authorize the
12 superintendent of the district or the principal, assistant
13 principal, or dean of students of any school to suspend pupils
14 guilty of such acts for a period not to exceed 10 school days.
15 If a pupil is suspended due to gross disobedience or misconduct
16 on a school bus, the board may suspend the pupil in excess of
17 10 school days for safety reasons. Any suspension shall be
18 reported immediately to the parents or guardian of such pupil
19 along with a full statement of the reasons for such suspension
20 and a notice of their right to a review. The school board must
21 be given a summary of the notice, including the reason for the
22 suspension and the suspension length. Upon request of the
23 parents or guardian the school board or a hearing officer
24 appointed by it shall review such action of the superintendent
25 or principal, assistant principal, or dean of students. At such
26 review the parents or guardian of the pupil may appear and

1 discuss the suspension with the board or its hearing officer.
2 If a hearing officer is appointed by the board he shall report
3 to the board a written summary of the evidence heard at the
4 meeting. After its hearing or upon receipt of the written
5 report of its hearing officer, the board may take such action
6 as it finds appropriate. A pupil who is suspended in excess of
7 20 school days may be immediately transferred to an alternative
8 program in the manner provided in Article 13A or 13B of this
9 Code. A pupil must not be denied transfer because of the
10 suspension, except in cases in which such transfer is deemed to
11 cause a threat to the safety of students or staff in the
12 alternative program.

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

17 (d) The board may expel a student for a definite period of
18 time not to exceed 2 calendar years, as determined on a case by
19 case basis. A student who is determined to have brought one of
20 the following objects to school, any school-sponsored activity
21 or event, or any activity or event that bears a reasonable
22 relationship to school shall be expelled for a period of not
23 less than one year:

24 (1) A firearm. For the purposes of this Section,
25 "firearm" means any gun, rifle, shotgun, weapon as defined
26 by Section 921 of Title 18 of the United States Code,

1 firearm as defined in Section 1.1 of the Firearm Owners
2 Identification Card Act, or firearm as defined in Section
3 24-1 of the Criminal Code of 1961. The expulsion period
4 under this subdivision (1) may be modified by the
5 superintendent, and the superintendent's determination may
6 be modified by the board on a case-by-case basis.

7 (2) A knife, brass knuckles or other knuckle weapon
8 regardless of its composition, a billy club, or any other
9 object if used or attempted to be used to cause bodily
10 harm, including "look alike" of any firearm as defined in
11 subdivision (1) of this subsection (d). The expulsion
12 requirement under this subdivision (2) may be modified by
13 the superintendent, and the superintendent's determination
14 may be modified by the board on a case-by-case basis.

15 Expulsion or suspension shall be construed in a manner
16 consistent with the Federal Individuals with Disabilities
17 Education Act. A student who is subject to suspension or
18 expulsion as provided in this Section may be eligible for a
19 transfer to an alternative school program in accordance with
20 Article 13A of the School Code. The provisions of this
21 subsection (d) apply in all school districts, including special
22 charter districts and districts organized under Article 34.

23 (e) To maintain order and security in the schools, school
24 authorities may inspect and search places and areas such as
25 lockers, desks, parking lots, and other school property and
26 equipment owned or controlled by the school, as well as

1 personal effects left in those places and areas by students,
2 without notice to or the consent of the student, and without a
3 search warrant. As a matter of public policy, the General
4 Assembly finds that students have no reasonable expectation of
5 privacy in these places and areas or in their personal effects
6 left in these places and areas. School authorities may request
7 the assistance of law enforcement officials for the purpose of
8 conducting inspections and searches of lockers, desks, parking
9 lots, and other school property and equipment owned or
10 controlled by the school for illegal drugs, weapons, or other
11 illegal or dangerous substances or materials, including
12 searches conducted through the use of specially trained dogs.
13 If a search conducted in accordance with this Section produces
14 evidence that the student has violated or is violating either
15 the law, local ordinance, or the school's policies or rules,
16 such evidence may be seized by school authorities, and
17 disciplinary action may be taken. School authorities may also
18 turn over such evidence to law enforcement authorities. The
19 provisions of this subsection (e) apply in all school
20 districts, including special charter districts and districts
21 organized under Article 34.

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

25 (g) A school district may adopt a policy providing that if
26 a student is suspended or expelled for any reason from any

1 public or private school in this or any other state, the
2 student must complete the entire term of the suspension or
3 expulsion in an alternative school program under Article 13A of
4 this Code or an alternative learning opportunities program
5 under Article 13B of this Code before being admitted into the
6 school district if there is no threat to the safety of students
7 or staff in the alternative program. ~~This policy may allow~~
8 ~~placement of the student in an alternative school program~~
9 ~~established under Article 13A of this Code, if available, for~~
10 ~~the remainder of the suspension or expulsion.~~ This subsection
11 (g) applies to all school districts, including special charter
12 districts and districts organized under Article 34 of this
13 Code.

