

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 Sections  
5 10-22.6, 13B-20.25, 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, 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. An expelled pupil may be immediately transferred  
23 to an alternative program in the manner provided in Article 13A

1 or 13B of this Code. A pupil must not be denied transfer  
2 because of the expulsion.

3 (b) To suspend or by policy to authorize the superintendent  
4 of the district or the principal, assistant principal, or dean  
5 of students of any school to suspend pupils guilty of gross  
6 disobedience or misconduct, or to suspend pupils guilty of  
7 gross disobedience or misconduct on the school bus from riding  
8 the school bus, and no action shall lie against them for such  
9 suspension. The board may by policy authorize the  
10 superintendent of the district or the principal, assistant  
11 principal, or dean of students of any school to suspend pupils  
12 guilty of such acts for a period not to exceed 10 school days.  
13 If a pupil is suspended due to gross disobedience or misconduct  
14 on a school bus, the board may suspend the pupil in excess of  
15 10 school days for safety reasons. Any suspension shall be  
16 reported immediately to the parents or guardian of such pupil  
17 along with a full statement of the reasons for such suspension  
18 and a notice of their right to a review. The school board must  
19 be given a summary of the notice, including the reason for the  
20 suspension and the suspension length. Upon request of the  
21 parents or guardian the school board or a hearing officer  
22 appointed by it shall review such action of the superintendent  
23 or principal, assistant principal, or dean of students. At such  
24 review the parents or guardian of the pupil may appear and  
25 discuss the suspension with the board or its hearing officer.  
26 If a hearing officer is appointed by the board he shall report

1 to the board a written summary of the evidence heard at the  
2 meeting. After its hearing or upon receipt of the written  
3 report of its hearing officer, the board may take such action  
4 as it finds appropriate. A pupil who is suspended in excess of  
5 20 school days may be immediately transferred to an alternative  
6 program in the manner provided in Article 13A or 13B of this  
7 Code. A pupil must not be denied transfer because of the  
8 suspension.

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

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

20 (1) A firearm. For the purposes of this Section,  
21 "firearm" means any gun, rifle, shotgun, weapon as defined  
22 by Section 921 of Title 18 of the United States Code,  
23 firearm as defined in Section 1.1 of the Firearm Owners  
24 Identification Card Act, or firearm as defined in Section  
25 24-1 of the Criminal Code of 1961. The expulsion period  
26 under this subdivision (1) may be modified by the

1 superintendent, and the superintendent's determination may  
2 be modified by the board on a case-by-case basis.

3 (2) A knife, brass knuckles or other knuckle weapon  
4 regardless of its composition, a billy club, or any other  
5 object if used or attempted to be used to cause bodily  
6 harm, including "look alike" of any firearm as defined in  
7 subdivision (1) of this subsection (d). The expulsion  
8 requirement under this subdivision (2) may be modified by  
9 the superintendent, and the superintendent's determination  
10 may be modified by the board on a case-by-case basis.

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

19 (e) To maintain order and security in the schools, school  
20 authorities may inspect and search places and areas such as  
21 lockers, desks, parking lots, and other school property and  
22 equipment owned or controlled by the school, as well as  
23 personal effects left in those places and areas by students,  
24 without notice to or the consent of the student, and without a  
25 search warrant. As a matter of public policy, the General  
26 Assembly finds that students have no reasonable expectation of

1 privacy in these places and areas or in their personal effects  
2 left in these places and areas. School authorities may request  
3 the assistance of law enforcement officials for the purpose of  
4 conducting inspections and searches of lockers, desks, parking  
5 lots, and other school property and equipment owned or  
6 controlled by the school for illegal drugs, weapons, or other  
7 illegal or dangerous substances or materials, including  
8 searches conducted through the use of specially trained dogs.  
9 If a search conducted in accordance with this Section produces  
10 evidence that the student has violated or is violating either  
11 the law, local ordinance, or the school's policies or rules,  
12 such evidence may be seized by school authorities, and  
13 disciplinary action may be taken. School authorities may also  
14 turn over such evidence to law enforcement authorities. The  
15 provisions of this subsection (e) apply in all school  
16 districts, including special charter districts and districts  
17 organized under Article 34.

