



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0791

Introduced 2/7/2007, by Rep. Annazette Collins

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24-24	from Ch. 122, par. 24-24
105 ILCS 5/26-12	from Ch. 122, par. 26-12
105 ILCS 5/34-19	from Ch. 122, par. 34-19
105 ILCS 5/34-19.01 new	

Amends the School Code in relation to Chicago schools. Sets forth criteria and procedures for expulsion of pupils of the age of 16 or older who are guilty of gross disobedience or misconduct. Authorizes suspension of pupils guilty of gross disobedience or misconduct on school buses. Sets forth provisions governing in-school suspension. Provides for establishment of an in-school and intensive district supervision center for pupils under age 16, sets forth procedures for placing children in the center, sets forth components of the program of instruction in the center, and requires parents of pupils to attend certain meetings.

LRB095 07917 NHT 28079 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections
5 24-24, 26-12, and 34-19 and by adding Section 34-19.01 as
6 follows:

7 (105 ILCS 5/24-24) (from Ch. 122, par. 24-24)

8 Sec. 24-24. Maintenance of discipline. Subject to the
9 limitations of all policies established or adopted under
10 Section 14-8.05, teachers, other certificated educational
11 employees, and any other person, whether or not a certificated
12 employee, providing a related service for or with respect to a
13 student shall maintain discipline in the schools, including
14 school grounds which are owned or leased by the board and used
15 for school purposes and activities. In all matters relating to
16 the discipline in and conduct of the schools and the school
17 children, they stand in the relation of parents and guardians
18 to the pupils. This relationship shall extend to all activities
19 connected with the school program, including all athletic and
20 extracurricular programs, and may be exercised at any time for
21 the safety and supervision of the pupils in the absence of
22 their parents or guardians.

23 Nothing in this Section affects the power of the board to

1 establish rules with respect to discipline; except that each
2 board shall establish a policy on discipline, that policy must
3 not be inconsistent with the provisions of Section 34-19.01 of
4 this Code, and the policy so established shall provide, subject
5 to the limitations of all policies established or adopted under
6 Section 14-8.05, that a teacher, other certificated employee,
7 and any other person, whether or not a certificated employee,
8 providing a related service for or with respect to a student
9 may use reasonable force as needed to maintain safety for the
10 other students, school personnel or persons or for the purpose
11 of self defense or the defense of property, shall provide that
12 a teacher may remove a student from the classroom for
13 disruptive behavior, and shall include provisions which
14 provide due process to students. The policy shall not include
15 slapping, paddling or prolonged maintenance of students in
16 physically painful positions nor shall it include the
17 intentional infliction of bodily harm.

18 The board may make and enforce reasonable rules of conduct
19 and sportsmanship for athletic and extracurricular school
20 events. Any person who violates such rules may be denied
21 admission to school events for not more than one year, provided
22 that written 10 days notice of the violation is given such
23 person and a hearing had thereon by the board pursuant to its
24 rules and regulations. The administration of any school may
25 sign complaints as agents of the school against persons
26 committing any offense at school events.

1 (Source: P.A. 88-346; 88-670, eff. 12-2-94; 89-184, eff.
2 7-19-95.)

3 (105 ILCS 5/26-12) (from Ch. 122, par. 26-12)

4 Sec. 26-12. Punitive action. No punitive action, including
5 in-school or out of school suspensions, expulsions or court
6 action, shall be taken against chronic truants for such
7 truancy, unless available supportive services and other school
8 resources have been provided to the student. Any punitive
9 action taken under this Section is subject to the provisions of
10 Section 34-19.01 of this Code, if such action involves the
11 expulsion or suspension of a student or a student's assignment
12 for attendance pursuant to subsection (c) of Section 34-19.01
13 of this Code.

14 (Source: P.A. 85-234.)

