



21/22 LEGAL REFERENCE GUIDE

LAWS AFFECTING TECHNOLOGY IN ILLINOIS SCHOOLS



LTC

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Empowering Educational Change Through Technology

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Acknowledgements

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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
Electronic Records 5 ILCS 175/5-110; 5 ILCS 175/5-115	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.”	This is a law of general applicability to all entities or individuals keeping electronic records.
Agendas & Minutes	See “District Website Content” infra, p. 19.	
Regional Offices of Education and Service Centers 105 ILCS 5/2-3.62; 23 Ill. Adm. Code 525.10	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.	The State Board of Education is required to establish such networks. Each Regional Office of Education, Immediate Service Center, and Chicago School District 299 shall ensure such services are provided.
FOIA – Online Records 5 ILCS 140/8.5	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. 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.	This law applies to all school districts maintaining a website.

Contracts

Statutory Reference	The Law	Applicability
Contracts 105 ILCS 5/10-20.21	When purchase of supplies and materials or work involves an expenditure in excess of \$25,000, 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.	This law applies to all school boards.
Electronic Bidding 105 ILCS 5/10-20.21	<p>Acceptance of bids for contracts may be permitted by an electronic process. The electronic process must provide the following safeguards:</p> <p>(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</p> <p>(ii) The electronic database must be on a network that:</p> <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(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>	This law applies to all school boards.

Programs

Statutory Reference	The Law	Applicability
Remote Educational Program 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.</p> <p>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>
Driver Education Distance Learning 105 ILCS 5/27-24.2	<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>This law applies to all school districts.</p>

Programs, *continued*

Statutory Reference	The Law	Applicability
Dissection Alternatives Act 105 ILCS 112/5 et seq.	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.	This law applies to all school districts.
Heroin and Opioid Prevention Pilot Program 105 ILCS 5/22-81	<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 risk of drug use.</p>	This program applies to school districts voluntarily participating in the prevention program.
Computer Science & Computer Literacy Sec. 2-3.185	<p>All school districts shall ensure that students receive developmentally appropriate opportunities to gain computer literacy skills beginning in elementary school</p> <p>For pupils entering the 9th grade in the 2022-2023 school year and each school year thereafter, one year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject and which may be counted toward the fulfillment of other graduation requirements.</p> <p>Beginning with the 2023-2024 school year, the school board of a school district that maintains any of grades 9 through 12 shall provide an opportunity for every high school student to take at least one computer science course aligned to rigorous learning standards of the State Board of Education.</p>	This law applies to all school districts.

E-Learning & Remote Learning

Statutory Reference	The Law	Applicability
<p>E-Learning Days</p> <p>105 ILCS5/10-20.56</p>	<p>School districts statewide are authorized to utilize “E-Learning Days” in lieu of emergency days, and allows students to engage in career-connected learning outside of the classroom.</p> <p>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.</p> <p>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.</p>	<p>This law applies to all school districts</p>

E-Learning & Remote Learning, *continued*

Statutory Reference	The Law	Applicability
E-Learning Requirements 105 ILCS 5/10-20.56	<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 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 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 & Remote Learning, *continued*

