

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

1 appropriate. If the board acts to expel a pupil, the written  
2 expulsion decision shall detail the specific reasons why  
3 removing the pupil from the learning environment is in the best  
4 interest of the school. The expulsion decision shall also  
5 include a rationale as to the specific duration of the  
6 expulsion. An expelled pupil may be immediately transferred to  
7 an alternative program in the manner provided in Article 13A or  
8 13B of this Code. A pupil must not be denied transfer because  
9 of the expulsion, except in cases in which such transfer is  
10 deemed to cause a threat to the safety of students or staff in  
11 the alternative program.

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

26 Any suspension shall be reported immediately to the parents

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

26 (b-5) Among the many possible disciplinary interventions

1 and consequences available to school officials, school  
2 exclusions, such as out-of-school suspensions and expulsions,  
3 are the most serious. School officials shall limit the number  
4 and duration of expulsions and suspensions to the greatest  
5 extent practicable, and it is recommended that they use them  
6 only for legitimate educational purposes. To ensure that  
7 students are not excluded from school unnecessarily, it is  
8 recommended that school officials consider forms of  
9 non-exclusionary discipline prior to using out-of-school  
10 suspensions or expulsions.

11 (b-10) Unless otherwise required by federal law or this  
12 Code, school boards may not institute zero-tolerance policies  
13 by which school administrators are required to suspend or expel  
14 students for particular behaviors.

15 (b-15) Out-of-school suspensions of 3 days or less may be  
16 used only if the student's continuing presence in school would  
17 pose a threat to school safety or a disruption to other  
18 students' learning opportunities. For purposes of this  
19 subsection (b-15), "threat to school safety or a disruption to  
20 other students' learning opportunities" shall be determined on  
21 a case-by-case basis by the school board or its designee.  
22 School officials shall make all reasonable efforts to resolve  
23 such threats, address such disruptions, and minimize the length  
24 of suspensions to the greatest extent practicable.

25 (b-20) Unless otherwise required by this Code,  
26 out-of-school suspensions of longer than 3 days, expulsions,

1 and disciplinary removals to alternative schools may be used  
2 only if other appropriate and available behavioral and  
3 disciplinary interventions have been exhausted and the  
4 student's continuing presence in school would either (i) pose a  
5 threat to the safety of other students, staff, or members of  
6 the school community or (ii) substantially disrupt, impede, or  
7 interfere with the operation of the school. For purposes of  
8 this subsection (b-20), "threat to the safety of other  
9 students, staff, or members of the school community" and  
10 "substantially disrupt, impede, or interfere with the  
11 operation of the school" shall be determined on a case-by-case  
12 basis by school officials. For purposes of this subsection  
13 (b-20), the determination of whether "appropriate and  
14 available behavioral and disciplinary interventions have been  
15 exhausted" shall be made by school officials. School officials  
16 shall make all reasonable efforts to resolve such threats,  
17 address such disruptions, and minimize the length of student  
18 exclusions to the greatest extent practicable. Within the  
19 suspension decision described in subsection (b) of this Section  
20 or the expulsion decision described in subsection (a) of this  
21 Section, it shall be documented whether other interventions  
22 were attempted or whether it was determined that there were no  
23 other appropriate and available interventions.

24 (b-25) Students who are suspended out-of-school for longer  
25 than 4 school days shall be provided appropriate and available  
26 support services during the period of their suspension. For

1 purposes of this subsection (b-25), "appropriate and available  
2 support services" shall be determined by school authorities.  
3 Within the suspension decision described in subsection (b) of  
4 this Section, it shall be documented whether such services are  
5 to be provided or whether it was determined that there are no  
6 such appropriate and available services.

7 A school district may refer students who are expelled to  
8 appropriate and available support services.

9 A school district shall create a policy to facilitate the  
10 re-engagement of students who are suspended out-of-school,  
11 expelled, or returning from an alternative school setting.

12 (b-30) A school district shall create a policy by which  
13 suspended pupils, including those pupils suspended from the  
14 school bus who do not have alternate transportation to school,  
15 shall have the opportunity to make up work for equivalent  
16 academic credit. It shall be the responsibility of a pupil's  
17 parent or guardian to notify school officials that a pupil  
18 suspended from the school bus does not have alternate  
19 transportation to school.

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

24 (c-5) School districts shall make reasonable efforts to  
25 provide ongoing professional development to teachers,  
26 administrators, school board members, school resource

1 officers, and staff on the adverse consequences of school  
2 exclusion and justice-system involvement, effective classroom  
3 management strategies, culturally responsive discipline, the  
4 appropriate and available supportive services for the  
5 promotion of student attendance and engagement, and  
6 developmentally appropriate disciplinary methods that promote  
7 positive and healthy school climates.

