



Adopted in House Comm. on Apr 22, 2009

09600SB1718ham001

LRB096 11129 NHT 25383 a

1 AMENDMENT TO SENATE BILL 1718

2 AMENDMENT NO. _____. Amend Senate Bill 1718 by replacing
3 everything after the enacting clause with the following:

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, 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 one of
15 the following objects to school, any school-sponsored activity
16 or event, or any activity or event that bears a reasonable
17 relationship to school shall be expelled for a period of not
18 less than one year:

19 (1) A firearm. For the purposes of this Section,
20 "firearm" means any gun, rifle, shotgun, weapon as defined
21 by Section 921 of Title 18 of the United States Code,
22 firearm as defined in Section 1.1 of the Firearm Owners
23 Identification Card Act, or firearm as defined in Section
24 24-1 of the Criminal Code of 1961.

25 (2) A knife, brass knuckles, a billy club, or any other
26 object if used or attempted to be used to cause bodily

1 harm, including "look alike" of any firearm as defined in
2 subdivision (1) of this subsection (d).

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

1 subsection (d) apply in all school districts, including special
2 charter districts and districts organized under Article 34.

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

1 organized under Article 34.

2 (f) Suspension or expulsion may include suspension or
3 expulsion from school and all school activities and a
4 prohibition from being present on school grounds.

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

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."