



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4233

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

105 ILCS 5/34-19

from Ch. 122, par. 34-19

Amends the School Code. Provides that out-of-school suspensions of students may take place only after a school counselor or school social worker, if any, at the school has approved the out-of-school suspension.

LRB099 12940 NHT 36800 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 34-19 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, including gross disobedience or misconduct
11 perpetuated by electronic means, and no action shall lie
12 against them for such expulsion. Expulsion shall take place
13 only after the parents have been requested to appear at a
14 meeting of the board, or with a hearing officer appointed by
15 it, to discuss their child's behavior. Such request shall be
16 made by registered or certified mail and shall state the time,
17 place and purpose of the meeting. The board, or a hearing
18 officer appointed by it, at such meeting shall state the
19 reasons for dismissal and the date on which the expulsion is to
20 become effective. If a hearing officer is appointed by the
21 board he shall report to the board a written summary of the
22 evidence heard at the meeting and the board may take such
23 action thereon as it finds appropriate. An expelled pupil may

1 be immediately transferred to an alternative program in the
2 manner provided in Article 13A or 13B of this Code. A pupil
3 must not be denied transfer because of the expulsion, except in
4 cases in which such transfer is deemed to cause a threat to the
5 safety of students or staff in the alternative program.

6 (b) To suspend or by policy to authorize the superintendent
7 of the district or the principal, assistant principal, or dean
8 of students of any school to suspend pupils guilty of gross
9 disobedience or misconduct, or to suspend pupils guilty of
10 gross disobedience or misconduct on the school bus from riding
11 the school bus, and no action shall lie against them for such
12 suspension. The board may by policy authorize the
13 superintendent of the district or the principal, assistant
14 principal, or dean of students of any school to suspend pupils
15 guilty of such acts for a period not to exceed 10 school days.
16 If a pupil is suspended due to gross disobedience or misconduct
17 on a school bus, the board may suspend the pupil in excess of
18 10 school days for safety reasons. Out-of-school suspensions
19 may take place only after a school counselor or school social
20 worker, if any, at the school has approved the out-of-school
21 suspension. Any suspension shall be reported immediately to the
22 parents or guardian of such pupil along with a full statement
23 of the reasons for such suspension and a notice of their right
24 to a review. The school board must be given a summary of the
25 notice, including the reason for the suspension and the
26 suspension length. Upon request of the parents or guardian the

1 school board or a hearing officer appointed by it shall review
2 such action of the superintendent or principal, assistant
3 principal, or dean of students. At such review the parents or
4 guardian of the pupil may appear and discuss the suspension
5 with the board or its hearing officer. If a hearing officer is
6 appointed by the board he shall report to the board a written
7 summary of the evidence heard at the meeting. After its hearing
8 or upon receipt of the written report of its hearing officer,
9 the board may take such action as it finds appropriate. A pupil
10 who is suspended in excess of 20 school days may be immediately
11 transferred to an alternative program in the manner provided in
12 Article 13A or 13B of this Code. A pupil must not be denied
13 transfer because of the suspension, except in cases in which
14 such transfer is deemed to cause a threat to the safety of
15 students or staff in the alternative program.

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

20 (d) The board may expel a student for a definite period of
21 time not to exceed 2 calendar years, as determined on a case by
22 case basis. A student who is determined to have brought one of
23 the following objects to school, any school-sponsored activity
24 or event, or any activity or event that bears a reasonable
25 relationship to school shall be expelled for a period of not
26 less than one year:

1 (1) A firearm. For the purposes of this Section,
2 "firearm" means any gun, rifle, shotgun, weapon as defined
3 by Section 921 of Title 18 of the United States Code,
4 firearm as defined in Section 1.1 of the Firearm Owners
5 Identification Card Act, or firearm as defined in Section
6 24-1 of the Criminal Code of 2012. The expulsion period
7 under this subdivision (1) may be modified by the
8 superintendent, and the superintendent's determination may
9 be modified by the board on a case-by-case basis.

