



Rep. Jay Hoffman

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LRB098 17096 OMW 57607 a

1 AMENDMENT TO HOUSE BILL 4775

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4775 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 10-22.6, 27A-5, 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, including gross disobedience or misconduct  
11 perpetuated by electronic means, or to expel pupils as provided  
12 in subsection (d-10) of this Section, and no action shall lie  
13 against them for such expulsion. Expulsion shall take place  
14 only after the parents have been requested to appear at a  
15 meeting of the board, or with a hearing officer appointed by  
16 it, to discuss their child's behavior. Such request shall be

1 made by registered or certified mail and shall state the time,  
2 place and purpose of the meeting. The board, or a hearing  
3 officer appointed by it, at such meeting shall state the  
4 reasons for dismissal and the date on which the expulsion is to  
5 become effective. If a hearing officer is appointed by the  
6 board he shall report to the board a written summary of the  
7 evidence heard at the meeting and the board may take such  
8 action thereon as it finds appropriate. An expelled pupil may  
9 be immediately transferred to an alternative program in the  
10 manner provided in Article 13A or 13B of this Code. A pupil  
11 must not be denied transfer because of the expulsion, except in  
12 cases in which such transfer is deemed to cause a threat to the  
13 safety of students or staff in the alternative program.

14 (b) To suspend or by policy to authorize the superintendent  
15 of the district or the principal, assistant principal, or dean  
16 of students of any school to suspend pupils guilty of gross  
17 disobedience or misconduct, ~~or~~ to suspend pupils guilty of  
18 gross disobedience or misconduct on the school bus from riding  
19 the school bus, or to suspend pupils as provided in subsection  
20 (d-10) of this Section, and no action shall lie against them  
21 for such suspension. The board may by policy authorize the  
22 superintendent of the district or the principal, assistant  
23 principal, or dean of students of any school to suspend pupils  
24 guilty of such acts for a period not to exceed 10 school days.  
25 If a pupil is suspended due to gross disobedience or misconduct  
26 on a school bus, the board may suspend the pupil in excess of

1 10 school days for safety reasons. Any suspension shall be  
2 reported immediately to the parents or guardian of such pupil  
3 along with a full statement of the reasons for such suspension  
4 and a notice of their right to a review. The school board must  
5 be given a summary of the notice, including the reason for the  
6 suspension and the suspension length. Upon request of the  
7 parents or guardian the school board or a hearing officer  
8 appointed by it shall review such action of the superintendent  
9 or principal, assistant principal, or dean of students. At such  
10 review the parents or guardian of the pupil may appear and  
11 discuss the suspension with the board or its hearing officer.  
12 If a hearing officer is appointed by the board he shall report  
13 to the board a written summary of the evidence heard at the  
14 meeting. After its hearing or upon receipt of the written  
15 report of its hearing officer, the board may take such action  
16 as it finds appropriate. A pupil who is suspended in excess of  
17 20 school days may be immediately transferred to an alternative  
18 program in the manner provided in Article 13A or 13B of this  
19 Code. A pupil must not be denied transfer because of the  
20 suspension, except in cases in which such transfer is deemed to  
21 cause a threat to the safety of students or staff in the  
22 alternative program.

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

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

8 (1) A firearm. For the purposes of this Section,  
9 "firearm" means any gun, rifle, shotgun, weapon as defined  
10 by Section 921 of Title 18 of the United States Code,  
11 firearm as defined in Section 1.1 of the Firearm Owners  
12 Identification Card Act, or firearm as defined in Section  
13 24-1 of the Criminal Code of 2012. The expulsion period  
14 under this subdivision (1) may be modified by the  
15 superintendent, and the superintendent's determination may  
16 be modified by the board on a case-by-case basis.

17 (2) A knife, brass knuckles or other knuckle weapon  
18 regardless of its composition, a billy club, or any other  
19 object if used or attempted to be used to cause bodily  
20 harm, including "look alike" of any firearm as defined in  
21 subdivision (1) of this subsection (d). The expulsion  
22 requirement under this subdivision (2) may be modified by  
23 the superintendent, and the superintendent's determination  
24 may be modified by the board on a case-by-case basis.

