



LEARNING
TECHNOLOGY
CENTER of ILLINOIS

2024 Legal Reference Guide

LAWS AFFECTING TECHNOLOGY

IN SCHOOL DISTRICTS

LEARNING TECHNOLOGY CENTER of ILLINOIS

I Acknowledgements

This reference guide was developed by the Learning Technology Center and compiled by Joshua D Herman, Katherine L. Swise, and Timothy A. Higus at Miller, Hall & Triggs, LLC.

The Learning Technology Center of Illinois leads statewide educational change and builds capacity through technology-related professional learning, programs, initiatives, and support.

Nothing contained in this resource is intended to be construed as legal advice, nor is it intended to be a comprehensive reference of every statute, regulation, or rule that may relate to technology within school districts. Any issues pertaining to school districts should be thoroughly researched and discussed with legal counsel. This resource is intended to be a helpful introduction to laws affecting technology in primary and secondary school districts. Moreover, the summary of the laws provided herein are not meant to be construed as a complete recitation of statutory language. Unless otherwise noted, the laws referred to herein apply to all school districts within the State of Illinois.

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GOVERNMENT FUNCTIONS

Statutory Reference	The Law	Applicability
<i>Electronic Records</i> 815 ILCS 333/7 815 ILCS 333/12	<p>Records shall not be denied legal effect or validity solely because they are in electronic form. An electronic record satisfies a rule of law requiring information to be “in writing” or “written.”</p> <p>If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which (1) accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and (2) remains accessible for later reference.</p>	<p>This is a law of general applicability to all entities or individuals keeping electronic records.</p>
<i>Agendas & Minutes</i>	See “District Website Content” <i>infra</i> , p. 22.	
<i>Regional Offices of Education and Service Centers</i> 105 ILCS 5/2-3.62 ; 23 Ill. Adm. Code 525.10	<p>A regional network of educational service centers shall be established by the State Board of Education to provide new services to schools. Services to be made available by such centers shall include the planning, implementation and evaluation of computer technology education.</p>	<p>The State Board of Education is required to establish such networks, however, each Regional Office of Education, Immediate Service Center, and Chicago School District 299 shall ensure such services are provided.</p>

| GOVERNMENT FUNCTIONS, CONT'D.

Statutory Reference	The Law	Applicability
<i>FOIA – Online Records</i> <u>5 ILCS 140/8.5</u>	<p>School districts are not required to copy a public record that is published on the district’s website. School districts must notify the requester that the public record is available online and direct the requester to the website where the record can be reasonably accessed.</p> <p>If the requester is unable to reasonably access the online record, the requester may resubmit the request stating the inability to access the record, and the school district shall make the record available for inspection or copying.</p>	<p>This law applies to all school districts maintaining a website.</p>
<i>Kari’s Law</i> <u>47 U.S.C. § 623</u> <u>47 C.F.R. § 9.16</u>	<p>Effective February 16, 2020, any multi-line telephone system that is installed must be capable of direct dialing 9-1-1, without having to first dial an outside line.</p>	<p>This law applies to all multi-line telephone systems that are manufactured, sold, leased, or installed after February 16, 2020.</p>

I GOVERNMENT FUNCTIONS, CONT'D.

Statutory Reference	The Law	Applicability
<i>RAY BAUM'S Act</i> 47 C.F.R. § 9.16	Any on-premises fixed telephones associated with a multi-line telephone system must ensure that “dispatchable location” information is conveyed with any 9-1-1 call made from such device. Any on- or off-premises, non-fixed devices associated with a multi-line system must also ensure that “dispatchable location” information is conveyed when technically feasible; otherwise, it shall provide dispatchable location based on end user manual update or alternative location information. “Dispatchable location” includes the street address of the caller, plus additional location information such as a suite, apartment, or similar information necessary to identify the location of the caller.	This law applies to all multi-line telephone systems that are manufactured, sold, leased, or installed after February 16, 2020.

CONTRACTS

Statutory Reference	The Law	Applicability
<p><i>Contracts</i></p> <p>105 ILCS 5/10-20.21</p>	<p>When purchase of supplies and materials or work involves an expenditure in excess of \$35,000, schools must award such contracts to the lowest responsible bidder. However, an exception to this rule includes: purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services.</p>	<p>This law applies to all school boards.</p>
<p><i>Electronic Bidding</i></p> <p>105 ILCS 5/10-20.21</p>	<p>Acceptance of bids for contracts may be permitted by an electronic process. The electronic process must provide the following safeguards:</p> <ul style="list-style-type: none"> (i) On the date and time of bid opening, the person conducting the competitive, sealed, electronic bid process shall log onto a specified database using a unique username and password previously assigned to the bidder to allow access to the bidder's specific bid project number. (ii) The electronic database must be on a network that: <ul style="list-style-type: none"> (1) is secured behind a firewall; (2) has specific encryption tools; (3) maintains intrusion detection systems; (4) has redundant systems architecture with data storage backup, whether by CD or tape; and (5) maintains a disaster recovery plan. <p>Public Act 101-0632 amended this statute, which no longer prohibits bids for construction purposes from being communicated, accepted, or opened electronically.</p>	<p>This law applies to all school boards.</p>

PROGRAMS

Statutory Reference	The Law	Applicability
<i>Remote Educational Program</i> 105 ILCS 5/10-29; 23 Ill. Adm. Code 226.360	<p>School districts may place students into a remote educational program pursuant to an adopted school board policy. A student may participate only after the school district and a person authorized to enroll the student determine that a remote educational program will best serve the student's individual learning needs.</p> <p>A remote educational program is an educational program delivered to students in the home or other location outside of a school building that aligns to State learning standards, and the program is consistent with those given to students at the same level in the school district. Each student must have a written remote educational plan approved by the school district. The placement of a student in a remote educational program does not relieve the school district of the responsibility for ensuring the student will receive all programming and related services required by the IEP.</p> <p>This program does not include instruction delivered to students through an "E-Learning Program."</p>	<p>This law applies to all school districts.</p>

PROGRAMS, CONT'D.

Statutory Reference	The Law	Applicability
<p><i>Driver Education Distance Learning</i></p> <p>105 ILCS 5/27-24.2</p>	<p>School districts may, on a case-by-case basis, allow a student to take a portion of a driver's education course through a distance learning program. Such decision must be approved by the school's administration, including the driver education teacher and the parent/guardian. The student may not take the entire driver education course through a distance learning program.</p>	<p>The law applies to all school districts.</p>
<p><i>Dissection Alternatives Act</i></p> <p>105 ILCS 112/5 et seq.</p>	<p>Given the advancement of technology in school districts, all school districts are encouraged to make available and use alternatives to dissection, when the alternatives are appropriate and can provide an educational experience that is equal or superior to the traditional use of dissection.</p>	<p>The law applies to all school districts.</p>
<p><i>Heroin and Opioid Prevention Pilot Program</i></p> <p>105 ILCS 5/22-81</p>	<p>The State Board of Education and Department of Human Services established a 3-year heroin and opioid drug prevention pilot program that offers educational materials regarding heroin and opioid abuse to all school districts. School districts may be reimbursed (subject to appropriation) by the Department of Human Services for any costs it incurs in connection with participation in the program.</p> <p>The program must use interactive teaching methods and technology to help students, parents and school staff understand the risks of drug use.</p>	<p>This program applies to school districts voluntarily participating in the prevention program.</p>

I PROGRAMS, CONT'D.

Statutory Reference	The Law	Applicability
<i>Illinois P-20 Council</i> <u>105 ILCS 5/22-45</u>	One of the duties of the Illinois P-20 Council, established to study and make recommendations concerning education at all levels, is to make recommendations for the short and long term actions needed to recover learning in the wake of the Covid-19 pandemic including closing the digital divide for all students pertaining to access to devices, internet connectivity, and ensuring educators have the necessary support and training to provide high quality remote and blended learning to students.	This law applies to the Illinois P-20 Council members.

E-LEARNING

STATUTORY REFERENCE

THE LAW

APPLICABILITY

E-Learning Days

[105 ILCS 5/10-20.56](#)

School districts statewide are authorized to utilize “E-Learning Days” in lieu of emergency days or because a school was selected to be a polling place.

The School Code provides that five clock hours of instruction or school work are required for each student participating in an e-learning Day. Exceptions to the five-hour instructional day requirement are for students participating in dual credit, internships, youth apprenticeships, or blended learning programs.

Before the adoption of the E-Learning Program, the school board must hold a public hearing on a school district’s proposal for an E-learning Program. Notice must be provided at least 10 days prior to the hearing by (1) publication in a newspaper, (2) written or electronic notice designed to reach parents or guardians of all students in a school district; and (3) written or electronic notice designed to reach any exclusive collective bargaining representatives of school district employees and all those employees not in a collective bargaining unit. The school board’s approval of a school district’s initial E-learning Program and renewal of the E-learning Program shall be for a term of 3 years.

This law applies to all school districts.

| E-LEARNING, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>E-Learning Requirements</i> <u>105 ILCS 5/10-20.56</u>	<p>Proposals for e-learning programs must contain provisions designed to accomplish:</p> <ul style="list-style-type: none">(i) ensure and verify at least 5 clock hours of instruction;(ii) ensure access from home or another appropriate remote facility for all students participating, including computers, Internet, and other forms of electronic communication;(iii) ensure that non-electronic materials are made available to students participating in the program who do not have access to required technology, or to participating teachers or students who are prevented from accessing the required technology;(iv) ensure appropriate learning opportunities for students with special needs;(v) verify each student's electronic participation;(vi) address the extent to which student participation is within the student's control as to time, pace, and means of learning;(vii) provide effective notice to students and their parents or guardians of the use of particular days for e-learning;(viii) provide staff and students with adequate training;(ix) ensure opportunity for collective bargaining negotiations with representatives of the district's employees who would be affected in the event of an e-learning Day;(x) review and revise the program to address difficulties confronted; and(xi) ensure that protocol regarding general expectations and responsibilities of the program is communicated to teachers, staff, and students at least 30 days prior to utilizing an e-learning Day.	<p>This law applies to all school districts.</p>

| E-LEARNING, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>E-Learning Requirements</i> <u>105 ILCS 5/10-20.56</u>	E-learning Days may be utilized for remote and blended remote learning days.	This law applies to all school districts.

