

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by adding Sections 10-20.88, 27A-5.3, and 34-18.14a and by changing Section 10-22.6 as follows:

(105 ILCS 5/10-20.88 new)

Sec. 10-20.88. Wireless communication device policy.

(a) As used in this Section:

"School time" means the time students spend on a school campus during the regular school day, beginning with the designated arrival time for students through the designated dismissal time for students, including instructional time, recess, lunch, and passing periods. "School time" does not include a before-school or after-school activity or a student's presence at an off-campus learning opportunity.

"Wireless communication device" means any portable wireless device that has the capability to provide voice, messaging, or other data communication between 2 or more parties, including, but not limited to:

- (1) cellular telephones;
- (2) tablet computers;
- (3) laptop computers;

(4) gaming devices; and

(5) wearable devices, including smart watches or smart glasses, except if those devices have disabled the capability to provide messaging or transmit other data communications.

"Wireless communication device" does not include any device that a school district or teacher has directly issued to, provided for, or required a student to possess and use for educational purposes.

(b) On or before the beginning of the 2027-2028 school year, each school board shall adopt and implement a wireless communication device policy that:

(1) at a minimum, prohibits a student from using a wireless communication device during school time, except as otherwise provided in subsections (c) and (d);

(2) incorporates guidance for wireless communication device storage within a school building during school time;

(3) states the importance of uniform enforcement of the policy in each school and the handling of implementation in a trauma-informed, developmentally appropriate manner; and

(4) if a school, as an administrative response for a violation of the policy by a student, requires the student's parent or guardian to retrieve the wireless communication device at the school building, provides an

alternative for cases in which a parent or guardian is unable to appear in person.

The policy adopted under this subsection and administrative responses for violations of the policy shall be published in a student handbook, if one exists.

(c) The policy adopted and implemented under subsection (b) may not prohibit a student from using a wireless communication device during school time under the following circumstances:

(1) if a licensed physician, physician assistant, or nurse practitioner determines that the possession or use of a wireless communication device is necessary for the management of the student's health care and the student uses the wireless communication device only as prescribed by the licensed physician, physician assistant, or nurse practitioner;

(2) to fulfill an individualized education program, a plan developed under Section 504 of the federal Rehabilitation Act of 1973, the student's health care provider's medical orders, or another written accommodation plan;

(3) if school personnel have determined the wireless communication device is necessary for students who are English learners, as defined in Section 14C-2, to access learning materials;

(4) if school personnel have determined, on a

case-by-case basis, the wireless communication device is necessary for a student caregiver who is routinely responsible for the care and well-being of a family member; or

(5) as required by any other State or federal law.

(d) The policy adopted and implemented under subsection (b) may allow for the following exceptions:

(1) at the discretion of the school district, the school district may allow the definition of school time to exclude a high school student's lunch and passing periods;

(2) if school personnel have authorized the student to use a wireless communication device for educational purposes; and

(3) in the event of an emergency as detailed in at least one of the school district's emergency and crisis response plans, protocols, or procedures.

(e) No school district may enforce the wireless communication device policy through fees, fines, suspensions, expulsions, or the deployment of a school resource officer or local law enforcement officer; however, this prohibition does not extend to the use of a wireless communication device to engage in other gross disobedience or misconduct.

(f) The development of the policy in subsection (b) shall include, at a minimum, input from the local collective bargaining agent representing teachers, if any, administrators, and parents or guardians. Student input in the

development of the policy in subsection (b) is encouraged. Each school board shall review its wireless communication device policy at least once every 3 years and make any necessary and appropriate revisions to the policy. During this review, each school board shall engage, at a minimum, the local collective bargaining agent representing teachers, if any, administrators, and parents or guardians for input and consider any available data on the enforcement of the wireless communication device policy. The development and review of the wireless communication device policy in this subsection may be accomplished through the use of the parent-teacher advisory committee set forth in Section 10-20.14.

(g) A school board and any school personnel are immune from any liability resulting from damage to a wireless communication device if the device is stored in good faith and in accordance with the school board's wireless communication device policy. This subsection does not apply if the damage to the wireless communication device is caused by the willful or wanton conduct of school personnel.

