



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5792

Introduced 07/18/06, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Provides that a school board may, in accordance with certain administrative procedures, authorize the suspension of a student or expel a student who has been determined to have made an explicit threat on an Internet web site against a school employee, a student, or any school-related personnel if (i) the Internet web site through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made and (ii) the threat could be reasonably interpreted as bearing a reasonable relationship to the safety and security of the threatened individual because of his or her duties or educational status inside the school. Effective immediately.

LRB094 21077 RAS 59405 b

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

23 (b) To suspend or by regulation to authorize the
24 superintendent of the district or the principal, assistant
25 principal, or dean of students of any school to suspend pupils
26 guilty of gross disobedience or misconduct, or to suspend
27 pupils guilty of gross disobedience or misconduct on the school
28 bus from riding the school bus, and no action shall lie against
29 them for such suspension. The board may by regulation authorize
30 the superintendent of the district or the principal, assistant
31 principal, or dean of students of any school to suspend pupils
32 guilty of such acts for a period not to exceed 10 school days.

1 If a pupil is suspended due to gross disobedience or misconduct
2 on a school bus, the board may suspend the pupil in excess of
3 10 school days for safety reasons. Any suspension shall be
4 reported immediately to the parents or guardian of such pupil
5 along with a full statement of the reasons for such suspension
6 and a notice of their right to a review, a copy of which shall
7 be given to the school board. Upon request of the parents or
8 guardian the school board or a hearing officer appointed by it
9 shall review such action of the superintendent or principal,
10 assistant principal, or dean of students. At such review the
11 parents or guardian of the pupil may appear and discuss the
12 suspension with the board or its hearing officer. If a hearing
13 officer is appointed by the board he shall report to the board
14 a written summary of the evidence heard at the meeting. After
15 its hearing or upon receipt of the written report of its
16 hearing officer, the board may take such action as it finds
17 appropriate.

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

22 (d) The board may expel a student for a definite period of
23 time not to exceed 2 calendar years, as determined on a case by
24 case basis. A student who is determined to have brought a
25 weapon to school, any school-sponsored activity or event, or
26 any activity or event which bears a reasonable relationship to
27 school shall be expelled for a period of not less than one
28 year, except that the expulsion period may be modified by the
29 superintendent, and the superintendent's determination may be
30 modified by the board on a case by case basis. For the purpose
31 of this Section, the term "weapon" means (1) possession, use,
32 control, or transfer of any gun, rifle, shotgun, weapon as
33 defined by Section 921 of Title 18, United States Code, firearm
34 as defined in Section 1.1 of the Firearm Owners Identification
35 Act, or use of a weapon as defined in Section 24-1 of the
36 Criminal Code, (2) any other object if used or attempted to be

1 used to cause bodily harm, including but not limited to,
2 knives, brass knuckles, or billy clubs, or (3) "look alike" of
3 any weapon as defined in this Section. Expulsion or suspension
4 shall be construed in a manner consistent with the Federal
5 Individuals with Disabilities Education Act. A student who is
6 subject to suspension or expulsion as provided in this Section
7 may be eligible for a transfer to an alternative school program
8 in accordance with Article 13A of the School Code. The
9 provisions of this subsection (d) apply in all school
10 districts, including special charter districts and districts
11 organized under Article 34.

12 (d-5) The board may by regulation authorize the
13 superintendent of the district or the principal, assistant
14 principal, or dean of students of any school to suspend pupils
15 for a period not to exceed 10 school days or may expel a
16 student for a definite period of time not to exceed 2 calendar
17 years, as determined on a case by case basis, if that student
18 has been determined to have made an explicit threat on an
19 Internet web site against a school employee, a student, or any
20 school-related personnel and (i) the Internet web site through
21 which the threat was made is a site that was accessible within
22 the school at the time the threat was made or was available to
23 third parties who worked or studied within the school grounds
24 at the time the threat was made and (ii) the threat could be
25 reasonably interpreted as bearing a reasonable relationship to
26 the safety and security of the threatened individual because of
27 his or her duties or educational status inside the school. The
28 provisions of this subsection (d-5) apply in all school
29 districts, including special charter districts and districts
30 organized under Article 34.

31 (e) To maintain order and security in the schools, school
32 authorities may inspect and search places and areas such as
33 lockers, desks, parking lots, and other school property and
34 equipment owned or controlled by the school, as well as
35 personal effects left in those places and areas by students,
36 without notice to or the consent of the student, and without a

1 search warrant. As a matter of public policy, the General
2 Assembly finds that students have no reasonable expectation of
3 privacy in these places and areas or in their personal effects
4 left in these places and areas. School authorities may request
5 the assistance of law enforcement officials for the purpose of
6 conducting inspections and searches of lockers, desks, parking
7 lots, and other school property and equipment owned or
8 controlled by the school for illegal drugs, weapons, or other
9 illegal or dangerous substances or materials, including
10 searches conducted through the use of specially trained dogs.
11 If a search conducted in accordance with this Section produces
12 evidence that the student has violated or is violating either
13 the law, local ordinance, or the school's policies or rules,
14 such evidence may be seized by school authorities, and
15 disciplinary action may be taken. School authorities may also
16 turn over such evidence to law enforcement authorities. The
17 provisions of this subsection (e) apply in all school
18 districts, including special charter districts and districts
19 organized under Article 34.

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

23 (g) A school district may adopt a policy providing that if
24 a student is suspended or expelled for any reason from any
25 public or private school in this or any other state, the
26 student must complete the entire term of the suspension or
27 expulsion before being admitted into the school district. This
28 policy may allow placement of the student in an alternative
29 school program established under Article 13A of this Code, if
30 available, for the remainder of the suspension or expulsion.
31 This subsection (g) applies to all school districts, including
32 special charter districts and districts organized under
33 Article 34 of this Code.

34 (Source: P.A. 92-64, eff. 7-12-01.)

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.