

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 Sections
5 10-20.40 and 34-18.34 as follows:

6 (105 ILCS 5/10-20.40)

7 Sec. 10-20.40. Student biometric information.

8 (a) For the purposes of this Section: 7

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

14 "Biometric system" means any combination of hardware,
15 software, firmware, or tools used to obtain, collect, process,
16 store, transmit, display, or otherwise handle biometric
17 information, including, but not limited to, facial recognition
18 or voice recognition software and software to conduct
19 fingerprint, hand geometry, or iris or retinal scans.

20 "Facial recognition" means any tool using an automated or
21 semiautomated process that assists in uniquely identifying or
22 verifying a person by comparing or analyzing patterns based on
23 the person's face.

1 (a-5) Except for legitimate instructional purposes, as
2 determined by a school district, a school district is
3 prohibited from purchasing or otherwise acquiring biometric
4 systems to use on students. This subsection does not apply to a
5 school district that purchases or acquires a biometric system
6 but disables the biometric capabilities of that system so it
7 cannot be used on students or has no reasonable knowledge that
8 the software the school district purchased or otherwise
9 acquired has biometric capabilities.

10 (a-10) By the 2027-2028 school year, a school district
11 shall ensure that the biometric systems it uses are used only
12 for legitimate instructional purposes, as determined by the
13 school district. Within the context of the legitimate
14 instructional purposes, the use of biometric information shall
15 be solely for identification or fraud prevention. Biometric
16 systems incorporated into school-issued electronic devices for
17 identification or fraud prevention constitute a legitimate
18 instructional purpose under this Section.

19 The provisions of subsection (a-5) and this subsection
20 (a-10) regarding the use of biometric information for purposes
21 other than legitimate instructional purposes shall not affect
22 any existing contractual obligation under a contract entered
23 into before January 1, 2027 between a school district and any
24 entity for the purpose of obtaining, collecting, processing,
25 storing, transmitting, displaying, or otherwise handling
26 biometric information, as long as the contract is not extended

1 or rolled over if the contract may be extended or rolled over.
2 A school district that has entered into a contract with an
3 entity for the purpose of obtaining, collecting, processing,
4 storing, transmitting, displaying, or otherwise handling
5 biometric information before January 1, 2027 shall provide a
6 written notice, by the 2027-2028 school year, to the
7 individual having legal custody of the student or to the
8 student if he or she has reached the age of 18 of the existing
9 option to discontinue the use of the student's biometric
10 information under subparagraph (B) of paragraph (2) of
11 subsection (b). Any provision of a contract between an entity
12 and a school district for the purpose of obtaining,
13 collecting, processing, storing, transmitting, displaying, or
14 otherwise handling biometric information entered into on or
15 after January 1, 2027 that conflicts with this Section is
16 void.

17 (b) School districts that collect biometric information
18 from students for legitimate instructional purposes shall
19 adopt policies that require, at a minimum, all of the
20 following:

21 (1) Written permission from the individual who has
22 legal custody of the student, as defined in Section
23 10-20.12b of this Code, or from the student if he or she
24 has reached the age of 18.

25 (2) The discontinuation of use of a student's
26 biometric information under either of the following

1 conditions:

2 (A) upon the student's graduation or withdrawal
3 from the school district; or

4 (B) upon receipt in writing of a request for
5 discontinuation by the individual having legal custody
6 of the student or by the student if he or she has
7 reached the age of 18.

8 (3) The destruction of all of a student's biometric
9 information within 30 days after the use of the biometric
10 information is discontinued in accordance with item (2) of
11 this subsection (b).

12 (4) Within the context of the legitimate instructional
13 purposes, the ~~The~~ use of biometric information solely for
14 identification or fraud prevention.

15 (5) A prohibition on the sale, lease, or other
16 disclosure of biometric information to another person or
17 entity, unless:

18 (A) the individual who has legal custody of the
19 student or the student, if he or she has reached the
20 age of 18, consents to the disclosure; or

21 (B) the disclosure is required by court order.

22 (6) The storage, transmittal, and protection of all
23 biometric information from disclosure.

24 (c) Failure to provide written consent under item (1) of
25 subsection (b) of this Section by the individual who has legal
26 custody of the student or by the student, if he or she has

1 reached the age of 18, must not be the basis for refusal of any
2 services otherwise available to the student.

3 (d) Student biometric information may be destroyed without
4 notification to or the approval of a local records commission
5 under the Local Records Act if destroyed within 30 days after
6 the use of the biometric information is discontinued in
7 accordance with item (2) of subsection (b) of this Section.

8 (e) Nothing in this Section may be construed to conflict
9 with a school district's obligations under federal law,
10 including, but not limited to, the Individuals with
11 Disabilities Education Act and Section 504 of the
12 Rehabilitation Act of 1973.

13 (Source: P.A. 95-232, eff. 8-16-07; 95-793, eff. 1-1-09;
14 95-876, eff. 8-21-08; 96-328, eff. 8-11-09.)

