

1 AN ACT relating to schools.

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
5 Sections 2-3.13a, 10-22.6, 13A-1, 13A-4, and 34-19 as
6 follows:

7 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

8 Sec. 2-3.13a. Scholastic records; transferring students.
9 The State Board of Education shall establish and implement
10 rules requiring all of the public schools and all private or
11 nonpublic elementary and secondary schools located in this
12 State, whenever any such school has a student who is
13 transferring to any other public elementary or secondary
14 school located in this or in any other state, to forward
15 within 10 days of notice of the student's transfer an
16 unofficial record of that student's grades to the school to
17 which such student is transferring. Each public school at
18 the same time also shall forward to the school to which the
19 student is transferring the remainder of the student's school
20 student records as required by the Illinois School Student
21 Records Act. In addition, if a student is transferring from a
22 public school, whether located in this or any other state,
23 from which the student has been suspended or expelled for
24 knowingly possessing in a school building or on school
25 grounds a weapon as defined in the Gun Free Schools Act (20
26 U.S.C. 8921 et seq.), for knowingly possessing, selling, or
27 delivering in a school building or on school grounds a
28 controlled substance or cannabis, or for battering a staff
29 member of the school, and if the period of suspension or
30 expulsion has not expired at the time the student attempts to
31 transfer into another public school in the same or any other

1 school district: (i) any school student records required to
2 be transferred shall include the date and duration of the
3 period of suspension or expulsion; and (ii) with the
4 exception of transfers into the Department of Corrections
5 school district, the student shall not be permitted to attend
6 class in the public school into which he or she is
7 transferring until the student has served the entire period
8 of the suspension or expulsion imposed by the school from
9 which the student is transferring, provided that if the
10 student is in any of grades 6 through 12, the school board
11 shall may approve the placement of the student in an
12 alternative school program established under Article 13A of
13 this Act, unless the student is 16 years old or older, in
14 which case the school board may approve the placement of the
15 student in an alternative school program. Each public school
16 and each private or nonpublic elementary or secondary school
17 in this State shall within 10 days after the student has paid
18 all of his or her outstanding fines and fees and at its own
19 expense forward an official transcript of the scholastic
20 records of each student transferring from that school in
21 strict accordance with the provisions of this Section and the
22 rules established by the State Board of Education as herein
23 provided.

24 The State Board of Education shall develop a one-page
25 standard form that Illinois school districts are required to
26 provide to any student who is moving out of the school
27 district and that contains the information about whether or
28 not the student is "in good standing" and whether or not his
29 or her medical records are up-to-date and complete. As used
30 in this Section, "in good standing" means that the student is
31 not being disciplined by a suspension or expulsion, but is
32 entitled to attend classes. No school district is required
33 to admit a new student who is transferring from another
34 Illinois school district unless he or she can produce the

1 standard form from the student's previous school district
2 enrollment. No school district is required to admit a new
3 student who is transferring from an out-of-state public
4 school unless the parent or guardian of the student certifies
5 in writing that the student is not currently serving a
6 suspension or expulsion imposed by the school from which the
7 student is transferring.

8 (Source: P.A. 91-365, eff. 7-30-99.)

9 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

12 (a) To expel pupils guilty of gross disobedience or
13 misconduct, and no action shall lie against them for such
14 expulsion. Expulsion shall take place only after the parents
15 have been requested to appear at a meeting of the board, or
16 with a hearing officer appointed by it, to discuss their
17 child's behavior. Such request shall be made by registered or
18 certified mail and shall state the time, place and purpose of
19 the meeting. The board, or a hearing officer appointed by it,
20 at such meeting shall state the reasons for dismissal and the
21 date on which the expulsion is to become effective. If a
22 hearing officer is appointed by the board he shall report to
23 the board a written summary of the evidence heard at the
24 meeting and the board may take such action thereon as it
25 finds appropriate.