FUNDING

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Technology Revolving Fund Program

[105 ILCS 5/2-3.117a;](#)

[23 Ill. Adm. Code 575.200](#)

The State Board of Education administers a School Technology Revolving Loan Program for the purpose of making technology hardware improvements affordable and integrating technology in the classroom. Loans are available for the purpose of making technology hardware investments for students and staff of eligible applicants, such as: expenditures for the establishment of local and wide area networks; network hardware; supplies and cost of labor for electrical work; hardware necessary for staff development and classroom instruction; staff development related to the integration of technology; and other technology hardware investments directly relating to technology.

Eligible applicants are: public school districts, charter schools, area vocational centers, laboratory schools, and State-recognized, non-public schools

Technology Development Fund

[30 ILCS 265/20](#)

A special fund created as a non-appropriated trust fund within the State treasury that provides that excess moneys in the fund may be provided as grants to Illinois schools to purchase computers and upgrade technology, provide grants to support career and technical education on incubators, accelerators, innovation research, technology transfer, and programs that provide training, support, and resources to technology businesses that promote job growth and venture capital environments in underserved communities.

This law applies to all school districts.

Renewable Energy Grants

[20 ILCS 687/6-5.5](#)

Makes grants available for public schools to assist with feasibility studies in training green economy technology, and in the installation of renewable systems, including wind energy systems, smart grid technology, etc.

Public schools and community colleges are eligible to receive grants from the Illinois Environmental Protection Agency.

FUNDING, CONT'D

STATUTORY REFERENCE	THE LAW	APPLICABILITY
Computer Science Equity Grant 105 ILCS 5/2-3.196 as added by Senate Bill 2374	<p>Establishes a competitive grant program to support the development or enrichment of computer science programs in K-12 schools through:</p> <ol style="list-style-type: none">(1) Expanded learning opportunities in grades K-12 to ensure that all students have access to computer science coursework that is aligned to rigorous State standards and emerging labor market needs;(2) Training and retraining of teachers of grades K-12 to be more proficient in the teaching of computer science by providing professional development opportunities;(3) Supplying classrooms with materials and equipment related to the teaching and learning of computer science; and(4) More effective recruitment and better service to K-12 learners who are underrepresented in the computer science labor market for enrollment in computer science coursework. <p>Priority consideration for all applications will be given to proposals that intend to serve a majority of learners or teachers with gender or racial/ethnic identities that are underrepresented in the computer science labor market.</p>	Eligible entities are regional offices of education, intermediate service centers, State higher education institutions, schools designated as laboratory schools, and school districts.

FUNDING, CONT'D

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Community Technology
Center Grant Program -
Eligibility

[30 ILCS 780/5-30](#)
[14 Ill. Adm. Code 546.130](#)

Provides grants to plan, establish, administer, and expand Community Technology Centers to individuals, communities, and populations that typically would not otherwise have the opportunity to use computer and telecommunications technologies.

This grant applies to State educational agencies and local educational agencies, provided that a local educational agency or public or private educational agency or organization must provide computer access and educational services using information technology to the public at one or more of its educational buildings or facilities at least 12 hours each week.

FUNDING, CONT'D

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p>Community Technology Center Grant Program-Authorized Activities</p> <p>14 Ill. Adm. Code 546.140</p>	<p>Grants under this program are available for:</p> <ul style="list-style-type: none"> a) Training to familiarize youth and adults with basic skills needed to access and utilize computers, common computer applications programs (e.g., word processing) and the Internet; b) vocational skills training relating to information technology occupations; c) access to career related information, employment opportunities, and related search capabilities available through the Internet; d) computerized instruction in: <ul style="list-style-type: none"> 1) basic literacy skill; 2) GED preparation; and 3) English as a second language instruction; e) before and after school programs for youth for academic enrichment and reinforcement; f) computer skills training and support for entrepreneurs and small businesses; g) distance learning and video conferencing; h) access to assistive technology for disabled populations; i) professional development for teachers; and j) promotion of home access to computers. 	<p>This grant applies to State educational agencies and local educational agencies, provided that a local educational agency or public or private educational agency or organization must provide computer access and educational services using information technology to the public at one or more of its educational buildings or facilities at least 12 hours each week.</p>
<p><i>Mathematics and Science Block Grant Program</i></p> <p>105 ILCS 5/1G-5</p>	<p>Makes grants available to eligible school districts to expand learning opportunities to ensure every student meets the Illinois Learning Standards related to science, including standards related to inquiry and design, concepts and principles of science, and science, technology, and society; and to supply classrooms with materials and equipment related to the teaching and learning of mathematics and science.</p>	<p>Eligible school districts may receive this grant upon application to the State Board of Education.</p>

FUNDING, CONT'D

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>STEAM Grant Program</i> <u>105 ILCS 5/2-3.119a</u>	The State Board of Education administers the School STEAM Grant Program to make science, technology, engineering, art, and math programming available to low-income students in disadvantaged neighborhoods.	Public schools, charter schools, area vocational centers, and laboratory schools where a percentage of students classified as low income exceeds the state average are eligible to receive grants.

FUNDING, CONT'D

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Children With Disabilities –</i> <i>Permissive use of funds</i></p> <p>34 CFR 300.208</p>	<p>A local education agency may use funds received under Part B of the IDEA to purchase appropriate technology for recordkeeping, data collection, and related management activities of teachers and related services personnel providing services described in the IEP of children with disabilities.</p>	<p>Any local education agency that receives funds under Part B of the IDEA.</p>
<p><i>Effective Use of Technology</i></p> <p>20 U.S.C.A. § 7119; 20 U.S.C.A. § 7131</p>	<p>Local education agencies may receive allocations pursuant to Student Support and Academic Enrichment Grants and must use a portion of such funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of all students.</p> <p>However, these funds may not be used to purchase computers used to access the Internet or to pay for direct costs associated with accessing the Internet unless a school, school board, local educational agency, or other authority has in place prescribed policies of Internet safety and is enforcing the operation of such technology protection measures.</p>	<p>This grant applies to eligible school districts through local education agencies.</p>

TAXES

STATUTORY REFERENCE

THE LAW

APPLICABILITY

*Leasing Educational
Facilities*

[105 ILCS 5/17-2.2c.](#)

The school board of any district may levy annual taxes (not to exceed .05% upon value of taxable property) for the purpose of leasing educational facilities or computer technology, or both.

This law applies to the school board of any school district.

ELECTRONIC TRANSMISSION OF FUNDS

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Electronic Transmission and Collection of Data and Funds

[105 ILCS 5/2-3.2A](#)

The State Board of Education may require the transmission or collection of any document, record, form, claim, proposal, other data, or funds, between the State Board of Education and any entity doing business with the State Board of Education, be handled by electronic transmission or collection.

This law applies to any entities doing business with the State Board of Education.

Participation

[23 Ill. Adm. Code 155.20](#);
[23 Ill. Adm. Code 155.30](#)

Each payment made under a State Board of Education administered program shall be disbursed by the Comptroller to “participants”, i.e., school districts, regional superintendents of schools, other public educational agencies, and nonpublic schools through electronic transfer of funds.

To initiate the electronic fund transfer, the participant must provide information to the State Superintendent of Education on an authorization form prescribed by the State Superintendent and approved by the Comptroller.

These regulations apply to school districts receiving funds under a program administered by the State Board of Education.

| ELECTRONIC TEXTBOOKS

STATUTORY REFERENCE

THE LAW

APPLICABILITY

PURCHASE

*Purchase by Districts;
Designation of Agent for
Sale*

[105 ILCS 5/28-9](#)

School districts may purchase textbooks or electronic textbooks, instructional materials, and the technological equipment necessary to gain access to and use electronic textbooks, from the publishers and manufacturers at the prices listed with the retail dealer's website and may designate a retail dealer to act as the agent of the district in selling them to pupils.

Such dealers shall make settlement with the district for books sold. Such dealers shall not sell textbooks at prices which exceed a 10% advance on the net prices as listed on the retailer dealer's website.

This law applies to all school districts.

*Purchase by Districts;
Resale at Cost*

[105 ILCS 5/28-8](#)

School districts may purchase textbooks and electronic textbooks (and the technological equipment necessary to gain access to and use electronic textbooks) from the publishers and manufacturers at the prices listed with the retail dealer's website and sell them to the pupils at the listed prices or at such prices as will include the cost of transportation and handling.

This law applies to all school districts.

ELECTRONIC TEXTBOOKS, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
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FUNDING

Textbooks Loaned to Pupils

[105 ILCS 5/28-15](#)

The governing body of each school district voting in favor of furnishing free textbooks or electronic textbooks shall provide, at the expense of the district, textbooks or electronic textbooks for use in public schools and lend them free to the pupils; such furnished textbooks shall remain the property of the school district. The governing body shall also provide for the sale of such textbooks or electronic textbooks at cost to those pupils wishing to purchase them.

This law applies to school districts.