15 (105 ILCS 5/34-18.34)

16 Sec. 34-18.34. Student biometric information.

17 (a) For the purposes of this Section: 7

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

23 "Biometric system" means any combination of hardware,
24 software, firmware, or tools used to obtain, collect, process,
25 store, transmit, display, or otherwise handle biometric

1 information, including, but not limited to, facial recognition
2 or voice recognition software and software to conduct
3 fingerprint, hand geometry, or iris or retinal scans.

4 "Facial recognition" means any tool using an automated or
5 semiautomated process that assists in uniquely identifying or
6 verifying a person by comparing or analyzing patterns based on
7 the person's face.

8 (a-5) Except for legitimate instructional purposes, as
9 determined by the school district, the school district is
10 prohibited from purchasing or otherwise acquiring biometric
11 systems to use on students. This subsection does not apply if
12 the school district purchases or acquires a biometric system
13 but disables the biometric capabilities of that system so it
14 cannot be used on students or has no reasonable knowledge that
15 the software the school district purchased or otherwise
16 acquired has biometric capabilities.

17 (a-10) By the 2027-2028 school year, the school district
18 shall ensure that the biometric systems it uses are used only
19 for legitimate instructional purposes, as determined by the
20 school district. Within the context of the legitimate
21 instructional purposes, the use of biometric information shall
22 be solely for identification or fraud prevention. Biometric
23 systems incorporated into school-issued electronic devices for
24 identification or fraud prevention constitute a legitimate
25 instructional purpose under this Section.

26 The provisions of subsection (a-5) and this subsection

1 (a-10) regarding the use of biometric information for purposes
2 other than legitimate instructional purposes shall not affect
3 any existing contractual obligation under a contract entered
4 into before January 1, 2027 between a school district and any
5 entity for the purpose of obtaining, collecting, processing,
6 storing, transmitting, displaying, or otherwise handling
7 biometric information, as long as the contract is not extended
8 or rolled over if the contract may be extended or rolled over.
9 A school district that has entered into a contract with an
10 entity for the purpose of obtaining, collecting, processing,
11 storing, transmitting, displaying, or otherwise handling
12 biometric information before January 1, 2027 shall provide a
13 written notice, by the 2027-2028 school year, to the
14 individual having legal custody of the student or to the
15 student if he or she has reached the age of 18 of the existing
16 option to discontinue the use of the student's biometric
17 information under subparagraph (B) of paragraph (2) of
18 subsection (b). Any provision of a contract between an entity
19 and a school district for the purpose of obtaining,
20 collecting, processing, storing, transmitting, displaying, or
21 otherwise handling biometric information entered into on or
22 after January 1, 2027 that conflicts with this Section is
23 void.

24 (b) If the school district collects biometric information
25 from students for legitimate instructional purposes, the
26 district shall adopt a policy that requires, at a minimum, all

1 of the following:

2 (1) Written permission from the individual who has
3 legal custody of the student, as defined in Section
4 10-20.12b of this Code, or from the student if he or she
5 has reached the age of 18.

6 (2) The discontinuation of use of a student's
7 biometric information under either of the following
8 conditions:

9 (A) upon the student's graduation or withdrawal
10 from the school district; or

11 (B) upon receipt in writing of a request for
12 discontinuation by the individual having legal custody
13 of the student or by the student if he or she has
14 reached the age of 18.

15 (3) The destruction of all of a student's biometric
16 information within 30 days after the use of the biometric
17 information is discontinued in accordance with item (2) of
18 this subsection (b).

19 (4) Within the context of the legitimate instructional
20 purposes, the ~~The~~ use of biometric information solely for
21 identification or fraud prevention.

22 (5) A prohibition on the sale, lease, or other
23 disclosure of biometric information to another person or
24 entity, unless:

25 (A) the individual who has legal custody of the
26 student or the student, if he or she has reached the

1 age of 18, consents to the disclosure; or

2 (B) the disclosure is required by court order.

3 (6) The storage, transmittal, and protection of all
4 biometric information from disclosure.

5 (c) Failure to provide written consent under item (1) of
6 subsection (b) of this Section by the individual who has legal
7 custody of the student or by the student, if he or she has
8 reached the age of 18, must not be the basis for refusal of any
9 services otherwise available to the student.

10 (d) Student biometric information may be destroyed
11 without notification to or the approval of a local records
12 commission under the Local Records Act if destroyed within 30
13 days after the use of the biometric information is
14 discontinued in accordance with item (2) of subsection (b) of
15 this Section.

16 (e) Nothing in this Section may be construed to conflict
17 with the school district's obligations under federal law,
18 including, but not limited to, the Individuals with
19 Disabilities Education Act and Section 504 of the
20 Rehabilitation Act of 1973.

21 (Source: P.A. 95-232, eff. 8-16-07; 95-793, eff. 1-1-09;
22 95-876, eff. 8-21-08.)