15 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

16 Sec. 34-19. By-laws, rules and regulations; business
17 transacted at regular meetings; voting; records. The board
18 shall, subject to the limitations in this Article, establish
19 by-laws, rules and regulations, which shall have the force of
20 ordinances, for the proper maintenance of a uniform system of
21 discipline for both employees and pupils, and for the entire
22 management of the schools, and may fix the school age of
23 pupils, the minimum of which in kindergartens shall not be
24 under 4 years and in grade schools shall not be under 6 years.

1 Subject to and in a manner consistent with the provisions of
2 Section 34-19.01 of this Code, it ~~it~~ may expel, suspend or,
3 subject to the limitations of all policies established or
4 adopted under Section 14-8.05, otherwise discipline any pupil
5 found guilty of gross disobedience, misconduct or other
6 violation of the by-laws, rules and regulations. The bylaws,
7 rules and regulations of the board shall be enacted, money
8 shall be appropriated or expended, salaries shall be fixed or
9 changed, and textbooks and courses of instruction shall be
10 adopted or changed only at the regular meetings of the board
11 and by a vote of a majority of the full membership of the
12 board; provided that notwithstanding any other provision of
13 this Article or the School Code, neither the board or any local
14 school council may purchase any textbook for use in any public
15 school of the district from any textbook publisher that fails
16 to furnish any computer diskettes as required under Section
17 28-21. The board shall be further encouraged to provide
18 opportunities for public hearing and testimony before the
19 adoption of bylaws, rules and regulations. Upon all
20 propositions requiring for their adoption at least a majority
21 of all the members of the board the yeas and nays shall be
22 taken and reported. The by-laws, rules and regulations of the
23 board shall not be repealed, amended or added to, except by a
24 vote of 2/3 of the full membership of the board. The board
25 shall keep a record of all its proceedings. Such records and
26 all by-laws, rules and regulations, or parts thereof, may be

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

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

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

24 (105 ILCS 5/34-19.01 new)

25 Sec. 34-19.01. Expulsion; suspension.

1 (a) As used in this Section, "disruptive behavior" means:

2 (1) behavior demonstrating a chronic, severe
3 disciplinary problem and demonstrating a recidivistic
4 pattern of extremely disruptive, refractory behavior that
5 is totally incompatible with the minimum level of classroom
6 order; or

7 (2) possession of illegal substances or dangerous
8 weapons or objects, drunkenness, chronic truancy, fighting
9 or any other behavior as determined by the local board and
10 administrators to be severe disruptive behavior.

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

26 (c) The board may suspend or by regulation authorize the

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

25 The board shall establish an in-school and intensive
26 district supervision center and as part of that program shall

1 develop guidelines and criteria for the implementation of that
2 program. Only pupils under 16 years of age shall be assigned to
3 or placed under any in-school and intensive district
4 supervision center pursuant to this Section. A pupil who is 16
5 years of age or older must not be assigned to or placed under
6 any in-school and intensive district supervision center
7 pursuant to this Section.

8 A pupil receiving an in-school suspension shall be assigned
9 to an area within the school building wherein the pupil may
10 receive learning instructions or counseling for the duration of
11 the suspension. In-school suspension shall be conducted in a
12 manner that ensures the physical separation of the suspended
13 pupils from other pupils throughout the school day, including
14 between classes and during all lunch, recess, study hall,
15 physical education, driver education, and classroom
16 instruction periods and in such a manner that restricts the
17 freedom and privileges of the pupil when appropriate. If a
18 pupil who is serving an in-school suspension is determined to
19 have a chronic, severe disciplinary problem and has
20 demonstrated disruptive behavior that is totally incompatible
21 with the minimum level of classroom order that must exist if
22 others are to be taught and afforded an opportunity to learn,
23 such pupil shall be assigned to an in-school and intensive
24 district supervision center. A pupil placed on in-school
25 suspension shall be assigned for the period of the suspension
26 to any attendance center within the school district designated

