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Operational Services

Insurance Management 1

The Superintendent shall recommend and maintain all insurance programs that provide the broadest and most complete coverage available at the most economical cost, consistent with sound insurance principles.

The insurance program shall include each of the following: 2

1. Liability coverage to insure against any loss or liability of the School District and the listed individuals against civil rights damage claims and suits, constitutional rights damage claims and suits, and death and bodily injury and property damage claims and suits, including defense costs, when damages are sought for negligent or wrongful acts allegedly committed in the scope of employment or under the Board's direction or related to any mentoring services provided to the District's certified staff members; School Board members; employees; volunteer personnel authorized by 105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b; mentors of certified staff members authorized in 105 ILCS 5/21A-5 *et seq.* (new teacher), 105 ILCS 5/2-3.53a (new principal), and 2-3.53b (new superintendents); and student teachers. 3
2. Catastrophic accident insurance at the mandated benefit level for student athletes in grades 9 through 12 who sustain an accidental injury while participating in school-sponsored or school-supervised interscholastic athletic events sanctioned by the Illinois High School Association that results in medical expenses in excess of \$50,000. 4

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State law controls this policy's content. The Health Insurance Portability and Accountability Act (HIPAA) guarantees the continuity of health insurance benefits for individuals changing employment. It also contains provisions promoting the: (1) standardization and efficiency for the electronic submission, processing, and payment of health care claims, and (2) security and privacy requirements for health information (see 45 C.F.R. §§160 and 164). **School officials are urged to consult with their insurance providers and legal counsel to devise a compliance plan.**

² Other types of district-purchased insurance should also be listed here, such as, insurance programs for employees and their dependents (authorized by 105 ILCS 5/10-22.3a). Note that: (1) any employee or retired employee insurance program is a mandatory subject of bargaining, and (2) State law provides persons entering into a civil union with the obligations, responsibilities, protections, and benefits afforded or recognized by Ill. law to spouses (750 ILCS 75/).

³ A board's duty to indemnify and protect specific individuals is found in 105 ILCS 5/10-20.20. A board's duty to insure against loss or liability is found in 105 ILCS 5/10-22.3. The lists of individuals to be protected are identical in both statutes except that *mentors* was added in 2009 to only the indemnification statute. As the best method for providing indemnification is through insurance, this policy includes mentors in its list of individuals covered by the district's liability insurance.

⁴ 105 ILCS 5/22-15, amended by P.A. 98-166, requires each school district having grades 9 through 12 to maintain catastrophic insurance coverage for student athletes participating in interscholastic athletic events sanctioned by IHSA. The minimum level of coverage must provide aggregate benefit levels of \$3 million or 5 years, whichever comes first, for injuries with total medical expenses exceeding \$50,000. The law authorizes IHSA to promulgate a plan of coverage under a group policy that provides the necessary coverage. If a district opts out of IHSA's group policy, it must offer alternative coverage and submit to IHSA a certificate from the provider stating that the insurance complies with the plan of coverage approved by IHSA.

3. Comprehensive property insurance covering a broad range of causes of loss involving building and personal property. The coverage amount shall normally be for the replacement cost or the insurable value.
4. Workers' Compensation to protect individual employees against financial loss in case of a work-related injury, certain types of disease, or death incurred in an employee-related situation.

Student Insurance 5

The Board shall annually designate a company to offer student accident insurance coverage. The Board does not endorse the plan nor recommend that parents/guardians secure the coverage, and any contract is between the parents/guardians and the company.

LEGAL REF.: Consolidated Omnibus Budget Reconciliation Act, P. L. 99-272, ¶ 1001, 100 Stat. 222, 4980B(f) of the I.R.S. Code, 42 U.S.C. §300bb-1 et seq.
105 ILCS 5/10-20.20, 5/10-22.3, 5/10-22.3a, 5/10-22.3b, 5/10-22.3f, 5/10-22.34, 5/10-22.34a, 5/10-22.34b, and 5/22-15.
215 ILCS 5/.
750 ILCS 75/.
820 ILCS 305/.

Delete item #2 if the district: (1) does not maintain grades 9-12, or (2) qualifies for an exemption from the mandatory coverage (contact IHSA or the board attorney for information about claiming an exemption). A district maintaining grades K-8 may, but is not required to, provide accident and/or health insurance on a group or individual basis for students injured while participating in any school-sponsored athletic activity. If so, the following may be *added to* item #2 (for unit districts) or may *replace* item #2 (for elementary districts): "Accident and/or health insurance on a group or individual basis for students in grades kindergarten through 8 participating in any school-sponsored athletic activity." If item #2 is deleted and the option is not used, the board should omit the citation to catastrophic accident insurance (5/22-15) in the legal references.

5 Optional. Until May 2014, this paragraph was included in sample policy 4:170, Safety.

Operational Services

Environmental Quality of Buildings and Grounds 1

The Superintendent shall take all reasonable measures to protect: (1) the safety of District personnel, students, and visitors on District premises from risks associated with hazardous materials, and (2) the environmental quality of the District's buildings and grounds. 2 Before pesticides are used on District premises, the Superintendent or designee shall notify employees and parents/guardians of students as

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

1 State and/or federal law control this policy's content and require districts to:

1. Have a procedure to comply with the Structural Pest Control Act and the Lawn Care Products Application and Notice Act (105 ILCS 5/10-20.4). See 4:160-AP, *Administrative Procedure - Environmental Quality of Buildings and Grounds*.
2. Designate a staff person to be responsible for district compliance with the safety Acts listed in #1 above. This policy designates the superintendent or designee.

