

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

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

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

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

1 school program established under Article 13A of this Code, if  
2 available, for the remainder of the suspension or expulsion.  
3 This subsection (g) applies to all school districts, including  
4 special charter districts and districts organized under  
5 Article 34 of this Code.

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

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 As provided in and subject to the requirements of  
24 subsection (e) of Section 10-22.6 of this Code, teachers may  
25 inspect and search places and areas owned or controlled by the

1 school, as well as personal effects left in those places and  
2 areas by students, without notice to or the consent of the  
3 student and without a search warrant.

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

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

1 rules and regulations. The administration of any school may  
2 sign complaints as agents of the school against persons  
3 committing any offense at school events.

4 (Source: P.A. 88-346; 88-670, eff. 12-2-94; 89-184, eff.  
5 7-19-95.)

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