BOARD MEMO – ACTION ITEM

PUTNAM COUNTY COMMUNITY UNIT SCHOOL DISTRICT #535

Providing Foundations Together, Cultivating Individual Growth

To: Board of Education

From: Cody Martzluf, Superintendent

Date: Tuesday, October 20, 2026

RE: PRESS Policy Update 122

Recommendations:

Approve PRESS Policy Update 122

Background:

- PRESS Policy 122 was sent out earlier in the summer.
- The updated materials were sent to the board's policy committee for review.
- This is the second and final reading of the PRESS Policy 122 updates.

ISSUE 122
June 2026

Update Memo

Please distribute to board members and appropriate staff.

PRESS

Policy Reference Education Subscription Service

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Online Instructions

Please follow these four easy steps to log in to PRESS:

1. Go to www.iasb.com and click on the [Member Login] button on the top navigation.
2. Enter your email address and password.
   - If you do not know your password, do not create a new account; reset your password using your district email address. Use the "forgot your password?" link. Make sure to check your spam folder for an email from info@iasb.com, if you do not see it in your email inbox.
   - If you are still having difficulty logging in, please contact your District's Superintendent or Administrative Assistant to make sure you are listed as an authorized user on the District Roster.
   - If you continue to have difficulty signing on to www.iasb.com, please contact Michael Ifkovits at mifkovits@iasb.com.
3. Click the [Hi (Your Name)] button on the top navigator bar. This will bring you to your account page.
4. Under "**Quick Links**," click "**PRESS Login**."

This publication is designed to provide information only and is not a substitute for legal advice from the Board Attorney. If you have any questions, please contact Debra Jacobson, Associate General Counsel and **PRESS** Editor, djacobson@iasb.com; Jeremy Duffy, IASB Deputy Executive Director/General Counsel and Assistant **PRESS** Editor, jduffy@iasb.com; Maryam Brotine, Associate General Counsel and Assistant **PRESS** Editor, mbrotine@iasb.com; or Megan Mikhail, Assistant General Counsel and Assistant **PRESS** Editor, mmikhail@iasb.com.

Two other important components of **PRESS** may be viewed and downloaded from **PRESS Online**: Committee Worksheets and the updated **P**olicy **R**eference **M**anual (**PRM**) pages.

The Committee Worksheets, found by selecting a PRESS *Issue* at the top of the **PRESS Online** Table of Contents, show suggested changes to **PRESS** material by striking out deleted words and underscoring new words, a.k.a. "tracked changes."

Updated **PRM** pages can be found in the IASB POLICY REFERENCE MANUAL Table of Contents. For visual instruction about how to download and use **PRM** pages to update your policy manual, please go to www.iasb.com/policy/ to view the **PRESS** video tutorial located under the header entitled: **PRESS – P**olicy **R**eference **E**ducation **S**ubscription **S**ervice.

For answers to common questions about using **PRESS**, see Q&A: Getting the Most Out of Your PRESS Subscription, available on IASB's website.

PRESS Bundles

Each bundle summarizes the global reasons for changes to all materials that are listed.

Specific details about how each piece of material changed, e.g., legislation, administrative rules, **PRESS** Advisory Board feedback, quality assurance, five-year review items, etc., are explained in numerical order in the **Revisions to Policies, Administrative Procedures, and Exhibits** table (**Revisions Table**) beginning on p. 5.

Please spend time reviewing the **PRESS** Online Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

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Lighting the Way to Excellence in School Governance

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Equal Access Act

Based on feedback from the Ill. Council of School Attorneys, sample policy 7:330, *Student Use of Buildings – Equal Access*, is rewritten to address the need for more guidance regarding what types of student-led groups are permitted free use of school premises under the Equal Access Act. The policy is also updated due to recent case law updates, including E.D. by Duell v. Noblesville Sch. Dist., 151 F.4th 907 (7th Cir. 2025). In E.D. the Court upheld a school's suspension of a noncurriculum related student-led group for failure to abide by certain conditions in its policy. Sample exhibit 7:330-E, *Application to Establish Noncurriculum Related Student Groups That Are Not School Sponsored and Request for Free Use of School Premises for Meetings*, which is renamed, and sample policy 6:190, *Extracurricular and Co-Curricular Activities*, are also updated to align with the changes to sample policy 7:330.

The following **PRESS** materials are updated:

6:190, Extracurricular and Co-Curricular Activities
7:330, Student Use of Buildings - Equal Access – **REWRITTEN**
7:330-E, Application ~~for~~ to Establish Noncurriculum Related Student Groups ~~t~~That Are Not School Sponsored ~~to~~ and Request for Free Use of School Premises for Meetings – **RENAMED**

Teaching About Religions and Controversial Issues

In February 2026, the U.S. Dept. Of Education updated its *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools*. The guidance interprets recent U.S. Supreme Court decisions, including Kennedy v. Bremerton School Dist., 597 U.S. 507 (2022), and Mahmoud v. Taylor, 606 U.S. 522 (2025). In the view of the Department, public school employees can engage in visible, personal prayer, even while students are present. Additionally, considering the Mahmoud decision and the evolving law in this area, boards should work with their board attorneys for guidance on managing notice and opt-out from any instruction that could present a "real threat" to a parent's right to direct the religious upbringing of their child.

The following **PRESS** materials are updated:

6:70, Teaching About Religions
6:70-AP, Teaching About Religions
6:80, Teaching About Controversial Issues
7:130, Student Rights and Responsibilities

PRESS Terminology

What are the meanings of the "AP" and "E" after certain policy numbers?

The **PRESS P**olicy **R**eference **M**anual (**PRM**) is an encyclopedia of sample board policies, administrative procedures, and exhibits. They are all in numerical order for easy reference. **PRESS** recommends that local school districts maintain separate board policy and administrative procedure manuals to help distinguish for the board, staff, students, parents, and community members, the distinction between board documents and staff documents, board work, and staff work.

Policy. The board develops policies with input from various sources like district administrators, the board attorney, and **PRESS** materials. The board then formally adopts the policies, often after more than one consideration.

> **After adoption by the board, each policy should have an adoption date.**

Administrative Procedures. Administrative procedures are developed by the superintendent, administrators, and/or other district staff members. The staff develops the procedures that guide implementation of the policies. Administrative procedures are not adopted by the board, which allows the superintendent and staff the flexibility they need to keep the procedures current. **PRESS** sample procedures are numbered to correspond with the policies that they implement for easy reference. For example, policy 6:190's related administrative procedure is 6:190-AP.

> **Administrative procedures should be dated for implementation by the administrative staff and kept separately from the board policy manual.**

Exhibits. Both board policies and administrative procedures may have related exhibits. Exhibits provide information and forms intended to be helpful to the understanding or implementation of either a board policy or administrative procedure, and they do not require formal board adoption. **PRESS** sample exhibits are numbered to correspond to the related board policy or administrative procedure. For example, Board Policy 2:70 has a related exhibit numbered 2:70-E. Administrative procedure 7:340-AP1 has a related exhibit numbered 7:340-AP1, E.

> **Exhibits labeled with an "E" may provide guidance for board work or staff work. Those providing guidance for board work should be dated for implementation by the board. Those providing guidance for the staff should be dated for implementation by the administrative staff.**
>
> **Administrative procedures exhibits, always labeled with the "AP, E" format, should be dated for implementation by the administrative staff.**

Five-Year Review

PRESS Editors have a quality assurance goal to ensure that a review of each piece of the 1500+ page IASB **PRESS PRM** occurs once every five years. The **PRM** contains approximately 480 separate pieces of material, including policies, administrative procedures, and related exhibits.

The following **PRESS** materials are updated:

2:220-E1, Board Treatment of Closed Meeting Verbatim Recordings and Minutes
2:220-E3, Closed Meeting Minutes
2:220-E5, Semi-Annual Review of Closed Meeting Minutes
2:220-E8, School Board Records Maintenance Requirements and FAQs
2:230, Public Participation at School Board Meetings and Petitions to the Board
3:70, Succession of Authority
4:110-AP2, Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; and Bus Driving Comments
4:170-AP1, E1, Accident or Injury Form
4:170-AP1, E2, Memo to Staff Members Regarding Contacts By Media About a Crisis
4:170-AP2, Routine Communications Concerning Safety and Security
4:170-AP4, National Terrorism Advisory System
4:175, Convicted Sex Offender; Screening; Notifications
4:180-AP1, School Action Steps for Pandemic Influenza or Other Virus/Disease
5:20-AP, Sample Questions and Considerations for Conducting the Internal Harassment in the Workplace Investigation
5:40, Communicable and Chronic Infectious Disease
5:40-AP, Communicable and Chronic Infectious Disease
5:70, Religious Holidays
5:100-AP, Staff Development Program – **REFORMATTED**
5:110, Recognition for Service
5:130-AP, Email Retention
5:140, Solicitations By or From Staff
5:185-AP, Resource Guide for Family and Medical Leave
5:220-E, Unsatisfactory Performance Report for Substitute Teachers
5:240, Suspension
5:270-E, Notice of Employment
6:60-AP1, E2, Resources for Biking and Walking Safety Education
6:235-E4, ~~Keeping Yourself and Your Kids Safe on Social Networks~~ Online Safety Resources – **RENAMED & REWRITTEN**
7:30, Student Assignment and Intra-District Transfer
7:60-AP1, Challenging a Student's Residence Status
7:60-AP2, Establishing Student Residency
7:60-AP2, E1, Letter of Residence from Landlord in Lieu of Lease
7:60-AP2, E2, Letters of Residence to Be Used When the Person Seeking to Enroll a Student Is Living with a District Resident
7:60-AP2, E3, Evidence of Non-Parent's Custody, Control, and Responsibility of a Student
7:80, Release Time for Religious Instruction/Observance
7:190-E1, Aggressive Behavior Reporting Letter and Form
7:190-E4, Acknowledgment of Receiving Student Behavior Policy and Student Conduct Code
7:200-E1, Short Term Out-of-School Suspension (1-3 Days) Reporting Form
7:240-AP1, Code of Conduct for Extracurricular Activities
8:70, Accommodating Individuals with Disabilities

Miscellaneous

The following **PRESS** materials are updated due to legislation, administrative rule, and/or continuous improvement changes, including subscriber feedback.

2:70-E, Checklist for Filling Board Vacancies by Appointment
2:120-E3, Resolution to Appoint a Delegate to the Illinois Association of School Boards Delegate Assembly – **NEW**
6:120-AP4, Care of Students with Diabetes
8:10, Connection with the Community

Progress Report - The contents of this table frequently change.

Topic	Our Response
Senate Bill (SB) 2427 Limits Student Cell Phone Use in Schools If signed into law, SB 2427 will require school boards to adopt a policy by the 2027-2028 school year to significantly limit student use of personal wireless devices in school, including cell phones. Boards that already have a policy limiting use of such devices during a majority of the school day will have the option of delaying adoption of the new policy until the 2031-2032 school year. SB 2427 includes a bell-to-bell ban for grades K-8 (with specific exceptions), but it allows boards to decide if device use will be permitted during lunch and passing periods for high school students.	Affected **PRESS** materials, including sample policy 7:190, *Student Behavior*, will be updated, and new materials will be created, as appropriate, in **PRESS** Issue 123, to be released in the fall.
Ill. State Board of Education (ISBE) Artificial Intelligence (AI) Guidance Expected Soon P.A. 104-399 requires ISBE to develop statewide guidance by July 1, 2026, on the use of AI in K-12 education across nine different areas, including best practices and evaluation of risks associated with AI use in schools.	Affected **PRESS** materials, including sample policy 6:235, *Access to Electronic Networks*, and sample administrative procedure 6:235-AP3, *Development of an Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines*, will be updated in **PRESS** Issue 123, to be released in the fall.
Corrections to Issue 121 Materials: 7:340-AP1 and 7:340-AP1, E1 It recently came to our attention that due to a technical error, the changes previously made to 7:340-AP1, *School Student Records*, and 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, in **PRESS** Issue 120 were inadvertently not included when these materials were updated again in Issue 121. The changes from Issue 120 have since been properly restored to the Issue 121 materials at **PRESS** Online. If your district downloaded 7:340-AP1 or 7:340-AP1, E1, from **PRESS** Online between the Issue 121 release date (March 31, 2026) and the release of this Issue 122, please re-download these materials to ensure you have the most up-to-date version.	Corrections have been implemented to **PRESS** sample materials 7:340-AP1, *School Student Records*, and 7:340-AP1, E1, *Notice to Parent/Guardians and Students of Their Rights Concerning a Student's School Records*.