Many State and federal laws regulate the environmental quality of schools. For example:

- ~~1.~~ Owners of underground storage tanks must comply with federal law (Hazardous and Solid Waste Amendments of 1984, Pub.L. No. 98-616), as well as State regulations (41 Ill.Admin.Code Part 170).
- ~~2-1.~~ Several federal laws regulate asbestos as a hazardous substance, the most significant for schools being the Asbestos Hazard Emergency Response Act of 1986. The Asbestos Abatement Act, 105 ILCS 105/, requires schools to perform a variety of functions regarding asbestos.
- ~~3-2.~~ The Indoor Air Quality Act, 410 ILCS 87/. The Ill. Dept. of Public Health Guidelines for Indoor Air Quality are advisory, i.e., not enforceable.
www.idph.state.il.us/envhealth/factsheets/indoorairqualityguide_fs.htm
- ~~4-3.~~ The Smoke-Free Illinois Act, 410 ILCS 82/, bans tobacco smoking inside schools.
- ~~5-4.~~ The Structural Pest Control Act, 225 ILCS 235/ requires the Ill. Dept. of Public Health to establish guidelines for an integrated pest management program for schools. See: www.idph.state.il.us/envhealth/ipm/index.htm, or www.idph.state.il.us/envhealth/entpestfshts.htm.
- ~~6-5.~~ Notices to employees and parents/guardians before pesticide applications are required by the Structural Pest Control Act (225 ILCS 235/10.3). The Lawn Care Products Application and Notice Act requires similar notices but only to parents/guardians (415 ILCS 65/3).
- ~~7-6.~~ The Green Cleaning School Act, 105 ILCS 140/, and Green Cleaning for Elementary and Secondary Schools, 23 Ill.Admin.Code Part 2800, contain guidelines for green cleaning. See policy 150, *Facility Management and Building Program*.
- ~~8-7.~~ The Green Buildings Act requires all new State-funded building construction and major renovation projects to meet specified environmental requirements (20 ILCS 3130). Waivers may be granted by the Capital Development Board in certain situations (Id.).
- ~~9-8.~~ The Ill. legislature recommended that each occupied school building be tested every 5 years for radon and provided a process for the screening in 105 ILCS 5/10-20.48.

Employers must provide all employees with an education and training program with respect to all toxic substances to which an employee is routinely exposed while working (820 ILCS 255/16, 23 Ill. Admin.Code §1.330). However, this section and most of the Toxic Substances Disclosure to Employees Act (820 ILCS 255/) are **inoperative**; its implementing rules (56 Ill.Admin.Code Part 205) were repealed. Instead, the Ill. Dept. of Labor enforces the federal Occupational Safety and Health Administration Hazard Communication Standards at 29 C.F.R. §1910.1200 (820 ILCS 255/1.5). Thus, school districts must follow the federal disclosure and training requirements.

2 A board persuaded by #8 in the above footnote may add the following option:

If economically feasible, the Superintendent or designee shall manage the testing of each occupied school building for radon pursuant to Section 10-20.48 of the School Code.

A board may want to add the following option if it is concerned that employees who are eligible for district-paid hepatitis B vaccination are unaware of their eligibility:

The Superintendent or designee shall notify all employees who must be offered, according to State or federal law, District-paid hepatitis B vaccine and vaccination.

required by the Structural Pest Control Act, 225 ILCS 235/, and the Lawn Care Products Application and Notice Act, 415 ILCS 65/. 3

LEGAL REF.: 29 C.F.R. ~~Part~~ §1910.1030, Occupational Exposure to Bloodborne Pathogens, as adopted by the Illinois Department of Labor, 56 Ill.Admin.Code §350.300(c).
29 C.F.R. §1910.1200, Occupational Safety and Health Administration Hazard Communication Standards, as adopted by 820 ILCS 255/1.5, Toxic Substances Disclosure to Employees Act.
20 ILCS 3130/, Green Buildings Act.
105 ILCS 5/10-20.17a; 5/10-20.48; 135/; and 140/, Green Cleaning School Act.
225 ILCS 235/, Structural Pest Control Act.
415 ILCS 65/, Lawn Care Products Application and Notice Act.
820 ILCS 255/, Toxic Substances Disclosure to Employees Act. (*inoperative*)
23 Ill.Admin.Code §1.330, Hazardous Toxic Materials Training.
~~56 Ill.Admin.Code Part 205, Toxic Substances Disclosure To Employees.~~

CROSS REF.: 4:150 (Facility Management and Building Programs), 4:170 (Safety)

~~ADMIN. PROC.: 4:160-AP (Administrative Procedure—Environmental Quality of Buildings and Grounds)~~

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3 Different requirements pertain to the notices in the Structural Pest Control Act (225 ILCS 235/10.3) and the Lawn Care Products Application and Notice Act (415 ILCS 65/3(f)). Both require notice to parents/guardians. Notice to employees is only required by the Structural Pest Control Act. For the sake of simplicity, the sample policy requires notice to employees before pesticides are used. Notice at least 4 business days before application is required by Lawn Care Products Application and Notice Act; notice at least 2 business days is required by the Structural Pest Control Act.