(h) The wireless communication device policy shall be posted on the school district's publicly accessible Internet website. The wireless communication device policy shall be provided annually to parents, guardians, and school personnel, including new employees and substitute teachers when hired. Provision of a hyperlink to the policy satisfies the requirements of this subsection.

(i) By September 1, 2026, the State Board of Education shall post on its website a template for a model wireless communication device policy.

(j) If a school district has an existing wireless communication device policy in place before the effective date of this amendatory Act of the 104th General Assembly that limits wireless communication devices during a majority of or the entirety of the school day, the district may keep its existing policy in place through the 2030-2031 school year, at which point the district must adopt a wireless communication device policy meeting the requirements of the policy described in subsection (b).

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

Sec. 10-22.6. Suspension or expulsion of students; school searches.

(a) To expel students guilty of gross disobedience or misconduct, including gross disobedience or misconduct perpetuated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents or guardians have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer

appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board, the hearing officer shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a student, the written expulsion decision shall detail the specific reasons why removing the student from the learning environment is in the best interest of the school. The expulsion decision shall also include a rationale as to the specific duration of the expulsion. An expelled student may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A student must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b) To suspend or by policy to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend students guilty of gross disobedience or misconduct, or to suspend students guilty of gross disobedience or misconduct on the school bus from riding the school bus, pursuant to subsections (b-15) and (b-20) of this Section, and no action shall lie against them for such suspension. The board may by policy authorize the superintendent of the district or the

principal, assistant principal, or dean of students of any school to suspend students guilty of such acts for a period not to exceed 10 school days. If a student is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the student in excess of 10 school days for safety reasons.

Any suspension shall be reported immediately to the parents or guardians of a student along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardians, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardians of the student may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the

specific duration of the suspension.

(b-5) Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. Out-of-school suspension or expulsion may not be used if the sole grounds for the out-of-school suspension or expulsion is that the student accessed a wireless communication device in violation of the policy adopted and implemented pursuant to Section 10-20.88, 27A-5.3, or 34-18.14a; however, this limitation on out-of-school suspension or expulsion does not extend to the use of a wireless communication device to engage in other gross disobedience or misconduct. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.

(b-10) Unless otherwise required by federal law or this Code, school boards may not institute zero-tolerance policies by which school administrators are required to suspend or expel students for particular behaviors.

(b-15) Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would

pose a threat to school safety or a disruption to other students' learning opportunities. For purposes of this subsection (b-15), "threat to school safety or a disruption to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

(b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats,

address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

(b-25) Students who are suspended out-of-school for longer than 3 school days shall be provided appropriate and available support services during the period of their suspension. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

A school district may refer students who are expelled to appropriate and available support services.

A school district shall create a policy to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting. In consultation with stakeholders deemed appropriate by the State Board of Education, the State Board of Education shall draft and publish guidance for the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting in accordance with this Section and

Section 13A-4 on or before July 1, 2025.

(b-30) A school district shall create a policy by which suspended students, including those students suspended from the school bus who do not have alternate transportation to school, shall have the opportunity to make up work for equivalent academic credit. It shall be the responsibility of a student's parents or guardians to notify school officials that a student suspended from the school bus does not have alternate transportation to school.

(b-35) In all suspension review hearings conducted under subsection (b) or expulsion hearings conducted under subsection (a), a student may disclose any factor to be considered in mitigation, including his or her status as a parent, expectant parent, or victim of domestic or sexual violence, as defined in Article 26A. A representative of the parent's or guardian's choice, or of the student's choice if emancipated, must be permitted to represent the student throughout the proceedings and to address the school board or its appointed hearing officer. With the approval of the student's parent or guardian, or of the student if emancipated, a support person must be permitted to accompany the student to any disciplinary hearings or proceedings. The representative or support person must comply with any rules of the school district's hearing process. If the representative or support person violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a

witness, or anyone else in attendance at the hearing, the representative or support person may be prohibited from further participation in the hearing or proceeding. A suspension or expulsion proceeding under this subsection (b-35) must be conducted independently from any ongoing criminal investigation or proceeding, and an absence of pending or possible criminal charges, criminal investigations, or proceedings may not be a factor in school disciplinary decisions.