26 (b) To suspend or by regulation to authorize the
27 superintendent of the district or the principal, assistant
28 principal, or dean of students of any school to suspend
29 pupils guilty of gross disobedience or misconduct, or to
30 suspend pupils guilty of gross disobedience or misconduct on
31 the school bus from riding the school bus, and no action
32 shall lie against them for such suspension. The board may by
33 regulation authorize the superintendent of the district or

1 the principal, assistant principal, or dean of students of
2 any school to suspend pupils guilty of such acts for a period
3 not to exceed 10 school days. If a pupil is suspended due to
4 gross disobedience or misconduct on a school bus, the board
5 may suspend the pupil in excess of 10 school days for safety
6 reasons. Any suspension shall be reported immediately to the
7 parents or guardian of such pupil along with a full statement
8 of the reasons for such suspension and a notice of their
9 right to a review, a copy of which shall be given to the
10 school board. Upon request of the parents or guardian the
11 school board or a hearing officer appointed by it shall
12 review such action of the superintendent or principal,
13 assistant principal, or dean of students. At such review the
14 parents or guardian of the pupil may appear and discuss the
15 suspension with the board or its hearing officer. If a
16 hearing officer is appointed by the board he shall report to
17 the board a written summary of the evidence heard at the
18 meeting. After its hearing or upon receipt of the written
19 report of its hearing officer, the board may take such action
20 as it finds appropriate.

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

25 (d) The board may expel a student for a definite period
26 of time not to exceed 2 calendar years, as determined on a
27 case by case basis. A student who is determined to have
28 brought a weapon to school, any school-sponsored activity or
29 event, or any activity or event which bears a reasonable
30 relationship to school shall be expelled for a period of not
31 less than one year, except that the expulsion period may be
32 modified by the superintendent, and the superintendent's
33 determination may be modified by the board on a case by case
34 basis. For the purpose of this Section, the term "weapon"

1 means (1) possession, use, control, or transfer of any gun,
2 rifle, shotgun, weapon as defined by Section 921 of Title 18,
3 United States Code, firearm as defined in Section 1.1 of the
4 Firearm Owners Identification Act, or use of a weapon as
5 defined in Section 24-1 of the Criminal Code, (2) any other
6 object if used or attempted to be used to cause bodily harm,
7 including but not limited to, knives, brass knuckles, or
8 billy clubs, or (3) "look alike" of any weapon as defined in
9 this Section. Expulsion or suspension shall be construed in a
10 manner consistent with the Federal Individuals with
11 Disabilities Education Act. A student who is subject to
12 suspension or expulsion as provided in this Section and is in
13 any of grades 6 through 12 shall ~~may be transferred~~ eligible
14 ~~for a transfer~~ to an alternative school program in accordance
15 with Article 13A of ~~this the-School~~ Code, unless the student
16 is 16 years old or older, in which case the student may be
17 eligible for a transfer to an alternative school program.
18 The provisions of this subsection (d) apply in all school
19 districts, including special charter districts and districts
20 organized under Article 34.

21 (e) To maintain order and security in the schools,
22 school authorities may inspect and search places and areas
23 such as lockers, desks, parking lots, and other school
24 property and equipment owned or controlled by the school, as
25 well as personal effects left in those places and areas by
26 students, without notice to or the consent of the student,
27 and without a search warrant. As a matter of public policy,
28 the General Assembly finds that students have no reasonable
29 expectation of privacy in these places and areas or in their
30 personal effects left in these places and areas. School
31 authorities may request the assistance of law enforcement
32 officials for the purpose of conducting inspections and
33 searches of lockers, desks, parking lots, and other school
34 property and equipment owned or controlled by the school for

1 illegal drugs, weapons, or other illegal or dangerous
2 substances or materials, including searches conducted through
3 the use of specially trained dogs. If a search conducted in
4 accordance with this Section produces evidence that the
5 student has violated or is violating either the law, local
6 ordinance, or the school's policies or rules, such evidence
7 may be seized by school authorities, and disciplinary action
8 may be taken. School authorities may also turn over such
9 evidence to law enforcement authorities. The provisions of
10 this subsection (e) apply in all school districts, including
11 special charter districts and districts organized under
12 Article 34.

13 (f) Suspension or expulsion may include suspension or
14 expulsion from school and all school activities and a
15 prohibition from being present on school grounds.

16 (Source: P.A. 89-371, eff. 1-1-96; 89-507, eff. 7-1-97;
17 89-610, eff. 8-6-96; P.A. 90-14, eff. 7-1-97; 90-548, eff.
18 1-1-98; 90-757, eff. 8-14-98.)