If the following alternative is used, omit the policy's last sentence:

The Superintendent or designee shall maintain a registry of employees and parents/guardians of students requesting notification before the application of pesticide(s) and notify those people as required by the Structural Pest Control Act, 225 ILCS 235/, and the Lawn Care Products Application and Notice Act, 415 ILCS 65/.

Be sure the notice provisions in the policy and its implementing administrative procedure are consistent.

Operational Services

Safety 1

Safety Program and Security

All District operations, including the education program, shall be conducted in a manner that will promote the safety and security of everyone on District property or at a District event. ² The Superintendent or designee shall develop, implement, and maintain a comprehensive safety and security plan that includes, without limitation:

1. An emergency operations plan(s) addressing prevention, preparation, response, and recovery for each school; ³
2. Provisions for a coordinated effort with local law enforcement and fire officials, emergency medical services personnel, and the Board Attorney;
3. A school safety drill plan;
4. Instruction in safe bus riding practices; ⁴ and
5. A clear, rapid, factual, and coordinated system of internal and external communication.

~~The Superintendent or designee shall develop and implement a comprehensive safety and crisis plan incorporating both avoidance and management guidelines. The comprehensive safety and crisis plan shall specifically include provisions for: injury prevention; bomb threats, weapons, and explosives on campus; school safety drill program; tornado protection; instruction in safe bus riding practices; emergency aid; post crisis management; and, responding to medical emergencies at an indoor and outdoor physical fitness facility. During each academic year, each school building that houses school children must conduct a minimum of:~~

- ~~1. Three school evacuation drills,~~
- ~~2. One bus evacuation drill,~~
- ~~3. One severe weather and shelter in place drill, and~~
- ~~4. One law enforcement drill.~~

~~The law enforcement drill must be conducted according to the District's comprehensive safety and crisis plan, with the participation of the appropriate law enforcement agency. This drill may be conducted on days and times that students are not present in the building.~~

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State law requires a policy on several topics in this policy (see f/n 7, 8 & 9) and otherwise controls this policy's content. Topics previously assigned to this code number were moved in May 2014 and placed in 4:100, *Insurance Management* and 4:175, *Convicted Child Sex Offender; Notifications*.

² This simple end statement should be discussed and altered accordingly before board adoption. Ask: what effect or impact will this statement have on the students and the community?

³ See administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. This procedure follows the recommendations in the "Guide for Developing High-Quality School Emergency Operations Plans," produced by a collaboration of federal agencies in 2013, available at rems.ed.gov/docs/REMS_K-12_Guide_508.pdf. The *Guide* informs schools what they *need* to do, not *what* to do. It recommends a process for developing, implementing, and continually refining a school emergency operations plan as well as a discussion of its form, function, and content.

⁴ Required by 105 ILCS 128/20(b) and 105 ILCS 5/10-20.14 for all students. See 4:110-AP3, *School Bus Safety Rules*.

In the event of an emergency that threatens the safety of any person or property, students and staff are encouraged to follow the best practices discussed for their building regarding the use of any available cellular telephone telephones. **5**

School Safety Drill Plan **6**

During every academic year, each school building that houses school children shall conduct, at a minimum, each of the following in accordance with the School Safety Drill Act, 105 ILCS 128/:

1. Three school evacuation drills
2. One bus evacuation drill
3. One severe weather and shelter-in-place drill
4. One law enforcement drill

Automated External Defibrillator (AED) **7**

The Superintendent or designee shall implement a written plan for responding to medical emergencies at the District's physical fitness facilities in accordance with the Fitness Facility Medical Emergency Preparedness Act. The plan shall provide for an automated external defibrillator (AED) to be available according to State law requirements. This policy does not create an obligation to use an AED nor is it intended to create any expectation that an AED will be present or a trained person will be present and/or able to use an AED.

Soccer Goal Safety **8**

The Superintendent or designee shall implement the Movable Soccer Goal Safety Act in accordance with the guidance published by the Illinois Department of Public Health. Implementation of the Act

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5 105 ILCS 5/10-20.28. Consider discussing with local law enforcement what its preference would be and encourage staff and students to follow the recommendation. A wave of 911 cell phone calls can jam phone lines. Student use of cell phones is addressed in 7:190, *Student Discipline*.

625 ILCS 5/12-610.1(e) prohibits wireless telephone use at any time while operating a motor vehicle on a roadway in a school speed zone except for (1) highway construction or maintenance workers within their work zones, (2) any use for emergency purposes, (3) law enforcement officers or emergency responders performing their duties, (4) a person using a wireless telephone in voice-operated mode with or without use of a headset, and (5) a person with technology that uses a single button to initiate or terminate a voice communication, (e.g., HandsFreeLink®). 625 ILCS 5/12-813.1 limits cell phone use by school bus drivers; see policy 4:110, *Transportation*.

6 Each of the listed drills is required by the School Safety Drill Act, 105 ILCS 128/, amended by P.A. 98-48.

105 ILCS 5/2-3.12 authorizes fire officials to conduct routine fire safety checks, provided written notice is given to the principal requesting to schedule a mutually agreed upon time. No more than two routine inspections may be made in a calendar year. Each drill's requirements are comprehensively covered in 4:170-API, *Comprehensive Safety and Security Plan*. For information about documenting minimum compliance with the School Safety Drill Act, see www.isbe.net/safety/guide.htm.

