

1 AN ACT concerning schools, which may be referred to as
2 the Safe Options for Suspension Act.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The School Code is amended by changing
6 Sections 10-22.6 and 34-19 as follows:

7 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

8 Sec. 10-22.6. Suspension or expulsion of pupils; school
9 searches.

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

24 (b) To suspend or by regulation to authorize the
25 superintendent of the district or the principal, assistant
26 principal, or dean of students of any school to suspend
27 pupils guilty of gross disobedience or misconduct, or to
28 suspend pupils guilty of gross disobedience or misconduct on
29 the school bus from riding the school bus, and no action
30 shall lie against them for such suspension. The board may by
31 regulation authorize the superintendent of the district or

1 the principal, assistant principal, or dean of students of
2 any school to suspend pupils guilty of such acts for a period
3 not to exceed 10 school days. If a pupil is suspended due to
4 gross disobedience or misconduct on a school bus, the board
5 may suspend the pupil in excess of 10 school days for safety
6 reasons. Any suspension shall be reported immediately to the
7 parents or guardian of such pupil along with a full statement
8 of the reasons for such suspension and a notice of their
9 right to a review, a copy of which shall be given to the
10 school board. Upon request of the parents or guardian the
11 school board or a hearing officer appointed by it shall
12 review such action of the superintendent or principal,
13 assistant principal, or dean of students. At such review the
14 parents or guardian of the pupil may appear and discuss the
15 suspension with the board or its hearing officer. If a
16 hearing officer is appointed by the board he shall report to
17 the board a written summary of the evidence heard at the
18 meeting. After its hearing or upon receipt of the written
19 report of its hearing officer, the board may take such action
20 as it finds appropriate.

21 Each school board shall compile a list of local
22 facilities and organizations that have an education program
23 that a suspended student can attend during the period of time
24 of his or her suspension, if available. A copy of the list
25 shall be filed with the State Board of Education. The
26 suspension may not take effect until the school board
27 provides the student and the student's parents or guardian
28 with a copy of the list and an official notice of suspension
29 that may be shown to the education program that the student
30 is to attend to prove that the student is not a truant.

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

1 (d) The board may expel a student for a definite period
2 of time not to exceed 2 calendar years, as determined on a
3 case by case basis. A student who is determined to have
4 brought a weapon to school, any school-sponsored activity or
5 event, or any activity or event which bears a reasonable
6 relationship to school shall be expelled for a period of not
7 less than one year, except that the expulsion period may be
8 modified by the superintendent, and the superintendent's
9 determination may be modified by the board on a case by case
10 basis. For the purpose of this Section, the term "weapon"
11 means (1) possession, use, control, or transfer of any gun,
12 rifle, shotgun, weapon as defined by Section 921 of Title 18,
13 United States Code, firearm as defined in Section 1.1 of the
14 Firearm Owners Identification Act, or use of a weapon as
15 defined in Section 24-1 of the Criminal Code, (2) any other
16 object if used or attempted to be used to cause bodily harm,
17 including but not limited to, knives, brass knuckles, or
18 billy clubs, or (3) "look alike" of any weapon as defined in
19 this Section. Expulsion or suspension shall be construed in a
20 manner consistent with the Federal Individuals with
21 Disabilities Education Act. A student who is subject to
22 suspension or expulsion as provided in this Section may be
23 eligible for a transfer to an alternative school program in
24 accordance with Article 13A of the School Code. The
25 provisions of this subsection (d) apply in all school
26 districts, including special charter districts and districts
27 organized under Article 34.