Charter School Financing

[105 ILCS 5/27A-11.5](#)

The Charter Schools Revolving Loan Fund shall be appropriated for the use of interest-free loans to pay start-up costs of acquiring educational materials and supplies, including electronic textbooks and the technological equipment necessary to gain access to and use electronic textbooks.

This law applies to charter schools.

Further, the State Board is required to make grants not to exceed \$250 per enrolled student (from a separate appropriation) to charter schools to pay their start-up costs of acquiring educational materials and supplies, textbooks, electronic textbooks and the technological equipment necessary to gain access to and use electronic textbooks, furniture, and other equipment or materials needed during their initial term.

However, if a charter school fails to make payments toward administrative costs, the State Board may withhold these State funds until those administrative costs have been paid.

ELECTRONIC TEXTBOOKS, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>DUTIES OF GOVERNING BODY</i>		
<p><i>Local School Councils – Powers and Duties</i></p> <p>105 ILCS 5/34-2.3</p>	<p>The local school principal shall develop an expenditure plan which reflects the school's local school improvement plan; the expenditure plan and the allocated lump sum amount must be approved by the local school council. The lump sum allocation shall take into account the needs of the school, including, but not limited to, textbooks, electronic textbooks, and technological equipment necessary to gain access to and use electronic textbooks.</p>	<p>This law applies to local school principals in cities of over 500,000 inhabitants.</p>
<p><i>By-Laws, Regular Meetings of Chicago Board of Education</i></p> <p>105 ILCS 5/34-19</p>	<p>The bylaws, rules and regulations of the Chicago Board of Education shall be enacted, and textbooks, electronic textbooks, and courses of instruction shall be adopted or changed only at the regular meetings of the board.</p> <p>Funds appropriated for textbook purchases must be available for electronic textbook purchases and the technological equipment necessary to gain access to and use electronic textbooks at the local school council's discretion.</p>	<p>This law applies to the Chicago Board of Education.</p>

| ELECTRONIC DEVICES

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Electronic Paging Devices</i></p> <p>105 ILCS 5/10-21.10; 105 ILCS 5/34-18.9</p>	<p>No student may use or have in his or her possession any pocket pager or similar electronic paging device while in any school building or on any school property, unless authorized by the school board (or the principal, for cities with a population over 500,000 inhabitants).</p>	<p>This law applies to all school districts.</p>
<p><i>Cellular Radio Telecommunication Devices</i></p> <p>105 ILCS 5/10-20.28; 105 ILCS 5/34-18.14</p>	<p>The school board (or the Chicago Board of Education, for cities with a population over 500,000 inhabitants) may establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time.</p>	<p>This law applies to all school districts.</p>
<p><i>“Cell Phone Jammers”</i></p> <p>47 U.S.C. § 302a(b); 47 C.F.R. § 2.803(a)</p>	<p>The Communications Act and Federal Communications Commission rules prohibit the operation of devices designed to prevent, jam, or otherwise interfere with cell phone communications.</p>	<p>This is a law of general applicability to any person violating these provisions.</p>

| DISTRICT WEBSITE CONTENT

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Schedule & Agenda</i></p> <p>5 ILCS 120/2.02</p>	<p>School districts shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings.</p> <p>An agenda for each regular meeting shall be posted at the principal office of the school district and at the location where the meeting is to be held at least 48 hours in advance of the meeting. A district with a full-time staff operating a website shall also post on its website the agenda of any regular meetings. Any agenda of a regular meeting that is posted on a website shall remain posted until the regular meeting is concluded.</p>	<p>This law applies to all school districts with a website maintained by full-time staff.</p>
<p><i>Minutes</i></p> <p>5 ILCS 120/2.06</p>	<p>A school district that has a website maintained by full-time staff must post the minutes of a regular meeting on its website within 10 days after the approval of the minutes, and the minutes shall remain posted on the website for at least 60 days.</p>	<p>This law applies to all school districts with a website maintained by full-time staff.</p>
<p><i>FOIA Information</i></p> <p>5 ILCS 140/4</p>	<p>School districts must include FOIA officer information, the method whereby the public may request information, the address where requests may be directed, and any fees associated with the request.</p>	<p>This law applies to all school districts that maintain a website.</p>

WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>School Board Members – Training</i> 105 ILCS 5/10-16a	The school district shall maintain on its Internet website the names of all voting members of the school board who have successfully completed professional development leadership training.	This law applies to all school districts having a population of not fewer than 1,000 and not more than 500,000 inhabitants.
<i>School Board Members – Contact</i> 50 ILCS 205/20	School districts must include a mechanism (such as an email address) on its Internet website for members of the public to electronically communicate with school board members.	This law applies to a school district that serves a population of less than 1,000,000 and that maintains an Internet website.
<i>Contracts</i> 105 ILCS 5/10-20.44	<p>School boards must list on the districts Internet website all contracts over \$25,000 and any contract the school board enters into with an exclusive bargaining representative.</p> <p>Further, each school district must prepare an annual report on all contracts over \$25,000 awarded during the previous fiscal year and publish same on its website.</p>	This law applies to all school districts that maintain a website.

WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Administrator and Teacher Compensation</i> 105 ILCS 5/10-20.47	Each school board must prepare a report containing the base salary and benefits of the district superintendent and all administrators and teachers employed by the school district and publish same on its website.	This law applies to all school districts that maintain a website.
<i>IMRF Compensation</i> 5 ILCS 120/7.3	Requires that Illinois Municipal Retirement Fund (IMRF) employers post on their website and at their principal place of business the total compensation package (TCP) for each IMRF-covered employee earning in excess of \$75,000 within six days after approval of the budget, and for employees earning a minimum of \$150,000 posting of the TCP at least six days prior to approving their TCP.	Applies to employers participating in the Illinois Municipal Retirement Fund.

WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>District Report Card</i> 105 ILCS 5/10-17a	Within 30 days of receiving the school district report cards from the State Superintendent of Education, each school district, including special charter districts and Chicago school districts, shall present such report cards at a regular school board meeting subject to applicable notice requirements, and post the report cards on the school district's Internet website.	This law applies to all school districts that maintain a website.
<i>Severance Agreements</i> 50 ILCS 205/3c	A school district entering into a severance agreement with an employee or contractor because the employee or contractor was found to have engaged in sexual harassment or sexual discrimination must publish on its website, if one is maintained: (i) the name and title of the person receiving payment; (ii) the amount of the payment; (iii) the employee or contractor was found to have engaged in sexual harassment or sexual discrimination; and (iv) the date, time, and location of the meeting at which the school district approved the severance agreement.	This law applies to all school districts that maintain a website.

WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Shared Service Reporting</i></p> <p>105 ILCS 5/17-1.1</p>	<p>Each school district is required to complete a “Shared Service Reporting and Fiscal Efficiency” report for the State Board of Education that includes, among other things, the incidence of shared service options for technology services and STEM program offerings. This report must be approved by the school board at an open meeting that allows for public comment and published on the school district’s website, if any.</p>	<p>This law applies to all school districts that maintain a website.</p>
<p><i>Waiver of School Code Mandates</i></p> <p>105 ILCS 5/2-3.25g</p>	<p>Applicants may petition the State Board of Education for the waiver or modification of provisions within the School Code, or of the administrative rules and regulations established by the State Board of Education.</p> <p>If the applicant is a school district, the district shall post information that sets forth the time, date, place, and subject matter of the public hearing on its website at least 14 days prior to the hearing.</p>	<p>This law applies to all school districts that maintain a website.</p>
<p><i>Driver’s Education</i></p> <p>105 ILCS 5/27-24.2</p>	<p>If a school district contracts with a commercial driver training school for purposes of classroom instruction and practice driving, the district shall post a copy of the final contract between the district and the commercial driving training school. If no website exists, the school district shall make the contract available upon request.</p>	<p>This law applies to all school districts that maintain a website.</p>
<p><i>Budget</i></p> <p>105 ILCS 5/17-1.2</p>	<p>If a school district has an Internet website, the school district shall post its current annual budget, itemized by receipts and expenditures, on the district's Internet website.</p>	<p>This law applies to all school districts that maintain a website.</p>

WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Student Online Personal Protection Act</i></p> <p><u>105 ILCS 85/27</u></p>	<p>Effective July 1, 2021, each school shall post and maintain on its website, or make available for inspection the following information:</p> <ul style="list-style-type: none">(i) a “layperson” explanation of the data elements of covered information under the Student Online Protection Act that the school collects, maintains, or discloses to any person or entity, and how the school uses and discloses the information, and the purpose of the use of such information;(ii) a list of operators that the school has written agreements with, a copy of each written agreement, and a business address for each operator;(iii) for each operator, a list of any subcontractors to whom covered information may be disclosed, or a link to the operator’s website that lists that information;(iv) a written description of procedures a parent may use to exercise rights granted by the Act;(v) a list of any breaches of covered information that includes:<ul style="list-style-type: none">(1) the number of students involved (unless disclosure violates Personal Information Protection Act);(2) the date or estimated date range of the breach; and(3) if an operator breach, the name of the operator. <p>Schools must update items (i)(iii)(iv)and (v) no later than 30 days following the start of a fiscal year, and no later than 30 days following the beginning of a calendar year.</p> <p>If the number of students whose covered information involved in the breach is less than 10% of enrollment, the school may omit such breach.</p>	<p>This law applies to all school districts other than nonpublic schools that maintain a website.</p>

WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Student Online Personal Protection Act</i> 105 ILCS 85/27	Effective July 1, 2021, each school must post on its website, or make available at its administrative office for inspection, each written agreement entered into under the Student Online Personal Protection Act.	This law applies to all school districts other than nonpublic schools that maintain a website.
<i>Anti-Bias Policy</i> 105 ILCS 5/27-23.6	A school board that adopts a policy to incorporate activities to address intergroup conflict, shall make that policy available to the public by posting the information on the school district's Internet website, if any.	This law applies to those school districts incorporating activities to address intergroup conflict that maintain an Internet website.
<i>Bullying Prevention Policy</i> 105 ILCS 5/27-23.7	All school districts must publish a bullying prevention policy on its website, as well as the information developed as a result of a policy evaluation.	This law applies to all school districts that maintain a website.
<i>Suicide Prevention Policy</i> 105 ILCS 5/2-3.166	Each school board shall review and update its suicide awareness and prevention policy, and post such policy on the school district's publicly accessible Internet website.	This law applies to all school districts that maintain a website.
<i>Student Identification; Suicide Prevention</i> 105 ILCS 5/34-18.67	Each school must provide contact information for the National Suicide Prevention Lifeline and for the Crisis Text Line on the back of each student identification card. If the school district does not issue student identification cards to all students, it must publish this information on its website.	This law applies to all school districts.

WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Disciplinary Practices</i> 105 ILCS 5/2-3.162	<p>Certain districts identified by the ISBE that meet specified criteria must post a plan identifying strategies the school district will implement to reduce the use of exclusionary disciplinary practices, or racial disproportionality, or both.</p>	<p>This law applies to the top 20% of specific school districts meeting specific ISBE requirements.</p>
<i>Open Positions</i> 105 ILCS 5/34-18.22	<p>The school district must post a current list of all unfilled teaching positions in the district on its Internet website. The State Board of Education's Internet website must provide a link to this list.</p>	<p>This law applies to school districts in cities with a population of over 500,000.</p>
<i>Property</i> 105 ILCS 5/34-220	<p>A list of all property owned by or leased to the Board shall be published on the district's Internet website and updated annually.</p> <p>Further, a summary of all lease agreements in which the Board is a lessor or lessee must be published.</p>	<p>This law applies to school districts in cities with a population of over 500,000</p>

WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Facility Master Plan Information</i> 105 ILCS 5/34-210	The data, information, and analysis that informs the educational facility master plan must be published on the district's website.	This law applies to school districts in cities with a population of over 500,000.
<i>Facility Standards</i> 105 ILCS 5/34-205	The district shall publish space utilization standards on the district's website along with a space utilization report for each school building by December 31 of each year.	This law applies to school districts in cities with a population of over 500,000.
<i>Capital Improvement Plans</i> 105 ILCS 5/34-215	The district shall develop one-year and 5-year capital improvement plans. The proposed one-year capital improvement plan shall be posted on the district's Internet website and shall be subject to public review and comment and at least 3 public hearings. The 5-year plan shall be published on the district's website and distributed to all principals.	This law applies to school districts in cities with a population of over 500,000.
<i>Capital Expenditure Report</i> 105 ILCS 5/34-220	The chief executive officer shall provide the Board with an annual capital expenditure report within 90 days after the end of the fiscal year. The report shall be published on the district's Internet website.	This law applies to school districts in cities with a population of over 500,000.

| WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Proposed School Actions; Summary; Report</i> 105 ILCS 5/34-230	<p>The chief executive officer shall publish notice of proposed school actions such as school closures, consolidation, co-location, or boundary changes, on the district's Internet website, as well as a written report by an independent hearing officer that summarizes the public hearings conducted to determine whether the chief executive officer complied with statutory requirements. Lastly, a summary of the public meeting shall be published on the district's website.</p> <p>With respect to school closures only, eight months after notice of the proposed school action is given, the chief executive officer must publish on the district's website a full financial report on the closure that includes an analysis of the closure's costs and benefits to the school district.</p>	<p>This law applies to school districts in cities with a population of over 500,000.</p>

WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Information Technology Accessibility Act</i></p> <p>30 ILCS 587/1 et al.</p>	<p>The Department of Human Services (“DHS”) shall develop, publish, and revise standards for electronic information technology for State entities.</p> <p>State agencies subject to this law, which are not school districts or community colleges, must comply with these standards.</p> <p>DHS has also provided these techniques for compliance which will necessarily comply with Section 508 of the Rehabilitation Act, 36 CFR 1194, which apply to federal agencies.</p>	<p>This law applies to the Department of Human Services and to State entities, which does not include units of local government, school districts, or community colleges.</p> <p>Section 504 of the Rehabilitation Act applies to all programs or activities that receive federal financial assistance.</p>
<p><i>Website Accessibility Guidelines</i></p> <p>105 ILCS 5/10-20.75</p> <p>105 ILCS 5/34-18.72</p> <p>42 U.S.C. § 12132</p> <p>29. U.S.C. § 794.</p>	<p>Effective August 1, 2022, school districts must require that any third party online curriculum that is made available to enrolled students or the public by a school district through the Internet complies with Level AA of the World Wide Web Consortium's Web Content Accessibility Guidelines 2.1 or any revised version of those guidelines.</p> <p>The Americans with Disabilities Act of 1990 prohibits discrimination based on disability with regard to public services, programs and activities. This has been consistently interpreted to require that public entities make their websites accessible by individuals with disabilities.</p>	<p>This law applies to all school districts.</p> <p>The Americans with Disabilities Act of 1990 applies to all public entities.</p>

WEBSITE CONTENT, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Remote and Blended Remote Learning</i></p> <p>105 ILCS 5/10-30</p> <p>105 ILCS 5/34-18.66</p>	<p>Each remote and blended remote learning day plan shall be posted on the district's website where other policies, rules, and standards of conduct are posted.</p>	<p>This law applies to all school districts during any period where remote or blended remote learning days are required following the declaration of a disaster due to a public health emergency.</p>
<p><i>Comprehensive Personal Health and Safety and Sexual Health Education</i></p> <p>105 ILCS 5/27-9.1a</p>	<p>School districts must annually post on their websites which curriculum is used to provide comprehensive personal health and safety and comprehensive sexual health education and the name and contact information, including an email address, of school personnel who can respond to inquiries about instruction and materials.</p>	<p>This law applies to all school districts, including charter school districts, that have a website.</p>
<p><i>Sexual Misconduct in Schools (Faith's Law)</i></p> <p>105 ILCS 5/22-85.5</p>	<p>Each school district must develop an employee code of professional conduct policy in accordance with the requirements of Faith's Law and post the policy on its website.</p>	<p>This law applies to all school districts, charter schools, and nonpublic schools.</p>

PRIVACY

STATUTORY REFERENCE

THE LAW

APPLICABILITY

STUDENT ONLINE PERSONAL PROTECTION ACT

Student Online Personal Protection Act

[105 ILCS 85/5](#);
[105 ILCS 85/10](#);
[105 ILCS 85/15](#)

The Student Online Personal Protection Act prohibits “operators” from engaging in targeted advertising, sale, rent, and use of protected information to protect privacy and security of student data.

“Operators” have various duties under the act, namely: (i) implement and maintain reasonable security measures to protect covered information from unauthorized access; (ii) delete a student’s covered information if the school requests such deletion (unless a student or his or her parent consents to the maintenance of such covered information); (iii) publicly disclose material information about its collection, use, and disclosure of covered information (e.g., terms of service agreement, privacy policy, or similar document); (iv) Excepting nonpublic schools, requires any operator who seeks to receive any covered information to enter into a written agreement with the school before the covered information is transferred; (v) in case of a breach, expedient notification to the school; and (vi) excepting nonpublic schools, providing to the school a list of third parties to whom the operator is disclosing or has disclosed covered information.

This law applies to “operators”, which is defined as:

To the extent that an entity is operating in this capacity, the operator of an Internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K through 12 school purposes, and was designed and marketed for K through 12 school purposes.

PRIVACY, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

STUDENT ONLINE PERSONAL PROTECTION ACT, CONT'D.

Student Online Personal Protection Act

Written Agreements

[105 ILCS 85/15\(4\)](#)

The written agreement required by the Student Online Personal Protection Act between school districts and operators can be in electronic form and signed with a digital signature or a “click wrap” agreement and must contain:

- (i) the type of covered information;
- (ii) statement of the product or service;
- (iii) specific language prescribed by statute regarding the authorized use of the covered information;
- (iv) how costs incurred by the school will be allocated in the event of a breach;
- (v) statement that the operator must delete or transfer to the school all covered information if the information is no longer needed for the purposes of the written agreement, and specifications for the time period in which the information must be deleted or transferred; and
- (vi) statement that the school must publish the written agreement on the school’s website, or available for inspection if no website is maintained.

This law applies to “operators”, but does not apply to nonpublic schools.

“Operator” means:

To the extent that an entity is operating in this capacity, the operator of an Internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K through 12 school purposes, and was designed and marketed for K through 12 school purposes.

PRIVACY, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

STUDENT ONLINE PERSONAL PROTECTION ACT, CONT'D.

Student Online Personal Protection Act

Each school must adopt a policy designating which school employees are authorized to enter into written agreements with operators.

This law applies to all school districts other than nonpublic schools.

Written Agreements

[105 ILCS 85/27\(b\)](#)

Student Online Personal Protection Act

Any written agreement under which the disclosure of covered information between a school and a third party takes place must include a provision requiring the entity to whom the covered information is disclosed to implement and maintain reasonable security procedures and practices to protect covered information from unauthorized access, destruction, use, modification, or disclosure.

This law applies to all school districts other than nonpublic schools.

Written Agreements

[105 ILCS 85/27I](#)

PRIVACY, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

STUDENT ONLINE PERSONAL PROTECTION ACT, CONT'D.