7 Each indoor and outdoor physical fitness facility serving at least 100 individuals must "adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public." The facility must file the plan with the Ill. Dept. of Public Health. In addition, each indoor facility must have at least one AED on the premises, and each outdoor facility must house an AED in a building, if any, that is within 300 feet of the outdoor facility. See the statute and administrative rules for the other numerous mandates: 210 ILCS 74/ (Physical Fitness Facility Medical Emergency Preparedness Act); 77 Ill.Admin.Code Part 527. Also see 4:170-AP6, *Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED*.

8 Include this section **only if** the school district owns and controls a movable soccer goal (Movable Soccer Goal Safety Act, a/k/a *Zach's Law*, 430 ILCS 145/). The Act requires: (1) organizations that own and control a movable soccer goal to create a soccer goal safety and education policy that outlines how the organization will specifically address the safety issues associated with movable soccer goals, and (2) the Ill. Dept. of Public Health to provide technical assistance materials, which are available at: www.idph.state.il.us/soccer_goal_safety/index.htm.

shall be directed toward improving the safety of ~~moveable~~ movable soccer goals by requiring that they be properly anchored.

[Convicted Child Sex Offender and Notification Laws](#)

This topic was moved to policy 4:175, *Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications*. The sample contract clause addressing contractors' employees who have direct, daily contact with one or more students was moved to 4:60-AP3, *Administrative Procedure - Criminal History Records Check of Contractor Employees*.

Unsafe School Choice Option 9

The unsafe school choice option allows students to transfer to another District school or to a public charter school within the District. The unsafe school choice option is available to:

1. All students attending a persistently dangerous school, as defined by State law and identified by the Illinois State Board of Education.
2. Any student who is a victim of a violent criminal offense, as defined by 725 ILCS 120/3, that occurred on school grounds during regular school hours or during a school-sponsored event.

The Superintendent or designee shall develop procedures to implement the unsafe school choice option.

[Student Insurance](#)

This topic was moved to policy 4:100, *Insurance Management*.

Emergency Closing

The Superintendent is authorized to close ~~the schools~~ school(s) in the event of hazardous weather or other ~~emergencies~~ emergency that ~~threaten~~ threatens the safety of students, staff members, or school property. 10

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

⁹ This topic must be covered in board policy (105 ILCS 5/10-21.3a). See also 20 U.S.C. §7912. ISBE maintains a list of persistently dangerous schools. Districts having only one school may substitute the following for this paragraph:

The unsafe school choice option provided in State law permits students to transfer to another school within the District in certain situations. This transfer option is unavailable in this District because the District has only one school or attendance center. A student, who would otherwise have qualified for the choice option, or such a student's parent/guardian, may request special accommodations from the Superintendent or designee.

Districts with each grade in only one attendance center may substitute the following for this paragraph:

The unsafe school choice option provided in State law permits students to transfer to another school within the District in certain situations. This transfer option is unavailable in this District because each grade is in only one attendance center. A student, who would otherwise have qualified for the choice option, or such a student's parent/guardian, may request special accommodations from the Superintendent or designee.

Annual Review 11

The School Board or its designee will annually review each school building's safety and security plans, protocols, and procedures, as well as each building's compliance with the school safety drill plan.

Incorporated

by Reference: 4:170-AP2 (Criminal Offender Notification Laws), 4:170-AP3 (School Bus Safety Rules), 4:170-AP6 (Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED), 5:30-AP2 (Investigations)

LEGAL REF.:

—Adam Walsh Child Protection and Safety Act, P.L. 109-248; Uniform Conviction Information Act, 20 ILCS 2635/.

105 ILCS 5/10-20.282, 5/18-12, 5/21B-80, 18-12.5/40-21.9, and 128/. 210 ILCS 74/. Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/., III. Vehicle Code, 625 ILCS 5/12-813.1. Criminal Code of 2012, 720 ILCS 5/11-9.3., Unified Code of Corrections, 730 ILCS 152/101 et seq.

CROSS REF.:

4:110 (Transportation), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications), 4:180 (Pandemic Preparedness), 5:30 (Hiring Process and Criteria), 6:190 (Extracurricular and Co-Curricular Activities), 6:250 (Community Resource Persons and Volunteers), 7:220 (Bus Conduct), 7:300 (Extracurricular Athletics) 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

10 When a school is closed or its starting time is delayed due to adverse weather conditions or a health or safety threat, the district may count a partial day of attendance as a full day for State aid purposes, provided: (1) at least one hour of instruction was provided or the normal start time was delayed, and (2) the superintendent provides the Regional Superintendent or the Suburban Cook County Intermediate Service Center, whichever is appropriate, with a written report in support of the partial day within 30 days (105 ILCS 5/18-12). P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to the Intermediate Service Center for the area.

105 ILCS 5/18-12.5 governs claiming state aid if a district closes one or more schools, but not all schools, during the public health emergency, as determined by ISBE in consultation with the Ill. Dept. of Public Health.