19 (105 ILCS 5/13A-1)

20 Sec. 13A-1. Legislative Declaration. The General
21 Assembly finds and declares as follows:

22 (a) The children of this State constitute its most
23 important resource, and in order to enable those children to
24 reach their full potential, the State must provide them the
25 quality public education that the Constitution of the State
26 of Illinois mandates.

27 (b) The State cannot provide its children with the
28 education they deserve and require unless the environment of
29 the public schools is conducive to learning.

30 (c) That environment cannot be achieved unless an
31 atmosphere of safety prevails, assuring that the person of
32 each student, teacher, and staff member is respected, and
33 that none of those people are subjected to violence, threats,

1 harassment, intimidation, or otherwise confrontational or
2 inappropriate behaviors that disrupt the educational
3 atmosphere.

4 (d) In most schools, although the disruptive students
5 who are the primary cause of inappropriate educational
6 environments comprise a small percentage of the total student
7 body, they nevertheless consume a substantial amount of the
8 time and resources of teachers and school administrators who
9 are required to address and contain that disruptive behavior.

10 (e) Disruptive students should be allowed to attain a
11 public education, but typically derive little benefit from
12 traditional school programs and may benefit substantially by
13 being transferred from their current school into an
14 alternative public school program, where their particular
15 needs may be more appropriately and individually addressed
16 and where they may benefit from the opportunity for a fresh
17 start in a new educational environment. At those alternative
18 school programs, innovative academic and school-to-work
19 programs, including but not limited to the techniques of work
20 based learning and technology delivered learning, can be
21 utilized to best help the students enrolled in those schools
22 to become productive citizens.

23 (f) Students need an appropriate, constructive classroom
24 atmosphere in order to benefit from the teacher's
25 presentations. Students cannot afford the classroom
26 disruptions and often become frustrated and angry at the
27 inability of their teachers and schools to control disruptive
28 students. As a result, they drop out of school too often.
29 Furthermore, even if these students stay in school and
30 graduate, they have been deprived by their disruptive
31 classmates of the attention to their educational needs that
32 their teachers would otherwise have provided, thereby
33 diminishing their receiving the education and skills
34 necessary to secure good jobs and become productive members

1 of an increasingly competitive economic environment.

2 (g) Parents of school children statewide have expressed
3 their rising anger and concern at the failure of their local
4 public schools to provide a safe and appropriate educational
5 environment for their children and to deal appropriately with
6 disruptive students, and the General Assembly deems their
7 concerns to be understandable and justified.

8 (h) Every school district in the State shall do all it
9 can to ensure a safe and appropriate educational environment
10 for all of its students, and the first, but not the only,
11 step school districts must take to achieve that goal is to
12 administratively transfer disruptive students from the
13 schools they currently attend to the alternative school
14 programs created by this Article. Those administrative
15 transfers will also provide optional educational programs to
16 best fit the needs of the transferred students.

17 (i) Administrative transfers may prove more productive
18 for dealing with disruptive students than out-of-school
19 suspensions or expulsions, which have been the subject of
20 much criticism.

21 (j) Because of the urgency of the problems described in
22 this Section, as well as their statewide impact, the State of
23 Illinois bears the responsibility to establish and fully fund
24 alternative schools as soon as possible, thereby providing
25 school districts with an option for dealing with disruptive
26 students that they do not now possess.

27 (k) While school districts shall comply with all
28 applicable federal laws and regulations, they should do so
29 consistent with the goals and policies stated in this
30 Article. Further, this Article is intended to be consistent
31 with all applicable federal laws and regulations.

32 (l) An alternative school program established under this
33 Article is subject to the other provisions of this Code that
34 apply generally in the public schools of this State and to

1 the rules and regulations promulgated thereunder, except as
2 otherwise provided in this Article.

3 (m) The provisions of the Illinois Educational Labor
4 Relations Act apply to those alternative school programs that
5 are created on or after the effective date of this amendatory
6 Act of 1995.

7 (Source: P.A. 89-383, eff. 8-18-95; 89-629, eff. 8-9-96.)