Student Online Personal Protection Act

No school district may sell, rent, lease or trade any covered information.

The provision prohibiting the sale, rent, lease, or trade of information applies to all school districts.

Use of Covered Information

(i) Additionally, schools (other than nonpublic schools) may not share, transfer, disclose, or provide access to a student's covered information to an entity or individual, other than the student's parent, school personnel, appointed or elected school board members or local school council members, or the State Board, absent a written agreement, unless (i) it is for the protection and safety of others, or the security or integrity of the operator's service;

However, the provision regarding the prohibition on sharing or providing access to the information applies only to schools other than nonpublic schools.

[105 ILCS 85/26](#)

(ii) required by court order or State or federal law; or
(iii) to ensure legal or regulatory compliance.

PRIVACY, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Student Online Personal Protection Act</i> <i>Breach</i> 105 ILCS 85/27(d)	<p>In the event of a breach, the school shall notify the parent of any student whose covered information was involved in the breach within 30 days after receipt of notice of the breach by the operator, or determination that a breach has occurred, and include the following information:</p> <ul style="list-style-type: none">(i) date, estimated date or date range of the breach;(ii) description of the compromised covered information;(iii) information the parent may use to contact the operator and the school to inquire about the breach;(iv) toll-free numbers, addresses, and websites for consumer reporting agencies;(v) toll-free number, address, and website for Federal Trade Commission; and(vi) A statement that the parent may obtain information from the Federal Trade Commission and consumer reporting agencies about fraud alerts and security freezes.	<p>This law applies to all school districts other than nonpublic schools.</p>

| PRIVACY, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Illinois School Student Records Act</i> 105 ILCS 10/4	<p>Each school shall designate an official records custodian who is responsible for the maintenance, care and security of all school student records, whether they are in electronic or hard-copy form, and whether or not such student records are in his or her personal custody or control.</p> <p>The official records custodian shall take all reasonable measures to prevent unauthorized access to or dissemination of school student records.</p>	<p>This law applies to all school districts.</p>
<i>Right to Privacy in School Setting; Notification</i> 105 ILCS 75/15	<p>Elementary or secondary schools must provide notification to the student and his or her parent or guardian that the school may not request or require a student to provide a password or other account information to gain access to the student's account or profile on a social networking website.</p> <p>Elementary or secondary schools must provide notification to the student and his or her parent or guardian that the school may conduct an investigation, or require a student to cooperate in an investigation, if there is specific information about activity that violates a disciplinary rule or policy. The notification must be published in the elementary or secondary school's disciplinary rules, policies, handbook, or communicated by similar means.</p>	<p>This law applies to a public elementary or secondary school or school district or a nonpublic school recognized by the State Board of Education.</p>

PRIVACY, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Right to Privacy in the Work Place

[820 ILCS 55/10](#)

Employers are prohibited from requiring employee disclosure of social-media passwords, and are also prohibited from demanding access to social media accounts. Employers are not prohibited from maintaining workplace policies governing the use of the employer's electronic equipment, including internet/social networking/email use, and are further not prohibited from monitoring the usage of the employer's electronic equipment (without requesting or using any employee's to provide any password in order to gain access to the employee's personal account).

This law applies to all school districts.

Family Educational Rights and Privacy Act (FERPA)

[20 U.S.C. § 1232g;](#)
[34 CFR Part 99](#)

FERPA generally prohibits educational agencies and institutions from disclosing students' education records, whether they be electronic or written, without written parent or eligible student consent. "Student education records" are broadly defined to include any records, files, or documents that contain information directly related to a student and that are maintained by or for an educational agency or institution. However, FERPA limits on disclosure to apply only to personally identifiable information on students.

The law applies to all schools that receive funds under various programs of the U.S. Department of Education.

PRIVACY, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Personal Information Protection Act

[815 ILCS 530/1](#) et seq.

Obligates “data collectors” (defined to include any public or private entity, including school districts) to notify Illinois residents when their “personal information” has been breached. The law provides an expansive definition of “personal information.” It includes breaches of health insurance information, medical information, unique biometric data, and online account information.

Data collectors are required to notify affected residents and provide contact information for consumer reporting agencies and the Federal Trade Commission, and advise the individual can obtain information from these sources about fraud alerts and security freezes.

If a breach permits access to an online account, notices via electronic or other form is required directing the individual to promptly change his or her user name or password or take appropriate steps to protect accounts. Data collectors are required to implement and maintain reasonable security measures to protect “personal information” from unauthorized access.

In the event that notice is required to be issued to more than 500 residents as a result of a breach, notice shall be provided to the Attorney General, including a description of the nature of the breach, the number of residents affected, and steps the data collector has taken in response to the breach. The Attorney General is authorized to publish the name of the data collector, the types of information compromised, and the date range of the breach.

This law applies to all school districts.

PRIVACY, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

CHILDREN WITH DISABILITIES

Assistive Technology

[105 ILCS 5/14-8.02](#);
[34 C.F.R. § 300.5](#);
[34 C.F.R. § 300.6](#)

According to rules established by the State Board of Education, school district personnel are required to prepare a comprehensive evaluation of the student to determine whether he or she is eligible for special education services. After the student is deemed eligible for services, an IEP meeting is held to develop his or her individualized education program.

At the child's initial IEP meeting and at each annual review meeting, the child's IEP team shall provide the child's parent or guardian with a written notification that informs the parent or guardian that the IEP team is required to consider whether the child requires assistive technology in order to receive free, appropriate public education. The notification must also include a toll-free telephone number and internet address for the State's assistive technology program.

Assistive technology includes both devices and services. As defined in IDEA:

- (i) an assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.
- (ii) an assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

This law applies to all school districts.

STUDENTS, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Parent Participation</i> 105 ILCS 5/14-8.02f 23 Ill. Admin. Cd. 226.530 34 CFR 300.505	<p>Parents may elect how they would like to receive IEP meeting materials as long as the options include regular mail or picking up the materials at school. Implies electronic delivery is permitted.</p> <p>Federal regulations provide that a parent may elect to receive notices required for prior written notice, procedural safeguard notices, and due process complaints by electronic mail, if the school makes that option available.</p>	<p>This law applies to all school districts.</p>
<i>DISCIPLINE</i>		
<i>Suspension or Expulsion</i> 105 ILCS 5/10-22.6(a) ; 105 ILCS 5/10-22.6(d-5)	<p>School boards have the power to expel pupils guilty of gross disobedience or misconduct, including gross disobedience or misconduct perpetuated by electronic means.</p> <p>The board may suspend or authorize the superintendent, principal, assistant principal, or dean to suspend a student for not longer than 10 days, or expel a student for a period of time not to exceed 2 years, if:</p> <ul style="list-style-type: none"> (i) the student has been determined to have made an explicit threat on the Internet website against an employee, personnel, or student; (ii) the Internet website was accessible within the school, or available to third parties who worked or studied on school grounds, at the time the threat was made; and (iii) the threat could reasonably be interpreted as threatening to the safety and security of the individual because of his or her employment status or status as a student. 	<p>This law applies to all school districts.</p>

| STUDENTS, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

*Suspension or Expulsion,
Cities over 500,000
inhabitants*

[105 ILCS 5/34-19](#)

The Board of Education has the power to expel, suspend, or subject to the limitations of all policies established or adopted in accordance with the provisions of the School Code, or otherwise discipline any pupil found guilty of gross disobedience, misconduct, or other violation of the by-laws, rules, and regulations, including gross disobedience or misconduct perpetuated by electronic means.

This law applies to the Board of Education in cities with a population of over 500,000 inhabitations.

I STUDENTS, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

STUDENT INFORMATION

Student Biometric Information

[105 ILCS 5/10-20.40](#);
[105 ILCS 5/34-18.34](#)

School districts that collect biometric information from students shall adopt policies that require, at a minimum, all of the following:

- (i) Written permission from the individual who has legal custody of the student or from the student if he or she has reached the age of 18.
- (ii) Discontinuation of use of a student's biometric information upon the student's graduation or withdrawal; or upon receipt in writing a request for discontinuation by the individual who has legal custody of the student or from the student if he or she has reached the age of 18.
- (iii) Destruction of a student's biometric information within 30 days after the use of the biometric information is discontinued.
- (iv) The use of biometric information solely for identification or fraud prevention.
- (v) Prohibition on the sale, lease, or disclosure of biometric information (unless there is consent or disclosure required by court order).
- (vi) Storage, transmittal and protection of biometric information from disclosure.

"Biometric information" means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

This law applies to all school districts.

I STUDENTS, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

RECORDS

Missing Children Records Act; Missing Children Registration Law

[325 ILCS 50/5;](#)
[325 ILCS 55/5](#)

Upon notification by the Illinois State Police of a missing minor, school districts and preschool programs are required to flag the record, whether electronic or hard-copy, of the missing minor such that whenever a copy of information regarding the record is requested, the school shall be alerted to the fact that the record is of a missing person. The school must immediately report to the Illinois State Police any request concerning flagged records or knowledge as to the whereabouts of any missing minor.

School districts are also required to undertake the abovementioned duties and additionally report to local law enforcement authority.

This law applies to all school districts.

I STUDENTS, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Illinois School Student Records Act

[105 ILCS 10/1](#) et seq.

A student permanent record is the minimum personal information necessary to a school in the education of the student which may include the student's name, birth date, address, grades and grade level, parents' names and addresses, and attendance records. A school is required to maintain student permanent records for no less than 60 years after the student has graduated, transferred, or permanently withdrawn from the school.

