School Board

Board Member Development [1]

The School Board desires that its individual members learn, understand, and practice effective governance principles.[2] The Board is responsible for Board member orientation and development. Board members have an equal opportunity to attend State and national meetings designed to familiarize members with public school issues, governance, and legislation.

The Board President and/or Superintendent shall provide all Board members with information regarding pertinent education materials, publications, and notices of training or development.

Mandatory Board Member Training [3]

Each Board member is responsible for his or her own compliance with the mandatory training laws that are described below:

1. Each Board member elected or appointed to fill a vacancy of at least one year's duration must complete at least four hours of professional development and leadership training (PDLT) in: (1) education and labor law; (2) financial oversight and accountability; (3) fiduciary responsibilities; (4) trauma-informed practices for students and staff; and (5) improving student outcomes, within the first year of his or her first term. [4]
2. Each Board member must complete training on the Open Meetings Act (OMA) no later than 90 days after taking the oath of office for the first time. After completing the training, each Board member must file a copy of the certificate of completion with the Board. Training on OMA is only required once. [5]

DRAFT

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

[1] State law governs the mandatory board member training provisions in this sample policy.

[2] The Ill. Association of School Boards (IASB) *Foundational Principles of Effective Governance* is available online at: https://www.iasb.com/training-and-events/training/training-resources/foundational-principles-of-effective-governance.

[3] A board may omit the description of mandatory training requirements by deleting "~~that are described below~~" and deleting the numbered list. IASB is an authorized provider of all mandatory trainings for school board members. To view IASB online trainings, see ~~www.iasb.com/conference-training-and-events/training/online-learning/~~www.iasb.com/online-learning.

[4] 105 ILCS 5/10-16a, amended by P.A. 103-771. See 105 ILCS 5/10-16a(b-5) for the required and recommended elements of the training regarding trauma-informed practices. See 105 ILCS 5/3-11, amended by P.A.s 103-413, 103-542, 103-603, and 104-612, for the definitions of *trauma*, *trauma-informed practices*, *trauma-responsive learning environments* (including *trauma aware*, *trauma responsive*, and *healing centered*), and *whole child*. Training on improving student outcomes "must include information that is relevant to and within the scope of the duties of a school board member." 105 ILCS 5/10-16a(b-10), added by P.A. 103-771.

[5] 5 ILCS 120/1.05(b) and (c).

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

3. Each Board member must complete a training program on evaluations under the Performance Evaluation Reform Act (PERA) before participating in a vote on a tenured teacher's dismissal using the optional alternative evaluation dismissal process. [6]

The Superintendent or designee shall maintain on the District website a log identifying the complete training and development activities of each Board member, including both mandatory and non-mandatory training. [7]

Professional Development; Adverse Consequences of School Exclusion; Student Behavior [8]

The Board President or Superintendent, or their designees, shall make reasonable efforts to provide ongoing professional development to Board members about the requirements of 105 ILCS 5/10-22.6 and 105 ILCS 5/10-20.14,[9] adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments,[10] appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

Board Self-Evaluation

The Board will conduct periodic self-evaluations with the goal of continuous improvement. [11]

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

[6] 105 ILCS 5/24-16.5, amended by P.A 104-20. This mandatory training requirement was phased in as districts implemented evaluations that may incorporate student growth as a significant factor, otherwise known as Performance Evaluation Reform Act (PERA) evaluations. All districts are required to implement PERA evaluations. A district may use an optional alternative evaluative dismissal process using the PERA evaluation. Before voting on a dismissal based upon an optional alternative evaluative dismissal process, a board member must complete a training program on PERA evaluations. For more information about PERA, see *PERA Overview for School Board Members*, available at: ~~www.iasb.com/policy-services-and-school-law/illinois-laws-affecting-schools/performance-evaluation-reform-act-(pera)/~~www.iasb.com/services/illinois-laws-affecting-schools/performance-evaluation-reform-act-(pera).

[7] 105 ILCS 5/10-16a(b) requires each school district to post on its website, if any, the names of all board members who have completed the minimum of four hours of training described in #1. Recognizing that a board may want to highlight all training and development achievements, the sample policy extends this reporting requirement to all training and development activities. For a website reporting template, see sample exhibit 2:120-E2, *Website Listing of Development and Training Completed by Board Members*.

A board may choose to strictly follow the statute by using the following alternative: "The Superintendent or designee shall post on the District website the names of all Board members who have completed the professional development leadership training described in number 1, above."

[8] 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896. While a district must make reasonable efforts to provide professional development to board members in these areas, the inclusion of this entire subhead is optional. Information about professional development opportunities is available through IASB's website at: ~~www.iasb.com/conference-training-and-events/training/~~www.iasb.com/training-and-events/training.

[9] 105 ILCS 5/10-22.6, amended by P.A.s 103-896 and 104-546, operative 7-1-28 per P.A. 104-803, addresses the suspension or expulsion of students and school searches. See sample policies 7:190, *Student Behavior*, 7:200, *Suspension Procedures*, 7:210, *Expulsion Procedures*, and 7:220, *Bus Conduct*. 105 ILCS 5/10-20.14, amended by P.A.s 103-896, 104-430, and 104-648, eff. 1-1-27, addresses parent-teacher advisory committees and their functions. See sample policy 2:150, *Committees*.

[10] See 105 ILCS 5/3-11(b), amended by P.A.s 103-413 and 104-612, for the definition of *trauma-responsive learning environments.*

[11] Boards are not required to conduct self-evaluations, but may hold a closed meeting with representatives of a State association authorized under Article 23 of the School Code for the purpose of discussing self-evaluation practices and procedures, or professional ethics. 5 ILCS 120/2(c)(16), amended by P.A. 104-438. To preserve the board's discretion, this sample policy uses the term *periodic*; boards that wish to specify the time period for self-evaluations may substitute another term, e.g., semi-annual, annual, biennial, etc.

DRAFT

©~~2025~~ 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

New Board Member Orientation [12]

The orientation process for newly elected or appointed Board members includes:

1. The Board President or Superintendent, or their designees, shall give each new Board member a copy of or online access to the Board Policy Manual, the Board's regular meeting minutes for the past year, and other helpful information including material describing the District and explaining the Board's roles and responsibilities.
2. The Board President or designee shall schedule one or more special Board meetings, or schedule time during regular meetings, for Board members to become acquainted and to review Board processes and procedures.
3. The Board President may request a veteran Board member to mentor a new member. [13]
4. All new members are encouraged to attend workshops for new members conducted by the Illinois Association of School Boards.

Candidates

The Superintendent or designee shall invite all current candidates for the office of Board member to attend: (1) Board meetings, except that this invitation shall not extend to any closed meetings, and (2) pre-election workshops for candidates. [14]

LEGAL REF.: 5 ILCS 120/1.05 and 120/2, Open Meetings Act.
105 ILCS 5/10-16a and 5/24-16.5.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:125 (Board Member Compensation; Expenses), 2:200 (Types of School Board Meetings)

DRAFT

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

[12] New board member orientation is a critical step in helping new board members become effective and in promoting a smoothly functioning new team. The orientation process should include information about the IASB policy services to which the board subscribes, **PRESS**, **S**chool **B**oard **P**olicies **O**nline (SBPOL), and **PRESS Plus**.

[13] See sample exhibit 2:120-E1, *Guidelines for Serving as a Mentor to a New School Board Member*.

[14] IASB maintains helpful resources for school board candidates, including webinars regarding running for the school board. See www.iasb.com/memberships-and-divisions/school-board-elections/information-for-candidates.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

School Board

Committees [1]

The School Board may establish committees to assist with the Board's governance function and, in some situations, to comply with State law requirements. These committees are known as *Board committees* and report directly to the Board. Committee members may include both Board members and non-Board members depending on the committee's purpose. The Board President makes all Board committee appointments unless specifically stated otherwise.[2] Board committee meetings shall comply with the Open Meetings Act.[3] A Board committee may not take final action on behalf of the Board – it may only make recommendations to the Board. [4]

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

[1] State or federal law controls this policy's content in that some committees are required by State law, such as~~,~~ the Parent-Teacher Advisory Committee and Behavioral Interventions Committee. Board committees are *public bodies* for purposes of the Open Meetings Act (OMA) (5 ILCS 120/1.02) and the Freedom of Information Act (FOIA) (5 ILCS 140/2(a)).

A board must appoint or approve a Concussion Oversight Team and charge it with establishing protocols for return-to-play and return-to-learn for students who have suffered a concussion or head injury. Youth Sports Concussion Safety Act, 105 ILCS 5/22-80(d). As this is administrative/staff work rather than governance work, the best practice is to have the Concussion Oversight Team be an *administrative* committee, but consult the board attorney for guidance. Section 22-80(d) identifies who must be on each Concussion Oversight Team. A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, they must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. See sample policy 7:305, *Student Athlete Concussions and Head Injuries.*

[2] Alternatively, strike the "unless" clause and substitute: "subject to Board approval." Be sure this treatment is consistent with policy 2:110, *Qualifications, Term, and Duties of Board Officers*.

[3] OMA includes *committees* and *subcommittees* in its definition of *public body.* 5 ILCS 120/1.02. According to a binding opinion from the Public Access Counselor, a "committee of a public body is considered to be a separate public body for purposes of compliance with the requirements of OMA." PAO 13-2. This means that board committees must independently fulfill OMA's requirements. For example, a board committee must comply with notice and agenda requirements. Since board committees seldom meet regularly, compliance steps need careful planning. Board committees should plan for an efficient way to "approve the minutes of its open meeting within 30 days after that meeting or at [its] second subsequent regular meeting, whichever is later." 5 ILCS 120/2.06(b). The only exceptions are for: (1) the Performance Educational Review Act (PERA) joint committee (105 ILCS 5/24A-4(b)); (2) the Reduction In Force (RIF) joint committee (105 ILCS 5/24-12(c)); and (3) when a committee is engaged in collective bargaining negotiations, including negotiating team strategy sessions, or grievance arbitrations (115 ILCS 5/18). Board committees must also review their closed session minutes to determine if they still require confidential treatment or will be made available for public inspection. 5 ILCS 120/2.06(d), amended by P.A. 102-653. Committees that meet regularly, such as standing committees, must conduct this review every six months, or as soon after as is practicable, taking into account the nature and meeting schedule of the committee. Committees that are *ad hoc* in nature must review their closed session minutes six months from the date of the last review of the closed session minutes or at the next scheduled meeting of the committee, whichever is later. Id.

Sample policy 2:200, *Types of School Board Meetings*, designates the superintendent, on behalf of each board committee, to receive the mandatory training on OMA compliance required by 5 ILCS 120/1.05(a) and administered by the Ill. Attorney General's Public Access Counselor. See sample policies 2:200, *Types of School Board Meetings*, and 2:220, *School Board Meeting Procedure*, for meeting requirements and protocol. Every board member must also complete OMA training as required by 5 ILCS 120/1.05(b) and (c).

[4] Additional committee guidelines may be added, such as:

Committees shall operate under the following guidelines:

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Special Board Committees

A special committee may be created for specific purposes or to investigate special issues. A special committee is automatically dissolved after presenting its final report to the Board or at the Board's discretion. [5]

Standing Board Committees [6]

A standing committee is created for an indefinite term although its members will fluctuate. Standing committees are:

1. Board Policy Committee.[7] This committee researches policy issues, and provides information and recommendations to the Board.
2. Parent-Teacher Advisory Committee (PTAC).[8] This required committee assists in the development and annual review of student behavior policies~~y~~ and ~~procedure~~their implementation, and provides information and recommendations to the Board. Its members are parents/guardians and teachers, and it may include other persons whose expertise or experience is needed. The committee reviews such issues as administering medicines~~medication~~ in the schools, reciprocal reporting between the School District and local law enforcement agencies regarding criminal and civil offenses committed by students, student discipline, disruptive classroom behavior, school bus safety procedures, and the dissemination of student conduct information.

Commented [MB1]: Note to Subscribers: This change aligns the language with the statute and clarifies that the PTAC's role is broader than simply reviewing board policies and administrative procedures; it also includes reviewing all aspects of the policies' implementation in the district, including those discussed in f/n 8.

DRAFT

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

- The Board President shall appoint no more than two Board members to serve on a committee.
- The President and the committee members shall establish the committee's meeting dates, time, and place.
- The Superintendent may attend all committee meetings.

5 A board may list examples as in the following option:

Examples of special committees include the following: (1) Committee to Evaluate Procurement of Architectural, Engineering, and Land Surveying Services (see sample administrative procedure 2:170-AP, *Qualification Based Selection*), and (2) Facility Naming Committee (see sample policy 4:150, *Facility Management and Building Programs*).

6 The board may create and list other standing committees, e.g., an audit committee as authorized by 105 ILCS 5/10-22.45. Be sure that the creation of a committee in this policy aligns with the policy concerning the applicable topic. If an audit committee is included here, a board may want to reference it in policy 4:80, *Accounting and Audits*, and vice-versa.

7 A board policy committee is optional; its creation is consistent with policy 2:240, *Board Policy Development.*

8 105 ILCS 5/10-20.14, amended by P.A.s 103-896, 104-391, 104-430, and 104-648, eff. 1-1-27, requires all districts to establish and maintain a parent-teacher advisory committee (PTAC) to develop, with the board, policy guidelines on student discipline. Teachers must be selected in cooperation with the district's teachers or, if applicable, their exclusive bargaining unit. The parents/guardians on this committee, as well as other non-staff members, may not have access to student records unless the student cannot be identified or prior consent is obtained. 105 ILCS 10/6. The district's ~~parent-teacher advisory committee~~PTAC must also: (1) annually review student discipline policies and their implementation, including the impact of student behavior, specifically behavior considered gross disobedience or misconduct, on students and school personnel, and any other factors related to the safety of schools, students, and school personnel; (2) in cooperation with local law enforcement agencies, develop guidelines for reciprocal reporting of criminal and civil offenses committed by students, including attacks on school personnel in accordance with 105 ILCS 5/10-21.7; and (~~2~~3) in cooperation with school bus personnel, develop school bus safety procedures. 105 ILCS 5/10-20.14, amended by P.A.s 103-896, 104-430, and 104-648, eff. 1-1-27. Completion of the statutory requirements imposed on the ~~Parent-Teacher Advisory Committee~~PTAC, as well as the Behavioral Interventions Committee, should be documented. The PTAC can also be utilized to develop and review a district's wireless communication device policy. 105 ILCS 5/10-20.88(f) (final citation pending), added by P.A. 104-657. See sample policy 7:195, *Wireless Communication Devices*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

3. Behavioral Interventions Committee.[9] This required committee develops and monitors procedures for using behavioral interventions in accordance with Board policy 7:230, *Misconduct by Students with Disabilities*, and provides information and recommendations to the Board. At the Board President's discretion, the ~~Parent-Teacher Advisory Committee~~PTAC shall perform the duties assigned to the Behavioral Interventions Committee.

Nothing in this policy limits the authority of the Superintendent or designee to create and use committees that report to him or her or to other staff members. [10]

LEGAL REF.: 5 ILCS 120/, Open Meetings Act.
105 ILCS 5/10-20.14 and 5/14-8.05.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers), 2:200 (Types of School Board Meetings), 2:240 (Board Policy Development), 4:170 (Safety), 7:190 (Student Behavior), 7:230 (Misconduct by Students with Disabilities)

DRAFT

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

[9] Boards must establish and maintain a behavioral interventions committee to develop procedures that reflect consideration of ISBE's guidelines on the use of behavioral interventions with students with disabilities. 105 ILCS 5/14-8.05(c). An alternative follows:

> The Behavioral Interventions Committee, coordinated by the Executive Director of the Special Education Cooperative, develops and monitors procedures for using behavioral interventions in accordance with Board policy 7:230, *Misconduct by Students with Disabilities*. Committee reports and recommendations are made to the Board upon its request.

[10] OMA generally does not apply to *superintendent* a/k/a administrative committees. See Univ. Professionals v. Stukel, 344 Ill.App.3d 856 (1st Dist. 2003)(staff committees are not subject to OMA). The Act will be applicable, however, in some circumstances. For example, a staff committee containing three or more board members will be subject to OMA. 5 ILCS 120/1.02. Consult the board attorney for advice. The following are examples of superintendent committees: Communicable and Chronic Infectious Disease Program Task Force, Communicable and Chronic Infectious Disease Review Team, Employee Drug Abuse Committee, Title I Advisory Committee, Student Support Committee, Food Allergy Management Committee, and Sex Equity Committee. For further discussion, see IASB's *Clearing Up the Confusion on Board Committees: Your Questions Answered*, available at: www.iasb.com/IASB/media/School-Law/BoardCommittees_FAQ.pdf.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

General School Administration

Administrative Responsibility of the Building Principal [1]

Duties and Authority

The School Board, upon the recommendation of the Superintendent, employs Building Principals as the chief administrators and instructional leaders of their assigned schools, and may employ Assistant Principals. The primary responsibility of a Building Principal is the improvement of instruction.[2] Each Building Principal shall perform all duties as described in State law as well as such other duties as specified in his or her employment agreement or as the Superintendent may assign, that are consistent with the Building Principal's education and training.[3] Each Building Principal and Assistant Principal shall complete State law requirements to be a prequalified evaluator before conducting an evaluation of a teacher or assistant principal. [4]

DRAFT

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] Required by 105 ILCS 5/10-21.4a.

[3] An alternative follows: "…or as agreed upon by the Building Principal and Superintendent."

The principal's duties are generally described in 105 ILCS 5/10-21.4a and 5/24A-15(c-5). However, many other statutes impose additional duties, e.g., 105 ILCS 127/2 (requires principals to report to the police certain violations of the Cannabis Control Act, Controlled Substance Act, and Methamphetamine Control and Community Protection Act occurring at specified locations); 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174 (requires the principal or designee to immediately notify local law enforcement upon receiving a report of a threat of gun violence on school grounds or a person in possession of a firearm on school grounds, and, if that person is a student or the threat is made by a student, to notify a student's parent/guardian); and 730 ILCS 152/ and 154/ (require notification to parents/guardians that information about sex offenders and violent offenders against youth is available). The county clerk may appoint high school principals or their designees as deputy registrars to accept voter registrations of any qualified resident of the State. 10 ILCS 5/4-6.2(a). The Firearm Concealed Carry Act requires a principal to notify the Ill. State Police whenever he or she determines that a student (or any person) poses a "clear and present danger to himself, herself or to others." 430 ILCS 66/105; 405 ILCS 5/6-103.3. Lawyers disagree whether this requirement violates the federal Family Educational Rights and Privacy Act. Contact the board attorney for advice.

[4] This restates 105 ILCS 5/24A-3 and 23 Ill.Admin.Code Part 50, Subpart E. Individuals who evaluate teachers, principals, or assistant principals must: (1) be prequalified, and (2) participate in a regularly scheduled retraining program. The prequalification and retraining programs must be either developed or approved by the Ill. State Board of Education (ISBE).

105 ILCS 5/24A-5 permits a first-year principal to evaluate a teacher; however, a new two- or three-year evaluation plan, as applicable, must be established for any tenured teacher who is evaluated by a first-year principal. 105 ILCS 5/24A-5. State law limits the use of artificial intelligence (AI) tools in teacher evaluations. 105 ILCS 5/24A-5, amended by P.A. 104-565, eff. 1-1-27. See sample policy 5:200, *Terms and Conditions of Employment and Dismissal*, at f/n 13, for more information.

Anyone who has not previously been a principal in Illinois must participate in ISBE's *new principal mentoring program*; however, implementation of a principal mentoring program in any given year is dependent upon an appropriation. If appropriations are not likely sufficient to serve all anticipated first-year principals in any given year, the program is voluntary. Mentoring services are extended to second-year principals only if appropriations are sufficient to serve all first-year principals. If mentoring services are extended to second-year principals but appropriations are not sufficient to serve all second-year principals who wish to participate in the new principal mentoring program, then priority access to mentoring services is provided to second-year principals who are in the highest need schools as determined by the State Superintendent of Education. 105 ILCS 5/2-3.53a; 23 Ill.Admin.Code Part 35. Annually by June 1, each superintendent must report to the State Superintendent or designee the expected number of first-year and second-year principals along with information specified in 23 Ill.Admin.Code §35.20.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Evaluation Plan

The Superintendent or designee shall implement an evaluation plan for Principals and Assistant Principals that complies with Section 24A-15 of the School Code and relevant Illinois State Board of Education rules.[5] Using that plan, the Superintendent or designee shall evaluate each Building Principal and Assistant Principal.[6] The Superintendent or designee may conduct additional evaluations.

Qualifications and Other Terms and Conditions of Employment

Qualifications and other terms and conditions of employment are found in Board policy 3:50, *Administrative Personnel Other Than the Superintendent*.

LEGAL REF.: 105 ILCS 5/2-3.53a, 5/10-20.14, 5/10-21.4a, 5/10-23.8a, 5/10-23.8b, 5/24A-5, and 5/24A-15.
10 ILCS 5/4-6.2, Election Code.
105 ILCS 127/, School Reporting of Drug Violations Act.
23 Ill.Admin.Code Parts 35 and 50, Subpart D.

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:210 (Resignations), 5:250 (Leaves of Absence), 5:290 (Employment Termination and Suspensions)

DRAFT

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

[5] Each district must implement a performance evaluation plan for its principals and assistant principals. 105 ILCS 5/24A-15; 23 Ill.Admin.Code §50.300. A board may substitute this alternative for the first sentence: "The Superintendent or designee shall implement a principal and assistant principal evaluation plan that complies with State law." The statutory deadline for evaluating principals and assistant principals depends on whether the individual's employment contract is for one year or multiple years: (1) the evaluation of individuals on a single-year contract must take place annually by March 1, and (2) the evaluation of individuals on a multi-year contract must take place by March 1 of the contract's final year. 105 ILCS 5/24A-15. Individual contracts may require an earlier deadline.

[6] Required by 105 ILCS 5/10-21.4a and 5/24A-15. For a principal who also serves as the district superintendent, the evaluator must be appointed by the board and not be the person whose performance as principal is being evaluated. 23 Ill.Admin.Code §50.300(b). In addition, the evaluator must hold a valid professional educator license endorsed for superintendent issued under Article 21B and have completed the prequalification process and any retraining, as applicable. Id. Add this option if appropriate: "…or, in the absence of the Superintendent or his or her designee, an individual appointed by the Board who holds a valid professional educator license endorsed for superintendent."

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Operational Services

Fiscal and Business Management [1]

The Superintendent is responsible for the School District's fiscal and business management.[2] This responsibility includes annually preparing and presenting the District's statement of affairs to the School Board and publishing it by December 1 as required by State law. [3]

The Superintendent shall ensure the efficient and cost-effective operation of the District's business management using computers, computer software, data management, communication systems, and electronic networks, including electronic mail, the Internet, and security systems. Each person using the District's electronic network shall complete an *Authorization for Access to the District's Electronic Network*. [4]

Budget Planning

The District's fiscal year is from July 1 until June 30.[5] The Superintendent shall present to the Board, no later than ~~the first regular~~a regular Board meeting in August, a tentative budget with appropriate explanation.[6] This budget shall represent the culmination of an ongoing process of planning for the fiscal support needed for the District's educational program. The District's budget shall be entered upon the Ill. State Board of Education's (ISBE) *School District Budget Form*.[7] To the extent possible, the

DRAFT

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. Article 17 of the School Code controls budgeting, tax levies, and tax warrants.

[2] Boards are authorized to hire a chief school business official. 105 ILCS 5/10-22.23a. Districts having a chief school business official may want to replace "Superintendent" with "Chief School Business Official" throughout this policy.

[3] 105 ILCS 5/10-17, amended by P.A.s 104-261 and 104-803~~, eff. 1-1-26~~. No later than December 1 each year, a school board must make its statement of affairs available to the public by posting the entire statement~~it~~ on the district's website and publishing a summary of it in a newspaper of general circulation. See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. The newspaper summary must contain, at a minimum, the items described in 105 ILCS 5/10-17(a)(2) and (3). If a district does not maintain a website, it must publish the entire statement of affairs in the newspaper and make it available at the district's main administrative office. See www.isbe.net/Pages/Annual-Statement-of-Affairs.aspx for the statement of affairs form and instructions.

[4] See sample exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-AP1, E2, *Staff Authorization for Access to the District's Electronic Networks*. Use of electronic networks in the curriculum is covered in sample policy 6:235, *Access to Electronic Networks*.

[5] The board sets the fiscal year (105 ILCS 5/17-1) and this sentence should reflect that local decision. If the board sets an alternative fiscal year, State law provides, "If the beginning of the fiscal year of a district is subsequent to the time that the tax levy due to be made in such fiscal year shall be made, then such annual budget shall be adopted prior to the time such tax levy shall be made." Id. Consult the board attorney for guidance on the impact of an alternative fiscal year on the deadlines in this policy.

[6] The board must designate a person(s) to prepare a tentative budget. 105 ILCS 5/17-1. ~~The purpose of this policy's directive for the superintendent to present a tentative budget "no later than the first regular meeting in August" is to ensure that the budget can be adopted by September 30 (see f/n 14). A board may amend this directive to give the superintendent additional flexibility by requiring him or her to present a tentative budget "during a regular Board meeting in August."~~

[7] Required by 105 ILCS 5/17-1. See www.isbe.net/Pages/School-District-Joint-Agreement.aspx.

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

tentative budget shall be balanced as defined by ISBE guidelines. The Superintendent shall complete a tentative deficit reduction plan if one is required by ISBE guidelines. [8]

Preliminary Adoption Procedures

After receiving the Superintendent's proposed budget, the Board sets the date, place, and time for:

1. A public hearing on the proposed budget,[9] and
2. The proposed budget to be available to the public for inspection. [10]

The Board Secretary shall arrange to publish a notice in a local newspaper stating the date, place, and time of the proposed budget's availability for public inspection and the public hearing.[11] The proposed budget shall be available for public inspection at least 30 days before the time of the budget hearing.

At the public hearing, the proposed budget shall be reviewed, including the cash reserve balance of all funds held by the District related to its operational levy and, if applicable, any obligations secured by those funds,[12] and the public shall be invited to comment, question, or advise the Board. [13]

Final Adoption Procedures

The Board adopts a budget before the end of the first quarter of each fiscal year, September 30, or by such alternative procedure as State law may define.[14] To the extent possible, the budget shall be balanced as defined by ISBE; if not balanced, the Board will adopt a deficit reduction plan to balance the District's budget within three years according to ISBE requirements. [15]

The Board adopts the budget by roll call vote. The budget resolution shall be incorporated into the meeting's official minutes. Board members' names voting *yea* and *nay* shall be recorded in the minutes.[16]

The Superintendent or designee shall perform each of the following:

DRAFT

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

[8] Id. The budget instructions from ISBE detail when a deficit reduction plan must be completed. State law requires the budget to be balanced and, if not, a three-year deficit reduction plan must be developed.

[9] At least one public hearing must be held before final action is taken on the budget. 105 ILCS 5/17-1.

[10] The tentative budget must be conveniently available for public inspection for at least 30 days before final action on the budget. 105 ILCS 5/17-1.

[11] 105 ILCS 5/17-1 makes the board secretary responsible for this public notice at least 30 days before the hearing. If there is no newspaper published in the district, notice must be given by posting notices in five of the most public places in the district. 105 ILCS 5/17-1.

[12] 105 ILCS 5/17-1.3 requires districts to disclose this cash reserve balance information "at the public hearing at which the district certifies its budget and levy for the taxable year." The statute does not specify the manner in which the disclosure must be made; for ease of administration, this sample policy manages disclosure at the budget hearing by including it in the budget review. To provide evidence of compliance, consider as a best practice recording this disclosure in the board meeting minutes and/or presenting it in writing. The term *operational levy* is not defined in the statute, but the definition of *operational funds* in 105 ILCS 5/17-1.10, added by P.A. 103-394, references 105 ILCS 5/17-1.3 and supports that it includes the educational, transportation, and operation and maintenance funds. Consult the board attorney for guidance.

[13] State law does not address what transpires during the budget hearing. See f/n 12, above, regarding disclosure of cash reserves at the budget hearing as a means to comply with 105 ILCS 5/17-1.3.

[14] Required by 105 ILCS 5/17-1 and 5/17-3.2. See f/n 5.

[15] Required by 105 ILCS 5/17-1. See f/n 8.

[16] Required by 105 ILCS 5/10-7.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

1. Post the District's final annual budget, itemized by receipts and expenditures, on the District's Internet website; notify parents/guardians that it is posted and provide the website's address.[17]
2. File a certified copy of the budget resolution and an estimate of revenues by source anticipated to be received in the following fiscal year, certified by the District's Chief Fiscal Officer, with the County Clerk within 30 days of the budget's adoption. [18]
3. Ensure disclosure to the public of the cash reserve balance of all funds held by the district related to its operational levy and, if applicable, any obligations secured by those funds, at the public hearing[19] at which the Board certifies its operational levy.
4. Present a written report that includes the annual average expenditures of the District's operational funds for the previous three fiscal years at or before the board meeting at which the Board adopts its levy. In the event the District's combined cash reserve balance of its operational funds is more than 2.5 times the annual average expenditures of those funds for the previous three fiscal years, the Board will adopt and file with ISBE a reserve reduction plan by December 31. [20]
5. Make all preparations necessary for the Board to timely file its Certificate of Tax Levy, including preparations to comply with the Truth in Taxation Act;[21] file the Certificate of Tax Levy with the County Clerk on or before the last Tuesday in December. The Certificate lists the amount of property tax money to be provided for the various funds in the budget.

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

[17] Required by 105 ILCS 5/17-1.2, *only if* the district has a website. Delete this sentence if the district does not have a website.

[18] Required by 35 ILCS 200/18-50, amended by P.A. 104-623, which refers to "appropriation and budget ordinances or resolutions." School districts adopt budgets by board resolution. The budget serves as the district's appropriation, and the filing with the county clerk may be made electronically or by paper submission.

[19] Required by 105 ILCS 5/17-1.3. Consult the board attorney about the meaning of the *public hearing* for the levy and if the disclosure must always be made at the board meeting at which the board certifies the district's levy, or only in those instances where notice and a *public hearing* are required by the Truth in Taxation Law. 35 ILCS 200/18-70. Similar to the disclosure of cash reserves made at the budget hearing, a district may want to manage compliance for the levy hearing by incorporating the information into the presentation of the levy at the board meeting. See f/n 12, above.

[20] Delete this paragraph if a district receives federal impact funding. 105 ILCS 5/17-1.10(a), added by P.A. 103-394. Federal impact aid is designed to assist local school districts that have lost a portion of their local tax base because of federal ownership of property (e.g., military bases, low-rent housing properties, or concentrations of students that have parents/guardians in the uniformed services). For more information about federal impact aid, see www.impactaid.ed.gov/resources/ and www.nafisdc.org/impact-aid-resources/impact-aid-payments/. 105 ILCS 5/17-1.10(a), added by P.A. 103-394, requires a board to present "at a board meeting" a written report that includes the annual average expenditures of its *operational funds*, which include the educational, transportation, and operation and maintenance funds. Id. The average expenditures are calculated based on the district's most recently audited annual financial report (AFR). Id. For ease of administration, this sample policy manages presentation of the report in conjunction with the meeting at which a board adopts its levy, or earlier, if a district's AFR is available. Consult the board attorney if a district's AFR is not available before December 31 (the date by which a reserve reduction plan must be filed, if applicable); the board may need to rely upon estimated numbers in that scenario. If a district's ratio of its combined cash reserves of its operational funds to its average annual expenditures of those funds over the past three fiscal years exceeds 2.5, then the board must adopt and file a plan with ISBE to reduce its cash reserves to expenditures ratio to at or below 2.5 within three years. Id. at (b), added by P.A. 103-394. See www.isbe.net/Pages/School-Finance.aspx under the Forms and Applications dropdown for the plan template.

[21] 35 ILCS 200/18-55 et seq. The Truth in Taxation Law contains several notice, publication, and hearing requirements. A district that fails to strictly comply with the notice and publication requirements of the Truth in Taxation Act risks invalidation of its levy. In re County Collector, 229 Ill.App.3d 641 (3rd Dist. 1992). However, failure to post a Truth in Taxation notice on a district's website will not invalidate the notice or action taken on a tax levy. 35 ILCS 200/18-75, amended by P.A. 103-1018. See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

6. Submit the annual budget, a deficit reduction plan if one is required by ISBE guidelines, and other financial information to ISBE according to its requirements. [22]

Any amendments to the budget or Certificate of Tax Levy shall be made as provided in the School Code and Truth in Taxation Act. [23]

Budget Amendments

The Board may amend the budget by the same procedure as provided for in the original adoption. [24]

Implementation

The Superintendent or designee shall implement the District's budget and provide the Board with a monthly financial report that includes all deficit fund balances. The amount budgeted as the expenditure in each fund is the maximum amount that may be expended for that category, except when a transfer of funds is authorized by the Board.

The Board shall act on all interfund loans[25], interfund transfers[26], transfers within funds[27], and transfers from the working cash fund or abatements of it, if one exists. [28]

DRAFT

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

[22] Required by 105 ILCS 5/17-1.

[23] 105 ILCS 5/17-11 and 35 ILCS 200/18-55 et seq.

[24] 105 ILCS 5/17-1; 23 Ill.Admin.Code Part 100.

[25] 105 ILCS 5/10-22.33, 5/20-4, 5/20-5, 5/20-8, ~~and~~ 5/20-10, and 23 Ill.Admin.Code §100.50. If the district loans money from the working cash fund to another fund, Section 5/20-10 requires the district to maintain a credit to the working cash fund (meaning that borrowing fund must repay the working cash fund).

[26] 105 ILCS 5/17-2A, amended by P.A.s 103-601 and 104-602, contains the requirements for a permanent transfer. P.A. 104-602~~s 102-895 and 103-601~~ extended the time period during which a district may transfer money from specified funds for any purpose through June 30, 20296.

[27] Transfers between the various items in any fund may not exceed in the aggregate ten percent of the total of such fund as set forth in the budget. If the aggregate exceeds 10%, the board must amend the budget. 105 ILCS 5/17-1.

[28] The purpose of the working cash fund is to enable the school district "to have in its treasury at all times sufficient money to meet demands for expenses." 105 ILCS 5/20-1. School officials, including board members, are liable "for any sum that may be unlawfully diverted from the working cash fund …." 105 ILCS 5/20-6.

105 ILCS 5/20-10 codified a long-held practice and understanding of Illinois~~.~~ school districts. A district may abate (reduce the funds) money from the working cash fund at any time and transfer it to any district fund or funds most in need of the money, provided that the district maintains an amount to the credit of the working cash fund. This was a legislative overturn of a case concluding that any permanent transfer, including abatements, of the working cash fund should be transferred only to the education fund. See G.I.S. Venture v. Novak, 388 Ill.App.3d 184 (2nd Dist. 2009); G.I.S. Venture v. Novak, 385 Ill.Dec. 430 (2nd Dist. 2014). Abolishments (deplete all funds) of the working cash fund must still be transferred to the education fund only.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 105 ILCS 5/10-17, 5/10-22.33, 5/17-1, 5/17-1.2, 5/17-1.3, 5/17-1.10, 5/17-2A, 5/17-3.2, 5/17-11, 5/20-5, 5/20-8, and 5/20-10.
35 ILCS 200/18-55 et seq., Truth in Taxation Law.
23 Ill.Admin.Code Part 100.

CROSS REF.: 4:20 (Fund Balances), 4:40 (Incurring Debt), 4:60 (Purchases and Contracts), 6:235 (Access to Electronic Networks)

ADMIN. PROC.: 6:235-AP1, E1 (Student Authorization for Access to the District's Electronic Networks), 6:235-AP1, E2 (Staff Authorization for Access to the District's Electronic Networks)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Operational Services

Purchases and Contracts [1]

The Superintendent shall manage the District's purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable School Board policies.

Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with applicable federal and State law. The Board Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts shall be approved or authorized by the Board.

All purchases and contracts should support a recognized District function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law.[2] No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Superintendent or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items outside budget parameters require prior Board approval, except in an emergency. [3]

When presenting a contract or purchase for Board approval, the Superintendent or designee shall ensure that it complies with applicable federal and State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of $35,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted. [4]

DRAFT

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

[1] State law controls this policy's content. 105 ILCS 5/10-20.21, amended by P.A.~~s 102-1101 and~~ 103-8, contains bidding plus other requirements. Other laws also govern district contracts. For example, the Prevailing Wage Act requires, among other things, that a district specify in all contracts for public works that the prevailing wage rate must be paid. 820 ILCS 130/. When a district awards work to a contractor without a public bid, contract, or project specification, the district must provide the contractor with written notice on the purchase order or a separate document indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work on the project. In addition, the district must notify all contractors of any rate changes by the Ill. Dept. of Labor (IDOL). 820 ILCS 130/4(f). The law allows a district to discharge this duty by including the following language in all contracts: "Any prevailing rate of wages as they are revised by the Ill. Dept. of Labor (IDOL) shall apply to this contract. You are notified that any rate changes to the prevailing wage rate are available on IDOL's official website." 820 ILCS 130/4(l). See sample exhibit 4:60-E, *Notice to Contractors*, for sample language.

[2] This end statement should be amended according to local board discretion.

[3] An optional addition follows: "Notwithstanding the above, the Superintendent shall not commit to any single, non-customary purchase or expenditure, excluding personnel, of greater than $_____ without prior Board approval." This optional provision's intent is to provide an internal control as well as to keep the board involved when the district is making a large purchase or expenditure, e.g., copiers, computers, textbooks, or something that might not happen every year. It is intended to cover purchases/expenditures regardless of whether they were previously budgeted.

[4] 105 ILCS 5/10-20.21, amended by P.A. 103-8. See sample administrative procedure 4:60-AP1, *Purchases*, for bidding exemptions and the requirements for electronic bid opening. A board may set a lower bidding threshold by policy but should first seek its attorney's advice because such action may expand a board's vulnerability to a bidding challenge.

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c. [5]
5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of $1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21(b-5). The Superintendent or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Superintendent or designee shall report this information to the Board by completing the necessary forms that must be attached to the District's annual budget. [6]
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10). [7]
7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*. [8]
8. Each contractor with the District is bound by each of the following:
    a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/10-21.9(c) and 5/21B-80(c)[9] to have direct, daily contact at a District school or school-related activity with one or more student(s); (2) prohibit any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense;[10] and (3) require each of its employees who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her. [11]
    b. In accordance with 105 ILCS 5/22-94: (1) prohibit any of its employees from having *direct contact with children or students* if the contractor has not performed a sexual misconduct related employment history review (EHR) of the employee or if the District objects to the employee's assignment based on the employee's involvement in an instance of sexual misconduct as provided in 105 ILCS 5/22-94(j)(3), which the contractor is required to disclose; (2) discipline, up to and including termination or

DRAFT

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

[5] 105 ILCS 5/10-22.34c, amended by P.A. 104-393. Concerning collective bargaining requirements, see McLean Co. Unit Dist. 5 v. AFSCME & IELRB, 12 N.E.3d 120 (Ill. App. Ct 2014) (good faith bargaining on the decision to subcontract requires notice of the consideration of the subcontract before it is finalized; meeting with the union to provide an opportunity to discuss and explain the decision; providing information to the union; and giving consideration to any counterproposal the union makes).

[6] 105 ILCS 5/10-20.21(b-5).

[7] 105 ILCS 5/10-20.21(b-10).

[8] 105 ILCS 5/10-20.19c, amended by P.A. 104-391.

[9] 105 ILCS 5/10-21.9(c); 105 ILCS 5/21B-80(c).

[10] Id.

[11] The implementation process is in sample administrative procedure 4:60-AP3, *Criminal History Records Check of Contractor Employees*. See sample administrative procedure 5:30-AP2, *Investigations*, for a list of offenses which disqualify an individual from having direct, daily contact with one or more students until seven years following the end of the individual's sentence for the criminal offense.

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

denial of employment, any employee who provides false information or willfully fails to disclose information required by the EHR; (3) maintain all records of EHRs and provide the District access to such records upon request; and (4) refrain from entering into any agreements prohibited by 105 ILCS 5/22-94(g). [12]

c. In accordance with 105 ILCS 5/24-5: (1) concerning each new employee of a contractor that provides services to students or in schools, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease; and (2) require any new or existing employee who provides services to students or in schools to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Ill. Dept. of Public Health rules or order of a local health official. [13]

9. Any pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use must comply with the Coal Tar Sealant Disclosure Act. [14]

DRAFT

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

[12] 105 ILCS 5/22-94, ~~added by P.A. 102-702~~amended by P.A. 104-831, eff. 1-1-27. See sample administrative procedure 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*. For the definition of *sexual misconduct*, see 105 ILCS 5/22-85.5(c)~~, added by P.A. 102-676,~~ and sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*. *Direct contact with children or students* is defined as "the possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students." 105 ILCS 5/22-94(b)~~, added by P.A. 102-702~~. This standard, which triggers the EHR, appears on its face to be broader than the *direct, daily contact* standard that triggers the *complete criminal history records check* in 105 ILCS 5/10-21.9(f). See sample administrative procedures 5:30-AP2, *Investigations*, 4:60-AP3, *Criminal History Records Check of Contractor Employees,* and 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*, for more information. For example, a contracted night custodian who may have some passing, routine interaction with students who are on campus for after-school events, but does not have direct, daily contact with students triggers an EHR but not necessarily a *complete criminal history records check*. It is less clear if the reverse scenario could arise where a *complete criminal history records check* under 105 ILCS 5/10-21.9(f) would be required but an EHR would not be required. For ease of administration, a district may wish to require contractors to undergo a *complete criminal history records check* whenever the obligation to conduct an EHR is triggered, and vice versa.

105 ILCS 5/22-94(g)~~, added by P.A. 102-702,~~ prohibits contractors from entering any agreement that: (1) has the effect of suppressing information concerning a pending or completed investigation in which an allegation of sexual misconduct was substantiated, (2) affects the ability of the contractor to report sexual misconduct to the appropriate authorities, or (3) requires the contractor to expunge information about allegations or findings of suspected sexual misconduct, unless an allegation is found to be false, unfounded, or unsubstantiated following an investigation.

[13] 105 ILCS 5/24-5. P.A. 98-716 expanded the scope of 105 ILCS 5/24-5 by adding a definition of *employee* that includes contractors' employees for whom a criminal history records check is required. Since Aug. 2014, the Ill. Dept. of Public Health (IDPH) has not required school employees to be screened for tuberculosis other than workers in child day care and preschool settings. 77 Ill.Admin.Code §696.140(a)(3). Before requesting a contractor's employee for a health examination, contact the board attorney concerning this action's legality under other personnel laws, including the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.).

[14] 410 ILCS 170/10(b)~~, added by P.A. 102-242~~.

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

10. Design-build contracts must comply with 105 ILCS 5/15A-1 et seq. [15]
11. Any new contract for a district-administered assessment must comply with 105 ILCS 5/10-20.86. [16]
12. Purchases made with federal or State awards must comply with 2 C.F.R. Part 200 and 30 ILCS 708/, as applicable, and any terms of the award. [17]

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided. [18]

DRAFT

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

[15] 105 ILCS 5/15A-1 et seq., added by P.A. 103-491. Under a *design-build* delivery system for a construction project, a board contracts with a *design-build entity* that furnishes architecture, engineering, land surveying, public art or interpretive exhibits, and other construction services, as required for the project. It allows a single contractor to manage both the design and construction of a project, creating the potential for greater efficiency. Contrast this method with the traditional *design-bid-build* delivery method, in which a board contracts with multiple entities and utilizes a competitive bidding process for certain contractors, such as a general contractor. 105 ILCS 5/15A-1 et seq., added by P.A. 103-491, does not impact a district's ability to use a qualification-based selection process under 50 ILCS 510/, Local Government Professional Services Act (LGPSA), to select design professionals or construction managers for design-build projects. 105 ILCS 5/15A-50. See sample policy 2:170, *Procurement of Architectural, Engineering, and Land Surveying Services*. For design-build projects, consult with the board attorney as needed to ensure the district: (1) complies with the specific procedural requirements related to requests for proposals (RFPs) and evaluation of RFP submissions for these contracts, and (2) incorporates additional criteria for requests for proposals and evaluation of proposals based on local conditions and the specific project, as permitted by the statute. Note that under 105 ILCS 5/15A-20, added by P.A. 103-491, a board must employ or contract with an independent design professional or public art designer (as applicable) selected under the LGPSA to assist with developing the scope and criteria for performance for a request for proposal under a design-build delivery system.

[16] 105 ILCS 5/10-20.86, added by P.A. 103-393 and renumbered by P.A. 103-605. See sample administrative procedure 4:60-AP1, *Purchases*, for specific requirements. A *district-administered assessment* is one that requires all student test takers at any grade level to answer the same questions, or a selection of questions from a common bank of questions. It does *not* include the observational assessment tool used to satisfy the annual kindergarten assessment required by 105 ILCS 5/2-3.64a-10 or an assessment developed by district teachers or administrators that is used to measure student progress at an attendance center. Id.

[17] 2 C.F.R. §§200.318-200.327; 30 ILCS 708/. The Grant Accountability and Transparency Act (GATA) adopts the federal uniform guidance for all grants unless the Office of the Governor grants an exception. 30 ILCS 708/55; 44 Ill.Admin.Code §7000.60. For information about the scope of GATA as it pertains to grants administered by the Ill. State Board of Education, see www.isbe.net/gata.

[18] This is an optional provision. The numerous ~~reporting and~~ website posting mandates are in sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. As an alternative to the policy's default language, a board may insert the underscored:

> The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts and maintain a status report for monthly presentation to the Board, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided.

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 2 C.F.R. Part 200.
105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-20.86, 5/10-21.9, 5/10-22.34c, 5/15A-1 et seq., 5/19b-1 et seq., 5/22-94, and 5/24-5.
30 ILCS 708/, Grant Accountability and Transparency Act.
410 ILCS 170/, Coal Tar Sealant Disclosure Act.
820 ILCS 130/, Prevailing Wage Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:150 (Facility Management and Building Programs), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting)

DRAFT

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Operational Services

Accounting and Audits [1]

The School District's accounting and audit services shall comply with the *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing*, as adopted by the Ill. State Board of Education (ISBE), State and federal laws and regulations, and generally accepted accounting principles. Determination of liabilities and assets, prioritization of expenditures of governmental funds, and provisions for accounting disclosures shall be made in accordance with government accounting standards as directed by the auditor designated by the Board. The Superintendent, in addition to other assigned financial responsibilities, shall report monthly on the District's financial performance, both income and expense, in relation to the financial plan represented in the budget.

Annual Audit [2]

At the close of each fiscal year, the Superintendent shall arrange an audit of the District funds, accounts, statements, and other financial matters. The audit shall be performed by an independent certified public accountant designated by the Board and be conducted in conformance with prescribed standards and legal requirements. A complete and detailed written audit report shall be provided to each Board member and to the Superintendent. The Superintendent shall annually, ~~on or before October 15~~within 30 days after receipt of the completed audit report, submit one copy of the audit to the Regional Superintendent of Schools. The Superintendent shall also ensure the District's auditing firm files the District's audit with ISBE annually on or before October 15 or the date of any filing extension, if applicable.

DRAFT

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. A board policy or resolution is required concerning revolving funds and petty cash. 23 Ill.Admin.Code §100.70. This policy is intended to facilitate the board's fiscal oversight role. The last sentence of the first paragraph should be modified to align with local conditions.

[2] Audit requirements are found in 105 ILCS 5/3-7, amended by P.A.s 104-261 and 104-803~~ and 5/3-15.1, both amended by P.A.s 104-261, eff. 1-1-26~~, and 23 Ill.Admin.Code §100.110. The federal Single Audit Act adds audit requirements for federal programs. 31 U.S.C. §7501 et seq. Grant Accountability Transparency Act (GATA) (30 ILCS 708/) rules also require districts that receive federal pass-through and State-issued awards to have a financial statement audit conducted in accordance with 23 Ill.Admin.Code §100.110, regardless of the amount of award expenditures. 44 Ill.Admin.Code §7000.90(c)(3). See f/n 5, below, for additional information regarding GATA.

For districts in suburban Cook County, replace "Regional Superintendent of Schools" with "appropriate Intermediate Service Center Executive Director."

The last sentence in this subhead is optional. It is included to support the auditor's compliance with its filing requirement under 105 ILCS 5/3-7, amended by P.A.s 104-261 and 104-803~~, eff. 1-1-26~~. A district's auditing firm may request an extension of up to 60 days from the Ill. State Board of Education (ISBE) for filing the audit. Id.

The following optional sentence establishes an audit committee: "The Board will annually establish an audit committee to help the Board select an external auditor, confer with the auditor regarding the audit's scope, and oversee the audit process." **Note:** All board committees are subject to the Open Meetings Act (5 ILCS 120/).

The following optional sentence establishes a competitive process for selecting the external auditor; it prevents a long-term relationship with an auditor and reduces the possibility of audits being too routine or friendly: "The Board will annually advertise a request for proposals to perform the external audit." Substitute "periodically" for "annually" if desired.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Annual Financial Report [3]

The Superintendent or designee shall annually prepare and submit the Annual Financial Report (AFR) on a timely basis using the form adopted by ISBE. The Superintendent shall review and discuss the AFR with the Board before it is submitted and submit one copy of the AFR to the Regional Superintendent of Schools annually, within 30 days after receipt of the completed audit report ~~on or before October 15~~. The Superintendent shall also ensure the District's auditing firm files the District's AFR with ISBE annually on or before October 15 or the date of any filing extension, if applicable.

Inventories [4]

The Superintendent or designee is responsible for establishing and maintaining accurate inventory records. The inventory record of supplies and equipment shall include a description of each item, quantity, location, purchase date, and cost or estimated replacement cost, unless the supplies and equipment are acquired by the District pursuant to a federal or State grant award, in which case the inventory record shall also include the information required by 2 C.F.R. §200.313, if applicable.[5] The Superintendent shall establish procedures for the management of property acquired by the District under grant awards that comply with federal and State law. [6]

Capitalization Threshold [7]

To be considered a capital asset for financial reporting purposes, a capital item must be at or above a capitalization threshold of $10,000 and have an estimated useful life greater than one year.

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

[3] Requirements for the annual financial report are found in 105 ILCS 5/2-3.27 and 5/3-15.1, amended by P.A. 104-261~~, eff. 1-1-26~~; 23 Ill.Admin.Code §100.100. The last sentence of this section should be modified to align with local conditions.

For districts in suburban Cook County, replace "Regional Superintendent of Schools" with "appropriate Intermediate Service Center Executive Director."

The last sentence in this subhead is optional. It is included to support the auditor's compliance with its filing requirement under 105 ILCS 5/3-7, amended by P.A.s 104-261 and 104-803~~, eff. 1-1-26~~. A district's auditing firm may request an extension up to 60 days from ISBE for filing the annual financial report and audit. Id.

[4] The content of inventory records is at the district's discretion, with the exception of supplies and equipment that are governed by 2 C.F.R. §200.313. See f/n 5, below.

[5] 2 C.F.R. §200.313. The uniform federal rules that govern federal grant awards in 2 C.F.R. Part 200 apply to State-issued awards through the Grant Accountability Transparency Act (GATA) (30 ILCS 708/), unless exempted in whole or in part by the Governor's Office of Management of Budget. 30 ILCS 708/55. See www.isbe.net/gata for further information about the scope of GATA's application to federal awards and State-funded grant programs administered by ~~the Ill. State Board of Education (~~ISBE~~)~~. See sample administrative procedure 4:80-AP3, *Inventory Management for Federal and State Awards*. ISBE guidance is available at: www.isbe.net/Documents/fiscal_procedure_handbk.pdf and www.isbe.net/Pages/Federal-and-State-Monitoring.aspx.

[6] Id. In connection with ISBE's grant monitoring function, ISBE published an *Internal Control Checklist* that includes a *Checklist for Equipment and Inventory Review* which requires an approved policy (or procedure) related to the management of equipment at: www.isbe.net/Documents/Internal-Control-Checklist.pdf.

[7] Optional. 23 Ill.Admin.Code §100.60 requires school boards to adopt a capitalization threshold, which can be done through policy. The capitalization threshold is a dollar figure above which the cost of an item will be included on financial statements and depreciated. A minimum threshold of $10,000, or a lesser amount established by the board, and useful life greater than one year complies with the definition of *equipment* under federal grant rules. 2 C.F.R. §§200.1 and 200.313(e). Multiple thresholds can be established for different categories of capital assets. Id. The Government Accounting Standards Board (GASB) Statement No. 34 at para. 115(e) states that a government should disclose its policy "for capitalizing assets and for estimating the useful lives of those assets." See GASB Statement 34 and Implementation Guide No. 2015-1, both available at: www.gasb.org. District auditors may require or recommend a district have a more comprehensive capitalization policy and/or procedure. Such an accounting policy or procedure should be developed in consultation with the district's accounting professional(s) and tailored to reflect local conditions.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Disposition of District Property [8]

The Superintendent or designee shall notify the Board, as necessary, of the following so that the Board may consider its disposition: (1) District personal property (property other than buildings and land) that is no longer needed for school purposes, and (2) school site, building, or other real estate that is unnecessary, unsuitable, or inconvenient. Notwithstanding the above, the Superintendent or designee may unilaterally dispose of personal property of a diminutive value. The Superintendent shall establish procedures for the disposition and, when permitted by the terms and conditions of the award, the retention of property acquired by the District under grant awards that comply with federal and State law.

Taxable Fringe Benefits [9]

The Superintendent or designee shall: (1) require that all use of District property or equipment by employees is for the District's convenience and best interests unless it is a Board-approved fringe benefit, and (2) ensure compliance with the Internal Revenue Service regulations regarding when to report an employee's personal use of District property or equipment as taxable compensation.

Controls for Revolving Funds and Petty Cash [10]

Revolving funds and the petty cash system are established in Board policy 4:50, *Payment Procedures*. The Superintendent shall: (1) designate a custodian for each revolving fund and petty cash fund, (2) obtain a bond for each fund custodian, and (3) maintain the funds in compliance with this policy, State law, and ISBE rules. A check for the petty cash fund may be drawn payable to the designated petty cash custodian. Bank accounts for revolving funds are limited to a maximum balance of $1,000. All expenditures from these bank accounts must be directly related to the purpose for which the account

DRAFT

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

[8] The requirements in this section are specified in 105 ILCS 5/5-22 (allowing property constructed or renovated by students as part of a curricular program to be sold through the services of a licensed real estate broker subject to certain requirements), 5/10-22.8 (sale of personal property); and 2 C.F.R. §200.313(e) and (f) for federal awards and State awards governed by GATA. See f/n 5, above, regarding grant award requirements. A board that desires to act on the disposition of property having *any* value should use the following alternative to this section's last sentence: "Notwithstanding the above, the Superintendent or designee may unilaterally dispose of worthless personal property."

The recipient (through either sale or donation) of any discarded school bus must immediately: (1) remove, cover, or conceal the "SCHOOL BUS" signs and any other insignia or words indicating the vehicle is a school bus; (2) render inoperable or remove entirely the stop signal arm and flashing signal system; and (3) paint the school bus a different color from those under 625 ILCS 5/12-801. 625 ILCS 5/12-806(b).

[9] The intent of this optional section is twofold: (1) to control personal use of district property and equipment; and (2) to ensure compliance with IRS rules. As to the first point, allowing personal use of district property or equipment is arguably prohibited by the Ill. Constitution, Art. VIII, Sec. 1, which states: "Public funds, property or credit shall be used only for public purposes." As to the second point, any fringe benefit an employer provides is taxable and must be included in the recipient's pay unless the law specifically excludes it. See Publication 15-B (2025), *Employer's Tax Guide to Fringe Benefits*, at: www.irs.gov/pub/irs-pdf/p15b.pdf.

[10] 105 ILCS 5/10-20.19(2); 23 Ill.Admin.Code §100.70. This paragraph's contents are mandatory, except for the $1,000 cap on the maximum balance of revolving funds. The cap amount may be changed or the following alternative used: "Each revolving fund shall be maintained in a bank that has been approved by the Board and established in an amount approved by the Superintendent consistent with the annual budget."

The School Code defines petty cash as a type of revolving fund. Id. It and other revolving funds carry a standard balance and are regularly reimbursed to maintain the standard balance amount (generally referred to as an *imprest system* of financial accounting). In practice, petty cash is paid out of a *de minimis* cash amount maintained by a fund custodian. Disbursement from a revolving fund other than petty cash is typically made against an imprest checking account, by an authorized signor who is readily available in the district, e.g., a superintendent or building principal. The authorized signor manages the revolving fund and requests the board to reimburse the fund for expenses incurred to bring the imprest account back to its standard balance.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

was established and supported with documentation, including signed invoices or receipts. All deposits into these bank accounts must be accompanied with a clear description of their intended purpose. The Superintendent or designee shall include checks written to reimburse revolving funds on the Board's monthly listing of bills indicating the recipient and including an explanation.

Control Requirements for Checks [11]

The Board must approve all bank accounts opened or established in the District's or a District school's name or with the District's Federal Employer Identification Number. All checks issued by the School District must be signed by either the Treasurer or Board President, except that checks from accounts containing student activity funds or fiduciary funds and checks from revolving accounts may be signed by their respective account custodians.

Internal Controls [12]

The Superintendent is primarily responsible for establishing and implementing a system of internal controls for safeguarding the District's financial condition; the Board, however, will oversee these

---

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

[11] This section is largely up to the local board's discretion; additional controls may be added. The following alternative to the second sentence will mandate two signatories for checks:

> Two of the following individuals: the Treasurer, Board President, and/or Board Vice President, shall sign all checks issued by the School District, except that checks from accounts containing student activity funds or fiduciary funds and checks from revolving accounts may be signed by their respective account custodians.

See sample policy 4:90, *Student Activity and Fiduciary Funds,* for more information about a board's responsibilities for *student activity funds* and *fiduciary funds*. A board must comply with State law requirements concerning the use of facsimile or electronic signatures on checks. The Secretary of State, Index Department, maintains certified manual signatures of officers authorized to sign checks. Uniform Facsimile Signature of Public Officials Act, 30 ILCS 320/. Electronic records and signatures are governed by the Uniform Electronic Transactions Act. 815 ILCS 333/. Attorneys disagree about the applicability of these laws to school districts.

[12] This section is largely up to the local board's discretion. The annual audit must include a "review and testing of the internal control structure." 23 Ill.Admin.Code §100.110(a). This review's limited scope means that boards should not rely on it to reveal uncontrolled financial risks. The board's responsibility is to establish policy to safeguard the district's financial condition. Indeed, the oath of office includes this promise: "I shall respect taxpayer interests by serving as a faithful protector of the school district's assets." In this sample policy, the board sets the control objectives and the superintendent is responsible for developing an internal controls system. In addition, ISBE has issued guidance on internal controls pursuant to its administration of the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/. See ISBE's *State and Federal Grant Administration Policy, Fiscal Requirements, and Procedures,* at: www.isbe.net/Documents/fiscal_procedure_handbk.pdf, which states that "to establish a strong control environment, grantees must…[d]esign internal controls that are in compliance with guidance in *Standards for Internal Control in the Federal Government* issued by the Comptroller General of the United States" (a free resource, available at: www.gao.gov/assets/gao-25-107721.pdf) or the *Internal Control Integrated Framework* issued by the Committee of Sponsoring Organizations of the Treadway Commission (a fee-based resource, available at: www.coso.org/guidance-on-ic). More detailed information about internal controls for school business services can be found in ISBE's *Internal Control Handbook*, at: www.isbe.net/Documents/Internal-Control-Handbook.pdf. Note that item #5 (segregation of duties) refers to preventing one person from controlling the authorization, recordkeeping, and control over assets for a financial transaction so that any errors or irregularities are identified and corrected. *Internal Control Handbook*, p. 4. Boards that wish to take a larger oversight role regarding internal controls may list the numbered sentences in the IASB sample administrative procedure 4:80-AP1, *Checklist for Internal Controls*, as required inclusions in the superintendent's program for internal controls. This alternative, for insertion at the end of this section's first paragraph, follows:

The District's system of internal controls shall include the following:

1. All financial transactions must be properly authorized and documented.
2. Financial records and data must be accurate and complete.
3. Accounts payable must be accurate and punctual.
4. District assets must be protected from loss or misuse.
5. Incompatible duties should be segregated, if possible.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

safeguards. The control objectives are to ensure efficient business and financial practices, reliable financial reporting, and compliance with State law and Board policies, and to prevent losses from fraud, waste, and abuse,[13] as well as employee error, misrepresentation by third parties, or other imprudent employee action.

The Superintendent or designee shall annually audit the District's financial and business operations for compliance with established internal controls and provide the results to the Board. The Board may from time-to-time engage a third party to audit internal controls in addition to the annual audit.

LEGAL REF.: 2 C.F.R. §200 et seq.
30 ILCS 708/, Grant Accountability and Transparency Act; 44 Ill.Admin.Code 7000 et seq.
105 ILCS 5/2-3.27, 5/2-3.28, 5/3-7, 5/3-15.1, 5/5-22, 5/10-21.4, 5/10-20.19, 5/10-22.8, and 5/17-1 et seq.
23 Ill.Admin.Code Part 100.

CROSS REF.: 4:10 (Fiscal and Business Management), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 4:90 (Student Activity and Fiduciary Funds)

DRAFT

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

6. Accounting records must be periodically reconciled.
7. Equipment and supplies must be safeguarded.
8. Staff members with financial or business responsibilities must be properly trained and supervised, and must perform their responsibilities with utmost care and competence.
9. Any unnecessary weaknesses or financial risks must be promptly corrected.

[13] Unless specifically exempted, grantees receiving funds from any State agency, including ISBE, must comply with GATA and annually complete a *Fiscal and Administrative Internal Controls Questionnaire* (ICQ). The ICQ covers a number of different topics related to internal controls. Districts that are identified as having one or more areas of elevated risk based on their answers to the ICQ, are required to develop and implement corrective action to address the area(s). Districts that fail to take necessary corrective action to address weak areas of internal control put their grant funding at risk. One of the sections of the ICQ may address a grantee's internal controls for fraud, waste, and abuse, including whether the grantee has a *fraud awareness program*. See sample administrative procedures 4:80-AP1, *Checklist for Internal Controls,* and 4:80-AP2, *Fraud, Waste, and Abuse Awareness Program,* which incorporate ISBE-recommended practices related to fraud, waste, and abuse.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Operational Services

Transportation [1]

The District shall provide free transportation for any student in the District who resides: (1) at a distance of one and one-half miles or more from his or her assigned school, unless the School Board has certified to the Ill. State Board of Education that adequate public transportation is available,[2] or (2) if adequate public transportation is not available, within one and one-half miles from his or her assigned school where walking to or from school or to or from a pick-up point or bus stop would constitute a *serious safety hazard* due to either (a) vehicular traffic or rail crossing or (b) *a course or pattern of criminal*

DRAFT

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

[1] State law controls this policy's content. 105 ILCS 5/29-1 et seq. and 23 Ill.Admin.Code Part 120. **Important: The board of a district that does *not* provide transportation must amend this policy.** F/n 2 discusses when districts must provide free transportation. Please contact an IASB Policy Director~~Consultant~~ for ~~*gratis*~~ help customizing this policy. You may also need to consult the board attorney.

Beginning 7-1-31, newly purchased school buses must be equipped with seat safety belts that meet State and federal standards, but districts will not have to: (1) ensure that the seat belt system is correctly adjusted and fastened or (2) give instruction on their use. 625 ILCS 5/12-826(a) and (b), added by P.A. 104-75.

A district that chooses to consider locations other than individual students' residences as pick-up and drop-off locations must adopt a policy establishing this practice to receive State reimbursement. 23 Ill.Admin.Code §120.30(a)(1)(B).

Each district must have a pre-trip and post-trip inspection policy. 625 ILCS 5/12-816(a). An Ill. State Board of Education (ISBE) rule requires boards to "institute policies and practices that promote the safety and well-being of school bus passengers." 23 Ill.Admin.Code §1.510(g). To comply with these requirements, this policy lists relevant administrative procedures at the end.

The policy does not address an *automatic traffic enforcement* system which may be enacted by a municipality or county. An *automatic traffic law enforcement system* is a device that senses and records a motor vehicle that illegally fails to stop for a school bus. 625 ILCS 5/11-208.9. Each school board within that municipality or county's jurisdiction may approve the system's implementation. The board is then required to enter into an intergovernmental agreement with the municipality or county and contract with vendors for the system's installation, maintenance, and operation. Each applicable school bus must be posted with a sign indicating that it is being monitored by an automated traffic law enforcement system. The proceeds from a school district's automated traffic law enforcement system's fines shall be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system.

[2] The one and one-half miles distance is measured from the exit of the property where the student resides to the point where pupils are normally unloaded at the attendance center to which they are assigned. 105 ILCS 5/29-3; 23 Ill.Admin.Code §120.30(a)(1)(A). Only the following districts must provide free transportation as described in the sample policy: community consolidated districts, community unit districts, consolidated districts, consolidated high school districts, and combined school districts if the combined district includes any district that was previously required to provide transportation. 105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510(a). Districts that are not required to provide free transportation may do so. Id. To qualify for State reimbursement, districts electing to provide transportation when they are not required to do so must afford the same service to all students in that same situation. 23 Ill.Admin.Code §1.510(b). Districts may provide transportation within one and one-half miles and may charge for such transportation. 105 ILCS 5/29-2.

Optional provision: (105 ILCS 5/29-3.1)

The District may provide transportation to and from school-sponsored activities and may charge for such transportation.

©~~2022~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

activity, as defined in the Ill. Streetgang Terrorism Omnibus Prevention Act, 740 ILCS 147/.[3] A student's parent(s)/guardian(s) may file a petition with the Board requesting transportation due to the existence of a serious safety hazard.[4] Free transportation service and vehicle adaptation is provided for a special education student if included in the student's individualized educational program.[5] Non-public school students shall be transported in accordance with State law.[6] Homeless students shall be transported in accordance with Section 45/1-15 of the Education for Homeless Children Act.[7] Foster care students shall be transported in accordance with Section 6312(c)(5)(B) of the Elementary and Secondary Education Act. [8]

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

[3] 105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510. The determination as to what constitutes a *serious safety hazard* regarding vehicular traffic or rail crossings is made by the board, in accordance with guidelines issued by the Ill. Dept. of Transportation, in consultation with the State Superintendent of Education. The Ill. Streetgang Terrorism Omnibus Prevention Act defines *course or pattern of criminal activity* as two or more gang-related criminal offenses committed in whole or in part within Illinois when: (1) one or more of the offenses was committed after 1-25-13, (2) both offenses were committed within five years of each other; and (3) at least one offense involved a felony or forcible felony under the Ill. Criminal Code of 1961 or 2012. 740 ILCS 147/10. It also includes criminal defacement of property that includes a streetgang sign or symbol. Id. The determination as to what constitutes a *serious safety hazard* due to a *course or pattern of criminal activity* under 105 ILCS 5/29-3 is made by the board, in accordance with guidelines determined by local law enforcement, in consultation with the State Superintendent of Education. ISBE guidance on safety hazards due to criminal gang activity is available at: www.isbe.net/transportation.

[4] Required by 105 ILCS 5/29-3. Another statute provides a process for *qualifying students* to seek reimbursement from ISBE for *qualified transportation expenses*. 105 ILCS 5/29-5.2; 23 Ill.Admin.Code §120.240. 23 Ill.Admin.Code §120.230 requires, among other things, that each attendance center designate a representative to assist parents/guardians with this process. This process does not need to be in board policy and is not covered herein.

[5] 34 C.F.R. §300.34 and 23 Ill.Admin.Code §226.750.

