



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4275

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. Requires a school board to meet or by regulation authorize the superintendent of the school district or the principal, assistant principal, or dean of students of a school to meet with each student subject to suspension or expulsion to inform the student of alternative options and his or her rights, including without limitation (i) the length of the suspension or expulsion, (ii) the scope of the suspension or expulsion, (iii) the availability of an appeals process, (iv) the student's ability to receive and complete school work, and (v) the availability of alternative schooling.

LRB099 13944 SXM 37940 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. Any suspension shall be  
19 reported immediately to the parents or guardian of such pupil  
20 along with a full statement of the reasons for such suspension  
21 and a notice of their right to a review. The school board must  
22 be given a summary of the notice, including the reason for the  
23 suspension and the suspension length. Upon request of the  
24 parents or guardian the school board or a hearing officer  
25 appointed by it shall review such action of the superintendent  
26 or principal, assistant principal, or dean of students. At such

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

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

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

25 (1) A firearm. For the purposes of this Section,  
26 "firearm" means any gun, rifle, shotgun, weapon as defined

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

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

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

24 (d-5) The board may suspend or by regulation authorize the  
25 superintendent of the district or the principal, assistant  
26 principal, or dean of students of any school to suspend a

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

18 (e) To maintain order and security in the schools, school  
19 authorities may inspect and search places and areas such as  
20 lockers, desks, parking lots, and other school property and  
21 equipment owned or controlled by the school, as well as  
22 personal effects left in those places and areas by students,  
23 without notice to or the consent of the student, and without a  
24 search warrant. As a matter of public policy, the General  
25 Assembly finds that students have no reasonable expectation of  
26 privacy in these places and areas or in their personal effects

1 left in these places and areas. School authorities may request  
2 the assistance of law enforcement officials for the purpose of  
3 conducting inspections and searches of lockers, desks, parking  
4 lots, and other school property and equipment owned or  
5 controlled by the school for illegal drugs, weapons, or other  
6 illegal or dangerous substances or materials, including  
7 searches conducted through the use of specially trained dogs.  
8 If a search conducted in accordance with this Section produces  
9 evidence that the student has violated or is violating either  
10 the law, local ordinance, or the school's policies or rules,  
11 such evidence may be seized by school authorities, and  
12 disciplinary action may be taken. School authorities may also  
13 turn over such evidence to law enforcement authorities. The  
14 provisions of this subsection (e) apply in all school  
15 districts, including special charter districts and districts  
16 organized under Article 34.

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

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

1 school district if there is no threat to the safety of students  
2 or staff in the alternative program. This subsection (g)  
3 applies to all school districts, including special charter  
4 districts and districts organized under Article 34 of this  
5 Code.

6 (h) The board shall meet or by regulation authorize the  
7 superintendent of the school district or the principal,  
8 assistant principal, or dean of students of a school to meet  
9 with each student subject to suspension or expulsion under this  
10 Section to inform the student of alternative options and his or  
11 her rights, including without limitation the following:

12 (1) the length of the suspension or expulsion;

13 (2) the scope of the suspension or expulsion;

14 (3) the availability of an appeals process;

15 (4) the student's ability to receive and complete  
16 school work; and

17 (5) the availability of alternative schooling.

18 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
19 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;  
20 97-1150, eff. 1-25-13.)

21 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

22 Sec. 34-19. By-laws, rules and regulations; business  
23 transacted at regular meetings; voting; records. The board  
24 shall, subject to the limitations in this Article, establish  
25 by-laws, rules and regulations, which shall have the force of