Statutory Reference	The Law	Applicability
<p>Remote Learning Days</p> <p>Public Act 101-0643;</p> <p>23 Ill. Adm. Code. 5.10</p>	<p>Provisions to the School Code were amended to provide school districts with procedures to assist with remote learning programs and other operations.</p> <p>Schools may implement either an E-Learning Program or a Remote Learning Day Plan to provide students with instruction and access to educators through whatever means possible.</p> <p>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>Once declared, remote learning days or blended remote learning days shall be implemented in grades Pre-K through 12 as days of attendance, and shall be deemed pupil attendance days for calculation of the length of a school term.</p>	<p>The State Superintendent of Education may declare a requirement to use remote learning days or blended remote learning days for a school district, multiple districts, a region, or the entire State.</p>
<p>Remote Learning Days</p> <p>105 ILCS 5/10-30(new)</p>	<p>Remote learning days or blended remote learning days may be met through a district's implementation of an E-Learning Program. For any district that has not implemented an E-Learning Program, the district is required to adopt a remote and blended remote learning day plan approved by the district superintendent.</p> <p>Each district may utilize remote and blended remote learning planning days, consecutively or in separate increments, to develop, review, or amend its remote and blended remote learning day plan or provide professional development to staff regarding remote education. Up to 5 remote and blended remote learning planning days may be deemed pupil attendance days for calculation of the length of a school term under the School Code.</p>	<p>The State Superintendent of Education may declare a requirement to use remote learning days or blended remote learning days for a school district, multiple districts, a region, or the entire State.</p>

E-Learning & Remote Learning, *continued*

Statutory Reference	The Law	Applicability
<p>Remote Learning Days</p> <p>105 ILCS 5/10-30(new)</p>	<p>Remote and blended remote learning day plans shall address:</p> <ul style="list-style-type: none"> (i) Accessibility of remote instruction to all students (ii) If applicable, a requirement that remote learning day and blended remote learning day activities reflect State learning standards (iii) A means for students to confer with an educator (iv) The unique needs of students in special populations, including students eligible for special education, students who are English learners, and students experiencing homelessness, or vulnerable student populations (v) How the district will take attendance and monitor and verify each student's remote participation (vi) Transitions from remote learning to on-site learning upon the State Superintendent's declaration remote or blended remote learning days are no longer necessary <p>The district superintendent shall periodically review and amend the district's remote and blended remote learning day plan as necessary to ensure the plan meets the needs of all students.</p>	<p>The State Superintendent of Education may declare a requirement to use remote learning days or blended remote learning days for a school district, multiple districts, a region, or the entire State.</p>
<p>Remote Learning Days</p> <p>105 ILCS 5/10-30(new)</p>	<p>Statutory and regulatory curricular mandates and offerings may be administered via a district's remote and blended remote learning day plan, except that a district may not offer individual behind-the-wheel instruction via a district's remote and blended remote learning day plan. Schools and districts are not relieved from completing all statutory and regulatory curricular mandates.</p>	<p>The State Superintendent of Education may declare a requirement to use remote learning days or blended remote learning days for a school district, multiple districts, a region, or the entire State.</p>

State of Illinois Executive Orders

Statutory Reference	The Law	Applicability
State of Illinois Executive Order 2020-05*	<p>Districts need not receive approval by the school board before establishing and maintaining a program for E-Learning pursuant to Executive Order 2020-05. E-Learning programs implemented pursuant to Executive Order 2020-05 also do not need to comply with public hearing requirements, or requirement to communicate protocol to teachers/staff/students 30 days prior to implementation.</p> <p>Any E-Learning program adopted pursuant to Executive Order 2020-05 must be verified by the regional office of education or intermediate service center for the school district, which must ensure that the specific needs of students are met, including special education students and English learners, as required by the 105 ILCS 5/10-20.56(b). E-Learning programs may exceed number of emergency days in the approved school calendar notwithstanding 105 ILCS 5/10-20.56(b).</p> <p>Regional offices of education and intermediate service centers are not to deny e-learning plan approvals based solely on the 5 clock hours of instruction or school work required by the 105 ILCS 5/10-19.05 so long as the regional offices of education or intermediate service centers determines that the plan provides substantial student learning opportunities, notwithstanding 105 ILCS 10-20.56(d)(1).</p>	<p>The State Superintendent of Education may declare a requirement to use remote learning days or blended remote learning days for a school district, multiple districts, a region, or the entire State.</p>

*As of the date of writing, Executive Order 2020-05 remains in effect. Given the fluid nature of the COVID-19 pandemic and the Governor's authority to reissue and extend Executive Orders, it is necessary to discuss with legal counsel the current state of the law and regulations with respect to COVID-19.

