

HB4775



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4775

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Allows a school board to suspend or authorize the superintendent of the district or the principal, assistant principal, or dean of students of a school to suspend a student for a period not to exceed 10 school days or to expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis, if the student has been charged with a violent felony and the charges are pending or if the student has been convicted of a violent felony. Defines "violent felony". Effective immediately.

LRB098 17096 NHT 54717 b

A BILL FOR

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

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

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

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

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

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

25 (1) A firearm. For the purposes of this Section,
26 "firearm" means any gun, rifle, shotgun, weapon as defined

1 by Section 921 of Title 18 of the United States Code,
2 firearm as defined in Section 1.1 of the Firearm Owners
3 Identification Card Act, or firearm as defined in Section
4 24-1 of the Criminal Code of 2012. The expulsion period
5 under this subdivision (1) may be modified by the
6 superintendent, and the superintendent's determination may
7 be modified by the board on a case-by-case basis.

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

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

24 (d-5) The board may suspend or by regulation authorize the
25 superintendent of the district or the principal, assistant
26 principal, or dean of students of any school to suspend a

1 student for a period not to exceed 10 school days or may expel
2 a student for a definite period of time not to exceed 2
3 calendar years, as determined on a case-by-case ~~case-by-case~~
4 basis, if (i) that student has been determined to have made an
5 explicit threat on an Internet website against a school
6 employee, a student, or any school-related personnel, (ii) the
7 Internet website through which the threat was made is a site
8 that was accessible within the school at the time the threat
9 was made or was available to third parties who worked or
10 studied within the school grounds at the time the threat was
11 made, and (iii) the threat could be reasonably interpreted as
12 threatening to the safety and security of the threatened
13 individual because of his or her duties or employment status or
14 status as a student inside the school. The provisions of this
15 subsection (d-5) apply in all school districts, including
16 special charter districts and districts organized under
17 Article 34 of this Code.

18 (d-10) In this subsection (d-10), "violent felony" means a
19 violent felony as defined in Section 5 of the Medical School
20 Matriculant Criminal History Records Check Act. The board may
21 suspend or, by regulation, authorize the superintendent of the
22 district or the principal, assistant principal, or dean of
23 students of a school to suspend a student for a period not to
24 exceed 10 school days or may expel a student for a definite
25 period of time not to exceed 2 calendar years, as determined on
26 a case-by-case basis, if the student has been charged with a

1 violent felony and the charges are pending or if the student
2 has been convicted of a violent felony. The provisions of this
3 subsection (d-10) apply in all school districts, including
4 special charter districts and districts organized under
5 Article 34 of this Code.

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

1 turn over such evidence to law enforcement authorities. The
2 provisions of this subsection (e) apply in all school
3 districts, including special charter districts and districts
4 organized under Article 34.

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

8 (g) A school district may adopt a policy providing that if
9 a student is suspended or expelled for any reason from any
10 public or private school in this or any other state, the
11 student must complete the entire term of the suspension or
12 expulsion in an alternative school program under Article 13A of
13 this Code or an alternative learning opportunities program
14 under Article 13B of this Code before being admitted into the
15 school district if there is no threat to the safety of students
16 or staff in the alternative program. This subsection (g)
17 applies to all school districts, including special charter
18 districts and districts organized under Article 34 of this
19 Code.

20 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
21 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;
22 97-1150, eff. 1-25-13.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.