

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 adding Section
5 22-80 as follows:

6 (105 ILCS 5/22-80 new)

7 Sec. 22-80. Student Bill of Rights.

8 (a) It is the policy of this State to eliminate the
9 criminalization of minor instances of student misconduct in
10 schools, to prevent police questioning and police presence
11 during questioning of students in schools without prior
12 explanation to the students of their right to refuse to answer
13 questions, and to provide parents with reasonable
14 opportunities to be present during police questioning and
15 police presence during questioning of students in schools. It
16 is also the policy of this State that providing the rights
17 specified in this Section to individual students be balanced
18 with the need for schools to maintain the safety of all
19 students.

20 (b) In this Section:

21 "Emergency situation" means action by a student that
22 poses a substantial risk of imminent harm to the student or
23 to other persons or to property.

1 "Notification" means a reasonable attempt to contact a
2 person through at least 2 methods.

3 "Police officer" means any sworn police officer,
4 including a sworn officer known as a school resource
5 officer or known by any other term for a sworn officer
6 assigned to a school. "Police officer" does not include a
7 sworn officer known as a school resource officer or known
8 by any other term for a sworn officer assigned to a school
9 who is investigating only a violation of a school rule or
10 school district policy or who is acting in furtherance of
11 the school's attempt to maintain a proper educational
12 environment, provided that this exception no longer
13 applies if the police officer, at any time, reasonably
14 believes the subject matter that the student is being
15 questioned about may also constitute an offense for which
16 that student may be held criminally liable.

17 "Presence of a police officer" means any situation in
18 which a police officer is in the physical presence of a
19 student or when a police officer can, by any means, see a
20 student or hear a statement made by a student.

21 "School" means a public school and property owned,
22 leased, or controlled by the school, including
23 transportation vehicles.

24 "Student" means a public school student who is
25 reasonably believed to have violated a school district
26 policy or a school rule or to have committed an offense for

1 which the student may be criminally liable.

2 (c) Prior to being asked any question or being requested to
3 make any statement while in the presence of a police officer, a
4 student must be informed of the right not to answer any
5 question or to make any statement in the presence of a police
6 officer.

7 (d) Prior to being asked any question or being requested to
8 make any statement while in the presence of a police officer, a
9 student must be informed that a parent, a guardian, or an
10 attorney has the right to be present during such questioning or
11 request for a statement.

12 (e) Prior to being asked any question or being requested to
13 make any statement while in the presence of a police officer, a
14 student must be informed that any information given in the
15 presence of a police officer may result in an arrest and in the
16 issuing of a summons and may be used in criminal prosecution.

17 (f) Prior to the presence of a police officer during the
18 questioning of a student or of a request for a statement, the
19 school principal or designee shall approve the presence of the
20 police officer during the questioning of or while making a
21 request for any statement from the student.

22 (g) Except for emergency situations, a police officer may
23 not question a student or ask for the student to provide a
24 statement until (i) the student's parent or guardian receives
25 notification of the opportunity to be present during such
26 questioning or request for a statement and (ii) a period of at

1 least 24 hours has passed since such notification or attempted
2 notification to the student's parent or guardian. Notification
3 is not required if the student is 18 years of age or older or is
4 an emancipated minor.

5 Section 99. Effective date. This Act takes effect July 1,
6 2015.