Funding

Statutory Reference	The Law	Applicability
Technology Revolving Fund Program 105 ILCS 5/2-3.117a; 23 Ill. Adm. Code 575.200	<p>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</p>	<p>Eligible applicants are: public school districts, charter schools, area vocational centers, laboratory schools, and State-recognized, non-public schools</p>
Technology Development Fund 30 ILCS 265/20	<p>A special fund created outside of 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.</p>	<p>This law applies to all school districts.</p>
Community Technology Center Grant Program - Eligibility 30 ILCS 780/5-30; 14 Ill. Adm. Code 546.130	<p>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.</p>	<p>This grant applies to State educational agencies and local educational agencies, provided that a local, 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>

Funding, *continued*

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"> 6. basic literacy skill; 7. GED preparation; and 8. 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>Renewable Energy Grants</p> <p>20 ILCS 687/6-5.5</p>	<p>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.</p>	<p>Public schools and community colleges are eligible to receive grants from the Department of Commerce and Economic Opportunity.</p>

Funding, *continued*

Statutory Reference	The Law	Applicability
Mathematics and Science Block Grant Program 105 ILCS 5/1G-5	<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>
STEAM Grant Program 105 ILCS 5/2-3.119a	<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>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,</p>
Scratch-off for STEAM Programs 20 ILCS 1605/21.12	<p>Creates a “scratch-off” lottery game, commencing January 1, 2020 until January 1, 2021, where the net revenue is deposited into a fund to benefit STEAM programming to make grants available for making science, technology, engineering, art, and math available to low-income and disadvantaged students.</p>	<p>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.</p>

Funding, *continued*

Statutory Reference	The Law	Applicability
<p>Effective Use of Technology</p> <p>20 U.S.C.A. § 7119;</p> <p>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. 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>
<p>Children With Disabilities – Technology Development</p> <p>20 U.S.C.A. § 1474;</p> <p>20 U.S.C.A. § 1461</p>	<p>The Secretary of Education will make grants to, and enter into contracts and cooperative agreements with, eligible entities to support certain activities to promote the development, demonstration, and use of technology to improve results for children with disabilities and to support educational media services designed to be of educational value in the classroom setting to children with disabilities.</p>	<p>Eligible entities are: a state educational agency, a local educational agency, a public charter school that is a local educational agency under state law, and an institution of higher education.</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	<p>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.</p> <p>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.</p>	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
<i>PURCHASE</i>		
Purchase by Districts; Designation of Agent for Sale 105 ILCS 5/28-9	<p>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.</p> <p>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.</p>	<p>This law applies to all school districts.</p>
Purchase by Districts; Resale at Cost 105 ILCS 5/28-8	<p>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.</p>	<p>This law applies to all school districts.</p>
<i>FUNDING</i>		
Funding for Electronic Textbooks 105 ILCS 5/28-19.5	<p>School districts may use funding received to purchase textbooks or instructional materials in either hard-bound format, or electronic format and the technological equipment necessary to gain access to the materials, if:</p> <ul style="list-style-type: none"> (i) It can ensure that each pupil will be provided with a copy of the materials to use at school and home; and (ii) It will assist the student in understanding the material. 	<p>This law applies to all school districts.</p>