[6] 105 ILCS 5/29-3.2 and 5/29-4. Districts that provide transportation for students to and from their schools must afford free transportation to children who attend nonpublic schools if they live at least 1 1/2 miles from the nonpublic school and "reside on or along a highway constituting a regular route" of the public school bus (or other conveyance). 105 ILCS 5/29-4. The Ill. Supreme Court has held the law does not require a district to modify its regular routes to accommodate transporting nonpublic students to and from their schools. E.W. v. Bd. of Educ. Of East St. Louis Sch. Dist. No. 189, 283 N.E.3d 589 (Ill. 2026).

[7] 105 ILCS 45/1-15, Education for Homeless Children Act. State law implements the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.

The School Code and the Education for Homeless Children Act permit school districts to use their State transportation funds to provide financial assistance to children that are defined as homeless or *at risk of becoming homeless*, provided certain criteria are satisfied. 105 ILCS 5/29-5; 105 ILCS 45/1-17. Financial assistance may include: (1) mortgage or rental assistance or an extended motel stay that will allow a child to remain permanently in his/her living situation or obtain a new living situation; and/or (2) assistance with unpaid bills, loans, or other financial debts that result in housing being inadequate. 105 ILCS 45/1-17(a), amended by P.A. 104-595. For further detail see sample administrative procedure 6:140-AP, *Education of Homeless Children*.

[8] Required if the district receives Title I funds. 20 U.S.C. §6312(c)(5)(B). The Elementary and Secondary Education Act (ESEA) requires the district to collaborate with the State or local child welfare agency to develop and implement clear written procedures governing how transportation to maintain children in foster care in the school of origin (when in their best interest) will be provided, arranged, and funded for the duration of their time in foster care. ISBE guidance on transportation procedures for students in foster care is available at: ~~https://~~www.isbe.net/Documents/Guidance_on_Foster_Care_Transportation_Procedures.pdf. The U.S. Depts. of Education and Health and Human Services, in *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* (6-23-16) at: www.acf.hhs.gov/cb/policy-guidance/non-regulatory-guidance-ensuring-educational-stability-children-foster-care, opine that ESEA requirements apply to students who meet the definition of *foster care* set forth at 45 C.F.R. §1355.20(a):

©~~2022~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

If a student is at a location within the District, other than his or her residence, for child care purposes at the time for transportation to and/or from school, that location may be considered for purposes of determining the one and one-half miles from the school attended. Unless the Superintendent or designee establishes new routes, pick-up and drop-off locations for students in day care must be along the District's regular routes. The District will not discriminate among types of locations where day care is provided, which may include the premises of licensed providers, relatives' homes, or neighbors' homes. [9]

Bus schedules and routes shall be determined by the Superintendent or designee and shall be altered only with the Superintendent or designee's approval and direction. In setting the routes, the pick-up and discharge points should be as safe for students as possible. [10]

No school employee may transport students in school or private vehicles unless authorized by the administration. [11]

Every vehicle regularly used for the transportation of students must pass safety inspections in accordance with State law and Ill. Dept. of Transportation regulations.[12] The strobe light on a school bus may be illuminated only when the bus is actually being used as a school bus and (1) is stopping or stopped for loading or discharging students on a highway outside an urban area, or (2) is bearing one

---

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

> *Foster care* means 24-hour substitute care for children placed away from their parents or guardians and for whom the title IV-E agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

ESEA foster care transportation requirements also apply to students *awaiting* foster care placement.

105 ILCS 5/10-20.59 requires school boards to appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Ill. Dept. of Children and Family Services (DCFS) when enrolling in or changing schools. Liaison responsibilities may include, among other things, working with DCFS to help students maintain their school placement, if appropriate.

[9] This paragraph should be deleted if a district will not seek State reimbursement for transportation to and from locations other than individual students' residences. As a condition for receiving State reimbursement, an ISBE rule requires boards to have a policy with the provisions in this paragraph. 23 Ill.Admin.Code §120.30(a)(1)(B). This rule also contains the non-discrimination language.

[10] The paragraph is optional. As an alternative, a board may state that pick-up and discharge points "should be as safe and convenient as possible." A board may also customize the titles of the individuals who determine or alter bus schedules and routes in this paragraph.

[11] Optional. Ensure this policy aligns with the district's employee-student boundary guidelines for transporting a student, as required by 105 ILCS 5/22-85.5(e), amended by P.A. 104-831, eff. 1-1-27, and which must be published in any staff, student, and parent/guardian handbooks provided by the district. This also presents an opportunity for each board to discuss this issue with the superintendent and direct the superintendent to include it in the curriculum for the required in-service on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel. 105 ILCS 5/10-22.39(b-35). See sample policies 5:100, *Staff Development Program* (f/n 113), and 5:120, *Employee Ethics; Code of Professional Conduct*; *and Conflict of Interest* (f/n 62), and sample exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*, for more detailed discussions. ~~Include policies 5:100, Staff Development Program, and 5:120, Employee Ethics; Code of Professional Conduct; and Conflict of Interest, in the Cross References when this sentence is used.~~

[12] 625 ILCS 5/13-109. The vehicle and other requirements for transporting students to and from interscholastic or school-sponsored activities, including curriculum-related or career-related activities, are found in 105 ILCS 5/29-6.3 and 625 ILCS 5/11-1414.1, amended by P.A.s 104-256~~, eff. 7-1-26~~, and 104-367~~, eff. 1-1-26~~. These statutes also contain requirements for the use of multi-function school activity buses (defined at 625 ILCS 5/1-148.3a-5, amended by P.A. 104-367~~, eff. 1-1-26~~). The legislature frequently amends these statutes, along with many transportation laws; they should be double-checked before relying on them.

©~~2022~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

or more students.[13] The Superintendent shall implement procedures in accordance with State law for accepting comment calls about school bus driving. [14]

All contracts for charter bus services must contain the clause prescribed by State law regarding criminal background checks for bus drivers. [15]

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

[13] 625 ILCS 5/12-815. The statute, like the policy, identifies the conditions in which illuminating the strobe light is permissible instead of mandating when they must be illuminated.

[14] 625 ILCS 5/12-821(b) requires districts that own school buses and multifunction school activity buses to establish procedures for accepting comment calls and responding to them. In accordance with good governance principles, this duty is delegated to the superintendent. ~~For a~~See sample administrative procedure, ~~see~~ 4:110-AP2, *Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments*.

[15] 105 ILCS 5/10-20.21a, requires all contracts for providing charter bus services to transport students to or from interscholastic athletic or interscholastic or school sponsored activities to contain clause (A) except that a contract with an out-of-state company may contain clause (B) or clause (A). The clause must be set forth in the contract's body in at least 12-point typeface and all upper case letters:

> (A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:
>
> > (1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINTING CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND
> >
> > (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."
>
> (B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:
>
> > (1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINTING CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND
> >
> > (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

DRAFT

©~~2022~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Pre-Trip and Post-Trip Vehicle Inspection [16]

The Superintendent or designee shall develop and implement a pre-trip and post-trip inspection procedure to ensure that the school bus driver: (1) tests the two-way radio or cellular radio telecommunication device and ensures that it is functioning properly before the bus is operated, and (2) walks to the rear of the bus before leaving the bus at the end of each route, work shift, or work-day, to check the bus for children or other passengers in the bus.

LEGAL REF.: 20 U.S.C. §6312(c)(5)(B), Elementary and Secondary Education Act.
42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
105 ILCS 5/10-22.22 and 5/29-1 et seq.
105 ILCS 45/1-15 and /1-17.
625 ILCS 5/1-148.3a-5, 5/1-182, 5/11-1414.1, 5/12-813.1, 5/12-815, 5/12-816, 5/12-821, and 5/13-109.
23 Ill.Admin.Code §§1.510 and 226.750; Part 120.
92 Ill.Admin.Code Parts 440 and 458.

CROSS REF.: 4:170 (Safety), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:280 (Duties and Qualifications), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 7:220 (Bus Conduct)

ADMIN. PROC.: 4:110-AP2 (Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments), 4:110-AP3 (School Bus Safety Rules), 4:110-E (Emergency Medical Information for Students Having Special Needs or Medical Conditions Who Ride School Buses), 6:140-AP (Education of Homeless Children)

DRAFT

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

[16] 625 ILCS 5/12-816(a) requires school districts to have a school bus pre- and post-trip inspection policy with the components as contained in this policy. See also 23 Ill.Admin.Code §1.510(i)(3) and 92 Ill.Admin.Code §458.1030. ~~For a sample procedure, s~~See sample administrative procedure 4:110-AP2, *Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments*. School districts that contract with a private sector school bus company must require the company to have a pre- and post-trip inspection policy that is equivalent to this section of the policy. 625 ILCS 5/12-816(b).

Each school bus must contain an operating two-way radio or cellular radio telecommunication device while the school bus driver is in possession of a school bus. 625 ILCS 5/12-813.1(e). "Cellular radio telecommunication device" means a device capable of sending or receiving telephone communications without an access line for service and which requires the operator to dial numbers manually; it does not include citizens band radios or citizens band radio hybrids. 625 ILCS 5/12-813.1(a). The two-way radio or cellular radio telecommunication device must be turned on and adjusted in a manner that would alert the driver of an incoming communication request. 625 ILCS 5/12-813.1(e). A school bus driver may not operate a school bus while using a cellular radio telecommunication device except in the following situations: (1) in an emergency situation to communicate with an emergency response operator; a hospital; a physician's office or health clinic; an ambulance service; a fire department, fire district, or fire company; or a police department; (2) in the event of a "mechanical breakdown or other mechanical problem;" (3) to communicate with school authorities about bus operation or the safety of a passenger on the bus; and (4) when the bus is parked. 625 ILCS 5/12-813.1(c). However under no circumstances may the cellular radio telecommunication device be used for anything else including personal use. 625 ILCS 5/12-813.1(c)(2).

©~~2022~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Operational Services

Food Services [1]

Good nutrition shall be promoted in the District's meal programs and in other food and beverages that are sold to students during the school day. The Superintendent shall manage a food service program that complies with this policy and is in alignment with School Board policy 6:50, *School Wellness*.

Food or beverage items sold to students as part of a reimbursable meal under federal law must follow the nutrition standards specified in the U.S. Dept. of Agriculture rules that implement the National School Lunch and Child Nutrition Acts. Schools being reimbursed for meals under these laws are *participating schools*. [2]

The food service program in participating schools shall comply with the nutrition standards specified in the U.S. Dept. of Agriculture's *Smart Snacks rules* when it offers competitive foods to students on the school campus during the school day.[3] *Competitive foods* are all food and beverages that are offered by any person, organization or entity for sale to students on the school campus during the school day that are not reimbursed under programs authorized by federal law.[4] The food service programs in participating schools shall also comply with any applicable mandates in the Ill.~~inois~~ State Board of Education's School Food Service rules implementing these federal laws and the Ill. School Breakfast and Lunch Program Act. [5]

DRAFT

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. Districts that participate in programs under the National School Lunch Act and Child Nutrition Acts must establish policies and procedures as are necessary to ensure compliance with 7 C.F.R. §210.1(b).

The Ill. State Board of Education (ISBE) limits the sale of competitive food and beverages sold to students on the school campus of any school that participates in the School Breakfast Program or the National School Lunch Program. 23 Ill.Admin.Code §305.15(a).

This policy's first sentence provides an opportunity for a school board to consider goals for the food service program and, if appropriate, amend the sentence. For example, a board may want to address the role of parents, alignment with curriculum, or the purpose of vending machines.

Subject to funding by the General Assembly, 105 ILCS 5/2-3.20~~74~~, renumbered~~added~~ by P.A. 10~~4-852~~3~~ 1076~~, requires ISBE to secure one or more statewide master contracts for Halal and Kosher meals so districts may purchase them. If ISBE secures a master contract, it must notify districts of prepackaged meal options available under the contract. Districts may then purchase the prepackaged meals under the master contract. Districts must establish procedures regarding ordering, preparing, and serving prepackaged meal options offered under a statewide contract. Id.

[2] 7 C.F.R. Parts 210 & 220.

[3] Richard B. Russell~~ B.~~ National School Lunch Act, 42 U.S.C. §1751 et seq., as amended by the Healthy Hunger-Free Kids Act of 2010 (P.L. 111-296); 7 C.F.R. §210.11(c).

[4] 7 C.F.R. §210.11(a)(2); 23 Ill. Admin. Code §305.5.

[5] 105 ILCS 125/5.5 requires districts that participate in the National School Lunch Program to provide a plant-based school lunch option that complies with federal nutritional standards to those students who submit a prior request to the district for the option. Districts may, but are not required to, incorporate a plant-based option into their planned menu as a means of compliance. See ISBE's *Dietary Accommodations* guidance, at: www.isbe.net/Documents/K-Accommodations.pdf.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

All revenue from the sale of any food or beverages sold in competition with the School Breakfast Program or National School Lunch Program to students in food service areas during the meal period shall accrue to the nonprofit school lunch program account. [6]

LEGAL REF.: 42 U.S.C. §1751 et seq., Richard B. Russell ~~B.~~ National School Lunch Act.
42 U.S.C. §1771 et seq., Child Nutrition Act of 1966.
7 C.F.R. Parts 210 (National School Lunch Program) and 220 (School Breakfast Program).
105 ILCS 125/, School Breakfast and Lunch Program Act.
23 Ill.Admin.Code Part 305, School Food Service.

CROSS REF.: 4:130 (Free and Reduced-Price Food Services), 6:50 (School Wellness)

DRAFT

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

[6] This paragraph addresses the federal *requirements for competitive food* in 7 C.F.R. §210.11(b). This rule requires state agencies (ISBE) and/or [school districts] to "establish such policies and procedures as are necessary to ensure compliance with [the federal rules]. State agencies and/or [school districts] may impose additional restrictions on competitive foods…." ISBE's implementing rule, 23 Ill.Admin.Code §305.15(d), imposes additional restrictions by requiring "the revenue from any food or beverage meeting the competitive food standards sold to students in food service areas during the meal period accrue to the nonprofit school lunch program account."

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Operational Services

Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors [1]

Child sexual abuse and grooming behaviors harm students, their parents/guardians, the District's environment, its school communities, and the community at large, while diminishing a student's ability to learn. The Board has a responsibility and obligation to increase awareness and knowledge of:[2] (1) issues regarding child sexual abuse, (2) likely warning signs that a child may be a victim of sexual abuse, (3) behaviors related to child sexual abuse and grooming, (4) how to report child sexual abuse, (5) appropriate relationships between District employees and students based upon State law, and (6) how to prevent child sexual abuse.

To address the Board's obligation to increase awareness and knowledge of these issues, prevent sexual abuse of children,[3] and define prohibited grooming behaviors,[4] the Superintendent or designee shall implement an Awareness and Prevention of Sexual Abuse and Grooming Behaviors Program. The Program will:

1. Educate students with:

DRAFT

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

[1] Required by *Erin's Law*, 105 ILCS 5/10-23.13. Also infused into this policy are concepts from *Faith's Law,* 105 ILCS 5/22-85.5, which provides helpful guidance for districts to implement *Erin's Law* due to its vagueness. See f/ns 1 and 14 in sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, for further information regarding *Faith's Law*.

Two additional statutes address a district's responsibility to provide age-appropriate sexual abuse and assault awareness and prevention education programs:

1. 105 ILCS 5/27~~/~~-215, renumbered by P.A. 104-391 and amended by P.A. 104-831, eff. 1-1-27, Critical Health Problems and Comprehensive Health Education Act (requires districts to establish a Comprehensive Health Education Program that includes age-appropriate sexual abuse and assault awareness and prevention education in grades pre-K through 12) (see sample policy 6:60, *Curriculum Content*, and administrative procedure 6:60-AP1, *Comprehensive Health Education Program*);
2. 105 ILCS 5/27-1015(b), renumbered by P.A. 104-391 (requires comprehensive personal health and safety and comprehensive sexual health education a/k/a National Sex Education Standards (NSES) to: (a) be age and developmentally appropriate, medically accurate, complete, culturally appropriate, inclusive, and trauma informed, (b) replicate evidence-based or evidence-informed programs or substantially incorporate elements of evidence-based programs or evidence-informed programs or characteristics of effective programs, (c) provide information about local resources where students can obtain additional information and confidential services related to sexual violence (including sexual abuse and assault), and (d) provide information about State laws related to mandated reporting of child abuse and neglect, and school policies addressing the prevention of and response to sexual violence) (see sample policy 6:60, *Curriculum Content*, and administrative procedure 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*); and

See sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*, at f/n 2, for information regarding ~~the repeal of 105 ILCS 5/27-13.2, which formerly~~the requirement for ~~required~~ districts to give parents/guardians of students in grades pre-K-8 prior written notice of sexual abuse prevention instruction and the opportunity to opt their children out of such instruction upon written objection. 105 ILCS 5/27-215(e), added by P.A. 104-831, eff. 1-1-27.

[2] 105 ILCS 5/10-23.13 at (b)(1).

[3] Id. at (b).

[4] Id. at (b).

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

a. An age-appropriate and evidence-informed health and safety education[5] curriculum that includes methods for how to report child sexual abuse and grooming behaviors to authorities,[6] through Board policy 6:60, *Curriculum Content*; [7]

b. Information in Board policy 7:250, *Student Support Services*, about: (i) District counseling options, assistance, and intervention for students who are victims of or affected by sexual abuse,[8] and (ii) community-based Children's Advocacy Centers and sexual assault crisis centers and how to access those serving the District. [9]

2. Train District employees about child sexual abuse and grooming behaviors by January 31 of each school year with materials that include: [10]

a. A definition of prohibited grooming behaviors and employee-student boundary violations pursuant to Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest;*

b. Evidence-informed[11] content on preventing, recognizing, reporting, and responding to child sexual abuse, grooming behaviors, and employee-student boundary violations pursuant to Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; 5:90, *Abused and Neglected Child Reporting*; 5:100, *Staff Development Program*; and 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; and

c. How to report child sexual abuse, grooming behaviors, and/or employee-student boundary violations pursuant to Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*.

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

[5] Id. at (b)(1).

[6] Id. at (b)(4).

[7] 105 ILCS 5/10-23.13(b). See policy 6:60, *Curriculum Content*, and administrative procedure 6:60-AP1, *Comprehensive Health Education Program*, for information on school board choices related to health and safety education, including sex education.

[8] Id. at (b)(2) and (3).

[9] Id. at (b)(5). See policy 5:90, *Abused and Neglected Child Reporting*, and administrative procedure 5:90-AP1, *Coordination with Children's Advocacy Center*, for more information on Children's Advocacy Centers.

[10] Citations for each letter:

a. 105 ILCS 5/10-23.13(b).
b. Id. at (b), (b)(1.5), and (c).
c. Id. at (b) and (b)(1.5).

Child sexual abuse includes child sex trafficking. For resources about child sex trafficking, see:

1. *Resources for Combatting Human Trafficking in America's Schools* – www.ed.gov/teaching-and-administration/supporting-students/resources-combatting-human-trafficking-americas-schools
2. *SchoolSafety.gov's Child Exploitation* – www.schoolsafety.gov/child-exploitation
3. *Ill. Dept. of Human Services' Model Human Trafficking Hotline Notice* – www.dhs.state.il.us/page.aspx?item=82023
4. *Understand Human Trafficking* – https://polarisproject.org/
5. *SOAR to Health and Wellness Training Module* – https://acf.gov/otip/training-technical-assistance/soar-health-and-wellness
6. *Child Sex Trafficking: A Fact Sheet for Educational Professionals* – www.nctsn.org/resources/child-sex-trafficking-a-fact-sheet-for-educational-professionals

[11] Two Illinois laws address "evidence-informed." *Evidence-informed* per *Erin's Law* means modalities that were created utilizing components of evidence-based treatments or curriculums. 105 ILCS 5/10-23.13(a). Contrast with NSES at 105 ILCS 5/27-1015(a), renumbered by P.A. 104-391, which defines an *evidence-informed program* as "a program that uses the best available research and practice knowledge to guide program design and implementation."

©2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

3. Provide information to parents/guardians in student handbooks about the warning signs[12] of child sexual abuse, grooming behaviors, and employee-student boundary violations with evidence-informed educational information that also includes: [13]
    a. Assistance, referral, or resource information, including how to recognize grooming behaviors,[14] appropriate relationships between District employees and students based upon Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*,[15] and how to prevent child sexual abuse from happening;
    b. Methods for how to report child sexual abuse, grooming behaviors, and/or employee-student boundary violations to authorities; and
    c. Available counseling and resources for children who are affected by sexual abuse, including both emotional and educational support for students affected by sexual abuse, so that the student can continue to succeed in school pursuant to Board policy 7:250*, Student Support Services*.

DRAFT

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

[12] 105 ILCS 5/10-23.13(b) and (b)(1); warning signs and *likely* warning signs are mentioned twice in the law. This policy uses likely in the purpose introduction. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, Online Model Student Handbook (MSH), at https://ilprincipals.org/msh/.

[13] This information is listed in sample exhibit 7:190-E2, *Student Handbook Checklist*. Citations for each letter:
    a. 105 ILCS 5/10-23.13(b) and (b)(1).
    b. Id. at (b)(4) and (5).
    c. Id. at (b).

[14] Providing information to parents/guardians about how to recognize grooming behaviors is not in *Erin's Law*; it only addresses informing parents/guardians about the methods for increasing their awareness and knowledge of grooming behaviors. 105 ILCS 5/10-23.13(b)(1). This policy requires the district to provide information to parents/guardians about how to recognize grooming behaviors to: (1) effect the purpose of *Erin's Law*, (2) align with the intent of the statutes cited in f/n 1, above (educating all students to recognize and avoid sexual abuse and assault), and (3) align with the notification requirements in 105 ILCS 5/27-13.2 (parents/guardians of K-8 students prior to commencing instruction in recognizing and avoiding sexual abuse (see f/n 15, below)).

[15] 105 ILCS 5/22-85.5(e), amended by P.A. 104-831, eff. 1-1-27, requires ~~the employee code of professional conduct policy be included in any~~all staff, student, ~~or~~and parent/guardian handbooks provided by the district to include the employee code of professional conduct policy, guidelines established for all of the situations identified in 105 ILCS 5/22-85.5(d)(3) (transporting a student, taking or possessing a photo or a video of a student, and meeting with a student or contacting a student outside of the employee's professional role), and all available methods for reporting employee-student boundary violations within a school and to external agencies. This information must also be posted on a district's website. See sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, and sample exhibits 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and 7:190-E2, *Student Handbook Checklist*. See also the IPA handbook service referenced in f/n 12, above.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 105 ILCS 5/10-23.13, 5/22-85.5, and 5/27-1015.
105 ILCS 5/27-215, Critical Health Problems and Comprehensive Health Education Act.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/11-25, Criminal Code of 2012.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 6:60 (Curriculum Content), 7:20 (Harassment of Students Prohibited), 7:250 (Student Support Services)

DRAFT

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Operational Services

Safety [1]

Safety and Security

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

1. An emergency operations and crisis response plan(s) addressing prevention, preparation, response, and recovery for each school; [3]

DRAFT

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

[1] State law requires a policy on several topics in this policy and otherwise controls this policy's content. Topics previously assigned to this code number were moved in May 2014 and placed in sample policies 4:100, *Insurance Management*, and 4:175, *Convicted Child Sex Offender; Screening; Notifications.*

Grants may be available from the Ill. State Board of Education (ISBE) to support school safety improvements, including professional development; safety-related upgrades to school buildings, equipment, and facilities; additional resources to implement restorative interventions and resolution strategies as alternatives to exclusionary discipline; and crisis response mapping data. 105 ILCS 5/2-3.180, 5/2-3.181, and 128/50, added by P.A. 103-8.

Based upon the recommendation of the Federal Commission on School Safety in, the U.S. Depts. of Homeland Security, Education, Justice, and Health and Human Services created a central school safety clearinghouse website at: www.schoolsafety.gov, to share actionable recommendations to help schools prevent, protect, mitigate, respond to, and recover from emergency situations. Topics include bullying/cyberbullying, student mental health, school climate, threat assessment, emergency planning, security, recovery, and drills.

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

[3] The term *emergency operations and crisis response plan* is used because federal agencies refer to school *emergency operations plans* and the School Safety Drill Act (105 ILCS 128/) refers to *emergency and crisis response plans*. 105 ILCS 128/55, added by P.A. 103-194 and renumbered by P.A. 103-605, requires a school building's emergency and crisis response plan, protocol, and procedures to include a plan for local law enforcement to rapidly enter a school building in an emergency.

See sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. This procedure follows the recommendations in the *Guide for Developing High-Quality School Emergency Operations Plans*, produced by a collaboration of federal agencies in June 2013 at: www.ed.gov/media/document/rems-guide-developing-high-quality-emergency-operations-plans-k-12-schools-2013-113150.pdf~~www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf~~. The *Guide* informs schools what they *need* to do, not *what* to do. It recommends a process for developing, implementing, and continually refining a school emergency operations plan as well as a discussion of its form, function, and content. See also *The Role of Districts in Developing High-Quality School Emergency Operations Plans: A Companion to the School Guide*, at: www.ed.gov/media/document/rems-role-of-districts-developing-high-quality-school-emergency-operations-plans-2019-113293.pdf~~https://rems.ed.gov/docs/District_Guide_508C.pdf~~.

ISBE maintains a comprehensive website on school emergency and crisis response planning in compliance with the School Safety Drill Act and Joint Rules of the Office of the State Fire Marshal and ISBE (29 Ill.Admin.Code Part 1500), at www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx. ISBE's website includes a *Sample School Emergency Operations Plan* which aligns with the federal *Guide for Developing High-Quality School Emergency Operations Plans*.

105 ILCS 128/45, amended by P.A.s 103-780 and 104-407, required school districts to implement a threat assessment procedure by 12-6-19, and to establish a threat assessment team by 2-19-20. The threat assessment procedure may be part of a board policy on targeted school violence prevention that includes the creation of a threat assessment team. For more discussion, see sample policy 4:190, *Targeted School Violence Prevention Program*.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

2. Provisions for a coordinated effort with local law enforcement and fire officials, emergency medical services personnel, and the Board Attorney;
3. A school safety drill plan;
4. Instruction in safe bus riding practices;[4] and
5. A clear, rapid, factual, and coordinated system of internal and external communication.

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

School Safety Drill Plan [6]

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

1. Three school evacuation drills to address and prepare students and school personnel for fire incidents. One of these three drills shall require the participation of the local fire department or district.
2. One bus evacuation drill.
3. One severe weather and shelter-in-place drill to address and prepare students and school personnel for possible tornado incidents.
1. One law enforcement lockdown drill to address a school shooting incident and to evaluate the preparedness of school personnel and students. This drill shall occur no later than 90 days after the first day of school of each year~~,~~ and shall require the participation of all school personnel

DRAFT

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

105 ILCS 5/10-20.72 allows school districts to install a door security locking means on a door of a school building to prevent unwanted entry through the door only if the door security locking means is used: (1) by a trained school district employee; (2) during an emergency that threatens the health and safety of students and employees or during an active shooter drill; and (3) when local law enforcement officials and the local fire department have been notified of its installation prior to its use. Id.

[4] Required by 105 ILCS 128/20(b) and 105 ILCS 5/10-20.14(c), amended by P.A. 103-896, for all students. See sample administrative procedure 4:110-AP3, *School Bus Safety Rules*. *School Bus Safety Guidance*, developed by ISBE in consultation with stakeholders, is available at: www.isbe.net/Documents/Bus-Safety-Guidance-June-2025.pdf.

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

625 ILCS 5/12-610.1(e) prohibits wireless telephone use at any time while operating a motor vehicle on a roadway in a school speed zone except for: (1) highway construction or maintenance workers within their work zones; (2) any use for emergency purposes; (3) law enforcement officers or emergency responders performing their duties; (4) a person using a wireless telephone in voice-operated mode with or without use of a headset; (5) a person with technology that uses a single button to initiate or terminate a voice communication, e.g., *HandsFreeLink*®; and (6) a person using an electronic communication device solely to report an emergency and for continued communication with emergency personnel. 625 ILCS 5/12-813.1 limits cell phone use by school bus drivers; see sample policy 4:110, *Transportation*.

[6] Each of the listed drills is required by the School Safety Drill Act. Each drill's requirements are comprehensively covered in sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. For information about documenting minimum compliance with the School Safety Drill Act, see www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx.

105 ILCS 5/2-3.12(f) authorizes the Ill. State Fire Marshal or a qualified fire official to whom the Ill. State Fire Marshal has delegated his or her authority to conduct an annual fire safety inspection of each school building, provided the inspection is coordinated with the regional superintendent. See also 105 ILCS 5/3-14.21(c) (inspection of schools) and 23 Ill.Admin.Code §180.300(b) (annual building and fire safety inspections). To effectively implement this law and ensure the education of students in the district is not disturbed, school officials should discuss with the Ill. State Fire Marshal and regional superintendent whether written notice may be provided to the principal requesting to schedule a mutually agreed upon time.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

and students present at school at the time of the drill, except for those exempted by administrators, school support personnel, or a parent/guardian. [7]

~~4.~~2. One cardiac response drill to practice the steps established in the District's cardiac emergency response plan. This drill may be done in partnership with local emergency medical services and may be conducted without student participation. [8]

Annual Review

The Board or its designee will annually review each school building's emergency operations and crisis response plan(s), protocols, and procedures, as well as each building's compliance with the school safety drill plan. This annual review shall be in accordance with the School Safety Drill Act (105 ILCS 128/) and the Joint Rules of the Office of the State Fire Marshal and the Ill. State Board of Education (ISBE). [9]

DRAFT

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

[7] 105 ILCS 128/20(c). While 105 ILCS 128/20(c) uses both *lockdown drill* and *walk-through lockdown drill*, the terms are synonymous. For brevity, this material uses the term *lockdown drill*. Schools must (1) notify parents/guardians in advance of any lockdown drill that involves student participation, and (2) allow parents/guardians to exempt their child(ren) from participating for any reason. School administrators and support personnel may, at their discretion, exempt a student from participating in a lockdown drill. 105 ILCS 128/20(c)(4). When deciding whether to exempt a student, such personnel must include the student's individualized education program team or 504 plan team, if any, in the decision. 105 ILCS 128/20(c)(4), amended by P.A. 103-197. For students who do not participate in the lockdown drill, districts must provide alternative safety education and instruction related to an active threat or active shooter event. For students who do participate in the lockdown drill, districts must allow them to ask questions related to it.

Law enforcement may only run an active shooter simulation, including simulated gun-fire drills, on school days when students are not present. 105 ILCS 128/20(c)(5)-(8).

105 ILCS 128/22, added by P.A. 104-198, ~~eff. 1-1-26,~~ requires districts to provide all substitute personnel with: (1) training on school evacuation drills and law enforcement lockdown drills, and (2) support that includes, at a minimum, the information packet given to employees with district-approved materials outlining evacuation and lockdown procedures. Maps indicating all school exits must also be prominently displayed in every classroom. Id. See also sample administrative procedure 5:220, *Substitute Teachers*.

[8] 105 ILCS 128/60(c), added by P.A. 104-759, eff. 7-1-27, requires school districts to conduct an annual cardiac response drill but does not specify that the drill must occur in each school building that houses children. Having an annual cardiac response drill in each school building that houses children ensures practical, streamlined implementation.

[9] 29 Ill.Admin.Code Part 1500. The School Safety Drill Act requires each school board or its designee to conduct one annual meeting at which it reviews each building's emergency and crisis response plan, protocols, and procedures, including procedures regarding the school district's threat assessment team, the school district's hazardous substance release procedures, procedures regarding the district's cardiac emergency response plan, the efficacy and effects of law enforcement drills, and each building's compliance with the school safety drill plan. 105 ILCS 128/25, amended by P.A.s 103-608 and 104-344, ~~eff. 1-1-26,~~ and 128/30, amended by P.A. 103-175; 29 Ill.Admin.Code Part 1500. If the board uses a designee, it should preferably be someone other than the District Safety Coordinator to assure an unbiased audit. The statute contains detailed requirements. The board or its designee must: (1) complete a one-page report certifying that the review took place, among other things; (2) send a copy of the report to each participating party; and (3) send a copy of the report to the appropriate Regional Superintendent. 105 ILCS 128/25(c), (d). ISBE's website contains a suggested annual review checklist and a report form to document compliance at: www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx. The American Heart Association's cardiac emergency response plan template and implementation materials are available at: www.heart.org/CERP.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Automated External Defibrillator (AED) [10]

At least one automated external defibrillator (AED) shall be present in each District attendance center during the school day and during any District-sponsored extracurricular activity on school grounds. In addition, the Superintendent or designee shall implement a written plan for responding to medical emergencies at the District's physical fitness facilities in accordance with the Fitness Facility Medical Emergency Preparedness Act and shall file a copy of the plan with the Ill. Dept. of Public Health (IDPH). The plan shall provide for at least one AED to be available at every physical fitness facility on the premises according to State law requirements.

The District shall have an AED on site as well as a trained AED user: (1) on staff during staffed business hours; and (2) available during activities or events sponsored and conducted or supervised by the District.[11] The Superintendent or designee shall ensure that every AED on the District's premises is properly tested and maintained in accordance with rules developed by the IDPH.[12] This policy does not create an obligation to use an AED.

Carbon Monoxide Alarms [13]

The Superintendent or designee shall implement a plan with the District's local fire officials to:

1. Determine which school buildings to equip with approved *carbon monoxide alarms* or *carbon monoxide detectors,*
2. Locate the required carbon monoxide alarms or carbon monoxide detectors within 20 feet of a carbon monoxide emitting device, and
3. Incorporate carbon monoxide alarm or detector activation procedures into each school building that requires a carbon monoxide alarm or detector. The Superintendent or designee shall ensure each school building annually reviews these procedures.

DRAFT

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

[10] 105 ILCS 5/10-20.87, added by P.A. 103-1019. An AED installed and maintained according to the Physical Fitness Facility Medical Emergency Preparedness Act (210 ILCS 74/) can be used to satisfy this requirement. Id. Each indoor and outdoor physical fitness facility serving at least 100 individuals must "adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public." 210 ILCS 74/10(a). The facility must file the plan with the Ill. Dept. of Public Health (IDPH). Id. In addition, each indoor facility must have at least one AED on the premises, and each outdoor facility must house an AED in a building, if any, that is within 300 feet of the outdoor facility. 210 ILCS 74/15. See the statute and administrative rules for the other numerous mandates: 210 ILCS 74/, Physical Fitness Facility Medical Emergency Preparedness Act; 77 Ill.Admin.Code Part 527, Physical Fitness Facility Medical Emergency Preparedness Code. Also see sample administrative procedure 4:170-AP6, *Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED.*

[11] 77 Ill.Admin.Code §527.600(d), (f).

[12] 210 ILCS 74/15(c); 77 Ill.Admin.Code §527.700.

[13] 105 ILCS 5/10-20.57. *Carbon monoxide detector* and *detector* mean a device having a sensor that responds to carbon monoxide gas and that is connected to an alarm control unit and approved in accordance with rules adopted by the Ill. State Fire Marshal. 105 ILCS 5/10-20.57(a). *Approved carbon monoxide alarm* or *alarm* means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Ill. State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association. 430 ILCS 135/5.

Consult both the board attorney and the local fire officials about whether a school building is exempt from this law. Remove this subhead if the board attorney determines that every building across the entire school district is exempt. The law applies to school buildings that have or are close to any *sources of carbon monoxide*; however, it does not specifically define what that means. 430 ILCS 135/20 defines exemptions for residential units and may provide guidance on the exemption for schools. The law also fails to define *carbon monoxide emitting device*, which triggers the placement point in a school building for a carbon monoxide alarm or carbon monoxide detector.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Soccer Goal Safety [14]

The Superintendent or designee shall implement the Movable Soccer Goal Safety Act in accordance with the guidance published by the IDPH. Implementation of the Act shall be directed toward improving the safety of movable soccer goals by requiring that they be properly anchored.

Unsafe School Choice Option [15]

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

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

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

Lead Testing in Water [16]

The Superintendent or designee shall implement testing for lead in each source of drinking water in school buildings in accordance with the Ill. Plumbing License Law and guidance published by the

DRAFT

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

[14] Include this section **only if** the school district owns and controls a movable soccer goal. Movable Soccer Goal Safety Act, a/k/a *Zach's Law*, 430 ILCS 145/. The Act requires: (1) organizations that own and control a movable soccer goal to create a soccer goal safety and education policy that outlines how the organization will specifically address the safety issues associated with movable soccer goals; and (2) the IDPH to provide technical assistance materials. 430 ILCS 145/10, 20. See www.dph.illinois.gov/topics-services/prevention-wellness/injury-violence-prevention/soccer-goal-safety.

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

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

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

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

[16] 225 ILCS 320/35.5. Requires that each source of potable water in school buildings constructed on or before 1-1-00, which may be occupied by more than 10 children in grades pre-K through 5, be tested for lead. Testing for buildings constructed prior to 1-1-87 must have been conducted by 12-31-17. 225 ILCS 320/35.5(c)(4). Testing for buildings constructed between 1-2-87 and 1-1-00 must have been conducted by 12-31-18. Id. By 6-30-19, the IDPH was to determine whether it is necessary and appropriate to require testing for buildings constructed after 1-1-00. 225 ILCS 320/35.5(d). IDPH recommends that all schools constructed in whole or in part from 1-2-00 through 1-4-14 test all sources of potable water for lead. See IDPH's recommendations at: www.isbe.net/Documents/Improving-Water-Quality-Illinois-Schools.pdf. For high school districts, delete this subhead if no lead testing occurs.

Boards may, by resolution, use excess taxes levied for fire prevention, safety, energy conservation, and school security purposes for sampling lead in drinking water in schools and for repair and mitigation due to lead levels in the drinking water supply. 105 ILCS 5/17-2.11(j)(1).

Beginning no later than 11-1-27, federal drinking water regulations require that *community water systems* (defined at 40 C.F.R. §141.2) annually contact all schools in their service area to provide information about the health risks from lead in drinking water. 40 C.F.R. §141.92(c). By 11-1-32, community water systems must notify schools that they are eligible to be sampled for lead. Id.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

IDPH.[17] The Superintendent or designee shall notify parent(s)/guardian(s) about the sampling results from their children's respective school buildings. [18]

Emergency Closing

The Superintendent is authorized to close school(s) in the event of hazardous weather or other emergency that threatens the safety of students, staff members, or school property. [19]

LEGAL REF.: 105 ILCS 5/10-20.2, 5/10-20.57, 5/18-12, and 5/18-12.5.
105 ILCS 128/, School Safety Drill Act; 29 Ill.Admin.Code Part 1500.
210 ILCS 74/, Physical Fitness Facility Medical Emergency Preparedness Act.
225 ILCS 320/35.5, Ill. Plumbing License Law.

CROSS REF.: 4:110 (Transportation), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 4:180 (Pandemic Preparedness; Management; and Recovery), 4:190 (Targeted School Violence Prevention Program), 5:30 (Hiring Process and Criteria), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

DRAFT

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

[17] 225 ILCS 320/35.5(e) requires the IDPH to post on its website guidance on mitigation actions for lead in drinking water, and ongoing water management practices, in schools. See *Mitigation Strategies for Lead Found in School Drinking Water* at: https://dph.illinois.gov/content/dam/soi/en/web/idph/files/publications/school-lead-mitigation-strategies-050917.pdf. See also https://dph.illinois.gov/topics-services/environmental-health-protection/lead-in-water/testing-schools-child-care-facilities/improving-water-quality-schools.html.

[18] If any samples taken in the school exceed five parts per billion, a district must provide individual notification of sampling results, via written or electronic communication, to parents/guardians of all enrolled students that must include: (1) the corresponding sampling location within the school building; and (2) the U.S. Environmental Protection Agency's website for information about lead in drinking water at: www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water. 225 ILCS 320/35.5(c)(3). If any samples taken in the school are at or below five parts per billion, notification may be made in the same manner or by posting on the school's website. Id.

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

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

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Operational Services

Pandemic Preparedness; Management; and Recovery [1]

The School Board recognizes that the District will play an essential role along with the local health department and emergency management agencies in protecting the public's health and safety during a pandemic. [2]

A pandemic is a global outbreak of disease. Pandemics happen when a new virus emerges to infect individuals and, because there is little to no pre-existing immunity against the new virus, it spreads sustainably. [3]

To prepare the School District community for a pandemic, the Superintendent or designee shall:[4] (1) learn and understand how the roles that the federal, State, and local government function; (2) form a

DRAFT

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

[1] Only c~~C~~ertain subheads of this policy are required by State and/or federal law; specifically **Suspension of In-Person Instruction; Remote and/or Blended Remote Learning Day Plan(s)** (see f/n 12, below), and depending upon the specific terms of government orders and/or guidance issued during a pandemic, if a district wishes to continue to charge employee salaries and benefits to a grant during an extended school closure, **Payment of Employee Salaries During Emergency School Closures** (see f/n 11, below). Other subheads and text in this policy are optional. Its purpose is to establish board direction about pandemic preparedness, management, and recovery issues and inform the community about the board's role during a pandemic.

Boards are authorized to adopt a policy on pandemic preparedness even though State and federal law provide little guidance. On 3-11-20, the World Health Organization (WHO) characterized the COVID-19 outbreak as a pandemic. See www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020. Before the COVID-19 pandemic, most research and guidance around pandemics was specific to influenza, but the same principles for influenza pandemics were applied to the management of the COVID-19 pandemic. State law grants boards broad authority to formulate, adopt, and modify school board policies, at the board's sole discretion, subject only to mandatory collective bargaining agreements and State and federal law. 105 ILCS 5/10-20.5 and 115 ILCS 5/1 et seq. See sample policies 2:20, *Powers and Duties of the School Board; Indemnification*, and 2:240, *Board Policy Development*.

Information similar to this policy's content may also be a part of a district's safety plans, which the superintendent uses to implement the board's direction in this policy.

See f/n 3, below for a definition of a pandemic.

[2] Multiple stakeholders at many levels and in many groups have important roles in effective pandemic preparedness, management, and recovery efforts. Stakeholders include federal departments and agencies, public health organizations, State and local health departments and laboratories, private health care organizations, influenza vaccine and antiviral manufacturers, and vaccine distributors and vaccinators. **Illinois Pandemic Influenza Preparedness and Response Plan**, Version 5.1~~0~~, March~~y~~ 2020~~14~~, *Concept of Operations ~~2.0~~*, page 3~~1~~6, at: www.idph.state.il.us/pandemic_flu/planning.htm.

[3] This paragraph embodies the CDC's pandemic definition. See www.cdc.gov/pandemic-flu/basics/index.html. The **Illinois Pandemic Influenza Preparedness and Response Plan**, Version 5.1~~0~~, May 2020~~14~~, also defines pandemic at page 9; however, that definition is specific to influenza. The COVID-19 coronavirus is not an influenza virus yet was characterized as a pandemic by WHO.

Prior to the COVID-19 pandemic, literature discussed that during an influenza pandemic, a new influenza virus will cause thousands or even millions of people to contract the disease and, in turn, spread the illness to others because people have not been previously exposed to the new virus. See **School Guidance During an Influenza Pandemic**, December 2006, at: www.idph.state.il.us/pandemic_flu/school_guide/school_pan_flu_guide.pdf; Ill. State Board of Education (ISBE) opening letter to School Officials dated November 2006 from Dr. Randy J. Dunn and Dr. Eric Whitaker, at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_letter.pdf.

[4] 105 ILCS 5/10-16.7. The school board directs, through policy, the superintendent in his or her charge of the district's administration.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

pandemic planning team consisting of appropriate District personnel and community members to identify priorities and oversee the development and implementation of a comprehensive pandemic school action plan; and (3) build awareness of the final plan among staff, students, and community.

Emergency School Closing [5]

In the case of a pandemic, the Governor may declare a disaster due to a public health emergency that may affect any decision for an emergency school closing. Decisions for an emergency school closing will be made by the Superintendent in consultation with and, if necessary, at the direction of the

---

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

[5] In times of emergency, the functions of different levels of State and federal government often become cloudy, and determining what governmental entity has powers to take a particular action can be confusing. The concept of federalism, or the coexistence of federal and state governments with their own local powers, was utilized during the response to the COVID-19 pandemic. Federalism is premised on the Constitutional limits of federal power. See U.S. Const. Art, I, Sec. 8 (limiting powers of Congress providing only those powers enumerated). Generally, during the COVID-19 pandemic, Illinois and other states were left with these remaining powers of government to respond to the crisis. The states' governors and local leaders made state-specific or locality-specific decisions based upon the local conditions in each community. Depending upon the federal administration in power at the time of a pandemic, the federal government may seek to play a greater or lesser role in the management of a pandemic.

Local health departments, emergency medical agencies, and the Regional Office of Education (or appropriate Intermediate Service Center) may direct a school to close during a pandemic. See **School Guidance During an Influenza Pandemic**, December 2006, at: www.idph.state.il.us/pandemic_flu/school_guide/school_pan_flu_guide.pdf; ISBE opening letter to school officials dated November 2006 from Dr. Randy J. Dunn and Dr. Eric Whitaker. This letter is at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_letter.pdf. Since the 2006 School Guidance During an Influenza Pandemic letter was written, several Illinois schools faced an H1N1 outbreak in 2009, and all Illinois schools faced the COVID-19 pandemic in 2020 and the years following.

The Ill. Dept. of Public Health (IDPH) is also authorized to order a place to be closed and made off-limits to the public to prevent the probable spread of a dangerously contagious or infectious disease. 20 ILCS 2305/2(b), amended by P.A. 103-1049.

The Governor also has emergency powers upon his or her declaration of a disaster, which includes among other things public health emergencies. 20 ILCS 3305/4 and 3305/7, amended by P.A. 104-466. Upon such proclamation, the Governor has, and may exercise for a period not to exceed 30 days, several emergency powers. Id.

During the 2009 H1N1 outbreak, ISBE directed schools with a statement titled *Closing School in Response to H1N1* that outlined "the decision to close school must be made locally by the school district and in conjunction and support with the relevant local public health department. The impact of a pandemic may vary from region to region. Therefore, it is crucial that district administrators rely on the advice and recommendations of their local public health department." During the COVID-19 pandemic, the Governor and ISBE issued many directives and/or guidance, including reliance upon the advice and recommendations of local public health departments. See www.isbe.net/Pages/covid19.aspx. And see IDPH-ISBE joint summary of the CDC's guidance for prevention of COVID-19 in schools, at: https://dph.illinois.gov/content/dam/soi/en/web/idph/covid19/guidance/school/School-Guidance_6.13.2023.pdf.

During the COVID-19 pandemic, protests occurred and many lawsuits were filed challenging Gov. Pritzker's extensions of disaster declaration emergency power under the Ill. Emergency Management Act (IEMA), 20 ILCS 3305/7. Controversies existed across party and regional lines with all branches of government looking to balance the need to protect human life against the desire to preserve personal liberty. Gov. Pritzker's Executive Orders (EOs) faced unsettled challenges in both the courts of law and public opinion as a five-phased plan to re-open Illinois was also being introduced a/k/a *Restore Illinois Plan*. Certain EOs required schools to implement specific mitigations, including universal indoor masking, exclusion of close contacts, and vaccination/testing mandates for school personnel. The EOs and the implementing emergency rules adopted by ISBE and IDPH were the subject of frequent litigation. See Austin v. Bd. of Educ. of Cmty. Unit. Sch. Dist. 300 et al. v. Pritzker, 2022 IL 128205 (Ill. 2022). The scope of the Governor's authority over schools in a pandemic remains unsettled. Some school personnel objected to the vaccination/testing mandate under the Health Care Right of Conscience Act (HCRCA), 745 ILCS 70/. The General Assembly subsequently amended the HCRCA to clarify that it is not a violation of the HCRCA for public officials or employers to require services by health care personnel (such as testing) intended to prevent the transmission of COVID-19. 745 ILCS 70/13.5. Following the HCRCA amendment, an Illinois appellate court denied plaintiff employees emergency relief from the vaccination/testing mandate for school personnel, finding that their claims under the HCRCA were unlikely to succeed. Glass v. Dept. of Corrections, et al., 461 Ill.Dec. 384 (4th Dist. 2022).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Governor, Ill. Dept. of Public Health, District's local health department, emergency management agencies, and/or Regional Office of Education. [6]

During an emergency school closing, the Board President and the Superintendent[7] may, to the extent the emergency situation allows, examine existing Board policies pursuant to Policy 2:240, *Board Policy Development*, and recommend to the Board for consideration any needed amendments or suspensions to address mandates that the District may not be able to accomplish or implement due to a pandemic. [8]

Board Meeting Procedure; No Physical Presence of Quorum and Participation by Audio or Video [9]

A disaster declaration related to a public health emergency[10] may affect the Board's ability to meet in person and generate a quorum of members who are physically present at the location of a meeting. Policy 2:220, *School Board Meeting Procedure*, governs Board meetings by video or audio conference without the physical presence of a quorum.

Payment of Employee Salaries During Emergency School Closures [11]

The Superintendent shall consult with the Board to determine the extent to which continued payment of salaries and benefits will be made to the District's employees, pursuant to Board policies 3:40, *Superintendent*, 3:50, *Administrative Personnel Other Than the Superintendent*, 5:35, *Compliance with the Fair Labor Standards Act*, 5:200, *Terms and Conditions of Employment and Dismissal*, and 5:270, *Employment At-Will, Compensation, and Assignment*, and consistent with: (1) applicable laws, regulations, federal or State or local emergency declarations, executive orders, and agency directives; (2) collective bargaining agreements and any bargaining obligations; and (3) the terms of any grant under which an employee is being paid.

DRAFT

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

[6] Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

[7] For a board that prefers its policy committee to engage in this work, delete Board President and the Superintendent and insert: Board Policy Committee. See sample policies 2:150, *Committees* and 2:240, *Board Policy Development*. This sample policy uses the board president and superintendent as the default text because during a pandemic, it may be difficult for a board policy committee to meet pursuant emergency executive orders that are issued, etc.

[8] For an example of some issues that these entailed during the COVID-19 pandemic, see paragraph six of f/n 12, below.

[9] 5 ILCS 120/2.01 and 120/7(e). See also 105 ILCS 5/10-6, 5/10-12, and 5/10-16.

[10] While 5 ILCS 120/7(e)(1) uses the phrase "related to public health concerns," the text "due to public health emergency" aligns with IEMA, 20 ILCS 3305/4 and 7, the governing statute of disaster declarations. For ease of understanding and alignment with IEMA, this policy uses "public health emergency." For more discussion, see f/n 33 in sample policy 2:220, *School Board Meeting Procedure*.

[11] This may be required if a district wishes to continue to charge employee salaries and benefits to a grant during an extended school closure, depending upon the specific terms of government orders and/or guidance issued during a pandemic. 2 C.F.R. Part 200 (see, e.g., www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf, which was extended until 9-30-20 by www.whitehouse.gov/wp-content/uploads/2020/06/M-20-26.pdf) and 30 ILCS 708/.

During the COVID-19 pandemic, Gov. Pritzker and ISBE issued directives and/or guidance regarding payment of school district employees that may impact a board's decision regarding continued payment of employees during an extended closure. ISBE and the Governor suspended in-person learning and issued a Joint Statement (JS) with other school administrator and union groups, which purported to mandate that all school district employees on the district's payroll be paid as if districts were functioning normally and they were performing their normal work. See https://edred.org/wp-content/uploads/2020/03/Joint-Statement-Updated-3-27-20.pdf. ~~https://www.isbe.net/Documents/Joint-Statement-Updated%203-27-20.pdf~~The JS cited no specific authority for the payment mandate. Additionally, changes to wages, hours, terms and conditions of employment, even when made during an extraordinary circumstance such as a pandemic, remain subject to collective bargaining obligations.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Suspension of In-Person Instruction; Remote and/or Blended Remote Learning Day Plan(s)

When the Governor declares a disaster due to a public health emergency pursuant to 20 ILCS 3305/7, and the State Superintendent of Education declares a requirement for the District to use *Remote Learning Days* or *Blended Remote Learning Days*, the Superintendent shall approve and present to the Board for adoption a Remote and/or Blended Remote Learning Day Plan[12] (Plan) that: [13]

1. Recommends to the Board for consideration any suspensions or amendments to curriculum-related policies to reduce any Board-required graduation or other instructional requirements in

---

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

[12] 105 ILCS 5/10-30(3) requires the "[board] to adopt and the superintendent to approve" these plans upon the following statutory triggers: (1) the governor declaring a disaster pursuant to 20 ILCS 3305/, and (2) the state superintendent of education declaring a requirement for a school district, multiple school districts, a region, or the entire State. See sample administrative procedure 6:20-AP, *Remote and/or Blended Remote Learning Day Plan(s)* for the specifics of implementing Remote Learning Days (RLDs) and/or Blended Remote Learning Days (BLRDs).

Implementing a plan under this subhead contains items on which collective bargaining may be required. Any policy that impacts wages, hours, or 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 subhead of the policy concerns an area in which the law is unsettled. See 105 ILCS 5/10-30(7) (stating that it does not increase or diminish any collective bargaining rights under existing law). Aspects of the plan that impact the wages or other terms or conditions of employment will need to be bargained with the exclusive bargaining representative(s).

To avoid confusion, note that the triggers under the Open Meetings Act (OMA), 5 ILCS 120/7(e) for when a school board may conduct its meetings by audio or video conference without the physical presence of a quorum are a bit more broad: (1) the "governor **or the director of IDPH** has issued a disaster declaration as defined in 20 ILCS 3305/, and (2) all or part of the jurisdiction of the [school board] is covered by the disaster area. This means that it is possible for the board to meet remotely under OMA if the director of IDPH declares a disaster, but the School Code requires the governor to be the one to declare the disaster under 20 ILCS 3305/ in order for the state superintendent of education to declare that a district implement RLD/BRLDs. RLD/BRLDs and *e-learning days/e-learning programs* are different. RLD/BRLDs are for use when the governor declares a disaster under 20 ILCS 3305/ and the state superintendent has declared a requirement for the district to use them to provide remote instruction to pre-kindergarten through grade 12 that count as pupil attendance days under 105 ILCS 5/10-19.05(j-5). 105 ILCS 5/10-30(1). BRLDs allow districts to utilize hybrid models of in-person and remote instruction. E-learning days are part of an e-learning program that require a board to, among other things, hold a public hearing and obtain approval by the Regional Office of Education (or Intermediate Service Center) to allow the district to provide instruction to students electronically while they are not physically present in lieu of the district's scheduled emergency days as required under 105 ILCS 5/10-19 or because a school was selected to be a polling place under 10 ILCS 5/11-4.1. 105 ILCS 5/10-20.56(b), amended by P.A.s 103-780 and 104-552, eff. 1-1-27. An e-learning day used by a district due to a school being selected under the Election Code as a polling place does not count toward the district's minimum number of emergency days. Id.

~~.~~School districts with e-learning programs may adapt them for use during RLDs and BLRDs (105 ILCS 5/10-20.56(a) and 5/10-30(2).

If the board has adopted an e-learning program pursuant to 105 ILCS 5/10-20.56, add the following text to number two after 105 ILCS 5/10-30:

by adapting into a Plan the District's e-learning program implemented pursuant to 105 ILCS 5/10-20.56

See sample policies 6:20, *School Year Calendar and Day*, 6:300, *Graduation Requirements*, and 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students*, and Executive Order 2020-31 (temporarily suspending certain State assessment and graduation requirements (not local requirements that exceed the State-identified minimums)) and allowing local school boards to amend policies to reduce any local graduation requirements adopted in excess of the minimum requirements specified in School Code that school districts were unable to complete during the 2019-20 school year due to the suspension of in-person instruction and/or the Stay-at-Home orders issued in response to the COVID-19 pandemic).

[13] 105 ILCS 5/10-30(3) states "the district shall adopt a remote and blended remote learning day plan approved by the district superintendent." For ease of administration, to avoid confusion during implementation, and to align with the IASB Foundational Principles of Effective Governance (www.iasb.com/training-and-events/training/training-resources/foundational-principles-of-effective-governance), this policy assigns the duty to *adopt* the remote and blended remote learning day plan (plan) by "the district" to the board. In alignment with this policy, sample administrative procedure 6:20-AP, *Remote and/or Blended Remote Learning Day Plan(s)*, requires the superintendent to approve the plan and present it to the board for *adoption* prior to district-wide implementation and posting on the district's website.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

excess of minimum curricular requirements specified in School Code that the District may not be able to provide due to the pandemic; [14]

2. Implements the requirements of 105 ILCS 5/10-30; and
3. Ensures a plan for periodic review of and/or amendments to the Plan when needed and/or required by statute, regulation, or State guidance.

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-20.5, 5/10-20.56, and 5/10-30.
5 ILCS 120/2.01 and 120/7(e), Open Meetings Act.
20 ILCS 2305/2(b), Ill. Dept. of Public Health Act (Part 1).
20 ILCS 3305/, Ill. Emergency Management Agency Act.
115 ILCS 5/, Ill. Educational Labor Relations Act.

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 2:20 (Powers and Duties of the School Board; Indemnification), 2:220 (School Board Meeting Procedure), 2:240 (Board Policy Development), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:70 (Succession of Authority), 4:170 (Safety), 5:35 (Compliance with the Fair Labor Standards Act), 5:200 (Terms and Conditions of Employment and Dismissal), 5:270 (Employment At-Will, Compensation, and Assignment), 6:20 (School Year Calendar and Day), 6:60 (Curriculum Content), 6:300 (Graduation Requirements), 7:90 (Release During School Hours), 8:100 (Relations with Other Organizations and Agencies)

DRAFT

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

[14] 105 ILCS 5/10-30(8) does not excuse districts from completing all statutory and regulatory curricular mandates and offerings.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

General Personnel

Equal Employment Opportunity and Minority Recruitment [1]

DRAFT

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

[1] Federal and State law (see the policy's Legal References) require that all districts have a policy on equal employment opportunities and control this policy's content. **This is a complex, confusing, and highly litigated area of the law; consult the board attorney for advice on the application of these laws to specific situations.**

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

The School District shall provide equal employment opportunities[2] to all persons regardless of their race;[3] color; creed; religion;[4] national origin; sex;[5] sexual orientation;[6] age;[7] ancestry; marital status;[8]

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

[2] *Equal employment opportunities* apply to virtually all terms and conditions of employment, e.g., discharge, hire, promotion, pay, demotion, and benefits (see the policy's Legal References). The Ill. Constitution protects the following categories from discrimination in employment: race, color, creed, national ancestry, sex, and handicap. Art. I, §§17, 18, and 19. The Ill. Human Rights Act (IHRA) protects the following categories from discrimination in employment, whether by purpose or effect, because of *actual* or *perceived*: race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, order of protection status, sexual orientation, pregnancy (including menopause-related conditions), reproductive health decisions, unfavorable discharge from military service, arrest record, conviction record (unless authorized by law), citizenship status, work authorization status. 775 ILCS 5/1-102(A), amended by P.A. 103-785; 5/1-103, amended by P.A.s 103-785, 104-744, eff. 1-1-27, and 104-793, eff. 1-1-27; and 775 ILCS 5/2-103.1.

In addition to intentional discrimination, the IHRA also prohibits an employer from using criteria or methods that have the effect of subjecting individuals to discrimination on the basis of categories protected by the IHRA (also known as *disparate impact*). 775 ILCS 5/2-103.5, added by P.A. 104-744, eff. 1-1-27. Criteria and methods include practices, policies, and groups of practices or policies that may have the effect of subjecting individuals to discrimination. Id. at 5/1-103(G-10), amended by P.A. 104-744, eff. 1-1-27. But see U.S. Dept. of Education's *Rescinding Portions of the Department of Education Title VI Regulations To Align With the Statutory Text and Conform to Executive Order 14281* (July 2026), which amends regulations implementing Title VI of the Civil Rights Act of 1964 to eliminate *disparate impact* liability, available at: www.federalregister.gov/documents/2026/07/24/2026-15019/rescinding-portions-of-the-department-of-education-title-vi-regulations-to-align-with-the-statutory. Consult the board attorney for guidance on employment practices that may result in *disparate impact*.

The IHRA also prohibits employers from using artificial intelligence (AI) in a manner that subjects employees to unlawful discrimination, and it requires employers to provide notice to employees when it uses AI with respect to recruitment, hiring, promotion, renewal of employment, selection for training, discharge, discipline, tenure, or the terms, privileges, or conditions of employment. 775 ILCS 5/2-102(L), added by P.A. 103-804~~, eff. 1-1-26~~.

The IHRA requires employers to annually disclose to the Ill. Dept. of Human Rights (IDHR) certain information about adverse judgments and administrative rulings where there was a finding of sexual harassment or unlawful discrimination under any federal, State, or local law, as well as data regarding settlement agreements, if requested by an IDHR investigator. 775 ILCS 5/2-108, amended by P.A. 104-417, (scheduled to be repealed on 1-1-30).

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits discrimination because of an individual's race, color, religion, sex, or national origin. 42 U.S.C. §2000e et seq., amended by The Lilly Ledbetter Fair Pay Act of 2009 (LLFPA), Pub.L. 111-2.

Under the Workplace Transparency Act (820 ILCS 96/), employers may not, as a condition of employment or continued employment, prevent prospective or current employees from making truthful statements or disclosures about alleged unlawful employment practices, including discrimination, or from engaging in concerted activities (including collective bargaining) to address work-related issues. Id. at 96/1-25, amended by P.A. 104-320~~, eff. 1-1-26~~.

The LLFPA clarifies that a discriminatory compensation decision or other practice occurs each time an employee is paid or receives a last benefits check pursuant to the discriminatory compensation decision as opposed to only from the time when the discriminatory compensation decision or other practice occurred. The LLFPA has no legislative history available to define what the phrase *or other practice* might mean beyond a discriminatory compensation decision; however, in a guidance document, the U.S. Equal Employment Opportunity Commission (EEOC) states that practices "may include employer decisions about base pay or wages, job classifications, career ladder or other noncompetitive promotion denials, tenure denials, and failure to respond to requests for raises." See *Equal Pay Act of 1963 and Lilly Ledbetter Fair Pay Act of 2009* (2014), at: www.eeoc.gov/laws/guidance/equal-pay-act-1963-and-lilly-ledbetter-fair-pay-act-2009.

The Ill. Equal Pay Act of 2003 (EPA) offers additional protection by prohibiting the payment of wages to one sex less than the opposite sex or to an African-American less than a non-African-American *for the same or substantially similar work*. 820 ILCS 112/. The Ill. Dept. of Labor (IDOL) enforces the EPA. The EPA also prohibits employers from requesting or requiring applicants to disclose wage or salary history as a condition of being considered for employment or as a condition of employment. Id. at 112/10(b-5). If an applicant voluntarily offers such information without prompting, an employer still cannot use that information in making an offer or determining future pay. See sample administrative procedure 5:30-AP1, *Interview Questions*, for sample permissible inquiries on this topic. Employers may seek wage or salary history from an applicant's current or former employer if that information is a matter of public record under the Freedom of Information Act (FOIA); however, districts that wish to undertake such searches should exercise caution; the fact a district seeks out publicly available wage information could still be used against it in a pay discrimination claim. Id. at 112/10(b-10). Consult the board attorney for further guidance.

While not exhaustive, other laws protecting these and additional classifications are named in subsequent footnotes.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

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

[3] The IHRA defines race to include traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists. 775 ILCS 5/1-103(M-5). The law allows employers to implement dress codes or adopt grooming policies that include restrictions on attire, clothing, or facial hair to maintain workplace safety or food sanitation. 775 ILCS 5/2-102(E-5). Title VII does not have a definition of race, but EEOC guidance provides that "[r]ace discrimination includes discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features." See the EEOC's *Questions and Answers about Race and Color Discrimination in Employment*, at: www.eeoc.gov/laws/guidance/questions-and-answers-about-race-and-color-discrimination-employment.

[4] 775 ILCS 5/2-102 of the IHRA contains a *religious discrimination* subsection. It expressly prohibits employers from requiring a person to violate a sincerely held religious belief to obtain or retain employment unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business. Religious beliefs include, but are not limited to: the wearing of any attire, clothing, or facial hair in accordance with the requirements of his/her religion. 775 ILCS 5/2-102(E-5). Employers may, however, enact a dress code or grooming policy that restricts attire, clothing, or facial hair to maintain workplace safety or food sanitation. Id.

Regarding accommodation of an employee's religious practice under Title VII, the U.S. Supreme Court held in the case Groff v. DeJoy, 600 U.S. 447 (2023), that *undue hardship* means a burden that is "substantial in the overall context of an employer's business", rather than a mere *de minimis* standard. Id. at 468. In addition to the IHRA and Title VII (also discussed in f/n 2), see 775 ILCS 35/, Religious Freedom Restoration Act.

[5] Discrimination on the basis of sex under Title VII includes discrimination on the basis of sexual orientation or transgender status. Bostock v. Clayton Cnty., 140 S.Ct. 1731 (2020); Hively v. Ivy Tech, 853 F.3d 339 (7th Cir. 2017). In addition to the IHRA and Title VII (discussed in f/n 2), see Title IX of the Education Amendments of 1972 (Title IX). 20 U.S.C. §1681 et seq.; 34 C.F.R. Part 106. See sample policy 2:265, *Title IX Grievance Procedure*. The federal Equal Pay Act prohibits an employer from paying persons of one sex less than the wage paid to persons of the opposite sex for equal work. 29 U.S.C. §206(d). See f/n 2, above, for more information on State equal pay protections, including on the basis of sex. The LLFPA defines *date of underpayment* as each time wages are underpaid. Employees and former employees have one year from the time they become aware of the ~~underpayment~~ violation (underpayment) to file a complaint with the IDOL. 820 ILCS 112/15(b).

[6] *Sexual orientation* means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity; it does not include a physical or sexual attraction to a minor by an adult. 775 ILCS 5/1-103(O-1).

[7] Age Discrimination in Employment Act (ADEA) (29 U.S.C. §621 et seq.), amended by LLFPA (see f/n 2). 29 C.F.R. Part 1625, amended the EEOC regulations under ADEA to reflect the U.S. Supreme Court's decision in General Dynamic Systems, Inc. v. Cline, 540 U.S. 581 (2004), holding the ADEA permits employers to favor older workers because of age. Thus, favoring an older person over a younger person is not unlawful discrimination, even when the younger person is at least 40 years old.

[8] 105 ILCS 5/10-22.4 and 775 ILCS 5/1-103(Q), amended by P.A. 104-744, eff. 1-1-27. The term *marital status* means an individual's legal status of being married, single, separated, divorced, or widowed. 775 ILCS 5/1-103(J). This statutory definition does not encompass the identity of one's spouse. Thus, school districts may adopt no-spouse policies. Boaden v. Dept. of Law Enforcement, 171 Ill.2d 230 (Ill. 1996).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

arrest record;[9] military status; order of protection status;[10] unfavorable military discharge;[11] citizenship status provided the individual is authorized to work in the United States;[12] work authorization status;[13] use of lawful products while not at work;[14] being a victim of domestic violence, sexual violence, gender violence, or any other crime of violence or use of District-issued equipment to record such types of

DRAFT

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

[9] Districts may not make employment decisions on the basis of arrest history, but may use job-disqualifying criminal convictions provided specific conditions are met. 775 ILCS 5/2-103 and 5/2-103.1. See f/n 21, below. The Job Opportunities for Qualified Applicants Act, 820 ILCS 75/15, prohibits an employer from asking about a criminal record until the employer determines that the applicant is qualified for the position; however, this does not apply when employers are required to exclude applicants with certain criminal convictions from employment. School employers should limit their requests for criminal convictions to *job-disqualifying* convictions, as permitted by the IHRA. 775 ILCS 5/2-103.1. See also the IDHR's guidance, *Conviction Record Protection – Frequently Asked Questions*, at: https://dhr.illinois.gov/about-us/idhr-faqs/know-your-rights-faqs/conviction-record-protections----faq.html ~~https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html~~and the EEOC's guidance, *Consideration of Arrest and Conviction Records in Employment Decisions* (2012), at: www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions~~www.iasb.com/training-and-events/training/training-resources/foundational-principles-of-effective-governance~~.