A student temporary record is all information contained in a school student record that is not contained in the student permanent record. A school student record is any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its discretion or by an employee of a school, regardless of how or where the information is stored. This information must be maintained by a school for no less than 5 years after the student has graduated, transferred, or permanently withdrawn from the school.

This law applies to any public preschool, day care center, kindergarten, nursery, elementary or secondary educational institution, vocational school, special educational facility or any other elementary or secondary educational agency or institution and any person, agency or institution which maintains school student records from more than one school, but does not include private or non-public schools.

I STUDENTS, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Disposition of Student Records

[50 ILCS 205/7](#);
[1983 Op. Atty.Gen. 83-018](#).

[44 Ill. Admin. Code Part 4000](#) (Downstate Local Records Commission)
[44 Ill. Admin. Code Part 4500](#) (Cook County Local Records Commission)

A Public Record is defined to include born-digital material, digitized electronic material, electronic material with a combination of digitized and born-digital material, and other documentary material, regardless of physical form or characteristics made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency as evidence of the organization, function, policies, decisions, procedures, or other activities.

The Local Records Commission has promulgated regulations to establish procedures for the disposition of public records, procedures for the management and preservation of electronically generated and maintained records, and standards for the reproduction of such public records by digitized electronic format.

The Local Records Act is applicable to student records maintained pursuant to the School Student Records Act and, therefore, a local school district must obtain the written approval of the appropriate local records commission before destroying or otherwise disposing of student records, whether they exist in physical hardcopy form or digital form.

The law applies to school districts as it pertains to destruction or disposal of student records.

INTERNET SAFETY

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Internet Safety Curriculum</i> 105 ILCS 5/27-13.3	<p>School districts must implement an internet safety component in their curricula. It is recommended that the following topics are included: safe and responsible use of social networking websites, chat rooms, electronic mail, bulletin boards, instant messaging, and other means of communication on the Internet; recognizing and reporting online solicitation; recognizing and avoiding unsolicited and deceptive communications online; and recognizing and reporting online harassment and cyber-bullying.</p>	<p>This law applies to all school districts.</p>
<i>Internet Safety Policies</i> 47 U.S.C. § 254 ; 20 U.S.C. § 9134 ; 47 C.F.R. § 54.501	<p>All schools and libraries receiving discounted Internet access under a particular federal program (“E-rate Program”) must adopt Internet safety policies in accordance with the Children’s Internet Protection Act (CIPA).</p> <p>School and library authorities must certify that they: (1) have complied with requirements of CIPA; (2) are undertaking actions, including any necessary procurement procedures, to comply with the requirements of CIPA; or (3) CIPA does not apply because they are receiving discounts for telecommunications services only. CIPA requires that schools and libraries adopt an internet safety policy, implement technology protection measures (i.e., filtering images and content), and provide reasonable public notice and hold at least one public hearing or meeting to address a proposed technology protection measure and Internet safety policy.</p>	<p>This law applies to any school or eligible school library that receives discounted rates pursuant to the “E-rate Program.”</p>

INTERNET SAFETY, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Bullying and Cyberbullying Prevention

[105 ILCS 5/27-23.7](#)

Each school district must create and maintain a policy on bullying which must be: (i) on file with the State Board of Education, (ii) published on the school district's website, and (iii) included in the student handbook. This policy on bullying shall be based on the State Board of Education's template for a model bullying prevention policy.

The School Code provides that no student shall be subjected to bullying via transmission of information from a school computer, a school computer network, or other similar electronic school equipment. "Bullying" includes "cyber-bullying" and means any severe or pervasive physical or verbal act or conduct, including electronic communication, directed toward a student or students that has or can be reasonably predicted to have the effect of placing a student in reasonable fear of harm, causing a substantially detrimental effect on the student's physical or mental health, substantially interfering with the student's academic performance, or substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

The statute also creates the Illinois Bullying and Cyberbullying Prevention Fund, from which the State Superintendent of Education may provide a grant to a school district, charter school, or non-public, non-sectarian elementary or secondary school to support its anti-bullying programming.

This law applies to all school districts.

INTERNET SAFETY, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Comprehensive Personal Health and Safety and Sexual Health Education</i> 105 ILCS 5/27-9.1a	Any class that teaches comprehensive personal health and safety and comprehensive sexual health education must include course material and instruction to help students safely use the internet, including social media, dating or relationship websites or applications, and texting.	This law applies to all school districts, including charter school districts.

CRIMINAL CHARGES

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Sexting

[705 ILCS 405/3-40;](#)
[720 ILCS 5/11-20.1\(a\)](#)

A minor is prohibited from distributing or disseminating an indecent visual depiction of another minor through the use of a computer or electronic communication device.

Further, under the Child Pornography statute, juveniles and adults could be charged with Child Pornography, a Class 1 Felony, if a person with the knowledge of the content, disseminates or is in possession of any depiction of any child whom the person knows or should know the person to be under the age of 18 engaged in sexual acts.

This law applies specifically to minors under the Juvenile Court Act when there is a minor involved in the dissemination of visual depictions, and also applies to adults under the Criminal Code.

Hate Crimes

[720 ILCS 5/12-7.1](#)

A person commits a hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, disability, or national origin, he or she commits assault, battery, aggravated assault, theft, trespass to residence, criminal damage to property, mob action, disorderly conduct, harassment by telephone, or harassment through electronic communications.

A hate crime is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense.

This law applies to all individuals.

CRIMINAL CHARGES, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Cyberstalking</i> 720 ILCS 5/12-7.5	<p>The Cyberstalking law criminalizes harassing and threatening behavior, on at least two separate occasions, made via electronic communication and: (1) at any time transmits a threat of immediate bodily harm, sexual assault, confinement or restraint; (2) places that person or a family member of that person in reasonable apprehension of immediate bodily harm, sexual assault, confinement, or restraint; or (3) at any time solicits the commission of an act by any person.</p> <p>A person also commits cyberstalking when he or she knowingly, surreptitiously, and without lawful justification places electronic monitoring software or spyware on an electronic communication device as a means to harass another person and: (1) at any time transmits a threat of immediate bodily harm, sexual assault, confinement or restraint; (2) places that person or a family member of that person in reasonable apprehension of immediate bodily harm, sexual assault, confinement, or restraint; or (3) at any time solicits the commission of an act by any person.</p> <p>Further, a person who creates and maintains a website for at least 24 hours that includes a threat of immediate or future bodily harm, sexual assault, confinement, or restraint directed toward another person and which places the person or family member of that person in reasonable apprehension of immediate or future harm, is also a violation.</p> <p>Cyberstalking is a Class 4 felony. A second or subsequent conviction is a Class 3 felony.</p>	<p>This law applies to all individuals.</p>

CRIMINAL CHARGES, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Harassment by Electronic Communication</i></p> <p>720 ILCS 5/26.5-3</p>	<p>The crime of harassment through electronic communications consists of using electronic communication for any of the following purposes:</p> <ul style="list-style-type: none">(1) making any comment, request, suggestion, or proposal which is obscene with an intent to offend;(2) interrupting, with the intent to harass, the telephone service or the electronic communication service of any person;(3) transmitting to any person, with the intent to harass and regardless of whether the communication is read in its entirety or at all, any file, document, or other communication which prevents that person from using his or her telephone service or electronic communications device;(4) transmitting an electronic communication or knowingly inducing a person to transmit an electronic communication for the purpose of harassing another person who is under 13 years of age, regardless of whether such person consents to the harassment, if the defendant is at least 16 years of age at the time;(5) threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or her family or household members; or(6) knowingly permitting any electronic communications device to be used for any of the above purposes. <p>Harassment by Electronic Communication is a Class B misdemeanor for a first offense, and a second or subsequent violation is a Class A misdemeanor.</p>	<p>This law applies to all individuals.</p>

EMPLOYEES

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Professional Teaching Standards

[23 Ill. Adm. Code 24.130](#)

The competent teacher:

Knowledge: understands how to identify individual needs and how to locate and access technology, services, and resources

Performance: demonstrates fluency in technology systems and uses technology to support and enhance learning, and utilizes assistive technology to provide access to individuals with disabilities

Differentiated Instruction: understands the appropriate role of technology and assistive technology to address student needs

Learning environment: uses appropriate technology in a functional learning community, and manages technology to provide active and equitable engagement of students

These standards establish the minimum requirements for the approval of any teacher preparation program or course of study in any teaching field.¹

¹ The scope of this resource will only reference standards as it applies to all teachers in connection with technology; note that there are numerous other standards that exist for all teachers, as well as additional standards that may exist for particular teaching fields.