1 by the board for pupils assigned to a supervision center,
2 including the attendance center in which the pupil is an
3 enrolled student at the time the pupil is suspended. In
4 establishing its in-school and intensive district supervision
5 center, the board shall consider whether one or more attendance
6 centers within the district shall be designated as the
7 attendance center or centers where all pupils under an
8 in-school intensive district supervision order shall be
9 assigned. Each attendance center where pupils are assigned for
10 the period of their in-school suspension shall be operated in a
11 manner that ensures the physical separation of suspended pupils
12 from other pupils throughout the school day, including between
13 classes and during all lunch, recess, study hall, physical
14 education, driver education, and classroom instruction
15 periods. The supervision center shall be designed, staffed, and
16 operated in such manner that pupils on suspension continue with
17 the courses in which they were enrolled when suspended, under
18 assignments that the actual teachers of those courses shall
19 provide to certificated personnel who shall be responsible for
20 furnishing the direct supervision and the individual
21 assistance, counseling, and instruction required by the pupils
22 who are on suspension.

23 (d) Except as otherwise provided in this Section, a pupil
24 must not be assigned for attendance to an in-school and
25 intensive district supervision center designated pursuant to
26 subsection (c) of this Section until the pupil's guardian or

1 parents have been notified by certified mail, return receipt
2 requested, to appear at the time and place specified in the
3 notice for the purpose of discussing with the board, or with a
4 hearing officer appointed by the board, the pupil's behavior
5 and impending assignment to an attendance center designated
6 pursuant to subsection (c) of this Section. If a hearing
7 officer is appointed by the board, a written summary of the
8 facts presented at the meeting shall be prepared and furnished
9 by the hearing officer to the board and the pupil's parents or
10 guardian; and the board shall notify the pupil's parents or
11 guardian by certified mail, return receipt requested, to appear
12 at the time and place specified in the notice for a meeting
13 with the board, at which meeting the board shall determine
14 whether the pupil shall be assigned to an attendance center
15 designated pursuant to subsection (c) of this Section. A pupil
16 must not be assigned to an attendance center designated
17 pursuant to subsection (c) of this Section unless the pupil was
18 previously placed on in-school suspension, unless the pupil's
19 conduct during a period of in-school suspension falls to the
20 level required for assignment to an attendance center
21 designated pursuant to subsection (c) of this Section, or
22 unless the pupil's assignment to an attendance center
23 designated pursuant to subsection (c) of this Section is
24 required by court order, including, but not limited to, an
25 order of disposition entered pursuant to the Juvenile Court Act
26 of 1987. When the pupil's assignment to an attendance center

1 designated pursuant to subsection (c) of this Section is
2 required by court order, the meeting or meetings otherwise
3 required by this subsection (d) shall not be required, and the
4 board shall assign the pupil to an attendance center in
5 accordance with the court's order. Attendance centers
6 designated pursuant to subsection (c) of this Section shall be
7 maintained and operated exclusively for pupils assigned
8 thereto for attendance pursuant to subsection (c) of this
9 Section, unless the board determines that such action would be
10 fiscally irresponsible and would result not only in substantial
11 underutilization of an attendance center designated pursuant
12 to subsection (c) of this Section, but would also cause
13 significant excess pupil enrollment at the other attendance
14 centers within the district. If an attendance center designated
15 pursuant to subsection (c) of this Section is not maintained
16 and operated exclusively for pupils assigned thereto pursuant
17 to subsection (c) of this Section, the attendance center shall
18 be operated in a manner that ensures the physical separation of
19 pupils assigned for attendance pursuant to subsection (c) of
20 this Section from other pupils throughout the school day,
21 including between classes and during all lunch, recess, study
22 hall, physical education, driver education, and classroom
23 instruction periods.

24 Once a student enters the in-school and intensive district
25 supervision center, an assessment evaluation shall be made on
26 the pupil and a service plan developed for the pupil's

1 corrective behavior to be approved by parents, administrators,
2 and teachers. Such assessment evaluation may include an
3 orientation session for the pupil and a psychological and
4 educational assessment of the pupil by a guidance counselor.
5 Such sessions may also include the parents or guardian of the
6 pupil. In addition, an academic program shall be followed, to
7 include, but not be limited to, the following:

8 (1) Language arts/reading/writing.