PRESS Issue 122 Trivia

127 pages • 28,960 words • 50 PRM materials

Certain **PRM** materials in a **PRESS** Issue may be labeled in the **PRESS** Bundles, Revisions Table, and Committee Worksheets with one or more of the following categories:

NEW. This material is brand new to the **PRM**.

DELETED. This material has been deleted from the **PRM**.

RENUMBERED. This material has been assigned a new number within the **PRM**, usually due to the addition of **NEW** material.

RENAMED. The title of the material has been amended.

REWRITTEN. The material has undergone significant revisions. To preserve the readability of the Committee Worksheets, suggested changes are not shown as tracked changes.

REFORMATTED. Non-substantive changes in formatting, e.g., list renumbering, have been applied for consistency throughout the **PRM**. To preserve the readability of the Committee Worksheets, such formatting changes are not reflected as tracked changes.

*__**PRM** Style Update Note:__ For purposes of continuous improvement, the **PRESS** editors are working to improve consistency in the use of italics across the **PRM**. Generally, italics are utilized in the **PRM** to indicate:

- the first instance of a term of art or defined term in a material
- when a term is actually being defined
- **PRM** material titles
- names of publications and government programs
- laws with colloquial names (a/k/a)
- emphasis of a particular word or phrase
- instructions within the body of a material

Specific changes to the italicization of words in the body of a particular policy, procedure, or exhibit are not addressed in the Revisions Table, but they can be found in the Committee Worksheets available at **PRESS** Online.

Revisions to Policies, Administrative Procedures, and Exhibits

Number and Title	Revision Descriptions	
2:70-E, Checklist for Filling Board Vacancies by Appointment	The exhibit is updated to correct obsolete links to IASB's website and for continuous improvement.	☐
2:120-E3, Resolution to Appoint a Delegate to the Illinois Association of School Boards Delegate Assembly	**NEW.** A new exhibit is created to assist boards with annually appointing a delegate to the IASB Delegate Assembly (DA) and defining the delegate's authority to act on the board's behalf at the DA.	☐
2:220-E1, Board Treatment of Closed Meeting Verbatim Recordings and Minutes	The exhibit is updated in response to a five-year review.	☐
2:220-E3, Closed Meeting Minutes	The exhibit is updated in response to a five-year review.	☐
2:220-E5, Semi-Annual Review of Closed Meeting Minutes	The exhibit is updated in response to a five-year review.	☐
2:220-E8, School Board Records Maintenance Requirements and FAQs	The exhibit is updated in response to a five-year review.	☐
2:230, Public Participation at School Board Meetings and Petitions to the Board	The policy, Legal References, Cross References, and footnotes are updated in response to a five-year review.	☐

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

3:70, Succession of Authority	The policy is unchanged. The footnotes are updated in response to a five-year review.	☐
4:110-AP2, Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; and Bus Driving Comments	The procedure is updated in response to a five-year review. Notice requirements for bus driving comments are clarified.	☐
4:170-AP1, E1, Accident or Injury Form	The exhibit is updated in response to a five-year review.	☐
4:170-AP1, E2, Memo to Staff Members Regarding Contacts By Media About a Crisis	The exhibit is updated in response to a five-year review.	☐
4:170-AP2, Routine Communications Concerning Safety and Security	The procedure is updated in response to: 1. 105 ILCS 5/27-240(a)(5), renumbered by P.A. 104-391; 2. The renaming of 6:235-E4, *Online Safety Resources*; and 3. Continuous improvement.	☐
4:170-AP4, National Terrorism Advisory System	The procedure is updated in response to a five-year review.	☐
4:175, Convicted Sex Offender; Screening; Notifications	The policy is unchanged. The footnotes are updated in response to a five-year review.	☐
4:180-AP1, School Action Steps for Pandemic Influenza or Other Virus/Disease	The procedure is updated in response to a five-year review.	☐
5:20-AP, Sample Questions and Considerations for Conducting the Internal Harassment in the Workplace Investigation	The procedure is updated in response to a five-year review.	☐
5:40, Communicable and Chronic Infectious Disease	The policy, Legal References, and footnotes are updated in response to a five-year review.	☐
5:40-AP, Communicable and Chronic Infectious Disease	The procedure is updated in response to a five-year review.	☐
5:70, Religious Holidays	The Legal References and footnotes are updated in response to a five-year review.	☐
5:100-AP, Staff Development Program	**REFORMATTED.** The procedure is updated in response to a five-year review	☐
5:110, Recognition for Service	The policy is unchanged. The footnote is updated in response to a five-year review.	☐
5:130-AP, Email Retention	The procedure is updated in response to a five-year review.	☐
5:140, Solicitations By or From Staff	The policy is unchanged. The footnote is updated in response to a five-year review.	☐

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

5:185-AP, Resource Guide for Family and Medical Leave	The procedure is updated in response to a five-year review.	☐
5:220-E, Unsatisfactory Performance Report for Substitute Teachers	The exhibit is updated in response to a five-year review.	☐
5:240, Suspension	The policy and footnotes are updated in response to a five-year review. The policy is updated with minor style changes.	☐
5:270-E, Notice of Employment	The exhibit is updated in response to a five-year review.	☐
6:60-AP1, E2, Resources for Biking and Walking Safety Education	The exhibit is updated in response to 105 ILCS 5/27-110, renumbered by P.A. 104-391, and for continuous improvement.	☐
6:70, Teaching About Religions	The Legal References and footnotes are updated in response to Mahmoud v. Taylor, addressing opt-out from curriculum based on parent religious objections. The Legal References are also updated with a minor style change. The footnotes are also updated in response to the U.S. Dept. of Education's *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (2026), and for continuous improvement.	☐
6:70-AP, Teaching About Religions	The procedure is updated in response to in response to Mahmoud v. Taylor, addressing opt-out from curriculum based on parent religious objections.	☐
6:80, Teaching About Controversial Issues	The Legal References, Cross References, and footnotes are updated in response to Mahmoud v. Taylor, addressing opt-out from curriculum based on parent religious objections. The footnotes are also updated in response to Kluge v. Brownsburg Cmty. Sch. Corp., 150 F.4th 792, 813 (7th Cir. 2025), leaving unsettled the issue of whether a district's accommodation of a teacher's religious objection to calling students by their preferred names and pronouns was an undue hardship.	☐
6:120-AP4, Care of Students with Diabetes	The procedure is updated to correct an obsolete link to IASB's website, and for continuous improvement.	☐
6:190, Extracurricular and Co-Curricular Activities	The policy and footnotes are updated to align with the changes made to 7:330, *Student Use of Buildings – Equal Access*, and for continuous improvement.	☐
6:235-E4, ~~Keeping Yourself and Your Kids Safe on Social Networks~~ Online Safety Resources	**RENAMED & REWRITTEN.** The exhibit is renamed and rewritten in response to a five-year review.	☐
7:30, Student Assignment and Intra-District Transfer	The policy and footnotes are updated in response to a five-year review. Minor style updates are made to the policy.	☐
7:60-AP1, Challenging a Student's Residence Status	The procedure is updated in response to a five-year review.	☐
7:60-AP2, Establishing Student Residency	The procedure is updated in response to a five-year review.	☐
7:60-AP2, E1, Letter of Residence from Landlord in Lieu of Lease	The exhibit is updated in response to a five-year review.	☐

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

7:60-AP2, E2, Letters of Residence to Be Used When the Person Seeking to Enroll a Student Is Living with a District Resident	The exhibit is updated in response to a five-year review.	☐
7:60-AP2, E3, Evidence of Non-Parent's Custody, Control, and Responsibility of a Student	The exhibit is updated in response to a five-year review.	☐
7:80, Release Time for Religious Instruction/ Observance	The policy is unchanged. The footnotes are updated in response to a five-year review.	☐
7:130, Student Rights and Responsibilities	The Legal References are updated to include the Equal Access Act, Every Student Succeeds Act, Kennedy v. Bremerton Sch. Dist., and for continuous improvement. The footnotes are updated in response to: 1. U.S. Dept. of Education *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (2026); 2. Kennedy v. Bremerton Sch. Dist., addressing, in part, a student's ability to voluntarily pray alongside a staff member; 3. The Equal Access Act, 20 US.C. §4071(a), requiring districts to give certain noncurriculum related student groups access to district facilities for meetings as a condition of federal funding.	☐
7:190-E1, Aggressive Behavior Reporting Letter and Form	The exhibit is updated in response to a five-year review.	☐
7:190-E4, Acknowledgment of Receiving Student Behavior Policy and Student Conduct Code	The exhibit is updated in response to a five-year review.	☐
7:200-E1, Short Term Out-of-School Suspension (1-3 Days) Reporting Form	The exhibit is updated in response to a five-year review.	☐
7:240-AP1, Code of Conduct for Extracurricular Activities	The procedure is updated in response to a five-year review.	☐
7:330, Student Use of Buildings – Equal Access	**REWRITTEN.** The policy is rewritten for the reasons stated in the **Equal Access Act** bundle, above.	☐
7:330-E, Application ~~for~~ to Establish Noncurriculum Related Student Groups ~~t~~That Are Not School Sponsored ~~to~~ and Request for Free Use of School Premises for Meetings	**RENAMED.** The exhibit is updated for the same reasons as 7:330, *Student Use of Buildings – Equal Access*, above.	☐
8:10, Connection with the Community	The policy is unchanged. The footnotes are updated with a link to resources on best practices for school board member social media use, and for continuous improvement.	☐
8:70, Accommodating Individuals with Disabilities	The policy, Legal References, and footnotes are updated in response to a five-year review.	☐

Acknowledgement to PRESS Advisory Board

The **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice (**PRESS**) Advisory Board consists of a group of distinguished individuals, from the legal and education field. These individuals dedicate and volunteer their time to provide valuable input and suggestions on **PRESS** Issues. We appreciate their contributions and thank them sincerely.

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School Board

Public Participation at School Board Meetings and Petitions to the Board [1]

During each regular and special open meeting of the School Board or Board Committee, any person may comment to or ask questions of the ~~School~~ Board (*public participation*), subject to the reasonable constraints established and recorded in this policy~~'s guidelines below~~.[2] The Board listens to comments

DRAFT

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

[1] The Open Meetings Act (OMA) requires public bodies to have rules (a policy) on public participation. Public comment is synonymous with public participation. They are used interchangeably in the footnotes below. 5 ILCS 120/. Customize this policy to ensure it is responsive to the community's public participation needs.

OMA and the School Code grant any person the right to address a school board during any open meeting. See 5 ILCS 120/2.06, 105 ILCS 5/10-6 (board of directors), 5/10-16 (board of education), and Public Access Opinion (PAO) 19-2. See f/ns 2, 4, and 5 below for more detailed discussions.

Policy 2:110, *Qualifications, Term, and Duties of Board Officers*, governs the board president's duties, one of which is to preside at all meetings, including presiding over public participation and enforcing this policy. Enforcing this policy is key to the board conducting a successful meeting. The board president should speak with the board attorney to: (1) craft opening statements for the public participation portion of the meeting related to enforcement of this policy and consequences for violating it or any other related board policies, and (2) discuss whether the presence of security and/or law enforcement is advisable, especially when public participation is expected to be long or contentious. For ~~a~~ resources on best practices for managing challenging public comment periods, including a sample opening statement, see: www.iasb.com/policy-services-and-school-law/guidance-and-resources/managing-challenging-public-comment-periods/ and other learning opportunities through IASB's Online Learning Center, at: www.iasb.com/conference-training-and-events/training/online-learning/online-courses/.

While it does not apply directly to school boards, the Empowering Public Participation Act, 5 ILCS 850/, ~~added by P.A. 102-348,~~ prohibits law enforcement agencies or officers employed by them from intentionally conducting background checks of individuals based solely on the fact that they are speaking at an open meeting of a public body. Consult the board attorney for a discussion related to the appropriateness of board members and school officials using search engines and/or other social media platforms to search for information about individuals speaking during public participation.

[2] This sentence combines 105 ILCS 5/10-16 and 5 ILCS 120/2.06(g). Prohibiting public comment and/or restricting public comment to written filings violates the mandates and overarching purpose of OMA. Roxana CUSD No. 1 v. EPA, 998 N.E.2d 961 (Ill.App.4 2013).

