



Rep. Monique D. Davis

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LRB097 10541 NHT 52422 a

1 AMENDMENT TO HOUSE BILL 2086

2 AMENDMENT NO. _____. Amend House Bill 2086 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, 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,

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. An expelled pupil may be immediately transferred
7 to an alternative program in the manner provided in Article 13A
8 or 13B of this Code. A pupil must not be denied transfer
9 because of the expulsion.

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

1 suspension and the suspension length. Upon request of the
2 parents or guardian the school board or a hearing officer
3 appointed by it shall review such action of the superintendent
4 or principal, assistant principal, or dean of students. At such
5 review the parents or guardian of the pupil may appear and
6 discuss the suspension with the board or its hearing officer.
7 If a hearing officer is appointed by the board he shall report
8 to the board a written summary of the evidence heard at the
9 meeting. After its hearing or upon receipt of the written
10 report of its hearing officer, the board may take such action
11 as it finds appropriate. A pupil who is suspended in excess of
12 20 school days may be immediately transferred to an alternative
13 program in the manner provided in Article 13A or 13B of this
14 Code. A pupil must not be denied transfer because of the
15 suspension.

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

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

1 (1) A firearm. For the purposes of this Section,
2 "firearm" means any gun, rifle, shotgun, weapon as defined
3 by Section 921 of Title 18 of the United States Code,
4 firearm as defined in Section 1.1 of the Firearm Owners
5 Identification Card Act, or firearm as defined in Section
6 24-1 of the Criminal Code of 1961. The expulsion period
7 under this subdivision (1) may be modified by the
8 superintendent, and the superintendent's determination may
9 be modified by the board on a case-by-case basis.

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

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

26 (e) To maintain order and security in the schools, school

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

25 (f) Suspension or expulsion may include suspension or
26 expulsion from school and all school activities and a

1 prohibition from being present on school grounds.

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

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

16 (105 ILCS 5/13B-20.25)

17 Sec. 13B-20.25. Eligible students. Students in grades 4
18 through 12 who meet enrollment criteria established by the
19 school district and who meet the definition of "student at risk
20 of academic failure" are eligible to participate in an
21 alternative learning opportunities program funded under this
22 Article. Notwithstanding any other provision of law to the
23 contrary, enrollment in a charter alternative learning
24 opportunities program shall be open to any pupil who has been
25 expelled or suspended for more than 20 days under Section

1 10-22.6 or 34-19 of this Code. All rights granted under this
2 Article to a student's parent or guardian become exclusively
3 those of the student upon the student's 18th birthday.

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

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

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

1 by-laws, rules and regulations. An expelled pupil may be
2 immediately transferred to an alternative program in the manner
3 provided in Article 13A or 13B of this Code. A pupil must not
4 be denied transfer because of the expulsion. A pupil who is
5 suspended in excess of 20 school days may be immediately
6 transferred to an alternative program in the manner provided in
7 Article 13A or 13B of this Code. A pupil must not be denied
8 transfer because of the suspension. The bylaws, rules and
9 regulations of the board shall be enacted, money shall be
10 appropriated or expended, salaries shall be fixed or changed,
11 and textbooks, electronic textbooks, and courses of
12 instruction shall be adopted or changed only at the regular
13 meetings of the board and by a vote of a majority of the full
14 membership of the board; provided that notwithstanding any
15 other provision of this Article or the School Code, neither the
16 board or any local school council may purchase any textbook for
17 use in any public school of the district from any textbook
18 publisher that fails to furnish any computer diskettes as
19 required under Section 28-21. Funds appropriated for textbook
20 purchases must be available for electronic textbook purchases
21 and the technological equipment necessary to gain access to and
22 use electronic textbooks at the local school council's
23 discretion. The board shall be further encouraged to provide
24 opportunities for public hearing and testimony before the
25 adoption of bylaws, rules and regulations. Upon all
26 propositions requiring for their adoption at least a majority

1 of all the members of the board the yeas and nays shall be
2 taken and reported. The by-laws, rules and regulations of the
3 board shall not be repealed, amended or added to, except by a
4 vote of 2/3 of the full membership of the board. The board
5 shall keep a record of all its proceedings. Such records and
6 all by-laws, rules and regulations, or parts thereof, may be
7 proved by a copy thereof certified to be such by the secretary
8 of the board, but if they are printed in book or pamphlet form
9 which are purported to be published by authority of the board
10 they need not be otherwise published and the book or pamphlet
11 shall be received as evidence, without further proof, of the
12 records, by-laws, rules and regulations, or any part thereof,
13 as of the dates thereof as shown in such book or pamphlet, in
14 all courts and places where judicial proceedings are had.

15 Notwithstanding any other provision in this Article or in
16 the School Code, the board may delegate to the general
17 superintendent or to the attorney the authorities granted to
18 the board in the School Code, provided such delegation and
19 appropriate oversight procedures are made pursuant to board
20 by-laws, rules and regulations, adopted as herein provided,
21 except that the board may not delegate its authorities and
22 responsibilities regarding (1) budget approval obligations;
23 (2) rule-making functions; (3) desegregation obligations; (4)
24 real estate acquisition, sale or lease in excess of 10 years as
25 provided in Section 34-21; (5) the levy of taxes; or (6) any
26 mandates imposed upon the board by "An Act in relation to

1 school reform in cities over 500,000, amending Acts herein
2 named", approved December 12, 1988 (P.A. 85-1418).
3 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10.)".