Electronic Textbooks, *continued*

Statutory Reference	The Law	Applicability
<i>FUNDING</i>		
School Safety and Educational Improvement Block Grant Program 105 ILCS 5/2-3.51.5	<p>For school districts, the School Safety and Educational Improvement Block Grant Program provides funding for school safety, textbooks and software, electronic textbooks (and the technological equipment necessary to gain access to and use electronic textbooks), teacher training and curriculum development, school improvements, school report cards, and criminal history records checks.</p> <p>For State-recognized, non-public schools, the program provides funding for secular textbooks and software, criminal history records checks, and health and safety mandates to the extent that the funds are expended for purely secular purposes.</p>	<p>This law applies to all school districts and state-recognized, non-public schools.</p>
Free Textbooks 105 ILCS 5/28-14; 105 ILCS 5/34-8	<p>Free electronic textbooks, and the technological equipment necessary to gain access to the materials, may be supplied to students by the district in accordance with a favorable vote at a regularly scheduled election.</p>	<p>This law applies to school districts.</p> <p>For school districts in cities of 500,000 inhabitants, the board of education may furnish free textbooks to pupils and may publish its own textbooks.</p>
Textbooks Loaned to Pupils 105 ILCS 5/28-15	<p>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 loan 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.</p>	<p>This law applies to school districts.</p>

Electronic Textbooks, *continued*

Statutory Reference	The Law	Applicability
FUNDING		
Charter School Financing 105 ILCS 5/27A-11.5	<p>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. Further, the State Board is required to make grants (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 and other equipment or materials needed during their initial term.</p>	<p>This law applies to charter schools.</p>
DUTIES OF GOVERNING BODY		
Local School Councils – Powers and Duties 105 ILCS 5/34-2.3	<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>
By-Laws, Regular Meetings of Chicago Board of Education 105 ILCS 5/34-19	<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
Electronic Paging Devices 105 ILCS 5/10-21.10; 105 ILCS 5/34-18.9	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).	This law applies to all school districts.
Cellular Radio Telecommunication Devices 105 ILCS 5/10-20.28; 105 ILCS 5/34-18.14	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.	This law applies to all school districts.
“Cell Phone Jammers” 47 U.S.C. § 302a(b) 47 C.F.R. § 2.803(a)	The Communications Act and Federal Communications Commission rules prohibit the operation of devices designed to prevent, jam, or otherwise interfere with cell phone communications.	This is a law of general applicability to any person violating these provisions.

District Website Content

Statutory Reference	The Law	Applicability
Schedule & Agenda 5 ILCS 120/2.02	<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>
Minutes 5 ILCS 120/2.06	<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>
FOIA Information 5 ILCS 140/4	<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>
School Board Members – Training 105 ILCS 5/10-16a	<p>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.</p>	<p>This law applies to all school districts having a population of not fewer than 1,000 and not more than 500,000 inhabitants.</p>

District Website Content, *continued*

Statutory Reference	The Law	Applicability
School Board Members – Contact 105 ILCS 205/20	<p>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.</p>	<p>This law applies to a school district that serves a population of less than 1,000,000 and that maintains an Internet website.</p>
Contracts 105 ILCS 5/10-20.44	<p>School boards must list on the districts Internet website all contracts over \$25,000.00 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>	<p>This law applies to all school districts that maintain a website.</p>
Administrator and Teacher Compensation 105 ILCS 5/10-20.47	<p>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.</p>	<p>This law applies to all school districts that maintain a website.</p>
IMRF Compensation 5 ILCS 120/7.3	<p>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.</p>	<p>Applies to employers participating in the Illinois Municipal Retirement Fund.</p>
District Report Card 105 ILCS 5/10-17a	<p>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.</p>	<p>This law applies to all school districts that maintain a website.</p>

District Website Content, *continued*

Statutory Reference	The Law	Applicability
Severance Agreements 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.
Shared Service Reporting 105 ILCS 5/17-1.1	Each school district completing the “Shared Service Reporting and Fiscal Efficiency” report for the State Board of Education must publish the report on its website.	This law applies to all school districts that maintain a website.
Waiver of School Code Mandates 105 ILCS 5/2-3.25g	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. 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.	This law applies to all school districts that maintain a website.
Driver’s Education 105 ILCS 5/27-24.2	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.	This law applies to all school districts that maintain a website.
Budget 105 ILCS 5/17-1.2	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.	This law applies to all school districts that maintain a website.