18 (f) Suspension or expulsion may include suspension or  
19 expulsion from school and all school activities and a  
20 prohibition from being present on school grounds.

21 (g) A school district may adopt a policy providing that if  
22 a student is suspended or expelled for any reason from any  
23 public or private school in this or any other state, the  
24 student must complete the entire term of the suspension or  
25 expulsion in an alternative school program under Article 13A of  
26 this Code or an alternative learning opportunities program

1 under Article 13B of this Code before being admitted into the  
2 school district. ~~This policy may allow placement of the student~~  
3 ~~in an alternative school program established under Article 13A~~  
4 ~~of this Code, if available, for the remainder of the suspension~~  
5 ~~or expulsion.~~ This subsection (g) applies to all school  
6 districts, including special charter districts and districts  
7 organized under Article 34 of this Code.

8 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10.)

9 (105 ILCS 5/13B-20.25)

10 Sec. 13B-20.25. Eligible students. Students in grades 4  
11 through 12 who meet enrollment criteria established by the  
12 school district and who meet the definition of "student at risk  
13 of academic failure" are eligible to participate in an  
14 alternative learning opportunities program funded under this  
15 Article. Notwithstanding any other provision of law to the  
16 contrary, enrollment in a charter alternative learning  
17 opportunities program shall be open to any pupil who has been  
18 expelled or suspended for more than 20 days under Section  
19 10-22.6 or 34-19 of this Code. All rights granted under this  
20 Article to a student's parent or guardian become exclusively  
21 those of the student upon the student's 18th birthday.

22 (Source: P.A. 92-42, eff. 1-1-02.)

23 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

24 Sec. 34-19. By-laws, rules and regulations; business

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

1 transfer because of the suspension. The bylaws, rules and  
2 regulations of the board shall be enacted, money shall be  
3 appropriated or expended, salaries shall be fixed or changed,  
4 and textbooks, electronic textbooks, and courses of  
5 instruction shall be adopted or changed only at the regular  
6 meetings of the board and by a vote of a majority of the full  
7 membership of the board; provided that notwithstanding any  
8 other provision of this Article or the School Code, neither the  
9 board or any local school council may purchase any textbook for  
10 use in any public school of the district from any textbook  
11 publisher that fails to furnish any computer diskettes as  
12 required under Section 28-21. Funds appropriated for textbook  
13 purchases must be available for electronic textbook purchases  
14 and the technological equipment necessary to gain access to and  
15 use electronic textbooks at the local school council's  
16 discretion. The board shall be further encouraged to provide  
17 opportunities for public hearing and testimony before the  
18 adoption of bylaws, rules and regulations. Upon all  
19 propositions requiring for their adoption at least a majority  
20 of all the members of the board the yeas and nays shall be  
21 taken and reported. The by-laws, rules and regulations of the  
22 board shall not be repealed, amended or added to, except by a  
23 vote of 2/3 of the full membership of the board. The board  
24 shall keep a record of all its proceedings. Such records and  
25 all by-laws, rules and regulations, or parts thereof, may be  
26 proved by a copy thereof certified to be such by the secretary



1 of the board, but if they are printed in book or pamphlet form  
2 which are purported to be published by authority of the board  
3 they need not be otherwise published and the book or pamphlet  
4 shall be received as evidence, without further proof, of the  
5 records, by-laws, rules and regulations, or any part thereof,  
6 as of the dates thereof as shown in such book or pamphlet, in  
7 all courts and places where judicial proceedings are had.

8 Notwithstanding any other provision in this Article or in  
9 the School Code, the board may delegate to the general  
10 superintendent or to the attorney the authorities granted to  
11 the board in the School Code, provided such delegation and  
12 appropriate oversight procedures are made pursuant to board  
13 by-laws, rules and regulations, adopted as herein provided,  
14 except that the board may not delegate its authorities and  
15 responsibilities regarding (1) budget approval obligations;  
16 (2) rule-making functions; (3) desegregation obligations; (4)  
17 real estate acquisition, sale or lease in excess of 10 years as  
18 provided in Section 34-21; (5) the levy of taxes; or (6) any  
19 mandates imposed upon the board by "An Act in relation to  
20 school reform in cities over 500,000, amending Acts herein  
21 named", approved December 12, 1988 (P.A. 85-1418).  
22 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10.)