25 Expulsion or suspension shall be construed in a manner  
26 consistent with the Federal Individuals with Disabilities

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

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

1       (d-10) In this subsection (d-10), "violent felony" means a  
2 violent felony as defined in Section 5 of the Medical School  
3 Matriculant Criminal History Records Check Act.

4       Subject to subsections (a) and (b) of this Section, the  
5 board may suspend or, by policy, authorize the superintendent  
6 of the district or the principal, assistant principal, or dean  
7 of students of a school to suspend a student for a period not  
8 to exceed 10 school days or may expel a student for a definite  
9 period of time not to exceed 2 calendar years, as determined on  
10 a case-by-case basis, if (i) the student has been convicted of  
11 a violent felony and (ii) the board or, as authorized by board  
12 policy, the superintendent of the district or the principal,  
13 assistant principal, or dean of students of the school  
14 determines that the student's continued presence in school  
15 would have a substantial detrimental effect on the general  
16 welfare of the school. The board may also authorize the  
17 superintendent of the district to immediately refer or transfer  
18 the student to another attendance center or alternative school,  
19 as specified in Article 13A of this Code, if the student has  
20 been charged with a violent felony.

21       The provisions of this subsection (d-10) apply in all  
22 school districts, including special charter districts and  
23 districts organized under Article 34 of this Code.

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

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

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

26 (g) A school district may adopt a policy providing that if

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

12 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
13 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;  
14 97-1150, eff. 1-25-13.)

15 (105 ILCS 5/27A-5)

16 Sec. 27A-5. Charter school; legal entity; requirements.

17 (a) A charter school shall be a public, nonsectarian,  
18 nonreligious, non-home based, and non-profit school. A charter  
19 school shall be organized and operated as a nonprofit  
20 corporation or other discrete, legal, nonprofit entity  
21 authorized under the laws of the State of Illinois.

22 (b) A charter school may be established under this Article  
23 by creating a new school or by converting an existing public  
24 school or attendance center to charter school status. Beginning  
25 on the effective date of this amendatory Act of the 93rd



1 General Assembly, in all new applications submitted to the  
2 State Board or a local school board to establish a charter  
3 school in a city having a population exceeding 500,000,  
4 operation of the charter school shall be limited to one campus.  
5 The changes made to this Section by this amendatory Act of the  
6 93rd General Assembly do not apply to charter schools existing  
7 or approved on or before the effective date of this amendatory  
8 Act.

9 (b-5) In this subsection (b-5), "virtual-schooling" means  
10 the teaching of courses through online methods with online  
11 instructors, rather than the instructor and student being at  
12 the same physical location. "Virtual-schooling" includes  
13 without limitation instruction provided by full-time, online  
14 virtual schools.

15 From April 1, 2013 through April 1, 2014, there is a  
16 moratorium on the establishment of charter schools with  
17 virtual-schooling components in school districts other than a  
18 school district organized under Article 34 of this Code. This  
19 moratorium does not apply to a charter school with  
20 virtual-schooling components existing or approved prior to  
21 April 1, 2013 or to the renewal of the charter of a charter  
22 school with virtual-schooling components already approved  
23 prior to April 1, 2013.

24 On or before March 1, 2014, the Commission shall submit to  
25 the General Assembly a report on the effect of  
26 virtual-schooling, including without limitation the effect on

1 student performance, the costs associated with  
2 virtual-schooling, and issues with oversight. The report shall  
3 include policy recommendations for virtual-schooling.

4 (c) A charter school shall be administered and governed by  
5 its board of directors or other governing body in the manner  
6 provided in its charter. The governing body of a charter school  
7 shall be subject to the Freedom of Information Act and the Open  
8 Meetings Act.