District Website Content, *continued*

Statutory Reference	The Law	Applicability
<p>Student Online Protection Act</p> <p>105 ILCS 85/27</p>	<p>Effective July 1, 2021, each school shall post and maintain on its website, or make available for inspection the following information:</p> <p>(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.</p> <p>(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.</p> <p>(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;</p> <p>(iv) a written description of procedures a parent may use to exercise rights granted by the Act;</p> <p>(v) a list of any breaches of covered information that includes: the number of students involved (unless disclosure violates Personal Information Protection Act; the date or estimated date range of the breach; and if an operator breach, the name of the operator</p> <p>Schools must update items (i)(iii)(iv) and</p> <p>(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>

District Website Content, *continued*

Statutory Reference	The Law	Applicability
Student Online Personal Protection Act 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.
Anti-Bias Policy 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.
Bullying Prevention Policy 105 ILCS 5/27-23.7	All school districts must publish a bullying prevention policy on its website.	This law applies to all school districts that maintain a website.
Suicide Prevention Policy 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.
Disciplinary Practices 105 ILCS 5/2-3.162	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.	This law applies to the top 20% of specific school districts meeting specific ISBE requirements.
Open Positions 105 ILCS 5/34-18.22	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.	This law applies to school districts in cities with a population of over 500,000.
Property 105 ILCS 5/34-220	A list of all property owned by or leased to the Board shall be published on the district's Internet website and updated annually. Further, a summary of all lease agreements in which the Board is a lessor or lessee must be published.	This law applies to school districts in cities with a population of over 500,000.

District Website Content, *continued*

Statutory Reference	The Law	Applicability
Facility Master Plan Information 105 ILCS 5/34-210	<p>The data, information, and analysis that informs the educational facility master plan must be published on the district's website.</p>	<p>This law applies to school districts in cities with a population of over 500,000.</p>
Facility Standards 105 ILCS 5/34-205	<p>The district shall publish a "space utilization report" and "facility performance standards" on the district's website.</p>	<p>This law applies to school districts in cities with a population of over 500,000.</p>
Capital Improvement Plans 105 ILCS 5/34-215	<p>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.</p>	<p>This law applies to school districts in cities with a population of over 500,000.</p>
Capital Expenditure Report 105 ILCS 5/34-220	<p>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.</p>	<p>This law applies to school districts in cities with a population of over 500,000.</p>
Proposed School Actions; Summary; Report 105 ILCS 5/34-230	<p>The chief executive officer shall publish notice of proposed school actions 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.</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>

District Website Content, *continued*

Statutory Reference	The Law	Applicability
<p>Website Accessibility Guidelines</p> <p>45 U.S.C. § 12132</p> <p>29 U.S.C. § 794</p> <p>Sec. 10-20.75</p> <p>105 ILCS 5/34-18.67 new</p>	<p>Website accessibility is required by federal laws prohibiting discrimination on the basis of disability, including Title II of the Americans with Disabilities Act of 1990 (“ADA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”). The ADA provides that no individual with a disability shall, by reason of such disability, be excluded from participation in or be denied benefits of services, programs, or activities of a public entity. Section 504 protects individuals with disabilities in programs and activities that receive federal funding. Accordingly, public school districts should take measures to ensure websites are accessible to persons with disabilities to comply with both the ADA and Section 504.</p> <p>Public Act 102-0238 amends the School Code to ensure that the content available on any third party online curriculum that is made available to enrolled students or the public by a school district through the Internet is readily accessible to persons with disabilities, provides that a school district must require the Internet website or web service comply with Level AA of the World Wide Web Consortium’s Web Content Accessibility Guidelines. This legislation is effective August 1, 2022.</p>	<p>This law applies to all school districts.</p>

