



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3730

Introduced 2/28/2007, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6
105 ILCS 5/24-24

from Ch. 122, par. 10-22.6
from Ch. 122, par. 24-24

Amends the School Code. Provides that teachers (not just school authorities) may inspect and search places and areas owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student and without a search warrant. Makes related changes. Effective immediately.

LRB095 09587 NHT 29787 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 Sections
5 10-22.6 and 24-24 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 (e) To maintain order and security in the schools, school
6 authorities and teachers may inspect and search places and
7 areas such as lockers, desks, parking lots, and other school
8 property and equipment owned or controlled by the school, as
9 well as personal effects left in those places and areas by
10 students, without notice to or the consent of the student, and
11 without a search warrant. As a matter of public policy, the
12 General Assembly finds that students have no reasonable
13 expectation of privacy in these places and areas or in their
14 personal effects left in these places and areas. School
15 authorities may request the assistance of law enforcement
16 officials for the purpose of conducting inspections and
17 searches of lockers, desks, parking lots, and other school
18 property and equipment owned or controlled by the school for
19 illegal drugs, weapons, or other illegal or dangerous
20 substances or materials, including searches conducted through
21 the use of specially trained dogs. If a search conducted in
22 accordance with this Section produces evidence that the student
23 has violated or is violating either the law, local ordinance,
24 or the school's policies or rules, such evidence may be seized
25 by school authorities or a teacher, and disciplinary action may
26 be taken. School authorities or a teacher may also turn over

1 such evidence to law enforcement authorities. The provisions of
2 this subsection (e) apply in all school districts, including
3 special charter districts and districts organized under
4 Article 34.

5 (f) Suspension or expulsion may include suspension or
6 expulsion from school and all school activities and a
7 prohibition from being present on school grounds.

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

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

20 (105 ILCS 5/24-24) (from Ch. 122, par. 24-24)

21 Sec. 24-24. Maintenance of discipline. Subject to the
22 limitations of all policies established or adopted under
23 Section 14-8.05, teachers, other certificated educational
24 employees, and any other person, whether or not a certificated
25 employee, providing a related service for or with respect to a

1 student shall maintain discipline in the schools, including
2 school grounds which are owned or leased by the board and used
3 for school purposes and activities. In all matters relating to
4 the discipline in and conduct of the schools and the school
5 children, they stand in the relation of parents and guardians
6 to the pupils. This relationship shall extend to all activities
7 connected with the school program, including all athletic and
8 extracurricular programs, and may be exercised at any time for
9 the safety and supervision of the pupils in the absence of
10 their parents or guardians.

11 As provided under Section 10-22.6 of this Code, teachers
12 may inspect and search places and areas owned or controlled by
13 the school, as well as personal effects left in those places
14 and areas by students, without notice to or the consent of the
15 student and without a search warrant.

16 Nothing in this Section affects the power of the board to
17 establish rules with respect to discipline; except that each
18 board shall establish a policy on discipline, and the policy so
19 established shall provide, subject to the limitations of all
20 policies established or adopted under Section 14-8.05, that a
21 teacher, other certificated employee, and any other person,
22 whether or not a certificated employee, providing a related
23 service for or with respect to a student may use reasonable
24 force as needed to maintain safety for the other students,
25 school personnel or persons or for the purpose of self defense
26 or the defense of property, shall provide that a teacher may

1 remove a student from the classroom for disruptive behavior,
2 and shall include provisions which provide due process to
3 students. The policy shall not include slapping, paddling or
4 prolonged maintenance of students in physically painful
5 positions nor shall it include the intentional infliction of
6 bodily harm.

7 The board may make and enforce reasonable rules of conduct
8 and sportsmanship for athletic and extracurricular school
9 events. Any person who violates such rules may be denied
10 admission to school events for not more than one year, provided
11 that written 10 days notice of the violation is given such
12 person and a hearing had thereon by the board pursuant to its
13 rules and regulations. The administration of any school may
14 sign complaints as agents of the school against persons
15 committing any offense at school events.

16 (Source: P.A. 88-346; 88-670, eff. 12-2-94; 89-184, eff.
17 7-19-95.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.