



Rep. Emanuel Chris Welch

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LRB099 04271 NHT 32948 a

1 AMENDMENT TO HOUSE BILL 1458

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1458 by replacing  
3 everything after the enacting clause with the following:

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.  
16 Pursuant to these purposes, it is the policy of this State to

1 ensure that school administrators carefully consider the needs  
2 of each student when determining whether to involve a school  
3 resource officer or another sworn police officer in a student  
4 disciplinary matter. It is also the policy of this State that  
5 providing the rights specified in this Section to individual  
6 students be balanced with the need for schools to maintain the  
7 safety of all students.

8 (b) In this Section:

9 "Emergency situation" means action by a student that  
10 poses a substantial risk of imminent harm to the student or  
11 to other persons. Examples of such actions are possessing a  
12 firearm, possessing an explosive substance or device,  
13 possessing a knife with a blade in excess of 3 inches, and  
14 possessing a controlled substance in a quantity that  
15 indicates an intent to sell pursuant to State law.

16 "Notification" means use of a telephone call, voice  
17 mail, text, e-mail or any other means known by the school  
18 to be a means to contact a person and by using all such  
19 means until at least one means is successful or until all  
20 are tried without success.

21 "Opportunity to be present" means a point in time no  
22 sooner than 24 hours after notification.

23 "Police officer" means any sworn police officer,  
24 including without limitation a sworn officer known as a  
25 school resource officer or known by any other term for a  
26 sworn officer assigned to a school.

1           "Presence of a police officer" means any situation in  
2           which a police officer is in the physical presence of a  
3           student or when a police officer can, by any means, see a  
4           student or hear a statement made by a student.

5           "School" means a public school.

6           "Student" means a public school student.

7           (c) 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 of the right not to answer any  
10           question or to make any statement in the presence of a police  
11           officer.

12           (d) 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 of the right to have a parent, a  
15           guardian, a school social worker, a school administrator, or an  
16           attorney present during such questioning or request for a  
17           statement.

18           (e) Prior to being asked any question or being requested to  
19           make any statement while in the presence of a police officer, a  
20           student must be informed that any information given in the  
21           presence of a police officer may result in an arrest and in the  
22           issuing of a summons and may be used in school discipline and  
23           in criminal prosecution.

24           (f) Prior to the presence of a police officer during the  
25           questioning of a student or of a request for a statement, the  
26           school principal shall approve the presence of the police

1 officer during the questioning of or while making a request for  
2 any statement from the student.

3 (g) Prior to the presence of a police officer during the  
4 questioning of or while making a request for any statement from  
5 a student, a parent or guardian of the student must be given  
6 notification of the opportunity to be present during the  
7 questioning, except that, in the case of an emergency  
8 situation, the parent or guardian must be given notification of  
9 the opportunity to be present no later than simultaneous with  
10 the initiation of the questioning or with the request for a  
11 statement. Notification is not required if the student is 18  
12 years of age or older, is an emancipated minor, or is being  
13 questioned as the victim of a crime.

14 (h) Except in the case of conduct that involves a  
15 continuing threat of harm to students or property and  
16 information to mitigate or eliminate the possible harm can be  
17 obtained by questioning, a parent, guardian, school social  
18 worker, or attorney shall have up to 24 hours after  
19 notification to be present when a student is questioned or  
20 asked to make a statement in the presence of a police officer,  
21 and the student must not be questioned or asked to make a  
22 statement until the sooner of the presence of a parent,  
23 guardian, school social worker, or attorney or 24 hours have  
24 elapsed after notification to the parent or guardian.

25 (i) Schools shall track arrests, summonses, and  
26 notifications. Before July 1, 2016 and before each July 1

1 thereafter, each school district shall submit to its school  
2 board a report with data from the preceding school year that  
3 includes all of the following:

4 (1) The number of notifications made by the school.

5 (2) The number of students charged for crimes committed  
6 on school property.

7 (3) The race, age, ethnicity, and disability status of  
8 each student arrested or issued a summons for each charge.

9 (4) The offense for which the student, identified only  
10 by his or her race, age, ethnicity, and disability status,  
11 has been arrested.

12 No student's name or identifiable information other than  
13 the information listed in this subsection (i) may be included  
14 in the report. The school board shall electronically submit  
15 this report to the State Board of Education on or before August  
16 1 of each year.

17 (j) Nothing in this Section removes the in loco parentis  
18 authority granted to teachers in Section 24-24 or 34-84a of  
19 this Code.

20 (k) The reporting requirements in this Section must be  
21 consistent with reporting requirements already existing on the  
22 effective date of this amendatory Act of the 99th General  
23 Assembly and must not be duplicative.

24 Section 99. Effective date. This Act takes effect July 1,  
25 2015."