

1 AN ACT in relation to 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  
5 Sections 2-3.13a and 10-22.6 as follows:

6 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

7 Sec. 2-3.13a. Scholastic records; transferring students.  
8 The State Board of Education shall establish and implement  
9 rules requiring all of the public schools and all private or  
10 nonpublic elementary and secondary schools located in this  
11 State, whenever any such school has a student who is  
12 transferring to any other public elementary or secondary  
13 school located in this or in any other state, to forward  
14 within 10 days of notice of the student's transfer an  
15 unofficial record of that student's grades to the school to  
16 which such student is transferring. Each public school at  
17 the same time also shall forward to the school to which the  
18 student is transferring the remainder of the student's school  
19 student records as required by the Illinois School Student  
20 Records Act. In addition, if a student is transferring from a  
21 public school, whether located in this or any other state,  
22 from which the student has been suspended or expelled for  
23 knowingly possessing in a school building or on school  
24 grounds a weapon as defined in the Gun Free Schools Act (20  
25 U.S.C. 8921 et seq.), for knowingly possessing, selling, or  
26 delivering in a school building or on school grounds a  
27 controlled substance or cannabis, or for battering a staff  
28 member of the school, and if the period of suspension or  
29 expulsion has not expired at the time the student attempts to  
30 transfer into another public school in the same or any other  
31 school district: (i) any school student records required to

1 be transferred shall include the date and duration of the  
2 period of suspension or expulsion; and (ii) with the  
3 exception of transfers into the Department of Corrections  
4 school district, the student shall not be permitted to attend  
5 class in the public school into which he or she is  
6 transferring until the student has served the entire period  
7 of the suspension or expulsion imposed by the school from  
8 which the student is transferring, provided that the school  
9 board may approve the placement of the student in an  
10 alternative school program established under Article 13A of  
11 this Code Act. A school district may adopt a policy providing  
12 that if a student is suspended or expelled for any reason  
13 from any public or private school in this or any other state,  
14 the student must complete the entire term of the suspension  
15 or expulsion before being admitted into the school district.  
16 This policy may allow placement of the student in an  
17 alternative school program established under Article 13A of  
18 this Code, if available, for the remainder of the suspension  
19 or expulsion. Each public school and each private or  
20 nonpublic elementary or secondary school in this State shall  
21 within 10 days after the student has paid all of his or her  
22 outstanding fines and fees and at its own expense forward an  
23 official transcript of the scholastic records of each student  
24 transferring from that school in strict accordance with the  
25 provisions of this Section and the rules established by the  
26 State Board of Education as herein provided.

27 The State Board of Education shall develop a one-page  
28 standard form that Illinois school districts are required to  
29 provide to any student who is moving out of the school  
30 district and that contains the information about whether or  
31 not the student is "in good standing" and whether or not his  
32 or her medical records are up-to-date and complete. As used  
33 in this Section, "in good standing" means that the student is  
34 not being disciplined by a suspension or expulsion, but is

1 entitled to attend classes. No school district is required  
2 to admit a new student who is transferring from another  
3 Illinois school district unless he or she can produce the  
4 standard form from the student's previous school district  
5 enrollment. No school district is required to admit a new  
6 student who is transferring from an out-of-state public  
7 school unless the parent or guardian of the student certifies  
8 in writing that the student is not currently serving a  
9 suspension or expulsion imposed by the school from which the  
10 student is transferring.

11 (Source: P.A. 91-365, eff. 7-30-99.)

12 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

13 Sec. 10-22.6. Suspension or expulsion of pupils; school  
14 searches.

15 (a) To expel pupils guilty of gross disobedience or  
16 misconduct, and no action shall lie against them for such  
17 expulsion. Expulsion shall take place only after the parents  
18 have been requested to appear at a meeting of the board, or  
19 with a hearing officer appointed by it, to discuss their  
20 child's behavior. Such request shall be made by registered or  
21 certified mail and shall state the time, place and purpose of  
22 the meeting. The board, or a hearing officer appointed by it,  
23 at such meeting shall state the reasons for dismissal and the  
24 date on which the expulsion is to become effective. If a  
25 hearing officer is appointed by the board he shall report to  
26 the board a written summary of the evidence heard at the  
27 meeting and the board may take such action thereon as it  
28 finds appropriate.

