



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5426

Introduced 2/13/2026, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.88 new
105 ILCS 5/10-22.6 from Ch. 122, par. 10-22.6
105 ILCS 5/27A-5.3 new
105 ILCS 5/34-18.14a new

Amends the School Code. Provides that on or before the beginning of the 2027-2028 school year, each school board and charter school shall adopt and implement a wireless communication device policy. Establishes exceptions for the use of a wireless communication device during school time. Prohibits a school district or charter school from enforcing the wireless communication device policy through fees, fines, suspensions, expulsions, or the deployment of a school resource officer or local law enforcement officer. Sets forth how the policy shall be developed. Requires each school district and charter school to ensure all school personnel and substitute teachers are informed of the tenets of the policy, the roles and responsibilities of staff members, the importance of uniform enforcement, and the handling of implementation in a trauma-informed, developmentally appropriate manner. Provides that a school board and any school personnel, including charter school personnel, shall be immune from any liability resulting from damage to a wireless communication device when the device is stored in good faith and in accordance with the school board's wireless communication device policy. Provides that the wireless communication device policy shall be posted on the school district's or charter school's existing, publicly accessible Internet website and included in the student handbook. Requires, by September 1, 2026, the State Board of Education to post on its website a template for a model wireless communication device policy. Provides that if a school district or charter school has an existing wireless communication device policy in place before the effective date of the amendatory Act that limits wireless communication devices during a majority of or the entirety of the school day, the district or charter school may keep its existing policy in place until the 2030-2031 school year, at which point the district or charter school must adopt a wireless communication device policy meeting the requirements the amendatory Act. Makes other and conforming changes. Effective immediately.

LRB104 20031 LNS 33482 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 10-22.6 and by adding Sections 10-20.88, 27A-5.3, and
6 34-18.14a as follows:

7 (105 ILCS 5/10-20.88 new)

8 Sec. 10-20.88. Wireless communication device policy.

9 (a) As used in this Section:

10 "School time" means the time during a school day students
11 spend on the school campus, including instructional time,
12 recess, lunch time, and passing time. "School time" includes a
13 student's presence at off-campus learning opportunities.

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

18 (1) cellular telephones;

19 (2) tablet computers;

20 (3) laptop computers;

21 (4) gaming devices; and

22 (5) wearable devices, including smart watches or smart
23 glasses, except when those devices have the capability to

1 provide messaging or other data communication disabled.

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

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

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

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

15 (3) requires individual schools in the district to
16 outline reasonable consequences for, at least, the first 3
17 violations of the policy by a student. If the policy
18 includes a consequence that requires parents or guardians
19 to retrieve the wireless communication device at the
20 school building, an alternative shall be provided for
21 cases in which the parents or guardians are unable to
22 appear in person.

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

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

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

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

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

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

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

25 (1) at the discretion of the school district, the
26 school district may allow the definition of school time to

1 exclude a high school student's lunch period;

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

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

8 (e) No school district may enforce the wireless
9 communication device policy through fees, fines, suspensions,
10 expulsions, or the deployment of a school resource officer or
11 local law enforcement officer, as long as this limitation on
12 suspensions and expulsions does not extend to the use of a
13 wireless communication device to engage in other gross
14 disobedience or misconduct.

15 (f) The development of the policy in subsection (b) shall
16 include, at a minimum, input from the local collective
17 bargaining agent representing teachers, if any,
18 administrators, and parents or guardians. Student input in the
19 development of the policy in subsection (b) is encouraged.
20 Each school board shall review its wireless communication
21 device policy at least once every 3 years and make any
22 necessary and appropriate revisions to the policy. During this
23 review, each school board shall engage, at a minimum, the
24 local collective bargaining agent representing teachers, if
25 any, administrators, and parents or guardians for input and
26 consider any available data on the enforcement of the wireless

1 communication device policy. The development and review of the
2 wireless communication device policy in this subsection may be
3 accomplished through the use of the parent-teacher advisory
4 committee set forth in Section 10-20.14.