(b-40) During a suspension review hearing conducted under subsection (b) or an expulsion hearing conducted under subsection (a) that involves allegations of sexual violence by the student who is subject to discipline, neither the student nor his or her representative shall directly question nor have direct contact with the alleged victim. The student who is subject to discipline or his or her representative may, at the discretion and direction of the school board or its appointed hearing officer, suggest questions to be posed by the school board or its appointed hearing officer to the alleged victim.

(c) A school board must invite a representative from a local mental health agency to consult with the board at the meeting whenever there is evidence that mental illness may be the cause of a student's expulsion or suspension.

(c-5) School districts shall make reasonable efforts to provide ongoing professional development to all school personnel, school board members, and school resource officers

on the requirements of this Section and Section 10-20.14, the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments, as defined in subsection (b) of Section 3-11, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

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

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

(2) A knife, brass knuckles or other knuckle weapon

regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look alikes" of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

(d-5) The board may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a period not to exceed 10 school days or may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis, if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii)

the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of the individual's duties or employment status or status as a student inside the school.

(e) To maintain order and security in the schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student, and without a search warrant. As a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas. School authorities may request the assistance of law enforcement officials for the purpose of conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the school for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search conducted in accordance with this Section produces evidence that the student has violated or is violating either the law, local ordinance, or the school's policies or rules, such evidence may be seized by school authorities, and disciplinary action may be taken. School authorities may also turn over such evidence to law enforcement authorities.

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

(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program under Article 13A of this Code or an alternative learning opportunities program under Article 13B of this Code before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program. A school district that adopts a policy under this subsection (g) must include a provision allowing for consideration of any mitigating factors, including, but not limited to, a student's status as a parent, expectant parent, or victim of domestic or sexual violence, as defined in Article 26A.

(h) School officials shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.

(i) In this subsection (i), "municipal code violation" means the violation of a rule or regulation established by a local government authority, authorized by Section 1-2-1 of the Illinois Municipal Code.

A student must not be issued a monetary fine, fee, ticket, or citation as a school-based disciplinary consequence or for

a municipal code violation or a violation of the policy adopted and implemented pursuant to Section 10-20.88, 27A-5.3, or 34-18.14a on school grounds during school hours or while taking school transportation by any person, though this shall not preclude requiring a student to provide restitution for lost, stolen, or damaged property.

This subsection (i) does not modify school disciplinary responses under this Section or Section 10-20.14 of this Code that existed before the effective date of this amendatory Act of the 104th General Assembly or responses to alleged delinquent or criminal conduct set forth in this Code, Article V of the Juvenile Court Act of 1987, or the Criminal Code of 2012. This subsection (i) does not apply to violations of traffic, boating, or fish and game laws.

(j) Subsections (a) through (i) of this Section shall apply to elementary and secondary schools, charter schools, special charter districts, and school districts organized under Article 34 of this Code.

(k) Through June 30, 2026, the expulsion of students enrolled in programs funded under Section 1C-2 of this Code is subject to the requirements under paragraph (7) of subsection (a) of Section 2-3.71 of this Code.

(k-5) On and after July 1, 2026, the expulsion of children enrolled in programs funded under Section 15-25 of the Department of Early Childhood Act is subject to the requirements of paragraph (7) of subsection (a) of Section

15-30 of the Department of Early Childhood Act.

(1) An in-school suspension program provided by a school district for any students in kindergarten through grade 12 may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel. A school district may employ a school social worker or a licensed mental health professional to oversee an in-school suspension program in kindergarten through grade 12.

(Source: P.A. 103-594, eff. 6-25-24; 103-896, eff. 8-9-24; 104-417, eff. 8-15-25; 104-430, eff. 8-20-25.)

(105 ILCS 5/27A-5.3 new)

Sec. 27A-5.3. Wireless communication device policy.

(a) As used in this Section:

"School time" means the time students spend on a school campus during the regular school day, beginning with the designated arrival time for students through the designated dismissal time for students, including instructional time, recess, lunch, and passing periods. "School time" does not include a before-school or after-school activity or a student's presence at an off-campus learning opportunity.

"Wireless communication device" means any portable wireless device that has the capability to provide voice, messaging, or other data communication between 2 or more parties, including, but not limited to:

(1) cellular telephones;

(2) tablet computers;
(3) laptop computers;
(4) gaming devices; and
(5) wearable devices, including smart watches or smart glasses, except if those devices have disabled the capability to provide messaging or transmit other data communications.

