

1 AN ACT concerning 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 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, 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
22 finds 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
26 pupils guilty of gross disobedience or misconduct, or to
27 suspend pupils guilty of gross disobedience or misconduct on
28 the school bus from riding the school bus, and no action
29 shall lie against them for such suspension. The board may by
30 regulation authorize the superintendent of the district or
31 the principal, assistant principal, or dean of students of

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

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

24 (d) The board may expel a student for a definite period
25 of time not to exceed 2 calendar years, as determined on a
26 case by case basis. A student who is determined to have
27 brought a weapon to school, any school-sponsored activity or
28 event, or any activity or event which bears a reasonable
29 relationship to school shall be expelled for a period of not
30 less than one year, except that the expulsion period may be
31 modified by the superintendent, and the superintendent's
32 determination may be modified by the board on a case by case
33 basis. For the purpose of this Section, the term "weapon"
34 means (1) possession, use, control, or transfer of any gun,

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

17 (e) To maintain order and security in the schools,
18 school authorities may inspect and search places and areas
19 such as lockers, desks, parking lots, and other school
20 property and equipment owned or controlled by the school, as
21 well as personal effects left in those places and areas by
22 students, without notice to or the consent of the student,
23 and without a search warrant. As a matter of public policy,
24 the General Assembly finds that students have no reasonable
25 expectation of privacy in these places and areas or in their
26 personal effects left in these places and areas. School
27 authorities may request the assistance of law enforcement
28 officials for the purpose of conducting inspections and
29 searches of lockers, desks, parking lots, and other school
30 property and equipment owned or controlled by the school for
31 illegal drugs, weapons, or other illegal or dangerous
32 substances or materials, including searches conducted through
33 the use of specially trained dogs. If a search conducted in
34 accordance with this Section produces evidence that the

1 student has violated or is violating either the law, local
2 ordinance, or the school's policies or rules, such evidence
3 may be seized by school authorities, and disciplinary action
4 may be taken. School authorities may also turn over such
5 evidence to law enforcement authorities. The provisions of
6 this subsection (e) apply in all school districts, including
7 special charter districts and districts organized under
8 Article 34.

9 (f) Suspension or expulsion may include suspension or
10 expulsion from school and all school activities and a
11 prohibition from being present on school grounds.

12 (g) A school district may adopt a policy providing that
13 if a student is suspended or expelled for any reason from any
14 public or private school in this or any other state, the
15 student must complete the entire term of the suspension or
16 expulsion before being admitted into the school district.
17 This policy may allow placement of the student in an
18 alternative school program established under Article 13A of
19 this Code, if available, for the remainder of the suspension
20 or expulsion. This subsection (g) applies to all school
21 districts, including special charter districts and districts
22 organized under Article 34 of this Code.

23 (h) If a pupil is suspended for more than 2 school days,
24 the pupil's parent or guardian may chose to place the pupil
25 in a community-based education program during those days of
26 suspension and the school district must pay the
27 community-based education program an amount equal to the
28 amount the school spends per pupil per day for each day that
29 the pupil is suspended and attends the program.

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

31 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

32 Sec. 34-19. By-laws, rules and regulations; business
33 transacted at regular meetings; voting; records. The board

1 shall, subject to the limitations in this Article, establish
2 by-laws, rules and regulations, which shall have the force of
3 ordinances, for the proper maintenance of a uniform system of
4 discipline for both employees and pupils, and for the entire
5 management of the schools, and may fix the school age of
6 pupils, the minimum of which in kindergartens shall not be
7 under 4 years and in grade schools shall not be under 6
8 years. It may expel, suspend or, subject to the limitations
9 of all policies established or adopted under Section 14-8.05,
10 otherwise discipline any pupil found guilty of gross
11 disobedience, misconduct or other violation of the by-laws,
12 rules and regulations. If a pupil is suspended for more than
13 2 school days, the pupil's parent or guardian may chose to
14 place the pupil in a community-based education program during
15 those days of suspension and the school district must pay the
16 community-based education program an amount equal to the
17 amount the school spends per pupil per day for each day that
18 the pupil is suspended and attends the program. The bylaws,
19 rules and regulations of the board shall be enacted, money
20 shall be appropriated or expended, salaries shall be fixed or
21 changed, and textbooks and courses of instruction shall be
22 adopted or changed only at the regular meetings of the board
23 and by a vote of a majority of the full membership of the
24 board; provided that notwithstanding any other provision of
25 this Article or the School Code, neither the board or any
26 local school council may purchase any textbook for use in any
27 public school of the district from any textbook publisher
28 that fails to furnish any computer diskettes as required
29 under Section 28-21. The board shall be further encouraged to
30 provide opportunities for public hearing and testimony before
31 the adoption of bylaws, rules and regulations. Upon all
32 propositions requiring for their adoption at least a majority
33 of all the members of the board the yeas and nays shall be
34 taken and reported. The by-laws, rules and regulations of the

1 board shall not be repealed, amended or added to, except by a
 2 vote of 2/3 of the full membership of the board. The board
 3 shall keep a record of all its proceedings. Such records and
 4 all by-laws, rules and regulations, or parts thereof, may be
 5 proved by a copy thereof certified to be such by the
 6 secretary of the board, but if they are printed in book or
 7 pamphlet form which are purported to be published by
 8 authority of the board they need not be otherwise published
 9 and the book or pamphlet shall be received as evidence,
 10 without further proof, of the records, by-laws, rules and
 11 regulations, or any part thereof, as of the dates thereof as
 12 shown in such book or pamphlet, in all courts and places
 13 where judicial proceedings are had.

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

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

29 Section 90. The State Mandates Act is amended by adding
 30 Section 8.27 as follows:

31 (30 ILCS 805/8.27 new)

32 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6

1 and 8 of this Act, no reimbursement by the State is required
2 for the implementation of any mandate created by this
3 amendatory Act of the 93rd General Assembly.

4 Section 99. Effective date. This Act takes effect on
5 July 1, 2003.