



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0038

Introduced 1/19/2007, by Rep. Tom Cross - Brent Hassert - Jim Watson - Roger L. Eddy, Joe Dunn, et al.

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 if (i) that student 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, (ii) 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 (iii) 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.

LRB095 03731 RAS 23758 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

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.

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

5 (d) The board may expel a student for a definite period of
6 time not to exceed 2 calendar years, as determined on a case by
7 case basis. A student who is determined to have brought a
8 weapon to school, any school-sponsored activity or event, or
9 any activity or event which bears a reasonable relationship to
10 school shall be expelled for a period of not less than one
11 year, except that the expulsion period may be modified by the
12 superintendent, and the superintendent's determination may be
13 modified by the board on a case by case basis. For the purpose
14 of this Section, the term "weapon" means (1) possession, use,
15 control, or transfer of any gun, rifle, shotgun, weapon as
16 defined by Section 921 of Title 18, United States Code, firearm
17 as defined in Section 1.1 of the Firearm Owners Identification
18 Act, or use of a weapon as defined in Section 24-1 of the
19 Criminal Code, (2) any other object if used or attempted to be
20 used to cause bodily harm, including but not limited to,
21 knives, brass knuckles, or billy clubs, or (3) "look alike" of
22 any weapon as defined in this Section. Expulsion or suspension
23 shall be construed in a manner consistent with the Federal
24 Individuals with Disabilities Education Act. A student who is
25 subject to suspension or expulsion as provided in this Section
26 may be eligible for a transfer to an alternative school program

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

5 (d-5) The board may 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 web site against a school employee, a
13 student, or any school-related personnel, (ii) the Internet web
14 site 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 bearing a reasonable
19 relationship to the safety and security of the threatened
20 individual because of his or her duties or educational status
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.

24 (e) To maintain order and security in the schools, school
25 authorities may inspect and search places and areas such as
26 lockers, desks, parking lots, and other school property and

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

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

26 (g) A school district may adopt a policy providing that if

1 a student is suspended or expelled for any reason from any
2 public or private school in this or any other state, the
3 student must complete the entire term of the suspension or
4 expulsion before being admitted into the school district. This
5 policy may allow placement of the student in an alternative
6 school program established under Article 13A of this Code, if
7 available, for the remainder of the suspension or expulsion.
8 This subsection (g) applies to all school districts, including
9 special charter districts and districts organized under
10 Article 34 of this Code.

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