[10] 775 ILCS 5/1-103(Q), amended by P.A. 104-744, eff. 1-1-27. The term *order of protection status* means a person protected under an order of protection issued pursuant to the Ill. Domestic Violence Act of 1986 (750 ILCS 60/), Article 112A of the Code of Criminal Procedure of 1963 (725 ILCS 5/112A-1.5), the Stalking No Contact Order Act (740 ILCS 21/), the Civil No Contact Order Act (740 ILCS 22/), or an order of protection issued by a court of another state. 775 ILCS 5/1-103(K-5).

[11] *Military status* means a person's status on active duty or in status as a veteran in the U.S. Armed Forces, veteran of any reserve component of U.S. Armed Forces, or current member or veteran of the Ill. Army National Guard or Ill. Air National Guard. 775 ILCS 5/1-103(J-1). *Unfavorable military discharge* does not include those characterized as RE-4 or *dishonorable*. 775 ILCS 5/1-103(P). The Uniformed Services Employment and Reemployment Rights Act of 1994 prohibits employers from discriminating or retaliating against any person for reasons related to past, present, or future service in a *uniformed service*. 38 U.S.C. §4301 et seq.

[12] 775 ILCS 5/1-102(C). According to the Immigration Reform and Control Act of 1986, all employers must verify that employees are either U.S. citizens or authorized to work in the U.S. 8 U.S.C. §1324a.

[13] 775 ILCS 5/2-102(A). *Work authorization status* means the status of being a person born outside of the United States, and not a U.S. citizen, who is authorized by the federal government to work in the United States. 775 ILCS 5/2-101(L). Under the IHRA, it is a civil rights violation for an employer to refuse to honor a legal work authorization; however, employers are not required to sponsor any applicant or employee to obtain or modify work authorization status, unless required by federal law. 775 ILCS 5/2-102(G); 775 ILCS 5/2-104(D).

[14] The Right to Privacy in the Workplace Act prohibits discrimination based on use of lawful products, e.g., alcohol, cannabis, and tobacco, off premises during non-working hours. 820 ILCS 55/5.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

violence;[15] genetic information;[16] physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation;[17] pregnancy, childbirth, or

DRAFT

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

[15] 820 ILCS 180/30 and 180/33, added by P.A. 104-171, ~~eff. 1-1-26,~~ Victims' Economic Security and Safety Act (VESSA). *Gender violence* means: (1) one or more acts of violence or aggression that are a criminal offense under State law committed, at least in part, on the basis of a person's actual or perceived sex or gender, (2) a physical intrusion or invasion of a sexual nature under coercive conditions that is a criminal offense under State law, or (3) a threat to commit one of these acts. 820 ILCS 180/10(12.5). In certain circumstances, an employer can be held liable for gender-related violence that occurs in the workplace if the employer failed to investigate complaints or failed to supervise, train, or monitor an employee who engaged in the violence. 740 ILCS 82/11, added by P.A. 103-202, Gender Violence Act. *Other crime of violence* under VESSA means conduct prohibited by 720 ILCS 5/9 (homicide), 720 ILCS 5/11 (sex offenses), 720 ILCS 5/12 (bodily harm), 720 ILCS 5/26.5 (harassing and obscene communications), 720 ILCS 5/29D (terrorism), and 720 ILCS 5/33A (armed violence), or similar provision of the Criminal Code of 1961. 820 ILCS 180/10(2.5). VESSA also prohibits workplace discrimination and retaliation on the basis of an employee's use of employer-issued equipment to record domestic violence, sexual violence, gender violence, or any other crime of violence committed against the employee or a family or household member of the employee. Id. at 180/33, added by P.A. 104-171, ~~eff. 1-1-26~~.

An employer is prohibited from discriminating against any individual, e.g., an applicant for employment, because he or she "is an employee whose employer is subject to Section 21 of the Workplace Violence Prevention Act." The Workplace Violence Prevention Act allows an employer to seek a *workplace protection restraining order* when there is a credible threat of violence at the workplace. 820 ILCS 275/. The law requires the employer seeking a *workplace protection restraining order* to notify the employee who is a victim of *unlawful violence*. 820 ILCS 275/21.

[16] Illinois' Genetic Information Privacy Act (GIPA) (410 ILCS 513/25) and Title II of Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. §2000ff et seq.). Both laws protect job applicants and current and former employees from discrimination based on their genetic information. Note that GIPA provides greater protections to Illinois employees than Title II of GINA. GIPA prohibits employers from penalizing employees who do not disclose genetic information or do not choose to participate in a program requiring disclosure of the employee's genetic information. See f/n 12 in sample policy 2:260, *Uniform Grievance Procedure*, for the definition of genetic information and a detailed description of both statutes, including of Title I of GINA affecting the use of genetic information in health insurance. The EEOC vacated certain 2016 ADA and GINA wellness program regulations following an adverse court ruling. 83 Fed. Reg. 65296. Those rules provided guidance to employers on the extent to which they could use incentives (such as discounted health plan costs) to encourage employees to participate in wellness programs that asked for employee and family health information. Consult the board attorney for guidance regarding specific application of ADA and GINA and how they integrate with other related laws, e.g., the Family Medical Leave Act and other State laws governing time off for sickness and workers' compensation.

[17] Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §12101 et seq.), amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) (Pub. L. 110-325) and modified by the LLFPA; Rehabilitation Act of 1973 (29 U.S.C. §701 et seq.).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

related medical conditions, including menopause-related conditions;[18] reproductive health decisions;[19] credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position;[20] conviction record, unless authorized by law;[21] family responsibilities;[22] or

---

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

[18] 775 ILCS 5/1-103, amended by P.A. 104-793, eff. 1-1-27, and 775 ILCS 5/2-102(I). Employers must provide reasonable accommodations, including flexible scheduling or modified work hours and temperature or climate-adjusted workspace, to employees with conditions related to pregnancy, childbirth, or related conditions, including *menopause-related conditions*, which is defined as perimenopause, menopause, and associated medical or symptomatic conditions that include, but are not limited to, vasomotor symptoms, sleep disruption, cognitive or mood changes, and osteoporosis-related changes. 775 ILCS 5/2-102(J), 5/1-103(J-5) and (L-5), all added or amended by P.A. 104-793, eff. 1-1-27. Guidance from the IDHR is available at: https://dhr.illinois.gov/rights/reports-and-guidance/pregnancy-rights.html~~https://dhr.illinois.gov/publications/pregnancy-rights.html~~. Employers are required to post a notice summarizing the right to be free from unlawful discrimination and the right to certain reasonable accommodations, including the right to reasonable accommodations for pregnancy, which includes the right to reasonable accommodations for menopause-related conditions. 775 ILCS 5/2-102(K), amended by P.A. 104-793, eff. 1-1-27. The IDHR is required to prepare such a notice, retrievable from its website, which employers may use.

Federal law also prohibits employers from discriminating against employees and applicants on the basis of pregnancy, childbirth, or related medical conditions. 42 U.S.C. §2000e(k). Similar to the IHRA, the federal Pregnant Workers Fairness Act (PWFA) (42 U.S.C. §2000gg et seq.), added by Pub.L 117-328 and implemented by 29 C.F.R. Part 1636, requires employers to provide reasonable accommodations to an employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship. For further information about implementation of the PWFA, see the EEOC's *Summary of Key Provisions of EEOC's Final Rule to Implement the PWFA*, at: www.eeoc.gov/summary-key-provisions-eeocs-final-rule-implement-pregnant-workers-fairness-act-pwfa. Pregnant workers with pregnancy-related impairments may also have disabilities for which they may be entitled to reasonable accommodation under the ADA. Guidance from the EEOC is available at: www.eeoc.gov/pregnancy-discrimination. State law also prohibits the State, which includes school districts, from interfering with or discriminating against an individual's fundamental right to continue a pregnancy or to have an abortion. 775 ILCS 55/.

[19] 775 ILCS 5/1-102(A) and 5/1-103(Q), amended by P.A.s 103-785 and 104-744, eff. 1-1-27. *Reproductive health decisions* means a person's decisions regarding their use of: contraception; fertility or sterilization care; assisted reproductive technologies; miscarriage management care; healthcare related to the continuation or termination of pregnancy; or prenatal, intranatal, or postnatal care. Id. at 5/1-103(O-2).

[20] 820 ILCS 70/, Employee Credit Privacy Act. Unless a satisfactory credit history is an *established bona fide occupational requirement* of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report; (2) inquire about an applicant's or employee's credit history; or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at $2,500 or more. Id. at 70/10.

[21] 775 ILCS 5/2-103.1(A). The IHRA prohibits an employer from *disqualifying* or taking other *adverse action* against an applicant or employee based on a *conviction record* unless: (1) otherwise authorized by law; (2) there is a *substantial relationship* between the criminal offense and the employment sought; or (3) granting the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. Id. Disqualification or adverse action includes refusal to hire, segregation, and actions with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges, or conditions of employment. Id. If a board wants to terminate or take other adverse action against a *current* district employee based in whole or in part on a conviction record, it still must comply with all applicable statutory, policy, and bargaining agreement provisions. Boards should consult the board attorney to ensure all legal obligations are met.

Districts that wish to disqualify or take other adverse action against an applicant or employee based on a conviction record must first engage them in an *interactive assessment*, providing the individual with the opportunity to submit evidence in mitigation or to dispute the accuracy of the conviction record. See sample policy 5:30, *Hiring Process and Criteria*, at f/n 5, and sample administrative procedure 5:30-AP2, *Investigations*, for more information.

[22] 775 ILCS 5/2-102(A), amended by P.A. 103-797, prohibits an employer from refusing to hire, segregating, harassing, or making other employment-related decisions on the basis of an employee's family responsibilities. *Family responsibilities* means an employee's actual or perceived provision of *personal care* to a *covered family member*, as those terms are defined in the Employee Sick Leave Act, 820 ILCS 191/5.

DRAFT

©~~2025~~ 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

other legally protected categories.[23] [24] [25] [26] No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/. [27]

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager under Board policy 2:260, *Uniform Grievance Procedure*, or in the case of denial of equal employment opportunities on the basis of race, color, or national origin, Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she: (1) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by the Illinois Human Rights Act, or (2) initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations,

---

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

[23] Insert the following optional sentence (775 ILCS 5/1-103(A) and 29 U.S.C. §631):

Age, as used in this policy, means the age of a person who is at least 40 years old.

[24] Insert the following optional provision (29 U.S.C. §705(10)(A)-(B), (20)(C)(v), (20)(D) and 42 U.S.C. §12114):

Handicap and *disability*, as used in this policy, excludes persons:

1. Currently using illegal drugs;
2. Having a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, are unable to perform the duties of the job; or
3. Whose current alcohol use prevents them from performing the job's duties or constitutes a direct threat to the property or safety of others.

Persons who have successfully completed or are participating in a drug rehabilitation program are considered *disabled*.

[25] Districts may not make residency in the district a condition of employment for teachers or educational support personnel. 105 ILCS 5/24-4.1~~,~~ and 5/10-23.5. This ban on residency requirements for teachers applies only to instructional personnel, and not, for example, to assistant principals. Owen v. Kankakee Sch. Dist., 261 Ill.App.3d 298 (3rd Dist. 1994). Districts also may not ask an applicant, or the applicant's previous employer, whether the applicant ever received, or filed a claim for, benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act. 820 ILCS 55/10(a). Districts are also prohibited from requiring, requesting, or coercing an employee or potential employee to provide a username and password or any password or other related account information to gain or demand access to his or her personal online account. 820 ILCS 55/10(b). While the law does not prohibit employers from viewing public information, consult the board attorney before engaging in this practice.

[26] School districts must accommodate employees who choose to continue breastfeeding after returning to work. See 740 ILCS 137/, Right to Breastfeed Act; 820 ILCS 260/, Nursing Mothers in the Workplace Act (NMWA); and 29 U.S.C. §218d, added by Pub.L. 117-328. At least one court has ruled an implied private right of action may exist under the NMWA. Spriesch v. City of Chicago, 2017 WL 4864913 (N.D.Ill. 2017). See sample language for a personnel handbook in sample administrative procedure 5:10-AP, *Workplace Accommodations for Nursing Mothers*.

[27] 410 ILCS 130/40; 77 Ill.Admin.Code Part 946**. Note:** The scope of school-specific statuses under 410 ILCS 130/40 is narrower than the broader category of individuals authorized to legally use medical cannabis under other sections of the Compassionate Use of Medical Cannabis Program Act (CMCPA) 410 ILCS 130/, amended by P.A. 104-463. To legally use medical cannabis, an individual must first become a *registered qualifying patient*, *provisional patient*, Opioid Alternative Patient Program participant, or a *registered designated caregiver*. The anti-discrimination provisions in 410 ILCS 130/40 do not include provisional patients or Opioid Alternative Patient Program participants. Consult the board attorney regarding this discrepancy in the law and its impact, if any. An authorized individual's~~Their~~ *use* of cannabis, e.g., permissible locations, is governed by the Compassionate Use of Medical Cannabis Program Act. 410 ILCS 130/, amended by P.A. 104-463. There are many situations in which no one, even a registered qualifying patient, may possess or use cannabis except as provided under *Ashley's Law* (105 ILCS 5/22-33), including in a school bus or on the grounds of any preschool, or primary or secondary school. 410 ILCS 130/30(a)(2) & (3). See sample policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*, at f/n 9 for further discussion.

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information. [28]

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent or a Complaint Manager under Board policy 2:260, *Uniform Grievance Procedure*.

The Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX. [29]

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers. [30]

Nondiscrimination Coordinator:	**Title IX Coordinator:**
Name	Name
Address	Address

DRAFT

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

[28] 775 ILCS 5/6-101, amended by P.A.s 103-472 and 103-797. Discrimination on the basis of a request for or use of a reasonable accommodation is a civil rights violation under the IHRA. Id. Most discrimination laws prohibit retaliation against employees who oppose practices made unlawful by those laws, including, for example, Title VII, Title IX, ADA, ADEA, VESSA, the EPA, and the Ill. Whistleblower Act (IWA).

The IWA prohibits employers from retaliating against employees who disclose or threaten to disclose information to a government or law enforcement agency about an employer's activity, policy, or practice that the employee believes, in good faith: (1) violates a State or federal law, rule, or regulation, or (2) poses a substantial and specific danger to employees, public health, or safety. 740 ILCS 174/15(b), amended by P.A. 103-867. See 740 ILCS 174/15, amended by P.A.s 104-440 and 104-538, eff. 1-1-27, 20, 20.1, and 20.2, amended by P.A. 103-867, for other specific categories of retaliation prohibited by the IWA.

The Ill. False Claims Act defines *State* to include school districts. 740 ILCS 175/2(a). Thus, boards may seek a penalty from a person for making a false claim for money or property. 740 ILCS 175/4. For information regarding the IWA and the tort of retaliatory discharge, see Thomas v. Guardsmark, 487 F.3d 531 (7th Cir. 2007)(discussing the elements of retaliatory discharge and IWA); Sherman v. Kraft General Foods, Inc., 272 Ill.App.3d 833 (4th Dist. 1995)(finding employee who reported asbestos hazard had a cause of action for retaliatory discharge).

[29] Title IX regulations require districts to designate and authorize at least one employee to coordinate efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number. Id. See sample policy 2:265, *Title IX Grievance Procedure*, at f/n 17, for discussion about districts that have more than one Title IX Coordinator. See f/ns 24 and 25 in sample policy 2:260, *Uniform Grievance Procedure*. A district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator.

[30] Best practice is that throughout the district's board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs. While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Email	Email
Telephone	Telephone

Complaint Managers:

Name	Name
Address	Address
Email	Email
Telephone	Telephone

The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks. [31]

Minority Recruitment [32]

The District will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant minority enrollments. This policy, however, does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

DRAFT

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

[31] In addition to notifying employees of the Uniform Grievance Procedure, a district must notify them of the person(s) designated to coordinate the district's compliance with Title IX and the Rehabilitation Act of 1973. 34 C.F.R. §§106.8(a), 104.8(a). A comprehensive faculty handbook can provide required notices, along with other important information, to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and school board. Any *working conditions* contained in the handbook may be subject to mandatory collective bargaining.

[32] All districts must have a policy on minority recruitment. 105 ILCS 5/10-20.7a. Unlike minority recruitment efforts, affirmative action plans are subject to significant scrutiny because of the potential for reverse discrimination. The U.S. Constitution's guarantee of equal protection prohibits school districts from using racial hiring quotas without evidence of past discrimination. See 29 C.F.R. §1608.1 et seq. (EEOC's guidelines for affirmative action plans); Wygant v. Jackson Bd. of Ed., 476 U.S. 267 (1986) (The goal of remedying societal discrimination does not justify race-based layoffs.); City of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989) (Minority contractor quota struck; quotas must be narrowly tailored to remedy past discrimination and the city failed to identify the need for remedial action and whether race-neutral alternatives existed.).

The IHRA states that it shall not be construed as requiring any employer to give preferential treatment or special rights based on sexual orientation or to implement affirmative action policies or programs based on sexual orientation. 775 ILCS 5/1-101.1.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 8 U.S.C. §1324a et seq., Immigration Reform and Control Act.
20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106.
29 U.S.C. §206(d), Equal Pay Act.
29 U.S.C. §218d, Fair Labor Standards Act.
29 U.S.C. §621 et seq., Age Discrimination in Employment Act.
29 U.S.C. §701 et seq., Rehabilitation Act of 1973.
38 U.S.C. §4301 et seq., Uniformed Services Employment and Reemployment Rights Act (1994).
42 U.S.C. §1981 et seq., Civil Rights Act of 1991.
42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act of 1964; 34 C.F.R. Part 100.
42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964; 29 C.F.R. Part 1601.
42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act of 2008.
42 U.S.C. §2000gg et seq., Pregnant Workers Fairness Act; 29 C.F.R. Part 1636.
42 U.S.C. §2000e(k), Pregnancy Discrimination Act.
42 U.S.C. §12111 et seq., Americans with Disabilities Act, Title I.
Ill. Constitution, Art. I, §§17, 18, and 19.
105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.
410 ILCS 130/40, Compassionate Use of Medical Cannabis Program Act.
410 ILCS 513/25, Genetic Information Privacy Act.
740 ILCS 174/, Ill. Whistleblower Act.
775 ILCS 5/~~1-103, 5/2-101, 5/2-102, 5/2-103, 5/2-103.1, 5/2-104(D) and 5/6-101~~, Ill. Human Rights Act.
775 ILCS 35/, Religious Freedom Restoration Act.
820 ILCS 55/10, Right to Privacy in the Workplace Act.
820 ILCS 70/, Employee Credit Privacy Act.
820 ILCS 75/, Job Opportunities for Qualified Applicants Act.
820 ILCS 112/, Ill. Equal Pay Act of 2003.
820 ILCS 180/30 and 180/33, Victims' Economic Security and Safety Act.
820 ILCS 260/, Nursing Mothers in the Workplace Act.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment At-Will, Compensation, and Assignment), 5:300 (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

General Personnel

Workplace Harassment Prohibited [1]

The School District expects the workplace environment to be productive, respectful, and free of unlawful discrimination, including harassment. District employees shall not engage in harassment or

DRAFT

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. Federal law requires districts to take action to prevent sexual harassment and to disseminate a policy regarding its prohibition of sex discrimination. 29 C.F.R. §1604.11(f); 34 C.F.R. §106.8(b). State law requires districts to establish a policy to prohibit sexual harassment. 5 ILCS 430/70-5(a). See f/n 4 below. Harassment based on a protected status is a form of discrimination that violates many State and federal laws (see the policy's Legal References).

Workplace harassment policies have typically focused on *sexual* harassment since it receives the most attention. However, the broad prohibitions against discrimination in State and federal civil rights laws will cover harassing conduct that is motivated by animus against any protected status. See Porter v. Erie Foods Int'l, Inc., 576 F.3d 629 (7th Cir. 2009) (recognizing a cause of action for race harassment). For a list of protected statuses, see sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. This policy prohibiting harassment has a separate section on sexual harassment because of the extensive statutory and case law regarding it.

Under the Ill. Human Rights Act (IHRA), harassment is unlawful if it has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. 775 ILCS 5/2-101(E-1). *Working environment* is not limited to a physical location to which an employee is assigned. Id. Harassment is unlawful on the basis of the specifically-listed categories in this policy whether that status is *actual* or *perceived*. Id.

An employer is liable under Title VII of the Civil Rights Act of 1964 (Title VII) for an employee's harassment of a co-worker if the employer was negligent with respect to the offensive behavior by, for example, failing to take remedial action when it knew or should have known about the harassment. 42 U.S.C. §2000e et seq. An employer is liable under the IHRA for harassment by its nonmanagerial and nonsupervisory employees if it becomes aware of the conduct and fails to take reasonable corrective measures. 775 ILCS 5/2-102(A). However, when the perpetrator is the victim's supervisor, the employer will be vicariously liable for the supervisor's actions. Lack of knowledge of a supervisor's misconduct is no defense. Burlington Indus. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775 (1998). A *supervisor* is someone who has the authority to demote, discharge, or take other negative job action against the victim. Vance v. Ball State Univ., 570 U.S. 421 (2013). Note that the IHRA (775 ILCS 5/2-102(D)) imposes strict liability on the employer when an employee has been sexually harassed by supervisory personnel regardless of whether the harasser has any authority over the complainant. Sangamon Cnty. Sheriff's Dept. v. Ill. Human Rights Com'n, 233 Ill.2d 125 (Ill. 2009). Additionally, under the IHRA, an employer is liable for the harassment of *nonemployees* by nonmanagerial and nonsupervisory employees if it becomes aware of the conduct and fails to take reasonable corrective measures. 775 ILCS 5/2-102(A-10) and (D-5). Nonemployees are those who are directly performing services for an employer pursuant to a contract, such as contractors or consultants. Id.

Not all harassing conduct is unlawful discrimination, even if it is disruptive and hurtful. If a board wants to include language in this policy prohibiting employees from engaging in intimidating or offensive conduct that is *not* a civil rights violation, it should consult the board attorney.

For additional resources, see the EEOC's website at: www.eeoc.gov/harassment ~~*Enforcement Guidance on Harassment in the Workplace* at: www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace and its accompanying summary at: www.eeoc.gov/summary-key-provisions-eeoc-enforcement-guidance-harassment-workplace~~.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

abusive conduct on the basis of an individual's actual or perceived race[2], color, religion[3], national origin, ancestry, sex, sexual orientation, age, citizenship status, work authorization status, disability, pregnancy,[4] marital status, family responsibilities,[5] reproductive health decisions,[6] order of protection status, military status, or unfavorable discharge from military service, nor shall they engage in harassment or abusive conduct on the basis of an individual's other protected status identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*; 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; and 7:185, *Teen Dating Violence Prohibited*.

The District will take remedial and corrective action to address unlawful workplace harassment, including sexual harassment.

Sexual Harassment Prohibited [7]

The District shall provide a workplace environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by

DRAFT

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

[2] See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at f/n 3, for information about the definition of *race*.

[3] The IHRA contains a *religious discrimination* subsection. 775 ILCS 5/2-102(E-5). It expressly prohibits employers from requiring a person to violate a sincerely held religious belief to obtain or retain employment unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business. See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at f/n 4, for further discussion. Religious beliefs include, but are not limited to: the wearing of any attire, clothing, or facial hair in accordance with the requirements of his/her religion. Id. Employers may, however, enact a dress code or grooming policy that restricts attire, clothing, or facial hair to maintain workplace safety or food sanitation. Id.

[4] *Pregnancy* means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth, including *menopause-related conditions*, which means perimenopause, menopause, and associated medical or symptomatic conditions that include, but are not limited to, vasomotor symptoms, sleep disruption, cognitive or mood changes, and osteoporosis-related changes. 775 ILCS 5/1-103(J-5), added by P.A. 104-793, eff. 1-1-27, and (L-5), amended by P.A. 104-793, eff. 1-1-27.

[5] 775 ILCS 5/2-101(E-1), amended by P.A. 103-797. See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at f/n 22, for additional information.

[6] 775 ILCS 5/1-102(A) and 5/1-103(Q), amended by P.A.s 103-785 and 104-744, eff. 1-1-27. See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at f/n 19, for additional information.

[7] The IHRA (775 ILCS 5/2-102(D)) provides that sexual harassment is a civil rights violation:

> For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by non-employees or non-managerial and non-supervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

See sample policy 2:265, *Title IX Grievance Procedure*, for the definition of Title IX sexual harassment (20 U.S.C. §1681 et seq.), and see f/n 3 of it for examples of employee sexual harassment that may violate Title IX. Title IX's reach is broad because an alleged *complainant* or alleged *respondent* may be *anyone* in the district's educational program or activity. This includes applicants for employment, students, parents/guardians, any employee, and third parties. Districts are liable for Title IX sexual harassment when *any* district employee has actual knowledge of sexual harassment or allegations of sexual harassment against anyone in the district (except when the only employee with knowledge is the perpetrator of the alleged sexual harassment). 34 C.F.R. §106.30.

©2025 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

State and federal law. The District provides annual sexual harassment prevention training in accordance with State law. [8]

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.[9] Sexual harassment prohibited by this policy includes, but is not limited to, verbal, physical, or other conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

Making a Report or Complaint

Employees and *nonemployees*[10] (persons who are not otherwise employees and are directly performing services for the District pursuant to a contract with the District, including contractors, and consultants) are encouraged to promptly report information regarding violations of this policy. Individuals may

DRAFT

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

The State Officials and Employees Ethics Act (SOEEA) (5 ILCS 430/70-5(a)) requires governmental entities (including school districts) to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment. Unlike the powers granted by the Ill. General Assembly to municipalities to pass ordinances, school boards govern by rules referred to as *policies*. 105 ILCS 5/10-20.5. Further, school boards may only exercise powers given to them that are consistent with the School Code that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. 105 ILCS 5/10-20.

The policy must include, at a minimum: (1) a prohibition on sexual harassment; (2) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Ill. Dept. of Human Rights (IDHR); (3) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the SOEEA, the Whistleblower Act (740 ILCS 174/), and the IHRA (775 ILCS 5/); (4) the consequences: (a) of a violation of the prohibition on sexual harassment and (b) for knowingly making a false report; and (5) a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit. 5 ILCS 430/70-5(a). Sample policy 2:105, *Ethics and Gift Ban*, covers item (5) of this list.

[8] 775 ILCS 5/2-109. Districts may use a free, online model program to be offered by the Ill. Dept. of Human Rights (IDHR), develop their own program, or utilize a combination of the two, as long as it includes the following, at a minimum: (1) an explanation of sexual harassment consistent with the IHRA, (2) examples of conduct that constitute unlawful harassment, (3) a summary of relevant federal and State law concerning sexual harassment and remedies available to victims of sexual harassment, and (4) a summary of responsibilities of employers in the prevention, investigation, and corrective measures of sexual harassment. Id. at 5/2-109(B). For IDHR's online model program, see its *Model Sexual Harassment Prevention Training Program* page at: https://dhr.illinois.gov/training/state-of-illinois-sexual-harassment-prevention-training-model.html. Employers that fail to comply with this training requirement may face financial penalties. Id. Training on other types of workplace harassment is not required by law; however it is best practice.

[9] This definition is from State and federal law. 775 ILCS 5/2-101(E) and 29 C.F.R. §1604.11. *Working environment* is not limited to a physical location to which an employee is assigned. 775 ILCS 5/2-101(E). The harassing conduct must be severe or pervasive so as to alter the conditions of the employee's work environment by creating a hostile or abusive situation. Williams v. Waste Mgmt., 361 F.3d 1021 (7th Cir. 2004). The surrounding circumstances, expectations, and relationships will distinguish between teasing or rough-housing and conduct that a reasonable person would find severely hostile or abusive. In addition, while same-sex gender harassment claims are actionable, the victim must show that s/he suffered disadvantageous employment conditions to which members of the other sex were not exposed. Oncale v. Sundowner Offshore Servs., 523 U.S. 75 (1998).

[10] 775 ILCS 5/2-102(A-10) and (D-5). See also f/n 1, above, for discussion regarding nonemployees.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

choose to report to a person of the individual's same gender. Every effort should be made to file such reports or complaints as soon as possible, while facts are known and potential witnesses are available.

Aggrieved individuals, if they feel comfortable doing so, should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.

Whom to Contact with a Report or Complaint [11]

An employee should report claims of harassment, including making a confidential report, to any of the following: his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, Title IX Coordinator, and/or a Complaint Manager. [12]

An employee may also report claims using Board policy 2:260, *Uniform Grievance Procedure*. If a claim is reported using Board policy 2:260, then the Complaint Manager shall process and review the claim according to that policy, in addition to any response required by this policy.

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator,[13] and Complaint Managers.

DRAFT

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

[11] While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

[12] 5 ILCS 430/70-5(a) requires that a school board policy prohibiting sexual harassment include details for reporting an allegation of sexual harassment, including options for making a confidential report to a supervisor and an ethics officer. 5 ILCS 430/20-23 defines ethics officers as being designated by State agencies under the jurisdiction of the Executive Ethics Commission. School districts are not State agencies (5 ILCS 430/1-5) and do not have ethics officers; thus, this sample policy substitutes Complaint Manager for ethics officer. Note also that the IDHR has established a Sexual Harassment Hotline Call Center and website to help the public find resources and assistance for the filing of sexual harassment complaints. The hotline can be reached Monday through Friday with the exception of State holidays, between the hours of 8:30 a.m. and 5:00 p.m., at 1-877-236-7703. See https://shdh.illinois.gov/. All communications received by the IDHR are exempt from disclosure under the Freedom of Information Act (FOIA).

[13] Title IX regulations require districts to identify the Title IX Coordinator by name, office address, email address, and telephone number. For further discussion of the Title IX Coordinator, see f/n 17 in sample policy 2:265, *Title IX Grievance Procedure*. A district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Nondiscrimination Coordinator:

Name

Address

Email

Telephone

Title IX Coordinator:

Name

Address

Email

Telephone

Complaint Managers:

Name

Address

Email

Telephone

Name

Address

Email

Telephone

DRAFT

Investigation Process

Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator, Title IX Coordinator, or a Complaint Manager. Any employee who fails to promptly forward a report or complaint may be disciplined, up to and including discharge.

Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain a workplace environment that is productive, respectful, and free of unlawful discrimination, including harassment.

For any report or complaint alleging sexual harassment that, if true, would implicate Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), the Title IX Coordinator or designee shall consider whether action under Board policy 2:265, *Title IX Grievance Procedure*, should be initiated.

For any report or complaint alleging harassment on the basis of race, color, or national origin, the Nondiscrimination Coordinator or a Complaint Manager or designee shall investigate under Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited.*

For any other alleged workplace harassment that does not require action under Board policies 2:265, *Title IX Grievance Procedure*, or 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under Board policy 2:260, *Uniform Grievance Procedure*, and/or 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*,[14] should be initiated, regardless of whether a written report or complaint is filed.

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

[14] See sample administrative procedure 5:120-AP2, *Employee Conduct Standards*, and its exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel [15]

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A(b), that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to Board policy 5:90, *Abused and Neglected Child Reporting*. In addition to reporting the suspected abuse, the complaint shall also be processed under Board policy 2:265, *Title IX Grievance Procedure*, or Board policy 2:260, *Uniform Grievance Procedure*.

Enforcement [16]

A violation of this policy by an employee may result in discipline, up to and including discharge.[17] A violation of this policy by a third party will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent/guardian, invitee, etc. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, which for an employee that may be up to and including discharge. [18]

Retaliation Prohibited

An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing complaints or providing information about harassment is prohibited (see Board policies 2:260, *Uniform*

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

[15] Required for districts located within a county served by an accredited Children's Advocacy Center (CAC). Delete this subhead if your school district is within a county not served by an accredited CAC. 105 ILCS 5/22-85 (governing the investigation of an *alleged incident* of *sexual abuse* of any child within any Illinois counties served by a CAC). For further discussion see f/n 14 in sample policy 5:90, *Abused and Neglected Child Reporting*.

[16] See Berry v. Delta Airlines, 260 F.3d 803, 811 (7th Cir. 2001) ("If an employer takes reasonable steps to discover and rectify the harassment of its employees ... it has discharged its legal duty.")

In addition to violating other civil rights laws, a school district violates the *public accommodations* article in the IHRA if it fails to take corrective action to stop severe or pervasive harassment. 775 ILCS 5/5-102 and 5/5-102.2, amended by P.A. 103-472.

[17] 5 ILCS 430/70-5(a)(consequences of a violation of the prohibition on sexual harassment). When discharge is the penalty, examine 50 ILCS 205/3c. It requires a school district to post on its website and make available to news media specific information about severance agreements that it enters into because an employee or contractor was found to have engaged in sexual harassment or sexual discrimination, as defined by the IHRA or Title VII. Id. Additionally, under the Workplace Transparency Act (WTA), employers may not require confidentiality clauses in settlement or termination agreements involving alleged unlawful employment practices under federal or State civil rights laws, except under specific conditions. 820 ILCS 96/1-30, amended by P.A. 104-320. Consult the board attorney regarding the use of these types of clauses.

Prior to the passage of 50 ILCS 205/3c and the WTA, members of the public could already access copies of severance agreements between school districts and their former employees under FOIA. The Ill. Atty. Gen. Public Access Counselor (PAC) directed a public body to release a settlement agreement that arose out of claims of sexual harassment. PAO 14-4. The PAC noted that the public body could not withhold the entire settlement agreement under 5 ILCS 140/7(1)(c), which exempts personal information that would constitute a clearly unwarranted invasion of privacy. Instead, it could redact personal information from the agreement, such as the complainants' names in order to protect their privacy. Id. However, data regarding settlement agreements involving allegations of sexual harassment or other unlawful discrimination that an employer must report to IDHR under 775 ILCS 5/2-108 is categorically exempt from FOIA. 5 ILCS 140/7.5(ss). See f/n 7 in sample policy 2:260, *Uniform Grievance Procedure*, for more discussion about reconciling 50 ILCS 205/3c with another ~~new~~ law, the Government Severance Pay Act (GSPA) (5 ILCS 415/10(a)(1)), which prohibits school district employees with contract provisions for severance pay to receive any severance pay if they are fired for *misconduct* by the board.

[18] 5 ILCS 430/70-5(a)(consequences for knowingly making a false report of sexual harassment).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Grievance Procedure, 2:265, *Title IX Grievance Procedure*, and 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*), and depending upon the law governing the complaint, whistleblower protection may be available under the State Officials and Employees Ethics Act (5 ILCS 430/), the Whistleblower Act (740 ILCS 174/), and/or the Ill. Human Rights Act (775 ILCS 5/). [19]

An employee should report allegations of retaliation to his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

Employees who retaliate against others for reporting or complaining of violations of this policy or for participating in the reporting or complaint process will be subject to disciplinary action, up to and including discharge.

Recourse to State and Federal Fair Employment Practice Agencies [20]

The District encourages all employees who have information regarding violations of this policy to report the information pursuant to this policy. The following government agencies are available to assist employees: the Ill. Dept. of Human Rights and the U.S. Equal Employment Opportunity Commission.

The Superintendent shall also use reasonable measures to inform staff members, applicants, and nonemployees of this policy, which shall include posting on the District website and/or making this policy available in the District's administrative office, and including this policy in the appropriate handbooks. [21]

DRAFT

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

[19] Id. (prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the SOEEA, the Whistleblower Act (740 ILCS 174/), and the IHRA (775 ILCS 5/)).

Crawford v. Metro. Gov't of Nashville & Davidson Cnty., 555 U.S. 271 (2009) (holding the anti-retaliation provision in Title VII protects an employee who spoke out about harassment, not only on his or her own initiative, but also in answering questions during an employer's internal investigation).

[20] 5 ILCS 430/70-5(a)(how an individual can report an allegation of sexual harassment, including options for making a confidential report to the Inspector General or the IDHR). This sample policy does not reference the Inspector General because the Inspector General does not have jurisdiction over public school districts. See 5 ILCS 430/20 (executive inspectors general), 5 ILCS 430/25 (legislative inspector general). School districts must also annually disclose to IDHR certain data about *adverse judgment or administrative rulings* made against them where there was a finding of sexual harassment or unlawful discrimination under federal, State, or local laws. 775 ILCS 5/2-108, amended by P.A. 104-417, (scheduled to be repealed on 1-1-30). See IDHR's *FAQ for Employers under Section 5/2-108*, at: https://dhr.illinois.gov/compliance/employers/report-adverse-judgments-and-administrative-rulings.html~~https://dhr.illinois.gov/legal/report-adverse-judgments-and-administrative-rulings.html~~.

[21] A district must notify employees of the grievance procedure and the person(s) designated to coordinate the district's compliance with Title IX. 34 C.F.R. §106.8. A comprehensive employee handbook can provide required notices, along with other important information to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. Any *working conditions* contained in the handbook may be subject to mandatory collective bargaining.

Informing nonemployees is generally not required by law. However, given the potential for employer liability under the IHRA for harassment of nonemployees, best practice is to publicize this policy to those individuals as well.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964; 29 C.F.R. §1604.11.
20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106.
5 ILCS 430/70-5(a), State Officials and Employees Ethics Act.
775 ILCS 5/2-101(E) and (E-1), 5/2-102(A), (A-10), (D-5), 5/2-102(E-5), 5/2-109, 5/5-102, and 5/5-102.2, Ill. Human Rights Act.
56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.
Vance v. Ball State Univ., 570 U.S. 421 (2013).
Crawford v. Metro. Gov't of Nashville & Davidson Cnty., 555 U.S. 271 (2009).
Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005).
Oncale v. Sundowner Offshore Servs., 523 U.S. 75 (1998).
Burlington Indus. v. Ellerth, 524 U.S. 742 (1998).
Faragher v. City of Boca Raton, 524 U.S. 775 (1998).
Harris v. Forklift Systems, 510 U.S. 17 (1993).
Franklin v. Gwinnett Co. Public Schools, 503 U.S. 60 (1992).
Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).
Porter v. Erie Foods Int, Inc., 576 F.3d 629 (7th Cir. 2009).
Williams v. Waste Mgmt., 361 F.3d 1021 (7th Cir. 2004).
Berry v. Delta Airlines, 260 F.3d 803 (7th Cir. 2001).
Sangamon Cnty. Sheriff's Dept. v. Ill. Human Rights Com'n, 233 Ill.2d 125 (Ill. 2009).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 4:60 (Purchases and Contracts), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 7:20 (Harassment of Students Prohibited), 8:30 (Visitors to and Conduct on School Property)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

General Personnel

Hiring Process and Criteria [1]

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunity and minority recruitment.[2] The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board.[3] If the Superintendent's recommendation is rejected, the Superintendent must submit another.[4]

DRAFT

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 impact bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

[2] See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Districts may not classify a job as either a *male* or *female* job. 29 C.F.R. §1604.5, 34 C.F.R. §106.55.

105 ILCS 5/22-96, added by P.A. 103-46 and renumbered by P.A. 103-564, requires school districts, when hiring or assigning educators for physical education, music, or visual arts, to prioritize the hiring or assigning of educators who hold an educator license and endorsement in those areas.

[3] Boards must consider the superintendent's recommendations concerning, among other things, "the selection, retention, and dismissal of employees." 105 ILCS 5/10-16.7. The board may want to use this alternative sentence:

All personnel decisions are made by the Board, but only on the recommendation of the Superintendent.

A board that fills a "new or vacant teaching position" must select a candidate based on: (1) certifications, (2) qualifications, (3) merit and ability (including performance evaluation, if available), and (4) relevant experience, provided that the length of continuing service with the district must not be considered a factor, unless all other factors are determined by the school district to be equal. 105 ILCS 5/24-1.5. The statute does not define "new or vacant teaching positions." The requirement does not apply to filling vacant positions under 105 ILCS 5/24-12 (reduction in force and recall). Consult the board attorney about these issues.

The Equal Pay Act of 2003, 820 ILCS 112/10(b-25), added by P.A. 103-539, makes it unlawful for employers with 15 or more employees to fail to include the "pay scale and benefits" for a position in any specific job posting. "Pay scale and benefits" means the wage or salary, or the wage or salary range, and a general description of benefits and other compensation. Id. at 112/5, amended by P.A. 103-539. More specifically, *benefits* means "all employment benefits an employer is offering to provide or make available to a person hired into a position, including health care benefits, retirement benefits, any benefits permitting paid time off (including sick leave, parental leave, and paid time off or vacation benefits), any benefits permitting job-protected paid time off, and any other benefits that must be reported for federal tax purposes, but not benefits in the form of minor privileges incidental to regular salary or wages." 56 Ill.Admin.Code §320.120. To satisfy the posting requirement, an employer can include a hyperlink to a public webpage that includes the pay scale and benefit information. Id. at 112/10(b-25), added by P.A. 103-539. If an employer uses a third party to post its job postings, then the employer must provide the pay scale and benefits or a hyperlink containing the information to the third party. Id. The Act also requires employers to inform current employees of ~~promotion~~ opportunities for promotion within 14 calendar days after the employer posts externally for the position. Id. *Promotional opportunity* means "an employment opportunity announced, posted, published, or otherwise made known in writing by an employer or a third party the employer has engaged to act on its behalf, to its current employees." 56 Ill.Admin.Code §320.120. Employers are not prohibited from asking applicants about their wage or salary expectations for a position. Id.

[4] An additional optional sentence follows:

The Superintendent may select personnel on a short-term basis for a specific project or emergency condition before the Board's approval.

©2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

No individual will be employed who has been convicted of a criminal offense listed in 105 ILCS 5/21B-80(c). [5]

All applicants must complete a District application in order to be considered for employment. [6]

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

[5] 775 ILCS 5/2-103.1 prohibits employers from using conviction records as a basis to refuse to hire or to take any adverse action against an applicant or employee unless: (1) otherwise authorized by law; (2) there is a *substantial relationship* between the criminal offense and the employment sought; or (3) granting the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. For the disqualifying offenses listed in 105 ILCS 5/21B-80, a district does not have to show a substantial relationship between the offense and the position or that hiring or continuing to employ the person would involve an unreasonable risk. However, the Ill. Dept. of Human Rights (IDHR) interprets the Ill. Human Rights Act (IHRA) to still require the employer to notify the applicant of the disqualification pursuant to law and to afford the applicant at least five business days to respond in case the applicant wants to dispute the accuracy of the conviction record. Id. at 5/2-103.1(C). See IDHR's *Conviction Record Protection – Frequently Asked Questions* (March 2021), at:

https://dhr.illinois.gov/about-us/idhr-faqs/know-your-rights-faqs/conviction-record-protections----faq.html~~https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html~~.

Attorneys have different opinions as to whether the IHRA requires the *interactive assessment* outlined in 775 ILCS 5/2-103.1(c), which includes preliminary and final notices, when a disqualifying offense listed in 105 ILCS 5/21B-80 is found in a conviction record; **consult the board attorney for guidance on this issue**. See sample administrative procedure 5:30-AP2, *Investigations*, and its footnotes for more detail regarding the IHRA notice provisions and the need for districts to also comply with the seven-day notification requirement in the Ill. Uniform Conviction Information Act, 20 ILCS 2635/7. **Note:** The protections of 775 ILCS 5/2-103.1 do not cover *unpaid interns*, which may include student teachers in the K-12 context. The definition of *employee* in the IHRA only extends to include unpaid interns for civil rights violations involving sexual harassment. 775 ILCS 5/2-101(A)(1)(c) and 5/2-102(D).

105 ILCS 5/10-21.9(c); 105 ILCS 5/21B-80, allows individuals with criminal histories involving certain drug convictions to apply for or to reinstate their educator licenses seven years after their sentence for the criminal offense is completed. Consult the board attorney about whether the board wants to continue prohibiting employment for any individual who has a criminal history involving these exempted drug offenses.

For more discussion regarding criminal history records checks and screenings required by 105 ILCS 5/10-21.9, see f/ns 5 and 6 in sample policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.

[6] Any person who applies for employment as a teacher, principal, superintendent, or other certificated employee who willfully makes a false statement on his or her application for employment, material to his or her qualifications for employment, which he or she does not believe to be true, is guilty of a Class A misdemeanor. 105 ILCS 5/22-6.5. District employment applications must contain a statement to this effect. Id. Each employment application for these positions must state the following (Id.):

> Failure to provide requested employment or employer history which is material to the applicant's qualifications for employment or the provision of statements which the applicant does not believe to be true may be a Class A misdemeanor.

Many districts ask applicants about disqualifying criminal convictions on their employment applications or at another point before a job offer is made. State law does not expressly prohibit this practice; however, guidance issued by IDHR regarding implementation of 775 ILCS 5/1-103(G-5) and 5/2-103.1 states "[u]nless authorized by law, an employer is prohibited from inquiring about an applicant's conviction record prior to making a job offer to the applicant." See *Conviction Record Protection – Frequently Asked Questions* guidance issued by IDHR (March 2021), at:

https://dhr.illinois.gov/about-us/idhr-faqs/know-your-rights-faqs/conviction-record-protections----faq.html~~https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html~~.

While the School Code and Job Opportunities for Qualified Applicant Act do not prohibit districts from asking about disqualifying convictions before a job offer is made, it is unclear whether they affirmatively *authorize* such inquiries. The IDHR's guidance does not carry the force of law, but it may impact its handling of a discrimination charge based on a conviction record. It is also unclear if an applicant's mere disclosure of a disqualifying conviction on an application, absent results of a fingerprint-based criminal history records check, Ill. Sex Offender Registry check, or Violent Offender Against Youth Registry check, triggers the district's obligation to provide notice to the applicant under 775 ILCS 5/2-103.1(C); see also f/n 5, above. Consult the board attorney for advice on these issues and how they may affect application processes.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Job Descriptions

The Board maintains the Superintendent's job description and directs, through policy, the Superintendent, in his or her charge of the District's administration. [7]

The Superintendent shall develop and maintain a current comprehensive job description for each position or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict. [8]

Investigations

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database is

DRAFT

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

Any employer that asks applicants to record video interviews and uses an artificial intelligence (AI) analysis of the applicant-submitted videos must comply with the Artificial Intelligence Video Interview Act, 820 ILCS 42/. Employers should also be careful that use of AI, software, and algorithms to assess applicants does not violate the Americans with Disabilities Act (ADA) (42 U.S.C. §12101 et seq.) or the Ill. Human Rights Act (IHRA), 775 ILCS 5/2-101(N) and (O), added by P.A.s 103-804 and 104-417. See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, and its f/n 2 for discussion of the IHRA requirements regarding use of artificial intelligence in the hiring process. See the U.S. Department of Justice guidance document, *Algorithms, Artificial Intelligence, and Disability Discrimination in Hiring*, at: www.ada.gov/assets/pdfs/ai-guidance.pdf. Given the rapidly changing technologies in this area, please consult the board attorney.

[7] 105 ILCS 5/10-16.7. The foundation for a productive employment relationship begins with adherence to written board policy, a thoughtfully crafted employment contract and job description, and procedures for communications and ongoing assessment. See IASB's *Foundational Principles of Effective Governance*, **Principle 3. The board employs a superintendent**, at:

~~www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/~~www.iasb.com/training-and-events/training/training-resources/foundational-principles-of-effective-governance.

See also sample exhibit 3:40-E, *Checklist for the Superintendent Employment Contract Negotiation Process*, for best practice discussions about establishing the board-superintendent employment relationship and contract.

[8] Job descriptions will become the basis for categorizing a teacher into one or more positions that the teacher is qualified to hold for reduction in force (RIF) dismissal and recall purposes. 105 ILCS 5/24-12(b). A board should consult with its attorney to review its current list of job descriptions and discuss the district's specific responsibilities.

A job description is evidence of a position's essential functions. 29 C.F.R. §1630.2(n). The ADA protects individuals who have a disability and are qualified, with reasonable accommodation, to perform the *essential functions* of the job. 42 U.S.C. §12101 et seq., amended by the ADA Amendments Act (ADAAA), Pub. L. 110-325. Determining which functions are essential may be critical to determining if an individual with a disability is qualified. An individual is qualified to perform a job even though he or she is unable, due to a disability, to perform tasks which are incidental to the job. Only when an individual is unable to perform the *essential functions* of a job may a district deny the individual employment opportunities. 29 C.F.R. §1630.2(m). For a definition of *essential functions* see Id. at 1630.2(n). Whether a particular function is essential is a factual determination.

Important: The ADAAA made significant changes to the ADA's definition of disability that broadened the scope of coverage and overturned a series of U.S. Supreme Court decisions that made it difficult to prove that an impairment was a qualifying disability. There is information about the regulations and a link to them at: www.eeoc.gov/laws/guidance/fact-sheet-eeocs-final-regulations-implementing-adaaa. Consult the board attorney regarding how these amendments impact the district's hiring processes.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

performed on each applicant as required by State law.[9] When the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President shall ensure that these checks are completed.[10] The Superintendent or designee, or if the applicant is a successful superintendent candidate, then the Board President shall notify an applicant if the applicant is identified in either database.[11] The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, the Ill. State Police and/or Statewide Sex Offender Database for purposes of clarifying the information, and/or the Teachers' Retirement System of the State of Illinois when required by law.[12] The Board reserves its right to authorize additional background inquiries beyond a fingerprint-based

---

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

[9] The policy's requirements on criminal records checks for applicants for employment are mandated by 105 ILCS 5/10-21.9. See sample administrative procedure 5:30-AP2, *Investigations*, for the process, timing, and positions requiring criminal background investigation and what steps a district must take if it wants to disqualify an applicant based on a conviction record. The Statewide Sex Offender Database (a/k/a Sex Offender Registry) ~~is available at: https://sor.isp.illinois.gov/sorpublic/. T~~and the Statewide Murderer and Violent Offender Against Youth Database ~~is~~are available at: https://sor.isp.illinois.gov/sorpublic/. For more discussion regarding criminal history records checks and screenings required by 105 ILCS 5/10-21.9, see f/n 5 in sample policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*. See sample policy 4:60, *Purchases and Contracts*, for requirements concerning (1) criminal background checks of employees of contractors who have *direct, daily contact* with students and (2) sexual misconduct related employment history reviews (EHRs) of employees of contractors who have *direct contact with children or students*.

[10] Id. If a board wants to require additional background inquiries beyond the fingerprint-based criminal history records information check required by 105 ILCS 5/10-21.9 and the EHR required by 105 ILCS 5/22-94, amended by P.A. 104-831, eff. 1-1-27, including the federal *Rap Back Service* (20 ILCS 2630/3.3) and/or checks through consumer reporting agencies regulated by the Fair Credit Reporting Act (15 U.S.C. §1681 et seq.), consult the board attorney. For more detailed information, see the laws listed in sample exhibit 3:40-E, *Checklist for the Superintendent Employment Contract Negotiation Process*, under the checklist item entitled **Conditions of Employment**, in the **Other Background Check Laws** row.

[11] 105 ILCS 5/10-21.9(b) ~~and 105 ILCS 5/21B-10~~. The School Code requires the board president to keep a conviction record confidential. It is impossible to know whether a fingerprint-based criminal history records check and a check of the Statewide Sex Offender and Violent Offender Against Youth Databases on a successful superintendent candidate will come back with a conviction record.

Therefore, in accordance with best practice (ensuring compliance and aligning with good governance principles), this policy does not assign a designee for the board president to complete this task. However, to balance the requirement to keep conviction records confidential with the practical implementation of ensuring a fingerprint-based criminal history records check and a check of the Statewide Sex Offender and Violent Offender Against Youth Databases are performed on each successful superintendent applicant, a board president may want to designate the duty to order these checks to the individuals otherwise listed in 105 ILCS 5/10-21.9(b). Those individuals include the board president, the superintendent or designee, regional superintendent (if the check was requested by the district), state superintendent of education, state Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for clarification purposes, the Ill. State Police and/or Statewide Sex Offender Registry.

[12] Id. ~~at 5/10-21.9(b)~~ and 105 ILCS 5/21B-85, amended by P.A. 103-51. The School Code continues to define the board president's role in conducting criminal background investigations and receiving the results of these investigations, including the results for employees of district contractors. 105 ILCS 5/10-21.9. Many districts delegate this task in the hiring process to a human resources department.

105 ILCS 5/21B-85, amended by P.A. 103-51, requires a board to provide prompt written notice to the board of trustees of the Teachers' Retirement System of the State of Illinois (TRS) when it learns that any teacher has been convicted of a felony offense (which provides for a sentence of ~~death or~~ imprisonment for one year or more). The notice to TRS is limited to (1) the name of the license holder, (2) fact of conviction, (3) name and location of the court in which the conviction occurred, and (4) the assigned case number from the court. Id.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."

For more discussion regarding responses to results obtained by criminal history records checks and screenings as required by 105 ILCS 5/10-21.9(e), see f/n 6 in sample policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

criminal history records check when it deems it appropriate to do so, in accordance with applicable laws.

Each newly hired employee must complete a U.S. Citizenship and Immigration Services Form as required by federal law. [13]

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in 105 ILCS 5/21B-80[14] or who falsifies, or omits facts from, his or her employment application or other employment documents. If an indicated finding of abuse or neglect of a child has been issued by the Ill. Department of Children and Family Services or by a child welfare agency of another jurisdiction for any applicant for student teaching, applicant for employment, or any District employee, then the Board must consider that person's status as a condition of employment. [15]

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law and complies with each of the following: [16]

1. The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position. [17]

DRAFT

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

[13] Immigration Reform and Control Act, 8 U.S.C. §1324a et seq. Consult with the board attorney regarding the district's rights and responsibilities under Illinois law if the district uses any electronic employment verification system, including *E-Verify*. 820 ILCS 55/. The Right to Privacy in the Workplace Act (RPWA) at 820 ILCS 55/14, added by P.A. 104-455, prohibits employers from taking adverse action against an employee based only on the receipt of a notice of discrepancy (a *no-match letter*) between an employee's individual taxpayer identification number or other identifying documents from a federal agency or outside vendor not responsible for immigration law enforcement, such as the Social Security Administration, Internal Revenue Service, or an insurance company. The RPWA also requires employers to provide notice to the employee upon receipt of a no-match letter. Id., at 55/15-55/17 added by P.A. 104-455. Employers are subject to civil, monetary penalties for violations of the RPWA. Id. However, a safe harbor from penalties for employers and prospective employers is available for violations made in good faith while relying on guidance issued by the Ill. Dept. of Labor or the federal Dept. of Homeland Security, or if a bona fide administrative error occurs that does not affect an employee or prospective employee's employment or pay. Id., at 55/25, added by P.A. 104-455. See also https://labor.illinois.gov/laws-rules/conmed/privacy-workplace.html.

[14] See f/n 5, above.

[15] 105 ILCS 5/10-21.9(c) and (g). See f/n 6 in sample policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, for further discussion.

[16] As an alternative to describing the prohibited investigations, a board may substitute this sentence:

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law, including without limitation, investigation into or inquiry concerning: (1) credit history or report unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; (2) claim(s) made or benefit(s) received under Workers' Compensation Act; and (3) access to an employee's or applicant's social networking website, including a request for passwords to such sites.

The default policy provision and the alternative stated above – whichever is selected – may be made a prohibition rather than a duty of the superintendent; to do this, delete the stricken text as follows: "The ~~Superintendent shall ensure that the~~ District does not engage"

[17] Employee Credit Privacy Act, 820 ILCS 70/10. This Act allows inquiries into an applicant's credit history or credit report or ordering or obtaining an applicant's credit report from a consumer reporting agency when a satisfactory credit history is an *established bona fide occupational requirement* of a particular position. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at $2,500 or more.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

2. The District does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria. [18]
3. The District does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation. [19]
4. The District does not request or require an applicant to disclose wage or salary history as a condition of employment. [20]
5. The District does not ask an applicant or applicant's current or previous employers about wage or salary history, including benefits or other compensation. [21]
6. The District does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act. [22]
7. The District does not request of an applicant or employee access in any manner to his or her personal online account, such as social networking websites, including a request for passwords to such accounts. [23]
8. The District provides equal employment opportunities to all persons. See Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

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

[18] 820 ILCS 112/10(b-5). If an employer violates this subsection, the employee may recover in a civil action any damages incurred, special damages up to $10,000, injunctive relief, and costs and reasonable attorney's fees. 820 ILCS 112/30(a-5).

[19] Id. at 112/10(b-5).

[20] Id.

[21] 820 ILCS 112/10(b-10). **Note:** Attorneys caution that using the exceptions in 820 ILCS 112/10(b-10)(1) and (2) may trigger litigation. Violating this subsection entitles an employee to recover in a civil action any damages incurred, special damages up to $10,000, injunctive relief, and costs and reasonable attorney's fees. 820 ILCS 112/30(a-5).

A school board that wishes to preserve these exceptions should consult its board attorney; then they may supplement number 5 by adding the following after "compensation":

> unless the applicant's wage or salary history is a matter of public record, or is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with State or federal law; or the applicant is a current employee applying for a position with the same current employer.

[22] Right to Privacy in the Workplace Act, 820 ILCS 55/10(a).

[23] Id. at 55/10(b) (commonly known as the *Facebook Password Law*). A *personal online account* is defined as an online account used primarily by a person for personal purposes. *Personal online account* does not include an account created, maintained, used, or accessed for the business purpose of a person's employer or prospective employer. Id. at 55/10(b)(6). Bracketed explanations follow the statutory language in 820 ILCS 55/10(b)(5):

"Nothing in this subsection shall prohibit or restrict an employer from complying with a duty to screen employees or applicants prior to hiring…provided that the password, account information, or access sought by the employer only relates to an online account that:

(A) an employer supplies or pays; or

(B) an employee creates or maintains on behalf of under the direction of an employer in connection with that employee's employment."

[Based on this explanation, it is implausible that an applicant would have an account, service, or profile for business purposes of a school employer.]

The statute specifically permits an employer to: (1) maintain workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use; and (2) monitor usage of the employer's (district's) electronic equipment and electronic mail. The statute also states that it does *not prohibit* an employer from obtaining information about an applicant or an employee that is in the public domain or that is otherwise obtained in compliance with the statute. Finally, the statute does not apply to all types of personal technology that employees may use to communicate with students or other individuals, such as text messages on a personal phone. Consult the board attorney about these issues.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Sexual Misconduct Related Employment History Review (EHR) [24]

Prior to hiring an applicant for a position involving *direct contact with children or students*, the Superintendent shall ensure that an EHR is performed as required by State law. When the applicant is a superintendent candidate, the Board President shall ensure that the EHR is initiated before a successful superintendent candidate is offered employment by the Board.

Physical Examinations [25]

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. The physical fitness examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination performed no more than 90 days before submitting evidence of it to the District.

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity.[26] The Board will pay the expenses of such examination. [27]

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their

DRAFT

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

[24] 105 ILCS 5/22-94, amended by P.A.s 104-417 and 104-831, eff. 1-1-27. See sample administrative procedure 5:30-AP3, *Sexual Misconduct Related Employment History Review (EHR)*, for the process, timing, and positions requiring an EHR. See sample policy 4:60, *Purchases and Contracts*, and sample administrative procedure 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*, for EHR requirements for employees of contractors who have *direct contact with children or students*.

[25] 105 ILCS 5/24-5. According to this statute, a new or existing employee or substitute teacher employee may be subject to additional health examinations, including tuberculosis screening, as required by rules adopted by the Ill. Dept. of Public Health (IDPH) or by order of a local public health official. The IDPH does not require school employees to be screened for tuberculosis other than workers in child day care and preschool settings. 77 Ill.Admin.Code §696.140(a)(3).

~~The last sentence of the first paragraph exceeds State law requirements and may be deleted.~~

Note that while examination by a spiritual leader/practitioner is sufficient for purposes of leaves, the statute does not permit an examination by a spiritual leader/practitioner for initial employment exams. This difference may present a constitutional issue; contact the board attorney for an opinion if an applicant wants to use an examination by a spiritual leader/practitioner.

Federal law limits pre-employment medical inquiries to whether the applicant is able to perform job-related functions; required medical examinations of applicants is forbidden. ADA, 42 U.S.C. §12112(d)(2); see also f/n 8 for an explanation regarding the ADAAA. Districts may condition an employment offer on taking and passing medical inquiries or physical exams, provided that all entering employees in the same classification receive the same conditional offer.

[26] The State law (105 ILCS 5/24-5) allowing boards to require physicals of current employees "from time to time," is superseded by the ADA. 42 U.S.C. §12112(d)(4). The ADA allows medical inquiries of current employees only when they are job-related and consistent with business necessity or part of a voluntary employee wellness program. Id. Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would not either eliminate the risk or reduce it to an acceptable level. 42 U.S.C. §12113; 29 C.F.R. §1630.2(r). See f/n 8 for an explanation regarding the ADAAA.

See f/n 25 for a discussion of examinations by spiritual leaders/practitioners.

[27] Consult the board attorney if a staff member requests more than one physical examination to obtain a second opinion.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

position. Before beginning employment, each employee must sign the *Acknowledgement of Mandated Reporter Status* form as provided in Board policy 5:90, *Abused and Neglected Child Reporting*.

LEGAL REF.: 8 U.S.C. §1324a et seq., Immigration Reform and Control Act.
15 U.S.C. §1681 et seq., Fair Credit Reporting Act.
42 U.S.C. §12112, Americans with Disabilities Act; 29 C.F.R. Part 1630.
105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/10-22.34, 5/10-22.34b, 5/21B-10, 5/21B-80, 5/21B-85, 5/22-6.5, 5/22-94, and 5/24-5.
20 ILCS 2630/3.3, Criminal Identification Act.
820 ILCS 55/, Right to Privacy in the Workplace Act.
820 ILCS 70/, Employee Credit Privacy Act.
820 ILCS 112/, Equal Pay Act of 2003.
Duldulao v. St. Mary of Nazareth Hospital, 136 Ill. App. 3d 763 (1st Dist. 1985), aff'd in part and remanded 115 Ill.2d 482 (Ill. 1987).
Kaiser v. Dixon, 127 Ill. App. 3d 251 (2nd Dist. 1984).
Molitor v. Chicago Title & Trust Co., 325 Ill. App. 124 (1st Dist. 1945).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 3:50 (Administrative Personnel Other Than the Superintendent), 4:60 (Purchases and Contracts), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Duties and Qualifications)

DRAFT

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

General Personnel

Court Duty [1]

The District will deduct any fees that an employee receives for court duty, less mileage and meal expenses, from the employee's compensation, or make arrangements for the employee to endorse the fee check to the District. [2]

~~An employee should give at least five days' prior notice of pending court duty to the District.[3]~~

Witness Duty

An employee should give at least five days' prior notice of pending court duty to the District.[4]

The District will pay full salary during the time a licensed employee is absent due to a subpoena to serve as a witness in a trial or have a deposition taken in any school-related matter pending in court. [5]

Jury Duty

An employee summoned for jury duty must deliver to the District a copy of the summons within 10 days of the date of issuance of the summons to the employee. [6]

DRAFT

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 court duty, 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.

For more information about subpoenas of school district employees and responding to all types of subpoenas generally, see the Ill. Council of School Attorneys guidance document titled *Answers to FAQs Responding to a Subpoena*, at: www.iasb.com/policy-services-and-school-law/guidance-and-resources~~www.iasb.com/law/FAQsubpoena.pdf~~.

[2] State law permits these deductions but does not mandate them. 105 ILCS 5/10-20.7.

[3] ~~State law does not provide a deadline, and a district cannot refuse to pay full salary to an employee who fails to follow the policy's deadline.~~

[4] State law does not provide a deadline, and a district cannot refuse to pay full salary to an employee who fails to follow the policy's deadline. Id.

[5] The School Code mandates this provision for certificated [licensed] employees serving witness duty. 105 ILCS 5/10-20.7. Despite the statute's limitation to licensed employees, many boards apply this language to educational support personnel. For boards that wish to apply this language to both licensed and educational support personnel, strike ~~licensed~~ from the text and correct the grammar.

[6] 705 ILCS 305/4.1(c).

©~~2022~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

The District will pay full salary during the time an ~~licensed~~ employee is absent due to jury duty. [7]

LEGAL REF.: 105 ILCS 5/10-20.7.
705 ILCS 305/4.1, Jury Act.

DRAFT

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

[7] The School Code mandates this provision for certificated [licensed] employees serving jury duty. 105 ILCS 5/10-20.7. In contrast, the Jury Act requires that employers give any employee time off from employment for jury duty, and~~but it does not require~~ that employers with more than 25 employees compensate an employee at their regular rate of pay ~~the employee~~ while on jury duty. 705 ILCS 305/4.1(a) and (g), amended by P.A. 104-683, eff. 1-1-27. The text is changed to align with the Jury Act to cover all employees. ~~Despite the statute's limitation to licensed employees, many boards apply this language to educational support personnel.~~ For boards that have 25 or fewer employees and prefer~~wish~~ to apply this language to ~~both~~ licensed employees only, add "licensed" before "employees" ~~and educational support personnel, strike licensed from the text~~ and correct the grammar.

©~~2022~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

General Personnel

Abused and Neglected Child Reporting [1]

Any District employee who suspects or receives knowledge that a student may be an abused or neglected[2] child or, for a student aged 18 through 22, an abused or neglected individual with a

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

[1] State or federal law controls this policy's content. The Abused and Neglected Child Reporting Act (ANCRA) (325 ILCS 5/) requires *education personnel* to immediately report to DCFS when they have reasonable cause to believe a child known to them in their professional or official capacities may be abused or neglected; *education personnel* includes school personnel (including administrators and licensed and non-licensed school employees) and educational advocates assigned to a child in accordance with the School Code. 325 ILCS 5/4(a)(4). *Education personnel* also includes board members; however, ANCRA does not require them to directly report to DCFS and instead states that a board member "shall direct or cause the school board to direct the superintendent" to report to DCFS. 325 ILCS 5/4(a)(4), (d). See the **Special School Board Member Responsibilities** subhead, below, and sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

If the report involves an *adult student with a disability*, employees should expect DCFS to instruct them to call the Ill. Dept. of Human Services Office (DHS) office of the Inspector General's statewide 24-hour toll-free telephone number at 1-800-368-1463. 325 ILCS 5/4.4a and 20 ILCS 1305/1-17(b), amended by P.A.s 103-76 and 103-752. Reports involving an adult student with a disability may be made directly to DHS; however, for simplicity, and to preserve a superintendent's duty to disclose certain reports involving an employee or former district employee (see discussion in f/n 19 below) and the immunity for such disclosures, the sample policy directs the initial phone call to DCFS. The Dept. of Human Services Act (DHS Act) (20 ILCS 1305/) allows a *required reporter* four hours to report after the initial discovery of the incident, allegation, or suspicion of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, ~~or~~ financial exploitation, or material obstruction of an investigation. 20 ILCS 1305/1-17(k)(1), amended by P.A. 103-752. Only employees are required reporters. 20 ILCS 1305/1-17(a).

Any person required by law to report abuse and neglect who willfully fails to report is guilty of a Class A misdemeanor. 325 ILCS 5/4(m) and 20 ILCS 1305/1-17(k)(1), amended by P.A. 103-752.

A teaching license may be suspended or revoked for willful or negligent failure to report suspected child abuse or neglect as required by law and for *sexual misconduct*. 105 ILCS 5/21B-75, amended by P.A. 104-373.

