



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5617

by Rep. Emanuel Chris Welch

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.167 new  
105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Provides that the State Board of Education is, subject to appropriation, authorized to award competitive grants under a Safe Schools and Healthy Learning Environments Program. Provides that under the program, selected school districts must reallocate funding for school-based law enforcement personnel in some or all of their schools to other evidence-based and promising practices designed to promote school safety and healthy learning environments, including, but not limited to, restorative justice programs; increased use of school psychologists, social workers, and other mental and behavioral health specialists; drug and alcohol treatment services; wraparound services for youth; and training for school staff on conflict resolution techniques and other disciplinary alternatives. Provides that the program shall match the amount that is reallocated from school-based law enforcement personnel to alternative methods of addressing student behavior on a dollar-for-dollar basis. Prohibits grant funds from being used to increase the use of school-based security personnel. Provides for an annual report to update progress on the Program. Prohibits arrest or being otherwise cited for a criminal offense committed during school hours while on school grounds, in school vehicles, or at school activities or sanctioned events except in certain circumstances. Effective August 1, 2016.

LRB099 18638 MLM 43020 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 and by adding Section 2-3.167 as follows:

6 (105 ILCS 5/2-3.167 new)

7 Sec. 2-3.167. Safe Schools and Healthy Learning  
8 Environments Program.

9 (a) The General Assembly recognizes that (i) many K-12  
10 students around the State are arrested in school and sent into  
11 the justice system, often for minor offenses that do not pose a  
12 serious threat to school safety; (ii) many schools across the  
13 State have become overly reliant on law enforcement personnel  
14 to handle routine school disciplinary matters; (iii) many  
15 student behaviors that result in arrest in some schools are  
16 addressed without involving the justice system in others; (iv)  
17 the over-criminalization of K-12 students has had significant  
18 negative consequences for students, families, and entire  
19 communities; (v) these dynamics, known as the  
20 "school-to-prison pipeline", have disproportionately affected  
21 students of color; (vi) these practices impose substantial  
22 economic costs on both localities and the State overall; (vii)  
23 the use of school-based law enforcement has not been proven

1 effective as a strategy to promote safe and productive schools;  
2 and (viii) eliminating unnecessary school-based arrests and  
3 law enforcement presence in school while promoting the use of  
4 developmentally appropriate alternatives will protect school  
5 safety, improve school climate, raise academic achievement,  
6 and save taxpayer dollars.

7 (b) The State Board of Education, subject to appropriation,  
8 is authorized to award competitive grants under a Safe Schools  
9 and Healthy Learning Environments Program. Under this program,  
10 selected school districts must reallocate funding for  
11 school-based law enforcement personnel in some or all of their  
12 schools to other evidence-based and promising practices  
13 designed to promote school safety and healthy learning  
14 environments, including, but not limited to, restorative  
15 justice programs; increased use of school psychologists,  
16 social workers, and other mental and behavioral health  
17 specialists; drug and alcohol treatment services; wraparound  
18 services for youth; and training for school staff on conflict  
19 resolution techniques and other disciplinary alternatives. For  
20 grant recipients, the Safe Schools and Healthy Learning  
21 Environments Program shall match the amount that is reallocated  
22 from school-based law enforcement personnel to alternative  
23 methods of addressing student behavior on a dollar-for-dollar  
24 basis.

25 Grant funds shall not be used to increase the use of  
26 school-based security personnel. Grant funds may be used to

1 transition from school-based law enforcement personnel to  
2 alternative patrol structures. Nothing in this Section shall  
3 prohibit school districts from involving law enforcement  
4 personnel when necessary and allowed by law.

5 (c) The State Board of Education shall annually disseminate  
6 a request for applications to this program and funds shall be  
7 distributed annually. The criteria to be considered by the  
8 State Board of Education in awarding funds shall be (i) the  
9 demonstrated need for the funds, as indicated by past use of  
10 school-based arrests, and (ii) the degree to which the proposal  
11 fulfills the goals of this Section.

12 (d) The State Superintendent of Education, in cooperation  
13 with the school districts participating in the program, shall  
14 submit an annual report to the General Assembly on the results  
15 of the program, including the progress being made in reducing  
16 both unnecessary school-based arrests and the over-reliance on  
17 school-based law enforcement to address school disciplinary  
18 matters, and the effects of the program on school safety and  
19 school climate.