Privacy

Statutory Reference	The Law	Applicability
<i>STUDENT ONLINE PERSONAL PROTECTION ACT</i>		
<p>Student Online Personal Protection Act</p> <p>105 ILCS 85/5;</p> <p>105 ILCS 85/10;</p> <p>105 ILCS 85/15</p>	<p>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.</p> <p>“Operators” have various duties under the act, namely: (i) implement and maintain reasonable security measures to protect covered information from unauthorized access;</p> <p>(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;</p> <p>(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)</p> <p>The following additional duties are effective July 1, 2021:</p> <p>(iv) Excepting nonpublic schools, requires any operator who seeks to receive any covered information, enter into a written agreement (whether written, electronic, or “click-wrap”) that a user must agree to terms before using the product or service</p> <p>(v) in case of a breach, expedient notification to the school; and</p> <p>(vi) excepting nonpublic schools, providing to the school a list of third parties to whom the operator is disclosing or has disclosed covered information</p>	<p>This law applies to “operators”, which is defined as:</p> <p>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.</p>

Privacy, *continued*

Statutory Reference	The Law	Applicability
<i>STUDENT ONLINE PERSONAL PROTECTION ACT, continued</i>		
<p>Student Online Personal Protection Act</p> <p>Written Agreements</p> <p>105 ILCS 85/15(4)</p>	<p>Effective July 1, 2021, the written agreement required by the Student Online Personal Protection Act between school districts and operators, must contain:</p> <ul style="list-style-type: none"> (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 (vi) statement that the school must publish the written agreement on the school's website, or available for inspection if no website is maintained. 	<p>This law applies to “operators”, but does not apply to nonpublic schools.</p> <p>“Operator” means:</p> <p>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.</p>
<p>Student Online Personal Protection Act</p> <p>Written Agreements</p> <p>105 ILCS 85/27(b)</p>	<p>Effective July 1, 2021, each school must adopt a policy designating which school employees are authorized to enter into written agreements with operators.</p>	<p>This law applies to all school districts other than nonpublic schools.</p>

Privacy, *continued*

Statutory Reference	The Law	Applicability
<i>STUDENT ONLINE PERSONAL PROTECTION ACT, continued</i>		
Student Online Personal Protection Act Written Agreements 105 ILCS 85/27(e)	<p>Effective July 1, 2021, 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.</p>	<p>This law applies to all school districts other than nonpublic schools.</p>
Student Online Personal Protection Act Use of Covered Information 105 ILCS 85/26	<p>Effective July 1, 2021, no school district may sell rent, lease or trade any covered information.</p> <p>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:</p> <ul style="list-style-type: none"> (i) it is for the protection and safety of others, or the security or integrity of the operator's service; (ii) required by court order or State or federal law; or (iii) to ensure legal or regulatory compliance 	<p>The provision prohibiting the sale, rent, lease, or trade of information applies to all school districts.</p> <p>However, the provision regarding the prohibition on sharing or providing access to the information applies only to schools other than nonpublic schools.</p>

Privacy, *continued*

Statutory Reference	The Law	Applicability
<i>STUDENT ONLINE PERSONAL PROTECTION ACT, continued</i>		
Student Online Personal Protection Act Breach 105 ILCS 85/27(d)	<p>Effective July 1, 2021, in the event of a breach, the school shall notify the parent of any student whose covered information is 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 (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>
Student Online Personal Protection Act Parent Requests 105 ILCS 85/27(g)	<p>Effective July 1, 2021, parents may request that the school initiate a request to the operator to delete covered information on behalf of a student, so long as the deletion of the covered information does not violate State or federal records laws.</p>	<p>This law applies to all school districts other than nonpublic schools.</p>

Privacy, *continued*

Statutory Reference	The Law	Applicability
Illinois School Student Records Act 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 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>	This law applies to all school districts.
Right to Privacy in School Setting; Notification 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.</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.
Right to Privacy in the Work Place 820 ILCS 55/10	<p>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).</p>	This law applies to all school districts.