District employees who make a report in good faith receive immunity, except in cases of willful or wanton misconduct. See 325 ILCS 5/4 and 9. Further, for the purpose of any proceedings, civil or criminal, good faith of the person making the report is presumed. Id.

Every two years, each district within an Illinois county served by an accredited Children's Advocacy Center (CAC) must review its sexual abuse investigation policies and procedures to ensure consistency with 105 ILCS 5/22-85. 105 ILCS 5/10-20.71. See sample policy 7:20, *Harassment of Students Prohibited*.

[2] ANCRA covers abuse and neglect of children. 325 ILCS 5/3, amended by P.A. 104-831, eff. 1-1-27. The DHS Act covers abuse and neglect of adult students with a disability. 20 ILCS 1305/1-17(b), amended by P.A.s 103-76 and 103-752. Abuse may be generally understood as any physical or mental injury or sexual abuse inflicted on a child or adult student with a disability other than by accidental means or creation of a risk of such injury or abuse by a person who is responsible for the welfare of a child or adult student with a disability. Neglect may be generally understood as abandoning a child or adult student with a disability or failing to provide the proper support, education, medical, or remedial care required by law by one who is responsible for the child's or adult student with a disability's welfare.

Abuse covered by ANCRA also includes ~~*grooming* as defined in the Ill. Criminal Code of 2012 (720 ILCS 5/11-25, amended by P.A. 104-245, eff. 1-1-26)~~engaging in a pattern of conduct or communications directed toward a child "that a reasonable person would understand as intended to groom, seduce, solicit, lure, or entice the child for the purpose of committing any sex offense or engaging in sexual misconduct against such child." 325 ILCS 5/3~~(i) (*Faith's Law*)~~(a-1), added by P.A. 104-831, eff. 1-1-27.

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

disability[3], shall immediately report or cause a report to be made to the Ill. Dept. of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873)(within Illinois); 1-217-524-2606 (outside of Illinois); or 1-800-358-5117 (TTY).[4] Any District employee who believes a student is in immediate danger of harm, shall first call 911. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made.[5] The Superintendent or Building Principal shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) with DCFS, the applicable school resource officer (SRO), and/or local law enforcement.[6] *Negligent failure to report* occurs when a District employee personally observes an instance of suspected child abuse or neglect and reasonably believes, in his or her professional or official capacity, that the instance constitutes an act of child abuse or neglect under the Abused and

---

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

The School Code ~~goes further and~~ specifically prohibits school employees from engaging in *grooming behaviors* and *sexual misconduct*. 105 ILCS 5/10-23.13(b) (*Erin's Law*); 105 ILCS 5/22-85.5(c) (*Faith's Law*). To streamline implementation, sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, defines prohibited *grooming behaviors* to include *sexual misconduct* and it explicitly prohibits employees from engaging in *grooming* as defined in the Ill. Criminal Code of 2012 (720 ILCS 5/11-25, amended by P.A. 104-245), *grooming behaviors*, and *sexual misconduct*. ~~While it is possible for low-level *grooming behaviors* and/or *sexual misconduct* to not amount to *grooming* prohibited by ANCRA, b~~Best practice is to report suspected *grooming behaviors* and *sexual misconduct* to DCFS.

[3] State child and disabled adult protection laws define the same class of individuals differently, but with the same goal: to protect an adult student with a disability, not living in a DCFS licensed facility, who is still finishing school with an Individual Education Plan (IEP). The DHS Act defines "adult student with a disability" as an adult student, age 18 through 21, inclusive (through the day before the student's 22nd birthday), with an IEP other than a resident of a facility licensed by DCFS. 20 ILCS 1305/1-17(b), amended by P.A. 103-76. However, 105 ILCS 5/14-1.02 provides that a student who turns 22 years old during the school year shall be eligible for IEP services through the end of the school year. This statutory definition is the basis for this sample policy's language.

For elementary districts, delete the following phrase from the first sentence: "or, for a student aged 18 through 22, an abused or neglected individual with a disability, ."

[4] 325 ILCS 5/7, amended by P.A. 103-624. For a board that wants to include what a DCFS report should contain, an optional sentence follows:

> The report shall include, if known:
> 1. The name and address of the child, parent/guardian names, or other persons having custody;
> 2. The child's age;
> 3. The child's condition, including any evidence of previous injuries or disabilities; and
> 4. Any other information that the reporter believes may be helpful to DCFS for its investigation.

When two or more mandated reporters who work within the same workplace share a reasonable cause to believe that a student may be an abused or neglected child, one of them may be designated to make a single report. 325 ILCS 5/4(b). The report must include the name(s) and contact information for the other mandated reporter(s). Id.

[5] ANCRA states that mandated reporters "may also notify the person in charge of [the] school[.]" 325 ILCS 5/4(e). This sample policy makes the report to the superintendent or building principal mandatory to keep the administration informed. The administration may not force the staff member to change or modify his or her report.

[6] Optional. The sample policy makes coordination with DCFS, the SRO, and local law enforcement a step in the process of reporting, so the local agencies and school district are better able to prevent and manage the risks school officials and parents/guardians face when a DCFS report has been made, e.g., situations where parents/guardians, upon learning a DCFS report has been made involving their child(ren), commit an act of self-harm in response to the information.

~~For school districts in DuPage County, the DuPage County State's Attorney (SAO), Regional Office of Education (ROE), Police Dept. (PD), and DCFS created a *Model Policy Reporting Child Abuse and Neglect for School Officials in DuPage County*, at: www.dupageroe.org/wp-content/uploads/Mandated_Reporting.pdf. Consult the board attorney about this reporting policy – it does not account for legislative changes made to ANCRA since August 2010 and its intent is for school officials to immediately inform the SAO that a report to DCFS has been made to allow the SAO to investigate and prevent evidence spoliation. **Note:** The DuPage SAO, ROE, and PD lack authority under ANCRA over school officials to enforce compliance with this "model reporting policy;" only DCFS has the authority under ANCRA to enforce penalties under ANCRA, not the "model reporting policy." The DuPage SAO, ROE, and PD did not consult school officials in the creation of its "model reporting policy."~~

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Neglected Child Reporting Act (ANCRA) and he or she, without willful intent, fails to immediately report or cause a report to be made of the suspected abuse or neglect to DCFS. [7]

Any District employee who discovers child sexual abuse material on *electronic and information technology equipment*, as defined in 325 ILCS 5/4.5(a), shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's CyberTipline 1-800-THE-LOST (1-800-843-5678) or online at https://report.cybertip.org or www.missingkids.org. The Superintendent or Building Principal shall also be promptly notified of the discovery and that a report has been made. [8]

Any District employee who observes any act of hazing that does bodily harm to a student must report that act to the Building Principal, Superintendent, or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the employee must first make the report to law enforcement and then to the Superintendent or Building Principal. Hazing is defined as any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students. [9]

Abused and Neglected Child Reporting Act (ANCRA), School Code, and *Erin's Law* Training

The Superintendent or designee shall provide staff development opportunities for District employees in the detection, reporting, and prevention of child abuse and neglect. [10]

All District employees shall:

DRAFT

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

[7] 105 ILCS 5/10-23.12(c) (all district employees); 105 ILCS 5/21B-75(b) (teachers).

[8] ANCRA requires an electronic and information technology equipment worker or the worker's employer to report a discovery of child sexual abuse material depicted on an item of electronic and information technology equipment. 325 ILCS 5/4.5(b), amended by P.A. 104-245~~, eff. 1-1-26~~. Consult the board attorney to determine whether any district employees fit the definition of an *electronic and information technology worker*, i.e., are "persons who in the scope and course of their employment or business install, repair, or otherwise service electronic and information technology equipment for a fee."

The paragraph exceeds the State requirements by requiring all district employees to report a discovery of child pornography on *electronic and information technology equipment*, defined as "equipment used in the creation, manipulation, storage, display, or transmission of data, including internet and intranet systems, software applications, operating systems, video and multimedia, telecommunications products, kiosks, information transaction machines, copiers, printers, and desktop and portable computers." 325 ILCS 5/4.5(a). This furthers the National Center for Missing and Exploited Children's public policy goal of "empowering the public to take immediate and direct action to enforce a zero tolerance policy regarding child sexual exploitation."

Similar to school personnel who are mandated reporters, electronic and information technology equipment workers and their employers have broad immunities from criminal, civil, or administrative liabilities when they report a discovery of child pornography as required under 325 ILCS 5/4.5(b), except for willful or wanton misconduct, e.g., knowingly filing a false report. Failure to report a discovery of child pornography is a business offense subject to a fine of $1001. 325 ILCS 5/4.5(e).

[9] 720 ILCS 5/12C-50.1(b) creates a duty for *school officials* to report hazing. The term *school official* includes all school employees and volunteer coaches. 720 ILCS 5/12C-50.1(a). The duty to report hazing is triggered only when the employee/volunteer is fulfilling his or her responsibilities as a school official and observes hazing which results in bodily harm. 720 ILCS 5/12C-50.1(b). A report must be made to *supervising educational authorities*, which is not defined in the Act. Id. Common sense, however, would require the individual witnessing hazing to report it to the building principal or superintendent. Failure to report hazing is a Class B misdemeanor. 720 ILCS 5/12C-50.1(c). Failure to report hazing that resulted in death or great bodily harm is a Class A misdemeanor. Id. Sample administrative procedure 7:190-AP1, *Hazing Prohibited*, uses the same definition of *hazing*; this definition is based on 720 ILCS 5/12C-50, amended by P.A. 103-765.

[10] The drill during such training should be: "If in question, report."

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

1. Before beginning employment, sign the *Acknowledgement of Mandated Reporter Status* form provided by DCFS. The Superintendent or designee shall ensure that the signed forms are retained.
2. Complete mandated reporter training as required by law within three months of initial employment and at least every three years after that date. [11]
3. Complete an annual evidence-informed training related to child sexual abuse, grooming behaviors (including *sexual misconduct* as defined in *Faith's Law*)[12], and boundary violations as required by law and Board policy 5:100, *Staff Development Program*. [13]

Alleged Incidents of Sexual Abuse; Investigations [14]

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity. [15]

DRAFT

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

[11] ANCRA requires staff members, within three months of employment, to complete mandated reporter training, including a section on implicit bias and racial and ethnic sensitivity. 325 ILCS 5/4(j). This training must be completed again at least every three years. Id. The initial ANCRA three-month training requirement applies to the first time staff engage in their professional or official capacity. Id. While the law allows an extension to six months, it is unclear when such an extension is permissible. Consult the board attorney for guidance. As a best practice, to ensure compliance with the requirement in 105 ILCS 5/22-85(c) that mandated reporters annually review Ill. State Board of Education (ISBE) materials regarding notification of DCFS (see f/n 16, below), and to ease the administrative burden to track employee training schedules, a district may consider requiring annual training for all employees.

To reduce liability and align with best practices, ANCRA training for existing district employees appears prudent; however, consult the board attorney about:

1. Whether mandating existing employees to participate in ANCRA training is an item on which collective bargaining may be required. Any policy that impacts upon wages hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.
2. How to comply with both the new ANCRA training requirements and whether compliance with them would also satisfy the School Code's more limited district-provided training requirement discussed in f/n 10 above.

[12] Sexual misconduct under *Faith's Law* is defined in 105 ILCS 5/22-85.5(c). See f/n 2, above, regarding the inclusion of sexual misconduct in the definition of *grooming behaviors* set forth in sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*.

[13] 105 ILCS 5/10-23.13 (*Erin's Law*). For additional *Erin's Law* requirements and definitions, see sample policies and the f/ns in 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; and 6:60, *Curriculum Content*.

[14] Delete this subhead if your school district is not within a county served by an accredited CAC. 105 ILCS 5/22-85 governs the investigation of an *alleged incident of sexual abuse* of any child within any Illinois counties served by a CAC. For a map of accredited CACs, and to identify a CAC that may serve your district, see www.childrensadvocacycentersofillinois.org/about/map. The law is silent about investigations in counties without CACs.

[15] Though 105 ILCS 5/22-85(b) defines *alleged incident of sexual abuse*, its definition is circular, using the term *sexual abuse* without defining what that means. To provide boards with clarity, the definition of *sexual abuse* used in the Ill. Criminal Code of 2012 is used.

©2025 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

If a District employee reports an alleged incident of sexual abuse to DCFS[16] and DCFS accepts the report for investigation, DCFS will refer the matter to the local Children's Advocacy Center (CAC).[17] The Superintendent or designee will implement procedures to coordinate with the CAC.

DCFS and/or the appropriate law enforcement agency will inform the District when its investigation is complete or has been suspended, as well as the outcome of its investigation.[18] The existence of a DCFS and/or law enforcement investigation will not preclude the District from conducting its own parallel investigation into the alleged incident of sexual abuse in accordance with Board policy 7:20, *Harassment of Students Prohibited*.

Special Superintendent Responsibilities

The Superintendent shall execute the requirements in Board policy 5:150, *Personnel Records*, whenever another school district requests a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS. [19]

When the Superintendent has reasonable cause to believe that a license holder (1) committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child under ANCRA or an act of sexual misconduct under *Faith's Law*, and (2) that act resulted in the license holder's dismissal or resignation from the District, the Superintendent shall notify the State Superintendent and the Regional Superintendent in writing, providing the Ill. Educator Identification

DRAFT

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

[16] 105 ILCS 5/22-85(c) provides that if a mandated reporter within a school has knowledge of an alleged incident of sexual abuse, the reporter must call the DCFS hotline immediately after obtaining the minimal information necessary to make a report, including the names of the affected parties and the allegations. It further requires ISBE to make available materials detailing the information necessary to enable notification to DCFS of an alleged incident of sexual abuse, and that all mandated reporters annually review ISBE's materials.

[17] 105 ILCS 5/22-85(d).

[18] 105 ILCS 5/22-85(j), (k).

[19] ANCRA requires a superintendent, upon being requested for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DCFS. 325 ILCS 5/4(d). For further information, see the **Complying with Requirements in the Abused and Neglected Child Reporting Act** subhead in sample administrative procedure 5:150-AP, *Personnel Records*. When a report involves an adult student with a disability, DCFS must instruct mandated reporters making these reports to call the DHS Office of the Inspector General's statewide 24-hour toll-free telephone number: 1-800-368-1463 (325 ILCS 5/4.4a) to make a report under the DHS Act.

The DHS Act (20 ILCS 1305/1-17(l)) then requires a determination of whether a report involving an adult student with a disability should be investigated under it or the Abuse of Adults with Disabilities Intervention Act (20 ILCS 2435), however that Act was repealed by P.A. 99-049 (eff. 7-1-13). The DHS Act does not outline a duty for the superintendent, upon being requested for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DHS involving an adult student with a disability.

Given the public policy behind the amendments to 325 ILCS 5/4, a reasonable interpretation of the law is that the superintendent's duty to disclose now involves DHS reports concerning adult students with disabilities. However, with no mechanism requiring DHS to report back to the superintendent a *non-substantiated report* (DHS version of a DCFS *unfounded* report), a superintendent's duty to disclose cannot end. Consult the board attorney about managing the duty to disclose reports that involve adult students with disabilities when DCFS redirects the reporter to DHS. For more information, see sample policy 5:150, *Personnel Records*.

See also f/n 4 of sample policy 5:150, *Personnel Records*, discussing the Elementary and Secondary Education Act's (ESEA) (20 U.S.C. §7926) requirement that school policies must explicitly prohibit school districts from providing a recommendation of employment for an employee, contractor, or agent that a district knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Number as well as a brief description of the misconduct alleged.[20] The Superintendent must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder. [21]

The Superintendent shall develop procedures for notifying a student's parents/guardians when a District employee, contractor, or agent is alleged to have engaged in sexual misconduct with the student as defined in *Faith's Law*. The Superintendent shall also develop procedures for notifying the student's parents/guardians when the Board takes action relating to the employment of the employee, contractor, or agent following the investigation of sexual misconduct. Notification shall not occur when the employee, contractor, or agent alleged to have engaged in sexual misconduct is the student's parent/guardian, and/or when the student is at least 18 years of age or emancipated. [22]

The Superintendent shall execute the recordkeeping requirements of *Faith's Law*. [23]

Special School Board Member Responsibilities

Each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in ANCRA, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with ANCRA's requirements concerning the reporting of child abuse. [24]

If the Board determines that any District employee, other than an employee licensed under 105 ILCS 5/21B, has willfully or negligently failed to report an instance of suspected child abuse or neglect as required by ANCRA, the Board may dismiss that employee immediately. [25]

When the Board learns that a licensed teacher was convicted of any felony, it must promptly report it to the State agencies listed in Board policy 2:20, *Powers and Duties of the School Board; Indemnification*. [26]

DRAFT

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

[20] Alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."

[21] 105 ILCS 5/10-21.9(e-5) requires these notifications and provides superintendents immunity from any liability, whether civil or criminal or that otherwise might result by complying with the statute.

[22] 105 ILCS 5/22-85.10. See sample administrative procedure 5:90-AP2, *Parent/Guardian Notification of Sexual Misconduct*.

[23] 105 ILCS 5/22-94(e). See sample administrative procedure 5:150-AP, *Personnel Records*.

[24] 325 ILCS 5/4(d), amended by P.A. 103-22. This statute makes board members mandatory child abuse reporters "to the extent required in accordance with other provisions of this section expressly concerning the duty of school board members to report suspected child abuse." Thus, a board member's duty is "to direct the superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse" whenever an "allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which the person is a board member is an abused child." Of course, any board member with reason to doubt that a report was or will be made should directly contact DCFS.

[25] 105 ILCS 5/10-23.12(c). See f/n 7, above, and f/n 3 in sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

[26] 105 ILCS 5/21B-85(a) and (b), amended by P.A. 103-51. Because felony charges often arise out of abuse and neglect investigation, this board duty is listed here for convenience. See the discussion in the f/ns tied to these duties in sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 20 U.S.C. §7926, Elementary and Secondary Education Act.
105 ILCS 5/10-21.9, 5/10-23.13, 5/21B-85, 5/22-85.5, and 5/22-85.10.
20 ILCS 1305/1-1 et seq., Department of Human Services Act.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/12C-50.1, Criminal Code of 2012.

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:60 (Administrative Responsibility of the Building Principal), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Law Enforcement Requests)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

General Personnel

Staff Development Program [1]

The Superintendent or designee shall implement a staff development program. The goal of the program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for licensed staff members shall be designed to effectuate any School Improvement Plans so that student learning objectives meet or exceed goals established by the District and State.

Abused and Neglected Child Reporting Act (ANCRA) and *Erin's Law* Training

The staff development program shall include the Abused and Neglected Child Reporting Act (ANCRA) mandated reporter training and training on the awareness and prevention of child sexual abuse and grooming behaviors (*Erin's Law*) as follows (see Board policies 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*, and 5:90, *Abused and Neglected Child Reporting*): [2]

1. Within three months of employment, each staff member must complete mandated reporter training from a provider or agency with expertise in recognizing and reporting child abuse. Mandated reporter training must be completed again at least every three years.

DRAFT

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. A school board may set and enforce professional growth requirements. 105 ILCS 5/24-5. Failure to meet professional growth requirements is considered remediable. Morris v. Ill. State Bd. of Educ., 198 Ill.App.3d 51 (3rd Dist. 1990).

This policy contains items 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.

105 ILCS 5/2-3.62 requires the Ill. State Board of Education (ISBE) to establish a regional network of educational service centers to coordinate and combine existing services in a manner that is practical and efficient for schools. Their purposes are to provide, among other things, continuing education, in-service training, and staff development services to all local school districts in Illinois.

[2] 325 ILCS 5/4(j); and 105 ILCS 5/10-23.13 (*Erin's Law*). ~~Sexual misconduct under *Faith's Law* is defined in 105 ILCS 5/22-85.5(e).~~Child sexual abuse includes child sex trafficking. For resources about child sex trafficking, see f/n 10 in sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*.

Mandated reporter training may be in-person or web-based and must include, at a minimum, information on the following topics: (1) indicators for recognizing child abuse and child neglect; (2) the process for reporting suspected child abuse and child neglect and the required documentation; (3) responding to a child in a trauma-informed manner; (4) understanding the response of child protective services and the role of the reporter after a call has been made; and (5) implicit bias. *Implicit bias* means the attitudes or internalized stereotypes that affect people's perceptions, actions, and decisions in an unconscious manner and that exist and often contribute to unequal treatment of people based on race, ethnicity, gender identity, sexual orientation, age, disability, and other characteristics. The implicit bias topic must include, at a minimum: (1) information on implicit bias; (2) information on racial and ethnic sensitivity; and (3) tools to adjust automatic patterns of thinking and ultimately eliminate discriminatory behaviors. 325 ILCS 5/4(j). Districts must provide mandated reporter training through either the Ill. Dept. of Children and Family Services (DCFS), an entity authorized to provide continuing education through the Dept. of Financial and Professional Regulation, ISBE, the Ill. Law Enforcement Training Standards Board, the Ill. State Police, or an organization approved by DCFS to provide mandated reporter training. Id. *Child-serving organizations*, which are not defined in ANCRA, are "encouraged to provide in-person annual trainings." Id.

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

2. By January 31 of every year, all school personnel must complete evidence-informed training on preventing, reporting, and responding to child sexual abuse, grooming behaviors (including *sexual misconduct*[3] as defined in *Faith's Law*), and boundary violations.

In-Service Training Requirements

The staff development program shall provide, at a minimum, within six months of employment and renewed at least once every five years thereafter (unless required more frequently by other State or federal law), the in-service training of all District staff who work with pupils on: [4]

1. Health conditions of students,[5] including but not limited to training on:
   a. Anaphylactic reactions and management, conducted by a person with expertise on anaphylactic reactions and management;
   b. Management of asthma, prevention of asthma symptoms, and emergency response in the school setting;

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

[3] *Sexual misconduct* under *Faith's Law* is defined in 105 ILCS 5/22-85.5(c).

[4] This list of in-service trainings is required by State law but only Nos. 4, 5(d), and 7 are required to be specified in board policy. 105 ILCS 5/10-22.39, amended by P.A.s 103-41, 103-413, 103-542, ~~and~~ 103-603, and 104-628, eff. 1-1-27, requires all teachers, administrators, and school support personnel to complete these trainings during an in-service training program conducted by their board or through other training opportunities, including institutes provided by regional superintendents and intermediate service center executive directors under 105 ILCS 5/3-11, amended by P.A.s 103-542, ~~and~~ 103-413, and 104-612. If teachers, administrators, or school support personnel obtain training outside of an in-service training program or from a previous school employer, they may present documentation showing current compliance to satisfy the requirement of receiving training within six months of first being employed. Id.

Different from the in-service training that school districts must provide to their staff, 105 ILCS 5/3-11, amended by P.A.s 103-542, ~~and~~ 103-413, and 104-612, contains requirements that the regional superintendents and intermediate service center executive directors must include during institutes for teachers, administrators, and school support personnel. Instruction on prevalent student chronic health conditions, as well as educator ethics and teacher-student conduct training, is also required. See also f/ns 4-12 below discussing the board's requirements in 105 ILCS 5/10-22.39.

Both 105 ILCS 5/3-11 and 5/10-22.39 use the phrase *teachers, administrators, and school support personnel*, but for brevity this material uses the phrase *all District staff*. While the language of this paragraph is not required to be in board policy, including it provides a way for boards to monitor that it is being done. It also provides an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject.

In-service training programs on the topics listed in 105 ILCS 5/10-22.39, amended by P.A.s 103-41, 103-413, 103-542, ~~and~~ 103-603, and 104-628, eff. 1-1-27, shall be credited toward hours of professional development required for license renewal as outlined in 105 ILCS 5/21B-45(e). School support personnel may be exempt from in-service training if the training is not relevant to the work they do.

[5] 105 ILCS 5/10-22.39(b-5), added by P.A. 103-542 and amended by P.A. 103-603. Nurses and school nurses, as defined by 105 ILCS 5/10-22.23 (school nurse), are exempt from training on health conditions of students. Id.

For No. 1(c), Consult the board attorney about whether:

1. All asthma action plans should require immediate 911 calls based upon In re Estate of Stewart, 406 Ill.Dec. 345 (2nd Dist. 2016); In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017) (school district's appeal denied). The court held that a teacher's failure to dial 911 immediately upon a student's asthma attack was willful and wanton conduct, subjecting the school district to liability under the Local Governmental and Governmental Employees Tort Immunity Act.
2. The duties and responsibilities of the district when it asks for but does not receive an asthma action plan from a parent/guardian and the logistics of distributing any received plans to those employees who need to know based upon Stewart, above.

For No. 1(d), see also 105 ILCS 150/25, amended by P.A. 103-542, and No. 6 under the subhead **Additional Training Requirements**.

For No. 1(e), see also 105 ILCS 145/25, amended by P.A. 103-542, and No. 7 under the subhead **Additional Training Requirements**.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

c. The basics of seizure recognition and first aid and emergency protocols, consistent with best practice guidelines issued by the Centers for Disease Control and Prevention;
d. The basics of diabetes care, how to identify when a diabetic student needs immediate or emergency medical attention, and whom to contact in case of emergency;
e. Current best practices regarding identification and treatment of attention deficit hyperactivity disorder; and
f. How to respond to an incident involving life-threatening bleeding, including use of a school's trauma bleeding control kit, if ~~applicable~~a kit is maintained. [6]

2. Social-emotional learning.[7] Training may include providing education to all school personnel about the content of the Illinois Social and Emotional Learning Standards, how they apply to everyday school interactions, and examples of how social emotional learning can be integrated into instructional practices across all grades and subjects.
3. Developing cultural competency,[8] including but not limited to understanding and reducing implicit bias, including *implicit racial bias* as defined in 105 ILCS 5/10-20.61 (implicit bias training).
4. Identifying warning signs of mental illness, trauma, and suicidal behavior in youth, along with appropriate intervention and referral techniques, including resources and guidelines as outlined in 105 ILCS 5/2-3.166 (*Ann Marie's Law*) and the definitions of *trauma*, *trauma-responsive learning environments*, and *whole child* as set forth in 105 ILCS 5/3-11. [9]
5. Domestic and sexual violence and the needs of expectant and parenting youth, conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth.[10] Training shall include, but is not limited to:
   a. Communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth;
   b. Connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs, and services as needed;
   c. Implementing the District's policies and procedures regarding such youth, including confidentiality; and

DRAFT

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

[6] See 105 ILCS 5/10-20.85, added by P.A. 103-128, for a definition of *trauma kit*. To avoid confusion between trauma related to life-threatening bleeding and *trauma* as defined in 105 ILCS 5/3-11(b), added by P.A. 103-413 and amended by P.A. 104-612, this policy uses the phrase *trauma bleeding control kit* instead of *trauma kit*.

Beginning with the 2024-25 school year, training on life-threatening bleeding must be completed within six months of employment and renewed within two years. Beginning with the 2027-28 school year, training on life-threatening bleeding must be completed within six months of employment and renewed at least once every five years thereafter. 105 ILCS 5/10-22.39(b-5)(7), added by P.A. 103-542 and amended by P.A. 103-603. Trained employees using a trauma kit are generally immune from civil liability. Id.

[7] 105 ILCS 5/10-22.39(b-10), added by P.A. 103-542.

[8] 105 ILCS 5/10-22.39(b-15), added by P.A. 103-542.

[9] 105 ILCS 5/10-22.39(b-20), added by P.A. 103-542 and amended by P.A. 103-603. Training on the implementation of trauma-informed practices satisfies the requirements of this subsection. Id. In addition, Illinois Mental Health First Aid training may satisfy the requirements of this subsection. If teachers, administrators, or school support personnel obtain mental health first aid training outside of an in-service training program, they may present a certificate of successful completion of that training to the school district to satisfy the requirements of this law. Id. For further information on Mental Health First Aid, see https://namiillinois.org/resources/about-mental-illness/mental-health-first-aid/.

[10] 105 ILCS 5/10-22.39(b-25), added by P.A. 103-542 and amended by P.A. 104-391. See sample policy 7:185, *Teen Dating Violence Prohibited*. 105 ILCS 5/27-240, added by P.A. 104-391.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

d. Procedures for responding to incidents of teen dating violence that take place at school, on school grounds, at school-sponsored activities, or in vehicles used for school-provided transportation as outlined in 105 ILCS 5/27-240 (see Board policy 7:185, *Teen Dating Violence Prohibited*).

6. Protections and accommodations for students,[11] including but not limited to training on:
   a. The federal Americans with Disabilities Act as it pertains to the school environment, including, but not limited to, service animals; and
   b. Homelessness.
7. Educator ethics and responding to child sexual abuse and grooming behavior (see Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*);[12] including but not limited to training on:
   a. Teacher-student conduct;
   b. School employee-student conduct; and
   c. Evidence-informed training on preventing, recognizing, reporting, and responding to child sexual abuse and grooming as outlined in 105 ILCS 5/10-23.13 (*Erin's Law*).
8. Effective instruction in violence prevention and conflict resolution,[13] conducted in accordance with the requirements of 105 ILCS 5/27-115 (violence prevention and conflict resolution education).

Additional Training Requirements

In addition, the staff development program shall include each of the following: [14]

DRAFT

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

[11] 105 ILCS 5/10-22.39(b-30), added by P.A. 103-542 and amended by P.A. 104-628, eff. 1-1-27. Beginning with the 2024-25 school year, training on homelessness must be completed within six months of employment and renewed within two years. Beginning with the 2027-28 school year, training on homelessness must be completed within six months of employment and renewed at least once every five years thereafter. Boards may work with a community-based organization specializing in working with homeless children and youth to develop and provide this training. See 105 ILCS 5/10-22.39(b-30)(1) - (5), added by P.A. 103-542, for homelessness training content requirements. **Note:** the homelessness training content requirements in 105 ILCS 5/10-22.39(b-30)(1) - (5), added by P.A. 103-542, are nearly identical to the homelessness training content requirements in 105 ILCS 5/10-22.39(h), added by P.A. 103-41.

Beginning with the 2016-17 school year, institutes under 105 ILCS 5/3-11 had to include instruction on the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §12101 et seq.) as it pertains to the school environment at least every two years. Contact the Regional Superintendent or the appropriate Intermediate Service Center Executive Director with questions about online training for this component of a teachers' institute. Discuss with the board attorney the best practices of documenting trainings and evaluations of trainings; many attorneys in the field prefer documentation of ADA trainings to assist in their defense of any potential ADA claims against the district.

[12] 105 ILCS 5/10-22.39(b-35), added by P.A. 103-542. Each board may want to have a conversation with the superintendent and direct him or her to develop a curriculum for the in-services that instructs all district staff to maintain boundaries and act appropriately, professionally, and ethically with students. See also sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, and f/n 11 in sample policy 4:110, *Transportation*. These expectations will be most effective when they reflect local conditions and circumstances. Employee conduct issues may be subjects of mandatory collective bargaining, therefore consulting the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing new employee conduct rules without first offering to negotiate them with the applicable exclusive bargaining representative.

[13] 105 ILCS 5/10-22.39(b-40), added by P.A. 103-542 and amended by P.A. 104-391, and 105 ILCS 5/27-115, renumbered by P.A. 104-391.

[14] Optional. These in-services and/or trainings are required by State and/or federal law but are not required to be specified in board policy. The only non-School Code State and/or federal law training requirements listed are from the Abused and Neglected Child Reporting Act (325 ILCS 5/), Ill. Human Rights Act (775 ILCS 5/), Seizure Smart School Act (105 ILCS 150/), Care of Students with Diabetes Act (105 ILCS 150/), and Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

1. Ongoing professional development for all school personnel and school resource officers on the requirements of 105 ILCS 5/10-22.6 and 5/10-20.14, the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments as defined in 105 ILCS 5/3-11(b), the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally—appropriate disciplinary methods that promote positive and healthy school climates. [15]
2. Annual continuing education and/or training opportunities (professional standards) for school nutrition program directors, managers, and staff. Each school food authority's director shall document compliance with this requirement by the end of each school year and maintain documentation for a three-year period. [16]
3. All high school coaching personnel, including the head and assistant coaches, and athletic directors must obtain online concussion certification by completing online concussion awareness training in accordance with 105 ILCS 25/1.15. Coaching personnel and athletic directors hired on or after 8-19-14 must be certified before their position's start date. [17]
4. The following individuals must complete concussion training as specified in the Youth Sports Concussion Safety Act: coaches and assistant coaches (whether volunteer or employee) of an interscholastic athletic activity; nurses, licensed and/or non-licensed healthcare professionals serving on the Concussion Oversight Team; athletic trainers; game officials of an interscholastic athletic activity; and physicians serving on the Concussion Oversight Team. [18]
5. For school personnel who work with hazardous or toxic materials on a regular basis, training on the safe handling and use of such materials. [19]
6. For delegated care aides performing services in connection with a student's seizure action plan, training in accordance with 105 ILCS 150/, the Seizure Smart School Act. [20]
7. For delegated care aides performing services in connection with a student's diabetes care plan, training in accordance with 105 ILCS 145/, the Care of Students with Diabetes Act. [21]
8. For all District staff, annual sexual harassment prevention training. [22]

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

Putting this optional list into the policy will help the board monitor that the required in-service and training topics are being covered. While it is possible to *pick and choose*, this practice is likely to add more confusion to an already confusing responsibility. Unless noted, the School Code does not mandate the frequency with which the training must occur. Several other trainings that are mentioned in laws other than the School Code are addressed in other sample policies and procedures. Many of those policies and procedures are listed in the cross-references to this policy, e.g., training requirements under the Care of Students with Diabetes Act, 105 ILCS 145/.

[15] 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896. School board members are also included.

[16] 7 C.F.R. Parts 210 and 235. 7 C.F.R. §210.2 defines school nutrition program directors, managers and staff. 7 C.F.R. §§210.15(b)(8) (recordkeeping requirements) and 210.31(a), (c), (d), and (e) (professional standards requirements); 210.31(g)(requiring school food authority director to keep records). Food service funds may be used for reasonable, allocable, and necessary training costs. 7 C.F.R. §210.31(f). The U.S. Dept. of Agriculture (USDA) has established implementation resources that contain training opportunities and resources covering the four core training areas: nutrition, operations, administration, and communications/marketing at: www.fns.usda.gov/cn/professional-standards.

[17] Required only for districts with grades 9-12 by 105 ILCS 25/1.15. Delete for elementary school districts.

[18] 105 ILCS 5/22-80(h).

[19] 105 ILCS 5/10-20.17a, amended by P.A. 103-780; 23 Ill.Admin.Code §1.330.

[20] 105 ILCS 150/25, amended by P.A. 103-542.

[21] 105 ILCS 145/25, amended by P.A. 103-542.

[22] 775 ILCS 5/2-109. See f/n 7 of sample policy 5:20, *Workplace Harassment Prohibited*, for further details about this training requirement.

©2025 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

9. Title IX requirements for training in accordance with 34 C.F.R. Part 106 (see Board policy 2:265, *Title IX Grievance Procedure*). [23]
10. Training for all District employees on the prevention of discrimination and harassment based on race, color, and national origin in school as part of new employee training and at least once every two years. [24]
11. Training for at least one designated employee at each school about the Prioritization of Urgency of Need for Services (PUNS) database and steps required to register students for it. [25]
12. Training in accordance with 105 ILCS 5/26A for at least one staff member in each school designated as a resource for students who are parents, expectant parents, or victims of domestic or sexual violence, and for any employees whose duties include the resolution of complaints of violations of 105 ILCS 5/26A (see Board policy 7:255, *Students who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*). [26]

DRAFT

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

[23] 34 C.F.R. §106.45. For training requirement details, see sample administrative procedure 2:265-AP1, *Title IX Response*.

[24] 775 ILCS 5/5A-103(c), added by P.A. 103-472. Initial training for existing employees must be completed by 7-31-26. See the Ill. Dept. of Human Rights' *Frequently Asked Questions (FAQs) about Racism-Free Schools Training* at: https://dhr.illinois.gov/training/racism-free-schools.html#rfs-faq. For training requirement details, see sample administrative procedure 2:270-AP, *Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin*.

[25] 105 ILCS 5/2-3.163(c), amended by P.A. 103-504.

[26] 105 ILCS 5/26A-35, ~~added by P.A. 102-466,~~ a/k/a *the Ensuring Success in School (ESS) Law*, requires each designated Article 26A Resource Person to either (1) be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence, including training in the subjects set forth in 105 ILCS 5/26A-35(b)(i), or (2) have participated in an in-service training program under 105 ILCS 5/10-22.39(d) that includes training on the rights of minors to consent to counseling services and psychotherapy under the Mental Health and Developmental Disabilities Code within 12 months prior to designation. Id. However, 105 ILCS 5/10-22.39(d) was deleted by P.A. 103-542 and its training contents are in 105 ILCS 5/10-22.39(b-25).

105 ILCS 5/26A-25(b)(1), ~~added by P.A. 102-466,~~ a/k/a *ESS Law,* ~~and~~ amended by P.A.s 104-391 and 104-803, requires employees whose duties include resolution of Article 26A complaints to initially complete training on issues related to domestic and sexual violence and how to conduct the district's complaint resolution procedure, and to complete training annually thereafter. Such training must be conducted by individual(s) with expertise in domestic or sexual violence in youth and expertise in developmentally appropriate communications with elementary and secondary students regarding topics of a sexual, violent, or sensitive nature and may include an individual who is a certified domestic violence advocate or a school-based, mental-health professional. Id. See sample administrative procedures 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence,* and 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

ISBE non-regulatory guidance on the *ESS Law* states that "no single training" currently exists for all of the duties required to be performed by staff members designated as ESS resource persons or complaint resolvers, and states that "Districts have the flexibility to determine how to provide the training required under ESS, provided that the training addresses issues related to domestic and sexual violence and the district's complaint resolution procedures." *Ensuring Success in School Public Act 102-0466 (as amended by Public Act 104-0803) Frequently Asked Questions Non-Regulatory Guidance*, pp. 22-23, at: www.isbe.net/Documents/Ensuring-Success-in-School.pdf. See pp. 28-30 of the June 2024 report of the second ESS Task Force for existing training requirements that may be suitable to fulfill Article 26A training requirements, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

The Superintendent shall develop protocols for administering youth suicide awareness and prevention education to staff consistent with Board policy 7:290, *Suicide and Depression Awareness and Prevention*. [27] [28]

DRAFT

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

[27] Required by 105 ILCS 5/2-3.166(c)(2) (*Ann Marie's Law*). See sample administrative procedures 6:60-AP1, *Comprehensive Health Education Program*, and 7:290-AP, *Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program*.

[28] Districts are not required to train staff on life-saving techniques, though 105 ILCS ~~110/3~~5/22-115, amended by P.A. 103-608 and renumbered by P.A. 104-391, requires that all teachers, administrators, and other school personnel, as determined by school officials, be provided with information about emergency procedures and life-saving techniques within 30 days after the first day of each school year. Id. Such life-saving techniques must include the Heimlich maneuver, hands-only cardiopulmonary resuscitation (CPR), and automated external defibrillator (AED) use. The information provided must be in accordance with standards of the American Red Cross, the American Heart Association (AHA), or another nationally recognized certifying organization. Id. See e.g., https://cpr.heart.org/en/cpr-courses-and-kits/hands-only-cpr/hands-only-cpr-resources, https://cpr.heart.org/en/training-programs/aed-implementation, and www.redcross.org/take-a-class/resources/learn-first-aid/adult-child-choking. In addition, 105 ILCS 128/60, amended by P.A. 104-759, eff. 7-1-27, requires schools to develop a cardiac emergency response plan, which must include education on the symptoms and warning signs of sudden cardiac arrest, hands-only CPR, and the use of AEDs for teachers, administrators, coaches, assistant coaches, and other school staff identified by school administrators in accordance with 105 ILCS 5/22-115, amended by P.A. 103-608 and renumbered by P.A. 104-391.

For districts that have a practice of providing training in life-saving techniques and first- aid in their staff development programs, insert the following optional paragraph that aligns with 105 ILCS 5/3-11, 105 ILCS ~~110/3~~5/22-115, amended by P.A. 103-608 and renumbered by P.A. 104-291, and 77 Ill.Admin.Code §527.800:

> An opportunity shall be provided for all staff members to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques and first aid, including the Heimlich maneuver, cardiopulmonary resuscitation, and the use of an automated external defibrillator, in accordance with a nationally recognized certifying organization. Physical fitness facilities' staff must be trained in cardiopulmonary resuscitation and use of an automated external defibrillator.

Persons performing CPR are generally exempt from civil liability if they are trained in CPR. 745 ILCS 49/10. Persons using an AED are generally exempt from civil liability if they were trained and acted according to the standards of the AHA. 745 ILCS 49/12. Persons carrying out any elements of a cardiac emergency response plan, as developed or implemented in accordance with 105 ILCS 128/60, are generally exempt from civil liability unless their act or omission was willful or wanton. 105 ILCS 128/60(d), added by P.A. 104-759, eff. 7-1-27.

The board may also want to address other staff development opportunities. While not required to be in policy, 105 ILCS 5/27-1055, amended by P.A. 103-542 and renumbered by P.A. 104-391, requires a school board to collaborate with State and local law enforcement agencies on gang resistance education. It also states that ISBE may assist in the development of instructional materials and teacher training for gang resistance education and training, which may be helpful to include in the staff development program. Other mandated and recommended staff development opportunities that are not located in the School Code or ISBE rules are found in the Ill. Administrative Code or federal regulations. Many of them are cross referenced in this policy.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.
42 U.S.C. §1758b, Pub. L. 111-296, Healthy, Hunger-Free Kids Act of 2010; 7 C.F.R. Parts 210 and 235.
105 ILCS 5/2-3.62, 5/2-3.166, 5/3-11, 5/10-20.17a, 5/10-20.61, 5/10-22.6(c-5), 5/10-22.39, 5/10-23.12, 5/10-23.13, 5/22-80(h), 5/22-95, 5/22-115, 5/24-5, and 5/26A.
105 ILCS 25/1.15, Interscholastic Athletic Organization Act.
105 ILCS 145/25, Care of Students with Diabetes Act
105 ILCS 150/25, Seizure Smart School Act.
~~105 ILCS 110/3, Critical Health Problems and Comprehensive Health Education Act.~~
325 ILCS 5/4, Abused and Neglected Child Reporting Act.
745 ILCS 49/, Good Samaritan Act.
775 ILCS 5/2-109 and 5/5A-103, Ill. Human Rights Act.
23 Ill.Admin.Code §§ 22.20, 226.800, and Part 525.
77 Ill.Admin.Code §527.800.

CROSS REF.: 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Environmental Quality of Buildings and Grounds), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:50 (School Wellness), 6:160 (English Learners), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:250 (Student Support Services), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:270 (Administering Medicines to Students), 7:285 (Anaphylaxis Prevention, Response, and Management Program), 7:290 (Suicide and Depression Awareness and Prevention), 7:305 (Student Athlete Concussions and Head Injuries)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

ADMIN. PROC.: 2:265-AP1 (Title IX Response), 2:265-AP2 (Formal Title IX Complaint Grievance Process), 2:270-AP (Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin), 4:160-AP (Environmental Quality of Buildings and Grounds), 4:170-AP6 (Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED), 5:100-AP (Staff Development Program), 5:120-AP2 (Employee Conduct Standards), 5:150-AP (Personnel Records), 6:120-AP4 (Care of Students with Diabetes), 7:250-AP1 (Measures to Control the Spread of Head Lice at School), 7:250-AP2 (Protocol for Responding to Students with Social, Emotional, or Mental Health Needs), 7:255-AP1 (Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:255-AP2 (Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:285-AP (Anaphylaxis Prevention, Response, and Management Program), 7:290-AP (Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

General Personnel

Employee Ethics; Code of Professional Conduct; and Conflict of Interest [1]

All District employees are expected to maintain high standards in their job performance, demonstrate integrity and honesty, be considerate and cooperative, and maintain professional and appropriate relationships with students, parents/guardians, staff members, and others.

The Superintendent or designee shall provide this policy, guidelines established for employee-student boundaries, and all available methods for reporting employee-student boundary violations to all District employees, ~~and~~ students, and~~/or~~ parents/guardians in each of their respective handbooks, and ensure ~~its~~they are post~~ed~~~~ing~~ on the District's website, if any.[2]

Professional and Appropriate Conduct

Professional and appropriate employee conduct are important Board goals that impact the quality of a safe learning environment and the school community, increasing students' ability to learn and the District's ability to educate. All District employees shall exhibit positive examples of preparedness, punctuality, attendance, self-control, language, and appearance. [3]

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

[1] The State Officials and Employees Ethics Act (SOEEA) (5 ILCS 430/), *Erin's Law* (105 ILCS 5/10-23.13), and *Faith's Law* (105 ILCS 5/22-85.5), require a policy on subjects covered in this sample policy; State and federal law controls its content.

This policy contains items 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 largely cites 105 ILCS 5/22-85.5, a small portion of the *Faith's Law* package. *Faith's Law* is the entirety of Public Act 102-676, which closed significant legal loopholes related to combating grooming by: (1) broadening the definition of grooming prohibited by the Criminal Code of 2012 (720 ILCS 5/11-25, amended by P.A. 104-245~~, eff. 1-1-26~~); (2) authorizing the Ill. Dept. of Children and Family Services to investigate criminal grooming allegations under the Abused and Neglected Child Reporting Act (ANCRA) (325 ILCS 5/3); and (3) requiring the Ill. State Board of Education (ISBE) to develop and maintain a resource guide for students, parents/guardians, and teachers about sexual abuse response and prevention resources available in their community (105 ILCS 5/2-3.188). ANCRA was subsequently amended to delete criminal grooming as a form of abuse and expand the scope of abuse to include engaging in a pattern of conduct or communications directed toward a child "that a reasonable person would understand as intended to groom, seduce, solicit, lure, or entice the child for the purpose of committing any sex offense or engaging in sexual misconduct against such child." 325 ILCS 5/3(a-1), added by P.A. 104-831, eff. 1-1-27.

ISBE's *Sexual Abuse Response and Prevention Resource Guide* (Revised April 2024) is at: www.isbe.net/Documents/Faiths-Law-Resource-Guide.pdf. Districts must notify parents/guardians about the ISBE resource guide at the beginning of each school year and may do so through the student handbook. See sample exhibit 7:190-E2, *Student Handbook Checklist*. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh. A *Faith's Law* trailer bill, P.A. 102-702, further combats grooming by amending School Code provisions related to district and third-party contractor hiring practices, suspension and revocation of employee licenses, and criminal history records checks for prospective and current employees.

[2] Required by 105 ILCS 5/22-85.5(e), amended by P.A. 104-831, eff. 1-1-27. The purpose of this requirement is to create a culture of responsibility and shared accountability by ensuring that employee-student boundaries are widely known and transparently communicated within the school community. Best practice is to broadly interpret *handbook* to include materials provided to substitutes and any other short-term or temporary employees, as well as volunteers who interact with students. See sample exhibits 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and 7:190-E2, *Student Handbook Checklist*. See the IPA MSH at: www.ilprincipals.org/msh/.

[3] Positive examples of language and appearance include conducting themselves with decorum and maintaining a professional appearance in dress and personal care.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

To protect students from sexual misconduct by employees, and employees from the appearance of impropriety, State law also recognizes the importance for District employees to constantly maintain professional and appropriate relationships with students by following established expectations and guidelines for employee-student boundaries. Many breaches of employee-student boundaries do not rise to the level of criminal behavior but do pose a potential risk to student safety and impact the quality of a safe learning environment. Repeated violations of employee-student boundaries may indicate the grooming of a student for sexual abuse. As bystanders, employees may know of concerning behaviors that no one else is aware of, so their training on: (1) preventing, recognizing, reporting, and responding to child sexual abuse and grooming behavior; (2) this policy; and (3) federal and state reporting requirements is essential to maintaining the Board's goal of professional and appropriate conduct. [4]

The Superintendent or designee shall identify employee conduct standards that define appropriate employee-student boundaries, provide training about them, and monitor the District's employees for violations of employee-student boundaries. The employee conduct standards will require that, at a minimum:

1. Employees will comply with 5:120-AP2, *Employee Conduct Standards* and 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*, both incorporated by reference into this policy. [5]
~~1.~~2. Employees who are governed by the *Code of Ethics for Illinois Educators*, adopted by the Ill. State Board of Education (ISBE), will comply with its incorporation by reference into this policy. [6]
~~2.~~3. Employees are trained on educator ethics, child abuse, grooming behaviors, and employee-student boundary violations as required by law and Board policies 2:265, *Title IX Grievance Procedure*; 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:90, *Abused and Neglected Child Reporting*; and 5:100, *Staff Development Program*. [7]

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

[4] See 105 ILCS 5/22-85.5(b).

[5] Optional. Sample conduct standards, including standards required by State and federal law, are contained in sample administrative procedures 5:120-AP2, *Employee Conduct Standards*, and 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*. These items are subjects of mandatory collective bargaining. Consult the board attorney for advice before establishing them. This means that 5:120-AP2 and 5:120-AP2, E should be considered to be part of this policy. If this item is deleted, also delete "5:120-AP2 (Employee Conduct Standards)" and "5:120-AP2, E (Expectations and Guidelines for Employee-Student Boundaries)" from the Incorporated by Reference section.

[6] 105 ILCS 5/22-85.5(d)(1); 23 Ill.Admin.Code Part 22. 105 ILCS 5/22-85.5(d)(1) requires boards to incorporate ISBE's *Code of Ethics for Illinois Educators* in their policies. Prior to this law requiring boards to incorporate the *Code* by reference, this policy incorporated it to demonstrate a board's commitment to the *Code's* principles, potentially allowing a board to enforce the *Code* independently from any action taken by the State Superintendent. This means that 5:120-E, *Code of Ethics for Illinois Educators*, should be considered to be part of this policy.

[7] 105 ILCS 5/22-85.5(d)(5), requires districts to reference required employee training related to child abuse and educator ethics in its employee professional conduct policy.

105 ILCS 5/10-22.39(b-35), added by P.A. 103-542, requires that in-service training on educator ethics and responding to child sexual abuse and grooming behavior include, but is not limited to, teacher-student conduct, school employee-student conduct, and evidence-informed training on preventing, recognizing, reporting, and responding to child sexual abuse and grooming as outlined in 105 ILCS 5/10-23.13 (a/k/a *Erin's Law*) for all teachers, administrators, and school support personnel. These trainings will be most effective when the in-service curriculum reflects local conditions and circumstances. While the School Code only requires the in-service, the requirement presents an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for the in-service that instructs all district employees to maintain boundaries and act appropriately, professionally, and ethically with students. See discussion in f/n 64 in 5:100, *Staff Development Program*. After its discussion of these issues, the board may have further expectations and may choose to reflect those expectations here.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

~~3.~~4. Employees maintain professional relationships with students, including maintaining employee-student boundaries based upon students' ages, grade levels, and developmental levels and following District-established guidelines for specific situations, including but not limited to: [8]

a. Transporting a student;
b. Taking or possessing a photo or video of a student; and
c. Meeting with a student or contacting a student outside the employee's professional role.

~~4.~~5. Employees report prohibited behaviors and/or boundary violations pursuant to Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*. [9]

~~5.~~6. Discipline up to and including dismissal will occur for any employee who violates an employee conduct standard or engages in any of the following: [10]

a. Violates expectations and guidelines for employee-student boundaries. [11]
b. Sexually harasses a student. [12]
c. Willfully or negligently fails to follow reporting requirements of the Abused and Neglected Child Reporting Act (325 ILCS 5/),[13] Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), or the Elementary and Secondary Education Act (20 U.S.C. § 7926). [14]

DRAFT

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

105 ILCS 5/10-23.13(c) requires districts to provide evidenced-informed training for school personnel on preventing, recognizing, reporting, and responding to child sexual abuse and grooming behavior by no later than January 31 of each year. See sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*, for further detail about the training requirements.

325 ILCS 5/4(j) requires district employees to complete mandated reporter training within three months of initial employment and at least every three years thereafter.

775 ILCS 5/2-109 requires districts to provide annual workplace sexual harassment prevention training to all employees. See f/n 4 in sample policy 5:20, *Workplace Harassment Prohibited,* for further detail about the training requirements.

[8] Required by 105 ILCS 5/10-23.13(b); 105 ILCS 5/22-85.5(d)(3). Sample expectations and guidelines are contained in sample exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*.

[9] Required by 105 ILCS 5/22-85.5(d)(4). See also 105 ILCS 5/10-23.13(b).

[10] Required by 105 ILCS 5/22-85.5(f).

[11] Sample expectations and guidelines are contained in sample exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries.* These items are subjects of mandatory collective bargaining. Consult the board attorney for advice before establishing them.

[12] The Ill. Human Rights Act makes it a civil rights violation to fail to take remedial action, or to fail to take appropriate disciplinary action, against any employee when the district knows that the employee committed or engaged in sexual harassment of a student. 775 ILCS 5/5A-102, amended by P.A. 103-472. Sexual harassment (also known as sex-based harassment) of a student is also prohibited by sample policies 2:265, *Title IX Grievance Procedure*, and 7:20, *Harassment of Students Prohibited*. Sexual harassment of an employee is also prohibited by sample policies 2:265, *Title IX Grievance Procedure*, and 5:20, *Workplace Harassment Prohibited*.

[13] 325 ILCS 5/4(a)(4); 105 ILCS 5/10-23.12(c) (all district employees); 105 ILCS 5/21B-75(b) (teachers).

[14] Required by 105 ILCS 5/22-85.5(d)(4).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

d. Engages in *grooming* as defined in 720 ILCS 5/11-25. [15]

e. Engages in *grooming behaviors*. Prohibited grooming behaviors[16] include, at a minimum, *sexual misconduct*. *Sexual misconduct*[17] is any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee with direct contact with a student, that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include, but are not limited to:

   i. A sexual or romantic invitation.
   ii. Dating or soliciting a date.
   iii. Engaging in sexualized or romantic dialog.
   iv. Making sexually suggestive comments that are directed toward or with a student.
   v. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
   vi. A sexual, indecent, romantic, or erotic contact with the student.

Formatted: IASB Italic

Formatted: IASB Italic

Statement of Economic Interests

The following employees must file a *Statement of Economic Interests* as required by the Ill. Governmental Ethics Act: [18]

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts, including collective bargaining agreement(s), in the amount of $1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and

DRAFT

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

[15] 720 ILCS 5/11-25(a), amended by P.A. 104-245~~, eff. 1-1-26~~, defines *grooming* as follows: "A person commits grooming when, being 5 years or more older than a child, or holding a position of trust, authority, or supervision in relation to the child at the time of the offense, he or she knowingly: (1) uses a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission, performs an act in person or by conduct through a third party, or uses written communication to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child; or (2) engages in a pattern of conduct that seduces, solicits, lures, or entices, or attempts to seduce, solicit lure, or entice, a child to engage or participate in unlawful sexual conduct that is for the purpose of sexual gratification or arousal of the victim, the accused, or another." A *child* means a person under 17 years of age and *pattern* means two or more instances of conduct. Id. at (a-5), added by P.A. 104-245~~, eff. 1-1-26~~.

[16] Required by 105 ILCS 5/10-23.13(b).

[17] Required by 105 ILCS 5/22-85.5(d)(2). This definition of *sexual misconduct* is adapted from 105 ILCS 5/22-85.5(c). It results from collaboration to implement some recommendations of the *Make Sexual and Severe Physical Abuse Fully Extinct (Make S.A.F.E.) Taskforce* and was endorsed by Stop Educator Sexual Abuse Misconduct & Exploitation (S.E.S.A.M.E.), a national organization working to prevent sexual exploitation, abuse, and harassment of students by teachers and other school staff. See ~~www.sesamenet.org/~~www.ncsesame.org/ for further information.

[18] 5 ILCS 420/4A-101.5. See 5 ILCS 420/4A-102 for economic interests of an employee's spouse or any other party that is considered the employee's interests if the employee constructively controls them. Any county clerk may use a mandatory system of Internet-based filing of economic interest statements; if done, the clerk must post the statements, without the addresses, of the filers, on a publicly accessible website. 5 ILCS 420/4A-108. For further details, including timelines for filing, see sample administrative procedure 5:120-AP1, *Statement of Economic Interests for Employees*.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

7. Any employee in a position that requires an administrative or a chief school business official endorsement.

Ethics and Gift Ban

Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees.[19] Students shall not be used in any manner for promoting a political candidate or issue.

Prohibited Interests; Conflict of Interest; and Limitation of Authority

In accordance with 105 ILCS 5/22-5, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of instructional materials listed with ISBE and adopted for use by the Board.[20] An employee having an interest in instructional materials must file an annual statement with the Board Secretary. [21]

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) when the employee has a real or apparent conflict of interest.[22] A conflict of interest arises when an employee or any of the following individuals has a financial or other interest in or a tangible benefit from the entity selected for the contract:

1. A member of the employee's immediate family;
2. An employee's partner[23]; or
3. An entity that employs or is about to employ the employee or one of the individuals listed in one or two above. [24]

DRAFT

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

[19] The SOEEA prohibits State employees from engaging in certain political activities and accepting certain gifts. 5 ILCS 430/. It requires all school districts to adopt an *ordinance or resolution* "in a manner no less restrictive" than the Act's provisions. See sample policy 2:105, *Ethics and Gift Ban*.

Districts may not inhibit or prohibit employees from petitioning, making public speeches, campaigning for or against political candidates, speaking out on public policy questions, distributing political literature, making campaign contributions, and seeking public office. 50 ILCS 135/, Local Governmental Employees Political Rights Act. An employee may not use his/her position of employment to coerce or inhibit others in the free exercise of their political rights or engage in political activities at work. Id.

[20] This sentence quotes 105 ILCS 5/22-5 because the statute does not define important terms making it difficult to paraphrase. No appellate decision defines *school officer* or *apparatus,* or what is meant by *connected*. The statute was enacted in 1961, but earlier versions were in the School Code much longer. A violation of this prohibition is a Class A misdemeanor.

[21] Id.

[22] 2 C.F.R. §200.318(c)(1) prohibits employees, officers, or agents of a school district from participating in the selection, award, or administration of a contract supported by a federal award if they have a real or apparent *conflict of interest*. The uniform federal rules on procurement standards in 2 C.F.R. Part 200 also apply to eligible State grants through the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/). Authoritative sources and guidance regarding conflict of interest and financial disclosure are provided through the GATA Resource Library at https://gata.illinois.gov/. See also ISBE resources at: www.isbe.net/Pages/Federal-and-State-Monitoring.aspx. See sample policy 2:100, *Board Member Conflict of Interest*, at f/n 6, for further discussion.

[23] See sample policy 2:100, *Board Member Conflict of Interest,* at f/n 7 for a discussion of the term *partner*.

[24] 2 C.F.R. §200.318(c)(1).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or subcontracts.[25] Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*. [26]

School Counselor Gift Ban [27]

School counselors are prohibited from intentionally soliciting or accepting any gift from a *prohibited source* or any gift that would be in violation of any federal or State statute or rule. For school counselors, a *prohibited source* is any person who is (1) employed by an institution of higher education, or (2) an agent or spouse of or an immediate family member living with a person employed by an institution of higher education. This prohibition does not apply to:

1. Opportunities, benefits, and services available on the same conditions as for the general public.
2. Anything for which the school counselor pays market value.
3. A gift from a relative.
4. Anything provided by an individual on the basis of a personal friendship, unless the school counselor believes that it was provided due to the official position or employment of the school counselor and not due to the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the school counselor must consider the circumstances in which the gift was offered, including any of the following:
    a. The history of the relationship between the individual giving the gift and the school counselor, including any previous exchange of gifts between those individuals.
    b. Whether, to the actual knowledge of the school counselor, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.
    c. Whether, to the actual knowledge of the school counselor, the individual who gave the gift also, at the same time, gave the same or a similar gift to other school district employees.
5. Bequests, inheritances, or other transfers at death.
6. Any item(s) during any calendar year having a cumulative total value of less than $100.
7. Promotional materials, including, but not limited to, pens, pencils, banners, posters, and pennants.
8. Travel, lodging, food, and beverage costs incurred by the school counselor and paid by an institution of higher education for attendance by the school counselor of an educational or military program at the institution of higher education. [28]

DRAFT

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

[25] Id.

[26] Id. The rule provides flexibility for school districts to "set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value," along with "disciplinary actions to be applied for violations." Referring to sample policy 2:105, *Ethics and Gift Ban*, for these standards provides clarity and consistency. Sample policy 2:105 refers to **Limitations on Receiving Gifts** in the Ethics Act at 5 ILCS 430/10-10 – 10-30, along with discussion of the specific penalties available under the Ethics Act at 5 ILCS 430/50-5 in its **Enforcement** subhead.

[27] This section is only for those districts with a high school. 105 ILCS 5/22-93, amended by P.A. 103-1020. *School counselor* means a person employed by a school district and working in a high school to offer students advice and assistance in making career or college plans. Id.

[28] Id. Any costs paid for by the institution of higher education may not exceed the per diem rates for travel, gift, and car expenses set by the Internal Revenue Service (IRS) and referenced in the IRS's Publication 463 or a successor publication. Id.

©2025 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

A school counselor does not violate this prohibition if he or she promptly returns the gift to the prohibited source or donates the gift or an amount equal to its value to a 501(c)(3) tax-exempt charity.

Outside Employment

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

Incorporated by reference:
23 Ill. Admin. Code Part 22, ~~5:120-E (~~Code of Ethics for Ill. Educators.~~)~~
5:120-AP2 (Employee Conduct Standards)
5:120-AP2, E (Expectations and Guidelines for Employee-Student Boundaries)

LEGAL REF.:
U.S. Constitution, First Amendment.
2 C.F.R. §200.318(c)(1).
5 ILCS 420/4A-101, Ill. Governmental Ethics Act.
5 ILCS 430/, State Officials and Employee Ethics Act.
30 ILCS 708/, Grant Accountability and Transparency Act.
50 ILCS 135/, Local Governmental Employees Political Rights Act.
105 ILCS 5/10-22.39, 5/10-23.13, 5/22-5, 5/22-85.5, and 5/22-93.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/11-25, Criminal Code of 2012.
775 ILCS 5/5A-102, Ill. Human Rights Act.
23 Ill.Admin.Code Part 22, Code of Ethics for Ill. Educators.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.:
2:105 (Ethics and Gift Ban), 2:265 (Title IX Grievance Procedure), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 7:20 (Harassment of Students Prohibited)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

General Personnel

Personnel Records [1]

Maintenance and Access to Records

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and federal law and School Board policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent. [2]
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*. [3]

DRAFT

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. When a policy's subject matter is superseded by a bargaining agreement, the board policy can state, "Please refer to the applicable collective bargaining agreement(s)."

[2] Upon written request by an employee to inspect, copy, or receive copies of his or her personnel file contents, with a few exceptions, the employer must grant such a request at least two times per calendar year. Ill. Personnel Record Review Act (PRRA), 820 ILCS 40/2, amended by P.A.s 103-201 and 103-727~~, eff. 1-1-25~~. See sample exhibit 5:150-E, *Employee Request Form for Personnel Records*. Thus, personnel files should contain only factual and accurate job-related information. Additionally, 105 ILCS 5/22-94(e), a/k/a *Faith's Law*, ~~added by P.A. 102-702,~~ requires a district to maintain as part of an employee's personnel file a form including sexual misconduct related information; the form is completed at the time of separation of employment or at the request of the employee. See sample administrative procedure 5:150-AP, *Personnel Records*. Finally, the PRRA identifies records that may not be kept: a record of an employee's associations, political activities, publications, communications, or non-employment activities (820 ILCS 40/9, subject to limited exceptions) and records identifying an employee as the subject of an investigation by the Ill. Dept. of Children and Family Services (DCFS) if the investigation resulted in an unfounded report as specified in the Abused and Neglected Child Reporting Act (820 ILCS 40/13). See f/n 5.

[3] Unless a specific exemption is available, personnel file information is available to anyone making a FOIA request. 5 ILCS 140/. Specific exemptions protect the following:

1. *Private information* meaning "unique identifiers, including a person's ~~s~~Social ~~s~~Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/7(1)(b); 5 ILCS 140/2(c-5).

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Prospective Employer Inquiries Concerning a Current or Former Employee's Job Performance

The Superintendent or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance.[4] The Superintendent shall: [5]

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

2. *Personal information* "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 ILCS 140/7(1)(c).

3. *Information prohibited from being disclosed under the Illinois Educational Labor Relations Act* (IELRA). 5 ILCS 140/7.5(yy); 115 ILCS 5/3(d). The prohibitions in the IELRA overlap with some categories of private information identified in FOIA and include: (a) the employee's home address (including ZIP code and county); (b) the employee's date of birth; (c) the employee's home and personal phone number; (d) the employee's personal email address; (e) any information personally identifying employee membership or membership status in a labor organization or other voluntary association affiliated with a labor organization or a labor federation; and (f) e-mails or other communications between a labor organization and its members. Unless a specific exception in the IELRA applies, if a district receives a third-party request for any of these six categories of information about an employee, the district must provide the union with a copy of the written request (or written summary of an oral request), as well as a copy of the district's response within five business days of sending the response. If the employee is not in a bargaining unit, then these notices must be given directly to the employee. 115 ILCS 5/3(d). **Note:** It is best practice to maintain union-related documents, such as grievances, separately from an employee's personnel file.

4. *Information* prohibited from being disclosed by the PRRA. 5 ILCS 140/7.5(q). The PRRA prohibits the disclosure of a performance evaluation under FOIA. 820 ILCS 40/11. The treatment of a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age and nature of the responsive record. If the responsive record is more than four years old and is not related to an incident or attempted incident of sexual abuse, severe physical abuse, or sexual misconduct as defined in 105 ILCS 5/22-85.5(c), the request must be denied unless the disclosure is permitted by the Act. 5 ILCS 140/7.5(q); 820 ILCS 40/8, amended by P.A. 104-1582 ~~702~~. If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse, severe physical abuse, or sexual misconduct as defined in 105 ILCS 5/22-85.5(c), the request cannot be denied. 820 ILCS 40/8, amended by P.A. 104-1582 ~~702~~. If the responsive record is four years old or less (regardless of its nature), the district should provide the record and must notify the employee in written form or through email, if available. 820 ILCS 40/7 and 40/8, amended by P.A. 104-1582 ~~702~~.

The School Code prohibits the disclosure of school teacher, principal, and superintendent performance evaluations except as otherwise provided in the certified employee evaluation laws. 105 ILCS 5/24A-7.1. Finally, sexual misconduct employment history review (EHR) information received pursuant to 105 ILCS 5/22-94, added by P.A. 102-702, is not deemed a public record under the School Code. However, P.A. 102-702 did not specifically amend or reference FOIA. Districts should consult their board attorneys if they receive FOIA requests for EHR information regarding current or former employees.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub.L. 104-191) created national standards to protect individuals' medical records and other personal health information. If a district is a *covered entity* (i.e., offers a self-insured group health plan or flexible spending account), it must establish clear procedures to protect the employee's health information. 45 C.F.R. §164.502. Such districts should consult their attorneys and insurance provider for assistance.

[4] The Employment Record Disclosure Act (745 ILCS 46/10) provides conditional immunity to employers responding to a reference request; it states: "Any employer or authorized employee or agent acting on behalf of an employer who, upon inquiry by a prospective employer, provides truthful written or verbal information, or information that it believes in good faith is truthful, about a current or former employee's job performance is presumed to be acting in good faith and is immune from civil liability for the disclosure and the consequences of the disclosure." This immunity statute does not, however, create an exemption to the requirements in the PRRA. The PRRA requires an employer to give an employee written notice before divulging a "disciplinary report, letter of reprimand, or other disciplinary action to a third party." 820 ILCS 40/7. An employment application may contain a waiver of this notice. Id.