20 (e) The State Board of Education shall adopt rules  
21 necessary for the implementation of this program.

22 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

23 (Text of Section before amendment by P.A. 99-456)

24 Sec. 10-22.6. Suspension or expulsion of pupils; school  
25 searches.

1           (a) To expel pupils guilty of gross disobedience or  
2 misconduct, including gross disobedience or misconduct  
3 perpetuated by electronic means, and no action shall lie  
4 against them for such expulsion. Expulsion shall take place  
5 only after the parents have been requested to appear at a  
6 meeting of the board, or with a hearing officer appointed by  
7 it, to discuss their child's behavior. Such request shall be  
8 made by registered or certified mail and shall state the time,  
9 place and purpose of the meeting. The board, or a hearing  
10 officer appointed by it, at such meeting shall state the  
11 reasons for dismissal and the date on which the expulsion is to  
12 become effective. If a hearing officer is appointed by the  
13 board he shall report to the board a written summary of the  
14 evidence heard at the meeting and the board may take such  
15 action thereon as it finds appropriate. An expelled pupil may  
16 be immediately transferred to an alternative program in the  
17 manner provided in Article 13A or 13B of this Code. A pupil  
18 must not be denied transfer because of the expulsion, except in  
19 cases in which such transfer is deemed to cause a threat to the  
20 safety of students or staff in the alternative program.

21           (b) To suspend or by policy to authorize the superintendent  
22 of the district or the principal, assistant principal, or dean  
23 of students of any school to suspend pupils guilty of gross  
24 disobedience or misconduct, or to suspend pupils guilty of  
25 gross disobedience or misconduct on the school bus from riding  
26 the school bus, and no action shall lie against them for such

1 suspension. The board may by policy authorize the  
2 superintendent of the district or the principal, assistant  
3 principal, or dean of students of any school to suspend pupils  
4 guilty of such acts for a period not to exceed 10 school days.  
5 If a pupil is suspended due to gross disobedience or misconduct  
6 on a school bus, the board may suspend the pupil in excess of  
7 10 school days for safety reasons. Any suspension shall be  
8 reported immediately to the parents or guardian of such pupil  
9 along with a full statement of the reasons for such suspension  
10 and a notice of their right to a review. The school board must  
11 be given a summary of the notice, including the reason for the  
12 suspension and the suspension length. Upon request of the  
13 parents or guardian the school board or a hearing officer  
14 appointed by it shall review such action of the superintendent  
15 or principal, assistant principal, or dean of students. At such  
16 review the parents or guardian of the pupil may appear and  
17 discuss the suspension with the board or its hearing officer.  
18 If a hearing officer is appointed by the board he shall report  
19 to the board a written summary of the evidence heard at the  
20 meeting. After its hearing or upon receipt of the written  
21 report of its hearing officer, the board may take such action  
22 as it finds appropriate. A pupil who is suspended in excess of  
23 20 school days may be immediately transferred to an alternative  
24 program in the manner provided in Article 13A or 13B of this  
25 Code. A pupil must not be denied transfer because of the  
26 suspension, except in cases in which such transfer is deemed to

1 cause a threat to the safety of students or staff in the  
2 alternative program.

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 2012. 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 in an alternative school program under Article 13A of  
14 this Code or an alternative learning opportunities program  
15 under Article 13B of this Code before being admitted into the  
16 school district if there is no threat to the safety of students  
17 or staff in the alternative program. This subsection (g)  
18 applies to all school districts, including special charter  
19 districts and districts organized under Article 34 of this  
20 Code.

21 (i-5) A student may not be arrested or otherwise cited for  
22 a criminal offense committed during school hours while on  
23 school grounds, in school vehicles, or at school activities or  
24 sanctioned events unless:

25 (1) the offense would constitute a felony, if committed  
26 outside of the school setting, in one of the classes

1 defined in the Criminal Code of 2012;

2 (2) the offense involved an act of physical violence  
3 against another person or resulted in a serious bodily  
4 injury to that person, and the arrest of the student is  
5 necessary to avoid an ongoing threat to the physical safety  
6 of other members of the school community;

7 (3) the offense involved the use of a firearm; or

8 (4) the offense involved an act of criminal sexual  
9 abuse.

