



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3281

Introduced 2/24/2011, by Rep. Sidney H. Mathias - Sandra M. Pihos - Darlene J. Senger - David Harris - John D. Cavaletto, et al.

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Provides that the gross disobedience or misconduct for which a school board (except Chicago) may expel pupils includes that perpetuated by electronic means. Provides that a school board (including Chicago) may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a certain period of time or may expel a student for a definite period of time if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.

LRB097 08251 NHT 48377 b

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, 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,
17 place and purpose of the meeting. The board, or a hearing
18 officer appointed by it, at such meeting shall state the
19 reasons for dismissal and the date on which the expulsion is to
20 become effective. If a hearing officer is appointed by the
21 board he shall report to the board a written summary of the
22 evidence heard at the meeting and the board may take such
23 action thereon as it finds appropriate.

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

1 report of its hearing officer, the board may take such action
2 as it finds appropriate.

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

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

14 (1) A firearm. For the purposes of this Section,
15 "firearm" means any gun, rifle, shotgun, weapon as defined
16 by Section 921 of Title 18 of the United States Code,
17 firearm as defined in Section 1.1 of the Firearm Owners
18 Identification Card Act, or firearm as defined in Section
19 24-1 of the Criminal Code of 1961. The expulsion period
20 under this subdivision (1) may be modified by the
21 superintendent, and the superintendent's determination may
22 be modified by the board on a case-by-case basis.

23 (2) A knife, brass knuckles or other knuckle weapon
24 regardless of its composition, a billy club, or any other
25 object if used or attempted to be used to cause bodily
26 harm, including "look alike" of any firearm as defined in

1 subdivision (1) of this subsection (d). The expulsion
2 requirement under this subdivision (2) may be modified by
3 the superintendent, and the superintendent's determination
4 may be modified by the board on a case-by-case basis.

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

13 (d-5) The board may suspend or by regulation authorize the
14 superintendent of the district or the principal, assistant
15 principal, or dean of students of any school to suspend a
16 student for a period not to exceed 10 school days or may expel
17 a student for a definite period of time not to exceed 2
18 calendar years, as determined on a case by case basis, if (i)
19 that student has been determined to have made an explicit
20 threat on an Internet website against a school employee, a
21 student, or any school-related personnel, (ii) the Internet
22 website through which the threat was made is a site that was
23 accessible within the school at the time the threat was made or
24 was available to third parties who worked or studied within the
25 school grounds at the time the threat was made, and (iii) the
26 threat could be reasonably interpreted as threatening to the

1 safety and security of the threatened individual because of his
2 or her duties or employment status or status as a student
3 inside the school. The provisions of this subsection (d-5)
4 apply in all school districts, including special charter
5 districts and districts organized under Article 34 of this
6 Code.

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

1 disciplinary action may be taken. School authorities may also
2 turn over such evidence to law enforcement authorities. The
3 provisions of this subsection (e) apply in all school
4 districts, including special charter districts and districts
5 organized under Article 34.

6 (f) Suspension or expulsion may include suspension or
7 expulsion from school and all school activities and a
8 prohibition from being present on school grounds.

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

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