



Rep. La Shawn K. Ford

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LRB098 06296 NHT 57895 a

1 AMENDMENT TO HOUSE BILL 2880

2 AMENDMENT NO. _____. Amend House Bill 2880 by replacing
3 everything after the enacting clause with the following:

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,

1 place and purpose of the meeting. The board, or a hearing
2 officer appointed by it, at such meeting shall state the
3 reasons for dismissal and the date on which the expulsion is to
4 become effective. If a hearing officer is appointed by the
5 board he shall report to the board a written summary of the
6 evidence heard at the meeting and the board may take such
7 action thereon as it finds appropriate. An expelled pupil may
8 be immediately transferred to an alternative program in the
9 manner provided in Article 13A or 13B of this Code. A pupil
10 must not be denied transfer because of the expulsion, except in
11 cases in which such transfer is deemed to cause a threat to the
12 safety of students or staff in the alternative program.

13 (b) To suspend or by policy to authorize the superintendent
14 of the district or the principal, assistant principal, or dean
15 of students of any school to suspend pupils guilty of gross
16 disobedience or misconduct, or to suspend pupils guilty of
17 gross disobedience or misconduct on the school bus from riding
18 the school bus, and no action shall lie against them for such
19 suspension. The board may by policy authorize the
20 superintendent of the district or the principal, assistant
21 principal, or dean of students of any school to suspend pupils
22 guilty of such acts for a period not to exceed 10 school days.
23 If a pupil is suspended due to gross disobedience or misconduct
24 on a school bus, the board may suspend the pupil in excess of
25 10 school days for safety reasons. Any suspension shall be
26 reported immediately to the parents or guardian of such pupil

1 along with a full statement of the reasons for such suspension
2 and a notice of their right to a review. The school board must
3 be given a summary of the notice, including the reason for the
4 suspension and the suspension length. Upon request of the
5 parents or guardian the school board or a hearing officer
6 appointed by it shall review such action of the superintendent
7 or principal, assistant principal, or dean of students. At such
8 review the parents or guardian of the pupil may appear and
9 discuss the suspension with the board or its hearing officer.
10 If a hearing officer is appointed by the board he shall report
11 to the board a written summary of the evidence heard at the
12 meeting. After its hearing or upon receipt of the written
13 report of its hearing officer, the board may take such action
14 as it finds appropriate. A pupil who is suspended in excess of
15 20 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.

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

25 (d) The board may expel a student for a definite period of
26 time not to exceed 2 calendar years, as determined on a case by

1 case basis. A student who is determined to have brought one of
2 the following objects to school, any school-sponsored activity
3 or event, or any activity or event that bears a reasonable
4 relationship to school shall be expelled for a period of not
5 less than one year:

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

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

23 Expulsion or suspension shall be construed in a manner
24 consistent with the Federal Individuals with Disabilities
25 Education Act. A student who is subject to suspension or
26 expulsion as provided in this Section may be eligible for a

1 transfer to an alternative school program in accordance with
2 Article 13A of the School Code. The provisions of this
3 subsection (d) apply in all school districts, including special
4 charter districts and districts organized under Article 34.

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. The provisions of this subsection (d-5)
22 apply in all school districts, including special charter
23 districts and districts organized under Article 34 of this
24 Code.

25 (e) To maintain order and security in the schools, school
26 authorities may inspect and search places and areas such as

1 lockers, desks, parking lots, and other school property and
2 equipment owned or controlled by the school, as well as
3 personal effects left in those places and areas by students,
4 without notice to or the consent of the student, and without a
5 search warrant. As a matter of public policy, the General
6 Assembly finds that students have no reasonable expectation of
7 privacy in these places and areas or in their personal effects
8 left in these places and areas. School authorities may request
9 the assistance of law enforcement officials for the purpose of
10 conducting inspections and searches of lockers, desks, parking
11 lots, and other school property and equipment owned or
12 controlled by the school for illegal drugs, weapons, or other
13 illegal or dangerous substances or materials, including
14 searches conducted through the use of specially trained dogs.
15 If a search conducted in accordance with this Section produces
16 evidence that the student has violated or is violating either
17 the law, local ordinance, or the school's policies or rules,
18 such evidence may be seized by school authorities, and
19 disciplinary action may be taken. School authorities may also
20 turn over such evidence to law enforcement authorities. The
21 provisions of this subsection (e) apply in all school
22 districts, including special charter districts and districts
23 organized under Article 34.