"Wireless communication device" does not include any device that a school district or teacher has directly issued to, provided for, or required a student to possess and use for educational purposes.

(b) On or before the beginning of the 2027-2028 school year, each charter school shall adopt and implement a wireless communication device policy that:

(1) at a minimum, prohibits a student from using a wireless communication device during school time, except as otherwise provided in subsections (c) and (d);

(2) incorporates guidance for wireless communication device storage within a school building during school time;

(3) states the importance of uniform enforcement of the policy in each school and the handling of implementation of the policy in a trauma-informed, developmentally appropriate manner; and

(4) if a school, as an administrative response for a violation of the policy by a student, requires the

student's parent or guardian to retrieve the wireless communication device at the school building, provides an alternative for cases in which a parent or guardian is unable to appear in person.

The policy adopted under this subsection and administrative responses for violations of the policy shall be published in a student handbook, if one exists.

(c) The policy adopted and implemented under subsection (b) may not prohibit a student from using a wireless communication device during school time under the following circumstances:

(1) if a licensed physician, physician assistant, or nurse practitioner determines that the possession or use of a wireless communication device is necessary for the management of the student's health care and the student uses the wireless communication device only as prescribed by the licensed physician, physician assistant, or nurse practitioner;

(2) to fulfill an individualized education program, a plan developed under Section 504 of the federal Rehabilitation Act of 1973, the student's health care provider's medical orders, or another written accommodation plan;

(3) if school personnel have determined the wireless communication device is necessary for students who are English learners, as defined in Section 14C-2, to access

learning materials;

(4) if school personnel have determined, on a case-by-case basis, the wireless communication device is necessary for a student caregiver who is routinely responsible for the care and well-being of a family member; or

(5) as required by any other State or federal law.

(d) The policy adopted and implemented under subsection (b) may allow for the following exceptions:

(1) at the discretion of the charter school, the charter school may allow the definition of school time to exclude a high school student's lunch and passing periods;

(2) if school personnel have authorized the student to use a wireless communication device for educational purposes; and

(3) in the event of an emergency as detailed in at least one of the charter school's emergency and crisis response plans, protocols, or procedures.

(e) No charter school may enforce the wireless communication device policy through fees, fines, suspensions, expulsions, or the deployment of a school resource officer or local law enforcement officer; however, this prohibition does not extend to the use of a wireless communication device to engage in other gross disobedience or misconduct.

(f) The development of the policy in subsection (b) shall include, at a minimum, input from the local collective

bargaining agent representing teachers, if any, administrators, and parents or guardians. Student input in the development of the policy in subsection (b) is encouraged. Each charter school shall review its wireless communication device policy at least once every 3 years and make any necessary and appropriate revisions to the policy. During this review, each charter school shall engage, at a minimum, the local collective bargaining agent representing teachers, if any, administrators, and parents or guardians for input and consider any available data on the enforcement of the wireless communication device policy.

(g) The governing body of a charter school and any school personnel are immune from any liability resulting from damage to a wireless communication device if the device is stored in good faith and in accordance with the charter school's wireless communication device policy. This subsection does not apply if the damage to the wireless communication device is caused by the willful or wanton conduct of school personnel.

(h) The wireless communication device policy shall be posted on the charter school's publicly accessible Internet website. The wireless communication device policy shall be provided annually to parents, guardians, and school personnel, including new employees and substitute teachers when hired. Provision of a hyperlink to the policy satisfies the requirements of this subsection.

(i) If a charter school has an existing wireless

communication device policy in place before the effective date of this amendatory Act of the 104th General Assembly that limits wireless communication devices during a majority of or the entirety of the school day, the charter school may keep its existing policy in place through the 2030-2031 school year, at which point the charter school must adopt a wireless communication device policy meeting the requirements of the policy described in subsection (b).

(105 ILCS 5/34-18.14a new)

Sec. 34-18.14a. Wireless communication device policy.

(a) As used in this Section:

"School time" means the time students spend on a school campus during the regular school day, beginning with the designated arrival time for students through the designated dismissal time for students, including instructional time, recess, lunch, and passing periods. "School time" does not include a before-school or after-school activity or a student's presence at an off-campus learning opportunity.

