



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1313

Introduced 2/18/2009, by Rep. Darlene J. Senger - Tom Cross -  
Roger L. Eddy

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Provides that the gross disobedience or misconduct for which a school board (except Chicago) may expel pupils includes that perpetuated by electronic means. Provides that a school board (including Chicago) may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a certain period of time or may expel a student for a definite period of time if (i) that student has been determined to have made an explicit threat on an Internet web site against a school employee, a student, or any school-related personnel, (ii) the Internet web site through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, or (iii) the threat could be reasonably interpreted as bearing a reasonable relationship to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.

LRB096 02919 NHT 12933 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 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, including gross disobedience or misconduct  
11 perpetuated by electronic means, and no action shall lie  
12 against them for such expulsion. Expulsion shall take place  
13 only after the parents have been requested to appear at a  
14 meeting of the board, or with a hearing officer appointed by  
15 it, to discuss their child's behavior. Such request shall be  
16 made by registered or certified mail and shall state the time,  
17 place and purpose of the meeting. The board, or a hearing  
18 officer appointed by it, at such meeting shall state the  
19 reasons for dismissal and the date on which the expulsion is to  
20 become effective. If a hearing officer is appointed by the  
21 board he shall report to the board a written summary of the  
22 evidence heard at the meeting and the board may take such  
23 action thereon as it finds appropriate.

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

1 appropriate.

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

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

1 may be eligible for a transfer to an alternative school program  
2 in accordance with Article 13A of the School Code. The  
3 provisions of this subsection (d) apply in all school  
4 districts, including special charter districts and districts  
5 organized under Article 34.

6 (d-5) The board may suspend or by regulation authorize the  
7 superintendent of the district or the principal, assistant  
8 principal, or dean of students of any school to suspend a  
9 student for a period not to exceed 10 school days or may expel  
10 a student for a definite period of time not to exceed 2  
11 calendar years, as determined on a case by case basis, if (i)  
12 that student has been determined to have made an explicit  
13 threat on an Internet web site against a school employee, a  
14 student, or any school-related personnel, (ii) the Internet web  
15 site through which the threat was made is a site that was  
16 accessible within the school at the time the threat was made or  
17 was available to third parties who worked or studied within the  
18 school grounds at the time the threat was made, or (iii) the  
19 threat could be reasonably interpreted as bearing a reasonable  
20 relationship to the safety and security of the threatened  
21 individual because of his or her duties or employment status or  
22 status as a student inside the school. The provisions of this  
23 subsection (d-5) apply in all school districts, including  
24 special charter districts and districts organized under  
25 Article 34.

26 (e) To maintain order and security in the schools, school

1 authorities may inspect and search places and areas such as  
2 lockers, desks, parking lots, and other school property and  
3 equipment owned or controlled by the school, as well as  
4 personal effects left in those places and areas by students,  
5 without notice to or the consent of the student, and without a  
6 search warrant. As a matter of public policy, the General  
7 Assembly finds that students have no reasonable expectation of  
8 privacy in these places and areas or in their personal effects  
9 left in these places and areas. School authorities may request  
10 the assistance of law enforcement officials for the purpose of  
11 conducting inspections and searches of lockers, desks, parking  
12 lots, and other school property and equipment owned or  
13 controlled by the school for illegal drugs, weapons, or other  
14 illegal or dangerous substances or materials, including  
15 searches conducted through the use of specially trained dogs.  
16 If a search conducted in accordance with this Section produces  
17 evidence that the student has violated or is violating either  
18 the law, local ordinance, or the school's policies or rules,  
19 such evidence may be seized by school authorities, and  
20 disciplinary action may be taken. School authorities may also  
21 turn over such evidence to law enforcement authorities. The  
22 provisions of this subsection (e) apply in all school  
23 districts, including special charter districts and districts  
24 organized under Article 34.

25 (f) Suspension or expulsion may include suspension or  
26 expulsion from school and all school activities and a

1 prohibition from being present on school grounds.

2 (g) A school district may adopt a policy providing that if  
3 a student is suspended or expelled for any reason from any  
4 public or private school in this or any other state, the  
5 student must complete the entire term of the suspension or  
6 expulsion before being admitted into the school district. This  
7 policy may allow placement of the student in an alternative  
8 school program established under Article 13A of this Code, if  
9 available, for the remainder of the suspension or expulsion.  
10 This subsection (g) applies to all school districts, including  
11 special charter districts and districts organized under  
12 Article 34 of this Code.

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