



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5552

Introduced 1/31/2022, by Rep. Anne Stava-Murray

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-94 new

Amends the School Code. Provides that a school district operating one or more high schools, a charter school, or a private secondary school shall not make or enforce a rule subjecting a high school student to disciplinary sanctions solely on the basis of conduct that is speech or other communication that, when engaged in outside of the campus, is protected from governmental restriction by the United States Constitution or the Illinois Constitution. Provides that a student who is enrolled in a school at the time that the school has made or enforced a rule that the student would be protected from may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Provides that the new provisions do not apply to a private secondary school that is controlled by a religious organization to the extent that the application would not be consistent with the religious tenets of the organization. Provides that an employee shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under the new provisions, or refusing to infringe upon conduct that is protected.

LRB102 25516 RJT 34805 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 adding Section  
5 22-94 as follows:

6 (105 ILCS 5/22-94 new)

7 Sec. 22-94. Protection from discipline sanctions from  
8 exercising protected speech.

9 (a) A school district operating one or more high schools,  
10 a charter school, or a private secondary school shall not make  
11 or enforce a rule subjecting a high school student to  
12 disciplinary sanctions solely on the basis of conduct that is  
13 speech or other communication that, when engaged in outside of  
14 the campus, is protected from governmental restriction by the  
15 First Amendment to the United States Constitution or Section 4  
16 of Article I of the Illinois Constitution.

17 (b) A student who is enrolled in a school at the time that  
18 the school has made or enforced a rule in violation of  
19 subsection (a) may commence a civil action to obtain  
20 appropriate injunctive and declaratory relief as determined by  
21 the court. Upon motion, a court may award attorney's fees to a  
22 prevailing plaintiff in a civil action pursuant to this  
23 Section.

1       (c) This Section does not apply to a private secondary  
2 school that is controlled by a religious organization, to the  
3 extent that the application of this Section would not be  
4 consistent with the religious tenets of the organization.

5       (d) This Section does not prohibit the imposition of  
6 discipline for harassment, threats, or intimidation, unless  
7 constitutionally protected.

8       (e) The General Assembly finds and declares that free  
9 speech rights are subject to reasonable time, place, and  
10 manner regulations.

11       (f) An employee shall not be dismissed, suspended,  
12 disciplined, reassigned, transferred, or otherwise retaliated  
13 against solely for acting to protect a student engaged in  
14 conduct authorized under this Section, or refusing to infringe  
15 upon conduct that is protected by this Section, the First  
16 Amendment to the United States Constitution, or Section 4 of  
17 Article I of the Illinois Constitution.