



Adopted in House Comm. on May 29, 2007

09500SB1426ham002

LRB095 11052 NHT 37124 a

1 AMENDMENT TO SENATE BILL 1426

2 AMENDMENT NO. _____. Amend Senate Bill 1426, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 10-22.6 as follows:

7 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

8 Sec. 10-22.6. Suspension or expulsion of pupils; school
9 searches.

10 (a) To expel pupils guilty of gross disobedience or
11 misconduct, including gross disobedience or misconduct
12 perpetuated by electronic means, and no action shall lie
13 against them for such expulsion. Expulsion shall take place
14 only after the parents have been requested to appear at a
15 meeting of the board, or with a hearing officer appointed by
16 it, to discuss their child's behavior. Such request shall be

1 made by registered or certified mail and shall state the time,
2 place and purpose of the meeting. The board, or a hearing
3 officer appointed by it, at such meeting shall state the
4 reasons for dismissal and the date on which the expulsion is to
5 become effective. If a hearing officer is appointed by the
6 board he shall report to the board a written summary of the
7 evidence heard at the meeting and the board may take such
8 action thereon as it finds appropriate.

9 (b) To suspend or by regulation to authorize the
10 superintendent of the district or the principal, assistant
11 principal, or dean of students of any school to suspend pupils
12 guilty of gross disobedience or misconduct, or to suspend
13 pupils guilty of gross disobedience or misconduct on the school
14 bus from riding the school bus, and no action shall lie against
15 them for such suspension. The board may by regulation authorize
16 the superintendent of the district or the principal, assistant
17 principal, or dean of students of any school to suspend pupils
18 guilty of such acts for a period not to exceed 10 school days.
19 If a pupil is suspended due to gross disobedience or misconduct
20 on a school bus, the board may suspend the pupil in excess of
21 10 school days for safety reasons. Any suspension shall be
22 reported immediately to the parents or guardian of such pupil
23 along with a full statement of the reasons for such suspension
24 and a notice of their right to a review, a copy of which shall
25 be given to the school board. Upon request of the parents or
26 guardian the school board or a hearing officer appointed by it

1 shall review such action of the superintendent or principal,
2 assistant principal, or dean of students. At such review the
3 parents or guardian of the pupil may appear and discuss the
4 suspension with the board or its hearing officer. If a hearing
5 officer is appointed by the board he shall report to the board
6 a written summary of the evidence heard at the meeting. After
7 its hearing or upon receipt of the written report of its
8 hearing officer, the board may take such action as it finds
9 appropriate.

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

14 (d) The board may expel a student for a definite period of
15 time not to exceed 2 calendar years, as determined on a case by
16 case basis. A student who is determined to have brought a
17 weapon to school, any school-sponsored activity or event, or
18 any activity or event which bears a reasonable relationship to
19 school shall be expelled for a period of not less than one
20 year, except that the expulsion period may be modified by the
21 superintendent, and the superintendent's determination may be
22 modified by the board on a case by case basis. For the purpose
23 of this Section, the term "weapon" means (1) possession, use,
24 control, or transfer of any gun, rifle, shotgun, weapon as
25 defined by Section 921 of Title 18, United States Code, firearm
26 as defined in Section 1.1 of the Firearm Owners Identification

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

14 (d-5) The board may suspend or by regulation authorize the
15 superintendent of the district or the principal, assistant
16 principal, or dean of students of any school to suspend a
17 student for a period not to exceed 10 school days or may expel
18 a student for a definite period of time not to exceed 2
19 calendar years, as determined on a case by case basis, if (i)
20 that student has been determined to have made an explicit
21 threat on an Internet web site against a school employee, a
22 student, or any school-related personnel, (ii) the Internet web
23 site through which the threat was made is a site that was
24 accessible within the school at the time the threat was made or
25 was available to third parties who worked or studied within the
26 school grounds at the time the threat was made, or (iii) the

1 threat could be reasonably interpreted as bearing a reasonable
2 relationship to the safety and security of the threatened
3 individual because of his or her duties or employment status or
4 status as a student inside the school. The provisions of this
5 subsection (d-5) apply in all school districts, including
6 special charter districts and districts organized under
7 Article 34.

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

1 such evidence may be seized by school authorities, and
2 disciplinary action may be taken. School authorities may also
3 turn over such evidence to law enforcement authorities. The
4 provisions of this subsection (e) apply in all school
5 districts, including special charter districts and districts
6 organized under Article 34.

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

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

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