9 (2) Mathematics.

10 (3) Social studies.

11 (4) Science or health science.

12 (5) Violence prevention awareness.

13 Pupils shall also be involved daily in crisis intervention
14 counseling, with outreach to agencies in the home community
15 when recommended.

16 The program of instruction developed for pupils assigned
17 for attendance pursuant to subsection (c) of this Section shall
18 be conducted in a flexible environment and shall place emphasis
19 on individualized educational alternatives for such pupils
20 based on their level of intellectual, behavioral, and social
21 development. Components of the program of instruction may
22 include basic skills or other academic coursework in
23 appropriate cases or vocational and technical skills training,
24 public service project activities, family structure, function
25 and management training, social group work demonstration
26 projects, employment training, and service coordinated by

1 school officials with other governmental agencies and
2 not-for-profit entities or with private business and industry,
3 and such other components as are designed to motivate and
4 assist pupils to enhance their self-concept, modify their
5 behavior, develop their academic abilities, and establish and
6 achieve goals that will improve their life. School counselors,
7 social workers, and other certificated personnel shall be
8 assigned by the board as necessary to work with pupils assigned
9 for attendance pursuant to subsection (c) of this Section and
10 with the teachers and the parents or guardians of such pupils
11 in attempting to provide the environment and services necessary
12 to assist those pupils in either returning to the regular
13 educational program of the district or in deriving a measurable
14 benefit from the instruction and training they receive while
15 assigned for attendance pursuant to subsection (c) of this
16 Section. Pupils assigned for attendance pursuant to subsection
17 (c) of this Section may be returned by the board or general
18 superintendent to the regular educational program of the
19 district after a mandatory exit conference is held involving
20 the pupil and his or her parents or guardian and a school
21 official. Return to the home school of the pupil may be made
22 with or without ongoing monitoring, counseling, or therapy of
23 the pupil. Reassignment to a different attendance center within
24 the district may also be made if deemed appropriate by school
25 officials. A pupil so returned may, when necessary, be
26 reassigned by the board or general superintendent for

1 attendance pursuant to subsection (c) of this Section without
2 conducting the meeting or meetings required for an initial
3 assignment under this Section, provided that a pupil assigned
4 to an attendance center designated pursuant to subsection (c)
5 of this Section by court order shall remain so assigned until
6 further order of the court.

7 The parents or guardians of pupils assigned for attendance
8 pursuant to subsection (c) of this Section shall meet with the
9 school officials, social workers, and counselors on a monthly
10 basis to discuss pupil performances and the efforts of parents
11 and guardians to assist the pupils in improving their skills,
12 behavior, and social development. The time and place of the
13 regular monthly meeting shall be determined by school officials
14 in consultation with the parents and guardians, shall be
15 scheduled on nonattendance days or outside of the regular
16 school day as required, and may be conducted as a group meeting
17 with segments of the meeting devoted to private counseling and
18 discussions with the parents and guardians attending. The time
19 and place of each monthly meeting shall be confirmed by written
20 notice mailed by the school officials to the parents and
21 guardians. Parents or guardians who fail to attend a monthly
22 meeting shall be contacted by the school officials and afforded
23 the opportunity to meet personally with school officials,
24 social workers, or counselors during the regular school day.
25 Any pupil assigned for attendance pursuant to subsection (c) of
26 this Section whose parents or guardian fail to attend monthly

1 meetings or meet personally with school officials, social
2 workers, or school counselors as required by this subsection
3 (d) shall be deemed a neglected minor within the meaning of
4 subsection (1) of Section 2-3 of the Juvenile Court Act of 1987
5 and shall be reported by the school principal to the Department
6 of Children and Family Services for institution of proceedings
7 under Article II of that Act.

8 (e) The Department of Human Services shall be invited to
9 send a representative to consult with the board at any meeting
10 held pursuant to this Section whenever there is evidence that
11 mental illness may be the cause for expulsion or suspension or
12 assignment for attendance pursuant to subsection (c) of this
13 Section.