

SB2489



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2489

Introduced 10/28/2009, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Changes language concerning the suspension or expulsion of a pupil to provide that a school district must allow a suspended student to attend an alternative school program established under specified provisions of the Code, if available, for the duration of the suspension or expulsion. Effective immediately.

LRB096 14951 MJR 29846 b

A BILL FOR

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.

3 Expulsion or suspension shall be construed in a manner
4 consistent with the Federal Individuals with Disabilities
5 Education Act. A student who is subject to suspension or
6 expulsion as provided in this Section may be eligible for a
7 transfer to an alternative school program in accordance with
8 Article 13A of the School Code. The provisions of this
9 subsection (d) apply in all school districts, including special
10 charter districts and districts organized under Article 34.

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

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

10 (f) Suspension or expulsion may include suspension or
11 expulsion from school and all school activities and a
12 prohibition from being present on school grounds.

13 (g) A school district must allow a suspended student to
14 attend an alternative school program established under Article
15 13A of this Code, if available, for the duration of the
16 suspension or expulsion. ~~A school district may adopt a policy~~
17 ~~providing that if a student is suspended or expelled for any~~
18 ~~reason from any public or private school in this or any other~~
19 ~~state, the student must complete the entire term of the~~
20 ~~suspension or expulsion before being admitted into the school~~
21 ~~district. This policy may allow placement of the student in an~~
22 ~~alternative school program established under Article 13A of~~
23 ~~this Code, if available, for the remainder of the suspension or~~
24 ~~expulsion.~~ This subsection (g) applies to all school districts,
25 including special charter districts and districts organized
26 under Article 34 of this Code.

1 (Source: P.A. 96-633, eff. 8-24-09.)

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