11 State law requires each school board or its designee to conduct one annual meeting at which it reviews each building's emergency and crisis response plan, protocols, and procedures and each building's compliance with the school safety drill plan (105 ILCS 128/25 and 128/30.) If the school board uses a designee, it should preferably be someone other than the District Safety Coordinator to assure an unbiased audit. The statutes contain detailed requirements. The board or its designee must complete a one-page report certifying that the review took place, among other things. The board or its designee must send a copy of the report to each participating party and the appropriate Regional Superintendent. ISBE's website contains an annual review checklist and report at www.isbe.net/safety/guide.htm.

MATERIAL RELOCATED FROM 4:170

March 2013 May 2014

4:~~170~~175

Operational Services

Convicted Child Sex Offender ~~Notification Laws; Criminal Background Check and/or Screen; Notifications~~ ¹

Persons Prohibited on School Property without Prior Permission

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender meets either of the following two exceptions: ²

1. The offender is a parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or
2. The offender received permission to be present from the School Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Superintendent, or designee ~~who is a certified employee~~ shall supervise a child sex offender whenever the offender is in a child's vicinity. ³ If a student is a sex offender, the Superintendent or designee shall develop guidelines for managing his or her presence in school. ⁴

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¹ The topic covered by this policy was previously a part of 4:170, *Safety*.

² The Criminal Code, 720 ILCS 5/11-9.3, contains these requirements concerning a child sex offender's presence on school property. An Illinois federal court denied a father's request to enjoin a school's policy that prohibited him, as a child sex offender, from attending his children's school activities in *Doe v. Paris Union School Dist.*, No. 05-2249, 2006 WL 44304 (C.D.Ill., 2006). See also 8:30, *Visitors to and Conduct on School Property*.

³ 720 ILCS 5/11-9.3. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent or designee to supervise a child sex offender whenever the offender is in a child's vicinity. See also 8:30, *Visitors to and Conduct on School Property*.

⁴ Aside from rumor and notoriety, there are three ways that school officials may learn that an enrolled student is a sex offender or a violent offender against youth:

1. By being informed by the student or the student's parent/guardian.
2. Through the Illinois State Police Sex Offender Registry, www.isp.state.il.us/sor. A juvenile sex offender is listed there after the juvenile becomes 17 years old and will be listed for the remaining registration period (730 ILCS 150/2). The database is updated daily and allows searching by name, city, county, zip code, compliance status, or any combination thereof.
3. By receiving notification from a law enforcement agency that a juvenile sex offender or juvenile violent offender against youth is enrolled in a school. The law enforcement agency having jurisdiction to register the juvenile must provide a copy of the offender registration form to the building principal and guidance counselor designated by the principal; the school must keep the registration form separately from the student's school records (730 ILCS 152/121(b)).

4:~~170~~175

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Criminal Background Check and/or Screen 5

The Superintendent or designee shall perform the criminal background check and/or screen required by State law or Board policy for employees; student teachers; students doing field or clinical experience other than student teaching; contractors' employees who have direct, daily contact with one or more children; and resource persons and volunteers. He or she shall take appropriate action based on the result of any criminal background check and/or screen.

Notification to Parents/Guardians

The Superintendent shall develop procedures for the distribution and use of information from law enforcement officials under the Sex Offender Community Notification Law and the Murderer and Violent Offender Against Youth Community Notification Law. 6 The Superintendent or designee shall serve as the District contact person for purposes of these laws. The Superintendent and Building Principal shall manage a process for schools to notify the parents/guardians during school registration that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law. 7 This notification must occur during school registration and at other times as the Superintendent or Building Principal determines advisable.

~~All contracts with the School District that may involve an employee or agent of the contractor having~~

The material concerning contractors' employees who have direct, daily contact with one or more student is in 4:60-AP3, Administrative Procedure - *Criminal History Records Check of Contractor Employees*.

If a sex offender is enrolled in a school, guidelines for managing the sex offender's presence in school should be prepared. The components will depend on the situation but generally should include asking the parent/guardian of a sex offender below the age of 17 years for permission to share the information with certain staff for the protection of both the student and other students. In addition, the guidelines should include a supervision plan providing supervision for the student during all aspects of his or her school day. Finally, the guidelines must respect the privacy of juvenile records and comply with the Ill. School Student Records Act, 105 ILCS 10/. The board attorney should be consulted.

5 See procedure 4:175-AP1, Criminal Offender Notification Laws; policy 5:30, Hiring Process and Criteria; procedure 5:30-AP2, Investigations; policy 6:250, Community Resource Person and Volunteers; and procedure 6:250-AP, Securing and Screening Resource Persons and Volunteers.

6 Sex Offender Community Notification Law, 730 ILCS 152/, and Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105. Law enforcement officials must notify school districts of the names, addresses, and offenses of registered offenders residing in their respective jurisdictions who have committed sex offenses and violent offenses against youth (730 ILCS 152/120 and 154/95). These laws are silent with regard to what, if anything, districts do with the information. The Sex Offender Community Notification Law, however, provides immunity for "any person who provides, or fails to provide, information relevant to the procedures set forth in this Law," (730 ILCS 152/130).

Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person, and boards may wish to have a contact person from each building. See administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*, for implementing procedures.