While some courts have upheld public bodies limiting public comment to certain subjects, such as only subjects on the agenda or only related to the business of the public body, this sample policy does not provide default sample text for limiting public comment to certain subjects. This is because 105 ILCS 5/10-16 requires school boards to allow members of the public "to comment to or ask questions of the board." The cases in which courts upheld limiting public comment to certain subjects involved public bodies with no governing statutes that required the public body to allow the public "to comment to or **ask questions of the board."**

Consult with the board attorney for guidance before adopting a maximum time limit for public participation; public comment rules are frequently challenged. The Ill. Public Access Counselor (PAC) has issued only unpublished, non-binding opinions approving of 30- and 60-minute overall time limits for public comment under OMA. The PAC has issued a binding opinion finding that a public body violated OMA when, pursuant to an unrecorded rule, it limited public comment on a controversial topic to 15 minutes. ~~Public Access Opinion (~~PAO~~)~~ 19-2. The PAC noted that while the lack of an adopted policy on the time period for public comment did not "necessarily mean that public comment must be allowed to continue indefinitely," the public body presented "no evidence that limiting comments was necessary to maintain decorum or that extending the comment period would have unduly interfered with the orderly transaction of public business." Id. If the board wants to establish a maximum time limit for public participation, it may revise the first sentence of the paragraph as follows:

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or questions during public participation; responses to comments to or questions of the Board are most often managed through Board policy 3:30, *Chain of Command*. [3]

To preserve sufficient time for the Board to conduct its business, any person appearing before the Board is expected to follow these guidelines: [4]

1. Address the Board only at the appropriate time as indicated on the agenda and when recognized by the Board President. This includes following the directives of the Board President to maintain order and decorum for all.

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

For a maximum of 60 minutes ~~D~~during each regular and special open meeting of the School Board or Board Committee, any person may comment to or ask questions of the ~~School~~ Board (*public participation*), subject to the reasonable constraints established and recorded in this policy~~'s guidelines below~~. The time limit for public participation at a meeting may be extended upon the majority vote of the Board members at the regular or special meeting.

If a board wants to establish a time limit other than 60 minutes, substitute with the time limit desired. Note that any extension of a public comment period cannot be based on the viewpoint of a speaker(s).

[3] The law does not require board members to respond during public participation, and best practices for meetings instruct board members to refrain from engaging in commentary with members of the public during public participation.

[4] OMA does not but PAO 19-2 does provide specific rules. These guidelines may be amended. The guidelines for public comment and the time limits (if any) should be reviewed with the board attorney. Restrictions on public comment during board meetings must respect free speech rights guaranteed by the First Amendment. Do not use viewpoint-based restrictions on public comment time unless approved by the board attorney. Many decisions address the tension between free speech and rules for public comment during meetings. See, for example:

Mnyofu v. Rich Twp. High Sch. Dist., 2007 WL 1308523 (N.D.Ill. 2007)(school boards may impose guidelines for running meetings to maintain effectiveness).

PAO 19-2 (~~T~~the PAC ordered a board to refrain from applying unestablished and unrecorded rules to restrict public comment at future meetings stating, "Though a public body has inherent authority to conduct its meetings in an efficient manner and need not allow public comment to continue indefinitely, there was no evidence that capping public comment to 15 minutes was necessary to maintain decorum or that extending the comment period would have unduly interfered with the orderly transaction of public business.").

PAO 21-9 (The PAC found a board violated OMA when it required public comments about retention of a coach to be made in closed, rather than open, session).

PAO 26-1 (The PAC suggested that a public body can cut off inflammatory comments that disrupt a meeting because the content is profane or insulting, even in the absence of a specific rule; however, a public body cannot cut off a speaker simply because they name a certain member of the board). Note that this sample policy incorporates the rules in sample policy 8:30, *Visitors to and Conduct on School Property*, which, in part, prohibits threats, harassment, and obscenity).

Lowery v. Jefferson Co. Bd of Educ., 586 F.3d 427 (6th Cir. 2009)(upheld a rule prohibiting speakers from being frivolous, repetitive, or harassing).

Steinburg v. Chesterfield Cnty. Planning Comm'n, 527 F.3d 377 (4th Cir. 2008), *cert. denied* (upheld removal of a man from a public meeting for behaving in a hostile manner).

Norse v. City of Santa Cruz, 629 F.3d 966 (9th Cir. 2010)(remanded a decision upholding community member's removal from city council meeting after community member gave a Nazi salute in presiding officer's direction, which is considered as classic viewpoint discrimination for which city council members were not entitled to qualified immunity).

Fairchild v. Liberty Indep. Sch. Dist., 597 F.3d 747 (5th Cir. 2010)(upheld a policy banning discussion of personnel matters during public comment; the rationale turned, at least in part, on the Texas open meetings law).

Bach v. Sch. Bd. of the City of Virginia Beach, 139 F.Supp.2d 738 (E.D.Va. 2001)(struck down a rule that prohibited personal attacks during public comments at meetings).

Ison v. Madison Local Sch. Dist. Bd. of Educ., 3 F.4th 887 (6th Cir. 2021)(found a policy prohibiting statements that were personally directed, abusive, or antagonistic constituted viewpoint discrimination in violation of the First Amendment).

Platt v. Mansfield, 162 F.4th 430 (4th Cir. 2025)(holding a board policy prohibiting public comments that target, criticize, or attack individual students likely did not violate the First Amendment if applied in a nondiscriminatory manner).

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2. Use a sign-in sheet, if requested. [5]
3. Identify oneself and be brief. Ordinarily, the time for any one person to address the Board during public participation shall be limited to three~~five~~ minutes.[6] In ~~unusual~~ extenuating circumstances, e.g., to accommodate a person's disability or language interpreter, and when an individual has made a request to speak for a longer period of time, the Board President may allow a person to speak for more than three~~five~~ minutes. If multiple individuals wish to address the Board on the same subject, the group is encouraged to appoint a spokesperson.
4. Observe, when necessary and appropriate, the Board President's authority to:
    a. Shorten the time for each person to address the Board during public participation to conserve time and give the maximum number of people an opportunity to speak; and/or
    b. Determine procedural matters regarding public participation not otherwise covered in Board policy.
5. Conduct oneself with respect and civility toward others and otherwise abide by Board policy 8:30, *Visitors to and Conduct on School Property*. [7]

Petitions or written correspondence to the Board shall be presented to the Board in the next regular Board packet. [8]

Commented [DJ1]: Note to Subscribers: A three-minute time limit is suggested, based on the practice of many boards. See the discussion in footnote 6 about the length of time for public comment.

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[5] Optional. A public commenter cannot be excluded for refusing to provide his or her home address or because he or she is not a district resident. PAOs 14-9 and 19-9. Generally, a board should consult with its attorney regarding the practice of excluding public commenters for reasons relating to the sign-in sheet.

[6] Time limits for any one person to address the Board during public participation may be adjusted up~~, or down~~but consult the board attorney before setting time limits below three minutes. Based upon I.A. Rana Enterprises, Inc. v. City of Aurora, 630 F.Supp.2d 912 (N.D.Ill. 2009), many attorneys agree that speaker time limits should be a minimum of three minutes per person, but some public bodies have successfully implemented two minutes per person. This sample uses three~~five~~ minutes because it is a frequently used time limit. See I.A. Rana Enterprises, Inc. ~~v. City of Aurora, 630 F.Supp.2d 912 (N.D.Ill. 2009)~~ (finding a three-minute time limit reasonable citing Wright v. Anthony, 733 F.2d 575, 577 (8th Cir. 1984) which upheld a five-minute time limit for individual public comments and holding time limits serve "a significant governmental interest in conserving time and in ensuring that others ha[ve] an opportunity to speak"). Note that the Ill. Municipal Code, which applied to the City of Aurora in I.A. Rana Enterprises, Inc., did not have the same requirements as the School Code to allow members of the public to "comment to or ask questions of the board." I.A. Rana Enterprises, Inc. also predated the 2011 amendments to OMA allowing "[a]ny person an opportunity to address public officials under the rules established and recorded by the public body."

~~Based upon I.A. Rana Enterprises, Inc., many attorneys agree that speaker time limits should be a minimum of three minutes per person, but some public bodies have successfully implemented two minutes per person. Consult the board attorney before setting time limits below three minutes.~~

[7] See sample policy 8:30, *Visitors to and Conduct on School Property*, at f/n 23, for a discussion regarding exclusion of persons from board meetings for their failure to follow conduct rules ~~Nuding v. Cerro Gordo CUSD, 313 Ill.App.3d 344 (4th Dist. 2000)(board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting)~~.

Initiating lawsuits against citizens over their uncivil public comments is tricky. Always consult the board attorney, and in some instances, a board member may need to consult his or her own private attorney. The Ill. Citizen Participation Act (CPA) (735 ILCS 110/15) provides citizens a mechanism to stop lawsuits brought against them for their public comments. The law, referred to as *anti-SLAPP legislation*, prohibits public officials from suing citizens for "any act or acts in furtherance of [their] rights of petition, speech, association, or to otherwise participate in government." SLAPP means *Strategic Lawsuits Against Public Participation*.

The CPA does not bar public officials from seeking relief when they can allege that (a) the citizen's comments were "not genuinely aimed at procuring favorable government action, result, or outcome," and/or (b) the citizen engaged in defamation or another intentional tort causing the public official damage. See Sandholm v. Kuecker, 962 N.E.2d 418 (Ill. 2012).

[8] A board of school directors must reply to a written request for consideration of a matter within 60 days from the board's receipt of the request. 105 ILCS 5/10-6. Boards of education may treat petitions or correspondence according to a uniform, locally developed process, e.g., a board may wish to limit petitions and written correspondence presented to the board to those that are received at the district office via mail or hand delivery.

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LEGAL REF.: 105 ILCS 5/10-6 and 5/10-16.
5 ILCS 120/2.06, Open Meetings Act.
I.A. Rana Enterprises, Inc. v. City of Aurora, 630 F.Supp.2d 912 (N.D.Ill. 2009).

CROSS REF.: 3:30 (Chain of Command), 2:220 (School Board Meeting Procedure), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

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General School Administration

Succession of Authority

If the Superintendent, Building Principal, or other administrator is temporarily unavailable, the succession of authority and responsibility of the respective office shall follow a succession plan, developed by the Superintendent and submitted to the School Board. [1]

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 3:30 (Chain of Command)

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[1] This policy is at the local board's discretion. Submitting the succession plan to the board provides an opportunity for the superintendent to manage the district and provide leadership for the staff while allowing the board to monitor this policy and stay informed. See the IASB's *Foundational Principles of Effective Governance* at: www.iasb.com/training-and-events/training/training-resources/foundational-principles-of-effective-governance~~www.iasb.com/pdf/found_prin.pdf~~. A board may want to approve the succession plan used in the event of an administrator's temporary absence and, if so, should delete ~~submitted to~~ and replace it with "approved by".

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Operational Services

Convicted Child Sex Offender; Screening; 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 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 sample policy 4:170, *Safety*.

[2] 720 ILCS 5/11-9.3, amended by P.A. 104-245, 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 Sch. Dist., 2006 WL 44304 (C.D.Ill. 2006). See also sample policy 8:30, *Visitors to and Conduct on School Property*.

[3] 720 ILCS 5/11-9.3(a). 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 sample policy 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 Ill. State Police (ISP) Sex Offender Registry, https://sor.isp.illinois.gov/sorpublic/~~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, amended by P.A. 103-1071. The database is updated daily and allows searching by name, city, county, ~~zip~~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 school counselor designated by the principal; the school must keep the registration form separately from the student's school records. 730 ILCS 152/121(b)~~, amended by P.A. 102-197~~.

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Screening [5]

The Superintendent or designee shall perform fingerprint-based criminal history records information checks and/or screenings required by State law or Board policy for employees; student teachers; students doing field or clinical experience other than student teaching;[6] contractors' employees who have direct, daily contact with one or more children; and resource persons and volunteers. The Board President shall ensure that these checks are completed for the Superintendent. He or she shall take appropriate action based on the result of any criminal background check and/or screen. [7]

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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] The law is silent with regard to *screening* volunteers and individuals in the proximity of a school. Screening and *fingerprint-based criminal history records checks* are different. See sample administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*, for further distinctions.

The School Code requires school districts to perform a *fingerprint-based criminal history records check* through (a) the ISP for an individual's Criminal History Records Information (CHRI) and (b) the Federal Bureau of Investigation's national crime information databases. 105 ILCS 5/10-21.9(a), (a-5) and (a-6)~~, amended by P.A. 101-531~~.