[5] 325 ILCS 5/4(d) requires a superintendent, upon being asked for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DCFS. For more information, see sample administrative procedure 5:150-AP, *Personnel Records*.

~~Required by the Elementary and Secondary Education Act (ESEA) (20 U.S.C. §7926). On 6-27-2018, the U.S. Dept. of Education issued a *Dear Colleague Letter* stating that school policies must explicitly state this requirement.~~

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

1. Execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to Ill. Dept. of Children and Family Services (DCFS); and
2. Comply with the federal law prohibiting the District from providing a recommendation of employment for an employee, contractor, or agent that the District knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law,[6] but the Superintendent or designee may follow routine procedures regarding the transmission of administrative or personnel files for that employee.
3. Manage the District's responses to employer requests for sexual misconduct related employment history review (EHR) information in accordance with *Faith's Law*. [7]

When requested for information about an employee by an entity other than a prospective employer, the District will only confirm position and employment dates unless the employee has submitted a written request to the Superintendent or designee.

LEGAL REF.: 20 U.S.C. §7926.
105 ILCS 5/22-94.
325 ILCS 5/4, Abused and Neglected Child Reporting Act.
745 ILCS 46/10, Employment Record Disclosure Act.
820 ILCS 40/, Personnel Record Review Act.
23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to District Public Records), 5:90 (Abused and Neglected Child Reporting), 7:340 (Student Records)

DRAFT

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

~~Consult the board attorney about what "or has probable cause to believe, has engaged in sexual misconduct" means. For guidance, sample policy 5:90, *Abused and Neglected Child Reporting*, and its f/n 15 analysis define an "alleged incident of sexual abuse" as an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.~~

[6] Required by the Elementary and Secondary Education Act (ESEA) (20 U.S.C. §7926). On 6-27-18, the U.S. Dept. of Education (DOE) issued a *Dear Colleague Letter* stating that school policies must explicitly state this requirement, at: www.ed.gov/sites/ed/files/policy/elsec/leg/essa/section8546dearcolleagueletter.pdf. On 7-10-26, DOE issued a *Dear Colleague Letter* reiterating schools' responsibilities to protect students from sexual misconduct by adults in positions of authority under the ESEA and Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), at: www.ed.gov/media/document/dear-colleague-letter-protection-of-students-sexual-misconduct-adults-positions-of-authority-july-10-2026-114298.pdf.

Consult the board attorney about what it means to have "probable cause to believe" an employee has engaged in sexual misconduct. For guidance, sample policy 5:90, *Abused and Neglected Child Reporting*, and its f/n 15 analysis define an "alleged incident of sexual abuse" as an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity. Also ~~C~~consult the board attorney in these situations for help about what the superintendent may or may not say. Questions exist whether the superintendent says nothing, provides a neutral reference, or whether a *recommendation* could mean positive or negative statements.

[7] 105 ILCS 5/22-94(e), ~~added by P.A. 102-702~~amended by P.A. 104-831, eff. 1-1-27.

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Professional Personnel

Teacher Qualifications [1]

A teacher, as the term is used in this policy, refers to a District employee who is required to be licensed under State law.[2] The following qualifications apply:

1. Each teacher must: [3]
   a. Have a valid Illinois Professional Educator License issued by the State Superintendent of Education with the required endorsements as provided in the School Code.
   b. Provide the District Office with a complete transcript of credits earned in institutions of higher education.
   c. On or before September 1 of each year, unless otherwise provided in an applicable collective bargaining agreement, provide the District Office with a transcript of any credits earned since the date the last transcript was filed.
   d. Notify the Superintendent of any change in the teacher's transcript.
2. All teachers working in a program supported with federal funds under Title I, Part A must meet applicable State certification and licensure requirements. [4]

DRAFT

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 concerns an area in which the law is unsettled.

[2] 105 ILCS 5/21B et seq., amended by P.A. 104-111~~, eff. 1-1-26~~; 23 Ill.Admin.Code §§1.610, 1.705, and Part 25 (educator licensure); 105 ILCS 5/27-8~~15~~24.2, renumbered by P.A. 104-391; and 23 Ill.Admin.Code Part 252 (contracted driver education teacher).

[3] Subparagraph 1a is required for all teachers by 105 ILCS 5/21B-15 (qualifications of educators). Four types of educator licenses are listed in 105 ILCS 5/21B-20, amended by P.A.s 103-111 and 104-803: (1) Professional Educator License; (2) Educator License with Stipulations (including endorsements~~ for alternative provisional educator, alternative provisional superintendent, career and technical educator, transitional bilingual educator, language, visiting international educator, paraprofessional educator, chief school business official, provisional in-state educator, school support personnel intern, and special education area~~); (3) Substitute Teaching License; and (4) until 6-30-28, Short-Term Substitute Teaching License. Districts may not require an individual who holds a valid Professional Educator License or Educator License with Stipulations to seek or hold a Substitute Teaching License to teach as a substitute teacher. 105 ILCS 5/21B-20(3). 105 ILCS 5/21B-120, added by P.A. 104-111~~, eff. 1-1-26~~, also provides for a short-term approval credential for teachers in accordance with rules developed by the Ill. State Board of Education (ISBE). See also 23 Ill.Admin.Code §§1.610, 1.705, and Part 25 (per §25.100, teachers are no longer endorsed in any course subjects in which they earn grades lower than a "C-" or equivalent in college). ISBE's *Educator Licensure Information System* (ELIS) is a web-based system that allows educators, administrators, and the public to access licensure information. See www.isbe.net/Pages/Educator-Licensure-Information-System.aspx. See also www.isbe.net/Pages/Educator-Licensure-Requirements.aspx for more information about licensure requirements.

Subparagraph 1b and 1c are required of all teachers by 105 ILCS 5/24-23. Some boards add the word "official" to the phrase, "complete official transcript of credits."

Subparagraph 1d is optional but informs the superintendent when a teacher may be eligible to change lanes on the salary schedule.

[4] Information on State implementation of the Every Student Succeeds Act (ESSA) is available at: www.isbe.net/essa.

The Elementary and Secondary Education Act (ESEA), as amended by ESSA, requires that each state plan contain assurances that the state educational agency will ensure that all teachers and paraprofessionals meet state certification/licensure requirements. 20 U.S.C. §6311(g)(2)(J).

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

The Superintendent or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately licensed; [5]
2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers; and
3. Ensure parents/guardians of students in schools receiving Title I funds are notified of their right to request their students' classroom teachers' professional qualifications. [6]

LEGAL REF.: 20 U.S.C. §6312(e)(1)(A).
105 ILCS 5/10-20.15, 5/21B-15, 5/21B-20, 5/21B-25, 5/21B-120, and 5/24-23.
23 Ill.Admin.Code §1.610 et seq., §1.705 et seq., and Part 25.

CROSS REF.: 6:170 (Title I Programs)

DRAFT

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

[5] See the ISBE webpage on educator licensure approval requirements at www.isbe.net/Pages/educator-licensure-approvals.aspx.

ESEA, as amended by ESSA, requires districts to provide parents timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. 20 U.S.C. §6312(e)(1)(B)(ii). For a sample notice, see sample exhibit 5:190-E2, *Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements.*

[6] 20 U.S.C. §6312(e)(1)(A).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Professional Personnel

Terms and Conditions of Employment and Dismissal [1]

The School Board delegates authority and responsibility to the Superintendent to manage the terms and conditions for the employment of professional personnel. The Superintendent shall act reasonably and comply with State and federal law as well as any applicable individual employment contract or collective bargaining agreement in effect. The Superintendent is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high-performing staff. [2]

School Year

Teachers shall work according to the school calendar adopted by the Board, which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work-days, including teacher institute days.[3] Teachers are not required to work on legal school holidays unless the District has followed applicable State law that allows it to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on the third Monday in January (the Birthday of Dr. Martin Luther King, Jr.); February 12 (the Birthday of President Abraham Lincoln); the first Monday in March (known as Casimir Pulaski's birthday); the second Monday in October (Columbus Day); and November 11 (Veterans Day). [4]

DRAFT

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 items 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. The local collective bargaining agreement may contain provisions that exceed these requirements. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement."

Evaluation, tenure, and dismissals changed significantly from 2013 to 2016 as P.A.s 96-861, 97-8, and 98-513 were implemented. These public acts are referred to as *Education Reform* or *Education Reform Acts*.

[2] This paragraph is consistent with the IASB's *Foundational Principles of Effective Governance*, at: www.iasb.com/training-and-events/training/training-resources/foundational-principles-of-effective-governance. Boards have three options for using this paragraph: (1) use it as an introduction to the policy; (2) use it alone leaving the specific other topics for administrative implementation; or (3) do not use it.

[3] 105 ILCS 5/10-19. See sample policy 6:20, *School Year Calendar and Day*.

[4] 105 ILCS 5/24-2(b). See sample policy 5:330, *Sick Days, Vacation, Holidays, and Leaves,* for a holiday listing as well as a discussion of the case finding the State-mandated school holiday on Good Friday unconstitutional. 105 ILCS 5/24-2, amended by P.A.103-395, prohibits districts from making a deduction "from the time or compensation of a school employee on account of any legal or special holiday." See sample policy 5:330, *Sick Days, Vacation, Holidays, and Leaves*, at f/n 9, for further discussion.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

School Day

Teachers are required to work the school day adopted by the Board.[5] Teachers employed for at least four hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer. [6]

The District accommodates employees who are nursing mothers and compensates them for reasonable time needed to express breast milk according to provisions in State and federal law. [7]

Salary

Teachers shall be paid according to the salaries fixed by the Board, but in no case less than the minimum salary provided by the School Code.[8] Teachers shall be paid at least monthly on a 10- or 12-month basis. [9]

Assignments and Transfers [10]

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments. In order of priority, except as otherwise provided by law, assignments shall be made based on the District's needs and best interests, employee qualifications, and employee desires.

DRAFT

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

[5] A school day is required to consist of a minimum of five clock hours under the direct supervision of a teacher or non-teaching personnel or volunteer personnel that provides non-teaching or supervisory duties as specified in 105 ILCS 5/10-22.34(a) in order to qualify as a full day of attendance. 105 ILCS 5/10-19.05(a) and (j-5), amended by P.A. 103-560. See www.isbe.net/school-calendar for Ill. State Board of Education's (ISBE) instructional day changes notice regarding this law. See 105 ILCS 5/10-19.05, amended by P.A. 103-560, for additional exceptions to the attendance calculation.

[6] 105 ILCS 5/24-9.

[7] 29 U.S.C. §218~~(~~d~~)~~, added by Pub.L. 117-328; 42 U.S.C. §2000gg et seq., added by Pub.L. 117-328; 740 ILCS 137/; 820 ILCS 260/, as amended by P.A. 104-76~~, eff. 1-1-26~~. Consult the board attorney to ensure the district is properly accommodating and compensating nursing mothers. See sample administrative procedure 5:10-AP, *Workplace Accommodations for Nursing Mothers*.

[8] 105 ILCS 5/10-20.7, 5/10-21.1, 5/24-1, and 5/24-8, amended by P.A. 103-515. The Commission on Government Forecasting and Accountability is required to annually certify and publish the teacher minimum salary to be used for the 2024-2025 school year and each year thereafter. See https://cgfa.ilga.gov/Resource.aspx?id=2514. Salaries are a mandatory subject of collective bargaining. 115 ILCS 5/10. Annually, by Oct. 1, each district must: (1) during an open school board meeting, report salary and benefits information for the superintendent, administrators, and teachers; (2) publish that information on the district's website, if any; and (3) provide this information to ISBE. 105 ILCS 5/10-20.47. According to a Public Access Counselor (PAC) *Informal Mediation* letter interpreting 5 ILCS 120/7.3, an IMRF employer must post on its website the names of employees having a total compensation package that exceeds $75,000 per year. 2012 PAC 19808 (Informal Mediation by the Ill. Attorney General's Public Access Counselor (PAC)); see PAC Annual Report for 2012 at https://illinoisattorneygeneral.gov/Page-Attachments/FOIAPAC/PAC-ANNUAL-REPORTS/2012_PAC_Report.pdf).

Boards may, but are not required to, provide salary advancement for continuing education coursework completed by licensed classroom teachers under a collective bargaining agreement, employment contract, board policy, or salary schedule. To be eligible for salary advancement, coursework completed on or after 7-1-26 must: (1) be graduate-level, degree-eligible credit offered through a regionally accredited institution of higher education and documented on an official academic transcript; and (2) include an instructor of record. 105 ILCS 5/24-8.2(c), added by P.A. 104-795. Districts determine the standards for documentation, transcript verification, institutional accreditation, salary advancement, and compliance monitoring. Id. at (f), added by P.A. 104-795. Boards may negotiate salary advancement or other compensation-related advancements under a collective bargaining agreement for other negotiated actions or activities. Id. at (e), added by P.A. 104-795.

[9] 105 ILCS 5/24-21.

[10] Districts are required to have a policy on the distribution of the listed assignments. 23 Ill.Admin.Code §1.420(d).

©~~2025~~ 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

School Social Worker Services Outside of District Employment

School social workers may not provide services outside of their District employment to any student(s) attending school in the District. *School social worker* has the meaning stated in 105 ILCS 5/14-1.09a.[11]

Dismissal

The District will follow State law when dismissing a teacher. [12]

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

Absent an individual or collective bargaining agreement, the board has unilateral discretion to assign or retain a teacher to or in an extracurricular duty. Betebenner v. Bd. of Educ., 336 Ill.App. 448 (4th Dist. 1949); Dist. 300 Educ. Assoc. v. Bd. of Educ., 31 Ill.App.3d 550 (2nd Dist. 1975); Lewis v. Bd. of Educ., 181 Ill.App.3d 689 (5th Dist. 1989).

105 ILCS 5/22-96, added by P.A. 103-46 and amended by P.A. 103-564, requires school districts, when hiring or assigning educators for physical education, music, or visual arts, to prioritize the hiring or assigning of educators who hold an educator license and endorsement in those areas. The law also requires educators in these areas to obtain short-term approval if they are not licensed in the content area, or, if no short-term approval is available, they must meet criteria specified by ISBE. Id. at (b). Educators must obtain an endorsement in the area being taught prior to the end of the short-term approval period to continue to maintain the educator's employment for subsequent school years. Id. at (b). In the alternative, educators do not need to be licensed, obtain short-term approval, or meet other ISBE requirements if they meet the requirements of Title 23 of the Illinois Administrative Code except for Section 1.710. Id. at (d).

11 Optional. This subhead provides information to district employees and the community that 105 ILCS 5/14-1.09a prohibits school social workers from moonlighting by providing services to students attending the districts in which they are employed. Delete 5/10-20.65 and 5/14-1.09a~~"5/10-20.65, 5/14-1.09a,"~~ from the Legal References if the board deletes this subhead.

12 All dismissal laws in the chart below were amended by the *Education Reform Acts*. 105 ILCS 5/24A-5.5, requires districts to develop and implement a local appeals process for unsatisfactory ratings issued to teachers under 105 ILCS 5/24A-5, amended by P.A. 104-20. Districts must: (1) develop the process in cooperation with the bargaining unit or teachers, if applicable, and (2) include an assessment of the original rating by a panel of qualified evaluators agreed to by the PERA joint committee (105 ILCS 5/24A-4(b)).

Non-tenure Teacher Discharge	105 ILCS 5/24-11, amended by P.A. 103-500.
Tenured and Non-tenure Teachers Reduction in Force	105 ILCS 5/24-12(b), amended by P.A.s 103-398, and 103-500, and (c)
Tenured Teacher Discharge Where Cause Remediable	105 ILCS 5/24-12(d) (prior reasonable warning required), amended by P.A.s 103-354 and 104-647. 105 ILCS 5/24-12(d) (procedural mandates, including a teacher's right to binding arbitration on the notice of remedial warning), amended by P.A.s 103-354 and 104-647. 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge Where Cause Irremediable	105 ILCS 5/24-12(d) (no prior warning required) amended by P.A.103-354. 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.103-354. 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge Failure to complete remediation plan with a rating of *Proficient or Excellent*	105 ILCS 5/24A-5(m) (participation in remediation plan after unsatisfactory evaluation) 105 ILCS 5/24-12(d)(1) 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A. 103-354. 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge – Optional Alternative Evaluative Dismissal Process for PERA Evaluation Failure to complete remediation plan with a *Proficient* or better rating 105 ILCS 5/24A-2.5	105 ILCS 5/24-16.5(d) (provide written notice) 105 ILCS 5/24-16.5 (pre-remediation and remediation procedural mandates)

DRAFT

©~~2025~~ 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Evaluation

The District's teacher evaluation system will be conducted under the plan developed pursuant to State law. [13]

On an annual basis, the Superintendent will provide the Board with a written report which outlines the results of the District's teacher evaluation system.

DRAFT

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

	105 ILCS 5/24-16.5(e) and (f) (school board makes final decision with only PERA-trained board members participating in vote)
Tenured Teacher Discharge – *Unsatisfactory* PERA evaluation within 36 months of completing a remediation plan 105 ILCS 5/24A-2.5	105 ILCS 5/24A-5(n), amended by P.A. 104-20 (forego remediation and proceed to dismissal) 105 ILCS 5/24-12(d) (procedural mandates). 105 ILCS 5/10-22.4 (general authority)
Educational Support Personnel Employees (non-licensed)	105 ILCS 5/10-23.5.
Probationary Teacher (non-tenure teacher)	105 ILCS 5/24-11.

Various components of a RIF (e.g., impact and decision to RIF) and an evaluation plan (e.g., development, implementation, and impact) may be subject to mandatory collective bargaining. Central City Educ. Assoc. v. IELRB, 149 Ill.2d 496 (Ill. 1992).

105 ILCS 5/22-96 provides that in the event of a reduction in force, schools may follow the employee contract language for filling positions.

Teacher RIF procedures were changed by 105 ILCS 5/24-12(b), amended by P.A. 103-398 and 103-500, and (c). See *PERA Overview for School Board Members*, question 15, "What is the process for selecting teachers for a reduction in force/layoff (RIF)" at: https://www.iasb.com/law/PERAoverview.pdf.

State law does not prohibit a PERA joint committee from agreeing to put a teacher on a remediation plan if the teacher receives a second *needs improvement* (rather than *unsatisfactory*) rating after being on a professional development plan. Bd. of Educ. Rockford Public Sch. v. Rentsch, 212 N.E.3d 565 (Ill. App. 2nd 2022).

According to a binding opinion from the Ill. Public Access Counselor, a board must identify an employee by name in a motion to dismiss him or her. PAO 13-16. As this may be a significant change in practice with possible other legal consequences, a board should consult with the board attorney on this issue before dismissing an employee.

[13] 105 ILCS 5/24A-5, amended by P.A.s 103-85, ~~and~~ 104-20, and 104-565, eff. 1-1-27. Teacher evaluation plans are covered in *PERA Overview for School Board Members* at: www.iasb.com/law/PERAoverview.pdf. State law limits how artificial intelligence (AI) tools may be used in the evaluation process. Teachers may not use AI tools to generate evidence of professional practice as part of their evaluation. Id. Evaluators may not use an artificial intelligence (AI) tool to assign a numerical score or qualitative rating for any component of a teacher's evaluation or any evaluation task that requires professional judgment. However, teachers and evaluators may use an AI tool to support administrative tasks, in accordance with the PERA Joint Committee's direction. See sample administrative procedure 2:150-AP, *Superintendent Committees*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 29 U.S.C. §218~~(~~d~~)~~, Pub. L. 117-328, Pump for Nursing Mothers Act.
42 U.S.C. §2000gg et seq., Pub. L. 117-328, Pregnant Workers Fairness Act.
105 ILCS 5/10-19, 5/10-19.05, 5/10-20.65, 5/10-22.4, 5/14-1.09a, 5/22-96, ~~5/22.4,~~ 5/24-16.5, 5/24-2, 5/24-8, 5/24-8.2, 5/24-9, 5/24-11, 5/24-12, 5/24-21, 5/24A-1 through 24A-20.
820 ILCS 260/, Nursing Mothers in the Workplace Act.
23 Ill.Admin.Code Parts 50 (Evaluation of Educator Licensed Employees) and 51 (Dismissal of Tenured Teachers).
Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).

CROSS REF.: 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar and Day)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Professional Personnel

Substitute Teachers [1]

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold either a valid teaching or substitute license and may teach in the place of a licensed teacher who is under contract with the Board.[2] There is no limit on the number of days that a substitute teacher may teach in the District during the school year, except as follows: [3]

1. A substitute teacher holding a substitute license may teach for any one licensed teacher under contract with the District only for a period not to exceed 90 paid school days in any one school term.
2. A teacher holding a Professional Educator License[4] or Educator License with Stipulations[5] may teach for any one licensed teacher under contract with the District only for a period not to exceed 120 paid school days.

The Ill. Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 120 paid days or 600 paid hours in each school year through June 30, 2029~~26~~, but not more than 100 paid days in the same classroom. Beginning July 1, 2029~~26~~, a substitute teacher who is a TRS annuitant may substitute teach for a period not to exceed 100 paid days or 500 paid hours in any school year, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists. [6]

DRAFT

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

[1] State law controls this policy's content. Sample policy 5:30, *Hiring Process and Criteria*, contains the requirements for pre-employment investigations, e.g., a fingerprint-based criminal history records check. See also sample administrative procedure 5:30-AP2, *Investigations*. Each board may require new substitute teacher employees to furnish evidence of physical fitness to perform duties assigned and must require new substitute teacher employees to furnish evidence of freedom from communicable disease. 105 ILCS 5/24-5(b-5). Evidence may consist of a physical examination, which must be performed within 90 days before the time it is presented to the board, and the substitute teacher bears the cost of the physical examination. Id. A new or existing substitute teacher may also be subject to additional health examinations as required by the Ill. Dept. of Public Health or by order of a local public health official. Id.

105 ILCS 128/22, added by P.A. 104-198, ~~eff. 1-1-26,~~ requires districts to provide all substitute personnel with: (1) training on school evacuation drills and law enforcement lockdown drills, and (2) support that includes, at a minimum, the information packet given to employees with district-approved materials outlining evacuation and lockdown procedures. Maps indicating all school exits must also be prominently displayed in every classroom. Id.

[2] 23 Ill.Admin.Code §1.790(a)(2), requires that any individual who serves as a substitute teacher for driver's education be endorsed for driver's education pursuant to 23 Ill.Admin.Code §25.100(h).

[3] Substitute teaching licenses are governed by 105 ILCS 5/21B-20(3); 23 Ill.Admin.Code §§1.790 and 25.520.

[4] Professional educator licenses are governed by 105 ILCS 5/21B-20(1) and 23 Ill.Admin.Code Part 25.

[5] Educator licenses with stipulations are governed by 105 ILCS 5/21B-20(2) and 23 Ill.Admin.Code Part 25. 105 ILCS 5/21B-20(2)(E), amended by P.A. 103-617, permits an individual who holds a valid career and technical educator endorsement on an Educator License with Stipulations but who does not hold a bachelor's degree to substitute teach in career and technical education classrooms.

[6] 40 ILCS 5/16-118, amended by P.A.s 103-88, ~~and~~ 103-525, and 104-532, ~~(temporarily allows for 120 paid days or 600 paid hours in each school year through 6-30-26; after 6-30-26, substitute teachers will be allowed 100 paid days or 500 paid hours in each school year)~~ and 16-150.1. Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

The School Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits. [7]

Short-Term Substitute Teachers [8]

A short-term substitute teacher must hold a valid short-term substitute teaching license and have completed the District's short-term substitute teacher training program.[9] Unless otherwise permitted by law, short-term substitutes may teach no more than five consecutive school days for each licensed teacher who is under contract with the Board. [10]

Emergency Situations [11]

A substitute teacher may teach when no licensed teacher is under contract with the Board if the District has an emergency situation as defined in State law. During an emergency situation, a substitute teacher is limited to 30 calendar days of employment per each vacant position. The Superintendent shall notify the appropriate Regional Office of Education (ROE) within five business days after the employment of a substitute teacher in an emergency situation. The Board may continue to employ the same substitute teacher in a vacant position for 90 calendar days or until the end of the semester, whichever is greater,

DRAFT

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

[7] If a board provides substitute teachers other benefits, it may consider listing them here.

[8] 105 ILCS 5/21B-20(4), amended by P.A. 103-111, governs Short-Term Substitute Teaching Licenses, which may be issued from 7-1-18 until 6-30-28. Short-Term Substitute Teaching Licenses are not eligible for endorsements. Id. Applicants for a Short-Term Substitute Teaching License must hold an associate's degree or have completed at least 60 credit hours from a regionally accredited institution of higher education. Individuals who have had their Professional Educator License or Educator License with Stipulations suspended or revoked are not eligible to be short-term substitutes. Id.

[9] 105 ILCS 5/10-20.67, amended by P.A. 103-111, requires boards to conduct this training. This requirement provides an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for a short-term substitute teacher training program that provides individuals who hold a Short-Term Substitute Teaching License with information on curriculum, classroom management techniques, school safety, and district and building operations. See also sample administrative procedure 5:220-AP, *Substitute Teachers*, and its f/n 3. These expectations will be most effective when they reflect local conditions and circumstances. Training and curriculum for a short-term substitute teacher training program may be subjects of mandatory collective bargaining, therefore consulting with the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing new programs for staff without first offering to negotiate them with the applicable exclusive bargaining representative.

School boards may choose to also offer this training program to individuals who hold a Substitute Teaching License and/or substitute teachers holding a Professional Educator License.

See f/n 1 above, regarding training on school evacuation drills and law enforcement lockdown drills.

[10] Through 6-30-28, a district may hire a short-term substitute teacher holding a short-term substitute teaching license for up to 15 consecutive school days for each licensed teacher if the Governor has declared a disaster due to a public health emergency pursuant to the Ill. Emergency Management Agency Act, 20 ILCS 3305/7. 105 ILCS 5/21B-20(4), amended by P.A. 103-111.

[11] 105 ILCS 5/21B-20(3), amended by P.A. 103-193. An *emergency situation* is defined as one where an unforeseen vacancy has occurred and (i) a teacher is unexpectedly unable to fulfill his or her contractual duties, or (ii) the district's teacher capacity needs exceed previous indications or vacancies are unfilled due to a lack of qualified candidates and the district is actively engaged in advertising to hire a fully licensed teacher for the vacant position. Id.

In order for a substitute teacher to remain in a vacant position for up to 90 days or until the end of the semester, whichever is greater, the position must remain vacant and the district must continue to actively seek qualified candidates and provide documentation to the Regional Office of Education that it has provided training specific to the position, including training on meeting the needs of students with disabilities and English learners if applicable. Id.

Use this alternative for districts in suburban Cook County: replace "Regional Office of Education (ROE)" with "Intermediate Service Center (ISC)."

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

if, prior to the end of the then current 30 calendar-day-period, the District makes a written request to the ROE for a 30 calendar-day-extension and the extension is granted by the ROE.

LEGAL REF.: 105 ILCS 5/10-20.68, 5/21B-20(2), 5/21B-20(3), and 5/21B-20(4).
105 ILCS 128/22, School Safety Drill Act.
40 ILCS 5/16-118, Ill. Pension Code.
23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teaching License).

CROSS REF.: 5:30 (Hiring Process and Criteria)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Educational Support Personnel

Duties and Qualifications [1]

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

Paraprofessionals [2]

Paraprofessionals provide supervised instructional support. Service as a paraprofessional requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Ill. State Board of Education (ISBE).

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals, and the requirements in this section do not apply. In addition, individuals completing their clinical experiences and/or student teaching do not need to comply with this section, provided their service otherwise complies with ISBE rules. [3]

Nonlicensed Personnel Working with Students and Performing Non-Instructional Duties

Nonlicensed personnel performing non-instructional duties may be used:

1. For supervising study halls, long-distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities; [4]

DRAFT

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

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

[2] Except as provided in Ill. State Board of Education's (ISBE) rules at 23 Ill.Admin.Code §§1.630(b)(2), 25.433, and 25.510(a), all new applicants for a paraprofessional credential must hold an educator license with stipulations endorsed for a paraprofessional educator. 105 ILCS 5/21B-20(2)(J), amended by P.A. 104-631, eff. 1-1-27; 23 Ill.Admin.Code §§1.630 and 25.510. See ISBE's explanation at: www.isbe.net/Pages/Educator-Licensure-Requirements.aspx.

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

> Paraprofessionals and Licensed Teacher Aides
>
> Paraprofessionals and licensed teacher aides provide supervised instructional support. Personnel performing instructional support activities must hold a current educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by ISBE.

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

Paraprofessionals are not required to maintain discipline under 105 ILCS 5/24-24. 23 Ill.Admin.Code §1.280.

[3] 105 ILCS 5/10-22.34; 23 Ill.Admin.Code §§1.630(c)(3) (other nonlicensed personnel) and 25.620 (student teaching). This paragraph is optional and may be deleted if the board desires a streamlined policy.

[4] 105 ILCS 5/10-22.34(a)(2).

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

2. As supervisors, chaperones, or sponsors for non-academic school activities or for school activities connected to the academic program during any time in which the Governor has declared a disaster due to a public health emergency, in accordance with ISBE rule; or [5]
3. For non-teaching duties not requiring instructional judgment or student evaluation. [6]

Nothing in this policy prevents a nonlicensed person from serving as a guest lecturer or resource person under a licensed teacher's direction and with the administration's approval. [7]

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership.[8] Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automated External Defibrillator user according to rules adopted by the Ill.~~inois~~ Dep~~t.artment~~ of Public Health.[9] Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law. [10]

Bus Drivers

All school bus drivers must have a valid school bus driver permit.[11] The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver,

DRAFT

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

[5] 105 ILCS 5/10-22.34(a); 23 Ill.Admin.Code §1.630(c).

[6] 105 ILCS 5/10-22.34(a)(1); 23 Ill.Admin.Code §1.630(a).

[7] 105 ILCS 5/10-22.34b. Nonlicensed personnel may be used to provide specialized instruction in a field that an individual is particularly qualified by reason of specialized knowledge or skill. 23 Ill.Admin.Code §1.630(c)(3)(C). Districts that frequently use nonlicensed individuals to provide such instruction may consider adding the following optional sentence, substituting Intermediate Service Center Executive Director for Regional Superintendent, if applicable:

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

[8] A district should consult the handbooks and by-laws of the appropriate associations, e.g., the Ill. High School Association, the Southern Ill. Junior High School Athletic Association, and the Ill. Elementary School Association.

An optional sentence follows:

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

[9] Optional and may be amended. The first requirement identifies a basic competency, and the second two requirements are intended to ensure coaches are trained emergency responders. For AED training program requirements, see Automated External Defibrillator Act (410 ILCS 4/15) and Automated External Defibrillator Code (77 Ill.Admin.Code §§525.300 and 525.400). See f/n 10 in sample policy 7:270, *Administering Medicines to Students*, regarding athletic trainers and coaches serving as *trained personnel* for purposes of administering undesignated medications authorized by the School Code.

[10] 225 ILCS 5/3 and 5/4.

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

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

that the bus driver permit holder who is a service member has been called to active duty.[12] New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policiesy 5:30, *Hiring Process and Criteria*, and ~~Board policy~~ 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: 34 C.F.R. §200.58.
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
625 ILCS 5/6-104 and 5/6-106.1, Ill. Vehicle Code.
23 Ill.Admin.Code §§1.280, 1.630, and 25.510.

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

DRAFT

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

School bus driver permits are issued by the Ill. Secretary of State (SOS). 625 ILCS 5/6-106.1, amended by P.A. 104-256. Districts must conduct a pre-employment interview with bus driver candidates, distribute bus driver applications and medical forms, and submit the applicant's fingerprint cards to the Ill. State Police (ISP) for criminal background investigations. Districts must also certify in writing to the SOS that all pre-employment conditions were completed, including an Illinois-specific criminal background investigation through the ISP and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information. Id. The applicant presents this certification to the SOS when submitting the school bus driver permit application. Id.

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

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

[12] This sentence is optional, but the notification is required by 625 ILCS 5/6-106.1(h). *Active duty* is defined in the statute as active duty pursuant to an executive order of the U.S. President, an act of the Congress, or an order of the Governor. 625 ILCS 5/6-106.1(j). *Service member* means a member of the Armed Services or reserve forces of the United States or a member of the Ill. National Guard. Id. Upon notification, the SOS will characterize the permit as inactive until a permit holder renews the permit pursuant to 625 ILCS 5/6-106.1(h).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

School Year Calendar and Day [1]

School Calendar

The School Board, upon the Superintendent's recommendation and subject to State regulations, annually establishes the dates for opening and closing classes, teacher institutes and in-services, the length and dates of vacations, and the days designated as legal school holidays.[2] The school calendar shall have a minimum of 185 days to ensure 176 days of actual student attendance. [3]

DRAFT

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

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

[2] State-mandated school holidays are found in 105 ILCS 5/24-2, amended by P.A. 103-467 (2024 General Election Day). See sample policy 5:330, *Sick Days, Vacation, Holidays, and Leaves*, for a holiday listing. The law allows a school board to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on five identified school holidays if: (1) the school board first holds a public hearing on the proposal; and (2) the person or persons honored by the holiday are recognized through instructional activities conducted on the school holiday or on the first school day preceding or following the school holiday. Districts must redo the public hearing process in the event they change plans for use of holidays. See Ill. State Board of Education (ISBE) guidance at: www.isbe.net/Documents/district-holiday-plans13.pdf. This is an item on which collective bargaining may be required, and a board that wishes to implement this law should consult its attorney.

A State mandated school holiday on *Good Friday* is unconstitutional according to Metzl v. Leininger, 57 F.3d 618 (7th Cir. 1995). Closing school on religious holidays may still be permissible for those districts able to demonstrate, e.g., through surveys, that remaining open would be a waste of educational resources due to widespread absenteeism. Also, districts may be able to close school on Good Friday by adopting a *spring holiday* rationale or ensuring that it falls within spring break. School districts should discuss all of these options, and collective bargaining implications with their board attorneys.

If the county board or board of election commissioners chooses a school to be a polling place, the school district must make the school available. 10 ILCS 5/11-4.1. For Election Day, the law encourages a school district to either: (1) close the school; or (2) hold a teachers' institute on that day with the students not in attendance. Id. and 105 ILCS 5/24-2, amended by P.A. 103-467.

By July 1 each year, ISBE must prominently post on its website and distribute to each school district a nonexhaustive list of days and dates of cultural, religious, or other observances for, at a minimum, the school year that begins in the next calendar year. 105 ILCS 5/2-3.20~~86~~, added by P.A. 104-115 and renumbered by P.A. 104-852. The list is intended as a planning resource for districts to consider as they make scheduling decisions for *major school events*, which are school sanctioned or sponsored events that are part of a district's local school calendar, including, but not limited to, those that would be difficult for a student to make up. Id at (a). The list encourages schools to be mindful of the days and dates of cultural, religious, or other observances that impact student participation. Districts may still include additional days and dates on its locally created school calendars based on community feedback or demographics. Id. at (c).

[3] The school calendar must have a minimum 185 days to ensure 176 days of actual pupil attendance that may include remote learning days, blended remote learning days, and up to five remote and blended remote learning planning days pursuant to 105 ILCS 5/10-30. 105 ILCS 5/10-19 and 5/24-1; 23 Ill.Admin.Code §1.420. See sample policy 4:180, *Pandemic Preparedness; Management; and Recovery*, for information about remote and/or blended remote learning day plans. Schools must be closed during county institute days. 105 ILCS 5/24-3. The school calendar may be a mandatory subject of collective bargaining. The calendar for the school term and any changes must be submitted to and approved by the regional superintendent before the calendar or changes may take effect. 105 ILCS 5/10-19.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Commemorative Holidays

The teachers and students may devote a portion of the school day on each commemorative holiday designated in the School Code to study and honor the commemorated person or occasion.[4] The Board may, from time to time, designate a regular school day as a commemorative holiday.

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

E-learning days allow a school district to provide instruction to students electronically while they are not physically present due to ~~inclement weather or other~~ unexpected events, such as inclement weather, or if a school is selected as a polling place under the Election Code. 105 ILCS 5/10-20.56, amended by P.A. 103-780 and P.A. 104-552, eff. 1-1-27. Before a school district can implement an e-learning program and use e-learning days it must, along with other requirements: (1) hold a public hearing on the initial proposal for the e-learning program, (2) obtain verification from the Regional Office of Education (ROE) or Intermediate Service Center (ISC) for the school district that the initial proposal meets the requirements specified in the law, and (3) by resolution adopt a research-based program for district-wide e-learning days. Before implementing an e-learning program, boards must collectively bargain the impact of the program on the wages, hours, terms, and conditions of employment with employee representative(s). Additionally, the ROE or ISC must annually verify the district's e-learning program before the district can implement any e-learning days in that school year, and the board must renew its program every three school years. More information about e-learning is available at: www.isbe.net/Pages/Electronic-Learning.aspx. The law requires that districts pay employees and contractors who provide educational support services their regular rate of pay if the employee/contractor otherwise would have worked on an e-learning day. Id. at (d-10) and (d-15). Consult the board attorney regarding whether the board must pay contractors for consumables, such as fuel and school meals; the legislative history supports that consumables were not intended to be part of the payment. See 102nd General Assembly House Transcript 3-1-22, p. 76, available at: www.ilga.gov/house/transcripts/htrans102/10200077.pdf. An e-learning day used by a district due to a school being selected as a polling place under the Election Code does not count toward the district's minimum number of emergency days. 105 ILCS 5/10-20.56(b), amended by P.A. 104-552, eff. 1-1-27.

[4] 105 ILCS 5/24-2(c), amended by P.A.s 103-15 and 104-391, lists the following as commemorative holidays, which are optional to observe: Jan. 17 (Muhammad Ali's birthday), Jan. 28 (Christa McAuliffe Day commemorating space exploration); Feb. 15 (Susan B. Anthony's birthday); Mar. 29 (Vietnam War Veterans' Day); the last Friday in April (Arbor and Bird Day) (105 ILCS 5/24-2(c), amended by P.A. 104-391); Sept. 11 (Sept. 11th Day of Remembrance); Sept. 17 (Constitution Day); the school day immediately preceding Veterans' Day (Korean War Veterans' Day); Oct. 1 (Recycling Day); Oct. 7 (Iraq and Afghanistan Veterans Remembrance Day); October 9 (Leif Erikson Day) (105 ILCS 5/24-2(c), amended by P.A. 104-391); the day immediately after Thanksgiving (Native American Heritage Day) (105 ILCS 5/24-2(c), amended by P.A. 104-391); and Dec. 7 (Pearl Harbor Veterans' Day).

Other commemorative holidays include, but are not limited to: Ill. Law Week during the first full school week in May (105 ILCS 5/27-1025, renumbered by P.A. 104-391); Ronald Reagan Day on Feb. 6 (5 ILCS 490/2); Barack Obama Day on August 4 (5 ILCS 490/3); Indigenous Peoples Day on the last Monday in September (5 ILCS 490/7); Lincoln's Birthday February 12 (5 ILCS 490/60); Juneteenth National Freedom Day on June 19 each year (5 ILCS 490/63), amended by P.A.s 102-14 (second to pass both houses and controlling (5 ILCS 70/6)) and 102-334 (first to pass both houses) – potential conflicts related to celebrating Juneteenth when it falls on a Saturday or Sunday exist, e.g., P.A. 102-14 states "when June nineteenth falls on a Saturday or Sunday, neither the preceding Friday nor the following Monday shall be held or considered as a *paid* holiday" but contrast P.A. 102-334, stating "when June nineteenth falls on a Sunday, the following Monday shall be held and considered the holiday" – notice the word *paid* is missing; consult the board attorney about whether Juneteenth should be celebrated as an *unpaid holiday* on either the preceding Friday or the following Monday when it falls on a Saturday or Sunday, respectively, or not at all when it falls on a Saturday); Martin Luther King, Jr. Birthday the third Monday in January (5 ILCS 490/65); Prairie Week the third full week in September (5 ILCS 490/75); Retired Teachers' Week the fourth week in May (5 ILCS 490/80); Veterans Day November 11 (5 ILCS 490/90); Preventing Lost Potential Day September 19 (5 ILCS 490/141); Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade on March 25 (5 ILCS 490/155); the first full week of January is Emancipation Proclamation Week (5 ILCS 490/160); Mother Mary Ann Bickerdyke Day on the second Wednesday in May (5 ILCS 490/175); April is Arab American Heritage Month (5 ILCS 490/6); and the first full week of April each year is Autism Acceptance Week (5 ILCS 490/137).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

School Day

The Board establishes the length of the school day with the recommendation of the Superintendent and subject to State law requirements.[5] The Superintendent or designee shall ensure that observances required by State law are followed during each day of school attendance. [6]

DRAFT

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

[5] A school day is required to consist of a minimum five clock-hours under the direct supervision of a teacher or non-teaching personnel or volunteer personnel that provides non-teaching or supervisory duties as specified in 105 ILCS 5/10-22.34(a), in order to qualify as a full day of attendance, unless (1) the Governor issues a disaster declaration due to a public health emergency pursuant 20 ILCS 3305/7, amended by P.A. 104-466, and (2) the State Superintendent of Education establishes minimum clock-hour requirements to align with the circumstances of the Governor's disaster declaration. 105 ILCS 5/10-19.05, amended by P.A.s 103-560 and 104-250, ~~eff. 1-1-26~~. See 105 ILCS 5/10-19.05, amended by P.A.s 103-560 and 104-250, ~~eff. 1-1-26,~~ for additional exceptions to the attendance calculation.

Contrast 105 ILCS 5/18-12. It allows a partial day of attendance to be counted as a full day due to an adverse weather condition, condition beyond the control of the school district that poses a health and safety threat, or use of school facilities by local or county authorities for holding a memorial or funeral service in remembrance of a community member (up to two school days per school year) provided one of following conditions is met: (1) the school district has provided at least one hour of instruction prior to the closure of the school district; (2) a school building has provided at least one hour of instruction prior to the closure of the school building; or (3) the normal start time of the school district is delayed. The law also outlines the process to claim attendance prior to providing any instruction when a school district must close a building or buildings, but not the entire district, after consultation with a local emergency response agency or due to a condition beyond the control of the district. Additionally, 105 ILCS 5/18-12.5 outlines the process for claiming attendance when a school district must close a building or buildings, but not the entire district, specifically because of a public health emergency. Attendance for such days may only be claimed if the school building(s) was scheduled to be in operation on those days.

Alternative education programs may provide fewer than five hours under certain circumstances. 105 ILCS 5/13B-50.

The Ill. House of Representatives passed a resolution encouraging all public school districts serving grades 6 through 12 to develop a plan to adopt school day start times that reflect the biological sleep needs of adolescents by beginning school days for these grades no earlier than 8:30 a.m. HR 660 (104th General Assembly, 5-28-26).

[6] 105 ILCS 5/27-510 requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. 105 ILCS 5/27-510, added by P.A. 104-391. Note that the Illinois statute does not require every student to recite the Pledge – that kind of mandatory participation would violate the U.S. Constitution. Schools may not coerce a student into saying the Pledge, nor may they punish students for refusing to participate in any aspect of the flag ritual, including standing, saluting the flag, and reciting the Pledge. West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943); Sherman v. Cmty. Consol. Sch. Dist. 21 of Wheeling Twp., 980 F.2d 437 (7th Cir. 1992). Consider using permissive rather than mandatory language to introduce the recitation of the Pledge, such as, "You may now stand to recite the Pledge." Schools may, of course, require that non-participants maintain order and decorum appropriate to the school environment.

The Silent Reflection and Student Prayer Act mandates a *brief period of silence* for all Illinois public school students at the opening of each school day. 105 ILCS 20/1. A student filed a federal lawsuit challenging the constitutionality of this law under the First Amendment, but the law was ultimately upheld by the Appeals Court. Sherman v. Koch, 623 F.3d 501 (7th Cir. 2010), *cert denied by* 565 U.S. 815 (2011). 105 ILCS 5/10-20.46 requires a moment of silence to recognize veterans during any type of event held at a district school on Nov. 11.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 105 ILCS 5/10-19, 5/10-19.05, 5/10-20.46, 5/10-20.56, 5/10-30, 5/18-12, 5/18-12.5, 5/24-2, 5/27-510, and 5/27-1025.
10 ILCS 5/11-4.1, Election Code.
5 ILCS 490/, State Commemorative Dates Act.
23 Ill.Admin.Code §1.420(f).
Metzl v. Leininger, 850 F.Supp. 740 (N.D. Ill. 1994), *aff'd by* 57 F.3d 618 (7th Cir. 1995).

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), 4:180 (Pandemic Preparedness; Management; and Recovery), 5:200 (Terms and Conditions of Employment and Dismissal), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 6:60 (Curriculum Content), 6:70 (Teaching About Religions), 7:90 (Release During School Hours)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Organization of Instruction [1]

The School District has instructional levels for grades _____ through _____. The Superintendent shall annually present to the School Board a plan for organizing instructional levels and assigning them to school facilities in order to:

1. Support the District's educational program,
2. Maximize facility usage without undue overcrowding, and
3. Provide substantially comparable instructional programs across the District.

Students, for instructional purposes, may be placed in groups within a school that do not necessarily follow grade level designations. For purposes of attendance reporting and other records, however, each student is assigned a grade-level placement.

Kindergarten [2]

The District maintains a full-day kindergarten with an instructional program that fulfills the District's curriculum goals and objectives and the requirements of the State law. The District also offers a half-day kindergarten for those parents/guardians who request a half-day program.

DRAFT

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

[1] The contents of this policy, except the kindergarten section, are discretionary with each board. The first section serves to inform interested people that instructional levels are organized and assigned to school facilities according to a plan, developed by the superintendent, that meets standards adopted by the board. If a board does not want to include specific standards for the plan, it may substitute this sentence for the second sentence:

The grouping and housing of instructional levels in school facilities shall be according to plans developed by the Superintendent and approved by the Board.

Optional additional sentences for unit districts; insert after the first sentence.

The elementary schools enroll students in kindergarten through grade ____. The junior high school offers grades _____ through ___. The high school offers grades _____ through 12.

[2] This section is for only those districts having a kindergarten. Until the 2027-28 school year, a board may establish a full-day or half-day kindergarten program, but if a full-day program is established then the district must also establish a half-day program. 105 ILCS 5/10-22.18, amended by P.A. 103-410; 23 Ill.Admin.Code §1.420(h)(1). The district must offer a distinctive curriculum for full- and half-day kindergartens when 20 or more students' parents/guardians request a half-day program. 23 Ill.Admin.Code §1.420(h)(2). Beginning with the 2027-28 school year, a board must establish a full-day kindergarten program and may establish a half-day kindergarten program. 105 ILCS 5/10-22.18, amended by P.A. 103-410. Both full-day and half-day kindergarten programs should be developmentally appropriate and provide opportunities for *play-based learning*. Id. *Play-based learning* means either teacher-initiated play (intentional teacher-directed play with activities set up and led by a teacher that are aligned to learning goals or standards) or student-initiated play (child-selected opportunities to build, pretend, create, move, or explore in an environment intentionally curated by a teacher to align with learning goals or standards). Id. at (a), amended by P.A. 104-555, eff. 1-1-27. Elementary or unit districts that do not offer full-day kindergarten as of 10-1-22, may apply for a two-year extension of the 2027-28 school year full-day kindergarten implementation deadline if the criteria set forth in 105 ILCS 5/10-22.18(b)(1)-(3) are met. Id. at (b).

A board should consider adding a description of pre-kindergarten programs whether they are for all students or only those who qualify due to special needs.

105 ILCS 5/10-20.37 and 5/10-22.18, amended by P.A. 103-410, authorize a board to establish a program as described in the following optional provision:

©~~2023~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 105 ILCS 5/10-20.37 and 5/10-22.18.
23 Ill.Admin.Code §1.420.

CROSS REF.: 6:40 (Curriculum Development), 6:170 (Title I Programs), 7:30 (Student Assignment and Intra-District Transfer), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students)

DRAFT

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

To the extent State or federal funds are available and in accordance with State law, the Superintendent or designee shall establish, maintain, and operate a summer kindergarten program that: (1) begins two months before the beginning of the regular school year, and/or (2) continues for two months after the regular school year for grade one readiness for those students making unsatisfactory progress during the regular kindergarten session. The District shall provide transportation.

©~~2023~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Curriculum Content [1]

The curriculum shall contain instruction on subjects required by State statute or regulation as follows:

1. In kindergarten through grade 8,[2] subjects include: (a) language arts, (b) reading,[3] (c) other communication skills, (d) science, (e) mathematics[4], (f) social studies, (g) art, and (h) music.

DRAFT

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

[1] Districts must have a policy on: (1) physical education (23 Ill.Admin.Code §1.425), (2) what grade level(s) students will be offered cursive writing instruction (105 ILCS 5/27-315, renumbered by P.A. 104-391), (3) educating students on the effective methods of preventing and avoiding traffic injuries related to walking and bicycling (105 ILCS 5/27-110, renumbered by P.A. 104-391), (4) activities to address intergroup conflict, if offered (105 ILCS 5/27-1050, amended by P.A. 103-542 and renumbered by P.A. 104-391), and (5) Internet safety education, if a district receives e-rate funding (47 C.F.R. §54.520(c)(1)(i)). Policies on the remaining topics in this policy are optional. State or federal law controls this policy's content. 23 Ill.Admin.Code §1.410, recommends that activities, including student internships and observations of government in action, be a part of the instructional program where appropriate.

State law mandates certain courses of study but local school boards may set requirements exceeding State-law mandated courses of study. 105 ILCS 5/10-20.8 and 5/27-1 et seq. For a resource on instructional mandates, see *Illinois Instructional Mandates* (formerly *Mandated Units of Study*), at: www.isbe.net/Pages/Standards-Courses.aspx~~www.isbe.net/Pages/Learning-Standards.aspx, under the Administrator Resources tab~~.

[2] Items (a)-(h) are listed in 23 Ill.Admin.Code §1.430.

~~By 7-1-26, t~~The Ill. State Board of Education (ISBE) ~~will~~ has encouraged districts to collect teaching resources to support American Sign Language (ASL) programs. 105 ILCS 5/2-3.21306, added by P.A. 104-399 and renumbered by P.A. 104-852~~, eff. 1-1-26~~. Teaching resources may include: (1) the importance and benefit of ASL instruction for early ages and the prevalence of ASL in the United States; (2) information on ways to implement ASL instruction into the K-8 curriculum; and (3) information on how to properly administer ASL for students in K-8. Id. See www.isbe.net/Documents/American-Sign-Language-Il.pdf.

By 12-15-26, ISBE must adopt comprehensive guidance for districts about the establishment of new dual language education programs and the expansion of existing programs. 105 ILCS 5/14D, added by P.A. 104-266~~, eff. 1-1-26~~. By 7-1-27, ISBE must also establish recognition pathways for biliteracy at certain grade levels before high school. Id.

[3] 105 ILCS 5/2-3.200, added by P.A. 103-402 and renumbered by P.A. 103-605, required ISBE to develop a Statewide literacy plan ~~by 1-31-24~~, make certain resources and guidance on literacy curriculum and instruction available to schools ~~by 7-1-24~~, and offer training opportunities for teachers ~~by 7-1-25~~. For further information and resources, see www.isbe.net/literacyplan. 105 ILCS 5/2-3.214, added by P.A. 104-761, eff. 1-1-27, requires ISBE, in consultation with the Ill. Dept. of Public Health (IDPH), to make available on its website resources to support districts and teachers in teaching literacy to color-vision-deficient learners. For information about color vision deficiency, see www.nei.nih.gov/eye-health-information/eye-conditions-and-diseases/color-blindness.

[4] 105 ILCS 5/2-3.156 requires ISBE to coordinate, adapt and develop middle and high school math curriculum models. There is no consistent definition for *middle school or high school* in either State or federal law. Districts are not required to use ISBE's models and may develop their own mathematics curricula.

The purpose of the math curriculum models will be to aid school districts and teachers in implementing the *Common Core Standards*. ISBE adopted math and English language arts (ELA) standards for K-12 education referred to as the *New Ill. State Learning Standards Incorporating the Common Core*. The goal of incorporating the *Common Core Standards* into the *State Goals for Learning and Learning Standards* is to better prepare Ill. students for success in college and the workforce in a competitive global economy. See www.isbe.net/Documents/cc-overview-0913.pdf.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

A reading opportunity of 60 minutes per day will be promoted for all students in kindergarten through grade 3 whose reading levels are one grade level or more lower than their current grade level.[5] Daily time of at least 30 minutes (with a minimum of at least 15 consecutive minutes if divided) will be provided for supervised, unstructured, child-directed play for all students in kindergarten through grade 5.[6] Before the completion of grade 5, students will be offered at least one unit of cursive instruction.[7] In grades 6, 7, or 8, students must receive at least one semester of civics education in accordance with Illinois Learning Standards for social science.[8]

2. In grades 9 through 12, subjects include:[9] (a) language arts, (b) writing intensive courses, (c) science, (d) mathematics,[10] (e) social studies including U.S. history, American government and

---

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

The terms *Common Core Standards* and the *New Ill. State Learning Standards Incorporating the Common Core* are synonymous. Referencing the Ill. Learning Standards includes them both. That is because they are incorporated by reference into ISBE's rules and *State Goals for Learning and Learning Standards*. A district that wants to include the term *Common Core Standards* in its policy may do so; however, districts should understand that referring to the *Common Core Standards* only will cover only math and ELA learning standards and goals and not any other subject areas that the *Ill. Learning Standards cover*. The best practice is to continue using *Ill. Learning Standards*, which includes the *Common Core Standards*.

[5] 105 ILCS 5/10-20.53.

[6] 105 ILCS 5/27-715, amended and renumbered by P.A. 104-391. Schools must provide at least 30 minutes of play time for any school day five clock hours or longer in length. For any school days less than that, the total time allotted during the school day must be at least one-tenth of a day of attendance for the student. Time spent dressing or undressing for outdoor play does ~~may~~ not count towards the daily time allotment. Play time must be computer-, tablet-, phone-, and video-free. Play time may be withheld as a disciplinary or punitive action only if a student's participation poses an immediate threat to the safety of the student or others. Id. For ISBE guidance and resources, see www.isbe.net/Pages/School-Health-Issues.aspx (Unstructured Play Time/Recess dropdown).

[7] 105 ILCS 5/27-315, renumbered by P.A. 104-391, requires districts to offer students a unit of cursive instruction before they complete grade 5. Other than before completing grade 5, the law is silent about what grade level(s) in which students must receive their unit of cursive instruction. This provides an opportunity for a board to have a conversation with the superintendent about local community expectations and direct him or her to determine the appropriate grade level(s) in which students will be offered a unit of cursive instruction.

Use the following alternative if the board wants to specify grade level(s) before the end of grade 5 in which cursive instruction will be offered:

A unit of cursive instruction will be offered in grade(s) _____.

[8] 105 ILCS 5/27-510(b), added by P.A. 104-391. Course content must include discussion on current societal issues, service learning, simulations of the democratic process, and instruction on the Australian Ballot (secret ballot) system as a method of voting at elections. If taught in grade 7 or 8, at least one hour a week, or an amount of time equal to one hour per school week through the school year, must be devoted to civics education. 105 ILCS 5/27-515, amended and renumbered by P.A. 104-391.

[9] 105 ILCS 5/27-605, amended by P.A.s 103-743, ~~and~~ 104-387, and 104-814 and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.440. ISBE may adopt rules to modify these requirements for students in grades 9 through 12 if the Governor declares a disaster due to a public health emergency pursuant to 20 ILCS 3305/7. 105 ILCS 5/27-605(e)(3.5) and 5/27-605(e-5)(3.5), both renumbered by P.A. 104-391, require "a year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject." Because computer literacy may be included within another subject, it is not listed here, but in number 7 of this policy with f/n 26, below.

[10] 105 ILCS 5/2-3.156. See f/n 4.

105 ILCS 5/27-605(e-5)(3), renumbered by P.A. 104-391, allows the substitution of an advanced placement computer science course for a year of mathematics. For specific requirements, see sample exhibit 6:300-E2, *State Law Graduation Requirements*, and sample policy 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-entering Students*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

one semester of civics,[11] (f) world~~foreign~~ language,[12] (g) music, (h) art, (i) driver and safety education,[13] and (j) career and technical education.

Students otherwise eligible to take a driver education course must receive a passing grade in at least eight courses during the previous two semesters before enrolling in the course. The Superintendent or designee may waive this requirement if he or she believes a waiver to be in the student's best interest.[14] The course shall include: (a) instruction necessary for the safe operation of motor vehicles, including motorcycles, to the extent that they can be taught in the classroom,[15] (b) classroom instruction on distracted driving as a major traffic safety issue,[16] (c) instruction on required safety and driving precautions that must be observed at emergency situations, highway construction and maintenance zones, including worker safety in those zones, and railroad crossings and their approaches,[17] and (d) instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.[18] Automobile safety instruction covering traffic regulations and highway safety must include instruction on the consequences of alcohol consumption and the operation of a motor vehicle.[19] The eligibility requirements contained in State law for the receipt of a certificate of completion from the Secretary of State shall be provided to students in writing at the time of their registration. [20]

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

[11] 105 ILCS 5/27-605(e-5)(5), renumbered by P.A. 104-391. The statute specifically states that school districts may utilize private funding available for offering civics education.

[12] The General Assembly encouraged school boards to implement American Sign Language courses into the school world~~foreign~~ language curriculum. 105 ILCS 5/10-20.52, amended by P.A. 104-803. Senate Joint Resolution 68 (96th General Assembly, 2010) encourage~~d~~s school districts to explore the introduction of Arabic as a foreign (world) language in their curriculums. Beginning with the 2028-2029 school year, 105 ILCS 5/27-605(e-10), amended by P.A.s 104-803 and 104-814, allows the substitution of at least two years of an approved career and technical education course for two years of world language courses.

[13] The ISBE rule on driver education personnel is found at 23 Ill.Admin.Code §252.40. School districts may contract with a commercial driver training school (CDTS) for driver education. 105 ILCS 5/27-815, renumbered by P.A. 104-391. To qualify to contract with a school district, a CDTS must: (a) hold a valid license issued by the Ill. Sec. of State; (b) provide teachers who meet the educator licensure and endorsement requirements under 105 ILCS 5/21B; and (c) follow the same evaluation and observation requirements that apply to non-tenured teachers under 105 ILCS 5/24A. Id. A district contracting with a CDTS must provide a list to ISBE of the CDTS instructors. Id. The list must include the name, personal ISBE identification number, birth date and driver's license number of each instructor who will teach driver education. Id. Although a formal waiver for outsourcing of driver's education is no longer required, districts must consider their applicable collective bargaining agreement(s), board policy, and the reduction in force (RIF) provisions of the School Code as they relate to outsourcing of instructional staff. Consult the board attorney for guidance.

A school district may decide to allow a student to take a portion of the driver education course through a distance learning course. This is determined on a case-by-case basis and must be approved by the district's administration, the student's driver's education teacher, and the student's parent/guardian. 105 ILCS 5/27-815, renumbered by P.A. 104-391; 23 Ill.Admin.Code §252.20(c)(2).

[14] 105 ILCS 5/27-810 and 5/27-815, both renumbered by P.A. 104-391; 23 Ill.Admin.Code §252.25.

[15] 105 ILCS 5/27-810 and 5/27-815, both renumbered by P.A. 104-391.

[16] Id.

[17] Id., amended by P.A. 103-944 and renumbered by P.A. 104-391.

[18] Id.

[19] Required if a board offers safety education under 105 ILCS 5/27-1020, amended and renumbered by P.A. 104-391.

[20] The Ill. Vehicle Code, 625 ILCS 5/6-408.5 contains these requirements; they are paraphrased below.

Before a certificate of completion will be requested from the Secretary of State, a student must receive a passing grade in at least eight courses during the two semesters last ending before requesting the certificate. A certificate of completion will not be requested for any person less than 18 years of age who has dropped out of school unless the individual provides:

©~~2025~~ 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

3. In all schools, drug and alcohol abuse prevention education, including: (a) in each year in grades K though 4, age- and developmentally appropriate instruction, study, and discussion of effective methods for the prevention and avoidance of drugs and the dangers of opioid and substance abuse, (b) in grades 5 through 12, age- and developmentally appropriate classroom instruction on alcohol and drug use and abuse, (c) in grades 6-12, the dangers of fentanyl, and (d) in grades 7 through 12, anabolic steroid abuse prevention, which must also be taught in interscholastic athletic programs. [21]
4. In kindergarten through grade 12, provided it can be funded by private grants or the federal government, violence prevention and conflict resolution must be stressed, including: (a) causes of conflict, (b) consequences of violent behavior, (c) non-violent resolution, and (d) relationships between drugs, alcohol, and violence.[22] In addition, anti-bias education and intergroup conflict resolution may be taught as an effective method for preventing violence and lessening tensions in schools; these prevention methods are most effective when they are respectful of individuals and their divergent viewpoints and religious beliefs, which are protected by the First Amendment to the Constitution of the United States. [23]
5. In grades kindergarten through 12, through the 2026-2027 school year, age-appropriate Internet safety must be taught, the scope of which shall be determined by the Superintendent or designee. The curriculum must incorporate Board policy 6:235, *Access to Electronic Networks*, and, at a minimum, include: (a) education about appropriate online behavior, (b) interacting

DRAFT

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

1. Written verification of his or her enrollment in a high school equivalency or alternative education program or a State of Illinois High School Diploma (formerly GED certificate);
2. Written verification that before dropping out, the individual had received passing grades in at least eight courses during the two previous semesters last ending before requesting a certificate;
3. Written consent from the individual's parent/guardian and the Regional Superintendent (or appropriate Intermediate Service Center Executive Director); or
4. Written waiver from the Superintendent of the School District in which the individual resides or resided at the time he or she dropped out of school, or from the chief school administrator with respect to a dropout who attended a non-public high school. A waiver may be given if the Superintendent or chief administrator deems it to be in the individual's best interests.

[21] Requirements (a)-(d) are addressed in 105 ILCS 5/27-255, added by P.A. 104-391. These instructional requirements are also addressed in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*.

Illinois recognizes gambling disorders under the Ill. Substance Abuse Disorder Act (Act). 20 ILCS 301/, amended by P.A. 104-626. Pursuant to the Act, the Ill. Dept. of Human Services (IDHS) is authorized to assist local boards and schools to establish substance abuse or gambling disorder programs and prepare instructional resources for all grade levels. 20 ILCS 301/5-10(a)(4)(G), amended by P.A. 104-626. IDHS is also required to collaborate with ISBE to the extent ISBE develops instructional resources for substance use or gambling disorder and prevention awareness for use by districts. Classroom resources on substance abuse prevention are available at: www.isbe.net/Pages/School-Health-Issues.aspx.

[22] 105 ILCS 5/27-115, renumbered by P.A. 104-391.

[23] Optional. 105 ILCS 5/27-1050, (anti-bias education), amended by P.A. 103-542 and renumbered by P.A. 104-391, allows districts to incorporate activities to address intergroup conflict, with the objectives of improving intergroup relations on and beyond the school campus, defusing intergroup tensions, and promoting peaceful resolution of conflict. If a district does not offer anti-bias education, delete "5/27-1050" from the Legal References.

Boards that adopt a policy to incorporate activities to address intergroup conflict pursuant to this law must make information available to the public that describes the manner in which the district has implemented the activities. Methods for making this information available include: the district's website, if any, and in the district's offices upon request. See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. Districts may also include the information in a student handbook and in district newsletters. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, Online Model Student Handbook (MSH), at: www.ilprincipals.org/msh.

See f/n 12 in sample policy 6:180, *Extended Instructional Programs*, and ensure that these policies align.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

with other individuals on social networking websites and in chat rooms, and (c) cyberbullying awareness and response. [24]

6. Beginning in the fall of 2027, in grades 3-8 each year, age- and developmentally appropriate instruction on online safety. [25]
7. In all grades, students must receive developmentally appropriate opportunities to gain computer literacy skills that are embedded in the curriculum. [26]
8. In all grades, instruction on behaviors that violate Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. [27]
9. In all schools, citizenship values must be taught, including: (a) American patriotism, (b) principles of representative government (the American Declaration of Independence, the

---

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

[24] 47 C.F.R. §54.520 and 105 ILCS 5/27-410 (scheduled for repeal on 7-1-27), amended by P.A. 104-399~~, eff. 1-1-26,~~ and renumbered by P.A. 104-391, control this section. "Grades kindergarten through 12" is used because federal law requires school districts that receive E-rate funding to certify that they have an Internet safety education policy for all minors. 47 C.F.R. §54.520(c)(1)(i). This federal law defines minors as any individual who has not attained the age of 17 years. 47 C.F.R. §54.520(a)(4)(i).

105 ILCS 5/27-410, amended by P.A. 104-391, only requires a unit on Internet safety for students in grades 3 or above. It recommends seven topics for the unit on Internet safety and required ISBE to "make available resource materials for educating children regarding child online safety." See www.isbe.net/Pages/Internet-Safety.aspx. It also invites schools to "adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12."

For boards that do not receive E-rate funds and do not want to exceed the requirements of the School Code, replace this section with the following sentence:

In grades 3 or above, the curriculum contains a unit on Internet safety, the scope of which shall be determined by the Superintendent or designee.

For boards that do not receive E-rate funds, but want to exceed the requirements of 105 ILCS 5/27-410 to include grades K-2, replace this section with the following sentences:

In grades 3 or above, the curriculum contains a unit on Internet safety, the scope of which shall be determined by the Superintendent or designee. In kindergarten through grade 2, age-appropriate Internet safety must be taught.

[25] 105 ILCS 5/27-405(b), added by P.A. 104-391. Boards locally determine the scope and duration of this unit of instruction. Topics to include in online safety instruction are not mandated but the following are recommended: (1) safe and responsible use of the Internet, social networking websites, electronic mail, online messaging and posting, and other means of communication on the Internet; (2) recognizing, avoiding, and reporting online solicitations of students, their classmates, and their friends by sexual predators; (3) risks of transmitting personal information on the Internet; (4) recognizing and avoiding unsolicited or deceptive communications received online; (5) reporting online harassment, cyber-bullying, and illegal activities and communications on the Internet; (6) the legal penalties and social ramifications for illicit actions taken online, including infringement of copyright laws and the creation and sharing of harmful, defamatory, or sexually explicit content; and (7) the relationship between responsible use of online resources and social-emotional health. Id. *Online safety* means safe practices relating to an individual's or group's use of the Internet, social networking website, electronic mail, online messaging and posting, and other means of communication on the Internet. Id. at (a).

[26] 105 ILCS 5/10-20.79, 5/10-20.74,~~ and 5/27-22(e-5)(3.5), amended by P.A. 102-894,~~ and 5/27-605(e-5)(3.5), renumbered by P.A. 104-391. 105 ILCS 5/10-20.74 requires that districts submit an annual report to ISBE regarding educational technology capacities and policies. See the subhead **Educational Technology Committee** ~~and f/n 20~~ in sample administrative procedure 2:150-AP, *Superintendent Committees*.

[27] Required as part of a district's Bullying Prevention and Response Plan pursuant to 105 ILCS 5/22-110, renumbered by P.A. 104-391. Because of the negative outcomes associated with bullying in schools, the Ill. General Assembly has found "that [school districts] should educate students, parents, and [school district personnel] about what behaviors constitute prohibited bullying." Id. at (a). This language aligns with sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

The Ill. General Assembly invited boards to "make suitable provisions for instruction in gang resistance education in all grades and include such instruction in the courses of study regularly taught in those grades." See 105 ILCS 5/27-1055(c), amended by P.A. 103-542 and renumbered by P.A. 104-391. A board that shares this concern may add the following option and add "5/27-1055" to the Legal References (in numerical order): "In addition, in all grades gang resistance education must be taught."