"Wireless communication device" means any portable wireless device that has the capability to provide voice, messaging, or other data communication between 2 or more parties, including, but not limited to:

- (1) cellular telephones;
- (2) tablet computers;
- (3) laptop computers;

(4) gaming devices; and

(5) wearable devices, including smart watches or smart glasses, except if those devices have disabled the capability to provide messaging or transmit other data communications.

"Wireless communication device" does not include any device that a school district or teacher has directly issued to, provided for, or required a student to possess and use for educational purposes.

(b) On or before the beginning of the 2027-2028 school year, the board shall adopt and implement a wireless communication device policy that:

(1) at a minimum, prohibits a student from using a wireless communication device during school time, except as otherwise provided in subsections (c) and (d);

(2) incorporates guidance for wireless communication device storage within a school building during school time;

(3) states the importance of uniform enforcement of the policy in each school and the handling of implementation of the policy in a trauma-informed, developmentally appropriate manner; and

(4) if a school, as an administrative response for a violation of the policy by a student, requires the student's parent or guardian to retrieve the wireless communication device at the school building, provides an

alternative for cases in which a parent or guardian is unable to appear in person.

The policy adopted under this subsection and administrative responses for violations of the policy shall be published in a student handbook, if one exists.

(c) The policy adopted and implemented under subsection (b) may not prohibit a student from using a wireless communication device during school time under the following circumstances:

(1) if a licensed physician, physician assistant, or nurse practitioner determines that the possession or use of a wireless communication device is necessary for the management of the student's health care and the student uses the wireless communication device only as prescribed by the licensed physician, physician assistant, or nurse practitioner;

(2) to fulfill an individualized education program, a plan developed under Section 504 of the federal Rehabilitation Act of 1973, the student's health care provider's medical orders, or another written accommodation plan;

(3) if school personnel have determined the wireless communication device is necessary for students who are English learners, as defined in Section 14C-2, to access learning materials;

(4) if school personnel have determined, on a

case-by-case basis, the wireless communication device is necessary for a student caregiver who is routinely responsible for the care and well-being of a family member; or

(5) as required by any other State or federal law.

(d) The policy adopted and implemented under subsection (b) may allow for the following exceptions:

(1) at the discretion of the school district, the school district may allow the definition of school time to exclude a high school student's lunch and passing periods;

(2) if school personnel have authorized the student to use a wireless communication device for educational purposes; and

(3) in the event of an emergency as detailed in at least one of the school district's emergency and crisis response plans, protocols, or procedures.

(e) The school district may not enforce the wireless communication device policy through fees, fines, suspensions, expulsions, or the deployment of a school resource officer or local law enforcement officer; however, this prohibition does not extend to the use of a wireless communication device to engage in other gross disobedience or misconduct.

(f) The development of the policy in subsection (b) shall include, at a minimum, input from the local collective bargaining agent representing teachers, if any, administrators, and parents or guardians. Student input in the

development of the policy in subsection (b) is encouraged. The board shall review its wireless communication device policy at least once every 3 years and make any necessary and appropriate revisions to the policy. During this review, The board shall engage, at a minimum, the local collective bargaining agent representing teachers, if any, administrators, and parents or guardians for input and consider any available data on the enforcement of the wireless communication device policy.

(g) The board and any school personnel are immune from any liability resulting from damage to a wireless communication device if the device is stored in good faith and in accordance with the board's wireless communication device policy. This subsection does not apply if the damage to the wireless communication device is caused by the willful or wanton conduct of school personnel.

(h) The wireless communication device policy shall be posted on the school district's publicly accessible Internet website. The wireless communication device policy shall be provided annually to parents, guardians, and school personnel, including new employees and substitute teachers when hired. Provision of a hyperlink to the policy satisfies the requirements of this subsection.

(i) If the school district has an existing wireless communication device policy in place before the effective date of this amendatory Act of the 104th General Assembly that

limits wireless communication devices during a majority of or the entirety of the school day, the district may keep its existing policy in place through the 2030-2031 school year, at which point the district must adopt a wireless communication device policy meeting the requirements of the policy described in subsection (b).

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