



Rep. Elizabeth Hernandez

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1 AMENDMENT TO HOUSE BILL 592

2 AMENDMENT NO. _____. Amend House Bill 592 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-22.6, 13A-3, 13A-4, 13A-11, and 34-19 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,

1 place and purpose of the meeting. The board, or a hearing
2 officer appointed by it, at such meeting shall state the
3 reasons for dismissal and the date on which the expulsion is to
4 become effective. If a hearing officer is appointed by the
5 board he shall report to the board a written summary of the
6 evidence heard at the meeting and the board may take such
7 action thereon as it finds appropriate. An expelled pupil must
8 ~~may~~ be immediately transferred to an alternative program in the
9 manner provided in Article 13A or 13B of this Code, except
10 those pupils expelled under the provisions of the federal
11 Gun-Free Schools Act of 1994. A pupil must not be denied
12 transfer because of the expulsion, except in cases in which
13 such transfer is deemed to cause a threat to the safety of
14 students or staff in the alternative program.

15 (b) To suspend or by policy to authorize the superintendent
16 of the district or the principal, assistant principal, or dean
17 of students of any school to suspend pupils guilty of gross
18 disobedience or misconduct, or to suspend pupils guilty of
19 gross disobedience or misconduct on the school bus from riding
20 the school bus, and no action shall lie against them for such
21 suspension. The board may by policy authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend pupils
24 guilty of such acts for a period not to exceed 10 school days.
25 If a pupil is suspended due to gross disobedience or misconduct
26 on a school bus, the board may suspend the pupil in excess of

1 10 school days for safety reasons. Any suspension shall be
2 reported immediately to the parents or guardian of such pupil
3 along with a full statement of the reasons for such suspension
4 and a notice of their right to a review. The school board must
5 be given a summary of the notice, including the reason for the
6 suspension and the suspension length. Upon request of the
7 parents or guardian the school board or a hearing officer
8 appointed by it shall review such action of the superintendent
9 or principal, assistant principal, or dean of students. At such
10 review the parents or guardian of the pupil may appear and
11 discuss the suspension with the board or its hearing officer.
12 If a hearing officer is appointed by the board he shall report
13 to the board a written summary of the evidence heard at the
14 meeting. After its hearing or upon receipt of the written
15 report of its hearing officer, the board may take such action
16 as it finds appropriate. A pupil who is suspended in excess of
17 20 school days must ~~may~~ be immediately transferred to an
18 alternative program in the manner provided in Article 13A or
19 13B of this Code. A pupil must not be denied transfer because
20 of the suspension, except in cases in which such transfer is
21 deemed to cause a threat to the safety of students or staff in
22 the alternative program.

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

1 (d) The board may expel a student for a definite period of
2 time not to exceed 2 calendar years, as determined on a case by
3 case basis. A student who is determined to have brought one of
4 the following objects to school, any school-sponsored activity
5 or event, or any activity or event that bears a reasonable
6 relationship to school shall be expelled for a period of not
7 less than one year:

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

17 (2) A knife, brass knuckles or other knuckle weapon
18 regardless of its composition, a billy club, or any other
19 object if used or attempted to be used to cause bodily
20 harm, including "look alike" of any firearm as defined in
21 subdivision (1) of this subsection (d). The expulsion
22 requirement under this subdivision (2) may be modified by
23 the superintendent, and the superintendent's determination
24 may be modified by the board on a case-by-case basis.

25 Expulsion or suspension shall be construed in a manner
26 consistent with the Federal Individuals with Disabilities

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

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

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

26 (f) Suspension or expulsion may include suspension or

1 expulsion from school and all school activities and a
2 prohibition from being present on school grounds.

3 (g) A school district may adopt a policy providing that if
4 a student is suspended or expelled for any reason from any
5 public or private school in this or any other state, the
6 student must complete the entire term of the suspension or
7 expulsion in an alternative school program under Article 13A of
8 this Code or an alternative learning opportunities program
9 under Article 13B of this Code before being admitted into the
10 school district if there is no threat to the safety of students
11 or staff in the alternative program. This subsection (g)
12 applies to all school districts, including special charter
13 districts and districts organized under Article 34 of this
14 Code.

15 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
16 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)

17 (105 ILCS 5/13A-3)

18 Sec. 13A-3. Alternative schools.

19 (a) Except with respect to the Chicago public school system
20 as provided in Section 13A-11, beginning with the 1996-97
21 school year, there is hereby created in this State a system of
22 alternative school education programs. At least one
23 alternative school program must ~~may~~ be located within each
24 educational service region or established jointly by more than
25 one regional office of education to serve more than one

1 educational service region.

