

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 adding Section
5 2-3.134 and changing Sections 10-22.6 and 34-19 as follows:

6 (105 ILCS 5/2-3.134 new)

7 Sec. 2-3.134. Community-based education programs;
8 suspended students. The State Board of Education shall issue
9 vendor numbers to community-based education programs that the
10 State Board of Education has approved to educate students that
11 have been suspended from public school. The State Board of
12 Education may adopt any rules necessary to implement this
13 Section.

14 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

31 (b) To suspend or by regulation to authorize the

1 superintendent of the district or the principal, assistant
2 principal, or dean of students of any school to suspend pupils
3 guilty of gross disobedience or misconduct, or to suspend
4 pupils guilty of gross disobedience or misconduct on the school
5 bus from riding the school bus, and no action shall lie against
6 them for such suspension. The board may by regulation authorize
7 the superintendent of the district or the principal, assistant
8 principal, or dean of students of any school to suspend pupils
9 guilty of such acts for a period not to exceed 10 school days.
10 If a pupil is suspended due to gross disobedience or misconduct
11 on a school bus, the board may suspend the pupil in excess of
12 10 school days for safety reasons. Any suspension shall be
13 reported immediately to the parents or guardian of such pupil
14 along with a full statement of the reasons for such suspension
15 and a notice of their right to a review, a copy of which shall
16 be given to the school board. Upon request of the parents or
17 guardian the school board or a hearing officer appointed by it
18 shall review such action of the superintendent or principal,
19 assistant principal, or dean of students. At such review the
20 parents or guardian of the pupil may appear and discuss the
21 suspension with the board or its hearing officer. If a hearing
22 officer is appointed by the board he shall report to the board
23 a written summary of the evidence heard at the meeting. After
24 its hearing or upon receipt of the written report of its
25 hearing officer, the board may take such action as it finds
26 appropriate.

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

31 (d) The board may expel a student for a definite period of
32 time not to exceed 2 calendar years, as determined on a case by
33 case basis. A student who is determined to have brought a
34 weapon to school, any school-sponsored activity or event, or
35 any activity or event which bears a reasonable relationship to
36 school shall be expelled for a period of not less than one

1 year, except that the expulsion period may be modified by the
2 superintendent, and the superintendent's determination may be
3 modified by the board on a case by case basis. For the purpose
4 of this Section, the term "weapon" means (1) possession, use,
5 control, or transfer of any gun, rifle, shotgun, weapon as
6 defined by Section 921 of Title 18, United States Code, firearm
7 as defined in Section 1.1 of the Firearm Owners Identification
8 Act, or use of a weapon as defined in Section 24-1 of the
9 Criminal Code, (2) any other object if used or attempted to be
10 used to cause bodily harm, including but not limited to,
11 knives, brass knuckles, or billy clubs, or (3) "look alike" of
12 any weapon as defined in this Section. Expulsion or suspension
13 shall be construed in a manner consistent with the Federal
14 Individuals with Disabilities Education Act. A student who is
15 subject to suspension or expulsion as provided in this Section
16 may be eligible for a transfer to an alternative school program
17 in accordance with Article 13A of the School Code. The
18 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, school
22 authorities may inspect and search places and areas such as
23 lockers, desks, parking lots, and other school property and
24 equipment owned or controlled by the school, as well as
25 personal effects left in those places and areas by students,
26 without notice to or the consent of the student, and without a
27 search warrant. As a matter of public policy, the General
28 Assembly finds that students have no reasonable expectation of
29 privacy in these places and areas or in their personal effects
30 left in these places and areas. School authorities may request
31 the assistance of law enforcement officials for the purpose of
32 conducting inspections and searches of lockers, desks, parking
33 lots, and other school property and equipment owned or
34 controlled by the school for illegal drugs, weapons, or other
35 illegal or dangerous substances or materials, including
36 searches conducted through the use of specially trained dogs.

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

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

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

24 (h) If a pupil is suspended for one or more school days,
25 then, for that period of suspension, the pupil's parent or
26 guardian may place the pupil in a community-based education
27 program approved by the State Board of Education under Section
28 2-3.134 of this Code.

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

30 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

31 Sec. 34-19. By-laws, rules and regulations; business
32 transacted at regular meetings; voting; records. The board
33 shall, subject to the limitations in this Article, establish
34 by-laws, rules and regulations, which shall have the force of
35 ordinances, for the proper maintenance of a uniform system of

1 discipline for both employees and pupils, and for the entire
2 management of the schools, and may fix the school age of
3 pupils, the minimum of which in kindergartens shall not be
4 under 4 years and in grade schools shall not be under 6 years.
5 It may expel, suspend or, subject to the limitations of all
6 policies established or adopted under Section 14-8.05,
7 otherwise discipline any pupil found guilty of gross
8 disobedience, misconduct or other violation of the by-laws,
9 rules and regulations. If a pupil is suspended for one or more
10 school days, then, for that period of suspension, the pupil's
11 parent or guardian may place the pupil in a community-based
12 education program approved by the State Board of Education
13 under Section 2-3.134 of this Code. The bylaws, rules and
14 regulations of the board shall be enacted, money shall be
15 appropriated or expended, salaries shall be fixed or changed,
16 and textbooks and courses of instruction shall be adopted or
17 changed only at the regular meetings of the board and by a vote
18 of a majority of the full membership of the board; provided
19 that notwithstanding any other provision of this Article or the
20 School Code, neither the board or any local school council may
21 purchase any textbook for use in any public school of the
22 district from any textbook publisher that fails to furnish any
23 computer diskettes as required under Section 28-21. The board
24 shall be further encouraged to provide opportunities for public
25 hearing and testimony before the adoption of bylaws, rules and
26 regulations. Upon all propositions requiring for their
27 adoption at least a majority of all the members of the board
28 the yeas and nays shall be taken and reported. The by-laws,
29 rules and regulations of the board shall not be repealed,
30 amended or added to, except by a vote of 2/3 of the full
31 membership of the board. The board shall keep a record of all
32 its proceedings. Such records and all by-laws, rules and
33 regulations, or parts thereof, may be proved by a copy thereof
34 certified to be such by the secretary of the board, but if they
35 are printed in book or pamphlet form which are purported to be
36 published by authority of the board they need not be otherwise

1 published and the book or pamphlet shall be received as
2 evidence, without further proof, of the records, by-laws, rules
3 and regulations, or any part thereof, as of the dates thereof
4 as shown in such book or pamphlet, in all courts and places
5 where judicial proceedings are had.

6 Notwithstanding any other provision in this Article or in
7 the School Code, the board may delegate to the general
8 superintendent or to the attorney the authorities granted to
9 the board in the School Code, provided such delegation and
10 appropriate oversight procedures are made pursuant to board
11 by-laws, rules and regulations, adopted as herein provided,
12 except that the board may not delegate its authorities and
13 responsibilities regarding (1) budget approval obligations;
14 (2) rule-making functions; (3) desegregation obligations; (4)
15 real estate acquisition, sale or lease in excess of 10 years as
16 provided in Section 34-21; (5) the levy of taxes; or (6) any
17 mandates imposed upon the board by "An Act in relation to
18 school reform in cities over 500,000, amending Acts herein
19 named", approved December 12, 1988 (P.A. 85-1418).
20 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.28 as follows:

23 (30 ILCS 805/8.28 new)

24 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and
25 8 of this Act, no reimbursement by the State is required for
26 the implementation of any mandate created by this amendatory
27 Act of the 93rd General Assembly.

28 Section 99. Effective date. This Act takes effect July 1,
29 2004.