



Illinois State Board of Education

Non-Regulatory Guidance

ONLINE THREATS TO SCHOOLS

June 15, 2023

This document is intended to provide non-regulatory guidance on the subject matter listed above. For questions, please contact the person(s) identified in the document.

Dr. Tony Sanders, State Superintendent of Education

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As districts across the state conclude their school year, it is imperative that district leadership remain prepared to address a myriad of student behavioral issues, including, but not limited to, threats (either via the internet or other venue) made to schools. To this point, [Section 5/10-22.6\(d-5\) of the Illinois School Code](#) (the “School Code”) authorizes district leadership to either suspend or expel students for making certain online threats. See [105 ILCS 5/10-22.6\(d-5\)](#). Specifically, [Section 5/10-22.6\(d-5\)](#) provides the following:

“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 his or her duties or employment status or status as a student inside the school.” [105 ILCS 5/10-22.6\(d-5\)](#).

Please note that the disciplinary authority granted above is in addition to local school officials’ authority to generally discipline a student when such student is “guilty of gross disobedience or misconduct,” which includes expelling a student found guilty of “gross disobedience or misconduct perpetuated by *electronic means*.” See [105 ILCS 5/10-22.6\(a\) & \(b\)](#) (emphasis added). Illinois courts have generally found that local school boards have authority to regulate student behavior, including the authority to determine the acts and/or omissions which constitute gross disobedience or misconduct for the purposes of student suspension and/or expulsion. Moreover, the School Code mandates school officials to “maintain discipline in the schools”, generally granting school officials *in loco parentis* status for the purpose of maintaining discipline “at any time for the safety and supervision of the pupils[.]” See [105 ILCS 5/24-24](#).¹ Finally, the United States Supreme Court recently indicated that schools have the latitude, in particular circumstances, to regulate off campus speech.²

Accordingly, ISBE encourages districts to review their policies to ensure they are aligned with the statutory provisions provided above, including, but not limited to, addressing threats (either via the internet or other venue) made to schools. In reviewing such policies, relevant federal statutes/caselaw should also be considered, and districts may wish to consult with their legal counsel.

For any questions or concerns, please contact ISBE’s Student Care department at studentcare@isbe.net.

¹ Please note these citations are provided to be illustrative of grants of authority in the Illinois School Code to address threats made to schools and may not encompass *all* avenues/grants of authority to address such issue(s).

² See *Mahanoy Area Sch. Dist. v. B.L.*, 141 S. Ct. 2038 (2021).