Screening only involves checking an individual's name and address against publicly-available databases and information provided for local law enforcement like the: (1) Illinois Sex Offender Registry, https://sor.isp.illinois.gov/sorpublic/~~www.isp.state.il.us/sor/~~, and (2) the Violent Offender Against Youth Registry maintained by the ISP, https://sor.isp.illinois.gov/sorpublic/~~www.isp.state.il.us/cmvo/~~. Screening must be done for employment applicants and repeatedly at least once every five years that an individual remains employed by the district. 105 ILCS 5/10-21.9(a-5) and (a-6)~~, amended by P.A. 101-531~~. See sample policy 5:30, *Hiring Process and Criteria*~~;~~, and its accompanying sample administrative procedure 5:30-AP2, *Investigations*~~;~~ See also sample policy 6:250, *Community Resource Persons and Volunteers*~~;~~, and its accompanying sample administrative procedure 6:250-AP, *Resource Persons and/or School Volunteers; Screening*.

[6] *Field experiences* mean a variety of early and ongoing field-based opportunities in which candidates may observe, assist, tutor, instruct, or conduct research, and they may occur in off-campus settings such as schools, community centers, or homeless shelters. 23 Ill.Admin.Code §25.610. *Clinical experiences* are part of the professional preparation program enabling candidates for licensure to acquire practical experience alongside theoretical knowledge prior to assuming the full responsibilities of the role for which they are seeking licensure. Id. Clinical experiences include pre-student teaching field experiences and student teaching. Id. Field or clinical experiences other than student teaching often provide aspiring educators with structured, hands-on, supervised experiences in real schools to help them learn how to teach.

[7] If permitted by federal or State law, when a fingerprint-based criminal history records check returns a *conviction* of a crime set forth in 105 ILCS 5/21B-80 or when a screening finds a *registration* for an individual licensed by the Ill. State Board of Education (ISBE), the superintendent or regional superintendent must notify the ISBE Superintendent in writing within 15 business days. 105 ILCS 5/10-21.9(e)~~, amended by P.A.s 101-531 and 101-643~~. Contact the board attorney for guidance regarding disclosures permitted by federal or State law.

By comparison, when a fingerprint-based criminal history records check returns a pending criminal charge for an offense set forth in 105 ILCS 5/21B-80, the superintendent, regional office of education, or entity that provides background checks, must notify the ISBE Superintendent within 10 days. Id. 105 ILCS 5/10-21.9(e)~~, amended by P.A. 101-643,~~ does not state whether the notice requirement is calendar days or business days. Support for it being business days is found later in 105 ILCS 5/10-21.9(e), which requires that notice for convictions be provided within 15 business days. Additionally, while notice for pending criminal charges is not required to be "in writing," for ease of use, consistency in administration, alignment with the requirement to provide written notice for convictions, and best practices this sample text states the State Superintendent will also be notified of pending criminal charges in writing. Consult the board attorney for further guidance.

If an indicated report by the Ill. Dept. of Children and Family Services or by a child welfare agency of another jurisdiction is found, the board must consider the individual's status as a condition of student teaching or employment. 105 ILCS 5/10-21.9(c) and (g)~~, amended by P.A. 101-531~~. The statute does bar an individual with an indicated finding from student teaching; however, that is the most logical interpretation.

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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.[8] 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.[9] This notification must occur during school registration and at other times as the Superintendent or Building Principal determines advisable.

LEGAL REF.: 20 U.S.C. §7926, Elementary and Secondary Education Act.
20 ILCS 2635/, Uniform Conviction Information Act.
720 ILCS 5/11-9.3, Criminal Code of 2012.
730 ILCS 152/, Sex Offender Community Notification Law.
730 ILCS 154/75-105, Murderer and Violent Offender Against Youth Community Notification Law.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:60 (Administrative Responsibility of the Building Principal), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:30 (Hiring Process and Criteria), 5:260 (Student Teachers), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

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When a criminal sexual offense is committed or alleged to have been committed by a district employee or contractor, law enforcement shall immediately transmit a copy of the criminal history record information relating to the investigation of the offense/alleged offense to the superintendent. This transmission will occur either upon the superintendent's request or, if the law enforcement agency knows the offender/alleged offender is employed by a district, automatically. 725 ILCS 191/15~~, added by P.A. 102-652~~. See sample administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*.

[8] Sex Offender Community Notification Law, 730 ILCS 152/; Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-154/105. 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 sample administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*, for implementing procedures.

Upon arrest after commencement of a prosecution for a sex offense against an individual known to be a school employee, the State's Attorney must provide the superintendent or school administrator of the employing school with a copy of the complaint, information, or indictment. 725 ILCS 5/111-1(ce)~~, added by P.A. 101-521~~.

[9] 730 ILCS 152/120(g) 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. 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.

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General Personnel

Communicable and Chronic Infectious Disease [1]

The Superintendent or designee shall develop and implement procedures for managing known or suspected cases of a communicable and chronic infectious disease involving District employees that are consistent with State and federal law, Ill.~~inois~~ Dept.~~artment~~ of Public Health rules, and School Board policies.[2]

An employee with a communicable or chronic infectious disease is encouraged to self-report to~~inform~~ the Superintendent immediately and grant consent to being monitored by the District's Communicable and Chronic Infectious Disease Review Team (CCIDRT). The CCIDRT~~Review Team~~, if used, provides information and recommendations to the Superintendent concerning the employee's conditions of employment and necessary accommodations. The CCIDRT~~Review Team~~ shall hold the employee's

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[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. This policy concerns a topic on which a board should seek legal advice before proceeding.

[2] District employment is contingent upon satisfactory results of a physical examination and freedom from communicable diseases. 105 ILCS 5/24-5. The U.S. Supreme Court, however, has held that the Rehabilitation Act prohibits discrimination against a person ~~handicapped by~~who has a disability due to a communicable disease, provided that person is "otherwise qualified" to perform the job. Sch. Bd. of Nassau County, Fla. v. Arline, 480 U.S. 273 (1987) (teacher with tuberculosis was protected by the Rehabilitation Act). ~~The decision supports the position that an HIV-positive employee or applicant who is "otherwise qualified" to perform the job must be reasonably accommodated despite having AIDS.~~ For additional guidance regarding COVID-19, see the U.S. Equal Employment Opportunity Commission's (EEOC's) *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws* (2023), at: www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws

~~Following the expansion of the definition of a disability under the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325, the ADAAA may protect an HIV-positive employee or applicant. 42 U.S.C. §12102(2)(A); 29 C.F.R. Part 1630. The federal government's position is that HIV infection qualifies as a disability under the Americans ADAAA.~~ and for HIV/AIDS, see~~See:~~ www.ada.gov/resources/protecting-rights-persons-hiv/~~www.ada.gov/hiv/ada_hiv_enforcement.htm~~ (U.S. Dept. of Justice) and www.eeoc.gov/laws/guidance/living-hiv-infection-your-legal-rights-workplace-under-ada ~~www.eeoc.gov/eeoc/publications/hiv_individual.cfm~~ (~~U.S. Equal Employment Opportunity Commission~~ (EEOC)~~). The EEOC also issued guidance on COVID-19 as a potential disability requiring accommodation under the ADA, see *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws* (updated 12-14-21) at: www.eeoc.gov/coronavirus~~.

For a discussion of guidance and challenges related to school personnel vaccination/testing mandates and other mitigations during the COVID-19 pandemic, see sample policy 4:180, *Pandemic Preparedness; Management; and Recovery*, at f/n 5.

Other contagious diseases may also qualify as disabilities under the ADAAA; however, employers are not required to accommodate employees in those cases where there is an actual direct threat to the health or safety of others that cannot be eliminated or reduced by reasonable accommodation. 29 C.F.R. §1630.2(r). Boards should consult with their attorneys regarding how the ADAAA and its implementing regulations impact the employment of an individual with a communicable disease who is otherwise qualified to perform the job.

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medical condition and records in strictest confidence, except to the extent allowed to be disclosed by law. [3]

An employee with a communicable or chronic infectious disease will be permitted to retain his or her position whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions.[4] An employee with a communicable and chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

LEGAL REF.: 42 U.S.C. §12101 et seq., Americans With Disabilities Act, amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325; 29 C.F.R. §1630.1 et seq.
29 U.S.C. §791, Rehabilitation Act of 1973; 34 C.F.R. §104.1 et seq.
105 ILCS 5/24-5.
20 ILCS 2305/6, Department of Public Health Act.
820 ILCS 40/, Personnel Record Review Act.
77 Ill.Admin.Code Part 690, Control of ~~Communicable Diseases~~Notifiable Diseases and Conditions Code.

CROSS REF.: 2:150 (Committees), 4:180 (Pandemic Preparedness; Management; and Recovery), 5:30 (Hiring Process and Criteria), 5:180 (Temporary Illness or Temporary Incapacity)

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[3] This paragraph is optional. While not required by law, the creation and use of a Communicable and Chronic Infectious Disease Review Team (CCIDRT) could greatly assist a district's efforts to review data on an employee who has a communicable or infectious disease. Its members are appointed by the superintendent according to sample policy 2:150, *Committees*. Whether the CCIDRT is an administrative committee organized by the superintendent and/or administrators or a board committee subject to the Open Meetings Act must be discussed with the board attorney (see also sample administrative procedure 2:150-AP, *Superintendent Committees*). The CCIDRT is guided by the board's policies, Ill. Dept. of Public Health rules and regulations, and all other applicable State and federal laws. The CCIDRT also consults the employee's personal physician and local health department officials before making any recommendations.

The Americans with Disabilities Act (ADA) specifies that only an employee's direct supervisor and someone who would need to know in the event of an emergency may have access to an employee's medical records. 42 U.S.C. §12112(d). The ~~Review Team~~CCIDRT's ability to operate may depend on the employee's waiver of the ADA's confidentiality provisions.

[4] Required by 42 U.S.C. §12101 et seq. See also f/n 2, above.

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General Personnel

Religious Holidays [1]

The Superintendent shall grant an employee's request for time off to observe a religious holiday if the employee gives at least five days' prior notice and the absence does not cause an undue hardship. [2]

Employees may use earned vacation time or personal leave to make up the absence, provided such time is consistent with the District's operational needs. A per diem deduction may also be requested by the employee. [3]

LEGAL REF.: 775 ILCS 5/2-101 and 5/2-102, Ill. Human Rights Act.
775 ILCS 35/~~1~~55, Religious Freedom Restoration Act.

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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.

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. If a local collective bargaining agreement contains a provision on religious holidays, it will supersede this policy for those covered employees. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement(s)." For employees not covered, the policy should reflect the board's current practice.

[2] *Religion* includes "all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business." 775 ILCS 5/2-101(F). School employers may require employees to provide notice of their intention to be absent, but may not require more than ~~up to~~ five days' notice before being absent for a religious holiday. 775 ILCS 5/2-102(E). A board that wishes to require fewer days' notice may modify the number of days.

[3] Not provided by law and optional.

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General Personnel

Recognition for Service [1]

The School Board will periodically recognize those District employees who contribute significantly to the educational programs and welfare of the students.

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[1] Nothing in this policy is required by law and districts should customize it to meet their needs. School districts and communities can honor local people for their contributions to local elementary and secondary schools through the following annual Ill. State Board of Education programs: Illinois Teacher of the Year, Those Who Excel, ~~Illinois Excellence in Education, and~~ Gilder Lehrman National History Teacher of the Year Award, and Recognizing Inspirational School Employees (RISE) Award. Further information is available online at: www.isbe.net/Pages/Elevating-Educators.aspx.

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General Personnel

Solicitations By or From Staff [1]

District employees shall not solicit donations or sales, nor shall they be solicited for donations or sales, on school grounds without prior approval from the Superintendent.

CROSS REF.: 8:90 (Parent Organizations and Booster Clubs)

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[1] 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. If a local collective bargaining agreement contains a provision on this issue, it will supersede this policy for those covered employees. In such cases, the ~~board~~ policy should be amended to state, "Please refer to the applicable collective bargaining agreement." For employees not covered, the policy should reflect the board's current practice.

