

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 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,
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.)

21 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

22 Sec. 34-19. By-laws, rules and regulations; business
23 transacted at regular meetings; voting; records. The board
24 shall, subject to the limitations in this Article, establish
25 by-laws, rules and regulations, which shall have the force of

1 ordinances, for the proper maintenance of a uniform system of
2 discipline for both employees and pupils, and for the entire
3 management of the schools, and may fix the school age of
4 pupils, the minimum of which in kindergartens shall not be
5 under 4 years, except that, based upon an assessment of the
6 child's readiness, children who have attended a non-public
7 preschool and continued their education at that school through
8 kindergarten, were taught in kindergarten by an appropriately
9 certified teacher, and will attain the age of 6 years on or
10 before December 31 of the year of the 2009-2010 school term and
11 each school term thereafter may attend first grade upon
12 commencement of such term, and in grade schools shall not be
13 under 6 years. It may expel, suspend or, subject to the
14 limitations of all policies established or adopted under
15 Section 14-8.05, otherwise discipline any pupil found guilty of
16 gross disobedience, misconduct or other violation of the
17 by-laws, rules and regulations, including gross disobedience
18 or misconduct perpetuated by electronic means. The bylaws,
19 rules and regulations of the board shall be enacted, money
20 shall be appropriated or expended, salaries shall be fixed or
21 changed, and textbooks, electronic textbooks, and courses of
22 instruction shall be adopted or changed only at the regular
23 meetings of the board and by a vote of a majority of the full
24 membership of the board; provided that notwithstanding any
25 other provision of this Article or the School Code, neither the
26 board or any local school council may purchase any textbook for

1 use in any public school of the district from any textbook
2 publisher that fails to furnish any computer diskettes as
3 required under Section 28-21. Funds appropriated for textbook
4 purchases must be available for electronic textbook purchases
5 and the technological equipment necessary to gain access to and
6 use electronic textbooks at the local school council's
7 discretion. The board shall be further encouraged to provide
8 opportunities for public hearing and testimony before the
9 adoption of bylaws, rules and regulations. Upon all
10 propositions requiring for their adoption at least a majority
11 of all the members of the board the yeas and nays shall be
12 taken and reported. The by-laws, rules and regulations of the
13 board shall not be repealed, amended or added to, except by a
14 vote of 2/3 of the full membership of the board. The board
15 shall keep a record of all its proceedings. Such records and
16 all by-laws, rules and regulations, or parts thereof, may be
17 proved by a copy thereof certified to be such by the secretary
18 of the board, but if they are printed in book or pamphlet form
19 which are purported to be published by authority of the board
20 they need not be otherwise published and the book or pamphlet
21 shall be received as evidence, without further proof, of the
22 records, by-laws, rules and regulations, or any part thereof,
23 as of the dates thereof as shown in such book or pamphlet, in
24 all courts and places where judicial proceedings are had.

25 Notwithstanding any other provision in this Article or in
26 the School Code, the board may delegate to the general

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