7 State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/, ~~401 et seq.~~ In an effort to keep this policy aligned with good governance practices, the responsibility is given to the superintendent and building principal to manage. While State law allows the notification to be made during registration or parent-teacher conferences, the sample policy makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

LEGAL REF.: ~~Adam Walsh Child Protection and Safety Act, P.L. 109-248.~~

~~20 ILCS 2635/, Uniform Conviction Information Act, 20 ILCS 2635/~~

~~105 ILCS 5/10-20.28, 5/21B-80, 5/10-21.9, and 128/.~~

~~Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/.~~

~~Ill. Vehicle Code, 625 ILCS 5/12-813.1.~~

~~Criminal Code of 2012, 720 ILCS 5/11-9.3.,~~

~~Unified Code of Corrections, 730 ILCS 152/101 et seq/, Sex Offender Community Notification Law.~~

~~730 ILCS 154/75-105, Murderer and Violent Offender Against Youth Community Notification Law.~~

CROSS REF.: 5:30 (Hiring Process and Criteria), ~~6:190 (Extracurricular and Co-Curricular Activities)~~, 6:250 (Community Resource Persons and Volunteers) ~~7:220 (Bus Conduct)~~, ~~7:300 (Extracurricular Athletics)~~, 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

Educational Support Personnel

Duties and Qualifications 1

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to School Board policies as they may be changed from time to time at the Board's sole discretion.

Paraprofessionals ~~and Teacher Aides 23~~

~~Paraprofessionals and teacher aides are noncertificated personnel with provide supervised instructional duties; the terms are synonymous support. Service as a paraprofessional or teacher aide requires a statement of approval issued an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE), unless the individual holds any certificate indicative of completion of at least a bachelor's degree or a provisional vocational certificate, is completing an approved clinical experience, and/or is student teaching.)~~

~~A paraprofessional or teacher aide in a targeted assistance program that is paid with federal funds under Title I, Part A, or in a school wide program that is supported with such funds, shall hold a "statement of approval," issued by the ISBE, for this purpose. 4~~

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

~~2- 23 Ill.Admin.Code §25.510; 23 Ill.Admin.Code §1.630(b)(2). **Important:** Speech Language paraprofessional approval phase out. After the 2013-2014 school year, districts and special education joint agreements will no longer be able to seek approval from ISBE to use speech language paraprofessionals to provide speech language services when they are unable to hire certified speech language pathologists. Educators currently serving as speech language paraprofessionals who wish to continue providing speech language services after the 2013-2014 school year will need to obtain certification as a certified speech language pathologist (23 Ill.Admin.Code §§25.45 and 25.252), speech language pathologist intern (23 Ill.Admin.Code §25.255), or speech language pathology assistant (105 ILCS 5/14-6.03). For more information, see ISBE's Weekly Message from Feb. 27, 2012, at: www.isbe.net/board/archivemessages/2012/message_022712.pdf.~~

³ Educator licensure replaced the previous system of certification on 7-1-2013. All Illinois teaching, administrative, and school service personnel certificates were converted to a corresponding license. Except as provided in ISBE rule §1.630, all new applicants for a paraprofessional credential must hold an educator license with stipulations endorsed for a paraprofessional educator (23 Ill.Admin.Code §§1.630 and 25.510). See ISBE's explanation at: www.isbe.net/licensure/html/paraprofessional.htm.

Important: After the 2013-2014 school year, ISBE will no longer approve the use of speech-language paraprofessionals. Educators who served as speech-language paraprofessionals who wish to continue providing speech-language services after the 2013-2014 school year must obtain a support personnel endorsement for a non-teaching, speech-language pathologist (23 Ill.Admin.Code §25.252) or qualify as a speech-language pathologist intern (23 Ill.Admin.Code §25.255), or speech-language pathology assistant (105 ILCS 5/14-6.03).

A district may continue to use the term *teacher aide* to describe licensed personnel performing instructional support activities. In that situation, use the following alternative for the subhead and first paragraph:

Paraprofessionals and Licensed Teacher Aides

Paraprofessionals and licensed teacher aides provide supervised instructional support. Personnel performing instructional support activities must hold a current educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

If a district uses teacher aides to perform non-instructional support activities, *unlicensed teacher aides* may be inserted in the subhead for next section as follows: "Noncertificated and Unlicensed Personnel (Including Unlicensed Teacher Aides) Working with Students and Performing Non-Instructional Duties."

~~4-23 Ill.Admin.Code §25.510(d).~~

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals ~~or teacher aides~~, and the requirements in this section do not apply. In addition, individuals ~~who are~~ completing their clinical experiences and/or student teaching do not need to comply with this section, provided ~~they~~ their service otherwise ~~qualify for instructional duties under~~ complies with ISBE rules. **5**

Noncertificated and Unlicensed Personnel Working with Students and Performing Non-Instructional Duties

Noncertificated and unlicensed personnel performing non-instructional duties may be used:

1. For supervising study halls, long-distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio) detention and discipline areas, and school-sponsored extracurricular activities; **6**
2. As supervisors, chaperones, or sponsors for non-academic school activities; or **7**
3. For non-teaching duties not requiring instructional judgment or student evaluation. **8**

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval. **9**

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership. **10** Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automated External Defibrillator user according to rules adopted by the Illinois Department of Public Health. **11** Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers

~~The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.~~

~~**5** 105 ILCS 5/10-22.34(d); 23 Ill.Admin.Code §§1.630(f) and 25.620 (student teaching). This paragraph is optional and maybe deleted if the board desires a streamlined policy.~~