Privacy, *continued*

Statutory Reference	The Law	Applicability
<p>Family Educational Rights and Privacy Act (FERPA)</p> <p>20 U.S.C. § 1232g;</p> <p>34 CFR Part 99</p>	<p>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.</p>	<p>The law applies to all schools that receive funds under various programs of the U.S. Department of Education.</p>
<p>Personal Information Protection Act</p> <p>815 ILCS 530/1 et seq.</p>	<p>Obligates "data collectors" (including school districts) to notify Illinois residents when their "personal information" has been breached. The law provides an expansive definition of "personal information" such as health insurance information, medical information, unique biometric data, and online account information.</p> <p>Data collectors are required to notify affected residents, 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.</p> <p>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.</p> <p>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 in 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 data range of the breach.</p>	<p>This law applies to all school districts.</p>

Students

Statutory Reference	The Law	Applicability
<i>CHILDREN WITH DISABILITIES</i>		
Assistive Technology 105 ILCS 5/14-8.02; 34 C.F.R. § 300.5; 34 C.F.R. § 300.6	<p>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.</p> <p>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.</p> <p>Assistive technology includes both devices and services. As defined in IDEA:</p> <p>(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.</p> <p>(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.</p>	<p>This law applies to all school districts.</p>

Students, *continued*

Statutory Reference	The Law	Applicability
DISCIPLINE		
Suspension or Expulsion 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, the 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 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>
Suspension or Expulsion, Cities over 500,000 inhabitants 105 ILCS 5/34-19	<p>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.</p>	<p>This law applies to the Board of Education in cities with a population of over 500,000 inhabitants.</p>

Students, *continued*

Statutory Reference	The Law	Applicability
STUDENT INFORMATION		
<p>Student Biometric Information</p> <p>105 ILCS 5/10-20.40;</p> <p>105 ILCS 5/34-18.34</p>	<p>School districts that collect biometric information from students shall adopt policies that require, at a minimum, all of the following:</p> <p>(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.</p> <p>(ii) Discontinuation of use of a students biometric information upon the students 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.</p> <p>(iii) Destruction of a student’s biometric information within 30 days after the use of the biometric information is discontinued</p> <p>(iv) The use of biometric information solely for identification or fraud prevention</p> <p>(v) Prohibition on the sale, lease, or disclosure of biometric information (unless there is consent or disclosure required by court order).</p> <p>(vi) Storage, transmittal and protection of biometric information from disclosure.</p> <p>“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.</p>	<p>This law applies to all school districts.</p>

Students, *continued*

Statutory Reference	The Law	Applicability
<i>RECORDS</i>		
<p>Missing Children Records Act; Missing Children Registration Law</p> <p>325 ILCS 50/5;</p> <p>325 ILCS 55/5</p>	<p>Upon notification by the Illinois Department of 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 Department of State Police any request concerning flagged records or knowledge as to the whereabouts of any missing minor.</p> <p>School districts are also required to undertake the abovementioned duties and additionally report to local law enforcement authority.</p>	<p>This law applies to all school districts.</p>
<p>Disposition of Student Records</p> <p>105 ILCS 10/1 et seq.;</p> <p>50 ILCS 205/7;</p> <p>1983 Op. Atty.Gen. 83-018.</p>	<p>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.</p>	<p>The law applies to school districts as it pertains to destruction or disposal of student records.</p>

Internet Safety

Statutory Reference	The Law	Applicability
Internet Safety Curriculum 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>
Bullying Prevention 105 ILCS 5/27-23.7	<p>Each school district must create and maintain a policy on bullying which must be:</p> <ul style="list-style-type: none"> (i) on file with the State Board of Education, (ii) published on the school district's website, and (iii) included in the student handbook. <p>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 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.</p>	<p>This law applies to all school districts.</p>