10 While the option to use justice-system interventions is  
11 available under these conditions, they shall only be used as a  
12 last resort, when there are no other options for safely and  
13 appropriately handling the situation.

14 School employees and officials retain their authority and  
15 discretion under law to address offenses not specified within  
16 items (1) through (4) of this subsection (i-5) through the  
17 school disciplinary process. Nothing in this subsection (i-5)  
18 shall limit the rights and duties of teachers, school  
19 administrators, other school district employees, and law  
20 enforcement officers from reporting and responding to criminal  
21 conduct by any individual who is not a student under the school  
22 district's jurisdiction.

23 This subsection (i-5) shall apply to each elementary and  
24 secondary school, charter school, special charter district,  
25 and district organized under Article 34 of this Code.

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

1 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;  
2 97-1150, eff. 1-25-13.)

3 (Text of Section after amendment by P.A. 99-456)

4 Sec. 10-22.6. Suspension or expulsion of pupils; school  
5 searches.

6 (a) To expel pupils guilty of gross disobedience or  
7 misconduct, including gross disobedience or misconduct  
8 perpetuated by electronic means, pursuant to subsection (b-20)  
9 of this Section, and no action shall lie against them for such  
10 expulsion. Expulsion shall take place only after the parents  
11 have been requested to appear at a meeting of the board, or  
12 with a hearing officer appointed by it, to discuss their  
13 child's behavior. Such request shall be made by registered or  
14 certified mail and shall state the time, place and purpose of  
15 the meeting. The board, or a hearing officer appointed by it,  
16 at such meeting shall state the reasons for dismissal and the  
17 date on which the expulsion is to become effective. If a  
18 hearing officer is appointed by the board he shall report to  
19 the board a written summary of the evidence heard at the  
20 meeting and the board may take such action thereon as it finds  
21 appropriate. If the board acts to expel a pupil, the written  
22 expulsion decision shall detail the specific reasons why  
23 removing the pupil from the learning environment is in the best  
24 interest of the school. The expulsion decision shall also  
25 include a rationale as to the specific duration of the

1 expulsion. An expelled pupil may be immediately transferred to  
2 an alternative program in the manner provided in Article 13A or  
3 13B of this Code. A pupil must not be denied transfer because  
4 of the expulsion, except in cases in which such transfer is  
5 deemed to cause a threat to the safety of students or staff in  
6 the alternative program.

7 (b) To suspend or by policy to authorize the superintendent  
8 of the district or the principal, assistant principal, or dean  
9 of students of any school to suspend pupils guilty of gross  
10 disobedience or misconduct, or to suspend pupils guilty of  
11 gross disobedience or misconduct on the school bus from riding  
12 the school bus, pursuant to subsections (b-15) and (b-20) of  
13 this Section, and no action shall lie against them for such  
14 suspension. The board may by policy authorize the  
15 superintendent of the district or the principal, assistant  
16 principal, or dean of students of any school to suspend pupils  
17 guilty of such acts for a period not to exceed 10 school days.  
18 If a pupil is suspended due to gross disobedience or misconduct  
19 on a school bus, the board may suspend the pupil in excess of  
20 10 school days for safety reasons.

21 Any suspension shall be reported immediately to the  
22 parents or guardian of a pupil along with a full statement of  
23 the reasons for such suspension and a notice of their right to  
24 a review. The school board must be given a summary of the  
25 notice, including the reason for the suspension and the  
26 suspension length. Upon request of the parents or guardian the

1 school board or a hearing officer appointed by it shall review  
2 such action of the superintendent or principal, assistant  
3 principal, or dean of students. At such review the parents or  
4 guardian of the pupil may appear and discuss the suspension  
5 with the board or its hearing officer. If a hearing officer is  
6 appointed by the board he shall report to the board a written  
7 summary of the evidence heard at the meeting. After its hearing  
8 or upon receipt of the written report of its hearing officer,  
9 the board may take such action as it finds appropriate. If a  
10 student is suspended pursuant to this subsection (b), the board  
11 shall, in the written suspension decision, detail the specific  
12 act of gross disobedience or misconduct resulting in the  
13 decision to suspend. The suspension decision shall also include  
14 a rationale as to the specific duration of the suspension. A  
15 pupil who is suspended in excess of 20 school days may be  
16 immediately transferred to an alternative program in the manner  
17 provided in Article 13A or 13B of this Code. A pupil must not  
18 be denied transfer because of the suspension, except in cases  
19 in which such transfer is deemed to cause a threat to the  
20 safety of students or staff in the alternative program.