~~**6** 105 ILCS 5/10-22.34(a)(2).~~

~~**7** 105 ILCS 5/10-22.34a; 23 Ill.Admin.Code §1.630(a).~~

~~**8** 105 ILCS 5/10-22.34(a)(1); 23 Ill.Admin.Code §1.630(a).~~

~~**9** 105 ILCS 5/10-22.34b, last paragraph; 23 Ill.Admin.Code §1.630(d). Noncertificated personnel may be used to provide specialized instruction in a field that an individual is particularly qualified by reason of specialized knowledge or skill (23 Ill.Admin.Code §1.630(e)-c)(3)(C). Districts that frequently use noncertificated individuals to provide such instruction may consider adding the following optional sentence:~~

~~When appropriate, the Superintendent may seek approval from the responsible Regional Superintendent for a noncertificated individual to provide specialized instruction, that is not otherwise readily available in the school environment, in the field that the individual is particularly qualified by reason of specialized knowledge or skill.~~

~~**10** A district should consult the handbooks and by-laws of the appropriate associations, e.g., the Illinois High School Association, the Southern Illinois Junior High School Athletic Association, and the Illinois Elementary School Association.~~

~~An optional sentence follows:~~

~~The coach for an extracurricular athletic activity sponsored or sanctioned by the Illinois High School Association (IHSA) at or above the ninth grade level must have completed the IHSA's educational program and competency testing on preventing abuse of performance-enhancing substances-~~

~~Until July 1, 2011, 105 ILCS 25/2(e) required this training for coaches. As of the publication date for this material, IHSA did not include this requirement in its by laws *Qualification for Coaches*, sub sections 2.071-2.079 or its annual *Administrative Procedures, Guidelines and Policies* document. Both are available at: www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx, provided the program is available.~~

~~**11** Optional and may be amended. The first requirement identifies a basic competency, and the second two requirements are intended to ensure coaches are trained emergency responders. For AED training program requirements, see Automated External Defibrillator Act (410 ILCS 4/15) and Automated External Defibrillator Code (77 Ill.Admin.Code Part 525).~~

Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law. **12**

Bus Drivers

All school bus drivers must have a valid school bus driver permit. **13** The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver, that the bus driver permit holder has been called to active duty. **14** New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: No Child Left Behind Act of 2001, 20 U.S.C. §6319(c).
34 C.F.R. §§200.58 and 200.59.
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
625 ILCS 5/6-104 and 5/6-106.1.
23 Ill.Admin.Code §§~~1.630 and 25.510, 25.520~~.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

12 225 ILCS 5/3 and 5/4.

13 The regional superintendent is authorized to conduct school bus driver instruction courses and investigate whether persons hired to operate school buses have valid school bus driver permits (105 ILCS 5/3-14.23).

School bus driver permits are issued by the Secretary of State (625 ILCS 5/6-106.1). Districts must conduct a pre-employment interview with bus driver candidates, distribute bus driver applications and medical forms, and submit the applicant's fingerprint cards to the State Police for criminal background investigations. Districts must also certify in writing to the Secretary of State that all pre-employment conditions were completed, including an Illinois-specific criminal background investigation through the State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information (Id.). The applicant presents this certification to the Secretary of State when submitting the school bus driver permit application (Id.).

A school bus driver operating a school bus at the time of an accident is deemed by the implied consent law to agree to submit to tests at the direction of a law enforcement officer of the driver's breath, blood, or urine to determine the presence of alcohol, or other drugs, in the person's system (625 ILCS 5/6-516).

Anyone driving a bus chartered to transport students to or from interscholastic athletic or interscholastic or school-sponsored activities must have a valid school bus driver permit; this does not apply to any driver employed by a public transportation provider when the bus is on a regularly scheduled route for transporting other fare-paying passengers (625 ILCS 5/6-104(d-5)).

14 This sentence is optional, but the notification is required by 625 ILCS 5/6-106.1(h). "Active duty" is defined in the statute as active duty pursuant to an executive order of the U.S. President, an act of the Congress, or an order of the Governor. Upon notification, the Secretary of State will characterize the permit as inactive until a permit holder renews the permit pursuant to 625 ILCS 5/6-106.1(~~h~~).

Instruction

Home and Hospital Instruction 1

A student who is absent from school, or whose physician anticipates that the student will be absent from school, because of a medical condition may be eligible for instruction in the student's home or hospital. 2 Eligibility shall be determined by State law and the Illinois State Board of Education ~~rules~~ governing (1) the continuum of placement options for students who have been identified for special education services or (2) the home/ and hospital instruction provisions for students who have not been identified for special education services. 3 Appropriate educational services from qualified staff will begin no later than 5 school days after receiving a physician's written statement. 4 Instructional or related services for a student receiving special education services will be determined by the student's individualized education program.