1 ordinances, for the proper maintenance of a uniform system of  
2 discipline for both employees and pupils, and for the entire  
3 management of the schools, and may fix the school age of  
4 pupils, the minimum of which in kindergartens shall not be  
5 under 4 years, except that, based upon an assessment of the  
6 child's readiness, children who have attended a non-public  
7 preschool and continued their education at that school through  
8 kindergarten, were taught in kindergarten by an appropriately  
9 certified teacher, and will attain the age of 6 years on or  
10 before December 31 of the year of the 2009-2010 school term and  
11 each school term thereafter may attend first grade upon  
12 commencement of such term, and in grade schools shall not be  
13 under 6 years. It may expel, suspend or, subject to the  
14 limitations of all policies established or adopted under  
15 Section 14-8.05, otherwise discipline any pupil found guilty of  
16 gross disobedience, misconduct or other violation of the  
17 by-laws, rules and regulations, including gross disobedience  
18 or misconduct perpetuated by electronic means. An expelled  
19 pupil may be immediately transferred to an alternative program  
20 in the manner provided in Article 13A or 13B of this Code. A  
21 pupil must not be denied transfer because of the expulsion,  
22 except in cases in which such transfer is deemed to cause a  
23 threat to the safety of students or staff in the alternative  
24 program. A pupil who is suspended in excess of 20 school days  
25 may be immediately transferred to an alternative program in the  
26 manner provided in Article 13A or 13B of this Code. A pupil

1 must not be denied transfer because of the suspension, except  
2 in cases in which such transfer is deemed to cause a threat to  
3 the safety of students or staff in the alternative program. The  
4 board shall meet or by regulation authorize the general  
5 superintendent of schools or the principal, assistant  
6 principal, or dean of students of a school to meet with each  
7 student subject to suspension or expulsion under this Section  
8 to inform the student of alternative options and his or her  
9 rights, including without limitation (i) the length of the  
10 suspension or expulsion, (ii) the scope of the suspension or  
11 expulsion, (iii) the availability of an appeals process, (iv)  
12 the student's ability to receive and complete school work, and  
13 (v) the availability of alternative schooling. The bylaws,  
14 rules and regulations of the board shall be enacted, money  
15 shall be appropriated or expended, salaries shall be fixed or  
16 changed, and textbooks, electronic textbooks, and courses of  
17 instruction shall be adopted or changed only at the regular  
18 meetings of the board and by a vote of a majority of the full  
19 membership of the board; provided that notwithstanding any  
20 other provision of this Article or the School Code, neither the  
21 board or any local school council may purchase any textbook for  
22 use in any public school of the district from any textbook  
23 publisher that fails to furnish any computer diskettes as  
24 required under Section 28-21. Funds appropriated for textbook  
25 purchases must be available for electronic textbook purchases  
26 and the technological equipment necessary to gain access to and

1 use electronic textbooks at the local school council's  
2 discretion. The board shall be further encouraged to provide  
3 opportunities for public hearing and testimony before the  
4 adoption of bylaws, rules and regulations. Upon all  
5 propositions requiring for their adoption at least a majority  
6 of all the members of the board the yeas and nays shall be  
7 taken and reported. The by-laws, rules and regulations of the  
8 board shall not be repealed, amended or added to, except by a  
9 vote of 2/3 of the full membership of the board. The board  
10 shall keep a record of all its proceedings. Such records and  
11 all by-laws, rules and regulations, or parts thereof, may be  
12 proved by a copy thereof certified to be such by the secretary  
13 of the board, but if they are printed in book or pamphlet form  
14 which are purported to be published by authority of the board  
15 they need not be otherwise published and the book or pamphlet  
16 shall be received as evidence, without further proof, of the  
17 records, by-laws, rules and regulations, or any part thereof,  
18 as of the dates thereof as shown in such book or pamphlet, in  
19 all courts and places where judicial proceedings are had.

20 Notwithstanding any other provision in this Article or in  
21 the School Code, the board may delegate to the general  
22 superintendent or to the attorney the authorities granted to  
23 the board in the School Code, provided such delegation and  
24 appropriate oversight procedures are made pursuant to board  
25 by-laws, rules and regulations, adopted as herein provided,  
26 except that the board may not delegate its authorities and

1 responsibilities regarding (1) budget approval obligations;  
2 (2) rule-making functions; (3) desegregation obligations; (4)  
3 real estate acquisition, sale or lease in excess of 10 years as  
4 provided in Section 34-21; (5) the levy of taxes; or (6) any  
5 mandates imposed upon the board by "An Act in relation to  
6 school reform in cities over 500,000, amending Acts herein  
7 named", approved December 12, 1988 (P.A. 85-1418).

8 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;  
9 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.  
10 7-13-12.)