



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB5716

Introduced 2/16/2012, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.156 new

105 ILCS 5/10-20.14

105 ILCS 5/34-19

from Ch. 122, par. 10-20.14

from Ch. 122, par. 34-19

Amends the School Code. Requires the State Board of Education to establish a standard student expulsion policy that applies to each school district in this State. Requires a district's pupil discipline policy to conform to the standard student expulsion policy. Requires a school board to furnish a copy of the district's pupil discipline policy to the parents or guardian of each pupil within 15 days after the beginning of the school year or within 15 days after starting classes for a pupil who transfers into the district during the school year and to require that each school inform its pupils of the contents of its policy (now permissive with respect to school boards other than the Chicago Board of Education).

LRB097 15990 NHT 61141 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 adding Section  
5 2-3.156 and by changing Sections 10-20.14 and 34-19 as follows:

6 (105 ILCS 5/2-3.156 new)

7 Sec. 2-3.156. Standard student expulsion policy. The State  
8 Board of Education shall establish a standard student expulsion  
9 policy that applies to each school district in this State.

10 (105 ILCS 5/10-20.14) (from Ch. 122, par. 10-20.14)

11 Sec. 10-20.14. Student discipline policies; Parent-teacher  
12 advisory committee.

13 (a) To establish and maintain a parent-teacher advisory  
14 committee to develop with the school board policy guidelines on  
15 pupil discipline, including school searches. With respect to  
16 expulsions, the policy must conform to the standard student  
17 expulsion policy established by the State Board of Education  
18 under Section 2-3.153 of this Code. A school board must, ~~to~~  
19 furnish a copy of the pupil discipline policy to the parents or  
20 guardian of each pupil within 15 days after the beginning of  
21 the school year, or within 15 days after starting classes for a  
22 pupil who transfers into the district during the school year,

1 and ~~to~~ require that each school inform ~~informs~~ its pupils of  
2 the contents of its policy. School boards, along with the  
3 parent-teacher advisory committee, are encouraged to annually  
4 review their pupil discipline policies, the implementation of  
5 those policies, and any other factors related to the safety of  
6 their schools, pupils, and staff.

7 (b) The parent-teacher advisory committee in cooperation  
8 with local law enforcement agencies shall develop, with the  
9 school board, policy guideline procedures to establish and  
10 maintain a reciprocal reporting system between the school  
11 district and local law enforcement agencies regarding criminal  
12 offenses committed by students.

13 (c) The parent-teacher advisory committee, in cooperation  
14 with school bus personnel, shall develop, with the school  
15 board, policy guideline procedures to establish and maintain  
16 school bus safety procedures. These procedures shall be  
17 incorporated into the district's pupil discipline policy.

18 (d) The school board, in consultation with the  
19 parent-teacher advisory committee and other community-based  
20 organizations, must include provisions in the student  
21 discipline policy to address students who have demonstrated  
22 behaviors that put them at risk for aggressive behavior,  
23 including without limitation bullying, as defined in the  
24 policy. These provisions must include procedures for notifying  
25 parents or legal guardians and early intervention procedures  
26 based upon available community-based and district resources.

1 (Source: P.A. 91-272, eff. 1-1-00; 92-260, eff. 1-1-02.)

2 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

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

1 conform to the standard student expulsion policy established by  
2 the State Board of Education under Section 2-3.153 of this  
3 Code. The board must furnish a copy of the district's pupil  
4 discipline policy to the parents or guardian of each pupil  
5 within 15 days after the beginning of the school year or within  
6 15 days after starting classes for a pupil who transfers into  
7 the district during the school year and require that each  
8 school inform its pupils of the contents of its policy. An

9 expelled pupil may be immediately transferred to an alternative  
10 program in the manner provided in Article 13A or 13B of this  
11 Code. A pupil must not be denied transfer because of the  
12 expulsion, except in cases in which such transfer is deemed to  
13 cause a threat to the safety of students or staff in the  
14 alternative program. A pupil who is suspended in excess of 20  
15 school days may be immediately transferred to an alternative  
16 program in the manner provided in Article 13A or 13B of this  
17 Code. A pupil must not be denied transfer because of the  
18 suspension, except in cases in which such transfer is deemed to  
19 cause a threat to the safety of students or staff in the  
20 alternative program. The bylaws, rules and regulations of the  
21 board shall be enacted, money shall be appropriated or  
22 expended, salaries shall be fixed or changed, and textbooks,  
23 electronic textbooks, and courses of instruction shall be  
24 adopted or changed only at the regular meetings of the board  
25 and by a vote of a majority of the full membership of the  
26 board; provided that notwithstanding any other provision of

1 this Article or the School Code, neither the board or any local  
2 school council may purchase any textbook for use in any public  
3 school of the district from any textbook publisher that fails  
4 to furnish any computer diskettes as required under Section  
5 28-21. Funds appropriated for textbook purchases must be  
6 available for electronic textbook purchases and the  
7 technological equipment necessary to gain access to and use  
8 electronic textbooks at the local school council's discretion.  
9 The board shall be further encouraged to provide opportunities  
10 for public hearing and testimony before the adoption of bylaws,  
11 rules and regulations. Upon all propositions requiring for  
12 their adoption at least a majority of all the members of the  
13 board the yeas and nays shall be taken and reported. The  
14 by-laws, rules and regulations of the board shall not be  
15 repealed, amended or added to, except by a vote of 2/3 of the  
16 full membership of the board. The board shall keep a record of  
17 all its proceedings. Such records and all by-laws, rules and  
18 regulations, or parts thereof, may be proved by a copy thereof  
19 certified to be such by the secretary of the board, but if they  
20 are printed in book or pamphlet form which are purported to be  
21 published by authority of the board they need not be otherwise  
22 published and the book or pamphlet shall be received as  
23 evidence, without further proof, of the records, by-laws, rules  
24 and regulations, or any part thereof, as of the dates thereof  
25 as shown in such book or pamphlet, in all courts and places  
26 where judicial proceedings are had.

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

15           (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;  
16 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)