8 (105 ILCS 5/13A-4)

9 Sec. 13A-4. Administrative transfers. A student who is
10 determined to be subject to suspension or expulsion in the
11 manner provided by Section 10-22.6 (or, in the case of a
12 student enrolled in the public schools of a school district
13 organized under Article 34, in accordance with the uniform
14 system of discipline established under Section 34-19) and is
15 in any of grades 6 through 12 must may be immediately
16 transferred to the alternative program, unless the student is
17 16 years old or older, in which case the student may be
18 immediately transferred to the alternative program. At the
19 earliest time following that transfer appropriate personnel
20 from the sending school district and appropriate personnel of
21 the alternative program shall meet to develop an alternative
22 education plan for the student. The student's parent or
23 guardian shall be invited to this meeting. The student may
24 be invited. The alternative educational plan shall include,
25 but not be limited to all of the following:

26 (1) The duration of the plan, including a date
27 after which the student may be returned to the regular
28 educational program in the public schools of the
29 transferring district. If the parent or guardian of a
30 student who is scheduled to be returned to the regular
31 education program in the public schools of the district
32 files a written objection to the return with the
33 principal of the alternative school, the matter shall be

1 referred by the principal to the regional superintendent
 2 of the educational service region in which the
 3 alternative school program is located for a hearing.
 4 Notice of the hearing shall be given by the regional
 5 superintendent to the student's parent or guardian.
 6 After the hearing, the regional superintendent may take
 7 such action as he or she finds appropriate and in the
 8 best interests of the student. The determination of the
 9 regional superintendent shall be final.

10 (2) The specific academic and behavioral components
 11 of the plan.

12 (3) A method and time frame for reviewing the
 13 student's progress.

14 Notwithstanding any other provision of this Article, if a
 15 student for whom an individualized educational program has
 16 been developed under Article 14 is transferred to an
 17 alternative school program under this Article 13A, that
 18 individualized educational program shall continue to apply to
 19 that student following the transfer unless modified in
 20 accordance with the provisions of Article 14.

21 (Source: P.A. 89-383, eff. 8-18-95; 89-629, eff. 8-9-96.)

22 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

23 Sec. 34-19. By-laws, rules and regulations; business
 24 transacted at regular meetings; voting; records. The board
 25 shall, subject to the limitations in this Article, establish
 26 by-laws, rules and regulations, which shall have the force of
 27 ordinances, for the proper maintenance of a uniform system of
 28 discipline for both employees and pupils, and for the entire
 29 management of the schools, and may fix the school age of
 30 pupils, the minimum of which in kindergartens shall not be
 31 under 4 years and in grade schools shall not be under 6
 32 years. It may expel, suspend or, subject to the limitations
 33 of all policies established or adopted under Section 14-8.05,

1 otherwise discipline any pupil found guilty of gross
2 disobedience, misconduct or other violation of the by-laws,
3 rules and regulations. A student who is subject to suspension
4 or expulsion and is in any of grades 6 through 12 shall be
5 transferred to an alternative school program in accordance
6 with Article 13A of this Code, unless the student is 16 years
7 of age or older, in which case the student may be eligible
8 for a transfer to an alternative school program. The bylaws,
9 rules and regulations of the board shall be enacted, money
10 shall be appropriated or expended, salaries shall be fixed or
11 changed, and textbooks and courses of instruction shall be
12 adopted or changed only at the regular meetings of the board
13 and by a vote of a majority of the full membership of the
14 board; provided that notwithstanding any other provision of
15 this Article or the School Code, neither the board or any
16 local school council may purchase any textbook for use in any
17 public school of the district from any textbook publisher
18 that fails to furnish any computer diskettes as required
19 under Section 28-21. The board shall be further encouraged to
20 provide opportunities for public hearing and testimony before
21 the adoption of bylaws, rules and regulations. Upon all
22 propositions requiring for their adoption at least a majority
23 of all the members of the board the yeas and nays shall be
24 taken and reported. The by-laws, rules and regulations of the
25 board shall not be repealed, amended or added to, except by a
26 vote of 2/3 of the full membership of the board. The board
27 shall keep a record of all its proceedings. Such records and
28 all by-laws, rules and regulations, or parts thereof, may be
29 proved by a copy thereof certified to be such by the
30 secretary of the board, but if they are printed in book or
31 pamphlet form which are purported to be published by
32 authority of the board they need not be otherwise published
33 and the book or pamphlet shall be received as evidence,
34 without further proof, of the records, by-laws, rules and

1 regulations, or any part thereof, as of the dates thereof as
2 shown in such book or pamphlet, in all courts and places
3 where judicial proceedings are had.

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

18 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.