5 (g) Before implementation of the policy in subsection (b),
6 and with every update to the policy, each school district
7 shall ensure all school personnel and substitute teachers are
8 informed of the tenets of the policy, the roles and
9 responsibilities of staff members, the importance of uniform
10 enforcement, and the handling of implementation in a
11 trauma-informed, developmentally appropriate manner.

12 (h) A school board and any school personnel shall be
13 immune from any liability resulting from damage to a wireless
14 communication device when the device is stored in good faith
15 and in accordance with the school board's wireless
16 communication device policy. This subsection shall not apply
17 if the damage to the wireless communication device is caused
18 by the willful and wanton conduct of school personnel.

19 (i) The wireless communication device policy shall be
20 posted on the school district's existing, publicly accessible
21 Internet website and included in the student handbook. The
22 wireless communication device policy shall be provided
23 annually to parents, guardians, and school personnel,
24 including new employees when hired. Provision of a hyperlink
25 to the policy shall satisfy the requirements of this
26 subsection.

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

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

13 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

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

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

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

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

1 specific duration of the suspension.

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

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

24 (b-15) Out-of-school suspensions of 3 days or less may be
25 used only if the student's continuing presence in school would
26 pose a threat to school safety or a disruption to other

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

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

1 exclusions to the greatest extent practicable. Within the
2 suspension decision described in subsection (b) of this
3 Section or the expulsion decision described in subsection (a)
4 of this Section, it shall be documented whether other
5 interventions were attempted or whether it was determined that
6 there were no other appropriate and available interventions.

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

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

18 A school district shall create a policy to facilitate the
19 re-engagement of students who are suspended out-of-school,
20 expelled, or returning from an alternative school setting. In
21 consultation with stakeholders deemed appropriate by the State
22 Board of Education, the State Board of Education shall draft
23 and publish guidance for the re-engagement of students who are
24 suspended out-of-school, expelled, or returning from an
25 alternative school setting in accordance with this Section and
26 Section 13A-4 on or before July 1, 2025.

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

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

1 representative or support person may be prohibited from
2 further participation in the hearing or proceeding. A
3 suspension or expulsion proceeding under this subsection
4 (b-35) must be conducted independently from any ongoing
5 criminal investigation or proceeding, and an absence of
6 pending or possible criminal charges, criminal investigations,
7 or proceedings may not be a factor in school disciplinary
8 decisions.

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

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

23 (c-5) School districts shall make reasonable efforts to
24 provide ongoing professional development to all school
25 personnel, school board members, and school resource officers
26 on the requirements of this Section and Section 10-20.14, the

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

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

16 (1) A firearm. For the purposes of this Section,
17 "firearm" means any gun, rifle, shotgun, weapon as defined
18 by Section 921 of Title 18 of the United States Code,
19 firearm as defined in Section 1.1 of the Firearm Owners
20 Identification Card Act, or firearm as defined in Section
21 24-1 of the Criminal Code of 2012. The expulsion period
22 under this subdivision (1) may be modified by the
23 superintendent, and the superintendent's determination may
24 be modified by the board on a case-by-case basis.

25 (2) A knife, brass knuckles or other knuckle weapon
26 regardless of its composition, a billy club, or any other

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

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

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

1 the safety and security of the threatened individual because
2 of the individual's duties or employment status or status as a
3 student inside the school.

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

26 (f) Suspension or expulsion may include suspension or

1 expulsion from school and all school activities and a
2 prohibition from being present on school grounds.

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

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

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

24 A student must not be issued a monetary fine, fee, ticket,
25 or citation as a school-based disciplinary consequence or for
26 a municipal code violation or a violation of the policy

1 adopted and implemented pursuant to Section 10-20.88 on school
2 grounds during school hours or while taking school
3 transportation by any person, though this shall not preclude
4 requiring a student to provide restitution for lost, stolen,
5 or damaged property.