28 (e) To maintain order and security in the schools,
29 school authorities may inspect and search places and areas
30 such as lockers, desks, parking lots, and other school
31 property and equipment owned or controlled by the school, as
32 well as personal effects left in those places and areas by
33 students, without notice to or the consent of the student,
34 and without a search warrant. As a matter of public policy,

1 the General Assembly finds that students have no reasonable
2 expectation of privacy in these places and areas or in their
3 personal effects left in these places and areas. School
4 authorities may request the assistance of law enforcement
5 officials for the purpose of conducting inspections and
6 searches of lockers, desks, parking lots, and other school
7 property and equipment owned or controlled by the school for
8 illegal drugs, weapons, or other illegal or dangerous
9 substances or materials, including searches conducted through
10 the use of specially trained dogs. If a search conducted in
11 accordance with this Section produces evidence that the
12 student has violated or is violating either the law, local
13 ordinance, or the school's policies or rules, such evidence
14 may be seized by school authorities, and disciplinary action
15 may be taken. School authorities may also turn over such
16 evidence to law enforcement authorities. The provisions of
17 this subsection (e) apply in all school districts, including
18 special charter districts and districts organized under
19 Article 34.

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

23 (g) A school district may adopt a policy providing that
24 if a student is suspended or expelled for any reason from any
25 public or private school in this or any other state, the
26 student must complete the entire term of the suspension or
27 expulsion before being admitted into the school district.
28 This policy may allow placement of the student in an
29 alternative school program established under Article 13A of
30 this Code, if available, for the remainder of the suspension
31 or expulsion. This subsection (g) applies to all school
32 districts, including special charter districts and districts
33 organized under Article 34 of this Code.

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

1 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)
2 Sec. 34-19. By-laws, rules and regulations; business
3 transacted at regular meetings; voting; records. The board
4 shall, subject to the limitations in this Article, establish
5 by-laws, rules and regulations, which shall have the force of
6 ordinances, for the proper maintenance of a uniform system of
7 discipline for both employees and pupils, and for the entire
8 management of the schools, and may fix the school age of
9 pupils, the minimum of which in kindergartens shall not be
10 under 4 years and in grade schools shall not be under 6
11 years. It may expel, suspend or, subject to the limitations
12 of all policies established or adopted under Section 14-8.05,
13 otherwise discipline any pupil found guilty of gross
14 disobedience, misconduct or other violation of the by-laws,
15 rules and regulations. The board shall compile a list of
16 local facilities and organizations that have an education
17 program that a suspended student can attend during the period
18 of time of his or her suspension, if available. A copy of the
19 list shall be filed with the State Board of Education. The
20 suspension may not take effect until the board provides the
21 student and the student's parents or guardian with a copy of
22 the list and an official notice of suspension that may be
23 shown to the education program that the student is to attend
24 to prove that the student is not a truant. The bylaws, rules
25 and regulations of the board shall be enacted, money shall be
26 appropriated or expended, salaries shall be fixed or changed,
27 and textbooks and courses of instruction shall be adopted or
28 changed only at the regular meetings of the board and by a
29 vote of a majority of the full membership of the board;
30 provided that notwithstanding any other provision of this
31 Article or the School Code, neither the board or any local
32 school council may purchase any textbook for use in any
33 public school of the district from any textbook publisher
34 that fails to furnish any computer diskettes as required

1 under Section 28-21. The board shall be further encouraged to
2 provide opportunities for public hearing and testimony before
3 the adoption of bylaws, rules and regulations. Upon all
4 propositions requiring for their adoption at least a majority
5 of all the members of the board the yeas and nays shall be
6 taken and reported. The by-laws, rules and regulations of the
7 board shall not be repealed, amended or added to, except by a
8 vote of 2/3 of the full membership of the board. The board
9 shall keep a record of all its proceedings. Such records and
10 all by-laws, rules and regulations, or parts thereof, may be
11 proved by a copy thereof certified to be such by the
12 secretary of the board, but if they are printed in book or
13 pamphlet form which are purported to be published by
14 authority of the board they need not be otherwise published
15 and the book or pamphlet shall be received as evidence,
16 without further proof, of the records, by-laws, rules and
17 regulations, or any part thereof, as of the dates thereof as
18 shown in such book or pamphlet, in all courts and places
19 where judicial proceedings are had.

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

34 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.