



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2170

Introduced 2/14/2008, by Sen. Matt Murphy

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6
105 ILCS 5/24-24

from Ch. 122, par. 10-22.6
from Ch. 122, par. 24-24

Amends the School Code. Provides that teachers (not just school authorities) may inspect and search places and areas owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student and without a search warrant, but that school authorities and teachers must be acting on a reasonable suspicion based on professional experience and judgment in performing inspections and searches. Provides that school authorities and teachers have the authority to perform an inspection or search if the inspection or search is conducted to ensure that classrooms, school buildings, school property, and students remain free from the threat of illegal drugs, weapons, or other illegal or dangerous substances or materials. Provides that the measures used to conduct an inspection or search must be reasonably related to the inspection's or search's objectives, without being excessively intrusive in light of the student's age, sex, and the nature of the offense. Makes related changes. Effective immediately.

LRB095 18757 RAS 44877 b

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 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,
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 and teachers, acting on any reasonable suspicion
7 based on professional experience and judgment, may inspect and
8 search places and areas such as lockers, desks, parking lots,
9 and other school property and equipment owned or controlled by
10 the school, as well as personal effects left in those places
11 and areas by students, without notice to or the consent of the
12 student, and without a search warrant, if the inspection or
13 search is conducted to ensure that classrooms, school
14 buildings, school property, and students remain free from the
15 threat of illegal drugs, weapons, or other dangerous substances
16 or materials. "Reasonable suspicion" shall be construed using
17 the reasonable person standard, in which a person in the same
18 circumstances could reasonably believe another person has
19 been, is, or is about to be engaged in a prohibited activity.
20 The measures used to conduct an inspection or search must be
21 reasonably related to the inspection's or search's objectives,
22 without being excessively intrusive in light of the student's
23 age, sex, and the nature of the offense. As a matter of public
24 policy, the General Assembly finds that students have no
25 reasonable expectation of privacy in these places and areas or
26 in their personal effects left in these places and areas.

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

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

20 (g) A school district may adopt a policy providing that if
21 a student is suspended or expelled for any reason from any
22 public or private school in this or any other state, the
23 student must complete the entire term of the suspension or
24 expulsion before being admitted into the school district. This
25 policy may allow placement of the student in an alternative
26 school program established under Article 13A of this Code, if

1 available, for the remainder of the suspension or expulsion.
2 This subsection (g) applies to all school districts, including
3 special charter districts and districts organized under
4 Article 34 of this Code.

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

6 (105 ILCS 5/24-24) (from Ch. 122, par. 24-24)

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

22 As provided in and subject to the requirements of
23 subsection (e) of Section 10-22.6 of this Code, teachers may
24 inspect and search places and areas owned or controlled by the
25 school, as well as personal effects left in those places and

1 areas by students, without notice to or the consent of the
2 student and without a search warrant.

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

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

1 sign complaints as agents of the school against persons
2 committing any offense at school events.

3 (Source: P.A. 88-346; 88-670, eff. 12-2-94; 89-184, eff.
4 7-19-95.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.