

1 AN ACT concerning education.

2 WHEREAS, It has come to the attention of the General
3 Assembly that expulsion may cause irreparable harm to a
4 student; therefore

5 Be it enacted by the People of the State of Illinois,
6 represented in the General Assembly:

7 Section 5. The School Code is amended by changing
8 Sections 10-22.6, 31-3, and 34-19 as follows:

9 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

26 (b) To suspend or by regulation to authorize the
27 superintendent of the district or the principal, assistant
28 principal, or dean of students of any school to suspend
29 pupils guilty of gross disobedience or misconduct, or to
30 suspend pupils guilty of gross disobedience or misconduct on
31 the school bus from riding the school bus, and no action

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

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

27 (d) Except as otherwise provided in this subsection, the
28 board may not expel a student. The board may expel a student
29 for any criminal offense for which a sentence to the
30 Department of Corrections may be imposed for a definite
31 period of time not to exceed 2 calendar years, as determined
32 on a case by case basis. A student who is determined to have
33 brought a weapon to school, any school-sponsored activity or
34 event, or any activity or event which bears a reasonable

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

23 (e) To maintain order and security in the schools,
24 school authorities may inspect and search places and areas
25 such as lockers, desks, parking lots, and other school
26 property and equipment owned or controlled by the school, as
27 well as personal effects left in those places and areas by
28 students, without notice to or the consent of the student,
29 and without a search warrant. As a matter of public policy,
30 the General Assembly finds that students have no reasonable
31 expectation of privacy in these places and areas or in their
32 personal effects left in these places and areas. School
33 authorities may request the assistance of law enforcement
34 officials for the purpose of conducting inspections and

1 searches of lockers, desks, parking lots, and other school
2 property and equipment owned or controlled by the school for
3 illegal drugs, weapons, or other illegal or dangerous
4 substances or materials, including searches conducted through
5 the use of specially trained dogs. If a search conducted in
6 accordance with this Section produces evidence that the
7 student has violated or is violating either the law, local
8 ordinance, or the school's policies or rules, such evidence
9 may be seized by school authorities, and disciplinary action
10 may be taken. School authorities may also turn over such
11 evidence to law enforcement authorities. The provisions of
12 this subsection (e) apply in all school districts, including
13 special charter districts and districts organized under
14 Article 34.

15 (f) Suspension or expulsion may include suspension or
16 expulsion from school and all school activities and a
17 prohibition from being present on school grounds.

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

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

30 (105 ILCS 5/31-3) (from Ch. 122, par. 31-3)

31 Sec. 31-3. Suspension ~~or-expulsion~~ of members, pledges
32 and solicitors. The governing body of any public school shall
33 suspend ~~or--expel~~ any pupil who is a member of or joins or

1 promises to join, or who becomes pledged to become a member
2 of, or who solicits any other person to join, promise to join
3 or be pledged to become a member of any public school
4 fraternity, sorority or secret society.

5 (Source: Laws 1961, p. 31.)

6 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

7 Sec. 34-19. By-laws, rules and regulations; business
8 transacted at regular meetings; voting; records. The board
9 shall, subject to the limitations in this Article, establish
10 by-laws, rules and regulations, which shall have the force of
11 ordinances, for the proper maintenance of a uniform system of
12 discipline for both employees and pupils, and for the entire
13 management of the schools, and may fix the school age of
14 pupils, the minimum of which in kindergartens shall not be
15 under 4 years and in grade schools shall not be under 6
16 years. It may ~~expel~~, suspend or, subject to the limitations
17 of all policies established or adopted under Section 14-8.05,
18 otherwise discipline any pupil found guilty of gross
19 disobedience, misconduct or other violation of the by-laws,
20 rules, and regulations. The Board may not expel a pupil for
21 any reason other than as provided in subsection (d) of
22 Section 10-22.6. The bylaws, rules and regulations of the
23 board shall be enacted, money shall be appropriated or
24 expended, salaries shall be fixed or changed, and textbooks
25 and courses of instruction shall be adopted or changed only
26 at the regular meetings of the board and by a vote of a
27 majority of the full membership of the board; provided that
28 notwithstanding any other provision of this Article or the
29 School Code, neither the board or any local school council
30 may purchase any textbook for use in any public school of the
31 district from any textbook publisher that fails to furnish
32 any computer diskettes as required under Section 28-21. The
33 board shall be further encouraged to provide opportunities

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

19 Notwithstanding any other provision in this Article or in
20 the School Code, the board may delegate to the general
21 superintendent or to the attorney the authorities granted to
22 the board in the School Code, provided such delegation and
23 appropriate oversight procedures are made pursuant to board
24 by-laws, rules and regulations, adopted as herein provided,
25 except that the board may not delegate its authorities and
26 responsibilities regarding (1) budget approval obligations;
27 (2) rule-making functions; (3) desegregation obligations; (4)
28 real estate acquisition, sale or lease in excess of 10 years
29 as provided in Section 34-21; (5) the levy of taxes; or (6)
30 any mandates imposed upon the board by "An Act in relation to
31 school reform in cities over 500,000, amending Acts herein
32 named", approved December 12, 1988 (P.A. 85-1418).
33 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)