

HB0305



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0305

Introduced 1/19/2007, by Rep. Julie Hamos

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Provides that suspension or expulsion of a student may include a prohibition from being present on school grounds and within 100 feet of school grounds (instead of just a prohibition from being present on school grounds).

LRB095 04028 NHT 24065 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, and no action shall lie against them for such
11 expulsion. Expulsion shall take place only after the parents
12 have been requested to appear at a meeting of the board, or
13 with a hearing officer appointed by it, to discuss their
14 child's behavior. Such request shall be made by registered or
15 certified mail and shall state the time, place and purpose of
16 the meeting. The board, or a hearing officer appointed by it,
17 at such meeting shall state the reasons for dismissal and the
18 date on which the expulsion is to become effective. If a
19 hearing officer is appointed by the board he shall report to
20 the board a written summary of the evidence heard at the
21 meeting and the board may take such action thereon as it finds
22 appropriate.

23 (b) To suspend or by regulation to authorize the

1 superintendent of the district or the principal, assistant
2 principal, or dean of students of any school to suspend pupils
3 guilty of gross disobedience or misconduct, or to suspend
4 pupils guilty of gross disobedience or misconduct on the school
5 bus from riding the school bus, and no action shall lie against
6 them for such suspension. The board may by regulation authorize
7 the superintendent of the district or the principal, assistant
8 principal, or dean of students of any school to suspend pupils
9 guilty of such acts for a period not to exceed 10 school days.
10 If a pupil is suspended due to gross disobedience or misconduct
11 on a school bus, the board may suspend the pupil in excess of
12 10 school days for safety reasons. Any suspension shall be
13 reported immediately to the parents or guardian of such pupil
14 along with a full statement of the reasons for such suspension
15 and a notice of their right to a review, a copy of which shall
16 be given to the school board. Upon request of the parents or
17 guardian the school board or a hearing officer appointed by it
18 shall review such action of the superintendent or principal,
19 assistant principal, or dean of students. At such review the
20 parents or guardian of the pupil may appear and discuss the
21 suspension with the board or its hearing officer. If a hearing
22 officer is appointed by the board he shall report to the board
23 a written summary of the evidence heard at the meeting. After
24 its hearing or upon receipt of the written report of its
25 hearing officer, the board may take such action as it finds
26 appropriate.

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

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

1 in accordance with Article 13A of the School Code. The
2 provisions of this subsection (d) apply in all school
3 districts, including special charter districts and districts
4 organized under Article 34.

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

1 provisions of this subsection (e) apply in all school
2 districts, including special charter districts and districts
3 organized under Article 34.

4 (f) Suspension or expulsion may include suspension or
5 expulsion from school and all school activities and a
6 prohibition from being present on school grounds and within 100
7 feet of 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 before being admitted into the school district. This
13 policy may allow placement of the student in an alternative
14 school program established under Article 13A of this Code, if
15 available, for the remainder of the suspension or expulsion.
16 This subsection (g) applies to all school districts, including
17 special charter districts and districts organized under
18 Article 34 of this Code.

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