21 (b-5) Among the many possible disciplinary interventions  
22 and consequences available to school officials, school  
23 exclusions, such as out-of-school suspensions and expulsions,  
24 are the most serious. School officials shall limit the number  
25 and duration of expulsions and suspensions to the greatest  
26 extent practicable, and it is recommended that they use them

1 only for legitimate educational purposes. To ensure that  
2 students are not excluded from school unnecessarily, it is  
3 recommended that school officials consider forms of  
4 non-exclusionary discipline prior to using out-of-school  
5 suspensions or expulsions.

6 (b-10) Unless otherwise required by federal law or this  
7 Code, school boards may not institute zero-tolerance policies  
8 by which school administrators are required to suspend or expel  
9 students for particular behaviors.

10 (b-15) Out-of-school suspensions of 3 days or less may be  
11 used only if the student's continuing presence in school would  
12 pose a threat to school safety or a disruption to other  
13 students' learning opportunities. For purposes of this  
14 subsection (b-15), "threat to school safety or a disruption to  
15 other students' learning opportunities" shall be determined on  
16 a case-by-case basis by the school board or its designee.  
17 School officials shall make all reasonable efforts to resolve  
18 such threats, address such disruptions, and minimize the length  
19 of suspensions to the greatest extent practicable.

20 (b-20) Unless otherwise required by this Code,  
21 out-of-school suspensions of longer than 3 days, expulsions,  
22 and disciplinary removals to alternative schools may be used  
23 only if other appropriate and available behavioral and  
24 disciplinary interventions have been exhausted and the  
25 student's continuing presence in school would either (i) pose a  
26 threat to the safety of other students, staff, or members of

1 the school community or (ii) substantially disrupt, impede, or  
2 interfere with the operation of the school. For purposes of  
3 this subsection (b-20), "threat to the safety of other  
4 students, staff, or members of the school community" and  
5 "substantially disrupt, impede, or interfere with the  
6 operation of the school" shall be determined on a case-by-case  
7 basis by school officials. For purposes of this subsection  
8 (b-20), the determination of whether "appropriate and  
9 available behavioral and disciplinary interventions have been  
10 exhausted" shall be made by school officials. School officials  
11 shall make all reasonable efforts to resolve such threats,  
12 address such disruptions, and minimize the length of student  
13 exclusions to the greatest extent practicable. Within the  
14 suspension decision described in subsection (b) of this Section  
15 or the expulsion decision described in subsection (a) of this  
16 Section, it shall be documented whether other interventions  
17 were attempted or whether it was determined that there were no  
18 other appropriate and available interventions.

19 (b-25) Students who are suspended out-of-school for longer  
20 than 4 school days shall be provided appropriate and available  
21 support services during the period of their suspension. For  
22 purposes of this subsection (b-25), "appropriate and available  
23 support services" shall be determined by school authorities.  
24 Within the suspension decision described in subsection (b) of  
25 this Section, it shall be documented whether such services are  
26 to be provided or whether it was determined that there are no



1 such appropriate and available services.

2 A school district may refer students who are expelled to  
3 appropriate and available support services.

4 A school district shall create a policy to facilitate the  
5 re-engagement of students who are suspended out-of-school,  
6 expelled, or returning from an alternative school setting.

7 (b-30) A school district shall create a policy by which  
8 suspended pupils, including those pupils suspended from the  
9 school bus who do not have alternate transportation to school,  
10 shall have the opportunity to make up work for equivalent  
11 academic credit. It shall be the responsibility of a pupil's  
12 parent or guardian to notify school officials that a pupil  
13 suspended from the school bus does not have alternate  
14 transportation to school.