2 (b) Each regional superintendent shall hold a public
3 hearing, by December 1 of the school year following the
4 effective date of this amendatory Act of 1995, to determine the
5 need for an alternative school. The hearing shall be held
6 before the regional board. The regional superintendent, after
7 consulting with the district superintendent of each school
8 district located within the regional superintendent's
9 educational service region and the regional board, shall
10 determine the location and the need of the alternative school
11 within that region. In making this determination, the regional
12 superintendent shall consider the following:

13 (1) the possible utilization of existing buildings,
14 including but not limited to governmental buildings, that
15 are, or could reasonably be made, usable as an alternative
16 school;

17 (2) which available option would be least costly; and

18 (3) distances that administratively transferred
19 students would need to travel and the costs of that travel.

20 (c) Upon ~~determination of the need for~~ establishment of an
21 alternative school program, each school district located
22 within the region shall provide the regional superintendent
23 with a copy of the district's discipline policy and procedure
24 for effecting the suspension or expulsion of the students of
25 that district. Thereafter, the regional superintendent in
26 cooperation with a representative from each school district in

1 the region shall establish and each school district in the
2 region shall adopt policies and procedures that shall guide
3 each district in the identification and placement of students
4 in the alternative school program.

5 (d) The regional superintendent shall locate the
6 alternative school program so that it is as far away from any
7 other school buildings or school grounds in that educational
8 service region as circumstances permit.

9 (e) With the approval of the State board, additional
10 alternative school programs may be established in an
11 educational service region. If the regional superintendent
12 determines that an additional alternative school is required in
13 the regional superintendent's educational service region, he
14 or she may petition the State board to authorize one or more
15 additional alternative school programs in that region.

16 (f) In determining whether an additional alternative
17 school program is necessary and appropriate for an educational
18 service region requesting it, the State board shall consider,
19 among other factors, the following:

20 (1) the geographic size of the educational service
21 region and distances that students within that region must
22 travel in order to attend the existing alternative school
23 program;

24 (2) the student population of schools comprising the
25 educational service region and the likely student
26 population of all alternative school programs within that

1 region if the petition is granted;

2 (3) any other logistical considerations; and

3 (4) the costs necessitated by establishing an
4 additional alternative school in that educational service
5 region.

6 (g) In the event the State board grants a petition for an
7 additional alternative school program, then the State board,
8 after consulting the regional superintendent, shall decide
9 where the additional alternative school program shall be
10 located within that region.

11 (Source: P.A. 89-383, eff. 8-18-95; 89-629, eff. 8-9-96.)

12 (105 ILCS 5/13A-4)

13 Sec. 13A-4. Administrative transfers. A student who is
14 determined to be subject to suspension or expulsion or who is
15 suspended or expelled, in the manner provided by Section
16 10-22.6 (or, in the case of a student enrolled in the public
17 schools of a school district organized under Article 34, in
18 accordance with the uniform system of discipline established
19 under Section 34-19), must ~~may~~ be immediately transferred to
20 the alternative program. At the earliest time following that
21 transfer appropriate personnel from the sending school
22 district and appropriate personnel of the alternative program
23 shall meet to develop an alternative education plan for the
24 student. The student's parent or guardian shall be requested to
25 appear at ~~invited to~~ this meeting. This request must be made by

1 certified mail or delivered in person and shall state the date,
2 time, place, and purpose of the meeting. The student may be
3 invited. The alternative educational plan shall include, but
4 not be limited to all of the following:

5 (1) The duration of the plan, including a date after
6 which the student may be returned to the regular
7 educational program in the public schools of the
8 transferring district. If the parent or guardian of a
9 student who is scheduled to be returned to the regular
10 education program in the public schools of the district
11 files a written objection to the return with the principal
12 of the alternative school, the matter shall be referred by
13 the principal to the regional superintendent of the
14 educational service region in which the alternative school
15 program is located for a hearing. Notice of the hearing
16 shall be given by the regional superintendent to the
17 student's parent or guardian. After the hearing, the
18 regional superintendent may take such action as he or she
19 finds appropriate and in the best interests of the student.
20 The determination of the regional superintendent shall be
21 final.

22 (2) The specific academic and behavioral components of
23 the plan.

24 (3) A method and time frame for reviewing the student's
25 progress.

26 Notwithstanding any other provision of this Article, if a

1 student for whom an individualized educational program has been
2 developed under Article 14 is transferred to an alternative
3 school program under this Article 13A, that individualized
4 educational program shall continue to apply to that student
5 following the transfer unless modified in accordance with the
6 provisions of Article 14.

7 (Source: P.A. 89-383, eff. 8-18-95; 89-629, eff. 8-9-96.)

8 (105 ILCS 5/13A-11)

9 Sec. 13A-11. Chicago public schools.

10 (a) The Chicago Board of Education shall ~~may~~ establish
11 alternative schools within Chicago and may contract with third
12 parties for services otherwise performed by employees,
13 including those in a bargaining unit, in accordance with
14 Sections 34-8.1, 34-18, and 34-49.