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Professional Personnel

Suspension [1]

Suspension Without Pay [2]

The School Board may suspend a professional employee without pay: (1) ~~a professional employee~~ pending a dismissal hearing, or (2) ~~a teacher~~ as a disciplinary measure for up to 30 employment days for misconduct that is detrimental to the ~~School~~ District. A *professional employee* means a non-administrator employee who holds a professional educator license. Administrative staff members may not be suspended without pay as a disciplinary measure. [3]

Misconduct that is detrimental to the ~~School~~ District includes:

- Insubordination, including any failure to follow an oral or written directive from a supervisor;
- Violation of Board policy or a~~A~~dministrative p~~P~~rocedure;
- Conduct that disrupts or may disrupt the educational program or process;
- Conduct that violates any State or federal law that relates to the employee's duties; and
- Other sufficient causes.

The Superintendent or designee is authorized to issue a pre-suspension notification to a professional employee. This notification shall include the length and reason for the suspension as well as the deadline for the employee to exercise his or her right to appeal the suspension to the Board or Board-appointed

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[1] State and federal law control this policy's content. The School Code provides that, "[i]f, in the opinion of the board, the interests of the school require it, the board may suspend the teacher **without pay**, pending the hearing, but if the board's dismissal or removal is not sustained, the teacher shall not suffer the loss of any salary or benefits by reason of the suspension," 105 ILCS 5/24-12(d)(1).

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. If a local collective bargaining agreement contains provisions on suspension, it will supersede this policy for those covered employees. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement." For employees not covered, the policy should reflect the board's current practice.

A superintendent or board should consult the board attorney before taking any action to suspend a licensed employee, with or without pay.

[2] Under the wage and hours rules, employees who are exempt from overtime requirements become eligible for overtime if they are subject to disciplinary suspensions without pay. Auer v. Robbins, 519 U.S. 452 (1997). Teachers are exempt from this rule. Although the U.S. Dept. of Labor modified this rule in 2004, the Illinois legislature rejected these rule changes. 820 ILCS 105/4a. Illinois employers must use the federal rules as they existed on March 30, 2003. This sample policy takes a conservative approach: it does not subject non-teaching professional employees to disciplinary suspensions without pay. Some attorneys believe that non-teaching exempt employees, e.g., administrators, will remain exempt from the Fair Labor Standards Act's overtime requirements as long as suspensions are in increments of a full work week - not day-by-day. Contact the board attorney for an opinion.

The 30-day limit may be modified or deleted.

[3] A difference of opinion exists among attorneys concerning whether a board is permitted to authorize the superintendent to suspend teachers without pay. Some attorneys believe such a delegation is void because of the language in 105 ILCS 5/24-12(d)(1), quoted in f/n 1. Others believe that a board may delegate the authority to the superintendent to suspend teachers without pay as a disciplinary measure as opposed to pending a dismissal hearing. Contact the board attorney for advice if the board wants to authorize the superintendent to suspend professional employees without pay.

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hearing examiner before it is imposed. At the request of the professional employee made within five calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing.[4] The Board or its designee shall notify the professional employee of the date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence. If the employee does not appeal the pre-suspension notification, the Superintendent or designee shall report the action to the Board at its next regularly scheduled meeting.

Suspension With Pay [5]

The Board or Superintendent or designee may suspend a professional employee with pay: (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the ~~School~~ District's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the ~~School~~ District as defined above, or (3) pending a Board hearing to suspend a professional employee~~teacher~~ without pay.

The Superintendent shall meet with the employee to present the allegations and give the employee an opportunity to refute the charges. The employee will be told the dates and times the suspension will begin and end. [6]

Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS) [7]

Upon receipt of a DCFS recommendation that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation ~~that relates to his or her employment with the District~~, the Board or Superintendent or designee,[8] in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended by DCFS, proceeding with:
    a. A suspension with pay; or

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[4] Some case law suggests a separate hearing must be held before any suspension without pay is invoked: Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985); Barszcz v. Cmty. College Dist. No. 504, 400 F.Supp. 675 (N.D. Ill. 1975); Massie v. East St. Louis Sch. Dist. No. 189, 203 Ill.App.3d 965 (5th Dist.1990); Spinelli v. Immanuel Lutheran Evangelical Congregation, Inc., 118 Ill.2d 389 (1987).

[5] Suspending a professional employee without pay is commonly referred to as putting the employee on *paid administrative leave*.

[6] Only minimal due process is required before a suspension with pay because the property interests at stake are insignificant. Some due process is recommended, however, because a suspension might jeopardize a teacher's good standing in the community and thus infringe the teacher's liberty interests protected by the Constitution. The following option places a ceiling on the number of suspension-with-pay days; the 30-day limit may be modified:

No suspension with pay shall exceed 30 school or working days in length.

[7] Optional. 325 ILCS 5/7.4(c-10~~5~~). Consult the board attorney about suspending an employee without pay pursuant to a *DCFS 325 ILCS 5/7.4(c-10~~5~~)-recommendation*. This language balances the interests of student safety and employee due process when the district receives a recommendation to a remove an employee who is the subject of a DCFS investigation from employment.

Note: Liability may exist when a district receives a *325 ILCS 5/7.4(c-10~~5~~)-recommendation* and does not remove the employee as a result. Consider In re Estate of Stewart v. Oswego Cmty. Unit. Sch. Dist. No. 308, 406 Ill.Dec. 345 (2nd Dist. 2016)(finding district's response to a student health emergency was willful and wanton as it had prior information regarding appropriate response protocols and denying tort immunity to district); In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017)(school district's appeal denied).

[8] The text "Board or Superintendent or designee" allows flexibility if the Superintendent were the subject of a DCFS investigation.

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3. A suspension without pay.

Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, then the employee must repay to the District all compensation and the value of all benefits received by him or her during the suspension.[9] The Superintendent will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 105 ILCS 5/24-12.
5 ILCS 430/5-60(b), State Officials and Employee Ethics Act.
325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.
Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).
Barszcz v. Cmty. College Dist. No. 504, 400 F.Supp. 675 (N.D. Ill. 1975).
Massie v. East St. Louis Sch. Dist. No.189, 203 Ill.App.3d 965 (5th Dist. 1990).

CROSS REF.: 5:290 (Employment Termination and Suspensions)

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[9] This sentence restates State law. 5 ILCS 430/5-60(b).

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Instruction

Teaching About Religions [1]

The School District's curriculum may include the study of religions as they relate to geography, history, culture, and the development of various ethnic groups. The study of religions shall give neither preferential nor derogatory treatment to any single religion, religious belief, or to religion in general. The study of religions shall be treated as an academic subject with no emphasis on the advancement or practice of religion. [2]

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] Conducting or sponsoring religious practices in public schools violates the First Amendment to the U.S. Constitution. A school district may not provide for religious instruction on public school property. McCollum v. Bd. of Educ., 333 U.S. 203 (1948); Engel v. Vitale, 370 U.S. 421 (1962) (daily classroom invocation of God's blessings as prescribed in prayer was a "religious activity"~~reciting a prayer~~); Sch. Dist. of Abington Twp v. Schempp, 374 U.S. 203 (1963) and Chamberlin v. Dade Co. Bd. of Public Instruction, 377 U.S. 402 (1964) (B~~b~~ible reading and prayer); Stone v. Graham, 449 U.S. 39 (1980) (posting of the Ten Commandments in every classroom); and Wallace v. Jaffree, 472 U.S. 38 (1985) (a daily ~~moment~~ one-minute period of silence for "meditation ~~and~~ or voluntary prayer"). Consult the board attorney when faced with questions regarding religious expression or displays in school.

See also Kitzmiller v. Dover Area Sch. Dist., 400 F.Supp.2d 707 (M.D.Pa. 2005). This decision struck a policy on the teaching of intelligent design in high school biology class. The policy required students to hear a statement mentioning intelligent design as an alternative to Darwin's theory of evolution. The court held that it amounted to an endorsement of religion in violation of the Establishment Clause.

The Establishment Clause, however, permits teaching about religion as part of a balanced, secular education. Thus, the study of the Bible or religion is permissible when presented objectively as part of a secular education. Abington at 225 and see also Hilsenrath on behalf of C.H. v. Sch. Dist. of Chathams, 136 F.4th 484 (3d Cir. 2025) (inclusion of instructional videos about Islam was neutral where there was no coercion or preferential treatment of one religion over another as part of a curriculum that included various religions).

See also ~~Subsection III(B), *Teaching about Religion,* of the U.S. Dept. of Educ.'s *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (1-16-20), at: www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html.~~ U.S. Dept. of Education Prayer Guidance, at: www.ed.gov/media/document/2026-guidance-constitutionally-protected-prayer-and-religious-expression-public-elementary-and-secondary-schools-113182.pdf.

Families of diverse religious faiths objected to a mandatory public elementary school curriculum endorsing homosexual unions and transgender identities, arguing that their religious convictions conflicted with that curriculum's messages about sexuality and gender identity in Mahmoud v. Taylor, 606 U.S. 522 (2025). The U.S. Supreme Court held that a public school "burdens the religious exercise of parents when it requires them to submit their children to instruction that poses 'a very real threat of undermining' the religious beliefs and practices that the parents wish to instill." Id. at 530. Consult the board attorney on questions related to religious opt-outs from curriculum and see sample policy 6:260, *Complaints About Curriculum, Instructional Materials, and Programs*, and its f/n 3.

Generally, holiday observations will survive constitutional scrutiny if they advance society's cultural and religious heritage or provide an opportunity for students to perform a full range of music, poetry, and drama that is likely to interest the students and their audience. Florey v. Sioux Falls Sch. Dist., 619 F.2d 1311 (8th Cir. 1980), approved a school board policy concerning holiday observations. That policy acknowledged that the school district would not promote a religious belief or non-belief. The policy allowed the historical and contemporary values and origins of religious holidays to be explained in an unbiased and objective manner. Furthermore, it permitted the use of religious music, art, literature, and symbols if presented in an objective manner and as part of the cultural and religious heritage of the particular holiday. The Court believed that Christmas programs, including Christmas carols, allowed students to learn about this country's customs and cultural heritage. A student who objects to participating in such programs must be accommodated.

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LEGAL REF.: Mahmoud v. Taylor, 606 U.S. 522 (2025).
Allegheny County v. ACLU Pittsburgh Chapter, 492 U.S. 573 (1989).
School Dist. of Abington Twp v. Schempp, 374 U.S. 203 (1963).
~~Allegheny County v. ACLU Pittsburgh Chapter, 492 U.S. 573 (1989).~~

CROSS REF.: 6:20 (School Year Calendar and Day), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:255 (Assemblies and Ceremonies)

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

Public schools are prohibited from appearing to endorse or promote religion through religious holiday displays. Whether a particular display endorses or promotes religion will depend upon the particular context in which it appears. A display that is purely religious and located prominently may send the message that the school is endorsing religion. Mixing secular symbols with the religious symbols and injecting cultural and historical messages into the holiday display will more likely make it acceptable. Allegheny Cnty. v. Pittsburgh ACLU, 492 U.S. 573 (1989). See also Freedom From Religion Foundation v. Concord Cmty. Schs., 885 F.3d 1038 (7th Cir. 2018) (finding that school's annual holiday show was not impermissibly coercive in violation of the Establishment Clause and that show's nativity scene did not endorse religion).

See also Skoros v. City of New York, 437 F.3d 1 (2nd Cir. 2006). This decision upheld a holiday display policy restricting displays to "secular" symbols, including Christmas trees, menorahs, and the star and crescent, but not allowing displays of a crèche or nativity scene. The ruling was not on the question of whether a public school ever could include a crèche in a display. Instead, the case upheld the board's decision to classify Christmas trees, menorahs, and the star and crescent as either secular or as being both religious and secular, whereas a crèche "is solely a religious symbol."

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Instruction

Teaching About Controversial Issues [1]

The Superintendent shall ensure that all school-sponsored presentations and discussions of controversial or sensitive topics in the instructional program, including those made by guest speakers, are:

- Age-appropriate. Proper decorum, considering the students' ages, should be followed.
- Consistent with the curriculum and serve an educational purpose. [2]
- Informative and present a balanced view.
- Respectful of the rights and opinions of everyone. Emotional criticisms and hurtful sarcasm should be avoided.
- Not tolerant of profanity or slander.

The District specifically reserves its right to stop any school-sponsored activity that it determines violates this policy, is harmful to the District or the students, or violates State or federal law.

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[1] 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. Before adopting this policy, a school board should review the scope of any clause on academic freedom contained in a collective bargaining agreement.