10 (2) A knife, brass knuckles or other knuckle weapon
11 regardless of its composition, a billy club, or any other
12 object if used or attempted to be used to cause bodily
13 harm, including "look alike" of any firearm as defined in
14 subdivision (1) of this subsection (d). The expulsion
15 requirement under this subdivision (2) may be modified by
16 the superintendent, and the superintendent's determination
17 may be modified by the board on a case-by-case basis.

18 Expulsion or suspension shall be construed in a manner
19 consistent with the Federal Individuals with Disabilities
20 Education Act. A student who is subject to suspension or
21 expulsion as provided in this Section may be eligible for a
22 transfer to an alternative school program in accordance with
23 Article 13A of the School Code. The provisions of this
24 subsection (d) apply in all school districts, including special
25 charter districts and districts organized under Article 34.

26 (d-5) The board may suspend or by regulation authorize the

1 superintendent of the district or the principal, assistant
2 principal, or dean of students of any school to suspend a
3 student for a period not to exceed 10 school days or may expel
4 a student for a definite period of time not to exceed 2
5 calendar years, as determined on a case by case basis, if (i)
6 that student has been determined to have made an explicit
7 threat on an Internet website against a school employee, a
8 student, or any school-related personnel, (ii) the Internet
9 website through which the threat was made is a site that was
10 accessible within the school at the time the threat was made or
11 was available to third parties who worked or studied within the
12 school grounds at the time the threat was made, and (iii) the
13 threat could be reasonably interpreted as threatening to the
14 safety and security of the threatened individual because of his
15 or her duties or employment status or status as a student
16 inside the school. The provisions of this subsection (d-5)
17 apply in all school districts, including special charter
18 districts and districts organized under Article 34 of this
19 Code.

20 (e) To maintain order and security in the schools, school
21 authorities may inspect and search places and areas such as
22 lockers, desks, parking lots, and other school property and
23 equipment owned or controlled by the school, as well as
24 personal effects left in those places and areas by students,
25 without notice to or the consent of the student, and without a
26 search warrant. As a matter of public policy, the General

1 Assembly finds that students have no reasonable expectation of
2 privacy in these places and areas or in their personal effects
3 left in these places and areas. School authorities may request
4 the assistance of law enforcement officials for the purpose of
5 conducting inspections and searches of lockers, desks, parking
6 lots, and other school property and equipment owned or
7 controlled by the school for illegal drugs, weapons, or other
8 illegal or dangerous substances or materials, including
9 searches conducted through the use of specially trained dogs.
10 If a search conducted in accordance with this Section produces
11 evidence that the student has violated or is violating either
12 the law, local ordinance, or the school's policies or rules,
13 such evidence may be seized by school authorities, and
14 disciplinary action may be taken. School authorities may also
15 turn over such evidence to law enforcement authorities. The
16 provisions of this subsection (e) apply in all school
17 districts, including special charter districts and districts
18 organized under Article 34.

19 (f) Suspension or expulsion may include suspension or
20 expulsion from school and all school activities and a
21 prohibition from being present on school grounds.

22 (g) A school district may adopt a policy providing that if
23 a student is suspended or expelled for any reason from any
24 public or private school in this or any other state, the
25 student must complete the entire term of the suspension or
26 expulsion in an alternative school program under Article 13A of

1 this Code or an alternative learning opportunities program
2 under Article 13B of this Code before being admitted into the
3 school district if there is no threat to the safety of students
4 or staff in the alternative program. This subsection (g)
5 applies to all school districts, including special charter
6 districts and districts organized under Article 34 of this
7 Code.

8 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
9 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;
10 97-1150, eff. 1-25-13.)

