



Sen. James F. Clayborne Jr.

**Filed: 3/25/2009**

09600SB1718sam001

LRB096 11129 NHT 24428 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 a  
15 firearm, a knife, brass knuckles, or a billy club ~~weapon~~ to  
16 school, any school-sponsored activity or event, or any activity  
17 or event which bears a reasonable relationship to school shall  
18 be expelled for a period of not less than one year, except that  
19 the expulsion requirement ~~period~~ may be modified by the  
20 superintendent, and the superintendent's determination may be  
21 modified by the board on a case by case basis. For the purpose  
22 of this Section, the term "firearm" ~~"weapon"~~ means (1)  
23 possession, use, control, or transfer of any gun, rifle,  
24 shotgun, firearm ~~weapon~~ as defined by Section 921 of Title 18,  
25 United States Code, or firearm as defined in Section 1.1 of the  
26 Firearm Owners Identification Act~~7~~ or use of a weapon as

1 defined in Section 24-1 of the Criminal Code ~~or~~ (2) any other  
2 object if used or attempted to be used to cause bodily harm,  
3 including but not limited to, ~~knives, brass knuckles, or billy~~  
4 ~~clubs, or (3)~~ "look alike" of any firearm ~~weapon~~ as defined in  
5 this Section. Expulsion or suspension shall be construed in a  
6 manner consistent with the Federal Individuals with  
7 Disabilities Education Act. A student who is subject to  
8 suspension or expulsion as provided in this Section may be  
9 eligible for a transfer to an alternative school program in  
10 accordance with Article 13A of the School Code. The provisions  
11 of this subsection (d) apply in all school districts, including  
12 special charter districts and districts organized under  
13 Article 34.

14 (e) To maintain order and security in the schools, school  
15 authorities may inspect and search places and areas such as  
16 lockers, desks, parking lots, and other school property and  
17 equipment owned or controlled by the school, as well as  
18 personal effects left in those places and areas by students,  
19 without notice to or the consent of the student, and without a  
20 search warrant. As a matter of public policy, the General  
21 Assembly finds that students have no reasonable expectation of  
22 privacy in these places and areas or in their personal effects  
23 left in these places and areas. School authorities may request  
24 the assistance of law enforcement officials for the purpose of  
25 conducting inspections and searches of lockers, desks, parking  
26 lots, and other school property and equipment owned or

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

13 (f) Suspension or expulsion may include suspension or  
14 expulsion from school and all school activities and a  
15 prohibition from being present on school grounds.

16 (g) A school district may adopt a policy providing that if  
17 a student is suspended or expelled for any reason from any  
18 public or private school in this or any other state, the  
19 student must complete the entire term of the suspension or  
20 expulsion before being admitted into the school district. This  
21 policy may allow placement of the student in an alternative  
22 school program established under Article 13A of this Code, if  
23 available, for the remainder of the suspension or expulsion.  
24 This subsection (g) applies to all school districts, including  
25 special charter districts and districts organized under  
26 Article 34 of this Code.

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

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".