15 (b) Alternative schools operated by third parties within
16 Chicago shall be exempt from all provisions of the School Code,
17 except provisions concerning:

18 (1) Student civil rights;

19 (2) Staff civil rights;

20 (3) Health and safety;

21 (4) Performance and financial audits;

22 (5) The Illinois Goals Assessment Program;

23 (6) Chicago learning outcomes;

24 (7) Sections 2-3.25a through 2-3.25j of the School

25 Code;

1 (8) The Inspector General; and

2 (9) Section 34-2.4b of the School Code.

3 (Source: P.A. 89-383, eff. 8-18-95; 89-636, eff. 8-9-96.)

4 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

5 Sec. 34-19. By-laws, rules and regulations; business
6 transacted at regular meetings; voting; records. The board
7 shall, subject to the limitations in this Article, establish
8 by-laws, rules and regulations, which shall have the force of
9 ordinances, for the proper maintenance of a uniform system of
10 discipline for both employees and pupils, and for the entire
11 management of the schools, and may fix the school age of
12 pupils, the minimum of which in kindergartens shall not be
13 under 4 years, except that, based upon an assessment of the
14 child's readiness, children who have attended a non-public
15 preschool and continued their education at that school through
16 kindergarten, were taught in kindergarten by an appropriately
17 certified teacher, and will attain the age of 6 years on or
18 before December 31 of the year of the 2009-2010 school term and
19 each school term thereafter may attend first grade upon
20 commencement of such term, and in grade schools shall not be
21 under 6 years. It may expel, suspend or, subject to the
22 limitations of all policies established or adopted under
23 Section 14-8.05, otherwise discipline any pupil found guilty of
24 gross disobedience, misconduct or other violation of the
25 by-laws, rules and regulations, including gross disobedience

1 or misconduct perpetuated by electronic means. An expelled
2 pupil must ~~may~~ be immediately transferred to an alternative
3 program in the manner provided in Article 13A or 13B of this
4 Code, except those pupils expelled under the provisions of the
5 federal Gun-Free Schools Act of 1994. A pupil must not be
6 denied transfer because of the expulsion, except in cases in
7 which such transfer is deemed to cause a threat to the safety
8 of students or staff in the alternative program. A pupil who is
9 suspended in excess of 20 school days must ~~may~~ be immediately
10 transferred to an alternative program in the manner provided in
11 Article 13A or 13B of this Code. A pupil must not be denied
12 transfer because of the suspension, except in cases in which
13 such transfer is deemed to cause a threat to the safety of
14 students or staff in the alternative program. The bylaws, rules
15 and regulations of the board shall be enacted, money shall be
16 appropriated or expended, salaries shall be fixed or changed,
17 and textbooks, electronic textbooks, and courses of
18 instruction shall be adopted or changed only at the regular
19 meetings of the board and by a vote of a majority of the full
20 membership of the board; provided that notwithstanding any
21 other provision of this Article or the School Code, neither the
22 board or any local school council may purchase any textbook for
23 use in any public school of the district from any textbook
24 publisher that fails to furnish any computer diskettes as
25 required under Section 28-21. Funds appropriated for textbook
26 purchases must be available for electronic textbook purchases

1 and the technological equipment necessary to gain access to and
2 use electronic textbooks at the local school council's
3 discretion. The board shall be further encouraged to provide
4 opportunities for public hearing and testimony before the
5 adoption of bylaws, rules and regulations. Upon all
6 propositions requiring for their adoption at least a majority
7 of all the members of the board the yeas and nays shall be
8 taken and reported. The by-laws, rules and regulations of the
9 board shall not be repealed, amended or added to, except by a
10 vote of 2/3 of the full membership of the board. The board
11 shall keep a record of all its proceedings. Such records and
12 all by-laws, rules and regulations, or parts thereof, may be
13 proved by a copy thereof certified to be such by the secretary
14 of the board, but if they are printed in book or pamphlet form
15 which are purported to be published by authority of the board
16 they need not be otherwise published and the book or pamphlet
17 shall be received as evidence, without further proof, of the
18 records, by-laws, rules and regulations, or any part thereof,
19 as of the dates thereof as shown in such book or pamphlet, in
20 all courts and places where judicial proceedings are had.

21 Notwithstanding any other provision in this Article or in
22 the School Code, the board may delegate to the general
23 superintendent or to the attorney the authorities granted to
24 the board in the School Code, provided such delegation and
25 appropriate oversight procedures are made pursuant to board
26 by-laws, rules and regulations, adopted as herein provided,

1 except that the board may not delegate its authorities and
2 responsibilities regarding (1) budget approval obligations;
3 (2) rule-making functions; (3) desegregation obligations; (4)
4 real estate acquisition, sale or lease in excess of 10 years as
5 provided in Section 34-21; (5) the levy of taxes; or (6) any
6 mandates imposed upon the board by "An Act in relation to
7 school reform in cities over 500,000, amending Acts herein
8 named", approved December 12, 1988 (P.A. 85-1418).
9 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;
10 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)".