

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, acting on any reasonable suspicion  
7 based on professional experience and judgment, may inspect and  
8 search places and areas such as lockers, desks, parking lots,  
9 and other school property and equipment owned or controlled by  
10 the school, as well as personal effects left in those places  
11 and areas by students, without notice to or the consent of the  
12 student, and without a search warrant, if the inspection or  
13 search is conducted to ensure that classrooms, school  
14 buildings, school property, and students remain free from the  
15 threat of illegal drugs, weapons, or other dangerous substances  
16 or materials. The measures used to conduct an inspection or  
17 search must be reasonably related to the inspection's or  
18 search's objectives, without being excessively intrusive in  
19 light of the student's age, sex, and the nature of the offense.

20 As a matter of public policy, the General Assembly finds that  
21 students have no reasonable expectation of privacy in these  
22 places and areas or in their personal effects left in these  
23 places and areas. School authorities may request the assistance  
24 of law enforcement officials for the purpose of conducting  
25 inspections and searches of lockers, desks, parking lots, and  
26 other school property and equipment owned or controlled by the

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

13 (f) Suspension or expulsion may include suspension or  
14 expulsion from school and all school activities and a  
15 prohibition from being present on school grounds.

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

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

2 (105 ILCS 5/24-24) (from Ch. 122, par. 24-24)

3 Sec. 24-24. Maintenance of discipline. Subject to the  
4 limitations of all policies established or adopted under  
5 Section 14-8.05, teachers, other certificated educational  
6 employees, and any other person, whether or not a certificated  
7 employee, providing a related service for or with respect to a  
8 student shall maintain discipline in the schools, including  
9 school grounds which are owned or leased by the board and used  
10 for school purposes and activities. In all matters relating to  
11 the discipline in and conduct of the schools and the school  
12 children, they stand in the relation of parents and guardians  
13 to the pupils. This relationship shall extend to all activities  
14 connected with the school program, including all athletic and  
15 extracurricular programs, and may be exercised at any time for  
16 the safety and supervision of the pupils in the absence of  
17 their parents or guardians.

18 As provided in and subject to the requirements of  
19 subsection (e) of Section 10-22.6 of this Code, teachers may  
20 inspect and search places and areas owned or controlled by the  
21 school, as well as personal effects left in those places and  
22 areas by students, without notice to or the consent of the  
23 student and without a search warrant.

24 Nothing in this Section affects the power of the board to  
25 establish rules with respect to discipline; except that each

1 board shall establish a policy on discipline, and the policy so  
2 established shall provide, subject to the limitations of all  
3 policies established or adopted under Section 14-8.05, that a  
4 teacher, other certificated employee, and any other person,  
5 whether or not a certificated employee, providing a related  
6 service for or with respect to a student may use reasonable  
7 force as needed to maintain safety for the other students,  
8 school personnel or persons or for the purpose of self defense  
9 or the defense of property, shall provide that a teacher may  
10 remove a student from the classroom for disruptive behavior,  
11 and shall include provisions which provide due process to  
12 students. The policy shall not include slapping, paddling or  
13 prolonged maintenance of students in physically painful  
14 positions nor shall it include the intentional infliction of  
15 bodily harm.

16 The board may make and enforce reasonable rules of conduct  
17 and sportsmanship for athletic and extracurricular school  
18 events. Any person who violates such rules may be denied  
19 admission to school events for not more than one year, provided  
20 that written 10 days notice of the violation is given such  
21 person and a hearing had thereon by the board pursuant to its  
22 rules and regulations. The administration of any school may  
23 sign complaints as agents of the school against persons  
24 committing any offense at school events.

25 (Source: P.A. 88-346; 88-670, eff. 12-2-94; 89-184, eff.  
26 7-19-95.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.