11 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

12 Sec. 34-19. By-laws, rules and regulations; business
13 transacted at regular meetings; voting; records. The board
14 shall, subject to the limitations in this Article, establish
15 by-laws, rules and regulations, which shall have the force of
16 ordinances, for the proper maintenance of a uniform system of
17 discipline for both employees and pupils, and for the entire
18 management of the schools, and may fix the school age of
19 pupils, the minimum of which in kindergartens shall not be
20 under 4 years, except that, based upon an assessment of the
21 child's readiness, children who have attended a non-public
22 preschool and continued their education at that school through
23 kindergarten, were taught in kindergarten by an appropriately
24 certified teacher, and will attain the age of 6 years on or
25 before December 31 of the year of the 2009-2010 school term and

1 each school term thereafter may attend first grade upon
2 commencement of such term, and in grade schools shall not be
3 under 6 years. It may expel, suspend or, subject to the
4 limitations of all policies established or adopted under
5 Section 14-8.05, otherwise discipline any pupil found guilty of
6 gross disobedience, misconduct or other violation of the
7 by-laws, rules and regulations, including gross disobedience
8 or misconduct perpetuated by electronic means. Out-of-school
9 suspensions may take place only after a school counselor or
10 school social worker, if any, at the school has approved the
11 out-of-school suspension. An expelled pupil may be immediately
12 transferred to an alternative program in the manner provided in
13 Article 13A or 13B of this Code. A pupil must not be denied
14 transfer because of the expulsion, except in cases in which
15 such transfer is deemed to cause a threat to the safety of
16 students or staff in the alternative program. A pupil who is
17 suspended in excess of 20 school days may be immediately
18 transferred to an alternative program in the manner provided in
19 Article 13A or 13B of this Code. A pupil must not be denied
20 transfer because of the suspension, except in cases in which
21 such transfer is deemed to cause a threat to the safety of
22 students or staff in the alternative program. The bylaws, rules
23 and regulations of the board shall be enacted, money shall be
24 appropriated or expended, salaries shall be fixed or changed,
25 and textbooks, electronic textbooks, and courses of
26 instruction shall be adopted or changed only at the regular

1 meetings of the board and by a vote of a majority of the full
2 membership of the board; provided that notwithstanding any
3 other provision of this Article or the School Code, neither the
4 board or any local school council may purchase any textbook for
5 use in any public school of the district from any textbook
6 publisher that fails to furnish any computer diskettes as
7 required under Section 28-21. Funds appropriated for textbook
8 purchases must be available for electronic textbook purchases
9 and the technological equipment necessary to gain access to and
10 use electronic textbooks at the local school council's
11 discretion. The board shall be further encouraged to provide
12 opportunities for public hearing and testimony before the
13 adoption of bylaws, rules and regulations. Upon all
14 propositions requiring for their adoption at least a majority
15 of all the members of the board the yeas and nays shall be
16 taken and reported. The by-laws, rules and regulations of the
17 board shall not be repealed, amended or added to, except by a
18 vote of 2/3 of the full membership of the board. The board
19 shall keep a record of all its proceedings. Such records and
20 all by-laws, rules and regulations, or parts thereof, may be
21 proved by a copy thereof certified to be such by the secretary
22 of the board, but if they are printed in book or pamphlet form
23 which are purported to be published by authority of the board
24 they need not be otherwise published and the book or pamphlet
25 shall be received as evidence, without further proof, of the
26 records, by-laws, rules and regulations, or any part thereof,

1 as of the dates thereof as shown in such book or pamphlet, in
2 all courts and places where judicial proceedings are had.

3 Notwithstanding any other provision in this Article or in
4 the School Code, the board may delegate to the general
5 superintendent or to the attorney the authorities granted to
6 the board in the School Code, provided such delegation and
7 appropriate oversight procedures are made pursuant to board
8 by-laws, rules and regulations, adopted as herein provided,
9 except that the board may not delegate its authorities and
10 responsibilities regarding (1) budget approval obligations;
11 (2) rule-making functions; (3) desegregation obligations; (4)
12 real estate acquisition, sale or lease in excess of 10 years as
13 provided in Section 34-21; (5) the levy of taxes; or (6) any
14 mandates imposed upon the board by "An Act in relation to
15 school reform in cities over 500,000, amending Acts herein
16 named", approved December 12, 1988 (P.A. 85-1418).

17 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;
18 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.
19 7-13-12.)