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Constitution of the United States of America and the Constitution of the State of Illinois), (c) proper use and display of the American flag, and (d) the Pledge of Allegiance. [28]

10. In all grades, physical education must be taught including a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. Unless otherwise exempted, all students are required to engage in a physical education course with such frequency as determined by the Board after recommendation from the Superintendent,[29] but at a minimum of three days per five-day week.[30] For exemptions and substitutions, see Board policies 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students* and 7:260, *Exemption from Physical Education*. [31]

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

[28] 105 ILCS 5/27-510(a), (c), added by P.A. 104-391. This instruction may be taught as part of the curriculum in the semester of civics education for students in grades 6 through 8. See f/n 8, above. 105 ILCS 5/27-510(c) requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. See also Palmer v. City of Chicago, 466 F. Supp. 600 (N.D. Ill. 1979) (teacher would not teach and direct the Pledge of Allegiance to the flag of the United States for religious reasons and was terminated for not doing so because it was part of the curriculum). Requirements for displaying a U.S. flag at each school and in each classroom are found in 5 ILCS 465/3 and 465/3a.

Note that the Illinois statute does not require every student to recite the *Pledge* – that kind of mandatory participation would violate the U.S. Constitution. Schools may not coerce a student into saying the Pledge, nor may they punish students for refusing to participate in any aspect of the flag ritual, including standing, saluting the flag, and reciting the *Pledge*. West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943); Sherman v. Cmty. Consol. Sch. Dist. 21 of Wheeling Twp., 980 F.2d 437 (7th Cir. 1992). Consider using permissive rather than mandatory language to introduce the recitation of the *Pledge*, such as, "You may now stand to recite the *Pledge*." Schools may, of course, require that non-participants maintain order and decorum appropriate to the school environment.

[29] The phrase "after recommendation by the Superintendent" is optional. If a superintendent does not bring this topic to the board for discussion, the board may not have a trigger to make the determination.

[30] 23 Ill.Admin.Code §1.425(b). Boards that want their daily physical education requirement to align with their goal in policy 6:50, *School Wellness*, may replace "minimum of three days per five-day week" with their local daily requirements. See f/n 10 in sample policy 6:50, *School Wellness*.

[31] 105 ILCS 5/27-705, renumbered by P.A. 104-391, requires school boards to provide for students' physical education and allows the P.E. course offered in grades 5 through 10 to include the health education courses required by the Critical Health Problems and Comprehensive Health Education Act (105 ILCS 5/27-205 through 5/27-230). See also 23 Ill.Admin.Code §1.425(c).

105 ILCS 5/27-710, amended and renumbered by P.A. 104-391, describes when students may be excused from P.E. See also 23 Ill.Admin.Code §1.425(d).

105 ILCS 5/27-710, amended and renumbered by P.A. 104-391, contains an exception to the minimum of three days per five-day week P.E. requirement for schools engaged in block scheduling; if this is applicable, substitute this sentence for the second-to-last sentence in this paragraph:

Unless otherwise exempted, all students are required to engage with such frequency as determined by the Board, but at a minimum of three days per five-day week, during the school day, except on block--scheduled days, in a physical education course.

105 ILCS 5/27-720, renumbered by P.A. 104-391, describes physical fitness assessments required every school year for grades 3-12 in an effort to meet State Goal 20 of the Illinois Learning Standards for Physical Development and Health at: www.isbe.net/Pages/Enhanced-Physical-Education.aspx. Schools must integrate the testing into the curriculum as an instructional tool, to teach students how to assess their fitness levels, set goals for improvement, and monitor progress in reaching their goals.

See also 23 Ill.Admin.Code §1.425(g) and (h); ISBE's IL Fitness Assessments and Data Reporting Requirements Questions and Answers (Rev. ~~2023~~2025) at: www.isbe.net/Documents/Physical_Fitness_Assessment_FAQ.pdf.

105 ILCS 5/27-725, amended and renumbered by P.A. 104-391, describes the goals and requirements for P.E. courses; these are re-stated in this sample policy.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

11. In all schools, health education must ~~be stressed, includ~~cing[32]: (a) human ecology, health, growth, development, personal health habits, and nutrition, (b) family life, (c) prevention and control of disease, (d) age- and developmentally appropriate and evidence-informed sexual abuse and assault awareness and prevention education in all grades, (e) public health, environmental health, disaster preparedness, and safety education, (f) mental health and illness, (g) dental health, (h) cancer education, and (i) age- and developmentally appropriate consent education. The Superintendent shall implement a comprehensive health education program in accordance with State law. [33]

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

[32] Letters (a) - (i) are required by the comprehensive health education program (CHEP), at 105 ILCS 5/27-215, added by P.A. 104-391, in this paragraph as follows:

(a) Id. at (a)(1); 105 ILCS 5/2-3.139(a)(2) (nutrition education) See also sample policy 6:50, *School Wellness*.

(b) Id. at (a)(2).

(c) Id. at (a)(3).

(d) Id. at (a)(4), and 105 ILCS 5/10-23.13, a/k/a *Erin's Law*. See f/n 11 in sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*, for a definition of *evidence-informed*. 105 ILCS 5/10-23.13. While 105 ILCS 5/10-23.13(b) states pre-K through 12th, this policy uses *all schools* for brevity and ease of administration. *Erin's Law* requires a policy addressing child sexual abuse prevention and curriculum content on that subject (see sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*). A sentence in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*, restates the basic recommendations from page 16 of the *Erin's Law* Taskforce Final Report (Report) to Governor Quinn at: www.isbe.net/Documents/erins-law-final0512.pdf, which was the basis for *Erin's Law*. The professional educator training component of *Erin's Law* is addressed in sample policies 5:90, *Abused and Neglected Child Reporting* and 5:100, *Staff Development Program*. The Report also encouraged parental involvement because parents play a key role in protecting children from child sexual abuse.

(e) Id. at (a)(5). 105 ILCS 5/27-815, renumbered by P.A. 104-391, also requires safety instruction in each of grades 1 through 8, equivalent to one class period each week. Neither CHEP nor 105 ILCS 5/27-815 (as it pertains to grades 1-8) define safety education or explain how it differs from the optional safety education that boards can offer under 105 ILCS 5/27-1020, renumbered by P.A. 104-391, though districts could draw from the topics listed in that section.

(f) Id. at (a)(6). In grades 6-12, a district must implement age-appropriate, evidence-based suicide prevention curricula, but only if opportunities for integration of such instruction exist. 105 ILCS 5/27-215, amended by P.A. 104-808, eff. 1-1-27. See also sample policy 7:290, *Suicide and Depression Awareness and Prevention*.

(g) Id. at (a)(7).

(h) Id. at (a)(8).

(i) Id. at (a)(9). Consent education under CHEP is limited to the definition of *consent* under 105 ILCS 5/27-215(a), added by P.A. 104-391; this basic consent instruction is separate from the more extensive, optional consent education under 105 ILCS 5/27-1010, amended and renumbered by P.A. 104-391, discussed in f/n 33, below.

[33] 105 ILCS 5/27-215, added by P.A.104-391; and 23 Ill.Admin.Code §1.420(n).

More detailed comprehensive health education program content and other health education topics covered in the School Code are described in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*. That procedure formerly included the requirements for the development of the now-repealed family life and sex education programs in 105 ILCS 5/27-9.1 and 9.2.

The former family life and sex education programs were replaced with the National Sex Education Standards (NSES) (105 ILCS 5/27-1015, renumbered by P.A. 104-391) and an age- and developmentally appropriate consent education curriculum (105 ILCS 5/27-1010, renumbered by P.A. 104-391). But the term *family life*, "including evidence-based and medically accurate information regarding sexual abstinence," remains in the CHEP. For ease of administration, sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*, content includes reference to the new NSES curriculum that is outlined in more detail at sample administrative procedure 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*. 105 ILCS 5/27-1015, added by P.A. 104-391. ISBE's learning standards and resources are available at www.isbe.net/sexualhealth, however, no guidance exists about whether districts that provide the now-repealed family life and sex education programs formerly in 105 ILCS 5/27-9.1 and 9.2 could continue to do so. Consult the board attorney if the district offered the now-repealed family life and sex education program to assess whether that program may continue during future school years.

Two choices exist for school boards related to providing students with a sex education curriculum:

1. No sex education; or

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

12. In all schools, abduction education that addresses the danger of and avoidance of abduction. [34]
13. In grades 9-12, the dangers of allergies must be taught. [35]
14. In grades 9-12, training on how to properly administer cardiopulmonary resuscitation and how to use an automated external defibrillator. [36]

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

2. NSES a/k/a Comprehensive Personal Health and Safety and Sexual Health Education Program (105 ILCS 5/27-1015, renumbered by P.A. 104-391, and see sample administrative procedure 6:60-AP2*, Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*).

While boards are not required to include sex education curriculum information in their policies, if they offer it, the law requires them to identify the curriculum their districts use along with the name and contact information, including an email address, of a school staff member who can respond to inquiries about instruction and materials. Id. Methods for making this information available include: the district's website, if any, and in the district's offices upon request. See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

For boards that do offer NSES but do not wish to communicate it in this policy, ensure that superintendents: (1) identify the curriculum along with the name and contact information, including an email address of the school staff member designated to respond to inquiries about instruction and materials (see sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*); and (2) implement both administrative procedures 6:60-AP1, *Comprehensive Health Education Program*, and 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.

For boards that want to communicate to their communities in this policy that they offer NSES, insert the following text into the last sentence in number 10:

> The Superintendent shall implement a comprehensive health education program in accordance with State law, including a personal health and safety and sexual health education program (National Sex Education Standards) pursuant to 105 ILCS 5/27-1015.

Legal Reference insertions are not necessary with the statute in the text of the policy. Ensure: (1) the implementation of both administrative procedure 6:60-AP1, *Comprehensive Health Education Program* and administrative procedure 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*, align with this policy; and (2) that the superintendent identifies the curriculum along with the name and contact information, including an email address of the school staff member designated to respond to inquiries about instruction and materials (see sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Record*s).

For boards that communicated NSES in this policy and also want to communicate that they additionally offer developmentally appropriate consent education curriculum, insert the following sentence as the last sentence of the number 10 paragraph:

> The Superintendent shall also implement an age- and developmentally appropriate consent education curriculum pursuant to 105 ILCS 5/27-1010.

Legal Reference insertion is not necessary with the statute in the text of the policy. Ensure the implementation of administrative procedure 6:60-AP3, *Developmentally Appropriate Consent Education*, aligns with this policy.

For boards that do offer NSES and do not communicate that in policy AND/OR boards that do not offer NSES, but want to communicate that they offer age and developmentally appropriate consent education curriculum, insert the following text into the last sentence in number 10:

> The Superintendent shall implement a comprehensive health education program in accordance with State law, including an age- and developmentally appropriate consent education curriculum pursuant to 105 ILCS 5/27-1010.

Legal Reference insertion is not necessary with the statute in the text of the policy. Ensure that implementation of 6:60-AP3, *Developmentally Appropriate Consent Education*, aligns with this policy.

[34] 105 ILCS 5/27-105, added by P.A. 104-391. The Ill. State Police and ISBE must develop instruction on child abduction prevention. 20 ILCS 2605/2605-480. See www.isbe.net/Documents/Child-Abduction-Prevention.pdf. This instructional requirement is also addressed in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*.

[35] 105 ILCS 5/27-245, added by P.A. 104-391. This instructional requirement is also addressed in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*.

[36] 105 ILCS 5/27-250, added by P.A. 104-391 and amended by P.A. 104-678, eff. 1-1-27. By the beginning of the 2029-2030 school year, CPR training must include the use of both breasted and non-breasted manikins. This instructional requirement is also addressed in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

15. In all schools, career/vocational education must be taught, including: (a) the importance of work, (b) the development of basic skills to enter the world of work and/or continue formal education, (c) good work habits and values, (d) the relationship between learning and work, and (e) if possible, a student work program that provides the student with work experience as an extension of the regular classroom. A career awareness and exploration program must be available at all grade levels.[37] In grades 6-12, students engage in career exploration and career development activities to prepare them to make informed plans and decisions about their future

DRAFT

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

[37] 23 Ill.Admin.Code §1.420(i). See 105 ILCS 435/, Vocational Education Act

A unit or high school district may offer workplace preparation instruction in grades 9 through 12 that covers legal protections in the workplace, including protection against sexual harassment and racial and other forms of discrimination and protections for employees. 105 ILCS 5/27-1065, renumbered by P.A. 104-391

For high school and unit boards, add "5/27-1065" to the Legal References (in numerical order) and the following text to the end of number 15 if the board wants to offer workplace preparation instruction:

In grades 9-12, workplace preparation instruction will be offered, covering legal protections in the workplace, including protection against sexual harassment and racial and other forms of discrimination and protections for employees.

105 ILCS 5/27-1075, added by P.A. 103-598 and renumbered by P.A. 104-391, allows high schools to designate and annually observe a Workplace Readiness Week. If the week is observed, students must be provided information on their rights as workers in accordance with the topics listed in 105 ILCS 5/27-1075(a), added by P.A. 103-598 and renumbered by P.A. 104-391. Students in grades 11 and 12 must be provided the required information within the regular school program, but it may also be provided during special events after regular school hours. Id. at (b).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

education and career goals.[38] In grades 9-12, a College and Career Pathway Endorsement is awarded to students who meet the requirements for a specific endorsement area. [39]

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

[38] 105 ILCS 5/10-20.84(a), renumbered by P.A. 103-154. For elementary districts, revise the grade levels to grades 6-8. Unless a board opted out, career exploration and career development activities in grades 6-12 (or grades 6-8 in elementary districts) had to be implemented by 7-1-25 in accordance with the model framework adopted by State agencies known as the PaCE Framework. See www.isac.org/pace/il-pace-resource-materials.html for the middle school and high school frameworks and additional implementation resources.

To fully or partially opt out of career exploration and career development activities under 105 ILCS 5/10-20.84(d), a board must adopt a set of findings that considers the following: (1) the district's current systems for college and career readiness; (2) the district's cost of implementation balanced against the potential benefits to students and families through improved postsecondary education and career outcomes; (3) the willingness and capacity of local businesses to partner with the district for successful implementation of pathways other than education; (4) the willingness of institutions of higher education to partner with the district for successful implementation of the pathway and whether the district has sought and established a partnership agreement with a community college district incorporating provisions of the Model Partnership Agreement under the Dual Credit Quality Act (110 ILCS 27/) (see www.isbe.net/Documents/DCQA-Model-Partnership-Agreement-Form.pdf); (5) the availability of a statewide database of participating local business partners, as provided under the Postsecondary and Workforce Readiness Act (110 ILCS 148/), for the purpose of career readiness and the accessibility of those work experiences and apprenticeships listed in the database to district students (see the link to the *Work-based Learning Database* at www.isbe.net/Pages/CTE-Work-Based-Learning.aspx~~www.isbe.net/cte~~); and (6) the availability of properly licensed teachers or teachers meeting faculty credential standards for dual credit courses to instruct in the program required for the endorsement areas. 105 ILCS 5/10-20.84(d)(1)-(6), renumbered by P.A. 103-154. A board opting out must report its findings and decision to ISBE. A board may also reverse its decision regarding implementation in whole or in part at any time. 105 ILCS 5/10-20.84(d), renumbered by P.A. 103-154.

In practice, unless a district has created its own career exploration and career development activities framework that does not align with the PaCE Framework, a board is unlikely to opt out of the PaCE Framework under 105 ILCS 5/10-20.84(a) and still implement College and Career Pathway Endorsements under 105 ILCS 5/10-20.84(c) (CCPE) because career exploration activities are a prerequisite to award of the endorsements. 23 Ill.Admin.Code §258.20. See f/n 39, below.

Delete this sentence if the board fully opted out of implementation of career exploration and career development activities under 105 ILCS 5/10-20.84(d), renumbered by P.A. 103-154. Regarding partial opt-out from this requirement, the law does not address the types of partial opt-out(s) available. As of the date of the publication of **PRESS** Issue 12~~30~~ (Oct. 2026~~5~~), ISBE had not issued any rulemaking or guidance on this topic or any details regarding reporting of a full or partial opt-out to ISBE, other than to indicate to IASB that districts can submit their decision to CTE@isbe.net. Boards interested in opting out from this requirement should consult the Board attorney and check for any further guidance that may be issued by ISBE.

[39] 105 ILCS 5/10-20.84(b) and (c), renumbered by P.A. 103-154; 23 Ill.Admin.Code Part 258.

By 7-1-25, a board had to either implement CCPE or take action to opt out of it. See www.isbe.net/pathwayendorsements for more information. 105 ILCS 5/10-20.84(c) requires a district to implement CCPE either independently, through an area career center, or through an inter-district cooperative, on the following schedule: (1) at least one endorsement area for the graduating class of 2027; (2) at least two endorsement areas for the graduating class of 2029; and (3) at least three endorsement areas for the graduating class of 2031, if a district 's grade 9-12 enrollment is more than 350 students, as calculated by ISBE for the 2022-2023 school year. A board implementing CCPE had to, by 7-1-25, submit the necessary application materials (including an Endorsement Plan, see 23 Ill.Admin.Code §258.20) to ISBE, or adopt a timeline for implementation of the number of endorsement areas required by 105 ILCS 5/10-20.84(c). A board may opt out of implementing CCPE entirely or it may initially implement an endorsement area for the class of 2027 and then later choose to partially opt out by opting out of the class of 2029 and/or class of 2031 endorsement area schedule. 105 ILCS 5/10-20.84(c) and (d), renumbered by P.A. 103-154; 23 Ill.Admin.Code §258.40(a) and (b). A board that chose to fully opt out of CCPE had to submit documentation of its decision and specific findings to ISBE by 7-1-25. A board that later chooses to partially opt out of CCPE by opting out of the 2029 and/or 2031 endorsement area schedule must submit documentation of its decision and specific findings no later than July 1 immediately before the school year the district would be required to award the endorsement. Id. at (b).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

16. In grades 9 through 12, consumer education must be taught, including: (a) financial literacy, including consumer debt and installment purchasing (including credit scoring, managing credit debt, and completing a loan application); budgeting; savings and investing; banking (including balancing a checkbook, opening a deposit account, and the use of interest rates); understanding simple contracts; State and federal income taxes; personal insurance policies; the comparison of prices; higher education student loans; identity-theft security; and homeownership (including the basic process of obtaining a mortgage and the concepts of fixed and adjustable rate mortgages, subprime loans, and predatory lending); and (b) the roles of consumers interacting with agriculture, business, labor unions and government in formulating and achieving the goals of the mixed free enterprise system. [40] [41]
17. In grades 9 through 12, intensive instruction in computer literacy, which may be included as a part of English, social studies, or any other subject. [42]
18. In grades 9 through 12, through the 2026-2027 school year, a unit of instruction on media literacy that includes, but is not limited to the following topics: (a) accessing information to evaluate multiple media platforms and better understand the general landscape and economics of the platforms, and issues regarding the trustworthiness of the source of information; (b) analyzing and evaluating media messages to deconstruct media representations according to the authors, target audience, techniques, agenda setting, stereotypes, and authenticity to distinguish fact from opinion; (c) creating media to convey a coherent message using multimodal practices to a specific target audience that includes, but is not limited to, writing blogs, composing songs, designing video games, producing podcasts, making videos, or coding a mobile or software application; (d) reflecting on media consumption to assess how media affects the consumption of information and how it triggers emotions and behavior; and (e) social responsibility and civics to suggest a plan of action in the class, school, or community for engaging others in a respectful, thoughtful, and inclusive dialogue over a specific issue using facts and reason. Beginning in the fall of 2027, in grades 9 through 12, a unit of instruction on media literacy and Internet safety that includes, but is not limited to, all of the following topics: (a) accessing and evaluating information; (b) creating media; (c) reflecting

DRAFT

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

If ~~fully opting out of~~a board fully opted out of CCPE by 7-1-25 or later partially opt~~sing~~ out of the 2029 and/or 2031 endorsement area schedule, it~~a board~~ must adopt a set of findings that considers the six factors described in f/n 38, above. 105 ILCS 5/10-20.84(d)(1)-(6), renumbered by P.A. 103-154. A board opting out must report its findings and decision on implementation by submitting the following information to ISBE, via the College and Career Pathway Endorsement portal: (1) the reasoning for opting out, and (2) copies of the board's meeting agenda, board findings, and board meeting minutes. 23 Ill.Admin.Code §258.40(a). A board can manage compliance with the documentation requirements by adopting a written resolution or adopting findings set forth in another document. A board may also reverse its decision regarding implementation of CCPE in whole or in part at any time. 105 ILCS 5/10-20.84(d), renumbered by P.A. 103-154.

Delete this sentence if a board has fully opted out of implementing CCPE, and delete 105 ILCS 5/10-20.84 from the Legal References if the board has fully opted out of CCPE *and* also fully opted out of the career exploration and career development activities in grades 6-12 (see f/n 37, above).

40 105 ILCS 5/27-305, renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.420(k).

41 For high school and unit boards that want to offer a unit of instruction about the process of naturalization pursuant to 105 ILCS 5/27-1070, renumbered by P.A. 104-391 ~~,~~and amended by P.A. 104-803, add "5/27-1070" to the Legal References (in numerical order), insert an optional number 17, and amend numbers after it accordingly:

17. In grades 9 through 12, a unit of instruction about the process of naturalization by which a ~~foreign~~ citizen of a country other than the United States or foreign national becomes a U.S. citizen that includes content from the components of the naturalization test administered by the U.S. Citizenship and Immigration Services.

42 105 ILCS 5/27-605(e-5)(3.5), renumbered by P.A. 104-391. ISBE states that *computer literacy* is broadly defined as one's knowledge of and ability to use computers and related technologies efficiently and effectively. See www.isbe.net/keeplearning for more ISBE guidance on computer literacy.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

on media consumption and social responsibility; (d) legal and social penalties for illicit actions online; and (e) reporting illicit content online. [43]

19. In grades 9 through 12, an opportunity for students to take at least one computer science course aligned to Illinois learning standards. Computer science means the study of computers and algorithms, including their principles, hardware and software designs, implementation, and impact on society. Computer science does not include the study of everyday uses of computers and computer applications; e.g., keyboarding or accessing the Internet. [44]
20. In all schools, environmental education, including instruction on: (a) the current problems and needs in the conservation of natural resources and (b) beginning in the fall of 2026, instruction on climate change. [45]
21. In all schools, instruction as determined by the Superintendent or designee on United States (U.S.) history must be taught, including: (a) the principles of representative government, (b) the Constitutions of the U.S. and Illinois, (c) the role of the U.S. in world affairs, (d) the role of labor unions, (e) the role and contributions of ethnic groups, including but not limited to, African Americans, Albanians, Asian Americans, Bohemians, Czechs, French, Germans, Hispanics (including the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression), Hungarians, Irish, Italians, Lithuanians, Polish, Russians, Scots, and Slovakians in the history of this country and State, (f) a study of the roles and contributions of lesbian, gay, bisexual, and transgender (LGBT) people in the history of the U.S. and Illinois, (g) Illinois history, (h) the contributions made to society by Americans of different faith practices, including, but not limited to, Muslim Americans, Jewish Americans, Christian Americans, Hindu Americans, Sikh Americans, Buddhist Americans, and any other collective community of faith that has shaped America, (i) Native American nations' sovereignty and self-determination, both historically and in the present day, with a focus on urban Native Americans, and (j) the events of the Native American

DRAFT

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

[43] 105 ILCS 5/27-20.08, scheduled to be repealed on 7-1-27 by P.A. 104-391; 105 ILCS 5/27-405, added by P.A. 104-391, details the requirements for media literacy and Internet safety instruction effective for the 2027-2028 school year. ISBE is required to make available instructional resources and professional development available for the development of a unit of instruction under 105 ILCS 5/27-405, subject to appropriation. Beginning with the 2027-2028 school year, media literacy instruction must also: (1) be age- and developmentally appropriate for each grade level being taught; (2) teach about the harmful physical, emotional, and psychological effects associated with unhealthy use of the Internet and social media; and (3) provide information on resources to report cyberbullying and the illicit online behavior of others. 105 ILCS 5/27-405, added by P.A. 104-391. *Media literacy* means the ability to access, analyze, evaluate, create, and communicate using a variety of objective forms, including, but not limited to, print, visual, audio, interactive, and digital texts. For additional resources, see www.isbe.net/keeplearning. See also f/n 24, above, regarding internet safety.

[44] 105 ILCS 5/27-310(b), renumbered by P.A. 104-391. Subject to appropriation, school districts can apply for a competitive grant to support computer science programs. 105 ILCS 5/2-3.199, added by P.A. 103-264 and renumbered by P.A. 103-605.

[45] 105 ILCS 5/27-260, amended by P.A. 103-837 and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.420(l). Instruction on the conservation of natural resources must include, but is not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of animals. Id. Instruction on climate change must include, but is not limited to, identifying the environmental and ecological impacts of climate change on individuals and communities and evaluating solutions for addressing and mitigating the impact of climate change. Id. Instruction on climate change must align with State learning standards, as appropriate and subject to funding, and ISBE is required to make instructional resources and professional development learning opportunities available for educators. Id.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

experience and Native American history within the Midwest and Illinois since time immemorial in accordance with 105 ILCS 5/27-20.05. [46]

In addition, all schools shall hold an educational program on the United States Constitution on Constitution Day, each September 17, commemorating the September 17, 1787 signing of the Constitution. However, when September 17 falls on a Saturday, Sunday, or holiday, Constitution Day shall be held during the preceding or following week. [47]

22. In all schools, the curriculum includes instruction as determined by the Superintendent or designee on the Holocaust and crimes of genocide, including Nazi atrocities of 1933-1945, the Native American genocide in North America, Armenian Genocide, the Famine-Genocide in Ukraine, and more recent atrocities in Cambodia, Bosnia, Rwanda, and Sudan. [48]

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

[46] 105 ILCS 5/27-505, amended by P.A. 103-422 (adding teaching about Native American nations' sovereignty and self-determination) and renumbered by P.A. 104-391, and 105 ILCS 5/27-520, added by P.A. 103-422 (adding instruction on Native American experience and history) and amended and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.420(r). 105 ILCS 5/27-505, amended by P.A. 103-422 and renumbered by P.A. 104-391, requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. "[Evidence of having comprehensive knowledge [of United States history], which may be administered remotely" is not clear. The practical reading is that it refers to teachers collecting evidence through remote assessments when students are engaged in a remote learning program during a disaster declaration due to a public health emergency.

Instruction in events of the Native American experience and Native American history must include "the contributions of Native Americans in government and the arts, humanities, and sciences, as well as the contributions of Native Americans to the economic, cultural, social, and political development of their own nations and of the United States." Additionally, in grades 6 through 12, the instruction must include "the study of the genocide of and discrimination against Native Americans, as well as tribal sovereignty, treaties made between tribal nations and the United States, and the circumstances around forced Native American relocation." 105 ILCS 5/27-20.05, added by P.A. 103-422. See also f/n 48, below. ISBE's *Native American and Indigenous Peoples Resource Guide* (March 2025) is available at: www.isbe.net/keeplearning. ISBE has shared that professional development opportunities (for a fee) may also be available through Northwestern University, see Homepage | Teaching With and About Native Peoples. For additional resources, see https://americanindian.si.edu/nk360 and www.iste.org/explore/classroom/15-resources-teaching-native-american-history-and-culture. 105 ILCS 5/27-505 does not specify at what grade level districts must cover these topics as part of U.S. history instruction; however, no student may graduate from grade 8 unless the student has received instruction in U.S. history and demonstrated comprehensive knowledge of the subject matter.

For guidance about the requirements of adding the roles and contributions of LGBT people in U.S. and Illinois, see:

1. Inclusive Curriculum Law Frequently Asked Questions (FAQs) at:

   www.phimc.org/wp-content/uploads/2020/05/Inclusive-Curriculum-FAQs.pdf;

2. Inclusive Curriculum Law Overview at:

   www.phimc.org/wp-content/uploads/2020/05/Inclusive-Curriculum-One-Pager.pdf; and

3. Inclusive Curriculum Implementation Guidance (Condensed Edition) at:

   www.isbe.net/Documents/Support-Students-Implementation-Guidance.pdf

[47] Section 111 of Division J of Pub. L. 108-447, the Consolidated Appropriations Act, 2005, 12-8-04; 118 Stat. 2809, 3344-45 (Section 111). Section 111(b) states: "[e]ach educational institution that receives Federal funds for a fiscal year shall hold an educational program on the U.S. Constitution on September 17 of such year for the student served by the educational institution."

[48] 105 ILCS 5/27-525, amended by P.A.s 103-422 and 103-564 and renumbered by P.A. 104-391. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. Beginning with the 2024-2025 school year, instruction on Native American genocide in grades 6-12 is required by 105 ILCS 5/27-520, added by P.A. 103-422 and renumbered by P.A. 104-391.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

23. In all schools, the curriculum includes instruction as determined by the Superintendent or designee on the history, struggles, and contributions of women. [49]
24. In all schools, the curriculum includes instruction as determined by the Superintendent or designee on Black History, including the history of the pre-enslavement of Black people from 3,000 BCE to AD 1619, the African slave trade, slavery in America, the study of the reasons why Black people came to be enslaved, the vestiges of slavery in this country, the study of the American civil rights renaissance, as well as the struggles and contributions of African Americans. [50]
25. In all schools offering a secondary agricultural education program, the curriculum includes courses as required by 105 ILCS 5/2-3.80. [51]
26. In all schools, instruction during courses as determined by the Superintendent or designee on disability history, awareness, and the disability rights movement. [52]
27. In all schools, instruction as determined by the Superintendent or designee on the events of Asian American history, including the history of Asian Americans in Illinois and the Midwest, as well as the contributions of Asian Americans toward advancing civil rights from the 19th century onward, which must include the contributions made by individual Asian Americans in government and the arts, humanities, and sciences, as well as the contributions of Asian American communities to the economic, cultural, social, and political development of the United States. [53]

DRAFT

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

A district may include in its curriculum a unit of instruction studying the causes and effects of mass starvation in mid-19th century Ireland, known as the "Irish Famine." 105 ILCS 5/27-1030, renumbered by P.A. 104-391. If offered, the board locally determines the minimum amount of instruction time. Id. For a resource originally developed by the NJ Commission on Holocaust Education, see www.oregon.gov/ode/educator-resources/standards/socialsciences/Documents/IrishFamine.pdf. If a board provides this instruction, insert "the Irish Famine" before the last item listed in this sentence and insert "5/27-1030" in the Legal References (in numerical order).

[49] 105 ILCS 5/27-535, renumbered by P.A. 104-391. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. House Resolution 365 (98th General Assembly, 2013) and Senate Resolution 1073 (98th General Assembly, 2014) both urge all Illinois educators to share with students of an appropriate age the story of *comfort women* when discussing the history of Asia or World War II, or the issue of human trafficking.

[50] 105 ILCS 5/27-530, renumbered by P.A. 104-391. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. A school may meet this curriculum requirement through an online program or course. Id.

[51] 105 ILCS 5/2-3.80(e) or (f), as applicable.

[52] 105 ILCS 5/27-545, renumbered by P.A. 104-391. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. The statute requires that the instruction be founded on the principle that all students, including students with disabilities, have the right to exercise self-determination. It urges districts to request individuals with disabilities to assist with the development and delivery of this instruction and allows instruction to be supplemented by knowledgeable guest speakers.

[53] 105 ILCS 5/27-540, renumbered by P.A. 104-391. Id. at (c) states that the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate] will monitor districts' compliance with this law during the annual compliance review visits. Districts may meet this law's requirements through online programs or courses. Id. at (d). 105 ILCS 5/3-0.01 states any reference to "regional superintendent" includes the chief administrative officer of Intermediate Service Centers established under 105 ILCS 5/2-3.62. For resources, see www.isbe.net/Documents/TEAACH-Act-Resource-Guide.pdf~~www.isbe.net/Pages/ContinueEDResources.aspx (TEACCH Act)~~.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

28. In kindergarten through grade 8, education must be available to students concerning effective methods of preventing and avoiding traffic injuries related to walking and bicycling. [54] [55]

LEGAL REF.: Pub. L. No. 108-447, Section 111 of Division J, Consolidated Appropriations Act of 2005.
Pub. L. No. 110-385, Title II, 122 stat. 4096 (2008), Protecting Children in the 21st Century Act.
47 C.F.R. §54.520.
5 ILCS 465/3 and 465/3a.
20 ILCS 2605/2605-480.
105 ILCS 5/2-3.80(e) and (f), 5/10-20.79, 5/10-20.84, 5/10-23.13, 5/22-110, 5/27-105, 5/27-110, 5/27-115, 5/27-210, 5/27-215, 5/27-245, 5/27-250, 5/27-255, 5/27-260, 5/27-305, 5/27-310, 5/27-315, 5/27-405, 5/27-410 (scheduled for repeal on 7-1-27), 5/27-415 (scheduled for repeal on 7-1-27), 5/27-505, 5/27-510, 5/27-515, 5/27-520, 5/27-525, 5/27-530, 5/27-535, 5/27-540, 5/27-545, 5/27-605, 5/27-705, 5/27-710, 5/27-715, 5/27-720, 5/27-725, 5/27-810, 5/27-815, and 5/27-1050.
105 ILCS 435/, Vocational Education Act.
625 ILCS 5/6-408.5, Ill. Vehicle Code.
23 Ill.Admin.Code §§1.420, 1.425, 1.430, and 1.440.

CROSS REF.: 4:165 (Awareness and Prevention of Child Sex Abuse and Grooming Behaviors), 6:20 (School Year Calendar and Day), 6:40 (Curriculum Development), 6:70 (Teaching About Religions), 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:260 (Exemption from Physical Education)

DRAFT

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

[54] 105 ILCS 5/27-110, renumbered by P.A. 104-391, requires districts that maintain any of the grades kindergarten through 8 to adopt a policy. The law is silent about how to educate students on this topic. See sample exhibit 6:60-AP1, E2, *Resources for Biking and Walking Safety Education*, for additional information.

[55] A school district may offer a course on hunting safety as part of its curriculum during the school day. 105 ILCS 5/27-1060, renumbered by P.A. 104-391. No grade levels are specified in the statute. Insert "5/27-1060," in the Legal References (in numerical order), and an optional number 29, if the board wants to offer a course on hunting safety as part of its curriculum:

In grade(s) [*insert grade level(s)*], a course on hunting safety will be offered during the school day.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program [1]

The Superintendent or designee shall develop, maintain, and supervise a program for students at risk of academic failure or dropping out of school. The program shall include education and support services addressing individual learning styles, career development, and social needs, and may include without limitation one or more of the following:

- Parent-teacher conferences
- Counseling services by social workers and/or guidance counselors
- Counseling services by psychologists
- Psychological testing
- Truants' alternative and optional education program [2]
- Alternative school placement
- Community agency services
- Alternative learning opportunities program, in conformity with the Alternative Learning Opportunities Law, as it may be amended from time to time [3]
- Graduation incentives program [4]
- Remediation program [5]

DRAFT

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

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

[2] 105 ILCS 5/2-3.66 authorizes the Ill. State Board of Education (ISBE) to award grants to school districts, educational service regions, and community college districts.

[3] 105 ILCS 5/13B-1 et seq. Districts are not required to establish an alternative learning opportunities program. However, if they do, students in kindergarten through grade 12 who meet district-established enrollment criteria and the definition of "student at risk of academic failure" are eligible to participate. 105 ILCS 5/13B-20.25, amended by P.A. 104-546. The placement of any student in kindergarten through grade 2 in an out-of-district program is limited to 90 days beginning on the student's first date of attendance. Id; 105 ILCS 5/13B-20.30, amended by P.A. 104-546. State law requires that the program "provide a flexible standards-based learning environment, innovative and varied instructional strategies, a student-centered curriculum, social programs, and supplemental social, health, and support services to improve the educational achievement of students at risk of academic failure." 105 ILCS 5/13B-20. The program must also meet the requirements in 105 ILCS 5/13B-20.30, amended by P.A. 104-546, and 105 ILCS 5/13B-45.

Alternative learning opportunities programs "may include, without limitation, evening high school, in-school tutoring and mentoring programs, in-school suspension programs, high school completion programs to assist high school dropouts in completing their education, high school completion programs to allow students eligible for remote learning under Section 34-18.81 to complete their education while incarcerated in an institution or facility of the Department of Corrections, support services, parental involvement programs, and programs to develop, enhance, or extend the transition for students transferring back into the regular school program, an adult education program, or a post-secondary education program." 105 ILCS 5/13B-20.5~~, amended by P.A. 102-966~~. See 105 ILCS 5/13B-25.10, as well as other requirements for general State aid and evidence-based funding (the statute references both types of funding), for additional requirements to receive State funds for creating this program.

[4] Required by 105 ILCS 5/26-16.

[5] 105 ILCS 5/10-20.9a(b) requires remedial assistance for students who are not promoted to the next higher grade.

©~~2024~~ 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Any student who is below the age of 20 years is eligible to enroll in a graduation incentives program if he or she: [6]

1. Is considered a dropout according to State law;
2. Has been suspended or expelled;
3. Is pregnant or is a parent;
4. Has been assessed as chemically dependent; or
5. Is enrolled in a bilingual education or English Language Learners program.

LEGAL REF.: 105 ILCS 5/2-3.41, 5/2-3.66, 5/10-20.9a, 5/13B, 5/26-2a, 5/26-13, 5/26-14, and 5/26-16.

CROSS REF.: 6:280 (Grading and Promotion), 6:300 (Graduation Requirements), 7:70 (Attendance and Truancy)

DRAFT

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

[6] Required by 105 ILCS 5/26-16. Graduation incentives programs are entitled to claim general State aid and evidence-based funding (the statute references both types of funding). A district must ensure that its graduation incentives program receives supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program. 105 ILCS 5/26-2a defines *dropout* as "any child enrolled in grades 9 through 12 whose name has been removed from the district enrollment roster for any reason other than the student's death, extended illness, removal for medical non-compliance, expulsion, aging out, graduation, or completion of a program of studies and who has not transferred to another public or private school and is not known to be home-schooled by his or her parents or guardians or continuing school in another country."

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Education of Children with Disabilities [1]

The School District shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the District, as required by the Individuals With Disabilities Education Act (IDEA) and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act.[2] The term *children with disabilities*, as used in this policy, means children between ages 3 and 21 (inclusive)[3] for whom it is determined, through definitions and procedures described in the Ill. State Board of Education (ISBE) *Special Education* rules, that special education services are needed. Children with disabilities

DRAFT

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. Each school district and special education cooperative must develop written special education policies and procedures in conformance with ISBE rules. 23 Ill.Admin.Code §226.710. In its continuing commitment to help school districts and special education cooperatives comply with ISBE requirements for policy and procedure, the Ill. Council of School Attorneys, special education committee, reviewed this policy and prepared extensive procedures, *Special Education ~~Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities~~ – Procedures and Sample Policies, and Sample Section 504 Procedures*, at: ~~www.iasb.com/law/~~www.iasb.com/services/legal-guidance/special-education.

Twice-exceptional students are those who are gifted and talented and have a disability. 105 ILCS 5/22-50(a), amended by P.A. 104-822. See 105 ILCS 5/22-50(b), added by P.A. 104-822, for suggested best practices to address the needs of twice-exceptional students and any student who is gifted, talented, or accelerated or would benefit from an advanced academic program and who is eligible for a Section 504 plan under the Rehabilitation Act of 1973, 29 U.S.C. §794. 105 ILCS 5/22-50(c), added by P.A. 104-822, authorizes a school board to adopt a policy to allow for the development of a written plan to support twice-exceptional students. If the board wishes to adopt such a policy, add the following subheading to the end of this policy and add 105 ILCS 5/22-50 to the Legal References. If the board has adopted policy 6:130, *Program for the Gifted*, also add a Cross Reference to 6:130 at the end of this policy and add a Cross Reference to 6:120 at the end of policy 6:130.

> Twice-Exceptional Students
>
> The Superintendent or designee shall develop a written education plan to address the advanced abilities or achievement levels of *twice-exceptional students* as defined in 105 ILCS 5/22-50, through individualized services, goals, accommodations, and objectives for a student, while continuing to provide services and support for the student's disabilities in all educational settings.

[2] Opinions vary regarding the extent of a district's responsibility for providing FAPE to dually enrolled students, i.e., whether the responsibility is limited to the extent necessary to access the public portion of their education. Contact the board attorney for advice.

[3] 105 ILCS 5/14-6.01 states that high school districts are financially responsible for the education of children with disabilities who reside in their districts when such children reach age 15, but they may admit children with disabilities into special education facilities without regard to graduation from the eighth grade after they reach age 14 ½. When a child with a disability turns 14 ½ years old, it is the elementary school district's responsibility to notify the high school district of the child's current eligibility, program, and evaluation data upon which the current program is based. Id.

For elementary districts, edit ages as follows: ages 3 and 15~~21 (inclusive)~~.

For high school districts, edit ages as follows: ages ~~3~~14 (or has graduated from 8th grade) and 21 (inclusive).

©~~2021~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

who turn 22 years old during the school year are eligible for such services through the end of the school year. [4]

It is the intent of the District to ensure that students who ~~are disabled~~have a disability within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may ~~be disabled~~have a disability within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the ISBE *Special Education* rules. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s) to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardian(s), representation by counsel, and a review procedure. [5]

The District may maintain membership in one or more cooperative associations of school districts that shall assist the District in fulfilling its obligations to the District's students with disabilities.

If necessary, students may also be placed in nonpublic special education programs or education facilities. [6]

LEGAL REF.: 20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act of 2004; 34 C.F.R. Part 300.
29 U.S.C. §794, Rehabilitation Act of 1973, Section 504; 34 C.F.R. Part 104.
42 U.S.C. §12101 et seq., Americans With Disabilities Act.
~~34 C.F.R. Part 106.~~
~~34 C.F.R. Part 300.~~
105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b.
23 Ill.Admin.Code Part 226.

CROSS REF.: 2:150 (Committees), 7:230 (Misconduct by Students with Disabilities)

DRAFT

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

[4] 105 ILCS 5/14-1.02~~, amended by P.A. 102-172~~. Delete this sentence for elementary school districts. IDEA funds cannot be used to provide services for students beyond the age of 21. See ISBE's *Frequently Asked Questions: Public Act 102-0172 and Public Act 102-0173* (~~July~~ September 2021), at www.isbe.net/Documents/FAQ-HB-40-HB-2748.pdf. **Consult the board attorney for further guidance**.

[5] Districts must use ISBE's procedural safeguards for students who qualify for services under IDEA. For students who qualify for services exclusively under Section 504, the district must establish a system of procedural safeguards or use the ones provided by ISBE *Special Education* rules. 23 Ill.Admin.Code §§226.500-570. ISBE rules are more extensive than is required by Section 504 and districts may, as the policy provides, develop their own procedures. See sample exhibit 6:120-AP1, E1, *Notice to Parents/Guardians Regarding Section 504 Rights*.

[6] The district may be eligible to receive reimbursement from the State for the student's expenses. 105 ILCS 5/14-7.02.

©~~2021~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Program for the Gifted [1]

The Superintendent or designee shall implement an education program for gifted and talented learners that will challenge and motivate academically advanced learners and engage them in appropriately differentiated learning experiences to develop their unique abilities.[2] This program will be responsive to student needs and within the budget parameters as set by the Board. [3]

Eligibility to participate in the gifted program shall not be conditioned upon race, religion, sex, disability, or any factor other than the student's identification as gifted or talented learner. [4]

The School Board will monitor this program's performance by meeting periodically with the Superintendent or designee to determine and/or review the indicators and data that evidence whether the educational program for gifted and talented learners is accomplishing its goals and objectives and is otherwise in compliance with this policy.

LEGAL REF.: 105 ILCS 5/14A.

CROSS REF.: 6:135 (Accelerated Placement Program)

DRAFT

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

[1] State law controls this policy's content. 105 ILCS 5/14A, amended by P.A. 104-129~~, eff. 1-1-26~~. *Gifted and talented children* means "children and youth with outstanding talent who perform or show the potential for performing at remarkably high levels of accomplishment when compared with other children and youth of their age, experience, and environment. A child shall be considered gifted and talented in any area of aptitude, and, specifically, in language arts and mathematics, by scoring in the top 5% locally in that area of aptitude." 105 ILCS 5/14A-20. While a policy on programs for gifted and talented children is not required, a policy on accelerated placement is required. 105 ILCS 5/14A-32 (the Accelerated Placement Act). See sample policy 6:135, *Accelerated Placement Program*, and sample administrative procedure 6:135-AP, *Accelerated Placement Program Procedures*.

See f/n 1 of sample policy 6:120, *Education of Students with Disabilities*, for a discussion of students who have a disability and are gifted, talented, or accelerated (also referred to as *twice-exceptional students*). 105 ILCS 5/22-50(c), added by P.A. 104-822, authorizes a school board to adopt a policy to allow for the development of a written plan to support twice-exceptional students. If the board wishes to adopt such a policy, see the optional language in f/n 1 of sample policy 6:120 and add a Cross Reference to 6:120 at the end of this policy.

[2] The goals and objectives of this program may be modified by the board.

[3] School districts have the authority and flexibility to design education programs for gifted and talented learners. 105 ILCS 5/14A-15 and 5/14A-30, amended by P.A. 104-129~~, eff. 1-1-26~~.

[4] 105 ILCS 5/14A-25.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Accelerated Placement Program [1]

The District provides an Accelerated Placement Program (APP). The APP advances the District's goal of providing educational programs with opportunities for each student to develop to his or her maximum potential.[2] The APP provides an educational setting with curriculum options usually reserved for students who are older or in higher grades than the student participating in the APP.[3] APP options include, but may not be limited to: (a) accelerating a student in a single subject; (b) other grade-level acceleration; and (c) early entrance to kindergarten or first grade.[4] Participation in the APP is open to all students who demonstrate high ability and who may benefit from accelerated placement. It is not limited to students who have been identified as gifted and talented.[5] Eligibility to participate in the District's APP shall not be conditioned upon the protected classifications identified in Board policy 7:10, *Equal Educational Opportunities*, or any factor other than the student's identification as an accelerated learner. [6]

The Superintendent or designee shall implement an APP that includes:

1. Decision-making processes that are fair, equitable, and involve multiple individuals, e.g. District administrators, teachers, and school support personnel, and a student's parent(s)/guardian(s). [7]

DRAFT

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

[1] State law requires this subject matter be covered by policy and controls its content. 105 ILCS 5/14A (the Accelerated Placement Act (APA)); 23 Ill.Admin.Code Part 227. Ill. State Board of Education (ISBE) rules require this policy to be posted on the district website, if available. 23 Ill.Admin.Code §227.60(a). ISBE rules also require districts to annually report, by July 31, demographic information regarding students participating in accelerated placement. 23 Ill.Admin.Code §227.60(c).

See f/n 1 of sample policy 6:120, *Education of Children with Disabilities*, for a discussion of students who have a disability and are gifted, talented, or accelerated (also referred to as *twice-exceptional students*). 105 ILCS 5/22-50(c), added by P.A. 104-822.

[2] Optional. Ensure this statement matches the board's current educational philosophy and objectives. See sample policy 6:10, *Educational Philosophy and Objectives*.

[3] 105 ILCS 5/14A-17, amended by P.A. 103-263; 23 Ill.Admin.Code §227.5.

[4] Id. For high school districts, delete "~~; and (c) early entrance to kindergarten or first grade~~" and insert the word "and" between (a) and (b).

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (*School year – School age.*). The APA requires accelerated placement to include "early entrance to kindergarten or first grade." 105 ILCS 5/14A-17. 105 ILCS 5/10-20.12 *permits* districts to offer early entrance to kindergarten or first grade "based upon an assessment of the student's readiness to attend school." 105 ILCS 5/10-20.12 also states that students may enter first grade early when they: (1) are assessed for readiness; (2) have attended a non-public preschool and continued their education at that school through kindergarten; (3) were taught in kindergarten by an appropriately certified teacher; and (4) will attain the age of 6 years on or before December 31. Id. See sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. **Consult the board attorney for guidance**.

[5] 105 ILCS 5/14A-32(a)(1); 23 Ill.Admin.Code §227.5.

[6] 105 ILCS 5/14A-25.

[7] 105 ILCS 5/14A-32(a)(2) requires that the accelerated placement policy include "a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians" but does not specify what individuals are to be involved or limit those individuals to district employees. Amend this listing to align with the local board's preference.

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

2. Processes that provide a student's parent(s)/guardian(s) with: [8]
    a. Written notification when their child is eligible for enrollment in accelerated courses; and
    b. Notification of a decision affecting their child's participation in the APP.
3. Assessment processes that include multiple valid, reliable indicators. [9]
4. The automatic enrollment, in the following school term, of a student into the next most rigorous level of advanced coursework offered by the high school if the student meets or exceeds State standards in English language arts, mathematics, or science on a State assessment administered under 105 ILCS 5/2-3.64a-5, as follows: [10]
    a. A student who meets or exceeds State standards in English language arts shall be automatically enrolled into the next most rigorous level of advanced coursework in English, social studies, humanities, or related subjects.
    b. A student who meets or exceeds State standards in mathematics shall be automatically enrolled into the next most rigorous level of advanced coursework in mathematics.
    c. A student who meets or exceeds State standards in science shall be automatically enrolled into the next most rigorous level of advanced coursework in science.
5. Waiver of a course completion requirement under Board policy 6:300, *Graduation Requirements*, if the District determines that the student has demonstrated mastery of or competency in the content of the course or unit of instruction. [11]

The Superintendent or designee shall annually notify the community, parent(s)/guardian(s), students, and school personnel about the APP, the process for referring a student for possible evaluation for accelerated placement, and the methods used to determine whether a student is eligible for accelerated

---

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

[8] Id. at (a-25), added by P.A. 103-743, and (a)(3).

[9] Id. at (a)(4).

[10] Required only for districts with grades 9-12 by 105 ILCS 5/14A-32(a-5), amended by P.A.s 103-743 and 104-261~~, eff. 1-1-26~~. Delete for elementary school districts. This provision originally applied to "a student who meets or exceeds State standards" but was amended by P.A.s 103-743 and 104-261, ~~eff. 1-1-26,~~ to only apply to "a student who ~~meets or~~ exceeds State standards." P.A. 103-743 also added new 105 ILCS 5/14A-32(a-10), requiring that by the beginning of the 2027-28 school year, districts with grades 9-12 state in their policy that "a student who meets State standards" will, in the following school term (the 2028-29 school year), be automatically enrolled in the next most rigorous level of advanced coursework offered by the high school. Nothing in the law prohibits districts from continuing to offer automatic enrollment to students who meet State standards before the 2028-29 school year. **Consult with the board attorney to determine whether to keep or strike "meets or" from Item #4 and its subsections (a)-(c).**

Though not set forth explicitly in the statute, ISBE asserts that 105 ILCS 5/14A-32(a-5), amended by P.A.s 103-743 and 104-261~~, eff. 1-1-26~~, is limited to ~~"[d]~~districts with grades 9-12.~~"~~ See ISBE *Accelerated Placement Policy ~~Guidance for Districts~~ Frequently Asked Questions* (~~May 2024~~October 2025), at: www.isbe.net/Documents/Accelerated-Placement-Act-FAQ.pdf. ~~The FAQ further explains that districts must "have the automatic enrollment policy in place prior to the start of the school year 2023-24 and districts will use scores from that school year to automatically enroll students during school year 2024-25." Id.~~

A district must provide the parents/guardians of a student eligible for automatic enrollment with the option to instead enroll in alternative coursework that better aligns with the student's postsecondary education or career goals. For a student entering grade 12, the next most rigorous level of advanced coursework in English language arts or mathematics must be a *dual credit course* (as defined in the Dual Credit Quality Act, 110 ILCS 27/5), an *Advanced Placement course* (as defined in the College and Career Success for All Students Act, 105 ILCS 302/10), or an International Baccalaureate course. The same is true for all other subjects, except that the next most rigorous level of advanced coursework may also include an honors class, an enrichment opportunity, a gifted program, or another program offered by the district. 105 ILCS 5/14A-32(a-15), renumbered by P.A. 103-743. See sample administrative procedure 6:135-AP, *Accelerated Placement Program Procedures*.

For a description of State assessments, see www.isbe.net/Pages/Assessment.aspx.

[11] Optional and only for districts with grades 9-12. 105 ILCS 5/14A-32(a-20), added by P.A. 103-743 and amended by 104-261~~, eff. 1-1-26~~.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework.[12] Notification may: (a) include varied communication methods, such as student handbooks and District or school websites; and (b) be provided in multiple languages, as appropriate. [13]

LEGAL REF.: 105 ILCS 5/14A.
23 Ill.Admin.Code Part 227, Gifted Education.

CROSS REF.: 6:10 (Educational Philosophy and Objectives), 6:130 (Program for the Gifted), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

DRAFT

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

[12] Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require "procedures for annually informing the community at-large, including parents or guardians, community-based organizations, and providers of out-of-school programs, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework[.]"

[13] Optional. 105 ILCS 5/14A does not require this but it is a recommended best practice and aligns with sample policy 7:10, *Equal Educational Opportunities*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Education of Homeless Children [1]

Each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youths, including a public pre-school education. A *homeless child* is defined as provided in the McKinney-Vento Homeless Assistance Act and the Education for Homeless Children Act.[2] [3] The Superintendent or designee shall act as or appoint a Liaison for Homeless Children to coordinate this policy's implementation. [4]

DRAFT

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 law control this policy's content. This sample policy contains the basic requirements of the Education for Homeless Children Act (105 ILCS 45/), as well as the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11431 et seq.). Other policies that are relevant to the education of homeless children are listed in the Cross References, e.g., school admissions and immunizations.

105 ILCS 5/2-3.2120~~6~~, added by P.A. 104-302 and renumbered by P.A. 104-852, requires districts to annually report to the Ill. State Board of Education (ISBE) on funding to serve homeless children and youth and how such funding was spent.

[2] For high school districts, delete "including a public pre-school education" at the end of the sentence.

[3] Under the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11434a(2)), *homeless children and youths* means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of 42 U.S.C. §11302(a)(1)) and includes:

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C));
(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
(iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Note: Section §11434a(2) no longer includes children "awaiting foster care placement" within the definition of *homeless children and youths*.

Under the Education for Homeless Children Act (105 ILCS 45/1-5), *Homeless person, child, or youth* includes, but is not limited to, any of the following:

(1) An individual who lacks a fixed, regular, and adequate nighttime place of abode.
(2) An individual who has a primary nighttime place of abode that is:
(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);
(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
(C) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

See www.isbe.net/Pages/Homeless.aspx for helpful informational resources and training with regard to the education of homeless children in Illinois. See https://nche.ed.gov/legislation/mckinney-vento/ for the U.S. Dept. of Education's information about federal requirements.

[4] 42 U.S.C. §11432(g)(l)(J)(ii).

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

A homeless child may attend the District school that the child attended when permanently housed or in which the child was last enrolled. A homeless child living in any District school's attendance area may attend that school. [5]

The Superintendent or designee shall review and revise rules or procedures that may act as barriers to the enrollment of homeless children and youths. In reviewing and revising such procedures, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.[6] Transportation shall be provided in accordance with the McKinney-Vento Homeless Assistance Act and State law.[7] The Superintendent or designee shall give special attention to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.[8] If a child is denied enrollment or transportation under this policy, the Liaison for Homeless Children shall immediately refer the child or his or her parent/guardian to the ombudsperson appointed by the Regional Superintendent and provide the child or his or her parent/guardian with a written explanation for the denial.[9] Whenever a child and his or her parent/guardian who initially share the housing of another person due to loss of housing, economic hardship, or a similar hardship continue to share the housing, the Liaison for Homeless Children shall, after the passage of 18 months and annually thereafter, conduct a review as to whether such hardship continues to exist in accordance with State law. [10]

DRAFT

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

[5] 105 ILCS 45/1-10.

[6] The first two sentences in this paragraph are required by 42 U.S.C. §11432(g)(7). 410 ILCS 535/25.3 requires fees for certified copies of birth records be waived for individuals whose homeless status has been verified. A public school homeless liaison or school social worker may verify homeless status, in accordance with procedures established by the State Registrar of Vital Records. Id.

[7] 42 U.S.C. §11432(g)(1)(J)(iii), 42 U.S.C. §11432(g)(4)(A), and 105 ILCS 45/1-15. The School Code and Education for Homeless Children Act permit school districts to use their State transportation funds to provide financial assistance to children who are homeless or who qualify as *at risk of becoming homeless* when: (1) the financial assistance is not in excess of the district's actual costs for providing the transportation to the student, and (2) the district is not otherwise claiming the expenditures through another State or federal grant. 105 ILCS 5/29-5 (transportation reimbursement), ~~amended by P.A. 102-539,~~ and 105 ILCS 45/1-17 (homeless assistance). A child is considered *at risk of becoming homeless* if the child's parent/guardian, other person who enrolls the child, or unaccompanied minor provides documented evidence that the child's living situation will no longer be fixed, regular, and adequate within eight weeks, resulting in the child becoming homeless. 105 ILCS 45/1-17(d). Prior to providing such financial assistance, a district must enter into a written housing plan with the parent/guardian, person who enrolled the child, or unaccompanied minor. Id. at 1-17(c). Financial assistance may include: (1) mortgage or rental assistance or extended motel stay that will allow a child to remain permanently in his/her living situation or obtain a new living situation; and/or (2) assistance with unpaid bills, loans, or other financial debts that results in housing being inadequate. Id. at 1-17(a), amended by P.A. 104-595. See sample administrative procedure 6:140-AP, *Education of Homeless Children*, f/n 1, for a discussion of issues that districts should consider in developing such plans.

[8] Required by 42 U.S.C. §11432(g)(7)(C).

[9] Required by 105 ILCS 45/1-25; 23 Ill.Admin.Code §1.241. ISBE's *Homeless Dispute Resolution Procedures* (updated February 2024) are available at: www.isbe.net/Pages/Homeless.aspx.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "Intermediate Service Center Executive Director."

[10] Optional. 105 ILCS 45/1-25(a-5). As an alternative, a school board may omit this sentence or change the word "shall" to "may." Any change required as a result of this review becomes effective at the close of the school year. Any person who knowingly or willfully presents false information in any review commits a Class C misdemeanor.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
105 ILCS 45/, Education for Homeless Children Act.
23 Ill.Admin.Code §1.241.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:110 (Transportation), 4:140 (Waiver of Student Fees), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment and Intra-District Transfer), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students)

ADMIN. PROC.: 6:140-AP (Education of Homeless Children)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Migrant Students [1]

The Superintendent will develop and implement a program to address the needs of migrant children in the District in accordance with federal law.

This program will:

1. Identify migrant students and assess their educational and related health and social needs.
2. Provide a full range of services to migrant students through appropriate local, State, and federal educational programs,[2] including applicable Title I programs, special education, gifted education, vocational education, language programs, counseling programs, and elective classes.
3. Provide migrant students with full and appropriate opportunities to meet the same challenging State academic standards that all children are expected to meet. [3]
4. Provide, to the extent feasible: [4]
    a. Advocacy and outreach programs to migrant children and their families, including helping such children and families gain access to other education, health, nutrition, and social services;~~,~~
    b. Professional development programs, including mentoring, for District staff~~,~~;
    c. Family literacy programs;~~,~~
    d. The integration of information technology into educational and related programs~~,~~;~~ and~~
    e. Programs to facilitate the transition of secondary school students to postsecondary education or employment;~~.~~ [5] and

DRAFT

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

[1] Federal law controls this policy's content. The first sentence of this policy allows a school board to consider the goals for its migrant education program and to amend the sample policy accordingly. The *Migrant Education Program* is a federally funded program authorized under Title I, Part C, of the Elementary and Secondary Education Act (ESEA). 20 U.S.C. §6391 et seq.; 34 C.F.R. §200.81 et seq. This policy may be deleted if the district does not receive Title I funds under the ESEA.

To qualify for the program, a migrant child must: (1) be younger than the age of 22, (2) have not earned a high school diploma or an equivalent degree, (3) have moved on his/her own as a migratory worker or with/to join/to precede a parent, spouse or guardian who is a migratory worker; and (4) have moved within the preceding 36 months due to economic necessity, from one school district to another, and from one residence to another. 20 U.S.C. §6399; see also www.isbe.net/Pages/Migrant-Education-Program.aspx. Although most of the requirements are directed to State agencies, local school districts that receive State money for these programs will be held to many of the same requirements by the State. For additional information, see ISBE's collection of material about the Migrant Education Program in Illinois at www.isbe.net/Pages/Migrant-Education-Program.aspx.

105 ILCS 5/22-1065 ~~(final citation pending)~~, added by P.A. 104-288 and renumbered by P.A. 104-852, requires that schools in the State, "[p]rotect the integrity of school learning environments for all children, so that no parent is discouraged from sending and no child is discouraged from attending school, including from the threat of immigration enforcement or other law enforcement activity on a school campus." Consult the board attorney for guidance on the intersection of federal and State law related to migrant students. See also sample policy 7:150, *Agency and Law Enforcement Requests*.

[2] 20 U.S.C. §§ 6394(b)(1)(A), 6396(a)(1)(E).

[3] 20 U.S.C. §§ 6391(3), 6394(b)(2), 6396(a)(1)(C).

[4] 20 U.S.C. §6394(c)(7).

[5] ~~For an e~~Elementary school districts ~~that wants to~~should delete subsection e~~, amend 4(c) 4(e) as follows~~ and renumber the list accordingly.~~:~~

©2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

f. Programs, activities, and procedures for the engagement of parents/guardians and family members of migrant students in an understandable format and language. [6]

Migrant Education Program for Parent/Guardian and Family Member Engagement

Parents/guardians and family members of migrant students will be involved in and regularly consulted about the development, implementation, operation, and evaluation of the migrant program.

Parents/guardians and family members of migrant students will receive instruction regarding their role in improving the academic achievement of their children.

LEGAL REF.: 20 U.S.C. §6318.
20 U.S.C. §6391 et seq., Education of Migratory Children.
34 C.F.R. §200.81 et seq.

CROSS REF.: 6:170 (Title I Programs), 7:150 (Agency and Law Enforcement Requests)

DRAFT

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

~~c. Family literacy programs,~~
~~d. The integration of information technology into educational and related programs, and~~
~~e. Programs to facilitate the transition of secondary school students to postsecondary education or employment.~~

[6] 20 U.S.C. §6394(c)(3).

©2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Extended Instructional Programs [1]

The District may offer the following programs in accordance with State law and the District's educational philosophy:

1. Nursery schools for children between the ages of two and six years. [2]
2. Before-and after-school programs for students in grades K-6. [3]
3. Child care and training center for pre-school children and for students whose parents work. [4]
4. Model early care and education~~day care services~~ program in cooperation with the Ill. State Board of Education.[5]
5. Tutorial program. [6]
6. Adult education program. [7]
7. Outdoor education program. [8]

DRAFT

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. However, all programs listed in this policy are optional. The district may charge a fee for programs numbered 1-4, 6, 8, 9, and 14. Delete the sentences that the board does not offer.

[2] 105 ILCS 5/10-23.2. Nursery schools can be established in districts maintaining grades 1-8 or grades 1-12. Id.

[3] 105 ILCS 5/10-22.18b. A school district may offer a course on hunting safety as part of its curriculum during the school day or as part of an *after-school program*. 105 ILCS 5/27-1060, renumbered by P.A. 104-391. Unlike the before-and-after-school programs authorized by 105 ILCS 5/10-22.18b, no grade levels are specified for the hunting safety course or the after-school program in which it may be offered. Id.

[4] 105 ILCS 5/10-22.18a. Boards can establish child care and training centers for children under the age of compulsory school attendance for the purpose of providing them: (1) social and educational guidance and developmental aids supplemental to parental care and training designed to assist them in attaining their greatest potential during their school years and adult life; and (2) care and services for parents or other caretakers who are absent from home due to work or other reasons. The Ill. Dept. of Human Services is required to pay districts the cost of care and training provided in the center for children who are recipients of public aid. Id.

[5] 105 ILCS 5/10-22.18c, amended by P.A. 104-480. This program is most likely to be located within unit or high school districts because as part of the program, a school must offer a course in child behavior in which students receive course credits for helping to care for the children in the program while learning parenting skills. Student parents cannot be charged a fee for such ~~day care~~ early care and education services; however, school personnel who use the services may be charged a fee. Id.

[6] 105 ILCS 5/10-22.20c. Under this tutorial program, students (peers) provide the tutoring. A board may also cooperate with a higher education institution under the Educational Partnership Act (110 ILCS 40/) to have qualified college students provide the tutoring.

[7] 105 ILCS 5/10-22.20. Boards can establish special classes for persons 21 years and older and for persons under age 21 who are not otherwise attending public school. The purpose of the classes is to provide adults in the community and youths whose schooling has been interrupted with such additional basic education, vocational skill training, and other instruction as may be necessary to increase their qualifications for employment or other means of self-support and their ability to meet their responsibilities as citizens. The cost of instruction in these programs is funded (subject to appropriation) under the Public Community College Act (110 ILCS 805/2-12.5). Id. A school board may appoint a director of adult education. 105 ILCS 5/10-22.20b.

[8] 105 ILCS 5/10-22.29.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

8. Summer school, whether for credit or not. [9]
9. Independent study, whether for credit or not. [10]
10. Support services and instruction for students who are, or whose parents/guardians are, chemically dependent. [11]
11. Anti-bias education and activities to address intergroup conflict resolution. [12]
12. Volunteer service credit program. [13]
13. Vocational academy. [14]
14. Advanced vocational training and/or career education program. [15]

LEGAL REF.: 105 ILCS 5/10-22.18a, 5/10-22.18b, 5/10-22.18c, 5/10-22.20, 5/10-22.20a, 5/10-22.20b, 5/10-22.20c, 5/10-22.29, 5/10-22.33A, 5/10-22.33B, 5/10-23.2, 5/27-255, 5/27-905, 5/27-1035, and 5/27-1050.
105 ILCS 433/, Vocational Academies Act.

CROSS REF.: 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:320 (High School Credit for Proficiency)

DRAFT

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

[9] 105 ILCS 5/10-22.33A and 5/10-22.33B. Each course offered for high school graduation must provide at least 60 hours of classroom instruction for the equivalent of one semester of high school course credit. 105 ILCS 5/27-905, renumbered by P.A. 104-391. 105 ILCS 5/10-22.33B authorizes districts to conduct a *high-quality* summer school program. Students at risk in language arts or mathematics may be required to attend such programs. 105 ILCS 5/10-22.33A permits districts "to fix and collect a charge for attendance at such courses in an amount not to exceed the per capita cost of the operation" or to waive such charges if the family of a pupil is indigent or if the pupil is required to attend such courses.

[10] Independent study allows students to expand their knowledge in curricular areas not offered as part of the district's basic program.

[11] 105 ILCS 5/27-255, added by P.A. 104-391. Such services and instruction may be offered as part of existing curricula during the school day or as part of an after-school program. Id.

[12] 105 ILCS 5/27-1050, renumbered by P.A. 104-391. The statutory objectives of such a program are to "improve intergroup relations on and beyond the school campus, defusing intergroup tensions, and promoting peaceful resolution of conflict." A board that adopts a policy to incorporate activities to address anti-bias education and intergroup conflict resolution shall make certain information available to the public and include it on the district's website, if any, and make it available in the district's offices upon request. See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. Districts may also include the information in a student handbook and in district newsletters. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, Online Model Student Handbook (MSH), at: https://ilprincipals.org/msh/.