8 (d) The board may expel a student for a definite period of  
9 time not to exceed 2 calendar years, as determined on a  
10 case-by-case basis. A student who is determined to have brought  
11 one of the following objects to school, any school-sponsored  
12 activity or event, or any activity or event that bears a  
13 reasonable relationship to school shall be expelled for a  
14 period of not less than one year:

15 (1) A firearm. For the purposes of this Section,  
16 "firearm" means any gun, rifle, shotgun, weapon as defined  
17 by Section 921 of Title 18 of the United States Code,  
18 firearm as defined in Section 1.1 of the Firearm Owners  
19 Identification Card Act, or firearm as defined in Section  
20 24-1 of the Criminal Code of 2012. The expulsion period  
21 under this subdivision (1) may be modified by the  
22 superintendent, and the superintendent's determination may  
23 be modified by the board on a case-by-case basis.

24 (2) A knife, brass knuckles or other knuckle weapon  
25 regardless of its composition, a billy club, or any other  
26 object if used or attempted to be used to cause bodily

1           harm, including "look alike" of any firearm as defined in  
2           subdivision (1) of this subsection (d). The expulsion  
3           requirement under this subdivision (2) may be modified by  
4           the superintendent, and the superintendent's determination  
5           may be modified by the board on a case-by-case basis.

6           (3) Any pneumatic gun, spring gun, paint ball gun, or  
7           B-B gun, irrespective of the type or size of projectile  
8           that can be fired or the gun's muzzle velocity. The  
9           expulsion requirement under this subdivision may be  
10          modified by the superintendent, and the superintendent's  
11          determination may be modified by the board on a  
12          case-by-case basis.

13          Expulsion or suspension shall be construed in a manner  
14          consistent with the federal ~~Federal~~ Individuals with  
15          Disabilities Education Act. A student who is subject to  
16          suspension or expulsion as provided in this Section may be  
17          eligible for a transfer to an alternative school program in  
18          accordance with Article 13A of the School Code.

19          (d-5) The board may suspend or by regulation authorize the  
20          superintendent of the district or the principal, assistant  
21          principal, or dean of students of any school to suspend a  
22          student for a period not to exceed 10 school days or may expel  
23          a student for a definite period of time not to exceed 2  
24          calendar years, as determined on a case-by-case basis, if (i)  
25          that student has been determined to have made an explicit  
26          threat on an Internet website against a school employee, a

1 student, or any school-related personnel, (ii) the Internet  
2 website through which the threat was made is a site that was  
3 accessible within the school at the time the threat was made or  
4 was available to third parties who worked or studied within the  
5 school grounds at the time the threat was made, and (iii) the  
6 threat could be reasonably interpreted as threatening to the  
7 safety and security of the threatened individual because of his  
8 or her duties or employment status or status as a student  
9 inside the school.

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

1 evidence that the student has violated or is violating either  
2 the law, local ordinance, or the school's policies or rules,  
3 such evidence may be seized by school authorities, and  
4 disciplinary action may be taken. School authorities may also  
5 turn over such evidence to law enforcement authorities.

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 in an alternative school program under Article 13A of  
14 this Code or an alternative learning opportunities program  
15 under Article 13B of this Code before being admitted into the  
16 school district if there is no threat to the safety of students  
17 or staff in the alternative program.

18 (h) School officials shall not advise or encourage students  
19 to drop out voluntarily due to behavioral or academic  
20 difficulties.

21 (i) A student may not be issued a monetary fine or fee as a  
22 disciplinary consequence, though this shall not preclude  
23 requiring a student to provide restitution for lost, stolen, or  
24 damaged property.

25 (j) Subsections (a) through (i) of this Section shall apply  
26 to elementary and secondary schools, charter schools, special

1 charter districts, and school districts organized under  
2 Article 34 of this Code.

3 (k) The expulsion of children enrolled in programs funded  
4 under Section 1C-2 of this Code is subject to the requirements  
5 under paragraph (7) of subsection (a) of Section 2-3.71 of this  
6 Code.

7 (l) Beginning with the 2018-2019 school year, an in-school  
8 suspension program provided by a school district for any  
9 students in kindergarten through grade 12 may focus on  
10 promoting non-violent conflict resolution and positive  
11 interaction with other students and school personnel. A school  
12 district may employ a school social worker or a licensed mental  
13 health professional to oversee an in-school suspension program  
14 in kindergarten through grade 12.

15 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;  
16 100-810, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1035, eff.  
17 8-22-18; revised 10-1-18.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.