9 (d) A charter school shall comply with all applicable  
10 health and safety requirements applicable to public schools  
11 under the laws of the State of Illinois.

12 (e) Except as otherwise provided in the School Code, a  
13 charter school shall not charge tuition; provided that a  
14 charter school may charge reasonable fees for textbooks,  
15 instructional materials, and student activities.

16 (f) A charter school shall be responsible for the  
17 management and operation of its fiscal affairs including, but  
18 not limited to, the preparation of its budget. An audit of each  
19 charter school's finances shall be conducted annually by an  
20 outside, independent contractor retained by the charter  
21 school. Annually, by December 1, every charter school must  
22 submit to the State Board a copy of its audit and a copy of the  
23 Form 990 the charter school filed that year with the federal  
24 Internal Revenue Service.

25 (g) A charter school shall comply with all provisions of  
26 this Article, the Illinois Educational Labor Relations Act, and

1 its charter. A charter school is exempt from all other State  
2 laws and regulations in the School Code governing public  
3 schools and local school board policies, except the following:

4 (1) Sections 10-21.9 and 34-18.5 of the School Code  
5 regarding criminal history records checks and checks of the  
6 Statewide Sex Offender Database and Statewide Murderer and  
7 Violent Offender Against Youth Database of applicants for  
8 employment;

9 (2) Sections 24-24 and 34-84A of the School Code  
10 regarding discipline of students;

11 (3) The Local Governmental and Governmental Employees  
12 Tort Immunity Act;

13 (4) Section 108.75 of the General Not For Profit  
14 Corporation Act of 1986 regarding indemnification of  
15 officers, directors, employees, and agents;

16 (5) The Abused and Neglected Child Reporting Act;

17 (6) The Illinois School Student Records Act;

18 (7) Section 10-17a of the School Code regarding school  
19 report cards; ~~and~~

20 (8) The P-20 Longitudinal Education Data System Act;  
21 and -

22 (9) Subsection (d-10) of Section 10-22.6 of the School  
23 Code regarding students charged with or convicted of a  
24 violent felony.

25 The change made by Public Act 96-104 to this subsection (g)  
26 is declaratory of existing law.

1 (h) A charter school may negotiate and contract with a  
2 school district, the governing body of a State college or  
3 university or public community college, or any other public or  
4 for-profit or nonprofit private entity for: (i) the use of a  
5 school building and grounds or any other real property or  
6 facilities that the charter school desires to use or convert  
7 for use as a charter school site, (ii) the operation and  
8 maintenance thereof, and (iii) the provision of any service,  
9 activity, or undertaking that the charter school is required to  
10 perform in order to carry out the terms of its charter.  
11 However, a charter school that is established on or after the  
12 effective date of this amendatory Act of the 93rd General  
13 Assembly and that operates in a city having a population  
14 exceeding 500,000 may not contract with a for-profit entity to  
15 manage or operate the school during the period that commences  
16 on the effective date of this amendatory Act of the 93rd  
17 General Assembly and concludes at the end of the 2004-2005  
18 school year. Except as provided in subsection (i) of this  
19 Section, a school district may charge a charter school  
20 reasonable rent for the use of the district's buildings,  
21 grounds, and facilities. Any services for which a charter  
22 school contracts with a school district shall be provided by  
23 the district at cost. Any services for which a charter school  
24 contracts with a local school board or with the governing body  
25 of a State college or university or public community college  
26 shall be provided by the public entity at cost.

1           (i) In no event shall a charter school that is established  
2 by converting an existing school or attendance center to  
3 charter school status be required to pay rent for space that is  
4 deemed available, as negotiated and provided in the charter  
5 agreement, in school district facilities. However, all other  
6 costs for the operation and maintenance of school district  
7 facilities that are used by the charter school shall be subject  
8 to negotiation between the charter school and the local school  
9 board and shall be set forth in the charter.

10          (j) A charter school may limit student enrollment by age or  
11 grade level.

12          (k) If the charter school is approved by the Commission,  
13 then the Commission charter school is its own local education  
14 agency.