See also f/n 23 in sample policy 6:60, *Curriculum Content*, and ensure that these policies align. Consult the board attorney if the district wishes to offer intergroup conflict resolution separately from anti-bias education; it is unclear whether these topics may be offered separately because the law lists them together.

[13] 105 ILCS 5/27-1035, renumbered by P.A. 104-391. For secondary school students only. Id.

[14] Vocational Academies Act. 105 ILCS 433/. The Act's purpose is to "integrate workplace competencies and career and technical education with core academic subjects." School districts are permitted to partner with community colleges, local employers, and community-based organizations to establish a vocational academy that functions as a ~~2~~two-year school within a school for grades 10 through 12. Grant funds may be available from ISBE at: www.isbe.net/Pages/Grants.aspx.

[15] 105 ILCS 5/10-22.20a, permits districts to enter joint agreements with community college districts and other school districts to provide career education or advanced vocational training to students in grade 11 and higher to prepare for a trade. The duration of such program may not exceed two years for any district pupil. Participating community colleges may bill participating districts, but payments may not exceed actual operating costs. Participating high schools may use State aid monies to pay the charges. Id.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Access to Electronic Networks [1]

Electronic networks are a part of the District's instructional program and serve to promote educational excellence by facilitating resource sharing, innovation, and communication. [2]

The term *electronic networks* includes all of the District's technology resources, including, but not limited to:

1. The District's local-area and wide-area networks, including wireless networks (Wi-Fi), District-issued Wi-Fi hotspots, and any District servers or other networking infrastructure;
2. Access to the Internet or other online resources via the District's networks or to any District-issued online account from any computer or device, regardless of location;
3. District-owned or District-issued computers, laptops, tablets, phones, or similar devices.

The Superintendent shall develop an implementation plan for this policy and appoint system administrator(s). [3]

The School District is not responsible for any information that may be lost or damaged, or become unavailable when using the network, or for any information that is retrieved or transmitted via the Internet.[4] Furthermore, the District will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

Curriculum and Appropriate Online Behavior

The use of the District's electronic networks shall: (1) be consistent with the curriculum adopted by the District as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library resource

DRAFT

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 requires this subject matter be covered by policy. 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 an area in which the law is unsettled.

A policy on Internet safety is necessary to receive *E-rate* funds under the Elementary and Secondary Education Act, Student Support and Academic Enrichment Grants (20 U.S.C. §7131) and to qualify for universal service benefits under the Children's Internet Protection Act (CIPA) (47 U.S.C. §254(h) and (l)).

~~Generally, F~~federal rules prohibit schools from soliciting or accepting gifts or other things of value exceeding $20 from Internet service providers that participate or are seeking to participate in the E-rate program. 47 C.F.R. §54.503. ~~However, during the COVID-19 pandemic, the Federal Communications Commission (FCC) temporarily waived its rules prohibiting such gifts to enable service providers to support remote learning efforts without impacting school E-rate funding. See https://docs.fcc.gov/public/attachments/DA-20-1479A1.pdf.~~

[2] This goal is repeated in sample exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-AP1, E2, *Staff Authorization for Access to the District's Electronic Networks*.

[3] Topics for the implementation plan include integration of the Internet in the curriculum, staff training, and safety issues. The implementation plan can also include technical information regarding service providers, establishing Internet accounts, distributing passwords, software filters, menu creation, managing resources and storage capacity, and the number of access points for users to connect to their accounts. Another topic is investigation of inappropriate use.

[4] No system can guarantee to operate perfectly or to prevent access to inappropriate material; this policy statement attempts to absolve the district of any liability.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

center materials. As required by federal law and Board policy 6:60, *Curriculum Content*, students will be educated about appropriate online behavior, including but not limited to: (1) interacting with other individuals on social networking websites and in chat rooms, and (2) cyberbullying awareness and response.[5] Staff members may, consistent with the Superintendent's implementation plan, use the Internet throughout the curriculum.

The District's electronic network is part of the curriculum and is not a public forum for general use. [6]

Acceptable Use [7]

All use of the District's electronic networks must be: (1) in support of education and/or research, and be in furtherance of the goals stated herein, or (2) for a legitimate school business purpose. Use is a privilege, not a right.[8] Users of the District's electronic networks have no expectation of privacy in any material that is stored on, transmitted, or received via the District's electronic networks. General rules for behavior and communications apply when using electronic networks. The District's administrative procedure, 6:235-AP1, *Acceptable Use of the District's Electronic Networks*, contains the appropriate

DRAFT

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

[5] Required by 47 U.S.C. §254(h)(5)(B)(iii) and 47 C.F.R. §54.520(c)(i) only for districts that receive *E-rate* discounts for Internet access or plan to become participants in the *E-rate* discount program. All boards receiving an *E-rate* funding for Internet access were required to certify that they had updated their Internet safety policies. See, *FCC Report and Order 11-125* (8-11-11). This sentence is optional if the district only receives discounts for telecommunications, such as telephone service, unless the district plans to participate in the *E-rate* discount program.

[6] School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988). This policy allows such control by clearly stating that school-sponsored network information resources are not a "public forum" open for general student use but are, instead, part of the curriculum.

It is an unfair labor practice (ULP) under the Ill. Educational Labor Relations Act (IELRA) for an employer to discourage employees from becoming or remaining members of a union. 115 ILCS 5/14(a)(10). In connection with that potential penalty, the IELRA requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources. 115 ILCS 5/14(c-5). This policy aligns with IELRA requirements by clarifying the District's electronic network is not a public forum for general use by outside parties and by limiting use of the network to the purposes stated under the **Acceptable Use** subhead. However, districts are still prohibited under the First Amendment to the U.S. Constitution from suppressing messages based on viewpoint and may be subject to liability if they affirmatively block individual senders. See Lindke v. Freed, 601 U.S. 187 (2024); Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983); People for the Ethical Treatment of Animals v. Tabak, 109 F.4th 627 (D.C. Cir. 2024). Consult the board attorney if the board wants to amend this policy to prohibit access by specific parties and/or before taking steps to "block" any specific party from the district's email system based on the content of the party's message.

[7] This paragraph provides general guidelines for acceptable use regardless of whether Internet use is supervised. In practice, many districts allow for incidental personal use of their networks during duty-free times. The specific rules are provided in sample exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks,* and 6:235-AP1, E2, *Staff Authorization for Access to the District's Electronic Networks* (see also f/n 1). This paragraph's application to faculty may have collective bargaining implications.

[8] The "privilege, not a right" dichotomy is borrowed from cases holding that a student's removal from a team does not require due process because such participation is a privilege rather than a right. The deprivation of a privilege typically does not trigger the Constitution's due process provision. Clements v. Bd. of Educ. of Decatur Public Sch. Dist. No. 61, 133 Ill.App.3d 531 (4th Dist. 1985). But see Mahanoy Area Sch. Dist. v. B.L., 594 U.S. 180. (2021). Use of the privilege concept in the context of district network access has not been tested. Increasing integration of 1:1 devices into school curriculum may impact the analysis. Consult the board attorney for guidance in this area. Even if due process protections do not apply, before access privileges are revoked, the user should be notified and allowed to give an explanation.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

uses, ethics, and protocol.[9] Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials. [10]

Internet Safety [11]

Technology protection measures shall be used on each District computer with Internet access.[12] They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by federal law and as determined by the Superintendent or designee.[13] The Superintendent or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent or system administrator.[14] The

---

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

[9] If students are allowed only supervised access and are not required to sign the *Authorization for Access to the District's Electronic Networks*, the provisions from the *Authorization* should be used as administrative procedures for covering student Internet use. See 6:235-AP1, *Acceptable Use of the District's Electronic Networks*. This is an optional sentence:

The Superintendent shall establish administrative procedures containing the appropriate uses, ethics, and protocol for Internet use.

The Harassing and Obscene Communications Act criminalizes harassing and obscene electronic communication. 720 ILCS 5/26.5.

[10] The Fourth Amendment to the U.S. Constitution protects individuals from searches only when the person has a legitimate expectation of privacy. This provision attempts to avoid Fourth Amendment protection for communications and downloaded material by forewarning users that their material may be read or searched, thus negating any expectation of privacy.

Email and computer files are "public records" as defined in the Ill. Freedom of Information Act (FOIA) if they are, as in this policy, "under control" of the school board. 5 ILCS 140/2. They may be exempt from disclosure, however, when they contain information that, if disclosed, "would constitute a clearly unwarranted invasion of personal privacy." 5 ILCS 140/7.

Alternatively, a school board may believe that making email semi-private enhances its educational value. The following grants limited privacy to email communications and can be substituted for the sample policy's sentence preceding this footnote:

School officials will not intentionally inspect the contents of email without the consent of the sender or an intended recipient, unless as required to investigate complaints regarding email that is alleged to contain material in violation of this policy or the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*.

[11] See f/n 1.

[12] While it is best practice to do so, neither CIPA nor the rules for the E-Rate program specifically address whether school-owned computers or other mobile computing devices must be filtered when using a non-school Internet connection. Consult the board attorney for guidance on this issue.

[13] This sample policy language is broader than the requirements in federal law (20 U.S.C. §7131, 47 U.S.C. §254, and 47 C.F.R. §54.520(c)(i)). It does not distinguish between minors (children younger than 17) and non-minors. The terms, *minor*, *obscene*, *child pornography*, and *harmful to minors* have not changed, but are now explicitly referred to in the regulations at 47 C.F.R. §54.520(a). Federal law defines *harmful to minors* as:

…any picture, image, graphic image file, or other visual depiction that–(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The Federal Communications Commission specifically declined to find that access to social networking websites are per se *harmful to minors*. However, the U.S. Dept. of Health and Human Services issued a Surgeon General's Advisory stating there is not enough evidence to conclude that social media is safe for children. See www.hhs.gov/surgeongeneral/reports-and-publications/youth-mental-health/social-media/index.html. School officials have discretion about whether or not to block access to these and similar sites. See f/n 3, above.

[14] Permitted by 20 U.S.C. §7131(c). The policy's provision for prior approval is not in the law and may be omitted. The entire sentence may be eliminated if a board does not want the filtering device to be disabled.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Superintendent or designee shall include measures in this policy's implementation plan to address the following: [15]

1. Ensure staff supervision of student access to online electronic networks, [16]
2. Restrict student access to inappropriate matter as well as restricting access to harmful materials,
3. Ensure student and staff privacy, safety, and security when using electronic communications,
4. Restrict unauthorized access, including "hacking" and other unlawful activities, and
5. Restrict unauthorized disclosure, use, and dissemination of personal identification information, such as, names and addresses.

Use of Artificial Intelligence (AI)-Enabled Tools [17]

The Board recognizes that ~~AI-enabled~~evidence-based technology tools that use AI (AI-enabled tools) ~~are important~~have the potential to enhance student learning, educator effectiveness, and school

DRAFT

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

[15] In order to qualify for universal service benefits under the federal Children's Internet Protection Act (CIPA), the district's Internet safety policy must address the items listed in the sample policy. 47 U.S.C. §254(l). The sample policy accomplishes this task by requiring these items be addressed in the policy's implementation plan or administrative procedure.

Note that federal law required school boards to hold at least one hearing or meeting to address the *initial* adoption of the Internet safety policy. Later revisions of the existing policy need not follow the public notice rule of CIPA, though a board will still need to follow its policy regarding revisions and the mandates of FOIA.

CIPA also requires this policy and its documentation to be retained for at least 10~~five~~ years after the last day of service delivered in a particular funding year. 47 C.F.R. 54.516(a)(1). This means the 10~~five~~-year retention requirement begins on the last day of service delivered under E-rate, not from the day the policy was initially adopted. Consult the board attorney about this requirement and the best practices for your individual board. See also www.usac.org/e-rate/resources/document-retention/ for additional information about document retention under the E-rate program.

[16] Monitoring the online activities of *students* is broader than the requirement in federal law to monitor *minors*. The definition of minor for this purpose is "any individual who has not attained the age of 17 years." See 47 C.F.R. §54.520(a)(4)(i). The use of the word *students* is a best practice.

[17] This entire subhead is o~~O~~ptional, and it may be modified at a board's discretion. Artificial intelligence (AI) is a rapidly evolving and complex technology that implicates many unsettled legal and ethical issues. Many K-12 guidance documents developed at the state and federal level highlight both the potential and many risks of AI in schools and stress the need to mitigate those risks whenever possible. Educators, experts, and policymakers continue to debate the impact of digital tools (ed tech), including AI tools, on learning outcomes and the extent to which they should be used in schools, including grade-level screen time limits. High-quality, evidence-based research on the causal impacts of AI on students and educators is still in its early stages (as of 2026), see https://scale.stanford.edu/research-in-action/understanding-evidence-base-ai-k12-education. This content 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.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

operations. The use of AI-enabled tools in the District shall be implemented in a safe, ethical, and equitable manner and in compliance with applicable federal and State lawsaccordance with. The use of AI-enabled tools shall be in accordance with Board policies, including, but not limited to, 1:30, *School District Philosophy*, 7:340, *Student Records,* and 7:345, *Use of Educational Technologies; Student*

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

A Statewide Generative AI and Natural Language Processing Taskforce issued a report to the General Assembly in December 2024 (https://doit.illinois.gov/content/dam/soi/en/web/doit/meetings/ai-taskforce/reports/2024-gen-ai-task-force-report.pdf) that recommended the Ill. State Board of Education (ISBE) provide guidance on the use of AI in schools, best practices, and educator training. 105 ILCS 5/2-3.118a, added by P.A. 104-399, eff. 1-1-26, requires ISBE to develop statewide guidance by 7-1-26 on the use of AI in K-12 education in nine different areas, and it empowers ISBE to convene a statewide council as needed to develop further guidance, resources, or other supportIn accordance with 105 ILCS 5/2-3.118a, added by P.A. 104-399, the Ill. State Board of Education (ISBE) released nonregulatory *Statewide Guidance on the Use of Artificial Intelligence* (Guidance) (June 2026) that addresses AI in pre-K through 12 education, available at: www.isbe.net/Pages/AI-Guidance.aspx. The Guidance emphasizes the need for schools to reflect on local values, context, and priorities as they consider AI use. It relies on four main principles: (1) teaching and learning are shaped by relationships and by the experiences, interests, and assets each child brings to school; (2) schools serve academic, developmental and civic purposes concurrently; (3) AI is a means to inform teaching and learning rather than an end in itself; and (4) informed use (of AI) requires deliberate, context-sensitive, and *locally determined* purpose and use (emphasis added). The Guidance states the central question around AI use in schools is not whether a tool can simply perform a task, "but whether its use supports the purposes of schooling: the growth of the individual, the strengthening of human relationships, the exercise of judgment and responsibility, and preparation for thoughtful participation in a world increasingly shaped by digital and AI-mediated environments." The U.S. Dept. of Education also released a toolkit to assist education leaders with the safe, ethical, and equitable integration of AI within education systems, available at: http://downloads.microscribepub.com/il/press/federal_resources/FINAL-ED-OET-EdLeaders-AI-Toolkit-10.29.24_20250221.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. Additional resources are also available through the Learning Technology Center of Illinois, at: www.ltcillinois.org/focus/ai/ and www.ltcillinois.org/anticipating-il-ai/. The U.S. Dept. of Education also issued a *Dear Colleague Letter* on 8-20-26, to help school districts make informed decisions about the responsible use of technology in classrooms, at: www.ed.gov/media/document/guidance-education-technology-and-screentime-schools-114386.pdf.

Adopting policy language that addresses AI provides (a) a way for boards to monitor how this technology is being used in the district, and (b) an opportunity for the board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Before adoption of this subhead, the board may want toshould have a conversation with the superintendent to determine how local conditions, resources, and current practices will support the full implementation of a policy that addresses AI and its goals. The use of AI will be most effective when the policy reflects local conditions and circumstances. As part of its monitoring function, the board may want to ask the superintendent the following questions:

1. How does the district measure the success of AI tools (e.g., what metrics will be used and satisfied before scaling up the use of an AI tool or discontinuing its use?)
2. How has the use of AI impacted student learning and academic outcomes? Were the district's goals met in this area?
3. How has the district ensured the use of AI tools in instruction is evidence-based?
4. How has the district ensured equitable access for all student populations and mitigated bias for AI tools?
5. Does the district have a sustainable funding stream to support informed and responsible AI use?
6. How has staff and student privacy been safeguarded with the use of AI tools?
7. How has the district supported professional learning to help educators integrate AI tools effectively into instruction?
8. How has the district supported students' AI literacy?

For additional resources on board governance questions and topics around AI use, see ISBE's Guidance www.isbe.net/Pages/AI-Guidance.aspx (pp. 171-172), www.nea.org/sites/default/files/2025-10/questions-to-ask_ai-guidance-for-schools-and-educators_final.pdf and https://files-backend.assets.thrillshare.com/documents/asset/uploaded_file/3136/Msba/b9c1abfd-26de-4b10-b9f7-a9021a4990ff/AI_GLQs.pdf?disposition=inline.

-Consult the board attorney about these issues. See sample administrative procedure 6:235-AP3, *Development of Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines*, for a suggested framework for developing an AI plan and guidelines.

©2025 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Data Privacy and Security. Any staff use of AI-enabled tools will not replace educator judgment, human relationships, or adult accountability. Any student use of AI-enabled tools shall support and strengthen, rather than replace or diminish, students' critical thinking and agency.

To implement the use of AI-enabled tools in the District, the Superintendent or designee shall:

1. Develop a District-wide AI Plan that addresses the District's approach to the integration of AI;[18]
2. Based on the District-wide AI Plan, establish AI Responsible Use Guidelines to address the informed and responsible use of AI in the District by students and staff;
3. Ensure that any AI-enabled tools used in the District have been properly vetted for safety, security, and operational and instructional fit, as applicable, and compliance with this policy; [19] ~~comply with State and federal law;~~
4. Maintain a list of District-approved AI-enabled tools that is accessible to staff, students, and parents/guardians, as appropriate; [20]
5. Ensure that staff receive regular training on AI use and students receive developmentally appropriate AI literacy instruction ~~on the use of AI~~, as appropriate; [21] ~~and~~
6. Review the District's AI Plan and AI Responsible Use Guidelines on an annual basis and ~~update them as needed~~report any necessary updates to the Board; ~~.~~ [22] and
7. Annually report to the Board on the impact of the use of AI-enabled tools on teacher effectiveness and student outcomes in the District, as applicable. [23]

DRAFT

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

[18] If a board wishes to exercise greater oversight over the AI Plan, add the following to the end of this item: ", which shall be approved by the Board".

[19] ISBE's Guidance (see f/n 17, above), recommends that AI applications be vetted for operational and instructional fit using clear questions tied to purpose and use. Guidance at p. 103.

[20] ISBE's Guidance (see f/n 17, above) recommends that districts maintain clear information about approved tools, their purpose and use, data security, and contact points for questions or concerns. Guidance at p. 10.

[21] ISBE's Guidance (see f/n 17, above) states that students should learn about AI, including what it is (and is not), how it works, its impact on society, and how to shape it, *before* and while using AI tools in the classroom. Guidance at p. 226.

[22] A board can modify the review schedule as desired. Federal guidance recommends that educational leaders establish the cadence in which the learning community will review and update the responsible use policy (guidelines) based on use, technological updates, and feedback. See https://downloads.microscribepub.com/il/press/federal_resources/FINAL-ED-OET-EdLeaders-AI-Toolkit-10.29.24_20250221.pdf, p. 52. ISBE Guidance also recommends "periodic review," see www.isbe.net/Documents/AIGuidance.pdf, p. 176.

[23] A board can modify the reporting schedule as desired. ISBE Guidance emphasizes the importance of having clarity on whether AI use is improving practice and/or student outcomes. See https://www.isbe.net/Documents/AIGuidance.pdf, pp. 111, 141, 227, and 229.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Authorization for Electronic Network Access [24]

Each staff member must sign the *Authorization for Access to the District's Electronic Networks* as a condition for using the District's electronic network. Each student and his or her parent(s)/guardian(s) must sign the *Authorization* before being granted unsupervised use. [25]

Confidentiality

All users of the District's computers to access the Internet shall maintain the confidentiality of student records. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network.

Violations

The failure of any user to follow the terms of the District's administrative procedure, 6:235-AP1, *Acceptable Use of the District's Electronic Networks*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

DRAFT

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

[24] The District's administrative procedure, 6:235-AP1, *Acceptable Use of the District's Electronic Networks*, rather than this board policy, specifies appropriate conduct, ethics, and protocol for Internet and AI tool use. This is consistent with the principle that detailed requirements are not appropriate for board policy; instead, they should be contained in separate district documents that are authorized by board policy. Keeping technical rules specifying acceptable use out of board policy will allow for greater flexibility, fewer changes to the policy manual, and adherence to the belief that board policy should be confined to governance issues and the provision of guidance on significant district issues. This sample policy only requires staff and students to sign the *Authorization*; however, all users of the District's Electronic Networks, including board members and volunteers, are bound by this policy and its implementing procedure and should be familiar with their content.

[25] The Superintendent's implementation plan should describe appropriate supervision for students on the Internet who are not required, or refuse, to sign the *Authorization*. Supervision of a student's Internet use the entire time a student is at school may not be feasible.

The use of personal electronic communication devices owned by students but used to gain Internet access that has been funded by *E-rate* is not addressed yet.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 20 U.S.C. §1232g, Family Educational Rights and Privacy Act.
20 U.S.C. §7131, Elementary and Secondary Education Act.
47 U.S.C. §254(h) and (l), Children's Internet Protection Act.
47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.
105 ILCS 10/, Ill. School Student Records Act.
105 ILCS 85/, Student Online Personal Protection Act.
115 ILCS 5/14(c-5), Ill. Educational Labor Relations Act.
720 ILCS 5/26.5.

CROSS REF.: 5:100 (Staff Development Program), 5:170 (Copyright), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:210 (Instructional Materials), 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct), 6:230 (Library Media Program), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 7:340 (Student Records), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)

ADMIN. PROC.: 6:235-AP1 (Acceptable Use of the District's Electronic Networks), 6:235-AP1, E1 (Student Authorization for Access to the District's Electronic Networks), 6:235-AP1, E2 (Staff Authorization for Access to the District's Electronic Networks)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

Graduation Requirements [1]

To graduate from high school, unless otherwise exempted, each student is responsible for:

1. Completing all District graduation requirements that are in addition to the State requirements.[2]
2. Completing all courses as provided in the School Code, 105 ILCS 5/27-605. [3]
3. Completing all minimum requirements for graduation as specified in State law. [4]
4. Passing an examination on patriotism, principles of representative government, and proper use and display of the American flag. [5]
5. Participating in State assessments that are required for graduation by State law. [6]

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. Graduation requirements are often published in student handbooks. The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh.

In accordance with 105 ILCS 5/2-3.159, amended by P.A. 104-803, and 23 Ill.Admin.Code Part 680, a school district may establish a program to recognize high school graduates who attained a high level of proficiency in one or more languages in addition to English by designating on a student's diploma and transcript a State Seal of Biliteracy. See sample policy 6:320, *High School Credit for Proficiency*.

Although not a graduation requirement, 105 ILCS 5/10-20.88 (final citation pending), added by P.A. 104-549, requires districts to provide eligible students graduating from high school with the opportunity to register to vote. The manner in which a district provides such an opportunity is not specified in the law and is left to the district's discretion.

[2] Optional. 23 Ill.Admin.Code §1.440(f). A school board should ensure that all district graduation requirements that are in addition to the State requirements are aligned with the district educational objectives. See sample policy 6:10, *Educational Philosophy and Objectives*.

[3] 105 ILCS 5/27-605(e), renumbered by P.A. 104-391, contains the list of required courses in effect for students entering 9th grade through the 2023-2024 school year. 105 ILCS 5/27-605(e-5), amended by P.A. 104-387 and renumbered by P.A. 104-391, contains the list of required courses for students entering 9th grade beginning with the 2024-2025 school year (to include two years of laboratory science). 105 ILCS 5/27-605(e-10) renumbered by P.A. 104-391 and amended by P.A.s 104-814 and 104-803, increases the world~~foreign~~ language requirement from one to two years beginning with the 2028-2029 school year, but allows for substitution of at least two years of coursework authorized by the Ill. State Board of Education (ISBE) as meeting the requirements for an approved career and technical course. 105 ILCS 5/27-605(e)(3) and (e-5)(3) allow the substitution of an advanced placement computer science course for a year of mathematics, and ~~it~~ further state~~s~~ that a mathematics course that includes geometry content may be offered as an integrated, applied, interdisciplinary, or career and technical education course that prepares a student for a career readiness path. 105 ILCS 5/27-605(e)(5) and 105 ILCS 5/27-605(e-5)(5), both renumbered by P.A. 104-391, require students entering the 9th grade ~~in the 2016-2017 school year and each year thereafter~~ to complete one semester of civics. As part of the two-year social studies requirement, districts may include a financial literacy course that is one semester or part of one semester. Id. For specific requirements, see sample exhibit 6:300-E2, *State Law Graduation Requirements,* and sample policy 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students.* ~~The Ill. State Board of Education (~~ISBE~~)~~ may adopt rules modifying graduation requirements for students in grades 9-12 if the Governor has declared a disaster due to a public health emergency under 20 ILCS 3305/7. 105 ILCS 5/27-605(i), renumbered by P.A. 104-391.

[4] 105 ILCS 5/27-605(e), renumbered by P.A. 104-391 and (e-5), amended by P.A. 104-387 and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.440.

[5] Required by 105 ILCS 5/27-510, added by P.A. 104-391.

[6] 105 ILCS 5/2-3.64a-5(c) states that "[s]tudents who do not take the State's final accountability assessment or its approved alternate assessment may not receive a regular high school diploma unless the student is exempted." Assessments are not required if ISBE receives a waiver from the administration of assessments from the U.S. Dept. of Education. Id.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

6. Filing one of the following: (1) a Free Application for Federal Student Aid (FAFSA) with the U.S. Dept. of Education, (2) an application for State financial aid, or (3) an Ill. State Board of Education (ISBE) waiver form indicating that the student understands what these aid opportunities are and has chosen not to file an application. If the student is not at least 18 years of age or legally emancipated, the student's parent/guardian must file one of these documents on the student's behalf.

   A student is exempt from this requirement if: (1) the student is unable to file a financial aid application or an ISBE waiver due to extenuating circumstances, (2) the Building Principal attests the District made a good faith effort to assist the student or the student's parent/guardian with filing a financial aid application or an ISBE waiver form, and (3) the student has met all other graduation requirements. [7]

The Superintendent or designee is responsible for: [8]

1. Maintaining a description of all course offerings that comply with the above graduation requirements.
2. Notifying students and their parents/guardians of graduation requirements.
3. Developing the criteria for #4 above.
4. Complying with State law requirements for students who transfer during their senior year because their parent(s)/guardian(s) are on active military duty. This includes making reasonable adjustments to ensure graduation if possible, or efforts to ensure that the original (transferor) school district issues the student a diploma.
5. Taking all other actions needed or necessary to implement this policy.

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

105 ILCS 5/2-3.64a-5(c); 23 Ill.Admin.Code §1.30. Section 2-3.64a-5(c) requires that the assessment administered by ISBE for the purpose of student application to or admissions consideration by institutions of higher education be administered on a school day during regular student attendance hours.

105 ILCS 5/2-3.64a-5(e) no longer requires that the scores attained by a student on an assessment that includes a college and career readiness determination be entered on the student's transcript. The student's final accountability assessment scores, however, must be placed in the student's permanent record. See also 23 Ill.Admin.Code §375.10.

[7] 105 ILCS 5/22-87, amended by P.A.s 104-13 and 104-14; 23 Ill.Admin.Code §1.440(c)(4). See sample exhibit 6:300-E3, *Form for Exemption from Financial Aid Application Completion*. ISBE provides a waiver form, the FAFSA Nonparticipation Form, for a parent/guardian or eligible student to opt of this graduation requirement, which is available through the Ill. Student Assistance Commission's (ISAC) student portal, see https://studentportal.isac.org/. Instructions for the form are available at: www.isbe.net/Pages/FAFSA.aspx. The Alternative Application for Ill. Financial Aid referenced in that form is intended for use by qualifying undocumented and transgender students and is available at: ~~https://studentportal.isac.org/alternativeapp~~www.isac.org/alternative-application.

~~Beginning with the 2025-2026 school year,~~ Eeach high school must: (1) designate at least one staff member as a contact for matters related to the financial aid application graduation requirement; (2) inform high school seniors of the designated staff member who is available to answer their questions about this requirement or refer them to an appropriate resource, such as ISAC (see www.isac.org/students/before-college/financial-aid-planning/index.html); and (3) annually provide the name and contact information of the designated staff member to ISBE and ISAC. 105 ILCS 5/22-87(b), amended by P.A.s 104-13 and 104-14. The designated staff member must complete an initial orientation and is encouraged to participate in annual briefings, for which the individual may receive professional development hours, if applicable. Id.

Additionally, ~~beginning with the 2025-2026 school year,~~ each district must offer appropriate supports to each high school student to educate and assist them with completion of the financial aid application. How, when, and where this support is offered is at a district's discretion; however, a district must provide an opportunity for students to get help during the school day completing the student portion of the application. Districts may request free assistance from ISAC to support completion of financial aid applications. Id.

[8] Items #1 and #2 are required by 23 Ill.Admin.Code §1.440(d) and (e), respectively. Item #3 must be addressed because the law leaves many implementation issues unanswered. A comprehensive Student Handbook can provide notice of the district's graduation requirements, conduct rules, and other important information. Item #4 includes discussion of the adjustments required by the Educational Opportunity for Military Children Act, 105 ILCS 70/35(d).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Early Graduation [9]

The Superintendent or designee shall implement procedures for students to graduate early, provided they finish seven semesters of high school and meet all graduation requirements.

Certificate of Completion [10]

A student with a disability who has an Individualized Education Program prescribing special education, transition planning, transition services, or related services beyond the student's four years of high school, qualifies for a certificate of completion after the student has completed four years of high school. The student is encouraged to participate in the graduation ceremony of his or her high school graduation class. The Superintendent or designee shall provide timely written notice of this requirement to children with disabilities and their parents/guardians.

Service Member Diploma [11]

The District will award a diploma to a service member who was killed in action while performing active military duty with the U.S. Armed Forces or an honorably discharged veteran of World War II, the Korean Conflict, or the Vietnam Conflict, provided that he or she (1) resided within an area currently within the District at the time he or she left high school, (2) left high school before graduating in order to serve in the U.S. Armed Forces, and (3) has not received a high school diploma.

LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/22-27, 5/22-87, 5/27-510, 5/27-605, and 5/27-615.
105 ILCS 70/, Educational Opportunity for Military Children Act.
23 Ill.Admin.Code §1.440.

CROSS REF.: 6:30 (Organization of Instruction), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:315 (High School Credit for Students in Grade 7 or 8), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

DRAFT

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

[9] This is optional. State law and rules are silent regarding early graduation. As an alternative, a board may delete the phrase "~~finish 7 semesters of high school and~~."

[10] Required by 105 ILCS 5/14-16.

[11] Optional. 105 ILCS 5/22-27 does not designate a time requirement for when the service member killed in action or veteran "resided within an area currently within the district." Thus, a reasonable interpretation may be adopted locally. The sample policy designates "at the time he or she left high school" as the pertinent time for residence. See sample exhibit 6:300-E1, *Application for a Diploma for a Service Member Killed in Action or for Veterans of WWII, the Korean Conflict, or the Vietnam Conflict*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students [1]

Credit for Non-District Experiences [2]

A student may receive high school credit for successfully completing any of the listed courses or experiences even when it is not offered in or sponsored by the District:

1. Distance learning course, including a correspondence, virtual, or online course
2. Courses in an accredited foreign exchange program
3. Summer school or community college courses [3]
4. College or high school courses offering dual credit at both the college and high school level [4]

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

[1] State law requires that several of the programs in this policy be covered in policy. State law controls this policy's content. Note that 23 Ill.Admin.Code §1.420(b) requires "[e]very school district [to] have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, online, or from other external sources, that can be disseminated to other schools within the State." Section 1.460 requires "[e]ach local board of education with a high school [to] adopt a policy which defines the board's position with reference to the awarding of high school credit on the basis of local examinations to pupils who have achieved the necessary proficiencies through independent study, either with or without private tutoring, or for work taken in or from another institution." 23 Ill.Admin.Code §1.460.

Sample policy 6:185, *Remote Educational Program,* provides for educational programs **delivered by the district** in a location outside of the school.

Sample policy 6:315, *High School Credit for Students in Grade 7 or 8*, allows students enrolled in grade 7 or 8 to enroll in a course required for high school graduation. 105 ILCS 5/27-615(a), amended and renumbered by P.A. 104-391, and amended by P.A. 104-596, eff. 1-1-27; 23 Ill.Admin.Code §1.440(c)(3).

[2] Each board may choose for which, if any, of the listed non-district experiences the district will grant high school credit. If a district does not grant credit for any of the listed activities, substitute the following alternative for all text in the entire section: "The District does not grant graduation credit for learning experiences that an enrolled student does not complete through the District."

[3] 105 ILCS 5/27-905, amended and renumbered by P.A. 104-391, provides that no fewer than 60 hours of classroom instruction in summer school is required for one semester of high school course credit. Districts may accept courses completed in a community college (CC) toward graduation. 23 Ill.Admin.Code §1.440(f). Superintendents, pursuant to 105 ILCS 5/10-21.4, must annually report to the Ill. State Board of Education (ISBE) the number of students enrolled in accredited courses at any CC along with the name(s) and number(s) of the course(s) each student is taking.

[4] The Dual Credit Quality Act (DCQA) (110 ILCS 27/, amended by P.A. 104-12) defines dual credit as a college course taken by a high school student for credit at both the college and high school level. 110 ILCS 27/5 and 105 ILCS 5/10-20.62(a). An instructor who teaches a dual credit course does not need the certification required by Article 21 of the School Code but must meet the minimum standards set forth in 110 ILCS 27/20(1), (2), (2.5), or (3). Dual credit programs require: (a) a specific partnership agreement between the district and a CC containing specified elements, as long as the district is in the CC's jurisdiction (110 ILCS 27/16), or (b) cooperation between the school district and the *postsecondary institution* (defined as an *institution of higher learning* under the Higher Education Student Assistance Act, 110 ILCS 947/10). Partnership agreements that are entered into, amended, renewed, or extended after 1-1-23, must allow high school students who do not otherwise meet the CC's academic eligibility requirements to enroll in a dual credit course taught at the high school, but only for high school credit. 110 ILCS 27/16.5(a). Upon a district's written request for a partnership agreement, the district and community college district must each designate a liaison and begin negotiations on an agreement within 60 calendar days of the district's initial request. Id. at 27/16(a), amended by P.A. 104-12. ~~If the district and CC cannot agree within 180 days of a district's initial request to enter into a partnership agreement, the two parties must use the model partnership agreement referenced at 110 ILCS 27/19.~~

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

5. World~~Foreign~~ language courses taken in a community-based heritage language~~an ethnic~~ school program approved by the Ill.~~inois~~ State Board of Education [5]
6. Work-related training at manufacturing facilities or agencies in a Tech Prep Partnership for Careers program [6]
7. Credit earned in a Vocational Academy [7]

The student must seek approval from the Superintendent or designee to receive graduation credit for any non-District course or experience. The Superintendent or designee shall determine the amount of credit and whether a proficiency examination is required before the credit is awarded. As approval is not guaranteed, students should seek conditional approval of the experience before participating in a non-District course or experience. The student assumes responsibility for any fee, tuition, supply, or other expense. The student seeking credit is responsible for (1) providing documents or transcripts that demonstrate successful completion of the experience, and (2) taking a proficiency examination, if requested. The Superintendent or designee shall determine which, if any, non-District courses or

---

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

Out-of-state dual credit contracts are prohibited until a district first offers the CC in the CC district in which the district is located the opportunity to provide a dual credit course. 110 ILCS 27/17, amended by P.A. 104-12. In addition, a district seeking to enter into an agreement with an out-of-state postsecondary institution must provide notice to the Ill. Community College Board (ICCB) of its intent, to which the ICCB will have 30 days to provide the district with a list of in-state postsecondary institutions that can provide the district an equivalent dual credit opportunity. Id. Beginning 6-30-25, a district may not enter into a contract with an out-of-state postsecondary institution until it demonstrates to the ICCB that it has taken appropriate steps to consider the listing of in-state postsecondary institutions and provides a rationale as to why the course can only be provided by an out-of-state postsecondary institution. Id. A high school evaluation of a dual credit program must also incorporate the analysis of data from the ISBE statewide longitudinal data system (see the P-20 Longitudinal Education Data System Act, 105 ILCS 13/, for more information). Id. at 27/30.

105 ILCS 5/10-20.62(c), requires school boards to require the district's high schools, if any, to inform all 11th and 12th grade students of dual enrollment and dual credit opportunities at public CCs for qualified students. Qualified students may enroll in an unlimited amount of dual credit courses and earn an unlimited amount of academic credits from them if the course(s) are taught by an Ill. instructor, as provided by 110 ILCS 27/. Id. at (b). In addition, all dual credit coursework completed by a high school student must be transferred to all public institutions in Illinois on the same basis as coursework completed by a public CC student who previously earned a high school diploma in the manner set forth under the Ill. Articulation Initiative Act. Id. at 27/18.

The DCQA requires partnership agreements between districts and CCs to address access to dual credit courses by individual students with disabilities. 110 ILCS 27/16(b)(8.5), amended by P.A. 104-12. 105 ILCS 5/14-8.03 also requires districts to provide special education students and their parents/guardians with information about career and technical education (CTE) opportunities, including at the postsecondary level. See *Increasing Postsecondary Opportunities and Success for Students and Youth with Disabilities* at: www.sites.ed.gov/idea/idea-files/qa-increasing-postsecondary-opportunities-success-for-students-youth-with-disabilities-sept-17-2019/#Letter for information on providing transition services to high school students who have individualized education programs (IEPs), are receiving services under the IDEA, and take courses offered by a community college or other postsecondary education institution program prior to high school graduation. Beginning 1-1-27, 105 ILCS 5/14-8.03, amended by P.A. 104-615, requires districts to provide special education students and their parents/guardians with information about the federal Work Incentives Planning and Assistance program at a student's initial transition planning meeting and during a student's final year of high school. See www.ssa.gov/work/WIPA.html and www.dhs.state.il.us/page.aspx?item=137647 for more information.

[5] 105 ILCS 5/2-3.44 and 5/10-22.43a, both amended by P.A. 104-803. A~~n ethnic~~ community-based heritage language school is a part-time, private school that teaches the world~~foreign~~ language of a particular ~~ethnic group~~language community, as well as the culture, geography, history, and other aspects of a particular ~~ethnic group~~language community. 105 ILCS 5/2-3.44, amended by P.A. 104-803; 23 Ill.Admin.Code §1.465(b). For requirements, see 23 Ill.Admin.Code §1.465.

[6] Optional. 105 ILCS 5/2-3.115, amended by P.A. 104-261~~, eff. 1-1-26~~, authorizes ISBE to make grants to districts to be used for these programs. See also 23 Ill.Admin.Code §1.445.

[7] Vocational Academies Act, 105 ILCS 433/. The Act's purpose is to "integrate workplace competencies and career and technical education with core academic subjects." School districts are permitted to partner with CCs, local employers, and community-based organizations to establish a vocational academy that functions as a two-year school within a school for grades 10 through 12. Grant funds may be available from ISBE when the vocational academy meets statutory requirements.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

experiences, will count toward a student's grade point average, class rank, and eligibility for athletic and extracurricular activities. When applicable, the Building Principal or designee shall, prior to the first day of class, inform individual high school students enrolled in a mixed enrollment dual credit course that includes students who have and have not met the community college's criteria for dual credit coursework of whether or not they are eligible to earn college credit for the course.[8] This section does not govern the transfer of credits for students transferring into the District.

Substitutions for Required Courses

Vocational or technical education.[9] A student in grades 9-12 may satisfy one or more high school courses (including physical education) or graduation requirements by successfully completing related vocational or technical education courses if: [10]

1. The Building Principal approves the substitution(s) and the vocational or technical education course is completely described in curriculum material along with its relationship to the required course; and
2. The student's parent/guardian requests and approves the substitution(s) in writing on forms provided by the District.

DRAFT

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

[8] 110 ILCS 27/16.5(c). Written notification is not required by the law, but it is a best practice to show compliance with this requirement.

[9] Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/27-610, amended and renumbered by P.A. 104-391. For more information, see www.isbe.net/Documents/Graduation-Requirement-Substitution-policy.pdf. By 7-1-26, ISBE was~~is~~ required to post on its website a form for organizations to submit opportunities for externships, internships, or volunteer work related to career and technical education pathways. See www.isbe.net/Pages/Career-Technical-Education.aspx. After its review and approval, ISBE will annually post a list of approved opportunities on its website. 105 ILCS 5/2-3.2110~~06~~, added by P.A. 104-249 and renumbered by P.A. 104-852~~,~~ ~~eff. 1-1-26~~.

[10] The *related* requirement is met if the course contains at least 50% of the content of the required course. Id. 23 Ill.Admin.Code §1.445 requires that the vocational or technical education course be completely described in the policy along with its relationship to the required course. The sample policy satisfies these requirements by referring to the courses as described in curricular material.

ISBE requires that the parent/guardian of a student under the age of 18 request the course substitution "on forms that the school district makes available" and that the request must be maintained in the student's temporary record. 23 Ill.Admin.Code §1.445. See sample exhibit 6:310-E, *Class Substitution Request*. There is no parallel recordkeeping requirement in the rules for registered apprenticeships; however, it is best practice to maintain all types of substitution requests as evidence of compliance with the form requirement.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Registered Apprenticeship Program.[11] The Superintendent or designee will ensure that the District complies with State law requirements for registered apprenticeship programs.[12] The opportunities and requirements for registered apprenticeship programs contained in this policy will be posted on the District's website, and parents/guardians and students will also be notified of such opportunities in the appropriate school handbook(s). [13]

A student in grades 9-12 who is 16 years or older may satisfy one or more high school courses (including physical education) or graduation requirements by successfully completing a registered apprenticeship program if:

1. The registered apprenticeship program meets all criteria contained in State law;
2. The registered apprenticeship program is listed by the District, or the student identifies a registered (but not listed) apprenticeship program with a business or organization if one is not offered in the District;
3. The student enrolled in a registered apprenticeship program has the opportunity to earn post-secondary credit toward a certificate or degrees, as applicable;
4. The student's parent/guardian requests and approves the substitution(s) in writing on forms provided by the District and on its website; [14]
5. The Building Principal approves the substitution(s); and

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

[11] Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/2-3.175; 23 Ill.Admin.Code §255.200. A *registered apprenticeship program* is an industry-based occupational training program of study with standards reviewed and approved by the U.S. Dept. of Labor that meets characteristics set forth in State law and ISBE rules. The introductory sentence and listed items 1, 3, 4, and 6 are required to be in the policy if a board decides to allow students to participate in registered apprenticeship programs. See 23 Ill.Admin.Code §255.200(b). Item #2 is not required to be stated in policy, but is required to be included in a district's website notification (if any) to parents/guardians about registered apprenticeship opportunities. See f/n 13, below.

If a board adopts a policy to allow for student participation in registered apprenticeship programs, the policy must be posted on the district's website (if any) for students, parents, and members of the business and industry community to access. 23 Ill.Admin.Code §255.200(c)(1). See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and f/ns 13 and 14 below for other related website posting requirements.

Employers providing apprenticeships may be eligible for tax credits for certain educational expenses they incur on behalf of qualifying apprentices. 35 ILCS 5/231(b), amended by P.A. 103-1059. Districts that carry out registered apprenticeship programs should, but are not required to, aid an employer in claiming an available credit by providing a written receipt documenting the apprenticeship education expenses paid to the school by the employer. 14 Ill.Admin.Code §522.50(e). See https://dceo.illinois.gov/expandrelocate/incentives/ilapprenticeshiptaxcredit.html for more information about the credit.

[12] 105 ILCS 5/2-3.175; 23 Ill.Admin.Code Part 255. In addition to the requirements listed in the policy, districts allowing for student participation in registered apprenticeship programs must also: (1) submit data on participating students through ISBE's Student Information System, (2) identify and attempt to eliminate any barriers to student participation, and (3) include the program in the Career Pathway Endorsement if the district awards endorsements under the Postsecondary and Workforce Readiness Act (110 ILCS 148/). 23 Ill.Admin.Code §255.200(d)-(f).

[13] 23 Ill.Admin.Code §255.200(c). The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH),* at: www.ilprincipals.org/msh. The notification to students and parents on the district's website must include: (1) a statement that a student may participate in any registered apprenticeship program listed by the district; and (2) a statement that a student may find a registered, but not listed, apprenticeship program with a business or organization, if a registered apprenticeship program is not offered in the district. 23 Ill.Admin.Code §255.200(c)(2). See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. For districts that do not maintain a website, use the following alternative sentence:

> Parents/guardians and students will be notified of opportunities for registered apprenticeship programs in the appropriate school handbook(s).

[14] 23 Ill.Admin.Code §255.200(b)(4). See sample exhibits 6:310-E, *Class Substitution Request*, and 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. If the district does not maintain a website, delete ~~and on its website~~.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

6. All non-academic requirements mandated by the School Code for high school graduation that would otherwise prohibit or prevent the student from participating in the registered apprenticeship program are waived.

Advanced placement computer science.[15] The advanced placement computer science course is equivalent to a high school mathematics course. A student in grades 9-12 may substitute the advanced placement computer science course for one year of mathematics, in accordance with Section 27-22 of the School Code. The transcript of a student who completes the advanced placement computer science course will state that it qualifies as a mathematics-based, quantitative course.

Substitutions for physical education. A student in grades 9-12, unless otherwise stated, may submit a written request to the Building Principal to be excused from physical education courses for the reasons stated below.[16] The Superintendent or designee shall maintain records showing that the criteria set forth in this policy were applied to the student's individual circumstances, as appropriate. [17]

1. Ongoing participation in a marching band program for credit; [18]
2. Enrollment in Reserve Officer's Training Corps (ROTC) program sponsored by the District;[19]
3. Ongoing participation in an *interscholastic* or *extracurricular athletic program*; [20]

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

[15] Optional, but allowed by 105 ILCS 5/27-605(e)(3), 5/27-605(e-5)(3), and 5/27-605(f-5), both renumbered by P.A. 104-391.

[16] Optional, but allowed by 105 ILCS 5/27-710(b), renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.425(e). A board that wants to allow any of these P.E. exemptions must include the ones it selects in a policy that excuses students on an individual basis.

[17] 23 Ill.Admin.Code §1.425(e).

[18] 23 Ill.Admin.Code §1.425(e)(4)(A). This policy excuses students from P.E. only during the marching band season because the statute allows the exemption "for ongoing participation in such marching band program." Thus, if the marching band season is over, the student's *ongoing participation* has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue until the end of the current grading period.

[19] 23 Ill.Admin.Code §1.425(e)(4)(B).

[20] 23 Ill.Admin.Code §1.425(e)(2) and (e)(3)(A). Prior to P.A. 100-465, the statute only allowed students in grades 11 and 12 to be excused from P.E. "for ongoing participation in an interscholastic athletic program." 105 ILCS 5/27-710(b), renumbered by P.A. 104-391, states "on a case-by-case basis, excuse pupils in grades 7 through 12 who participate in an interscholastic or extracurricular athletic program." While the statute no longer requires such participation to be *ongoing*, 23 Ill.Admin.Code §1.425(e)(3) requires *ongoing participation*. Thus, if the athletic program is over, the student's *ongoing participation* has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue only until the end of the grading period during which the athletic program is active. 23 Ill. Admin. Code §1.425(e)(2) limits interscholastic and extracurricular athletic programs to those that are sponsored by the school district as defined in school board policy. Boards do not have the "authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district." Id. at §1.425(e)(6).

State statutes do not define *interscholastic athletic program* or *extracurricular athletic program*; however, 105 ILCS 5/22-80 defines *interscholastic athletic activity* as "any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate ~~F~~frisbee, volleyball, water polo, and wrestling." 23 Ill.Admin.Code §1.425(e)(2) defines *interscholastic* and *extracurricular athletic programs* as "those programs that are sponsored by the school district as defined by school district policy." Boards have no authority to honor parental excuses based upon students' participation in athletic training, activities or competition conducted outside the auspices of the school district. 23 Ill.Admin.Code §1.425(e)(6).

For boards that want to explain the meaning of *interscholastic or extracurricular athletic program*, insert the following option at the end of #3:

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

4. Enrollment in academic classes that are required for admission to an institution of higher learning (student must be in the 11th or 12th grade);[21] or
5. Enrollment in academic classes that are required for graduation from high school, provided that failure to take such classes will result in the student being unable to graduate (student must be in the 11th or 12th grade). [22]

A student who is eligible for special education may be excused from physical education courses pursuant to 7:260, *Exemption from Physical Education*.

Volunteer service credit.[23] A student participating in the District's Volunteer Service Credit Program, if any, may earn credit toward graduation for the performance of community service. The amount of credit given for program participation shall not exceed that given for completion of one semester of language arts, math, science, or social studies.

Re-Entering Students [24]

Individuals younger than 21 years of age may re-enter high school to acquire a high school diploma or an equivalency certificate, subject to the limitations in Board policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. Re-entering students may obtain credit through the successful completion of the following (not all of these may be available at any one time):

1. District courses
2. Non-District experiences described in this policy
3. Classes in a program established under Section 10-22.20 of the School Code, in accordance with the standards established by the Illinois Community College Board
4. Proficiency testing, correspondence courses, life experiences, and other nonformal educational endeavors
5. Military service, provided the individual making the request has a recommendation from the American Council on Education

The provisions in the section **Credit for Non-District Experiences**, above, apply to the receipt of credit for any non-District course.

DRAFT

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

(organized school-sponsored or school-sanctioned activities for students that are not part of the curriculum, not graded, not for credit, generally take place outside of school instructional hours, and under the direction of a coach, athletic director, or band leader)

For unit districts, ensure the definition matches the definition in policy 7:260, *Exemption from Physical Education*.

[21] 23 Ill.Admin.Code §1.425(e)(3)(B).

[22] 23 Ill.Admin.Code §1.425(e)(3)(C).

[23] Optional. The credit given for one semester may not exceed that stated in this policy. 105 ILCS 5/27-1035, renumbered by P.A. 104-391. The program may include participation in the organization of a high school or community blood drive or other blood donor recruitment campaign. Id. ISBE must provide assistance to districts opting to offer the program. 105 ILCS 5/2-3.108.

[24] Required by 23 Ill.Admin.Code §1.470(a). While the sample policy does not provide for it, a school board may permit adults 21 years of age or older to re-enter high school. 23 Ill.Admin.Code §1.470(b). Items #4 & #5 are optional, but must be included in a policy if credit will be granted for them. 105 ILCS 5/27-~~6; 27-~~610, amended and renumbered by P.A. 104-391.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 105 ILCS 5/2-3.44, 5/2-3.108, 5/2-3.115(b), 5/2-3.142, 5/2-3.175, 5/10-22.43a, 5/10-20.62, 5/27-610, 5/27-710, and 5/27-1035.
110 ILCS 27/, Dual Credit Quality Act.
23 Ill.Admin.Code §§1.425(e), 1.440(f), 1.470(c), and Part 255.

CROSS REF.: 6:180 (Extended Instructional Programs), 6:300 (Graduation Requirements), 6:315 (High School Credit for Students in Grade 7 or 8), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:260 (Exemption from Physical Education)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

High School Credit for Students in Grade 7 or 8 [1]

The Superintendent or designee may investigate, coordinate, and implement a program for students in grades 7 and 8 to enroll in a course required for a high school diploma.

[*The next two paragraphs are only for unit and high school districts; the final paragraph is only for elementary districts.*]

If a program is available, students in grades 7 and 8 may enroll in a course required for a high school diploma when the course is offered by the high school that the elementary student would attend and one of the following is satisfied: (1) the student participates in the course at the high school and the elementary student's enrollment in the course would not prevent a high school student from being able to enroll, ~~or~~ (2) the student participates in the course where the student attends school as long as the student passes the course and the end-of-course examination given at the high school granting the credit for the same course, demonstrating proficiency at the high school level, or (3) the student participates in the course where the student attends school as long as the course is taught by a teacher who holds a professional educator license with an endorsement for the grade level and content area of the course. [2]

A student who successfully completes a course required for a high school diploma while in grades 7 and 8 shall receive academic credit for the course.[3] That academic credit shall satisfy the requirements of 105 ILCS 5/27-615 for purposes of receiving a high school diploma, unless evidence about the course's rigor and content shows that the course did not address the relevant Illinois learning standard at the level appropriate for the high school grade during which the course is usually taken.[4] The student's grade in the course shall also be included in the student's grade point average. [5]

[*Elementary school districts only*]

If a program is available, students in grades 7 and 8 may enroll in a course required for a high school diploma. Students in grades 7 and 8 who successfully complete a course required for a high school

DRAFT

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

[1] While State law controls this policy's content, districts are not required to implement it. The board of any district that maintains any grades 9-12 may adopt a policy for students enrolled in grade 7 or 8 to enroll in a course required for high school graduation. 105 ILCS 5/27-615(a), amended by P.A.s 104-267 and 104-596, eff. 1-1-~~26~~27, and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.440(c)(3). The first sentence recognizes that this policy's implementation requires cooperation between school districts, superintendents, building principals, and other administrators.

[2] A high school board may choose the following alternative if it believes condition (2) would be difficult to manage because its students come from multiple districts having been taught by multiple non-district teachers:

> If a program is available, students in grades 7 and 8 may enroll in a course required for a high school diploma when the course is offered by the high school that the elementary student would attend when the student participates in the course at the high school and the elementary student's enrollment in the course would not prevent a high school student from being able to enroll.

[3] 105 ILCS 5/27-615(c), amended and renumbered by P.A. 104-391.

[4] Id.

[5] Id. at (d), renumbered by P.A. 104-391.

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

diploma will receive academic credit if permitted by, and in accordance with, the policy of the district where the elementary student will attend high school.

LEGAL REF.: 105 ILCS 5/10-22.43 and 5/27-615.
23 Ill.Admin.Code §1.460.

CROSS REF.: 6:135 (Accelerated Placement Program), 6:300 (Graduation Requirements), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:320 (High School Credit for Proficiency)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Instruction

High School Credit for Proficiency

Proficiency Credits [1]

Subject to the limitations in this policy and State law, the Superintendent or designee is authorized to establish and approve a program for granting credit for proficiency with the goal of allowing a student who would not benefit from a course because the student is proficient in the subject area to receive credit without having to take the course. A student who demonstrates competency under this program will receive course credit for the applicable course and be excused from any requirement to take the course as a graduation prerequisite. No letter grade will be given for purposes of the student's cumulative grade point average. The Superintendent or designee shall notify students of the availability of and requirements for receiving proficiency credit.

Proficiency credit will be offered in the following subject areas: [2]

World~~Foreign~~ language - A student is eligible to receive one year of world~~foreign~~ language credit if the student has graduated from an accredited elementary school and can demonstrate proficiency, according to this District's academic criteria, in a language other than English.[3] A student who demonstrates proficiency in American Sign Language is deemed proficient in a world~~foreign~~ language and will receive one year of world~~foreign~~ language credit.[4] A student who studied a world~~foreign~~ language in an approved ~~ethnic~~community-based heritage language school program is eligible to receive appropriate credit according to the level of proficiency reached; the student may be required to take a proficiency examination. [5]

Other proficiency testing - The program for granting credit for proficiency may allow, as the Superintendent deems appropriate, course credit to be awarded on the basis of a local examination to a student who has achieved the necessary proficiency through independent study or work taken in or through another institution.[6] Proficiency testing may also be used to determine eligible credit

DRAFT

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

[1] An ISBE rule requires districts with a high school to have a policy on earning credit through proficiency exams. 23 Ill.Admin.Code §1.460. State law controls this policy's content. Students must *successfully complete* the courses listed in 105 ILCS 5/27-605, amended by P.A.s 104-387, 104-803, and 104-814, and amended and renumbered by P.A. 104-391, in order to receive a high school diploma. See sample exhibit 6:300-E2, *State Law Graduation Requirements*. 105 ILCS 5/27-305, renumbered by P.A. 104-391, no longer allows districts to grant consumer education proficiency credit.

In accordance with 105 ILCS 5/2-3.159, amended by P.A. 104-803, and 23 Ill.Admin.Code §680.20, a school district may establish a program to recognize high school graduates who attain a high level of proficiency in one or more languages in addition to English by designating on a student's diploma and transcript a State Seal of Biliteracy.

[2] This paragraph should be revised to reflect the actual practice concerning granting proficiency credits. A board may delete all text concerning ~~foreign~~ world language proficiency credit and keep only the text in the second indented paragraph without using a subheading.

[3] Optional, but permitted by 105 ILCS 5/10-22.43, amended by P.A. 104-803.

[4] See f/n 2. Required only if the district offers proficiency credit for world~~foreign~~ language. Id.

[5] See f/n 2. Optional, but permitted by 105 ILCS 5/10-22.43a, amended by P.A. 104-803.

[6] Optional. *Local examination* is not defined but is generally understood to mean examinations developed by the district, school, or instructor, not standardized examinations developed by the state or an outside entity, e.g. advanced placement examinations by the College Board.

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

for other subjects whenever students enter from non-graded schools, non-recognized or non-accredited schools, or were in a home-schooling program.

LEGAL REF.: 105 ILCS 5/10-22.43, 5/10-22.43a, and 5/27-605.
23 Ill.Admin.Code §1.460; Part 680, State Seal of Biliteracy.

CROSS REF.: 6:300 (Graduation Requirements), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:315 (High School Credit for Students in Grade 7 or 8)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

IASB POLICY REFERENCE MANUAL
TABLE OF CONTENTS
SECTION 7 - STUDENTS

Equity

7:10 Equal Educational Opportunities

7:10-AP1 Administrative Procedure - Accommodating Transgender, Nonbinary, or Gender Nonconforming Students

7:10-AP2 Administrative Procedure – Accommodating Breastfeeding Students

7:10-E Exhibit - Equal Educational Opportunities Within the School Community

7:15 Student and Family Privacy Rights

7:15-E Exhibit - Notification to Parents of Family Privacy Rights

7:20 Harassment of Students Prohibited

7:20-AP Administrative Procedure - Harassment of Students Prohibited

Assignment and Admission

7:30 Student Assignment and Intra-District Transfer

7:40 Nonpublic School Students, Including Parochial and Home-Schooled Students

7:40-AP Administrative Procedure - Placement of Nonpublic School Students Transferring Into the District

7:50 School Admissions and Student Transfers To and From Non-District Schools

7:50-AP Administrative Procedure - School Admissions and Student Transfers To and From Non-District Schools

7:60 Residence

7:60-AP1 Administrative Procedure - Challenging a Student's Residence Status

7:60-AP2 Administrative Procedure - Establishing Student Residency

7:60-AP2, E1 Exhibit - Letter of Residence from Landlord in Lieu of Lease

7:60-AP2, E2 Exhibit - Letter of Residence to be Used When the Person Seeking to Enroll a Student Is Living with a District Resident

7:60-AP2, E3 Exhibit - Evidence of Non-Parent's Custody, Control, and Responsibility of a Student

DRAFT

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Attendance

7:70 Attendance and Truancy

7:80 Release Time for Religious Instruction/Observance

7:90 Release During School Hours

7:100 Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students

7:110 **OPEN**

7:120 **OPEN**

Rights and Responsibilities

7:130 Student Rights and Responsibilities

7:140 Search and Seizure

7:140-AP Administrative Procedure - Use of Metal Detectors and Searches for Student Safety

7:140-E Exhibit - Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act

7:150 Agency and Law Enforcement Requests

7:150-AP Administrative Procedure - Managing Agency and Law Enforcement Requests

7:150-AP, E Exhibit - Record of Agency and Law Enforcement Requests

7:160 Student Appearance

7:165 School Uniforms

7:170 Vandalism

7:180 Prevention of and Response to Bullying, Intimidation, and Harassment

7:180-AP1 Administrative Procedure - Prevention, Identification, Investigation, and Response to Bullying

7:180-AP1, E1 Exhibit - Resource Guide for Bullying Prevention

7:180-AP1, E2 Exhibit - Be a Hero by Reporting Bullying

7:180-AP1, E3 Exhibit - Memo to Staff Regarding Bullying

7:180-AP1, E4 Exhibit - Memo to Parents/Guardians Regarding Bullying

7:180-AP1, E5 Exhibit - Report Form for Bullying

DRAFT

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

7:180-AP1, E6 Exhibit - Interview Form for Bullying Investigation

7:180-AP1, E7 Exhibit - Response to Bullying

7:185 Teen Dating Violence Prohibited

7:185-E Exhibit - Memo to Parents/Guardians Regarding Teen Dating Violence

7:190 Student Behavior

7:190-AP1 Student Handbook - Hazing Prohibited

7:190-AP2 Student Handbook - Gang Activity Prohibited

7:190-AP3 Administrative Procedure - Guidelines for Reciprocal Reporting of Offenses Committed by Students

7:190-AP4 Administrative Procedure - Use of Isolated Time Out, Time Out, and Physical Restraint

~~7:190-AP5 Student Handbook - Electronic Devices~~

7:190-AP6 Administrative Procedure - Guidelines for Investigating Sexting Allegations

7:190-AP7 Administrative Procedure - Student Discipline Guidelines

7:190-AP8 Administrative Procedure - Student Re-Engagement Guidelines

7:190-AP9 Administrative Procedure - Administrative Transfer to Regional Safe School Program

7:190-E1 Exhibit - Aggressive Behavior Reporting Letter and Form

7:190-E2 Exhibit - Student Handbook Checklist

7:190-E3 Exhibit - Memorandum of Understanding

7:190-E4 Exhibit - Acknowledgment of Receiving Student Behavior Policy and Student Conduct Code

7:195 Wireless Communication Devices

7:200 Suspension Procedures

7:200-E1 Exhibit - Short Term Out-of-School Suspension (1-3 Days) Reporting Form

7:200-E2 Exhibit - Long Term Out-of-School Suspension (4-10 Days) Reporting Form

7:210 Expulsion Procedures

7:210-E1 Exhibit - Notice of Expulsion Hearing

DRAFT

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

7:220 Bus Conduct

7:220-AP Administrative Procedure - Electronic Recordings on School Buses

7:230 Misconduct by Students with Disabilities

7:240 Conduct Code for Participants in Extracurricular Activities

7:240-AP1 Administrative Procedure - Code of Conduct for Extracurricular Activities

7:240-AP2 Administrative Procedure - Extracurricular Drug and Alcohol Testing Program

7:240-AP2, E1 Exhibit - Consent to Participate in Extracurricular Drug and Alcohol Testing Program

Welfare Services

7:250 Student Support Services

7:250-AP1 Administrative Procedure - Measures to Control the Spread of Head Lice at School

7:250-AP2 Administrative Procedure - Protocol for Responding to Students with Social, Emotional, or Mental Health Needs

7:255 Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence

7:255-AP1 Administrative Procedure - Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence

7:255-AP2 Administrative Procedure - Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence

7:260 Exemption from Physical Education

7:270 Administering Medicines to Students

7:270-AP1 Administrative Procedure - Dispensing Medication

7:270-AP2 Administrative Procedure - Checklist for District Supply of Undesignated Medication(s)

7:270-E1 Exhibit - School Medication Authorization Form

7:270-E2 Exhibit - School Medication Authorization Form - Medical Cannabis

7:275 Orders to Forgo Life-Sustaining Treatment

7:280 Communicable and Chronic Infectious Disease

DRAFT

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

7:280-AP Administrative Procedure - Managing Students with Communicable or Infectious Diseases

7:280-E1 **OPEN**

7:280-E2 Exhibit - Reporting and Exclusion Requirements for Common Communicable Diseases

7:280-E3 Exhibit - Preventing Staphylococcal Infections for Schools

7:285 Anaphylaxis Prevention, Response, and Management Program

7:285-AP Administrative Procedure - Anaphylaxis Prevention, Response, and Management Program

7:285-AP, E Administrative Procedure - Allergy and Anaphylaxis Emergency Plan

7:290 Suicide and Depression Awareness and Prevention

7:290-AP Administrative Procedure - Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program

Activities

7:300 Extracurricular Athletics

7:300-E1 Exhibit - Agreement to Participate

7:300-E2 Exhibit - Certificate of Physical Fitness for Participation in Athletics

7:300-E3 Exhibit - Authorization for Medical Treatment

7:305 Student Athlete Concussions and Head Injuries

7:305-AP Administrative Procedure - Program for Managing Student Athlete Concussions and Head Injuries

7:310 Restrictions on Publications; Elementary Schools

7:310-AP Administrative Procedure - Guidelines for Student Distribution of Non-School Sponsored Publications; Elementary Schools

7:315 Restrictions on Publications; High Schools

7:315-AP Administrative Procedure - Guidelines for Student Distribution of Non-School Sponsored Publications; High Schools

7:320 **OPEN**

7:325 Student Fundraising Activities

DRAFT

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

7:325-E Exhibit - Application and Procedures to Involve Students in Fundraising Activities

7:330 Student Use of Buildings - Equal Access

7:330-E Exhibit - Application to Establish Noncurriculum Related Student Groups That Are Not School Sponsored and Request Free Use of School Premises for Meetings

Records

7:340 Student Records

7:340-AP1 Administrative Procedure - School Student Records

7:340-AP1, E1 Exhibit - Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records

7:340-AP1, E2 Exhibit - Using a Photograph or Video Recording of a Student

7:340-AP1, E3 Exhibit - Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information

7:340-AP1, E4 Exhibit - Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information

7:340-AP1, E5 Exhibit - Biometric Information Collection Authorization

7:340-AP2 Administrative Procedure - Storage and Destruction of School Student Records

7:340-AP2, E1 Exhibit - Letter Containing Schedule for Destruction of School Student Records

7:345 Use of Educational Technologies; Student Data Privacy and Security

7:345-AP Administrative Procedure - Use of Educational Technologies; Student Data Privacy and Security

7:345-AP, E1 Exhibit - Student Covered Information Reporting Form

7:345-AP, E2 Exhibit - Student Data Privacy; Notice to Parents About Educational Technology Vendors

7:345-AP, E3 Exhibit - Parent Notification Letter for Student Data Breach

7:345-AP, E4 Exhibit - Notice of Parent Rights Regarding Student Covered Information

7:345-AP, E5 Exhibit - Parent Request Form for Student Covered Information

DRAFT

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

7:345-AP, E6 Exhibit - Parent Request Form for Correction of Student Covered Information

DRAFT

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Equal Educational Opportunities [1]

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race,[2] national origin, religion,[3] sex,[4] sexual orientation, ancestry, age, physical or mental

DRAFT

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 requires this subject matter be covered by policy and controls this policy's content. Many civil rights laws guarantee equal educational opportunities; see citations in the Legal References.

[2] The Ill. Human Rights Act (IHRA) defines *race* to include traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists. 775 ILCS 5/1-103(M-5). The Ill. Dept. of Human Rights' (IDHR) jurisdiction over schools as "places of public accommodation" is limited, see f/n 4, below. See also sample policy 7:160, *Student Appearance*, regarding hairstyles associated with race.