While this sample policy and its contents are discretionary with each board, its implementation should respect the constitutional rights of students and teachers to free speech and free association. The intent of this policy is to inform students, staff members, and the community that the board has established standards for the teaching and discussion of controversial topics in order to avoid culture wars from being fought in school.

In Mahmoud v. Taylor, 606 U.S. 522 (2025), the U.S. Supreme Court ruled that a district likely violated parents' free exercise rights when it refused to give notice and allow them to opt their elementary-age children out of literacy instruction that involved the use of LGBTQ+-inclusive storybooks. See discussion in f/n 3 in sample policy 6:260, *Complaints About Curriculum, Instructional Materials, and Programs*. Consult the board attorney regarding curriculum objections.

[2] Public employee First Amendment issues involve the balance between the importance of the speech and the district's interest in maintaining order and effective school operations. The First Amendment "does not entitle primary and secondary teachers, when conducting the education of captive audiences, to cover topics, or advocate viewpoints, that depart from the curriculum adopted by the school system." Mayer v. Monroe Cnty. Cmty. Sch. Corp., 474 F.3d 477, 480 (7th Cir. 2007). See also Brown v. Chicago Bd. of Educ., 824 F.3d 713 (7th Cir. 2016) (upholding discipline of a teacher for violating written policy against using racial epithets in front of students even though he did so to conduct a well-intentioned discussion of why such words are hurtful and must not be used).~~,~~ But see Kluge v. Brownsburg Cmty. Sch. Corp., 150 F.4th 792, 813 (7th Cir. 2025) ~~432 F.Supp.3d 823 (S.D.Ind. 2020)~~ (~~upholding~~ remanded for further proceedings on factual issues of whether the school district bore an undue hardship when it allowed a teacher a religious accommodation to use a last-name only practice for student names instead of following the school district's~~discipline of a teacher for violating~~ written policy requiring employees to address students by their preferred names and genders). **Note:** Kluge was settled after the decision to remand, leaving these issues undetermined. Nor is the First Amendment likely to entitle a teacher to protection for purely personal speech that does not touch on a matter of public concern. See Pickering v. High Sch. Dist. 205, 391 U.S. 563 (1968). However, when public employees speak as private citizens on their own time about matters of public concern, they may face only those speech restrictions that are necessary for their employers to operate efficiently and effectively. Garcetti v. Ceballos, 547 U.S. 410 (2006).

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LEGAL REF.: Mahmoud v. Taylor, 606 U.S. 522 (2025).
Garcetti v. Ceballos, 547 U.S. 410 (2006).
Mayer v. Monroe Cnty. Cmty. Sch. Corp., 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: 6:40 (Curriculum Development), 6:255 (Assemblies and Ceremonies), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs)

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Instruction

Extracurricular and Co-Curricular Activities [1]

The Superintendent must approve an activity in order for it to be considered a District-sponsored extracurricular or co-curricular activity, using the following criteria:

1. The activity will contribute to the leadership abilities, social well-being, self-realization, good citizenship, or general growth of student-participants.
2. Fees assessed for students are reasonable and do not exceed the actual cost of operation. [2]
3. The District has sufficient financial resources for the activity.
4. Requests from students.
5. The activity will be supervised by a school-approved sponsor.

Non-~~school sponsored~~curriculum related student groups or clubs that are not school sponsored are governed by ~~School~~ Board policy~~,~~ 7:330, *Student Use of Buildings - Equal Access*. [3]

Academic Criteria for Participation

Students must satisfy all academic standards and must comply with the activity's rules and the Student Conduct Code.

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

[1] Each school board in a district that maintains any of grades 9-12 must have a *no pass-no play* policy. 105 ILCS 5/10-20.30. State or federal law controls some aspects of this policy's content. The criteria for determining whether to sponsor a specific activity is a local board decision, except that an ISBE rule requires that: (1) programs for extra classroom activities provide opportunities for all students; (2) the desires of the student body be considered; and (3) co-curricular activities be carefully supervised by a school-approved sponsor. 23 Ill.Admin.Code §1.420(j).

As State law does not define extracurricular or co-curricular, a board may desire to explain these terms in the policy, such as by including the following option at the beginning of the policy:

> Extracurricular or co-curricular activities are school-sponsored programs for which some or all of the activities are outside the instructional day. They do not include field trips, homework, or occasional work required outside the school day for a scheduled class. *Co-curricular activity* refers to an activity associated with the curriculum in a regular classroom and is generally required for class credit. *Extracurricular activity* refers to an activity that is not part of the curriculum, is not graded, does not offer credit, and does not take place during classroom time; it includes competitive interscholastic activities and clubs.

In January 2013, the U.S. Dept. of Education, Office for Civil Rights, issued a *Dear Colleague Letter* concerning the participation of students with disabilities in extracurricular athletic activities, available at: https://downloads.microscribepub.com/il/press/federal_resources/Dear_Colleague_1_25_2013_504_proc.pdf. **Note:** This resource may no longer be available on a federal government website but is being maintained at **PRESS** Online to provide consistent subscriber access. It clarifies the types of accommodations and services that districts must provide pursuant to Section 504. ~~See www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.html.~~

[2] Optional. Assessing fees that are reasonable and do not exceed the actual cost of operation is a best practice that aligns with School Code provisions seeking to minimize cost barriers to students and parents/guardians. See 105 ILCS ~~5/2-3.71a(d),~~ 5/10-22.18b~~,~~ and 5/10-22.18d.

[3] *Non-curriculum related student groups* ~~extracurricular activities~~ that meet during *non-instructional time* in secondary schools trigger the Equal Access Act (EAA) (20 U.S.C. §4071 et seq.). The EAA prohibits the school from denying fair opportunity or *equal access* to any students who wish to conduct a meeting within a limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such a meeting. The U.S. Supreme Court interpreted "non-curriculum related student group" as any student group that does not directly relate to the body of courses offered by the school. Bd. of Ed. of Westside Community Sch. Dist. v. Mergens, 496 U.S. 226 (1990). See also discussion in f/n 1 in sample policy 7:330, *Student Use of Buildings - Equal Access*.

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For students in kindergarten through 8th grade,[4] selection of members or participants is at the discretion of the teachers, sponsors, or coaches, provided that the selection criteria conform to the District's policies. ~~Students must satisfy all academic standards and must comply with the activity's rules and the student conduct code.~~

For high school students,[5] selection of members or participants is at the discretion of the teachers, sponsors, or coaches, provided that the selection criteria conform to the District's policies. Participation in co-curricular activities is dependent upon course selection and successful progress in those courses. In order to be eligible to participate in any school-sponsored or school-supported athletic or extracurricular activity, a student must maintain an overall ___ grade point average.[6] Any student-participant failing to meet these academic criteria shall be suspended from the activity for ___ calendar days or until the specified academic criteria are met, whichever is longer. [7]

LEGAL REF.: 105 ILCS 5/10-20.30 and 5/24-24.

CROSS REF.: 4:170 (Safety), 7:10 (Equal Educational Opportunities), 7:40 (Nonpublic School Students, Including Parochial and Home-Schooled Students), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:300 (Extracurricular Athletics), 7:330 (Student Use of Buildings - Equal Access), 8:20 (Community Use of School Facilities)

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

[4] High school districts should omit this paragraph.

[5] Elementary districts should omit this paragraph.

[6] Each board in a district that maintains any of grades 9-12 must have a *no pass-no play* policy. 105 ILCS 5/10-20.30. The policy must specify a minimum grade point average (left blank in the sample policy) AND/OR a minimum grade in each course, such as *passing* (see alternatives below). The policy must provide a suspension period – stated in sample policy as "___ calendar days or until the specified academic criteria are met, whichever is longer." The procedure for implementing this policy is an administrative, management function. Alternatives follow:

Alternative 1: …a student must maintain an overall ___ grade point average and a passing grade [or minimum grade of ___] in each course the student is enrolled.

Alternative 2: …a student must maintain a passing grade [or minimum grade of ___] in each course the student is enrolled.

Alternative 3: …a student must satisfy the Illinois High School Association's scholastic standing requirements [doing passing work in at least 25 credit hours of high school work per week].

[7] Alternatives include:

Alternative 1: …shall be suspended from the activity for ___ calendar days. *[Delete the rest of the sentence.]*

Alternative 2: …shall be suspended from the activity until the specified academic criteria are met.

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Students

Student Assignment and Intra-District Transfer [1]

Attendance Areas

The ~~School~~ District is divided into school attendance areas. The Superintendent will:

1. Review the boundary lines annually and recommend to the School Board any changes or revisions for existing units; or
2. Create new units using a lens that considers preventing segregation and the elimination of separating students in the District's schools because of color, race, or nationality. [2]

The Superintendent or designee shall maintain a map of the District showing current school attendance areas. All records pertaining to the creation, alteration, or revision of attendance units are open to the public.[3] Students living in a given school attendance area will be assigned to that school.[4] Homeless children shall be assigned according to Board policy 6:140, *Education of Homeless Children*.

Transfers Within the District [5]

A student's parent(s)/guardian(s) may request a transfer for their child to a District school other than the one assigned. A request should be directed to the Superintendent, who, at his or her sole discretion, may grant the request when the parent(s)/guardian(s) demonstrate that the student could be better accommodated at another school, provided space is available. If a request is granted, the parent/guardian shall be responsible for transportation.[6] The provisions in this section have no applicability to transfers pursuant to the Unsafe School Choice Option covered in Board policy 4:170, *Safety*.

Class Assignments

The Superintendent or designee shall assign students to classes.

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

[1] 105 ILCS 5/10-21.3a requires that intra-district transfers be covered by policy and controls this policy's content.

[2] 105 ILCS 5/10-21.3 requires school attendance areas to be periodically revised, if necessary, to prevent or eliminate segregation by color, race, or nationality. Note that the law uses the term units, but that these are often referred to as attendance areas; this policy uses both terms.

[3] Id.

[4] 105 ILCS 5/10-22.5 grants boards broad authority concerning assignment of students to schools. A child is presumed to be a resident of the district in which the child's legal custodian resides. 105 ILCS 5/10-20.12b, amended by P.A. 103-629. The facts surrounding a transfer of custody will determine whether residency for school attendance purposes has changed. Turner v. Bd. of Educ. North Chicago Cmty. High Sch. Dist. 123, 294 N.E.2d 264 (Ill. 1973).

[5] The details for intra-district transfers are determined locally; State law does not address when, or even if, intra-district transfers should be granted. For districts that maintain one attendance center, delete this subhead.

[6] To limit the acceptable reasons supporting a transfer request, a board should consider this alternative: "…when the parent(s)/guardian(s) demonstrate that the student could be better accommodated by the educational program at another school … ."

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LEGAL REF.: 105 ILCS 5/10-21.3, 5/10-21.3a, and 5/10-22.5.

CROSS REF.: 4:170 (Safety), 6:30 (Organization of Instruction), 6:140 (Education of Homeless Children)

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Students

Release Time for Religious Instruction/Observance [1]

A student shall be released from school, as an excused absence, because of religious reasons, including to observe a religious holiday, for religious instruction, or because the student's religion forbids secular activity on a particular day(s) or time of day. The student's parent/guardian must give written notice to the Building Principal at least five calendar days before the student's anticipated absence(s). [2]

The Superintendent or designee shall develop and distribute to teachers appropriate procedures regarding student absences for religious reasons, including how teachers are notified of a student's impending absence, and the State law requirement that teachers provide the student with an equivalent opportunity to make up any examination, study, or work requirement. [3]

LEGAL REF.: 105 ILCS 5/26-1 and 5/26-2b.
775 ILCS 35/, Religious Freedom Restoration Act.

CROSS REF.: 7:70 (Attendance and Truancy)

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

[1] State and federal laws control this policy's content. 105 ILCS 5/26-1(5)~~, amended by P.A. 102-406,~~ requires school boards to adopt a policy on student absences for religious holidays. See also 105 ILCS 5/26-2b~~, amended by P.A. 102-406~~. 105 ILCS 5/26-1(4) allows a child over 12 and less than 14 years of age to be absent from school while in attendance at confirmation classes. The sample policy does not contain these age or specific religious rite limitations in order to be consistent with First Amendment jurisprudence. According to the U. S. Supreme Court, a release time policy does not violate the Establishment Clause; it only accommodates a program of outside religious instruction. Zorach v. Clauson, 343 U.S. 306 (1952).

[2] Five days is the most prior notice that can be required. 105 ILCS 5/26-1(5). See also 775 ILCS 35/25. A board that wishes to require fewer days' notice may modify the number of days. Schools cannot require students who are excused for religious reasons to submit a written excuse after returning to school. 105 ILCS 5/26-1~~, amended by P.A. 102-406~~.