EMPLOYEES, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Immunity</i></p> <p>745 ILCS 10/2-210</p>	<p>Certain immunities are granted to public employees, including negligent misrepresentation or the provision of information, either orally, in writing, by computer, or any electronic transmission, or in a book or other form of library material.</p>	<p>This law applies to all public employees.</p>
<p><i>Reimbursement of Expenses</i></p> <p>820 ILCS 115/9.5</p>	<p>Employers are required to reimburse employees for all reasonable expenditures or losses required of the employee in the discharge of employment duties, and that inure to the benefit of the employer. This means that expenses for cell phones, laptops, and other personal devices that the employee incurs within the scope of his or her employment, and that directly relate to services for the employer, must be reimbursed unless:</p> <ol style="list-style-type: none"> 1) The employee was not authorized or required to incur the expense. 2) The loss was due to an employee's own negligence, normal wear, or theft (unless the theft was a result of the employer's negligence). 3) If the employee failed to comply with the employer's written expense reimbursement policy. <p>The written reimbursement policy may provide specifications or guidelines for authorized necessary expenditures, and provide reimbursement in an amount less than 100% of the expense, so long as the employer does not have a policy that provides for no reimbursement or <i>de minimis</i> reimbursement.</p>	<p>This law applies to all employers and employees in this State, including employees of school districts.</p> <p>The term "employee" includes any individual permitted to work by an employer in an occupation, but does not include independent contractors.</p>

EMPLOYEES, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Computer Programs</i></p> <p>105 ILCS 5/10-23.10; 105 ILCS 5/34-18</p>	<p>School boards have the power to sell or market any computer program developed by an employee of the school district, provided that such employee developed the computer program as a direct result of his or her duties with the school district or through the utilization of the school district resources or facilities. The employee is entitled to share in the proceeds of the sale or marketing of the program, except that neither the employee nor the school district may receive more than 90% of such proceeds.</p>	<p>This law applies to all school districts.</p>
<p><i>Electronic and Information Technology Workers – Reporting Child Pornography</i></p> <p>325 ILCS 5/4.5</p>	<p>If an electronic and information technology equipment worker discovers any depiction of child pornography while installing, repairing, or otherwise servicing an item of electronic and information technology equipment, that worker or the worker's employer shall immediately report the discovery to the local law enforcement agency or to the Cyber Tipline at the National Center for Missing & Exploited Children.</p> <p>Failure to report a discovery of child pornography as required under this Section is a business offense subject to a fine of \$1,001.</p>	<p>This law applies to any person who in the scope, and course of his or her employment or business, installs repairs or otherwise services electronic and information technology equipment for a fee (but does not include persons employed or contracted by telecommunications carriers or commercial mobile radio services).</p>

EMPLOYEES, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Removal and Dismissal of Teachers in Contractual Continued Service</i></p> <p><u>105 ILCS 5/24-12</u></p>	<p>The notice that accompanies an honorable dismissal of an employee, in addition to the written notice mailed to the teacher, may be delivered by electronic mail.</p>	<p>This law applies to all school districts.</p>
<p><i>E-Learning Days</i></p> <p><u>105 ILCS 5/10-20.56</u></p>	<p>School districts must pay employees who provide educational support services their regular rate of pay and benefits for any e-learning day if the employee would have reported for work but for the closure, unless the day is rescheduled and the employee will be paid their regular pay for the rescheduled day.</p> <p>Districts must also reimburse employees or contractors for any e-learning day in the 2021-2022 school year that occurred prior to April 5, 2022, if the employee did not receive pay or was required to use accrued time off, unless the day was rescheduled and the employee was paid their regular rate of pay for the rescheduled day.</p>	<p>This law applies to all school districts, including charter schools established under Article 27A of the School Code.</p>

SCHOOL BUSES

STATUTORY REFERENCE

THE LAW

APPLICABILITY

*School Bus Driver
Communication Devices*

[625 ILCS 5/12-813.1](#)

School bus drivers are required to have either an operating two-way radio or a cellular radio telecommunications device while in possession of the bus. It is a petty offense for a school bus driver to use a cellular device when the school bus is moving, unless the use falls within the enumerated exceptions, including, but not limited to: (1) using the cell phone in an emergency or (2) using the cell phone while the bus is parked.

This law applies to all persons operating a school bus with a valid school bus driver permit.

Eavesdropping

[720 ILCS 5/14-3](#)

A person commits eavesdropping when he or she knowingly and intentionally uses an eavesdropping device, for the purpose of transmitting or recording any part or all of any private conversation to which he or she is or is not a party, unless he or she does so with the consent of the parties to the private conversation.

School bus footage is exempt from this provision, provided: any videotape, digital, or other visual or audio recording is made of the interior of a school bus while the bus is transporting students to and from school and school-sponsored activities, and:

- (i) the school board has adopted a policy authorizing such recording;
- (ii) notice of the recording policy is included in student handbooks and other documents including school policies;
- (iii) notice of the policy regarding the recording is provided to parents of students, and
- (iv) notice of such recording is clearly posted on the door of and inside the school bus.

This exemption applies to any school bus.

| SCHOOL BUSES, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Inspection Policy</i> 625 ILCS 5/12-816	<p>Each school district must have a policy to ensure that the bus driver is the last person leaving the bus, and that no passenger is left behind or remains on the vehicle at the end of a route, a work shift, or work day.</p> <p>This policy and procedure requires, at a minimum, the bus driver to:</p> <ul style="list-style-type: none">(i) Test the cellular radio telecommunication device or two-way radio and ensure it is functioning properly before the bus is operated; and(ii) before leaving the bus at the end of each route, work shift, or work day, walk to the rear of the bus and check the bus for children or other passengers. <p>This policy may include, at the discretion of the school district, the installation of a mechanical or electronic post-trip inspection reminder system.</p>	<p>This law applies to all school districts.</p>

REPORTING

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Shared Service Reporting

[105 ILCS 5/17-1.1](#)

Each school district must complete an annual report developed by the State Board of Education to accompany the annual financial report, and to be published on the State Board of Education's website, that summarizes district attempts to improve fiscal efficiency through shared services. Such report shall include, but is not limited to, shared service options such as technology services, supply and equipment purchasing, and STEM program offerings. This report must be approved by the school board at an open meeting that allows for public comment.

All school districts must complete the annual report. Further, based on the school district's annual report, regional superintendents of schools must publish an annual regional report summarizing district attempts to improve fiscal efficiency through shared services or outsourcing within the educational service region.

Educational Technology Capacity and Policies; Report.

[105 ILCS 5/10-20.74](#)

School districts must submit an annual report that includes information about education technology capacity and policies. This includes device availability, school access and infrastructure, professional learning opportunities, and documentation of computer literacy instruction at each grade level.

This law applies to all school districts.

| SAFETY DRILL ACT

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Safety Drill Act</i> 105 ILCS 128/25	<p>Each public school district, through its school board or designee, must conduct a minimum of one annual meeting to review each school building's emergency and crisis response plans, protocols, and procedures, including procedures regarding the school district's threat assessment team, the efficacy and effects of law enforcement drills, and each building's compliance with the school safety drill programs.</p> <p>In updating a school building's emergency and crisis response plans, consideration may be given to making the response plans available to first responders, administrators, and teachers for implementation and utilization through the use of electronic applications on electronic devices, including smartphones, tablets, and laptops.</p>	<p>This law applies to all school districts.</p>

CURRICULUM REQUIREMENTS

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Computer Science Standards and Courses</i></p> <p>105 ILCS 5/2-3.185</p>	<p>Mandates the State Board of Education to develop and adopt rigorous learning standards in the area of computer science and analyze and revise course titles dedicated to computer science.</p>	<p>This law applies to the State Board of Education.</p>
<p><i>State, School District, and School Report Cards</i></p> <p>105 ILCS 5/10-17a</p>	<p>The curriculum information presented on the School Report Card must include “computer science courses.”</p> <p>“Computer science” is defined as “the study of computers and algorithms, including their principles, their hardware and software designs, their implementation, and their impact on society. ‘Computer science’ does not include the study of everyday uses of computers and computer applications, such as keyboarding or accessing the Internet.”</p>	<p>This law applies to all school districts and the State Superintendent of Education.</p>
<p><i>Computer Literacy Skills</i></p> <p>105 ILCS 5/10-20.79</p>	<p>All school districts must ensure that students receive developmentally appropriate opportunities to gain computer literacy skills beginning in elementary school.</p>	<p>This law applies to all school districts.</p>
<p><i>Media Literacy</i></p> <p>105 ILCS 5/27-20.08</p>	<p>Beginning in the 2022-2023 school year, every public high school must include in its curriculum a unit of instruction on media literacy, including, but not limited to: Accessing information; analyzing and evaluating media messages; creating media; reflecting on media consumption; and social responsibility and civics.</p> <p>Media literacy includes media of all forms, including print, visual, audio, interactive, and digital texts.</p>	<p>This law applies to all public high schools.</p>

| CURRICULUM REQUIREMENTS, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Patriotism and Principles of Representative Government</i> <u>105 ILCS 5/27-3</u>	The examination concerning patriotism and principles of representative government may be administered remotely.	This law applies to all students graduating from high school.
<i>History of the United States</i> <u>105 ILCS 5/27-21</u>	The examination concerning History of the United States may be administered remotely.	This law applies to all students graduating from eighth grade.
<i>Required High School Courses</i> <u>105 ILCS 5/27-22</u>	For students who will enter 9th grade in the 2022-2023 school year and 2023-2024 school year, a student must take one year of a course that includes intensive instruction in computer literacy (which may be incorporated with another subject that fulfills another graduation requirement.)	This law applies to all students entering 9 th grade in the 2022-2023 and 2023-2024 school years, except students with disabilities whose course of study is determined by an IEP.

| CURRICULUM REQUIREMENTS, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<i>Computer Science</i> <u>105 ILCS 5/27-23.15</u>	Beginning with the 2023-2024 school year, high schools must provide an opportunity for every high school student to take at least one computer science course aligned to the rigorous learning standards of ISBE.	This law applies to all high schools.
<i>Culturally Responsive Teaching and Leading Standards</i> <u>23 Ill. Admin. Code 24.50</u>	<p>Beginning October 1, 2021, any preparation program for teaching, school support, or administrative field shall be based on applicable standards of the Culturally Responsive Teaching and Leading.</p> <p>One of those standards is that a culturally responsive teacher and leader employs authentic and modern technology usage inspiring digital literacy through an equity lens.</p>	This regulation applies to candidates for licensure by the State Board of Education and programs that prepare them.

| DECLARED DISASTER RELATED TO PUBLIC HEALTH CONCERNS

The following provisions only apply in the event that the Governor, Department of Public Health, or Center for Disease Control and Prevention has issued a disaster declaration due to public health concerns pursuant to Section 4 or 7 of the Illinois Emergency Management Agency Act or has imposed limits on the size of in-person meetings.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Open Meetings Act

[5 ILCS 120/7](#)

If all or part of the jurisdiction of a public body is covered by the disaster area and the head of the body determines that an in-person meeting is not practical or prudent, the meeting may be conducted by audio or video conference, exempting the requirement of a quorum of physically present members.