6 This subsection (i) does not modify school disciplinary
7 responses under this Section or Section 10-20.14 of this Code
8 that existed before the effective date of this amendatory Act
9 of the 104th General Assembly or responses to alleged
10 delinquent or criminal conduct set forth in this Code, Article
11 V of the Juvenile Court Act of 1987, or the Criminal Code of
12 2012. This subsection (i) does not apply to violations of
13 traffic, boating, or fish and game laws.

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

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

22 (k-5) On and after July 1, 2026, the expulsion of children
23 enrolled in programs funded under Section 15-25 of the
24 Department of Early Childhood Act is subject to the
25 requirements of paragraph (7) of subsection (a) of Section
26 15-30 of the Department of Early Childhood Act.

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

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

10 (105 ILCS 5/27A-5.3 new)

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

12 (a) As used in this Section:

13 "School time" means the time during a school day students
14 spend on the school campus, including instructional time,
15 recess, lunch time, and passing time. "School time" includes a
16 student's presence at off-campus learning opportunities.

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

21 (1) cellular telephones;

22 (2) tablet computers;

23 (3) laptop computers;

24 (4) gaming devices; and

25 (5) wearable devices, including smart watches or smart

1 glasses, except when those devices have the capability to
2 provide messaging or other data communication disabled.

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

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

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

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

16 (3) outlines reasonable consequences for, at least,
17 the first 3 violations of the policy by a student. If the
18 policy includes a consequence that requires parents or
19 guardians to retrieve the wireless communication device at
20 the school building, an alternative shall be provided for
21 cases in which the parents or guardians are unable to
22 appear in person.

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

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

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

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

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

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

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

25 (1) at the discretion of the charter school, the
26 charter school may allow the definition of school time to

1 exclude a high school student's lunch period;

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

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

8 (e) No charter school may enforce the wireless
9 communication device policy through fees, fines, suspensions,
10 expulsions, or the deployment of a school resource officer or
11 local law enforcement officer, as long as this limitation on
12 suspensions and expulsions does not extend to the use of a
13 wireless communication device to engage in other gross
14 disobedience or misconduct.

15 (f) The development of the policy in subsection (b) shall
16 include, at a minimum, input from the local collective
17 bargaining agent representing teachers, if any,
18 administrators, and parents or guardians. Student input in the
19 development of the policy in subsection (b) is encouraged.
20 Each charter school shall review its wireless communication
21 device policy at least once every 3 years and make any
22 necessary and appropriate revisions to the policy. During this
23 review, each charter school shall engage, at a minimum, the
24 local collective bargaining agent representing teachers, if
25 any, administrators, and parents or guardians for input and
26 consider any available data on the enforcement of the wireless

1 communication device policy.

2 (g) Before implementation of the policy in subsection (b),
3 and with every update to the policy, each charter school shall
4 ensure all school personnel and substitute teachers are
5 informed of the tenets of the policy, the roles and
6 responsibilities of staff members, the importance of uniform
7 enforcement, and the handling of implementation in a
8 trauma-informed, developmentally appropriate manner.

9 (h) Any school personnel shall be immune from any
10 liability resulting from damage to a wireless communication
11 device when the device is stored in good faith and in
12 accordance with the charter school's wireless communication
13 device policy. This subsection shall not apply if the damage
14 to the wireless communication device is caused by the willful
15 and wanton conduct of school personnel.

16 (i) The wireless communication device policy shall be
17 posted on the charter school's existing, publicly accessible
18 Internet website and included in the student handbook. The
19 wireless communication device policy shall be provided
20 annually to parents, guardians, and school personnel,
21 including new employees when hired. Provision of a hyperlink
22 to the policy shall satisfy the requirements of this
23 subsection.

24 (j) If a charter school has an existing wireless
25 communication device policy in place before the effective date
26 of this amendatory Act of the 104th General Assembly that

1 limits wireless communication devices during a majority of or
2 the entirety of the school day, the charter school may keep its
3 existing policy in place until the 2030-2031 school year, at
4 which point the charter school must adopt a wireless
5 communication device policy meeting the requirements of the
6 policy described in subsection (b).