[3] 105 ILCS 5/26-1b and 26-2b~~, amended by P.A. 102-406~~.

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Students

Student Rights and Responsibilities [1]

All students are entitled to enjoy the rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.[2] Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures. [3]

Students may, during the school day, during noninstructional time, voluntarily engage in individually or collectively initiated, non-disruptive prayer or religious-based meetings that, consistent with the Free Exercise and Establishment Clauses of the U.S. and Illinois Constitutions, are not sponsored, promoted, or endorsed in any manner by the school or any school employee.[4] *Noninstructional time* means time set aside by a school before actual classroom instruction begins or after actual classroom instruction ends. [5]

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

[2] In 1969 the U.S. Supreme Court changed the relationship between schools and students by finding that students "do not shed their constitutional rights at the schoolhouse door." Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969). See also Kennedy v. Bremerton Sch. Dist., 597 U.S. 507, 527 (2022) (quoting Tinker at 506, "the First Amendment's protections extend to both 'teachers and students,'" and finding that students were not restricted from voluntarily joining in prayer with a high school football coach on the field after a game).

[3] Consult the board attorney to ensure the district's non-discrimination coordinator and complaint managers are trained to appropriately respond to allegations of discrimination based upon bullying and/or sexual violence under Title IX's sexual harassment umbrella. U.S. Dept. of Education (DOE) guidance states that while acts of sexual violence are crimes, they may also be discrimination under Title IX. See *Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts*, U.S. Dept. of Education Office for Civil Rights, 111 LRP 23852 (4-4-11), at https://obamawhitehouse.archives.gov/sites/default/files/fact_sheet_sexual_violence.pdf.

[4] This language is from 105 ILCS 20/5. The statute provides these examples of religious-based meetings: prayer groups, B I B L E (Basic Instruction Before Leaving Earth) clubs, and *meet at the flagpole for prayer* days.

In addition, federal law requires districts to certify that "no [district] policy... prevents, or otherwise denies participation in, constitutionally protected prayer in both public elementary and secondary schools." 20 U.S.C. §7904(b). The State provides certification instructions and DOE provides guidance on constitutionally protected prayer in public schools. See *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, www.ed.gov/media/document/2026-guidance-constitutionally-protected-prayer-and-religious-expression-public-elementary-and-secondary-schools-113182.pdf ~~www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html~~. Certification with the Ill. State Board of Education occurs through the signed assurances that a superintendent provides through the grant application process.

The Equal Access Act (EAA) requires a secondary school that receives federal funding and allows a *limited open forum* to grant fair opportunity or equal access to students who wish to conduct a meeting within that limited open forum without regard to the religious, political, philosophical, or other content of the speech at such a meeting. A secondary school has a *limited open forum* whenever it "grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time." 20 U.S.C. §4071(a). See f/n 1 in sample policy 7:330, *Student Use of Buildings - Equal Access*.

[5] 105 ILCS 20/5.

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LEGAL REF.: 20 U.S.C. §4071 et seq., Equal Access Act.
20 U.S.C. §7904, Every Student Succeeds Act.
Kennedy v. Bremerton Sch. Dist., 597 U.S. 507 (2022).
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).

105 ILCS 20/5, Silent Reflection and Student Prayer Act.

CROSS REF.: 7:140 (Search and Seizure), 7:150 (Agency and Law Enforcement Requests), 7:160 (Student Appearance), 7:190 (Student Behavior), 7:330 (Student Use of Buildings - Equal Access)

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Students

Student Use of Buildings - Equal Access [1]

[For high school and unit districts]

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 concerns an area in which the law is unsettled. This sample policy implements the Equal Access Act (EAA) (20 U.S.C. §4071 et seq.). The EAA applies to public secondary schools that receive federal financial assistance. The policy should be adopted by districts with secondary school(s) that wish to establish or already have a *limited open forum* as defined in the EAA and quoted below. Under the EAA, it is unlawful to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a *meeting* within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings. The term *meeting* under the EAA includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum. This prohibition and definition under the EAA are the basis for the term of art *noncurriculum related student group*. See 20 U.S.C. §§4071(a) and 4072(3).

The policy allows non-school sponsored noncurriculum related student groups to meet on school premises, free of charge, on the same basis that other non-school sponsored noncurriculum related student groups are allowed to meet. Hence the policy is named, Equal Access.

The EAA has no applicability to the community's use of school facilities. See sample policy 8:20, *Community Use of School Facilities*.

A secondary school has a limited open forum whenever it "grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time." 20 U.S.C. §4071(a). Thus, the equal access obligation is triggered when a secondary school allows one noncurriculum related student group that is not school sponsored, e.g., a political party interest club, to meet.

The EAA's requirements may be avoided by closing the forum, i.e., by refusing to permit any noncurriculum related student group that is not school sponsored to use its facilities (thereby creating a closed forum). But creating a closed forum is difficult given the U.S. Supreme Court's expansive interpretation of what constitutes a noncurriculum related student group.

A student group is "noncurriculum related" if it does not directly relate to the body of courses offered by the school. Bd. of Ed. of Westside Community Sch. Dist. v. Mergens, 496 U.S. 226 (1990). School officials cannot avoid triggering the EAA's equal access requirements by tying the purposes of the student clubs it wants to allow to some broadly defined educational goal. The Mergens Court said that a student group directly relates to a school's curriculum only if:

1. The group's subject matter is actually taught, or will soon be taught, in a regularly offered course;
2. The group's subject matter concerns a body of courses as a whole; or
3. Participation in the group is required for a particular course or results in academic credit.

Just as a noncurriculum related student group determination is fact-sensitive, so is determining whether a particular time period is noninstructional time. The term *noninstructional time* under the EAA means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. 20 U.S.C. §4072(4). A morning activity period was found to be noninstructional time making a high school's refusal to allow a student Bible club to meet in school during that period a violation of the EAA. Donovan v. Punxsutawney Area Sch. Bd., 336 F.3d 211 (3d. Cir. 2003). The Ninth Circuit reached the opposite conclusion in a similar case. Prince v. Jacoby, 303 F.3d 1074 (9th Cir. 2002). But see Ceniceros ex rel. Risser v. Bd. of Trustees, 106 F.3d 878, 880 (9th Cir. 1997) (holding that the plain meaning of the term "noninstructional time" under the EAA includes meetings held during lunch time).

A school violates the EAA by allowing some student groups to meet on campus but refusing similar access to gay-lesbian clubs. Colin v. Orange Unified Sch. Dist., 83 F.Supp.2d 1135 (C.D. Cal. 2000); White County High School Peers Rising In Diverse Ed. v. White Cty. Sch. Dist., 2006 WL 1991990 (D. Ga. 2006); SAGE v. Osseo Area Sch. Dist. No. 279, 2007 WL 2885810 (D. Minn. 2007). But see Caudillo v. Lubbock Ind. Sch. Dist., 311 F.Supp.2d 550 (N.D.Tex. 2004)(school did not violate the EAA when it denied a gay student club's request for access because the "maintain order and discipline" exception applied). Note the U.S. Supreme Court refused to apply N.J.'s public accommodation law to the Boy Scouts because forcing the Boy Scouts to accept a homosexual as a member would violate the Scouts' freedom of expressive association. Boy Scouts of Amer. v. Dale, 530 U.S. 120 (2000).

The Seventh Circuit upheld the actions of high school officials who suspended an anti-abortion student club, due to neutral reasons unrelated to viewpoint. E.D. by Duell v. Noblesville Sch. Dist., 151 F.4th 907 (7th Cir. 2025).

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For purposes of this Board policy, the District has established a *limited open forum* for high school students enrolled in the District. Each District high school shall offer an opportunity for student-led *noncurriculum related student groups* to meet on school premises during *noninstructional time*. Noncurriculum related student groups are those student groups, clubs, or organizations that do not directly relate to the curriculum.[2] For purposes of this Board policy, a *non-school sponsored* noncurriculum related student group is a noncurriculum related student group that is student led.

A student group or club is *school sponsored* if the District approves the student group or club to have a paid adult sponsor to promote, participate, and/or lead its activities. However, assigning a teacher, administrator, or other school employee to supervise a meeting for custodial purposes, allowing groups to promote meetings, and providing access to resources as determined by the District do not constitute sponsorship of the student group or club, nor does it constitute the District's endorsement or agreement with the activity or the speech of the students who participate in the activity.

Extracurricular and co-curricular student groups or clubs that are school sponsored are governed by Board policy 6:190, *Extracurricular and Co-Curricular Activities*.

Student groups or clubs directed and controlled by non-school persons are governed by Board policy 8:20, *Community Use of School Facilities*.

Student-led noncurriculum related student groups or clubs that are not school sponsored are granted free use of school premises and/or access to school resources for a meeting or series of meetings under the following conditions: [3]

1. The meeting is held during those noninstructional times identified by the Superintendent or designee for noncurriculum related student groups, clubs, or organizations to meet. *Noninstructional time* means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.
2. All noncurriculum related student groups that are not school sponsored receive substantially the same treatment. [4]
3. The student group or club and the meeting are student-initiated, meaning that the request is made by a student, and the group or club is led by a student. [5]
4. Student attendance at the meeting is voluntary.
5. The school and school employees will not promote, lead, participate in, or otherwise sponsor the meeting.
6. School employees are present at religious meetings only in a nonparticipatory capacity.

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[2] 20 U.S.C. §4072. See also discussion in f/n 1.

[3] All of the listed conditions are based on language from the EAA, except for 10 through 12.

[4] The Ninth Circuit Court of Appeals found that a school district violated the EAA and the student's First Amendment rights by denying her Bible club the same rights and benefits as other noncurriculum related student clubs. Prince v. Jacoby, 303 F.3d 1074 (9th Cir. 2002). Nothing in the decision suggests that the school was required to *sponsor* the Bible club and financially support it. However, the school board voluntarily gave "associated student body" clubs certain benefits that were denied the plaintiff's religious club. Thus, the district unlawfully treated one noncurriculum related student club differently from another noncurriculum related student club. See also U.S. Dept. of Education *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (2026), available at: www.ed.gov/media/document/2026-guidance-constitutionally-protected-prayer-and-religious-expression-public-elementary-and-secondary-schools-113182.pdf.

[5] In E.D., the Court found no violation of the EAA where a school official decided to suspend a student anti-abortion club based on evidence that the club was partially run by the student's parent, and the student failed to follow the school's content-neutral flyer rules by including political messages.

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7. The meeting and/or any activities engaged in by the student group or club do not materially or substantially interfere with the orderly conduct of educational activities.
8. Non-school persons do not direct, conduct, control, or regularly attend the meetings. [6]
9. The school retains its authority to maintain order and discipline. [7]
10. A school staff member is present in a supervisory capacity.
11. The Superintendent or designee approves the use of school premises and/or access to school resources for a meeting or series of meetings.
12. The school requires neutral content generally limited to club/group name, meeting time(s), and location(s) as well as the approval of the Building Principal or designee for all advertisements, wall postings, or flyers. [8]

The Superintendent or designee shall develop administrative procedures to implement this policy.

LEGAL REF.: 20 U.S.C. §4071 et seq., Equal Access Act.
Bd. of Ed. of Westside Community Sch. Dist. v. Mergens, 496 U.S. 226 (1990).
E.D. by Duell v. Noblesville Sch. Dist., 151 F.4th 907 (7th Cir. 2025).
Gernetzke v. Kenosha Unified Sch. Dist. No. 1, 274 F.3d 464 (7th Cir. 2001), *cert. denied*, 535 U.S. 1017.

CROSS REF.: 6:190 (Extracurricular and Co-Curricular Activities), 7:10 (Equal Educational Opportunities), 8:20 (Community Use of School Facilities), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities)

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[6] Bd. of Ed. of Westside Community Sch. Dist. v. Mergens, 496 U.S. 226, 236 (1990).

[7] In response to a school's invitation for all student groups to paint murals in the school hallway, a Bible club sought to include a large cross. The school principal forbade the cross in order to avoid conflicts among students – there was evidence the student body contained Satanic and neo-Nazi adherents. The principal's decision was insulated from liability under the EAA by the Act's provision that "nothing in [the Act] shall be construed to limit the authority of the school … to maintain order and discipline on school premises." Gernetzke v. Kenosha Unified Sch. Dist. No. 1, 274 F.3d 464 (7th Cir. 2001), *cert. denied,* 535 U.S. 1017 (2002).