This amendment requires that all members of the body can hear one another and all discussion and testimony; members of the public can either hear all discussion, testimony, and votes at either the regular meeting place or contemporaneous telephone number or web-based link; at least one member of the body, legal counsel, or officer is physically at the regular meeting place unless unfeasible; all votes are called by roll; other than in a bona fide emergency, 48 hours' notice is given on the website and provided to news media; and a verbatim record of the meeting is kept in the form of audio or video recording.

This law applies to all public bodies subject to requirements of the Open Meetings Act.

Local School Councils

[105 ILCS 5/34-2.2](#)

The annual organizational meeting of a local school council can be held via video conference or teleconference if guidance from the Department of Public Health or Center for Disease Control and Prevention limits the size of in-person meetings at the time of the meeting.

This law applies to all school councils.

DECLARED DISASTER RELATED TO PUBLIC HEALTH CONCERNS, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Remote and Blended Remote Learning</i></p> <p>105 ILCS 5/10-30</p> <p>105 ILCS 5/34-18.66</p> <p>105 ILCS 5/10-19</p>	<p>The State Superintendent of Education may declare a requirement to use remote learning days or blended remote learning days. During remote learning days, schools shall conduct instruction remotely. During blended remote learning days, schools may utilize hybrid models of in-person and remote instruction.</p> <p>A remote or blended remote learning day may be met through the district's implementation of an e-learning program.</p> <p>Remote learning days, blended remote learning days, and up to five remote and blended remote learning planning days shall be deemed pupil attendance days for calculation of the length of a school term.</p>	<p>This law applies to all school districts required to provide remote or blended remote learning by the State Superintendent of Education.</p>
<p><i>Removal for Cause; Notice and Hearing; Suspension</i></p> <p>105 ILCS 5/34-85</p>	<p>If the Governor has declared a disaster due to a public health emergency, the requirements concerning prehearings and hearings are paused and do not begin to toll until the disaster proclamation is no longer in effect.</p> <p>If mutually agreed to in writing, the parties may proceed with the prehearing and hearing requirements remotely.</p>	<p>This law applies to all school districts.</p>

BROADBAND INFRASTRUCTURE

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Illinois Century Network</i></p> <p>220 ILCS 80/20 as amended by Senate Bill 0851.</p> <p>220 ILCS 80/30 as added by Senate Bill 0851.</p>	<p>Provides that the Broadband Advisory Council shall evaluate the expansion of the Illinois Century Network to Illinois public schools, public libraries, and State-owned correctional institutions or facilities, including issuing recommendations for increasing agency staffing, infrastructure development, price modeling, and providing download speeds of at least one gigabyte per second and upload speeds of at least one gigabyte per second.</p> <p>Requires the Council to study the feasibility of connecting all Illinois public schools, public libraries, and State-owned correctional institutions or facilities to the Illinois Century Network by January 1, 2030. Also requires that the Council shall issue a report on its findings, recommendations, options for expansion, and any recommended legislation to the General Assembly by January 1, 2024.</p>	<p>This law applies to the Broadband Advisory Council.</p>

| ARTIFICIAL INTELLIGENCE

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Artificial Intelligence Video Interview Act

[820 ILCS 42/1](#) et seq.

Requires that an employer that asks applicants to record video interviews and uses artificial intelligence analysis on the applicant videos must (1) notify each applicant before the interview that artificial intelligence may be used to analyze the applicant's video interview and consider the applicant's fitness for the position; (2) provide each applicant with information before the interview explaining how the artificial intelligence works and what general types of characteristics it uses to evaluate applicants; and (3) obtain, before the interview, consent from the applicant to be evaluated by the artificial intelligence program as described in the information provided.

An employer may not use artificial intelligence to evaluate applicants who have not consented to the use of artificial intelligence analysis or share applicant videos, except if necessary in order to evaluate an applicant's fitness for a position.

Certain demographic information must be collected and reported to the Department of Commerce and Economic Opportunity if the employer will rely solely on the artificial intelligence analysis to determine whether an applicant will be selected for an in-person interview.

Any employer that asks applicants to record video interviews and uses an artificial intelligence analysis of the videos.

ARTIFICIAL INTELLIGENCE, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Generative AI and Natural Language Processing Task Force</i></p> <p>20 ILCS 1370/1-80 as added by House Bill 3563</p>	<p>Provides that the Department of Innovation and Technology shall establish the Generative AI and Natural Language Processing Task Force to investigate and provide a report on generative artificial intelligence software and natural language processing software. Provides that the Task Force shall hold at least 5 meetings, with one held in Chicago, Springfield, the Metro East region, the Quad Cities region, and Southern Illinois. Responsibilities of the Task Force include (1) recommending legislation or regulations to protect consumer information as it relates to generative AI; (2) recommending model policies for schools to address the use of generative AI by students in the classroom; (3) assessing the use of generative AI to improve delivery of public services; (4) protecting civil rights and civil liberties of individuals and consumers as it relates to generative AI; (5) assessing the impact of generative AI on the workforce; and (6) assessing challenges of generative AI for cybersecurity. The Task Force is to file a report by December 31, 2024 with the Governor and General Assembly covering the Task Force's investigation and responsibilities.</p>	<p>This law applies to the Department of Innovation and Technology.</p>

| FINGERPRINT AND BIOMETRIC IDENTIFIER COLLECTION

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Criminal history records checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database

[105 ILCS 5/10-21.9](#)

[105 ILCS 5/34-18.5](#)

Student teachers and all applicants with a school district are required to authorize a fingerprint-based criminal history records check to determine if such student teachers or applicants have been convicted of any disqualifying, enumerated criminal or drug offenses or have been convicted, within 7 years of the application, of another felony.

Upon receipt of the authorization, the school district shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers to the Illinois State Police.

The information concerning the record of convictions shall be confidential and a copy of the record of convictions obtained from the Illinois State Police shall be provided to the student teacher or applicant for employment.

This law applies to all school districts.

| FINGERPRINT AND BIOMETRIC IDENTIFIER COLLECTION, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Contracts for charter bus services</i></p> <p>105 ILCS 5/10-20.21a</p>	<p>All contracts with an in-state company for providing charter bus services for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities must contain the following clause:</p> <p>“All of the charter bus drivers who will be providing services under this contract have, or will have before any services are provided:</p> <p>(1) submitted their fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The fingerprint check has resulted in a determination that they have not been convicted of committing any of the offenses set forth in subdivision (c-1)(4) of section 6-508 of the Illinois Vehicle Code; and</p> <p>(2) demonstrated physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use, to a state regulatory agency.”</p> <p>Contracts with an out-of-state company requires inclusion of the above clause or a clause that provides that not all of the charter bus drivers have met the requirements.</p>	<p>This applies to any contract for the provision of charter bus services for the transportation of students in grade 12 or below to interscholastic athletic or school sponsored activities.</p>

I FINGERPRINT AND BIOMETRIC IDENTIFIER COLLECTION, CONT'D.

STATUTORY REFERENCE

THE LAW

APPLICABILITY

Biometric Information Privacy Act

[740 ILCS 14/1 et seq.](#)

A private entity in possession of biometric identifiers, such as retina or iris scans, fingerprints, voiceprints, or scans of hand or face geometry, must develop a written policy available to the public establishing a retention schedule and guidelines for permanently destroying biometric identifiers and information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with the entity, whichever occurs first.

An entity may not collect, capture, purchase, receive, or obtain a person's biometric identifier or information unless it first informs the subject in writing that such identifier and information is being collected or stored, the specific purpose or length of term for which it will be collected, stored, and used, and receives a written release. An entity may also not sell, lease, trade or otherwise profit from a person's biometric information.

This law applies only to "private entities" defined as an individual, partnership, corporation, limited liability company, association, or other group, however organized, but specially excluding State and local government agencies, the courts of Illinois, and the clerks, judges, and justices thereof.

I FINGERPRINT AND BIOMETRIC IDENTIFIER COLLECTION, CONT'D.

STATUTORY REFERENCE	THE LAW	APPLICABILITY
<p><i>Biometric Information Privacy Act (cont'd)</i></p> <p>740 ILCS 14/1 et seq.</p>	<p>An entity may not disclose biometric identifiers or information unless the individual consents to the disclosure, the disclosure completes a financial transaction requested and authorized by the individual, the disclosure is required by law or the disclosure is pursuant to a valid warrant or subpoena issued by a court. The entity must store, transmit, and protect the biometric identifiers and information from disclosure using a reasonable standard of care within the entity's industry and in the same manner or more protective than the entity stores, transmits, and protects other confidential and sensitive information.</p> <p>A person can recover \$1,000 in liquidated damages for each negligent violation, \$5,000 in liquidated damages for each intentional or reckless violation, or actual damages, whichever is greater. An aggrieved person can also recover attorneys' fees and costs and other relief that the court deems appropriate.</p>	<p>This law applies only to "private entities" defined as an individual, partnership, corporation, limited liability company, association, or other group, however organized, but specially excluding State and local government agencies, the courts of Illinois, and the clerks, judges, and justices thereof.</p>

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