7 (105 ILCS 5/34-18.14a new)

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

9 (a) As used in this Section:

10 "School time" means the time during a school day students
11 spend on the school campus, including instructional time,
12 recess, lunch time, and passing time. "School time" includes a
13 student's presence at off-campus learning opportunities.

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

18 (1) cellular telephones;

19 (2) tablet computers;

20 (3) laptop computers;

21 (4) gaming devices; and

22 (5) wearable devices, including smart watches or smart
23 glasses, except when those devices have the capability to
24 provide messaging or other data communication disabled.

25 "Wireless communication device" does not include any

1 device that a school district or teacher has directly issued
2 to, provided for, or required a student to possess and use for
3 educational purposes.

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

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

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

13 (3) requires individual schools in the district to
14 outline reasonable consequences for, at least, the first 3
15 violations of the policy by a student. If the policy
16 includes a consequence that requires parents or guardians
17 to retrieve the wireless communication device at the
18 school building, an alternative shall be provided for
19 cases in which the parents or guardians are unable to
20 appear in person.

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

25 (1) if a licensed physician, physician assistant, or
26 nurse practitioner determines that the possession or use

1 of a wireless communication device is necessary for the
2 management of the student's health care and the student
3 uses the wireless communication device only as prescribed
4 by the licensed physician, physician assistant, or nurse
5 practitioner;

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

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

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

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

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

23 (1) at the discretion of the school district, the
24 school district may allow the definition of school time to
25 exclude a high school student's lunch period;

26 (2) if school personnel have authorized the student to

1 use a wireless communication device for educational
2 purposes; and

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

6 (e) The school district may not enforce the wireless
7 communication device policy through fees, fines, suspensions,
8 expulsions, or the deployment of a school resource officer or
9 local law enforcement officer, as long as this limitation on
10 suspensions and expulsions does not extend to the use of a
11 wireless communication device to engage in other gross
12 disobedience or misconduct.

13 (f) The development of the policy in subsection (b) shall
14 include, at a minimum, input from the local collective
15 bargaining agent representing teachers, if any,
16 administrators, and parents or guardians. Student input in the
17 development of the policy in subsection (b) is encouraged. The
18 board shall review its wireless communication device policy at
19 least once every 3 years and make any necessary and
20 appropriate revisions to the policy. During this review, The
21 board shall engage, at a minimum, the local collective
22 bargaining agent representing teachers, if any,
23 administrators, and parents or guardians for input and
24 consider any available data on the enforcement of the wireless
25 communication device policy.

26 (g) Before implementation of the policy in subsection (b),

1 and with every update to the policy, the school district shall
2 ensure all school personnel and substitute teachers are
3 informed of the tenets of the policy, the roles and
4 responsibilities of staff members, the importance of uniform
5 enforcement, and the handling of implementation in a
6 trauma-informed, developmentally appropriate manner.

7 (h) The board and any school personnel shall be immune
8 from any liability resulting from damage to a wireless
9 communication device when the device is stored in good faith
10 and in accordance with the board's wireless communication
11 device policy. This subsection shall not apply if the damage
12 to the wireless communication device is caused by the willful
13 and wanton conduct of school personnel.

14 (i) The wireless communication device policy shall be
15 posted on the school district's existing, publicly accessible
16 Internet website and included in the student handbook. The
17 wireless communication device policy shall be provided
18 annually to parents, guardians, and school personnel,
19 including new employees when hired. Provision of a hyperlink
20 to the policy shall satisfy the requirements of this
21 subsection.

22 (j) If the school district has an existing wireless
23 communication device policy in place before the effective date
24 of this amendatory Act of the 104th General Assembly that
25 limits wireless communication devices during a majority of or
26 the entirety of the school day, the district may keep its

1 existing policy in place until the 2030-2031 school year, at
2 which point the district must adopt a wireless communication
3 device policy meeting the requirements of the policy described
4 in subsection (b).

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