See E.D. at 917, (quoting Gernetzke, "[o]rder and discipline are part of any high school's basic educational mission; without them, there is no education.").

[8] The content-neutral restrictions contained in this item were upheld in E.D. The Court found, "[t]he District could reasonably conclude that covering its walls with warring political messages would undermine that order and divert attention from the business of learning." Id. at 917.

This condition's application should be consistent with a board's adopted language in policy 8:25, *Advertising and Distributing Materials in Schools Provided by Non-School Related Entities*.

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Community Relations

Connection with the Community

Public Relations

The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson.[1] The Board, in collaboration with the Superintendent or designee, shall plan and implement a District public relations program that will: [2]

1. Develop community understanding of school operation.
2. Gather community attitudes and desires for the District.
3. Ensure adequate financial support for a sound educational program.
4. Help the community feel a more direct responsibility for the quality of education provided by their schools.
5. Earn the community's goodwill, respect, and trust.
6. Promote a genuine spirit of cooperation between the school and the community.
7. Keep the news media and community accurately informed.

The public relations program should include:

1. Regular news releases concerning District programs, policies, activities, and special event management for distribution by, for example, posting on the District website, using District social media accounts,[3] and/or sending to the news media.

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[1] In alignment with the IASB *Foundational Principles of Effective Governance*, the school board president is the board's spokesperson (see sample policy 2:110, *Qualifications, Term, and Duties of Board Officers*) and the superintendent is the district's spokesperson.

[2] These objectives are examples only and should be customized for each district. The board and superintendent should have a conversation regarding which objectives the board, superintendent, or both the board and superintendent together will implement. An alternative to the entire first subhead follows:

> The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson. The Board, in collaboration with the Superintendent or designee, shall plan and implement a District public relations program to keep the community informed and build support through open and authentic communications. The public relations program shall include, without limitation, media relations; internal communications; communications to the community; communications to students and parents/guardians; the District website and social media accounts; and other efforts to reach all audiences using suitable mediums.

[3] The U.S. Supreme Court case, Lindke v. Freed, 601 U.S. 187 (2024), held that a government official's speech on social media is attributable to the government if the official: (1) has actual authority to speak on behalf of the government on a particular matter; and (2) purports to exercise that authority when speaking on social media. If an official's speech on social media is attributable to the government, then the official's social media posts will be subject to scrutiny under the First Amendment. Social media accounts of government officials that are clearly labeled as personal (e.g., "This is the personal page of [insert name]") or with a disclaimer (e.g., "the views expressed are strictly my own") are presumed to contain only personal posts, though that presumption can be challenged depending on the particular facts. Id. The Court did not distinguish between elected or appointed government officials and employees, suggesting that the same test would apply to government employees.

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2. News conferences, interviews, and official Board or District statements, as requested or needed. The Board President and Superintendent will coordinate their respective media relations efforts. As official spokesperson for the Board, the Board President will communicate on behalf of the Board to the news media and community. Statements made by Board members when not authorized by the Board will be considered personal comments of the Board member, and Board members are encouraged to identify such statements as their personal opinions. Official Board or District statements (other than those made directly to the media) will be made through the District website and/or its social media accounts, at official District events, or through other official communication methods, such as District email or mailings. Individuals may speak for the District only with prior approval from the Superintendent. [4]
3. Publications having a high quality of editorial content and effective format. All publications shall identify the District, school, department, or classroom and shall include the name of the Superintendent, the Building Principal, and/or the author and the publication date.
4. Other efforts that highlight the District's programs and activities. [5]

Community Engagement [6]

Community engagement is a process that the Board uses to actively involve diverse citizens in dialogue, deliberation, and collaborative thinking around common interests for the District's schools. Effective

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Because those who post on a district's social media accounts typically have authority to speak on the district's behalf, such accounts are likely either *limited public forums* (also referred to as *nonpublic forums*) or *public forums*. See, e.g., People for the Ethical Treatment of Animals v. Tabak, 109 F.4th 627~~2024 WL 3573661~~ (D.C. Cir. 2024)(finding the National Institutes of Health's (NIH) social media accounts were limited public forums because use of the accounts was limited to discussion of certain subjects; however, the NIH violated the First Amendment when it filtered out comments based on the plaintiff's viewpoints). Consider that school districts are different than federal government agencies and must ensure other duties to students, e.g., safety and security, which may require excluding certain comments from the district's social media accounts.

For several resources on best practices for school board member social media use, see https://downloads.microscribepub.com/il/press/hosted/Social_Media_Use_for_Board_Members_Resources.pdf.

[4] See f/n 1, above. This item aligns with sample policy 2:110, *Qualifications, Term, and Duties of Board Officers,* and the board member oath of office in 105 ILCS 5/10-16.5, which requires board members to swear or affirm that they "shall recognize that a board member has no legal authority as an individual and that decisions can only be made by a majority vote at a public board meeting." Making official statements through the district's website and official social media accounts, rather than through personal or "mixed use" accounts is a best practice and a strategy to mitigate First Amendment liability for board members and employees who communicate through social media platforms. Additionally, it is a best practice for board members or employees with social media accounts to clearly label their personal accounts as personal and limit district-related communications to official district accounts. See the Lindke v. Freed case, discussed in f/n 3, above.

[5] Examples of such programs include senior citizens' brunches, realtors' luncheons, and building tours.

[6] This section is optional. A board that includes this subhead should complete the work necessary to develop and implement community engagement goals. For training resources, see www.iasb.com/conference-training-and-events/training/workshops/reflecting-on-communication-and-community-engageme/ and www.iasb.com/about-us/publications/journal/2022-illinois-school-board-journal/september-october-2022/engaging-with-the-community-%C2%A0a-time-to-reflect-and/.

The community engagement process differs from public relations (discussed in the **Public Relations** section, above) or public polling. Public relations push out information to the community. Public polling pulls information or opinions from the community. While most school districts understand how to push and pull information from their communities, the community engagement process is part of the two-way conversation for school boards that involves listening. Listening should not be limited only to the public comment period during board meetings. It is reaching out to the community and having conversations not only with parents but other community members, and then taking into consideration their thoughts and ideas as boards make their decisions. This method of listening must be purposeful for community engagement to work as intended.

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community engagement is essential to create trust and support among the community, Board, Superintendent, and District staff. [7]

The Board, in consultation with the Superintendent, articulates the District's community engagement goals.

The Board will periodically: (1) review whether its community engagement goals(s) are achieving the identified purpose(s) and objective(s); (2) consider what, if any, modifications would improve effectiveness; and (3) determine whether to continue individual tactics.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers)

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[7] These statements are based on IASB's *Foundational Principles of Effective Governance*, principle #2, "The board connects with the community." The first sentence applies the definition of community engagement to a board and its school district. See www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/.

An alternative introductory sentence that repeats the definition of community engagement follows: "For purposes of this policy, community engagement is the process that school boards use to actively involve diverse citizens in dialogue, deliberation and collaborative thinking around common interests for their public schools."

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Community Relations

Accommodating Individuals with Disabilities [1]

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities, and will not be subject to illegal discrimination.[2] When appropriate, the District may provide to persons with disabilities aids, benefits, or services that are separate or different from, but as effective as, those provided to others. [3]

The District will provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. [4]

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

[2] The Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§12101 et seq. The ADA covers all state and local governments, including those that receive no federal financial assistance. Title II of the ADA specifically contains accessibility requirements. 42 U.S.C. §§12131 et seq. Its nondiscrimination provision states: "[s]ubject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. §12132.

The U.S. Dept. of Justice, through its Civil Rights Division, is the key agency responsible for enforcing Title II. The regulations implementing Title II are found at 28 C.F.R. Part 35. For a comprehensive compliance toolkit, see: www.ada.gov/pcatoolkit/chap1toolkit.htm. This policy contains only the basic elements of the ADA's requirements.

The ADA Amendments Act (ADAAA) significantly changed the ADA's definition of disability. 42 U.S.C. §12102. It did not, however, amend any provision in Title II regarding accessibility requirements. Consult the board attorney regarding the ADAAA's impact, if any, on the district's Title II accessibility obligations.

See f/n 4 in policy 2:260, *Uniform Grievance Procedure*, for a discussion of website accessibility requirements under Title II and the School Code. Consult the board attorney about procedures for the superintendent to perform his or her duties outlined below in f/ns 6 and 8.

The Ill. Environmental Barriers Act (410 ILCS 25/) and the Ill. Accessibility Code (71 Ill.Admin.Code Part 400) are "intended to establish minimum scoping and technical design requirements to ensure that the building environment in the State of Illinois is designed, constructed, and altered to be accessible to and useable by all, including individuals with disabilities." 71 Ill.Admin.Code §400.110(a). Press boxes that "are in bleachers that have points of entry at only one level, and the aggregate area of the press box is no more than 500 square feet" do not have to comply with the Accessibility Code. 105 ILCS 5/10-20.51.

[3] 28 C.F.R. §35.130(b). If separate services or programs are provided, a district may not deny the individual an opportunity to participate in the regular programming unless the accommodation would alter the fundamental nature of the program. 28 C.F.R. §35.130(b).

[4] Districts must provide auxiliary aids and services to ensure that no ~~disabled~~ individual with a disability is excluded or treated differently than other individuals, unless the district can show that taking such steps would fundamentally alter the nature of the function, program, or meeting or would be an undue burden. 28 C.F.R. §§35.160 and 35.164. ~~The term~~ Examples of *auxiliary aids and services* includes qualified interpreters, assistive listening devices, note-takers, ~~and~~ written materials, open and closed captioning, and real-time computer-aided transcription services for individuals with hearing impairments; for individuals with vision impairments, ~~the term~~examples include~~s~~ qualified readers, taped texts, and Braill~~ed~~ or large print materials, and screen reader software. 28 C.F.R. §35.104.

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Each service, program, website, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety. [5]

The Superintendent or designee is designated the Title II Coordinator and shall: [6]

1. Oversee the District's compliance efforts and, recommend necessary modifications to the School Board, and maintain the District's final Title II self-evaluation document, update it to the extent necessary, and keep it available for public inspection for at least three years after its completion date. [7]
2. Institute plans to make information regarding Title II's protection available to any interested party. [8]

Individuals with disabilities should notify the Superintendent or Building Principal if they have a disability that will require special assistance or services and, if so, what services are required.[9] This notification should occur as far in advance as possible of the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or federal law by reporting it to the Superintendent or designated Title II Coordinator, or by filing a grievance under Board policy 2:260, the *Uniform Grievance Procedure*. [10]

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LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and 12131 et seq., Americans with Disabilities Act; 28 C.F.R. Part 35.
Rehabilitation Act of 1973 §104, 29 U.S.C. §794, Rehabilitation Act of 1973 (2006).
105 ILCS 5/10-20.51.
410 ILCS 25/, Environmental Barriers Act.
71 Ill.Admin.Code Part 400, Illinois Accessibility Code.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:150 (Facility Management and Building Programs)

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[5] This requirement applies to construction commenced after January 26, 1992. 28 C.F.R. §35.151. Compliance methods include: equipment redesign, reassignment of services to accessible buildings, assignment of aids to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities (a district is not required to make structural changes in existing facilities where other methods are effective in achieving compliance), and use of accessible rolling stock or other conveyances. 28 C.F.R. §35.150.

[6] Each district having 50 or more full- or part-time employees must designate at least one employee to coordinate its efforts to comply with Title II, including complaint investigations. 28 C.F.R. §35.107.

[7] A written evaluation of district services, policies, and practices should have been completed by January 26, 1993. Interested people should have been allowed to submit comments during the evaluation process. The final self-evaluation document must be kept for at least three years, be available for public inspection, and include a list of individuals and organizations consulted, a description of areas examined and any problems identified, and a description of any modifications. The record retention requirement applies to only those districts having 50 or more full or part-time employees. While January 26, 1996, has passed, this information is kept in the policy as it is an affirmative obligation.

[8] Each district must make information regarding the ADA's protection available to any interested party. 28 C.F.R. §35.106. For example, a simple notice can be included in school newspapers, program or performance announcements, and registration material.

[9] The superintendent decides the appropriate response on a case-by-case basis.

[10] Adoption of a uniform grievance procedure fulfills the ADA's requirement that each district having 50 or more employees adopt and publish a grievance procedure providing for prompt and equitable resolution of any complaint.

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