

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.)