A student who is unable to attend school because of pregnancy will be provided home instruction, correspondence courses, or other courses of instruction (1) before the birth of the child when the student's physician indicates, in writing, that she is medically unable to attend regular classroom instruction, and (2) for up to 3 months after the child's birth or a miscarriage. 5

Periodic conferences will be held between appropriate school personnel, parent(s)/guardian(s), and hospital staff to coordinate course work and facilitate a student's return to school.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

1 State or federal law controls this policy's content. The following State laws and ISBE rules govern homebound and hospital instruction: 105 ILCS 5/14-13.01, ~~amended by P.A. 96-257~~ (reimbursement for home and hospital instruction along with factors to qualify for it); 105 ILCS 5/18-4.5 (governs reimbursement for home and hospital instruction); 105 ILCS 5/18-8.05 (an instructional session of one clock hour may be counted as ½ day of attendance, however, a student must receive 4 or more instructional clock hours to count as a full day of attendance); 23 Ill.Admin.Code §226.300 (home/hospital service for a special education student); 23 Ill.Admin.Code §1.520; ISBE General State Aid Claim form.

2 105 ILCS 5/14-13.01, amended by P.A. 97-123, redefines the standards for determining when a student is eligible to receive home or hospital instruction. A student now qualifies when a physician *anticipates* a student's absence due to a medical condition. The Act also defined "ongoing intermittent basis" to mean a medical condition of such a nature and severity that it is anticipated that the student will be absent from school due to the medical condition for periods of at least 2 days at a time multiple times during the school year totaling at least 10 days or more of absences.

3 105 ILCS 5/14-13.01(a), ~~amended by P.A. 96-257~~; 23 Ill.Admin.Code §226.300 (students qualifying for special education services), and 23 Ill.Admin.Code ~~§226.300~~ §1.520 (students not qualifying for special education services) require, at a minimum, all students to provide a written statement from a physician licensed to practice medicine in all of its branches stating the existence of a medical condition, the impact on the student's ability to participate in education, and the anticipated duration or nature of the child's absence from school. A student with health needs may be protected by the Individuals with Disabilities Education Act (20 U.S.C. §1401(3) or Section 504 of the Rehabilitation Act (29 U.S.C. §794(a)).

4 There is no longer a requirement that a student be absent from school for a minimum number of days before he or she qualifies for home or hospital instruction (105 ILCS 5/14-13.01(a), amended by P.A. 97-123). The Act now allows schools to begin home or hospital instruction upon receipt of a physician's written statement but requires it to begin no later than 5 school days after receipt of the physician's written statement.

Both 23 Ill.Admin.Code §§226.300(g) also requires and 1.520(f) require home or hospital instructors to meet the requirements listed in 23 Ill.Admin.Code §1.610, i.e., proper certification as required by the amendments to the School Code in P.A. 97-607 and 23 Ill.Admin.Code §25.464.

5 105 ILCS 5/10-22.6a. Number (2) does not require a physician's written statement.

LEGAL REF.: 105 ILCS 5/10-22.6a, 5/14-13.01, 5/18-4.5, and 5/18-8.05.
| 23 Ill.Admin.Code §§1.520, 1.610, and 226.300.

CROSS REF.: 6:120 (Education of Children with Disabilities), 7:10 (Equal Educational
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Students

Student Support Services ¹

The following student support services may be provided by the School District: ²

1. Health services supervised by a qualified nurse. ³ The Superintendent or designee may implement procedures to further a healthy school environment and prevent or reduce the spread of disease, ~~including head lice (Pediculus Humanus Capitis).~~
2. Educational and psychological testing services and the services of a psychologist as needed. In all cases, written permission to administer a psychological examination must be obtained from a student's parent(s)/guardian(s). The results will be given to the parent(s)/guardian(s), with interpretation, as well as to the appropriate professional staff.
3. The services of a social worker. A student's parent(s)/guardian(s) must consent to regular or continuing services from a social worker.
4. Guidance and counseling services.

The Superintendent or designee shall develop protocols for responding to students with social, emotional, or mental health problems that impact learning ability. ⁴ The District, however, assumes no liability for preventing, identifying, or treating such problems.

This policy shall be implemented in a manner consistent with State and federal laws, including the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State or federal law controls this policy's content.

² All districts are required to conduct a comprehensive needs assessment to determine the scope of student personnel services needs (23 Ill.Admin.Code §1.420(q)).

105 ILCS 5/2-3.142 created the Ensuring Success in School Task Force. This task force developed recommendations for policies, procedures, and protocols for school boards to adopt to address the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence. The intent of the recommendations is to ensure these student populations' ability to: (1) stay in school, (2) stay safe at school and (3) successfully complete their education. A copy of this report is available at: www.povertylaw.org/advocacy/women-and-family/essa-task-force/essa-task-force-report. School boards and superintendents may want to create their own study groups to discuss implementation of the task force's recommendations for policies, procedures and protocols.

³ Any nurse first employed on or after 7-1-76, whose duties require teaching or the exercise of instructional judgment or educational evaluation of students, must be certified. A non-certified registered professional nurse may perform nursing services (105 ILCS 5/10-22.23 and 5/21-25; 23 Ill.Admin.Code §1.760).

⁴ Required by the Children's Mental Health Act of 2003, 405 ILCS 49/.

LEGAL REF.: Children's Mental Health Act of 2003, 405 ILCS 49/
Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/.

CROSS REF.: 6:65 (Student Social and Emotional Development), 6:270 (Guidance and
Counseling Program), 7:100 (Health, Eye, and Dental Examinations;
Immunizations; and Exclusion of Students), 7:280 (Communicable and Chronic
Infectious Diseases), 7:340 (Student Records)