14 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10.)

15 (105 ILCS 5/13B-20.25)

16 Sec. 13B-20.25. Eligible students. Students in grades 4
17 through 12 who meet enrollment criteria established by the
18 school district and who meet the definition of "student at risk
19 of academic failure" are eligible to participate in an
20 alternative learning opportunities program funded under this
21 Article. Notwithstanding any other provision of law to the
22 contrary, enrollment in a charter alternative learning
23 opportunities program shall be open to any pupil who has been
24 expelled or suspended for more than 20 days under Section
25 10-22.6 or 34-19 of this Code. All rights granted under this

1 Article to a student's parent or guardian become exclusively
2 those of the student upon the student's 18th birthday.

3 (Source: P.A. 92-42, eff. 1-1-02.)

4 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

5 Sec. 34-19. By-laws, rules and regulations; business
6 transacted at regular meetings; voting; records. The board
7 shall, subject to the limitations in this Article, establish
8 by-laws, rules and regulations, which shall have the force of
9 ordinances, for the proper maintenance of a uniform system of
10 discipline for both employees and pupils, and for the entire
11 management of the schools, and may fix the school age of
12 pupils, the minimum of which in kindergartens shall not be
13 under 4 years, except that, based upon an assessment of the
14 child's readiness, children who have attended a non-public
15 preschool and continued their education at that school through
16 kindergarten, were taught in kindergarten by an appropriately
17 certified teacher, and will attain the age of 6 years on or
18 before December 31 of the year of the 2009-2010 school term and
19 each school term thereafter may attend first grade upon
20 commencement of such term, and in grade schools shall not be
21 under 6 years. It may expel, suspend or, subject to the
22 limitations of all policies established or adopted under
23 Section 14-8.05, otherwise discipline any pupil found guilty of
24 gross disobedience, misconduct or other violation of the
25 by-laws, rules and regulations. An expelled pupil may be

1 immediately transferred to an alternative program in the manner
2 provided in Article 13A or 13B of this Code. A pupil must not
3 be denied transfer because of the expulsion, except in cases in
4 which such transfer is deemed to cause a threat to the safety
5 of students or staff in the alternative program. A pupil who is
6 suspended in excess of 20 school days may be immediately
7 transferred to an alternative program in the manner provided in
8 Article 13A or 13B of this Code. A pupil must not be denied
9 transfer because of the suspension, except in cases in which
10 such transfer is deemed to cause a threat to the safety of
11 students or staff in the alternative program. The bylaws, rules
12 and regulations of the board shall be enacted, money shall be
13 appropriated or expended, salaries shall be fixed or changed,
14 and textbooks, electronic textbooks, and courses of
15 instruction shall be adopted or changed only at the regular
16 meetings of the board and by a vote of a majority of the full
17 membership of the board; provided that notwithstanding any
18 other provision of this Article or the School Code, neither the
19 board or any local school council may purchase any textbook for
20 use in any public school of the district from any textbook
21 publisher that fails to furnish any computer diskettes as
22 required under Section 28-21. Funds appropriated for textbook
23 purchases must be available for electronic textbook purchases
24 and the technological equipment necessary to gain access to and
25 use electronic textbooks at the local school council's
26 discretion. The board shall be further encouraged to provide

1 opportunities for public hearing and testimony before the
2 adoption of bylaws, rules and regulations. Upon all
3 propositions requiring for their adoption at least a majority
4 of all the members of the board the yeas and nays shall be
5 taken and reported. The by-laws, rules and regulations of the
6 board shall not be repealed, amended or added to, except by a
7 vote of 2/3 of the full membership of the board. The board
8 shall keep a record of all its proceedings. Such records and
9 all by-laws, rules and regulations, or parts thereof, may be
10 proved by a copy thereof certified to be such by the secretary
11 of the board, but if they are printed in book or pamphlet form
12 which are purported to be published by authority of the board
13 they need not be otherwise published and the book or pamphlet
14 shall be received as evidence, without further proof, of the
15 records, by-laws, rules and regulations, or any part thereof,
16 as of the dates thereof as shown in such book or pamphlet, in
17 all courts and places where judicial proceedings are had.

18 Notwithstanding any other provision in this Article or in
19 the School Code, the board may delegate to the general
20 superintendent or to the attorney the authorities granted to
21 the board in the School Code, provided such delegation and
22 appropriate oversight procedures are made pursuant to board
23 by-laws, rules and regulations, adopted as herein provided,
24 except that the board may not delegate its authorities and
25 responsibilities regarding (1) budget approval obligations;
26 (2) rule-making functions; (3) desegregation obligations; (4)

1 real estate acquisition, sale or lease in excess of 10 years as
2 provided in Section 34-21; (5) the levy of taxes; or (6) any
3 mandates imposed upon the board by "An Act in relation to
4 school reform in cities over 500,000, amending Acts herein
5 named", approved December 12, 1988 (P.A. 85-1418).
6 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10.)