15          (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;  
16 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

17           (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

18          Sec. 34-19. By-laws, rules and regulations; business  
19 transacted at regular meetings; voting; records. The board  
20 shall, subject to the limitations in this Article, establish  
21 by-laws, rules and regulations, which shall have the force of  
22 ordinances, for the proper maintenance of a uniform system of  
23 discipline for both employees and pupils, and for the entire  
24 management of the schools, and may fix the school age of  
25 pupils, the minimum of which in kindergartens shall not be

1 under 4 years, except that, based upon an assessment of the  
2 child's readiness, children who have attended a non-public  
3 preschool and continued their education at that school through  
4 kindergarten, were taught in kindergarten by an appropriately  
5 certified teacher, and will attain the age of 6 years on or  
6 before December 31 of the year of the 2009-2010 school term and  
7 each school term thereafter may attend first grade upon  
8 commencement of such term, and in grade schools shall not be  
9 under 6 years. It may expel, suspend or, subject to the  
10 limitations of all policies established or adopted under  
11 Section 14-8.05, otherwise discipline any pupil found guilty of  
12 gross disobedience, misconduct or other violation of the  
13 by-laws, rules and regulations, including gross disobedience  
14 or misconduct perpetrated by electronic means, and may expel,  
15 suspend, or transfer pupils as provided in subsection (d-10) of  
16 Section 10-22.6 of this Code. An expelled pupil may be  
17 immediately transferred to an alternative program in the manner  
18 provided in Article 13A or 13B of this Code. A pupil must not  
19 be denied transfer because of the expulsion, except in cases in  
20 which such transfer is deemed to cause a threat to the safety  
21 of students or staff in the alternative program. A pupil who is  
22 suspended in excess of 20 school days may be immediately  
23 transferred to an alternative program in the manner provided in  
24 Article 13A or 13B of this Code. A pupil must not be denied  
25 transfer because of the suspension, except in cases in which  
26 such transfer is deemed to cause a threat to the safety of

1 students or staff in the alternative program. The bylaws, rules  
2 and regulations of the board shall be enacted, money shall be  
3 appropriated or expended, salaries shall be fixed or changed,  
4 and textbooks, electronic textbooks, and courses of  
5 instruction shall be adopted or changed only at the regular  
6 meetings of the board and by a vote of a majority of the full  
7 membership of the board; provided that notwithstanding any  
8 other provision of this Article or the School Code, neither the  
9 board or any local school council may purchase any textbook for  
10 use in any public school of the district from any textbook  
11 publisher that fails to furnish any computer diskettes as  
12 required under Section 28-21. Funds appropriated for textbook  
13 purchases must be available for electronic textbook purchases  
14 and the technological equipment necessary to gain access to and  
15 use electronic textbooks at the local school council's  
16 discretion. The board shall be further encouraged to provide  
17 opportunities for public hearing and testimony before the  
18 adoption of bylaws, rules and regulations. Upon all  
19 propositions requiring for their adoption at least a majority  
20 of all the members of the board the yeas and nays shall be  
21 taken and reported. The by-laws, rules and regulations of the  
22 board shall not be repealed, amended or added to, except by a  
23 vote of 2/3 of the full membership of the board. The board  
24 shall keep a record of all its proceedings. Such records and  
25 all by-laws, rules and regulations, or parts thereof, may be  
26 proved by a copy thereof certified to be such by the secretary

1 of the board, but if they are printed in book or pamphlet form  
2 which are purported to be published by authority of the board  
3 they need not be otherwise published and the book or pamphlet  
4 shall be received as evidence, without further proof, of the  
5 records, by-laws, rules and regulations, or any part thereof,  
6 as of the dates thereof as shown in such book or pamphlet, in  
7 all courts and places where judicial proceedings are had.

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

22 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;  
23 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.  
24 7-13-12.)

25 Section 99. Effective date. This Act takes effect upon



1 becoming law.".