



Elementary Secondary Education Committee

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09500HB3730ham001

LRB095 09587 NHT 34062 a

1 AMENDMENT TO HOUSE BILL 3730

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3730 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 10-22.6 and 24-24 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,

1 at such meeting shall state the reasons for dismissal and the  
2 date on which the expulsion is to become effective. If a  
3 hearing officer is appointed by the board he shall report to  
4 the board a written summary of the evidence heard at the  
5 meeting and the board may take such action thereon as it finds  
6 appropriate.

7 (b) To suspend or by regulation to authorize the  
8 superintendent of the district or the principal, assistant  
9 principal, or dean of students of any school to suspend pupils  
10 guilty of gross disobedience or misconduct, or to suspend  
11 pupils guilty of gross disobedience or misconduct on the school  
12 bus from riding the school bus, and no action shall lie against  
13 them for such suspension. The board may by regulation authorize  
14 the superintendent of the district or the principal, assistant  
15 principal, or dean of students of any school to suspend pupils  
16 guilty of such acts for a period not to exceed 10 school days.  
17 If a pupil is suspended due to gross disobedience or misconduct  
18 on a school bus, the board may suspend the pupil in excess of  
19 10 school days for safety reasons. Any suspension shall be  
20 reported immediately to the parents or guardian of such pupil  
21 along with a full statement of the reasons for such suspension  
22 and a notice of their right to a review, a copy of which shall  
23 be given to the school board. Upon request of the parents or  
24 guardian the school board or a hearing officer appointed by it  
25 shall review such action of the superintendent or principal,  
26 assistant principal, or dean of students. At such review the

1 parents or guardian of the pupil may appear and discuss the  
2 suspension with the board or its hearing officer. If a hearing  
3 officer is appointed by the board he shall report to the board  
4 a written summary of the evidence heard at the meeting. After  
5 its hearing or upon receipt of the written report of its  
6 hearing officer, the board may take such action as it finds  
7 appropriate.

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

12 (d) The board may expel a student for a definite period of  
13 time not to exceed 2 calendar years, as determined on a case by  
14 case basis. A student who is determined to have brought a  
15 weapon to school, any school-sponsored activity or event, or  
16 any activity or event which bears a reasonable relationship to  
17 school shall be expelled for a period of not less than one  
18 year, except that the expulsion period may be modified by the  
19 superintendent, and the superintendent's determination may be  
20 modified by the board on a case by case basis. For the purpose  
21 of this Section, the term "weapon" means (1) possession, use,  
22 control, or transfer of any gun, rifle, shotgun, weapon as  
23 defined by Section 921 of Title 18, United States Code, firearm  
24 as defined in Section 1.1 of the Firearm Owners Identification  
25 Act, or use of a weapon as defined in Section 24-1 of the  
26 Criminal Code, (2) any other object if used or attempted to be

1 used to cause bodily harm, including but not limited to,  
2 knives, brass knuckles, or billy clubs, or (3) "look alike" of  
3 any weapon as defined in this Section. Expulsion or suspension  
4 shall be construed in a manner consistent with the Federal  
5 Individuals with Disabilities Education Act. A student who is  
6 subject to suspension or expulsion as provided in this Section  
7 may be eligible for a transfer to an alternative school program  
8 in accordance with Article 13A of the School Code. The  
9 provisions of this subsection (d) apply in all school  
10 districts, including special charter districts and districts  
11 organized under Article 34.

12 (e) To maintain order and security in the schools, school  
13 authorities and teachers, acting on any reasonable suspicion  
14 based on professional experience and judgment, may inspect and  
15 search places and areas such as lockers, desks, parking lots,  
16 and other school property and equipment owned or controlled by  
17 the school, as well as personal effects left in those places  
18 and areas by students, without notice to or the consent of the  
19 student, and without a search warrant, if the inspection or  
20 search is conducted to ensure that classrooms, school  
21 buildings, school property, and students remain free from the  
22 threat of illegal drugs, weapons, or other dangerous substances  
23 or materials. The measures used to conduct an inspection or  
24 search must be reasonably related to the inspection's or  
25 search's objectives, without being excessively intrusive in  
26 light of the student's age, sex, and the nature of the offense.

1 As a matter of public policy, the General Assembly finds that  
2 students have no reasonable expectation of privacy in these  
3 places and areas or in their personal effects left in these  
4 places and areas. School authorities may request the assistance  
5 of law enforcement officials for the purpose of conducting  
6 inspections and searches of lockers, desks, parking lots, and  
7 other school property and equipment owned or controlled by the  
8 school for illegal drugs, weapons, or other illegal or  
9 dangerous substances or materials, including searches  
10 conducted through the use of specially trained dogs. If a  
11 search conducted in accordance with this Section produces  
12 evidence that the student has violated or is violating either  
13 the law, local ordinance, or the school's policies or rules,  
14 such evidence may be seized by school authorities or a teacher,  
15 and disciplinary action may be taken. School authorities or a  
16 teacher may also turn over such evidence to law enforcement  
17 authorities. The provisions of this subsection (e) apply in all  
18 school districts, including special charter districts and  
19 districts organized under 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 if  
24 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

1 expulsion before being admitted into the school district. This  
2 policy may allow placement of the student in an alternative  
3 school program established under Article 13A of this Code, if  
4 available, for the remainder of the suspension or expulsion.  
5 This subsection (g) applies to all school districts, including  
6 special charter districts and districts organized under  
7 Article 34 of this Code.

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

9 (105 ILCS 5/24-24) (from Ch. 122, par. 24-24)

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

25 As provided in and subject to the requirements of

1 subsection (e) of Section 10-22.6 of this Code, teachers may  
2 inspect and search places and areas owned or controlled by the  
3 school, as well as personal effects left in those places and  
4 areas by students, without notice to or the consent of the  
5 student and without a search warrant.

6 Nothing in this Section affects the power of the board to  
7 establish rules with respect to discipline; except that each  
8 board shall establish a policy on discipline, and the policy so  
9 established shall provide, subject to the limitations of all  
10 policies established or adopted under Section 14-8.05, that a  
11 teacher, other certificated employee, and any other person,  
12 whether or not a certificated employee, providing a related  
13 service for or with respect to a student may use reasonable  
14 force as needed to maintain safety for the other students,  
15 school personnel or persons or for the purpose of self defense  
16 or the defense of property, shall provide that a teacher may  
17 remove a student from the classroom for disruptive behavior,  
18 and shall include provisions which provide due process to  
19 students. The policy shall not include slapping, paddling or  
20 prolonged maintenance of students in physically painful  
21 positions nor shall it include the intentional infliction of  
22 bodily harm.

23 The board may make and enforce reasonable rules of conduct  
24 and sportsmanship for athletic and extracurricular school  
25 events. Any person who violates such rules may be denied  
26 admission to school events for not more than one year, provided

1 that written 10 days notice of the violation is given such  
2 person and a hearing had thereon by the board pursuant to its  
3 rules and regulations. The administration of any school may  
4 sign complaints as agents of the school against persons  
5 committing any offense at school events.

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

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law."