29 (b) To suspend or by regulation to authorize the  
30 superintendent of the district or the principal, assistant  
31 principal, or dean of students of any school to suspend  
32 pupils guilty of gross disobedience or misconduct, or to  
33 suspend pupils guilty of gross disobedience or misconduct on

1 the school bus from riding the school bus, and no action  
2 shall lie against them for such suspension. The board may by  
3 regulation authorize the superintendent of the district or  
4 the principal, assistant principal, or dean of students of  
5 any school to suspend pupils guilty of such acts for a period  
6 not to exceed 10 school days. If a pupil is suspended due to  
7 gross disobedience or misconduct on a school bus, the board  
8 may suspend the pupil in excess of 10 school days for safety  
9 reasons. Any suspension shall be reported immediately to the  
10 parents or guardian of such pupil along with a full statement  
11 of the reasons for such suspension and a notice of their  
12 right to a review, a copy of which shall be given to the  
13 school board. Upon request of the parents or guardian the  
14 school board or a hearing officer appointed by it shall  
15 review such action of the superintendent or principal,  
16 assistant principal, or dean of students. At such review the  
17 parents or guardian of the pupil may appear and discuss the  
18 suspension with the board or its hearing officer. If a  
19 hearing officer is appointed by the board he shall report to  
20 the board a written summary of the evidence heard at the  
21 meeting. After its hearing or upon receipt of the written  
22 report of its hearing officer, the board may take such action  
23 as it finds appropriate.

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

28 (d) The board may expel a student for a definite period  
29 of time not to exceed 2 calendar years, as determined on a  
30 case by case basis. A student who is determined to have  
31 brought a weapon to school, any school-sponsored activity or  
32 event, or any activity or event which bears a reasonable  
33 relationship to school shall be expelled for a period of not  
34 less than one year, except that the expulsion period may be

1 modified by the superintendent, and the superintendent's  
2 determination may be modified by the board on a case by case  
3 basis. For the purpose of this Section, the term "weapon"  
4 means (1) possession, use, control, or transfer of any gun,  
5 rifle, shotgun, weapon as defined by Section 921 of Title 18,  
6 United States Code, firearm as defined in Section 1.1 of the  
7 Firearm Owners Identification Act, or use of a weapon as  
8 defined in Section 24-1 of the Criminal Code, (2) any other  
9 object if used or attempted to be used to cause bodily harm,  
10 including but not limited to, knives, brass knuckles, or  
11 billy clubs, or (3) "look alike" of any weapon as defined in  
12 this Section. Expulsion or suspension shall be construed in a  
13 manner consistent with the Federal Individuals with  
14 Disabilities Education Act. A student who is subject to  
15 suspension or expulsion as provided in this Section may be  
16 eligible for a transfer to an alternative school program in  
17 accordance with Article 13A of the School Code. The  
18 provisions of this subsection (d) apply in all school  
19 districts, including special charter districts and districts  
20 organized under Article 34.

21 (e) To maintain order and security in the schools,  
22 school authorities may inspect and search places and areas  
23 such as lockers, desks, parking lots, and other school  
24 property and equipment owned or controlled by the school, as  
25 well as personal effects left in those places and areas by  
26 students, without notice to or the consent of the student,  
27 and without a search warrant. As a matter of public policy,  
28 the General Assembly finds that students have no reasonable  
29 expectation of privacy in these places and areas or in their  
30 personal effects left in these places and areas. School  
31 authorities may request the assistance of law enforcement  
32 officials for the purpose of conducting inspections and  
33 searches of lockers, desks, parking lots, and other school  
34 property and equipment owned or controlled by the school for

1 illegal drugs, weapons, or other illegal or dangerous  
2 substances or materials, including searches conducted through  
3 the use of specially trained dogs. If a search conducted in  
4 accordance with this Section produces evidence that the  
5 student has violated or is violating either the law, local  
6 ordinance, or the school's policies or rules, such evidence  
7 may be seized by school authorities, and disciplinary action  
8 may be taken. School authorities may also turn over such  
9 evidence to law enforcement authorities. The provisions of  
10 this subsection (e) apply in all school districts, including  
11 special charter districts and districts organized under  
12 Article 34.

13 (f) Suspension or expulsion may include suspension or  
14 expulsion from school and all school activities and a  
15 prohibition from being present on school grounds.

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

27 (Source: P.A. 89-371, eff. 1-1-96; 89-507, eff. 7-1-97;  
28 89-610, eff. 8-6-96; P.A. 90-14, eff. 7-1-97; 90-548, eff.  
29 1-1-98; 90-757, eff. 8-14-98.)

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.