

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, 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 one of  
8 the following objects to school, any school-sponsored activity  
9 or event, or any activity or event that bears a reasonable  
10 relationship to school shall be expelled for a period of not  
11 less than one year:

12 (1) A firearm. For the purposes of this Section,  
13 "firearm" means any gun, rifle, shotgun, weapon as defined  
14 by Section 921 of Title 18 of the United States Code,  
15 firearm as defined in Section 1.1 of the Firearm Owners  
16 Identification Card Act, or firearm as defined in Section  
17 24-1 of the Criminal Code of 1961. The expulsion period  
18 under this subdivision (1) may be modified by the  
19 superintendent, and the superintendent's determination may  
20 be modified by the board on a case-by-case basis.

21 (2) A knife, brass knuckles or other knuckle weapon  
22 regardless of its composition, a billy club, or any other  
23 object if used or attempted to be used to cause bodily  
24 harm, including "look alike" of any firearm as defined in  
25 subdivision (1) of this subsection (d). The expulsion  
26 requirement under this subdivision (2) may be modified by

1 the superintendent, and the superintendent's determination  
2 may be modified by the board on a case-by-case basis. ~~a~~  
3 ~~weapon to school, any school-sponsored activity or event,~~  
4 ~~or any activity or event which bears a reasonable~~  
5 ~~relationship to school shall be expelled for a period of~~  
6 ~~not less than one year, except that the expulsion period~~  
7 ~~may be modified by the superintendent, and the~~  
8 ~~superintendent's determination may be modified by the~~  
9 ~~board on a case by case basis. For the purpose of this~~  
10 ~~Section, the term "weapon" means (1) possession, use,~~  
11 ~~control, or transfer of any gun, rifle, shotgun, weapon as~~  
12 ~~defined by Section 921 of Title 18, United States Code,~~  
13 ~~firearm as defined in Section 1.1 of the Firearm Owners~~  
14 ~~Identification Act, or use of a weapon as defined in~~  
15 ~~Section 24-1 of the Criminal Code, (2) any other object if~~  
16 ~~used or attempted to be used to cause bodily harm,~~  
17 ~~including but not limited to, knives, brass knuckles, or~~  
18 ~~billy clubs, or (3) "look-alikes" of any weapon as defined~~  
19 ~~in this Section.~~

20 Expulsion or suspension shall be construed in a manner  
21 consistent with the Federal Individuals with Disabilities  
22 Education Act. A student who is subject to suspension or  
23 expulsion as provided in this Section may be eligible for a  
24 transfer to an alternative school program in accordance with  
25 Article 13A of the School Code. The provisions of this  
26 subsection (d) apply in all school districts, including special

1 charter districts and districts organized under Article 34.

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

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

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

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

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