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

19 (c-5) School districts shall make reasonable efforts to  
20 provide ongoing professional development to teachers,  
21 administrators, school board members, school resource  
22 officers, and staff on the adverse consequences of school  
23 exclusion and justice-system involvement, effective classroom  
24 management strategies, culturally responsive discipline, and  
25 developmentally appropriate disciplinary methods that promote  
26 positive and healthy school climates.

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

8 (1) A firearm. For the purposes of this Section,  
9 "firearm" means any gun, rifle, shotgun, weapon as defined  
10 by Section 921 of Title 18 of the United States Code,  
11 firearm as defined in Section 1.1 of the Firearm Owners  
12 Identification Card Act, or firearm as defined in Section  
13 24-1 of the Criminal Code of 2012. The expulsion period  
14 under this subdivision (1) may be modified by the  
15 superintendent, and the superintendent's determination may  
16 be modified by the board on a case-by-case basis.

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

25 Expulsion or suspension shall be construed in a manner  
26 consistent with the Federal Individuals with Disabilities

1 Education Act. A student who is subject to suspension or  
2 expulsion as provided in this Section may be eligible for a  
3 transfer to an alternative school program in accordance with  
4 Article 13A of the School Code.

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

22 (e) To maintain order and security in the schools, school  
23 authorities may inspect and search places and areas such as  
24 lockers, desks, parking lots, and other school property and  
25 equipment owned or controlled by the school, as well as  
26 personal effects left in those places and areas by students,

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

18 (f) Suspension or expulsion may include suspension or  
19 expulsion from school and all school activities and a  
20 prohibition from being present on school grounds.

21 (g) A school district may adopt a policy providing that if  
22 a student is suspended or expelled for any reason from any  
23 public or private school in this or any other state, the  
24 student must complete the entire term of the suspension or  
25 expulsion in an alternative school program under Article 13A of  
26 this Code or an alternative learning opportunities program

1 under Article 13B of this Code before being admitted into the  
2 school district if there is no threat to the safety of students  
3 or staff in the alternative program.

4 (h) School officials shall not advise or encourage students  
5 to drop out voluntarily due to behavioral or academic  
6 difficulties.

7 (i) A student may not be issued a monetary fine or fee as a  
8 disciplinary consequence, though this shall not preclude  
9 requiring a student to provide restitution for lost, stolen, or  
10 damaged property.

11 (i-5) A student may not be arrested or otherwise cited for  
12 a criminal offense committed during school hours while on  
13 school grounds, in school vehicles, or at school activities or  
14 sanctioned events unless:

15 (1) the offense would constitute a felony, if committed  
16 outside of the school setting, in one of the classes  
17 defined in the Criminal Code of 2012;

18 (2) the offense involved an act of physical violence  
19 against another person or resulted in a serious bodily  
20 injury to that person, and the arrest of the student is  
21 necessary to avoid an ongoing threat to the physical safety  
22 of other members of the school community;

23 (3) the offense involved the use of a firearm; or

24 (4) the offense involved an act of criminal sexual  
25 abuse.

26 While the option to use justice-system interventions is

1 available under these conditions, they shall only be used as a  
2 last resort, when there are no other options for safely and  
3 appropriately handling the situation.

4 School employees and officials retain their authority and  
5 discretion under law to address offenses not specified within  
6 items (1) through (4) of this subsection (i-5) through the  
7 school disciplinary process. Nothing in this subsection (i-5)  
8 shall limit the rights and duties of teachers, school  
9 administrators, other school district employees, and law  
10 enforcement officers from reporting and responding to criminal  
11 conduct by any individual who is not a student under the school  
12 district's jurisdiction.

13 (j) Subsections (a) through (i-5) ~~(i)~~ of this Section shall  
14 apply to elementary and secondary schools, charter schools,  
15 special charter districts, and school districts organized  
16 under Article 34 of this Code.

17 (Source: P.A. 99-456, eff. 9-15-16.)

18 Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other  
24 Public Act.

25 Section 99. Effective date. This Act takes effect August 1,

HB5617

- 22 -

LRB099 18638 MLM 43020 b

1 2016.