24 (f) Suspension or expulsion may include suspension or
25 expulsion from school and all school activities and a
26 prohibition from being present on school grounds.

1 (g) A school district may adopt a policy providing that if
2 a student is suspended or expelled for any reason from any
3 public or private school in this or any other state, the
4 student must complete the entire term of the suspension or
5 expulsion in an alternative school program under Article 13A of
6 this Code or an alternative learning opportunities program
7 under Article 13B of this Code before being admitted into the
8 school district if there is no threat to the safety of students
9 or staff in the alternative program. This subsection (g)
10 applies to all school districts, including special charter
11 districts and districts organized under Article 34 of this
12 Code.

13 (h) The board shall meet or by regulation authorize the
14 superintendent of the school district or the principal,
15 assistant principal, or dean of students of a school to meet
16 with each student subject to suspension or expulsion under this
17 Section to inform the student of alternative options and his or
18 her rights, including without limitation the following:

19 (1) the length of the suspension or expulsion;

20 (2) the scope of the suspension or expulsion;

21 (3) the availability of an appeals process;

22 (4) the student's ability to receive and complete
23 school work; and

24 (5) the availability of alternative schooling.

25 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
26 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;

1 97-1150, eff. 1-25-13.)

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. An expelled
25 pupil may be immediately transferred to an alternative program

1 in the manner provided in Article 13A or 13B of this Code. A
2 pupil must not be denied transfer because of the expulsion,
3 except in cases in which such transfer is deemed to cause a
4 threat to the safety of students or staff in the alternative
5 program. A pupil who is suspended in excess of 20 school days
6 may be immediately transferred to an alternative program in the
7 manner provided in Article 13A or 13B of this Code. A pupil
8 must not be denied transfer because of the suspension, except
9 in cases in which such transfer is deemed to cause a threat to
10 the safety of students or staff in the alternative program. The
11 board shall meet or by regulation authorize the general
12 superintendent of schools or the principal, assistant
13 principal, or dean of students of a school to meet with each
14 student subject to suspension or expulsion under this Section
15 to inform the student of alternative options and his or her
16 rights, including without limitation (i) the length of the
17 suspension or expulsion, (ii) the scope of the suspension or
18 expulsion, (iii) the availability of an appeals process, (iv)
19 the student's ability to receive and complete school work, and
20 (v) the availability of alternative schooling. The bylaws,
21 rules and regulations of the board shall be enacted, money
22 shall be appropriated or expended, salaries shall be fixed or
23 changed, and textbooks, electronic textbooks, and courses of
24 instruction shall be adopted or changed only at the regular
25 meetings of the board and by a vote of a majority of the full
26 membership of the board; provided that notwithstanding any

1 other provision of this Article or the School Code, neither the
2 board or any local school council may purchase any textbook for
3 use in any public school of the district from any textbook
4 publisher that fails to furnish any computer diskettes as
5 required under Section 28-21. Funds appropriated for textbook
6 purchases must be available for electronic textbook purchases
7 and the technological equipment necessary to gain access to and
8 use electronic textbooks at the local school council's
9 discretion. The board shall be further encouraged to provide
10 opportunities for public hearing and testimony before the
11 adoption of bylaws, rules and regulations. Upon all
12 propositions requiring for their adoption at least a majority
13 of all the members of the board the yeas and nays shall be
14 taken and reported. The by-laws, rules and regulations of the
15 board shall not be repealed, amended or added to, except by a
16 vote of 2/3 of the full membership of the board. The board
17 shall keep a record of all its proceedings. Such records and
18 all by-laws, rules and regulations, or parts thereof, may be
19 proved by a copy thereof certified to be such by the secretary
20 of the board, but if they are printed in book or pamphlet form
21 which are purported to be published by authority of the board
22 they need not be otherwise published and the book or pamphlet
23 shall be received as evidence, without further proof, of the
24 records, by-laws, rules and regulations, or any part thereof,
25 as of the dates thereof as shown in such book or pamphlet, in
26 all courts and places 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; 97-813, eff.
17 7-13-12.)".