Internet Safety, *continued*

Statutory Reference	The Law	Applicability
<p>Internet Safety Policies</p> <p>47 U.S.C. § 254;</p> <p>20 U.S.C. § 9134;</p> <p>47 C.F.R. § 54.501</p>	<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:</p> <ul style="list-style-type: none">(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>This law applies to any school or eligible school library that receives discounted rates pursuant to the “E-rate Program.”</p>

Criminal Charges

Statutory Reference	The Law	Applicability
Sexting 705 ILCS 405/3-40; 720 ILCS 5/11-20.1(a)	<p>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.</p> <p>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.</p>	<p>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.</p>
Hate Crimes 720 ILCS 5/12-7.1	<p>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.</p> <p>A hate crime is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense.</p>	<p>This law applies to all individuals.</p>

Criminal Charges, *continued*

Statutory Reference	The Law	Applicability
Cyberstalking 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:</p> <p>(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, *continued*

Statutory Reference	The Law	Applicability
Harassment by Electronic Communication 720 ILCS 5/26.5-3	<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>	This law applies to all individuals.

Employees

Statutory Reference	The Law	Applicability
Professional Teaching Standards 23 Ill. Adm. Code 24.130	<p>The competent teacher:</p> <p>Knowledge: understands how to identify individual needs and how to locate and access technology, services, and resources</p> <p>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</p> <p>Differentiated Instruction: understands the appropriate role of technology and assistive technology to address student needs</p> <p>Learning environment: uses appropriate technology in a functional learning community, and manages technology to provide active and equitable engagement of students</p>	<p>These standards establish the minimum requirements for the approval of any teacher preparation program or course of study in any teaching field.*</p>
Immunity 745 ILCS 10/2-210	<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>* 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.</p>		

Employees, *continued*

Statutory Reference	The Law	Applicability
Reimbursement of Expenses 820 ILCS 115/9.5	<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 de minimis 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>
Computer Programs 105 ILCS 5/10-23.10; 105 ILCS 5/34-18	<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>

Employees, *continued*

Statutory Reference	The Law	Applicability
Electronic and Information Technology Workers – Reporting Child Pornography 325 ILCS 5/4.5	<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>
Subjects of Collective Bargaining 115 ILCS 5/4-5	<p>A permissive subject of bargaining between an educational employer and representative of the employees includes:</p> <p>Decisions concerning use and staffing of experimental or pilot programs and decisions concerning use of technology to deliver educational programs and services and staffing to provide the technology.</p>	<p>This law applies to an educational employer whose territorial boundaries are coterminous with those of a city having a population in excess of 500,000 and an exclusive representative of its employees.</p>

School Buses

Statutory Reference	The Law	Applicability
School Bus Driver Communication Devices 625 ILCS 5/12-813.1	<p>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:</p> <p>(1) using the cell phone in an emergency or</p> <p>(2) using the cell phone while the bus is parked.</p>	<p>This law applies to all persons operating a school bus with a valid school bus driver permit,</p>
Eavesdropping 720 ILCS 5/14-3	<p>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.</p> <p>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:</p> <p>(i) the school board has adopted a policy authorizing such recording;</p> <p>(ii) notice of the recording policy is included in student handbooks and other documents including school policies;</p> <p>(iii) notice of the policy regarding the recording is provided to parents of students, and</p> <p>(iv) notice of such recording is clearly posted on the door of and inside the school bus.</p>	<p>This exemption applies to any school bus.</p>

School Buses, *continued*

Statutory Reference	The Law	Applicability
Inspection Policy 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. 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>	This law applies to all school districts.

Reporting

Statutory Reference	The Law	Applicability
Shared Service Reporting 105 ILCS 5/17-1.1	<p>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.</p>	All school districts must complete the annual report. Based on the school district's annual report, regional superintendents must publish an annual regional report summarizing district attempts to improve fiscal efficiency through shared services or outsourcing within the region.

Safety Drill Act

Statutory Reference	The Law	Applicability
Safety Drill Act 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, 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>	This law applies to all school districts.

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