The U.S. Dept. of Education's *Rescinding Portions of the Department of Education Title VI Regulations To Align With the Statutory Text and Conform to Executive Order 14281* (July 2026), amends regulations implementing Title VI of the Civil Rights Act of 1964 to eliminate *disparate impact* liability, available at: www.federalregister.gov/documents/2026/07/24/2026-15019/rescinding-portions-of-the-department-of-education-title-vi-regulations-to-align-with-the-statutory. Consult the board attorney for guidance on equal educational opportunities that may result in *disparate impact*.

[3] See sample policies 7:160, *Student Appearance*, and 7:165, *School Uniforms*, regarding the protection of students' hair practices based on a student's religious beliefs, observance, or practice.

[4] With some exceptions, Title IX of the Education Amendments of 1972 (Title IX) guarantees that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance…" 20 U.S.C. §1681(a). See sample policy 2:265, *Title IX Grievance Procedure*, for further discussion.

Title IX implementing regulations at 34 C.F.R. §106.40 and 49 C.F.R. §25.445 prohibit "any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex." Ill. State Board of Education (ISBE) sex equity regulation at 23 Ill.Admin.Code §200.50(e) prohibits discrimination against a student "because of his or her actual or potential marital or parental status," and it specifies that: (1) pregnancy shall be treated as any other temporary disability, (2) pregnancy or parenthood shall not be considered cause for dismissal or exclusion from any program or activity, (3) participation in special programs provided for pregnant students or students who are parents shall be at the student's option, and (4) systems shall eliminate administrative and programmatic barriers to school attendance and school completion by pregnant students or students who are parents. Id. See f/n 8, below, regarding support services for pregnant and parenting students.

©~~2025~~2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

disability, gender identity,[5] status of being homeless, immigration status,[6] order of protection status, military status, unfavorable military discharge, reproductive health decisions,[7] or actual or potential

DRAFT

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

[5] The IHRA and an ISBE rule prohibit schools from discriminating against students on the basis of *sexual orientation* and *gender identity*. 775 ILCS 5/1-103(Q), amended by P.A. 104-744, eff. 1-1-27, 5/5-101(11), and 5/5-102; 23 Ill.Admin.Code §1.240. *Sexual orientation* is defined as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth." 775 ILCS 5/1-103(O-1). *Gender identity* is included in the definition of sexual orientation in the IHRA. The IHRA permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms. 775 ILCS 5/5-103.

Adopting separate policies or inserting policy statements about accommodations and inclusion of transgender students in the educational program are unsettled areas of the law. Some lawyers believe doing so may open boards to equal protection challenges for not creating separate policies for other protected statuses, e.g., race, national origin, religion, etc. Governor Pritzker issued Executive Order (EO) 2019-11, titled "Strengthening Our Commitment to Affirming and Inclusive Schools" which established the Affirming and Inclusive Schools Task Force (Task Force) to identify strategies and best practices for ensuring welcoming, safe, supportive, and inclusive school environments for transgender, nonbinary, and gender nonconforming students. The Task Force delivered a report that served as the basis for two non-regulatory guidance documents entitled *Supporting Transgender, Nonbinary and Gender Nonconforming Students* and *Sample District Policy and Administrative Procedures* at www.isbe.net/supportallstudents. ISBE hosts these documents on its website. The Ill. Dept. of Human Services, the Legal Council for Health Justice and other community organizations partnered to create ILPrideConnect, which has resources for school administrators, parents, and students at www.ilprideconnect.org/school-and-education.

Consult the board attorney if your board wishes to adopt a separate policy or insert policy statements about accommodations and inclusion of transgender students.

For boards that want to incorporate ISBE's *Sample District Policy and Administrative Procedures* policy recommendation into this policy, insert the following in place of "gender identity,": gender, gender identity (whether or not traditionally associated with the student's sex assigned at birth), gender expression.

If the board inserts this option, it must also insert the options in f/n 9, below and in f/n 2 of sample policy 7:20, *Harassment of Students Prohibited*, but note the protected statuses list in this policy is different and should not be copied from here into 7:20, *Harassment of Students Prohibited*.

See sample administrative procedure 7:10-AP1, *Accommodating Transgender, Nonbinary, or Gender Nonconforming Students*, for a case-by-case procedure that school officials may use when a student requests an accommodation based upon his or her gender identity.

For a list of policies that address the equal educational opportunities, health, safety, and general welfare of students within the District, see sample exhibit 7:10-E, *Equal Educational Opportunities Within the School Community*.

[6] 105 ILCS 5/22-106, added by P.A. 104-288 and renumbered by P.A. 104-852, codifies Plyler v. Doe, 457 U.S. 202 (1982), which held that it is unconstitutional for states to deny children a free public education based on immigration status. See sample policy 7:150, *Agency and Law Enforcement Requests*, and its f/ns for more information. 23 Ill.Admin.Code §1.240 also states that "no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (Plyler v. Doe, 457 U.S. 202 (1982))."

[7] The IHRA prohibits schools from discriminating against students on the basis of *reproductive health decisions*. 775 ILCS 5/1-103(Q), amended by P.A. 103-785. For a definition of *reproductive health decisions*, see sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at f/n 19.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

marital or parental status, including pregnancy.[8] [9] Further, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the District remains viewpoint neutral when granting access to school facilities under Board policy 8:20, *Community Use of School Facilities*.[10] Any student may file a discrimination complaint by using Board policy 2:260, *Uniform Grievance Procedure*, or in the case of discrimination on the basis of race, color, or national origin, Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*. [11]

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

[8] *Pregnancy* means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth, including menopause-related conditions. 775 ILCS 5/1-103(J-5) and (L-5), both added or amended by P.A. 104-793, eff. 1-1-27. See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at f/n 18, for the definition of *menopause-related conditions*.

[9] ~~105 ILCS 5/22-105, added by P.A. 104-288, eff. 1-1-26, codifies Plyler v. Doe, 457 U.S. 202 (1982), which held that it is unconstitutional for states to deny children a free public education based on immigration status. The law prohibits districts from taking any action that would deny a child free public education based on the child's or their parent's/guardian's actual or perceived citizenship or immigration status, and it requires districts to establish a policy and procedures regarding agency and law enforcement requests, to ensure this right is preserved. 105 ILCS 5/22-105(c)(1-3), added by P.A. 104-288, eff. 1-1-26. See sample policy 7:150, *Agency and Law Enforcement Requests*, and sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*. In 23 Ill.Admin.Code §1.240, ISBE states that "no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (Plyler v. Doe, 457 U.S. 202 (1982))."~~

775 ILCS 5/1-102(A), amended by P.A.s 103-472 and 103-785, lists the following protected categories: race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, reproductive health decisions, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations, including in elementary, secondary, and higher education. See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, and its footnotes for definitions of some of these terms.

~~The IHRA prohibits schools from discriminating against students on the bases of *reproductive health decisions*. 775 ILCS 5/1-103(Q), amended by P.A. 103-785. See 775 ILCS 5/1-103(O-2), amended by P.A. 103-785, for a definition of *reproductive health decisions*.~~

The IHRA's jurisdiction in regard to schools as places of public accommodation is specifically limited to: (1) failing to enroll an individual, (2) denying or refusing full and equal enjoyment of facilities, goods, or services, or (3) failing to take corrective action to stop severe or pervasive harassment of an individual. 775 ILCS 5/5-102.2. **Note**: It can be a civil rights violation to have criteria and methods that infringe on students' access to public accommodations. 775 ILCS 5/5-102(D), added by P.A. 104-744. But see f/n 2 above regarding federal regulations on *disparate impact* liability in relation to discrimination under Title VI.

[10] 23 Ill.Admin.Code §200.40(g) prohibits entering into agreements with entities that discriminate against students on the basis on sex. Section 200.80(a)(4) contains an exception for single sex youth organizations, e.g., Girl Scouts. Note that the U.S. Supreme Court refused to apply New Jersey's public accommodation law to the Boy Scouts because forcing the Scouts to accept a homosexual as a member would violate the Scouts' freedom of expressive association. Boy Scouts of America v. Dale, 530 U.S. 640 (2002). When deciding whether to allow non-school groups to use its facilities, a public school district may not engage in viewpoint discrimination. Good News Club v. Milford Central Sch., 533 U.S. 98 (2001).

[11] Districts must have a grievance procedure. See the Legal References following this policy and 105 ILCS 5/22-95, added by P.A. 103-472, regarding the internal complaint process for claims of discrimination on the basis of race, color, or national origin, which is addressed in sample policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*. Absent a specific statute or rule, there is no consensus on whether students have the right to appeal a board's decision to the Regional Superintendent and thereafter to the State Superintendent pursuant to 105 ILCS 5/2-3.8.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Sex Equity [12]

No student shall, based on sex, sexual orientation, or gender identity[13] be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance Procedure*. A student may appeal the Board's resolution of the complaint to the Regional Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8). [14]

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

[12] Every district must have a policy on sex equity. 23 Ill.Admin.Code §200.40(b). The IHRA, Public Accommodation section, prohibits schools from: (1) failing to enroll an individual, (2) denying or refusing an individual full and equal enjoyment of its facilities, goods, or services, or (3) failing take corrective action to stop severe or pervasive harassment of an individual (775 ILCS 5/5-102.2), on the basis of the individual's sex or sexual orientation, among other classifications (775 ILCS 5/5-101(11)). Every four years, districts must evaluate their policies and practices to identify and eliminate sex discrimination as well as evaluate course enrollment data to identify disproportionate enrollment based on sex. In-service training for all staff members is required. 23 Ill.Admin.Code §200.40(e).

Every four years, districts must survey students about their athletic interests and must use survey results in planning for the future and assessing current program comparability. 23 Ill.Admin.Code §200.80(b)(1). Equal participation and equal opportunity in athletics is addressed in Title IX implementing regulations. 34 C.F.R. §106.41. Generally, when a school district offers a team for one gender but not for the other, a member of the excluded gender is allowed to try out for the team unless the sport is a *contact sport*. Contact sports are boxing, wrestling, rugby, ice hockey, football, basketball, and other sports involving bodily contact. The rules also list the factors that determine whether equal opportunities are available to both genders. These include: whether the selection of athletics accommodates the interests and abilities of both genders; equipment and supplies; scheduling; opportunity to receive coaching and academic tutoring; locker rooms, practice facilities, and fields; and publicity. Title IX prohibits any person from sexually harassing a student. See sample policy 2:265, *Title IX Grievance Procedure*, for further discussion.

105 ILCS 5/10-20.60 requires public schools to provide reasonable accommodations to breastfeeding students. See sample administrative procedure 7:10-AP2, *Accommodating Breastfeeding Students*, for specific *reasonable accommodations* under Illinois law.

105 ILCS 5/10-20.63 requires school districts to make menstrual hygiene products (defined as tampons and sanitary napkins for use in connection with the menstrual cycle) available, at no cost to students, in bathrooms of every school building that is open for student use in grades 4 through 12 during the regular school day. **Note:** While P.A. 102-340 expanded the availability of menstrual hygiene products to students in grades 4 and 5, it did not expand the definition of *school building*, which remains defined as serving students in grades 6 through 12. Consult with the board attorney about implementing this law.

105 ILCS 5/26A-40, ~~added by P.A. 102-466,~~ a/k/a *the Ensuring Success in School Law*, requires schools to "facilitate the full participation of students who are parents, expectant parents, or victims of domestic or sexual violence" by providing certain in-school support services. For further information, see sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

[13] For boards that want to incorporate ISBE's *Sample District Policy and Administrative Procedures* policy recommendations into this policy (see f/n 4 above), insert:

1. In place of "or gender identity" as follows: "~~or~~ gender identity, or gender expression".
2. The following sentence as the second sentence of this subhead: "Students shall be supported in a manner consistent with their gender identity. This will include, but not be limited to, use of restrooms, locker rooms, and other facilities that correspond with the student's gender identity."

[14] Districts must have a sex equity grievance procedure and must tell students that they may appeal a board's resolution of a sex equity complaint to the Regional Superintendent and, thereafter, to the State Superintendent. 23 Ill.Admin.Code §200.40. Student complaints regarding breastfeeding accommodations must also be processed in accordance with these procedures. See sample policy 2:260, *Uniform Grievance Procedure*, at f/n 9.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Any student may file a sexual harassment complaint by using Board policy 2:265, *Title IX Grievance Procedure*.

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator and a Title IX Coordinator.[15] The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and related grievance procedures. [16]

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106.
29 U.S.C. §791 et seq., Rehabilitation Act of 1973; 34 C.F.R. Part 104.
42 U.S.C. §2000d, Title VI of the Civil Rights Act of 1964; 34 C.F.R. Part 100.
42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
Plyler v. Doe, 457 U.S. 202 (1982).
Good News Club v. Milford Central Sch., 533 U.S. 98 (2001).
Ill. Constitution, Art. I, §18.
105 ILCS 5/3.25b, 5/3.25d(b), 5/10-20.12, 5/10-20.60, 5/10-20.63, 5/10-22.5, 5/22-10~~65~~, 5/26A, and 5/27-1.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
775 ILCS 35/5, Religious Freedom Restoration Act.
23 Ill.Admin.Code §1.240 and Part 200.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:130 (Student Rights and Responsibilities), 7:150 (Agency and Law Enforcement Requests), 7:160 (Student Appearance), 7:165 (School Uniforms), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:250 (Student Support Services), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:330 (Student Use of Buildings - Equal Access), 7:340 (Student Records), 8:20 (Community Use of School Facilities)

DRAFT

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

[15] Required by regulations implementing Title IX. 34 C.F.R. §106.8(a). See f/ns 24 and 25 in sample policy 2:260, *Uniform Grievance Procedure*. The Nondiscrimination Coordinator often also serves as the Title IX Coordinator.

[16] Required by regulations implementing Title IX. 34 C.F.R. Part 106; 23 Ill.Admin.Code §200.40. Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal but should be reviewed and approved by the superintendent and board. Faculty handbooks may contain working conditions and be subject to mandatory collective bargaining. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

School Admissions and Student Transfers To and From Non-District Schools [1]

Age [*Elementary or Unit Districts only*]

To be eligible for admission, a child must be five years old on or before September 1 of that school term.[2] A child entering first grade must be six years of age on or before September 1 of that school term.[3] Based upon an assessment of a child's readiness to attend school, the District may permit him or her to attend school prior to these dates.[4] A child will also be allowed to attend first grade based upon an assessment of his or her readiness if he or she attended a non-public preschool, continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately licensed teacher, and will be six years old on or before December 31.[5] A child with exceptional needs who qualifies for special education services is eligible for admission at three years of age.[6] Early

DRAFT

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

[1] State law requires some of the subject matter contained in this sample policy to be covered by policy and controls this policy's content. Boards must adopt a policy on school admissions (105 ILCS 5/10-21.2) and restricting a student from transferring from another school while under a suspension or expulsion from that school (105 ILCS 5/10-22.6). A *registration guidance document*, updated annually, is available from the Ill. State Board of Education (ISBE) at: www.isbe.net/Documents/guidance_reg.pdf.

[2] 105 ILCS 5/10-20.12. The district may, however, establish a kindergarten for children between the ages of 4 and 6 years old. 105 ILCS 5/10-22.18. Any child between the ages of 7 and 17 (unless the child has already graduated from high school) must attend public or private school, with certain exceptions allowed for physical and mental disability, lawful employment, or other reasons as specified by statute. 105 ILCS 5/26-1. The phrase "a child between the ages of 7 and 17" is liberally construed to fully carry out the true intent and meaning of the General Assembly (5 ILCS 70/1.01), which is to ensure that students graduate from high school (105 ILCS 5/26-1). Therefore, "the ages of 7-17" means a child is 17 until his or her 18th birthday.

[3] Optional sentence.

[4] 105 ILCS 5/10-20.12.

[5] Id. Delete the first four sentences in this paragraph if the district operates a year-round school and use the following alternative:

> To be eligible for admission, a child must be at least five years old within 30 days after the commencement of that school term. Based upon an assessment of the child's readiness to attend school, the District may permit him or her to attend school prior to this date. A child may also attend first grade based upon an assessment of his or her readiness if he or she attended a non-public preschool and continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately licensed teacher, and will attain age six within four months after the commencement of the term.

[6] 105 ILCS 5/14-1.02 and 5/14-1.03a. An ISBE rule states: "Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 C.F.R. §300.131) who may be eligible for special education and related services." 23 Ill.Admin.Code §226.100. Note that after a child is determined to be eligible for special education services, the child must be placed in the appropriate program no later than the beginning of the next school semester. 105 ILCS 5/14-8.02.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

entrance to kindergarten or first grade may also be available through Board policy 6:135, *Accelerated Placement Program*. [7] [8]

Admission Procedure

All students must register for school each year on the dates and at the place designated by the Superintendent. Parents/guardians of students enrolling in the District for the first time must present:

1. A certified copy of the student's birth certificate. If a birth certificate is not presented, the Superintendent or designee shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified copy of the student's birth certificate. A student will be enrolled without a birth certificate.[9] When a certified copy of the birth certificate is presented, the school shall promptly make a copy for its records, place the copy in the student's permanent[10] record, and return the certified copy to the person enrolling the child. If a person enrolling a student fails to provide a certified copy of the student's birth certificate, the Superintendent or designee shall immediately notify the local law enforcement agency, and shall also notify the person enrolling the student in writing that, unless he or she complies within 10 days, the case will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, the Superintendent or designee shall so refer the case. The Superintendent or designee shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content. [11]

DRAFT

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

[7] 105 ILCS 5/14A-17, Accelerated Placement Act (APA). For high school districts, delete this sentence and the cross reference to 6:135, *Accelerated Placement Program*. See sample policy 6:135, *Accelerated Placement Program*, and sample administrative procedure 6:135-AP, *Accelerated Placement Program Procedures*, for further detail.

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (*School year – School age.)*. See f/n 4 in sample policy 6:135, *Accelerated Placement Program* for a discussion about reconciling the APA and 105 ILCS 5/10-20.12. **Consult the board attorney for guidance.**

[8] Districts should consider implementing specific and objective criteria for early admissions and address such issues as who pays the costs for assessments, etc. Using this exception defeats the age requirement rules because it only relies upon a child's readiness, regardless of his or her age.

[9] Presenting a certified copy of a student's birth certificate is a missing children's law enforcement issue that may not be used for denying enrollment. See Guidance Documents subhead in sample administrative procedure 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*, for more information about enrollment and residency issues. Consult the board attorney if a student cannot produce a certified copy of his or her birth certificate and wishes to provide a passport, visa, or other governmental documentation of identity. To balance the tension between the missing children's laws reporting requirements, Plyler v. Doe (457 U.S. 202 (1982)), and 105 ILCS 5/22-1065 ~~(final citation pending)~~, added by P.A. 104-288 and renumbered by P.A. 104-852, many attorneys advise not to report a student's failure to produce a birth certificate; however always consult the board attorney for assistance based upon the specific facts of the enrollment situation (see f/n 11 below). See also f/n 6 in sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*, for discussion of place of birth as directory information.

[10] 23 Ill.Admin.Code §375.10 states that the *student permanent record* shall include basic identifying information, including the student's name, birth date and place, and gender, and evidence required under 325 ILCS 50/5(b)(1).

[11] Two almost identical laws govern this requirement: Missing Children Records Act (325 ILCS 50/) and Missing Children Registration Law (325 ILCS 55/). We reconciled their differences as much as possible but chiefly used the language from the Registration Law because it has the clearest explanation. The statutory enforcement requirements, as nonsensical as they may seem, are quoted in the policy. **Important:** Schools cannot deny admission based upon immigration status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. See Plyler v. Doe and 105 ILCS 5/22-1065 ~~(final citation pending)~~, added by P.A. 104-288 and renumbered by P.A. 104-852. See also f/n 18 below.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students*. [12]

The individual enrolling a student shall be given the opportunity to voluntarily state whether the student has a parent or guardian who is a member of a branch of the U.S. Armed Forces and who is either deployed to active duty or expects to be deployed to active duty during the school year.[13] Students who are children of active duty military personnel transferring will be allowed to enter: (a) the same grade level in which they studied at the school from which they transferred, if the transfer occurs during the District's school year, or (b) the grade level following the last grade completed. [14]

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required for enrollment.[15] Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

Foster Care Students

The Superintendent will appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Ill. Dept. of Children and Family Services (DCFS) when enrolling in or changing schools. The District's liaison ensures that DCFS' Office of

DRAFT

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

According to the Ill. State Police, a certified copy of the student's birth certificate is the only acceptable proof of the child's identity and age. 20 Ill.Admin.Code §1290.60(a). For more discussion about acceptable proof of identity, see f/n 1 in sample administrative procedure 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*. The Missing Children Records Act requires schools to make prompt copies of these certified copies. 325 ILCS 50/5(b)(1). Once made, schools need not request another certified copy with respect to that child for any other year in which the child is enrolled in that school or other entity. Id. While the Act does not mandate where the copy should be kept, it is appropriate for placement in the student's permanent record. See 23 Ill.Admin.Code §375.10 and f/n 10, above. The school person who receives the copy of the certified birth certificate should initial and date the document. That way, if there is a question or an investigation (which can happen even years after enrollment) there will not be an issue as to who received the document and the date it was processed.

A district must also *flag* a student's record on notification by the State police of the student's disappearance and report to the State police any request for a *flagged* student record. 325 ILCS 50/3, 50/5.

[12] Each school must maintain records for each student that reflect compliance with the examinations and immunizations required by 105 ILCS 5/22-105, renumbered by P.A. 104-391, and 23 Ill.Admin.Code §1.530(a). A tuberculosis skin test is required if the student lives in an area designated by the Ill. Dept. of Public Health as having a high incidence of tuberculosis. 105 ILCS 5/22-105(1), renumbered by P.A. 104-391.

[13] 105 ILCS 5/22-70. Districts must report this enrollment information as aggregate data to ISBE. Id.

[14] The Educational Opportunity for Military Children Act (105 ILCS 70/) further details enrollment and entrance requirements for children of active military personnel. 105 ILCS 70/33. After enrollment, the law allows a district to perform evaluations to ensure appropriate placement of the student. Course, program, graduation, extracurricular(s), and other placement options for this student population are further discussed in sample administrative procedure 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*.

[15] Required by Education for Homeless Children Act (105 ILCS 45/) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11431 et seq.). See §11432(g)(3)(C)(i).

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Education and Transition Services receives all written notices and records pertaining to students in the legal custody of DCFS as required by State law. [16]

Student Transfers To and From Non-District Schools [17]

A student may transfer into or out of the District according to State law and procedures developed by the Superintendent or designee. A student seeking to transfer into the District must serve the entire term

---

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

[16] Required by 105 ILCS 5/10-20.59. These DCFS liaisons must be licensed under Article 21B of the School Code. 105 ILCS 5/10-20.59 directs how employees are prioritized for DCFS liaison appointment. DCFS liaisons are "encouraged to build capacity and infrastructure within their school district to support students in the legal custody of the Department of Children and Family Services." Schools are required to give DCFS liaisons certain notices, records, and meeting invitations. See 105 ILCS 5/10-20.77 (notice and invitation to attend parent-teacher conferences and other meetings); 105 ILCS 5/10-21.8 (copies of correspondence and reports upon request of DCFS); 105 ILCS 5/13B-60.10 (notice and invitation to attend alternative learning opportunities program conference); 105 ILCS 5/14-8.02 (notices related to special education); 105 ILCS 10/ (student records). See sample administrative procedure 7:340-AP1, *School Student Records*, for more information regarding DCFS access to the student records of children in its legal custody. The law does not specifically require that a district's DCFS liaison perform these duties; this policy assigns them to the DCFS liaison because they logically fit within the responsibilities outlined in 105 ILCS 5/10-20.59, which may include:

1. Streamlining the enrollment process for students in foster care;
2. Implementing student data tracking and monitoring mechanisms;
3. Ensuring that students in DCFS custody receive all school nutrition and meal programs available;
4. Coordinating student withdrawal from a school, record transfers, and credit recovery;
5. Becoming experts on the foster care system and State laws and policies in place that support students in DCFS custody;
6. Coordinating with child welfare partners;
7. Providing foster care-related information and training to the district;
8. Working with DCFS to help students maintain their school placement, if appropriate;
9. Reviewing student schedules to ensure students are on track to graduate;
10. Encouraging a successful transition into adulthood and postsecondary opportunities;
11. Encouraging involvement in extracurricular activities; and
12. Knowing what support is available within the district and community for students in DCFS custody.

[17] 105 ILCS 5/2-3.13a requires each transferor (original) school to keep documentation of transfers in the student's record. It also requires "notification [by the transferee (recipient) school] of the transfer on or before July 31 following the school year during which the student withdraws from the transferor school or school district or the student shall be counted in the calculation of the transferor school's or school district's annual student dropout rate." ISBE rule, 23 Ill.Admin.Code §375.75(e), is consistent with this requirement. The rule also requires the transferring school or district to maintain any documentation of the student's transfer, including records indicating the school or school district to which the student transferred, in that student's temporary record. Id.

Out-of-state transfer students, including children of military personnel, may use unofficial transcripts for admission to a school until official transcripts are obtained from the student's last school district. 105 ILCS 10/8.1(d) and 70/32. See also sample administrative procedure 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*.

A board has two basic options for students transferring into the district who are serving a suspension or expulsion. Under option one, it may comply with the minimum requirements of 105 ILCS 5/2-3.13a by refusing to allow a student transferring from any public school to attend classes until the period of any suspension or expulsion has expired when the penalty was for: (1) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act; (2) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (3) battering a staff member of the school. Under option two, a board may require a student who was suspended or expelled for *any* reason from any public or private school in this or any other state to complete the entire term of the suspension or expulsion before being admitted to the school district. The sample policy uses the second, more simple, more comprehensive alternative.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

of any suspension or expulsion, imposed for any reason by any public or private school, in this or any other state, before being admitted into the School District.

Foreign Students [*High School or Unit Districts only*] [18]

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

A board may adopt a policy providing that if a student is suspended or expelled for any reason from any school, anywhere, the student must complete the suspension's or expulsion's entire term in an alternative school program under Article 13A (105 ILCS 5/13A, amended by P.A. 103-473) or an alternative learning opportunities program under Article 13B (105 ILCS 5/13B, amended by P.A. 104-546) before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program. 105 ILCS 5/2-3.13a and 5/10-22.6(g), ~~amended by P.A. 102-466,~~ a/k/a *the Ensuring Success in School (ESS) Law*. If a board adopts such a policy, it must allow for the consideration of any mitigating factors (including the student's status as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A). 105 ILCS 5/10-22.6(g), ~~amended by P.A. 102-466,~~ a/k/a *the ESS Law*. If a board wants to provide for this alternative, it may add the following to either of the above options and add 105 ILCS 5/26A to the Legal References:

> The Superintendent is authorized to allow a student who was suspended or expelled from any public or private school to be placed in an alternative school program established under Article 13A of the School Code or an alternative learning opportunities program established under Article 13B of the School Code for the remainder of the suspension or expulsion. When determining whether to authorize such placement, the Superintendent shall consider any mitigating factors relating to the suspension or expulsion, including the student's status as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A.

18 Generally, a citizen of a foreign country who wishes to enter the U.S. must first obtain either: (1) a nonimmigrant visa (for temporary stay for tourism, medical treatment, business, temporary work, or study), or (2) an immigrant visa for permanent residence. Common visas presented by foreign students are:

1. J-1 nonimmigrant visas for participants in educational and cultural exchange programs designated by the U.S. Dept. of State (DOS), Exchange Visitor Program, and Designation Staff. These students are enrolled provided they otherwise qualify for admission. For information about J-1 visas and the Exchange Visitor Program, see j1visa.state.gov/programs.
2. F-1 nonimmigrant student visa. F-1 visas are not issued for attendance at an elementary or middle school (K-8). Before obtaining an F-1 student visa, the individual must submit evidence that the school district has been reimbursed for the unsubsidized per capita cost of the education. These students are enrolled provided they otherwise qualify for admission. However, attendance at U.S. public high schools cannot exceed a total of 12 months.
3. B-2 visitor nonimmigrant visas. There is disagreement over whether these students must be enrolled tuition-free. Their *visitor* visa is evidence of nonresident status. Call the district's attorney for guidance.
4. The qualified school-age child of an alien who holds another type of visa, i.e., A, E, H, I, L, etc., other than a visitor visa. These students are enrolled provided they otherwise qualify for admission. Likewise, dependents of foreign nationals on long-term visas are enrolled provided they otherwise qualify for admission.
5. No immigration documentation. Plyler v. Doe and 105 ILCS 5/22-1065 ~~(final citation pending)~~, added by P.A. 104-288 and renumbered by P.A. 104-852. A school cannot deny admission based upon immigration status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. Thus, undocumented aliens are enrolled, provided they otherwise qualify for admission. See sample policy 7:150, *Agency and Law Enforcement Requests,* and sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests.*
6. Immigrant visa. These students are enrolled provided they otherwise qualify for admission.

The Student and Exchange Visitor Information System (SEVIS) is an Internet-based system that provides tracking and monitoring, with access to accurate and current information on nonimmigrant students (F and M visas) and exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). 8. U.S.C. §1372(c)(2), implemented by 8 C.F.R. §214.1(h), is an exception to the Family Educational Rights and Privacy Act (20 U.S.C. §1232g) authorizing and requiring districts to report information concerning an F, J, or M nonimmigrant to the extent necessary to comply with 8. U.S.C. §1372 and 8 C.F.R. §214.3(g) to certify these students for enrollment. SEVIS enables schools and program sponsors to transmit electronic information and event notifications, via the Internet, to the U.S. Dept. of Homeland Security (DHS) and DOS throughout a student's or exchange visitor's stay. SEVIS will provide system alerts, event notifications, and reports to the end-user schools and programs, as well as for DHS and DOS offices.

According to federal regulations, students who apply for F-1, M-1, F-3, J-1, or M-3 visas must pay a fee to the DHS. The regulations describe when and how the fee is to be paid, who is exempt from the fee, and the consequences for failure to pay, 8 C.F.R. Parts 103, 214, and 299.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

The District accepts foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration. Exchange students on a J-1 visa are not required to pay tuition. [19]

Privately sponsored exchange students on an F-1 visa may be enrolled if an adult resident of the District has temporary guardianship, and the student lives in the home of that guardian. Exchange students on an F-1 visa are required to pay tuition at the established District rate.[20] F-1 visa student admission is limited to high schools, and attendance may not exceed 12 months.

The Board may limit the number of exchange students admitted in any given year. Exchange students must comply with District immunization requirements. Once admitted, exchange students become subject to all District policies and regulations governing students.

Re-enrollment [21] [*High School or Unit Districts only*]

Re-enrollment shall be denied to any individual 19 years of age or above who has dropped out of school and who could not earn sufficient credits during the normal school year(s) to graduate before his or her 21st birthday. However, at the Superintendent's or designee's discretion and depending on program availability, the individual may be enrolled in a graduation incentives program established under 105 ILCS 5/26-16 or an alternative learning opportunities program established under 105 ILCS 5/13B-1 (see 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*). Before being denied re-enrollment, the District will offer the individual due process as required in cases of expulsion under Board policy 7:210, *Expulsion Procedures*. A person denied re-enrollment will be offered counseling and be directed to alternative educational programs, including adult education programs that lead to graduation or receipt of a GED diploma. This section does not apply to students eligible for special education under the Individuals with Disabilities Education Improvement Act or accommodation plans under the Rehabilitation Act, Section 504.

DRAFT

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

[19] Optional. State law allows, but does not require, boards to waive nonresident tuition for these students. 105 ILCS 5/10-22.5a.

[20] Exchange students on F-1 visas must pay the full-unsubsidized public education costs before entering the U.S. 8 U.S.C. §1101(a)(15)(F); 8 U.S.C. §1184(m). Boards may not waive the fee.

[21] 105 ILCS 5/26-2(b). The requirements in this section are provided in State law, that is: (1) it is mandatory that a district deny re-enrollment as provided in this section; (2) it is permissive whether to enroll the individual in a district graduation incentives program or alternative learning opportunities program (although depending on circumstances, a student below the age of 20 may be entitled to enroll in a graduation incentives program); (3) it is mandatory to provide due process before denying re-enrollment; (4) it is mandatory to offer the individual who is denied re-enrollment counseling and to direct that person to alternative educational programs; and (5) it is mandatory that this section not apply to students eligible for special education.

105 ILCS 5/26-2(c) allows a district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. See sample policy 7:70, *Attendance and Truancy*.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 8 U.S.C. §1101 et seq., Illegal Immigrant and Immigrant Responsibility Act of 1996.
20 U.S.C. §1232g, Family Educational Rights and Privacy Act.
20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act.
29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.
42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-20.59, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/22-106~~5~~, 5/26-1, and 5/26-2.
105 ILCS 10/8.1, Ill. School Student Records Act.
105 ILCS 45/, Education for Homeless Children Act.
105 ILCS 70/, Educational Opportunity for Military Children Act.
325 ILCS 50/, Missing Children Records Act.
325 ILCS 55/, Missing Children Registration Law.
410 ILCS 315/2, Communicable Disease Prevention Act.
20 Ill.Admin.Code Part 1290, Missing Person Birth Records and School Registration.
23 Ill.Admin.Code Part 226, Special Education.
23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 4:110 (Transportation), 6:30 (Organization of Instruction), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:135 (Accelerated Placement Program), 6:140 (Education of Homeless Children), 6:300 (Graduation Requirements), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:150 (Agency and Law Enforcement Requests), 7:340 (Student Records)

DRAFT

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Attendance and Truancy [1]

Compulsory School Attendance [2]

This policy applies to individuals who have custody or control of a child: (a) between the ages of six (on or before September 1) and 17 years (unless the child has graduated from high school), or (b) who is enrolled in any of grades kindergarten through 12 in the public school regardless of age.

Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because of religious reasons, including to observe a religious holiday, for religious instruction, or because his or her religion forbids secular activity on a particular day(s) or time of day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness (including mental or behavioral health of the student),[3] attendance at a verified medical or therapeutic appointment (including a victim services provider),[4] observance of a religious holiday, death in the

DRAFT

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

[1] State law requires boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/22-92; 23 Ill.Admin Code Part 207. Any school receiving public funds must develop and annually communicate to its students and their parents/guardians an absenteeism and truancy policy. Id. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook* (MSH), at: www.ilprincipals.org/msh/.

This policy must be updated every two years and filed with the Ill. State Board of Education (ISBE) and the regional superintendent of schools [or iIntermediate sService cCenter cExecutive dDirector, whichever is appropriate]. 105 ILCS 5/22-92(b); 23 Ill.Admin.Code §207.30(a). 105 ILCS 5/3-0.01 states that any references to *regional superintendent* include the chief administrative officer of Intermediate Service Centers established under 105 ILCS 5/2-3.62. See the **Updating** subhead and f/n 24, below.

[2] 105 ILCS 5/26-2 addresses enrolled students below or over set compulsory attendance ages. The law also requires any persons having custody or control of a child who is enrolled in grades kindergarten through 12 in the public school to cause the child to attend school.

105 ILCS 5/26-1 contains the compulsory school age exemptions. Each listed exception is specifically included in the statute, except the reference to *home school*. See sample policy 7:40, *Nonpublic School Students, Including Parochial and Home-Schooled Students*, regarding assigning students who enroll from a non-public school. See sample policy 6:150, *Home and Hospital Instruction*, regarding providing instruction to a pregnant student or other student who is medically unable to attend school.

[3] 105 ILCS 5/26-1 and 5/26-2a. A student may be absent for mental or behavioral health for up to five days without providing a medical note, and the student must be given an opportunity to make up any missed school work. *Medical note* is not defined, but the same portion of the statute discusses a student's inability to attend school due to a disability being certified by an Illinois licensed physician, chiropractic physician, advanced practice registered nurse, or physician assistant; presumably, any of these individuals could provide a *medical note*. After the second mental health day used, the student may be referred to the appropriate school support personnel. Id. See sample policy 7:250, *Student Support Services*.

[4] 105 ILCS 5/26-2a, ~~amended by P.A. 102-466,~~ a/k/a *the Ensuring Success in School (ESS) Law*.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

immediate family, attendance at a civic event,[5] family emergency, other situations beyond the control of the student as determined by the Board, voting pursuant to Board policy 7:90, *Release During School Hours* (10 ILCS 5/7-42 and 5/17-15), other circumstances that cause reasonable concern to the parent/guardian for the student's mental, emotional, or physical health or safety, or other reason as approved by the Superintendent or designee.[6] For students who are parents, expectant parents, or victims of domestic or sexual violence, valid cause for absence also includes the fulfillment of a parenting responsibility and addressing circumstances resulting from domestic or sexual violence.[7] Students absent for a valid cause may make up missed homework and classwork assignments in a reasonable timeframe. [8]

Absenteeism and Truancy Program

The Superintendent or designee shall manage an absenteeism and truancy program in accordance with the School Code and School Board policy. The program shall include but not be limited to:

DRAFT

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

[5] 105 ILCS 5/26-1 and 5/26-2a. Subject to ISBE guidelines, a middle or high school student shall be permitted one school day-long excused absence per school year to engage in a *civic event*, defined as "an event sponsored by a non-profit organization or governmental entity that is open to the public. *Civic event* includes, but is not limited to, an artistic or cultural performance or educational gathering that supports the mission of the sponsoring non-profit organization. Schools may require students to provide an appropriate administrator with reasonable advance notice of the intended absence and documentation of participation.

[6] 105 ILCS 5/22-92(a)(1) requires a policy with a definition of valid cause for absence in accordance with 105 ILCS 5/26-2a. These reasons are in 105 ILCS 5/26-2a except that (1) "other reason as approved by the Superintendent," and (2) absences for students to vote authorized by 10 ILCS 5/7-42 and 5/17-15 were added. An ISBE rule requires that the absenteeism and truancy policy define valid causes for absence. 23 Ill.Admin.Code §1.290.

For elementary districts, delete the following phrase from the second sentence of this paragraph: "~~voting pursuant to policy 7:90, *Release During School Hours* (10 ILCS 5/7-42 and 5/17-15),~~" and delete 7:90, *Release During School Hours*, from the Cross References.

For high school and unit districts that do not wish to include the **Voting** subhead in policy 7:90, *Release During School Hours*, amend the second sentence of this paragraph as follows: "~~, policy 7:90, Release During School Hours (~~the Election Code, 10 ILCS 5/7-42 and 5/17-15~~,~~)"and delete 7:90, *Release During School Hours* from the Cross References.

[7] 105 ILCS 5/26-2a, ~~amended by P.A. 102-466,~~ a/k/a *the ESS Law*. *Fulfillment of a parenting responsibility* includes, but is not limited to, arranging and providing child care, caring for a sick child, attending prenatal or other medical appointments for the expectant student, and attending medical appointments for a child. Id. *Circumstances resulting from domestic or sexual violence* includes, but is not limited to, experiencing domestic or sexual violence, recovering from physical or psychological injuries, seeking medical attention, seeking services from a domestic or sexual violence organization as defined in 105 ILCS 5/26A-10, seeking psychological or other counseling, participating in safety planning, temporarily or permanently relocating, seeking legal assistance or remedies, or taking any other action to increase the safety or health of the student or to protect the student from future domestic or sexual violence. Id. Before an absence of three or more consecutive days that is related to domestic or sexual violence, a district may require a student to verify his or her claim of domestic or sexual violence under 105 ILCS 5/26A-45. Id. See sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*. ISBE non-regulatory guidance on the *ESS Law* is available at: www.isbe.net/Documents/Ensuring-Success-in-School.pdf.

[8] See f/n 3. In addition, 105 ILCS 5/10-20.78 requires a written policy related to absences and missed homework or classwork assignments as a result of or related to a student's pregnancy. It makes sense to apply such a policy to all students who are absent for a valid cause.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified. [9]
2. A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran. [10]
3. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings. [11]
4. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification. [12]
5. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in 105 ILCS 5/26-2a.
6. A description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem. [13]
7. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, and information about available community services relevant to such students'

DRAFT

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

[9] Any child "necessarily and lawfully employed" may be exempted from attendance by the superintendent "on certification of the facts by and the recommendation of the school board." 105 ILCS 5/26-1. The policy's language serves to delegate this "certification of the facts" to the superintendent or designee. The following option allows a board to consider and include specific criteria in the policy:

A student may be excused, at the Superintendent's discretion, when: (1) the student has a last period study hall, (2) the parent/guardian provides written permission, (3) the student's employer provides written verification of employment, (4) the student provides evidence of a valid work permit, or (5) other reason deemed justifiable by the Superintendent.

Child Labor laws include: 29 C.F.R. Part 570 (minimum age standards, occupations, conditions, etc.); Child Labor Law of 2024, 820 ILCS 206/, added by P.A. 103-721; 56 Ill.Admin.Code Part 250 (child labor regulations). To streamline the employment certificate process for minors, the Ill. Dept. of Labor (IDOL) has a paperless certification system for districts to provide IDOL with the name and contact information of the superintendent or designee as the *issuing officer*. The *school issuing officer* will then be granted access to electronically complete and submit either the IDOL's *Employment Certificate Form* or *Temporary Employment Certificate Form*, at: https://labor.illinois.gov/laws-rules/fls/employment-certificates-minors.html.

[10] 105 ILCS 5/26-1. A student must notify the building principal or other administrator at least two days prior to the absence providing the date, time, and location of the military honors funeral. This requirement may be waived if the student did not receive notice at least two days in advance, but the student shall notify the administration as soon as possible of the absence.

A student whose absence is excused to sound *Taps* shall be counted in attendance for purposes of calculating the average daily attendance of students in the district. The district must allow the student reasonable time to make up school work and if school work is satisfactorily completed, the day of absence is counted as an attendance day for the student.

[11] 105 ILCS 5/26-1. Such a student must be granted five days of excused absences in any school year and, at the board's discretion, may be granted additional excused absences to visit the student's parent/guardian. The student and his/her parent/guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his/her return to school from the excused absence period. Id.

[12] This notification is required by 105 ILCS 5/26-3b. Delete for high school districts.

[13] 105 ILCS 5/22-92(a)(2).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

needs.[14] See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.

8. A process for the collection and review of chronic absence data and to:
    a. Determine what systems of support and resources are needed to engage chronically absent students and their families, and
    b. Encourage the habit of daily attendance and promote success. [15]
9. Reasonable efforts to provide ongoing professional development to all school personnel, Board members, and school resource officers on the appropriate and available supportive services for the promotion of student attendance and engagement. [16]
10. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered. [17]
11. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community--based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records. [18]

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

[14] Id. at (3). The School Code references to dropout prevention include: 105 ILCS 5/26-3a (regional superintendent activities and annual report); 105 ILCS 5/10-20.25a (annual report by boards); and 105 ILCS 5/1A-4(E) (ISBE report).

[15] 105 ILCS 5/22-92(a)(4) requires the incorporation of provisions relating to chronic absenteeism in accordance with 105 ILCS 5/26-18. 105 ILCS 5/26-18 requires districts to collect and review chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. 105 ILCS 5/26-18(c). The review must include an analysis of chronic absence data from each attendance center. Id. Districts are also encouraged to: (1) provide a system of support to students at risk of reaching or exceeding chronic absence levels, i.e., those available through the Illinois Multi-tiered Systems of Support Network; and (2) make resources available to families, i.e., those available through ISBE's Family Engagement Framework, to support and engage students and their families. 105 ILCS 5/26-18(d). *Chronic absence* means "absences that total 10% or more of school days of the most recent school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student." 105 ILCS 5/26-18(a). In contrast, a *chronic or habitual truant* is "a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days." 105 ILCS 5/26-2a.

[16] 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896.

[17] Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

[18] 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services. 705 ILCS 405/3-33.5, amended by P.A. 103-379. Truant minors in need of supervision may be required by the court to perform reasonable public service that does not interfere with school hours, school-related activities, or work commitments of the minor or the minor's parent, guardian, or legal custodian. Id. Fees or costs may not be ordered or imposed in contempt proceedings related to the minor's adjudication as a truant minor in need of supervision. Id.

Counties may regulate truants by ordinance and impose fines and/or community services on truants, as permitted by law, or, if the truant is under 10 years of age, on the parent or custodian. 55 ILCS 5/5-1078.2; 55 ILCS 5/5-1101.3, amended by P.A. 103-379. Municipalities may regulate truants by ordinance and impose fines and/or community services on truants, as permitted by law, or, if the truant is under 13 years of age, on the parent or custodian. 65 ILCS 5/11-5-9. Local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as: (a) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (b) *juvenile authorities* within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Ill. School Student Records Act. 105 ILCS 10/6(a)(6.5). Id. **A superintendent should consult with the board attorney before disclosing school student records to non-district entities.** See 7:340-AP1, *School Student Records*, for a sample procedure for release of such records to juvenile authorities.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

12. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student. [19]
13. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. [20]
14. An approval process for students to attend activities allowed under 105 ILCS 5/10-19.05(k), including provisions for making up missed coursework that do not penalize students. [21]

[*For high school and unit districts only*]

15. A process for a 17-year-old resident to participate in the District's various programs and resources for truants.[22] The student must provide documentation of his/her dropout status for the previous six months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in Board policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.

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

Passed in response to a ProPublica article series entitled The Price Kids Pay, at: www.propublica.org/series/the-price-kids-pay, P.A. 103-379 restricts the ability of the juvenile courts and certain county boards to assess fines, fees, assessments, and costs to minors and the minor's parents/guardians, subject to the minor's adjudication under various ordinances and statutes.

[19] 105 ILCS 5/26-12, amended by P.A.s 104-430 and 104-743, prohibits punitive action "unless available supportive services and other school resources have been provided to the student." School personnel may not refer a truant, chronic truant, or truant minor to any other local public entity, school resource officer, or peace officer to issue the child a fine or fee as punishment for truancy. Id. In addition, "a truant minor may not be administratively withdrawn ~~expelled~~ for nonattendance unless he or she has accrued 15 consecutive days of absences without valid cause and the student cannot be located by the school district or the school district has located the student but cannot, after exhausting all available supportive services, compel the student to return to school." Id. A school district must make at least three documented attempts to notify the parent or guardian of its intent to administratively withdraw a student prior to withdrawing the student. Id.

[20] 105 ILCS 5/26-3a requires the district to "establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship."

This statute also requires the "clerk or secretary" of the board to quarterly report to the regional superintendent and Secretary of State the identity of students who were removed from the regular attendance roll, exclusive of transferees, because they were expelled; have withdrawn; left school; withdrew due to extraordinary circumstances; have re-enrolled in school since their names were removed from the attendance rolls; were certified to be chronic or habitual truants; or were previously certified as chronic or habitual truants who have resumed regular school attendance. The statute provides that the status of a driver's license or instructional permit will be jeopardized for a student who is the subject of this notification because of non-attendance unless the non-attendance is due to extraordinary circumstances as determined by the local district. State Superintendent Koch announced in his *Weekly Message*, 8-28-07, see **Funding & Disbursements** subhead, p.2, at: www.isbe.net/Documents_Superintendent_Weekly_Message/message_082807.pdf, that ISBE is delaying implementing this statute based upon legal guidance from the U.S. Dept. of Education's Family Policy Compliance Office that its implementation would violate the federal Family Educational Rights and Privacy Act.

[21] Required by 105 ILCS 5/10-19.05(k), amended by P.A. 104-250~~, eff. 1-1-26~~, no later than the beginning of the 2026-27 school year. Allowable activities are: (1) instruction in a college course where the student is dually enrolled for both high school and college credit, (2) participation in a Supervised Career Development Experience in which student participation and learning outcomes are approved by an educator licensed under 105 ILCS 5/21B for assessment of competencies, (3) participation in any work-based learning experience in which student participation and learning outcomes are approved by an educator who holds an Educator License with Stipulations with a career and technical educator endorsement and a work-based learning designation, (4) participation in a youth apprenticeship in which student participation and learning outcomes are approved by an educator licensed under 105 ILCS 5/21B for assessment of competencies, and (5) participation in a blended learning program approved by the district in which course content, student evaluation, and instructional methods are supervised by an educator licensed under 105 ILCS 5/21B. Id.

[22] A district must allow this participation; the length of the drop-out period and the documentation requirement contained in the next sentence are permissive. 105 ILCS 5/26-14.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

16. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. [23]

Updating [24]

Pursuant to State law and Board policy 2:240, *Board Policy Development*, the Board updates this policy at least once every two years. The Superintendent or designee shall assist the Board with its update.

LEGAL REF.: 105 ILCS 5/10-19.05(k), 5/22-92, 5/26-1 through 5/26-3, 5/26-5 through 5/26-16, 5/26-18, and 5/26A.
705 ILCS 405/3-33.5, Juvenile Court Act of 1987.
23 Ill.Admin.Code §§1.242 and Part 207.

CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:90 (Release During School Hours), 7:190 (Student Behavior), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:340 (Student Records)

DRAFT

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

[23] Optional, but provided in 105 ILCS 5/26-2(c)(3); ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

[24] 105 ILCS 5/22-92(b). Every two years this policy must be updated and, even if no updates are made, filed with ISBE and the regional superintendent of schools [or iIntermediate sService cCenter cExecutive dDirector, whichever is appropriate]. Id.; 23 Ill.Admin.Code §207.30. The policy must contain all requirements of 105 ILCS 5/22-92, indicate the date of adoption (by month, day, and year) and any revision dates, and be filed electronically by September 30 each review year through ISBE's MyISBE (formerly Ill. Web Application Security (IWAS)) system. 23 Ill.Admin.Code §§207.20(a), 207.30(a). If, after review and re-evaluation of the policy, the district determines that no updates are necessary, either a copy of board minutes clearly indicating the policy was re-evaluated and no changes were deemed necessary or a signed statement from the board president indicating the policy was re-evaluated and no changes were deemed necessary must be submitted to MyISBE. 23 Ill.Admin.Code §207.30(a)(3). ISBE has stated that for districts that update the adoption date listed on a policy whenever the policy is updated, the date of adoption is sufficient to also indicate the revision date. See ISBE *Absenteeism and Truancy Policy FAQ*, at: www.isbe.net/Documents/Absenteeism-Truancy-Policy-FAQ.pdf.

©2025 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Agency and Law Enforcement Requests [1]

The District recognizes the right of every student to equal access to a free public education under State and federal law, consistent with Board policy 7:10, *Equal Educational Opportunities*. District

---

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

[1] By 7-1-26, 105 ILCS 5/22-1065(d), added by P.A. 104-288, eff. 1-1-26 and renumbered as 5/22-106 throughout by P.A. 104-852, requires a board to adopt a policy to ensure that no child is denied a free public education based on the child's perceived or actual citizenship or immigration status, consistent with the U.S. Supreme Court's decision in Plyler v. Doe, 457 U.S. 202 (1982), which held that it is unconstitutional for states to deny children a free public education based on immigration status. The **Federal and State Law Requirements Regarding Citizenship and Immigration Status in Schools** subhead of this sample policy contains the policy elements required by 105 ILCS 5/22-1065(d). By 7-1-26, dDistricts are also required to develop procedures for reviewing and authorizing requests from *law enforcement agents* attempting to enter a school or school facility. 105 ILCS 5/22-1065(c)(4), added by P.A. 104-288, eff. 1-1-26. 105 ILCS 5/22-1065(b), added by P.A. 104-288, eff. 1-1-26, defines *law enforcement agent* as "an agent of federal, State, or local law enforcement authorized with the power to arrest or detain individuals or manage the custody of detained individuals for a law enforcement purpose, including civil immigration enforcement. *Law enforcement agent* does not include a school resource officer as defined in 105 ILCS 5/10-20.68, amended by P.A. 104-430. Id. See sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*.

The Illinois TRUST Act, 5 ILCS 805/, prohibits law enforcement agencies and officials from enforcing federal civil immigration laws. Under 5 ILCS 805/15(b), law enforcement cannot stop, arrest, search, detain, or continue to detain a person solely based on an individual's citizenship or immigration status. The Keep Illinois Families Together Act, 5 ILCS 835/, further provides that no law enforcement agency or official may enter into or remain in an agreement with U.S. Immigration and Customs Enforcement (ICE) under a federal 287(g) program, which would permit ICE to delegate certain enforcement duties to State and local law enforcement agencies.

An excellent resource is the Guidelines for Interviews of Students, published by the Ill. Council of School Attorneys (*ICSA Guidelines*) at: www.iasb.com/policy-services-and-school-law/guidance-and-resources/guidelines-for-interviews-of-students/. Another resource, Policing in Schools, Developing a Governance Document for School Resource Officers in K-12 Schools, developed by the American Civil Liberties Union (ACLU), is available at: www.aclu.org/racial-justice/policing-schools-developing-governance-document-school-resource-officers-k-12-schools. It, like the *ICSA* Guidelines, highlights the need for collaboration between law enforcement and school officials. It recommends that school officials provide law enforcement agencies with information about the school's mission to ensure a safe school environment while respecting student rights. To accomplish this, the ACLU recommends that school officials create a model governance document, (e.g., based on sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*), and provide it to law enforcement authorities with whom they work.

The Ill. State Board of Education (ISBE) published *Non-Regulatory Guidance on the Safe Schools for All Act and Immigration Enforcement Actions* (DecemberJan. 2025) available at: www.isbe.net/Documents/Immigration-Enforcement-Guidance.pdf. In addition, ISBE published *Non-Regulatory Guidance on Registration: Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers* (September 2025) available at: www.isbe.net/Documents/guidance_reg.pdf. Another helpful resource is *School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)*, from the Privacy Technical Assistance Center of the U.S. Dept. of Educ. (2019), at: www.studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa.

105 ILCS 5/10-20.64 prohibits *student booking stations* from being established or maintained on school grounds. A *student booking station* is "a building, office, room, or any indefinitely established space or site, mobile or fixed, which operates concurrently as: (1) predominantly or regularly a place of operation for a municipal police department, county sheriff department, or other law enforcement agency, or under the primary control thereof, and (2) a site at which students are detained in connection with criminal charges or allegations against those students, taken into custody, or engaged with law enforcement personnel in any process that creates a law enforcement record of that contact with law enforcement personnel or processes." 105 ILCS 5/10-20.64(d).

©2025 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

administrators and staff stand *in loco parentis*[2] when government agency and law enforcement authority requests occur at school.

Federal and State Law Requirements Regarding Citizenship and Immigration Status in Schools [3]

No student shall be denied an education based on the student's, or their parent's/guardian's, actual or perceived citizenship or immigration status. Based on such status, the District will not:

1. Exclude a student from participating in, or deny them the benefits of, any District program or activity. [4]
2. Use policies or procedures or engage in practices that have the effect of excluding a student from participating in or denying the benefits of any District program or activity. [5]
3. Use policies or procedures or engage in practices that have the effect of excluding participation of a student's parent(s)/guardian(s) from District parental engagement activities or programs. [6]
4. Threaten to disclose information related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any other person, entity, or immigration or law enforcement agency. [7]
5. Disclose information related to the perceived citizenship or immigration status of a student or a person associated with the student to any other person, entity, or immigration or law enforcement agency if the District does not have direct knowledge of the student's or associated person's actual citizenship or immigration status, subject to the requirements in 105 ILCS 5/22-1065(c)(3). [8]
6. Disclose information related to the actual citizenship or immigration status of a student or a person associated with the student to any other person or nongovernmental entity if the District has direct knowledge of the student's or associated person's actual citizenship status, subject to the requirements in 105 ILCS 5/22-1065(c)(3). [9]

DRAFT

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

[2] 105 ILCS 5/24-24. See the *ICSA Guidelines*, for a discussion of *in loco parentis*.

[3] The contents of this subhead are required by 105 ILCS 5/22-1065(d), added by P.A. 104-288, ~~eff. 1-1-26~~.

[4] 105 ILCS 5/22-1065(c)(1), added by P.A. 104-288, ~~eff. 1-1-26~~.

[5] Id. at (c)(2), added by P.A. 104-288, ~~eff. 1-1-26~~.

[6] Id., added by P.A. 104-288, ~~eff. 1-1-26~~.

[7] Id. at (c)(3)(A), added by P.A. 104-288, ~~eff. 1-1-26~~.

[8] Id. at (c)(3)(B), added by P.A. 104-288, ~~eff. 1-1-26~~. Districts must also still comply with federal and State laws, e.g., FERPA and the Ill. School Student Records Act, governing the disclosure of student records or information. Id. 8 U.S.C. §1373(b) states, "Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual: (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service. (2) Maintaining such information. (3) Exchanging such information with any other Federal, State, or local government entity." 8 U.S.C. §1644 states, "Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States." See also, Section VII of the *ICSA Guidelines* for a discussion of the intersection of federal and state laws relating to compliance with immigration enforcement actions. This area of law is rapidly evolving and the subject of litigation by the federal government challenging Illinois laws that limit local and state cooperation with federal immigration authorities. **Consult the board attorney regarding legal requirements when requests are received from federal law enforcement agencies.**

[9] 105 ILCS 5/22-1065(c)(3)(C), added by P.A. 104-288, ~~eff. 1-1-26~~, and see f/n 8, above, for additional legal compliance considerations.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

State law does not prohibit or restrict the District from sending or receiving information about the citizenship or immigration status of an individual to or from the U.S. Dept. of Homeland Security or any other governmental entity under 8 U.S.C. §§1373 and 1644.[10]

Responding to Agency and Law Enforcement Requests [11]

The Superintendent shall develop procedures to manage requests by government agencies or law enforcement authorities regarding students at school. Procedures will:

1. Recognize individual student rights and privacy.
2. Recognize the potential impact the release of information or an interview may have on an individual student.
3. Minimize potential disruption.
4. Foster a cooperative relationship with government agencies and law enforcement authorities.
5. Maintain discipline and recognize that school employees stand in the relationship of the parents/guardians to the students[12] during the school day.
6. Comply with State law including, but not limited to, ensuring that before a law enforcement agent, school resource officer, or other school security person detains and questions on school grounds a student under 18 years of age who is suspected of committing a criminal act, the Superintendent or designee will: [13]
    a. Notify or attempt to notify the student's parent(s)/guardian(s) and document the time and manner in writing;
    b. Make reasonable efforts to ensure the student's parent/guardian is present during questioning or, if they are not present, ensure that school employees (including, but not limited to, a school social worker, psychologist, nurse, counselor, or any other mental health professional) are present during the questioning; and
    c. If practicable, make reasonable efforts to ensure a trained law enforcement officer to promote safe interactions and communications with the student is present during questioning. [14]

DRAFT

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

[10] See f/n 8, above.

[11] With the exception of items #6 and #7, the listed standards for procedures are at the local school board's discretion and may be omitted. For procedures addressing #1-6, refer to the *ICSA Guidelines* in consultation with the board attorney. For procedures addressing the items listed in #7, refer to sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*, in consultation with the board attorney. Procedures covering item #7 are required by 105 ILCS 5/22-1065, added by P.A. 104-288~~, eff. 1-1-26, and must be implemented by 7-1-26~~.

[12] See f/n 2, above.

[13] 105 ILCS 5/22-88. The statute does not specifically assign these duties to a school official, but instead states that "a law enforcement officer, school resource officer, or other school security personnel" must ensure these conditions are met before detaining and questioning a student on school grounds. For ease of implementation, this policy assigns these duties to a school official as they routinely contact parents/guardians and can arrange for the presence of school personnel during an interview. See the *ICSA Guidelines* for further discussion of school officials' responsibilities when law enforcement authorities interview students at school.

[14] 105 ILCS 5/22-88(b)(4). 105 ILCS 5/22-88 uses the term *law enforcement officer* but does not define it, whereas 105 ILCS 5/22-1065, added by P.A. 104-288~~, eff. 1-1-26~~, uses and defines the term *law enforcement agent*. See f/n 1, above. With the exception of *trained law enforcement officer* in Item #6.c, this sample policy and sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*, use *law enforcement agent*. A *trained law enforcement officer* is someone who: (1) received training in youth investigations approved or certified by his/her law enforcement agency or under 50 ILCS 705/10.22, or (2) is a *juvenile police officer* per 705 ILCS 405/1-3(17). 105 ILCS 5/22-88(b)(4). *Juvenile police officers* who complete specialized juvenile training for Illinois State Police officers may question juveniles on school grounds as provided in 105 ILCS 5/22-88. 20 ILCS 2605/2605-51(c)(5), amended by P.A. 104-24.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

7. Manage reviewing and authorizing requests from law enforcement agents attempting to enter a school or school facility, in accordance with the requirements of 105 ILCS 5/22-1065(c)(4).[15]

LEGAL REF.: U.S. Constitution, Amend. IV.
8 U.S.C. §1373 and §1644.
Plyler v. Doe, 457 U.S. 202 (1982).
Ill. Constitution, Art. I, §6.
105 ILCS 5/10-20.64, 5/10-20.68, 5/22-88, 5/22-1065, and 5/24-24.
55 ILCS 80/, Children's Advocacy Center Act.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/31-1 et seq., Interference with Public Officers Act.
725 ILCS 120/, Rights of Crime Victims and Witnesses Act.

CROSS REF.: 2:160 (Board Attorney), 2:260 (Uniform Grievance Procedure), and 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 5:90 (Abused and Neglected Child Reporting), 7:10 (Equal Educational Opportunities), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:190 (Student Behavior)

DRAFT

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

[15] 105 ILCS 5/22-1065(c)(4), added by P.A. 104-288~~, eff. 1-1-26~~, requires a district to develop procedures that: (1) designate authorized personnel at the school and the superintendent's office or school administrative office who may contact the board attorney, (2) require the designated authorized person and board attorney to work together to review requests from law enforcement agents to enter a school or school facility, including under judicial warrants, nonjudicial warrants, and subpoenas, (3) require the designated authorized personnel to monitor or accompany and to document all interactions with law enforcement agents while on the school's premises, and (4) require the designated authorized person to notify and seek consent from a student's parent/guardian, or from the student if the student is 18 years old or older or emancipated, if a law enforcement agent requests access to a student for immigration enforcement purposes, unless such access is in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the student's parent/guardian.

Regarding requirement #2 in the paragraph immediately above, ensure that the superintendent's authority to designate others to contact the board attorney aligns with policy 2:160, *Board Attorney*. The superintendent will need to work with the board attorney to create a list of administrators authorized to consult directly with the board attorney if any agency or law enforcement request is received. Factors to consider when drafting this list include: the type of request received, the type of agency or law enforcement unit making the request, whether or not a warrant is presented, and whether or not exigent circumstances are claimed.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Student Appearance [1]

A student's appearance, including dress and hygiene, must not disrupt the educational process or compromise standards of health and safety. The District does not prohibit:

1. Hhairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists; [2]
2. Religious hairstyles, hair-related religious practices, or facial hair worn in accordance with a student's sincerely held religious beliefs, observance, or practice, including, but not limited to, uncut hair or sidelocks (known as payot or peyos), or beards, mustaches, or other facial hair,

DRAFT

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

[1] Required by 105 ILCS 5/10-22.25b, amended by P.A.s 102-360 and 103-463 and 104-723, for recognition under 105 ILCS 5/2-3.25. For districts to receive recognition from the Ill. State Board of Education (ISBE), they must provide assurances of compliance with the *Jett Hawkins Law* (hairstyles) and P.A. 103-463 addressing graduation attire; this policy's second and third sentences (including the numbered list) does that. Ill. State Board of Education (ISBE) resources on the *Jett Hawkins Law* are available at: www.isbe.net/jetthawkinslaw. ISBE's *Guidance on Display of Graduation Attire and Inclusion of Culturally Appropriate Regalia* (June 2024July 2026) is available at: www.isbe.net/Documents/Graduation-Attire-Guidance.pdf. State or federal law also controls this policy's content.

105 ILCS 5/10-22.25b, amended by P.A.s 102-360 and 103-463 and 104-723, specifically authorizes a school board to adopt a school uniform or dress code policy. **There are hundreds of decisions on dress codes and uniform policies, making it imperative that a board contact its attorney for assistance in applying the law to specific fact situations.**

Generally, if a student's dress has sufficient communicative content, it will warrant First Amendment protection. If protected, a school's ability to regulate the dress will be analyzed according to Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503 (1969) – it may be regulated only if it would substantially disrupt school operations or interfere with the right of others. In Brandt v. Bd. of Educ. of City of Chicago, 420 F.Supp.2d 921 (N.D.Ill. 2006), *earlier decision*, 326 F.Supp.2d 916 (N.D.Ill. 2004), an Illinois federal court upheld a school's authority to punish students for wearing t-shirts portraying a one-handed boy; the court said: "A school need not tolerate student speech that is inconsistent with the school's basic educational mission even though the First Amendment would protect similar speech or expressive conduct outside of the school setting. This holding is suspect after the Seventh Circuit decision in Zamecnik v. Indian Prairie Sch. Dist. #204, 636 F.3d 874 (7th Cir. 2011). There the court held that the school district violated students' free speech rights by forbidding them from wearing during school hours a T-shirt saying "Be Happy, Not Gay."

A school may regulate student dress that does not have sufficient communicative content to receive free speech protection, provided the regulation is not arbitrary or excessive. Although many courts have ruled similarly with respect to grooming, e.g., hair length, and non-earring piercings, the Seventh Circuit, the federal appellate court that governs Illinois, has struck down school regulations governing hair length and earrings (See Breen v. Kahl, 419 F.2d 1034 (7th Cir. 1969); Crews v. Cloncs, 432 F.2d 1259 (7th Cir. 1970) (exclusion of long-haired student from class constituted denial of equal protection to male students); Arnold v. Carpenter, 459 F.2d 939 (7th Cir. 1972); Holsapple v. Woods, 500 F.2d 49 (7th Cir. 1974) (limitation of ruling recognized by Hayden ex rel. v. Greensburg Cmty. Sch. Corp., 743 F.3d 569 (7th Cir. 2014) (recognizing school's right to set policy); Olesen by Olesen v. Bd. of Educ. Dist. 228, 676 F.Supp. 820, 822 (N.D.Ill. 1987) (male students have a liberty interest in wearing an earring to school). But see Blau v. Fort Thomas Public Sch. Dist., 401 F.3d 381 (6th Cir. 2005) (upheld a Kentucky middle school's student dress code that prohibited visible body piercing other than ears). A school's uniform policy was upheld in Alwood v. Clark and Belleville Twp. High Sch. Dist. 201, 2005 WL 2001317 (S.D.Ill. 2005).

[2] 105 ILCS 5/10-22.25b.

©2024 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

except that hair or facial hair may be required to be secured, covered, or otherwise controlled during activities as deemed necessary to prevent endangerment of student health or safety;[3] or

3. The District also does not prohibthe right of a Sstudents fromto wearing or accessorizinge the student's graduation attire with items associated with the student's cultural, ethnic, or religious identity or other characteristic or category protected under the Ill. Human Rights Act, 775 ILCS 5/1-103(Q).[4]

Students who disrupt the educational process or compromise standards of health and safety must modify their appearance. Procedures for guiding student appearance will be developed by the Superintendent or designee and included in the *Student Handbook(s)*. [5]

LEGAL REF.: 105 ILCS 5/2-3.25 and 5/10-22.25b.
Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503 (1969).

CROSS REF.: 7:10 (Equal Educational Opportunities), 7:130 (Student Rights and Responsibilities), 7:165 (School Uniforms), 7:190 (Student Behavior)

DRAFT

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

[3] A school may, in the least restrictive manner practicable, require that hair or facial hair be secured, covered, or otherwise controlled during activities as deemed necessary for safety, but cannot require cutting, shaving, or other permanent alteration. 105 ILCS 5/10-22.25b, amended by P.A 104-723.

For boards that want to expand upon the law's requirement of race, ethnicity, or hair texture, or religion, add an item #4 to the list amend this sentence as follows and adjust the grammar of the list accordingly:

"The District does not prohibit hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists, nor does it prohibit 4. Hhairstyles historically associated with any other protected status under Board policy 7:10, *Equal Educational Opportunities*."

If the board chooses this expansion and also uses policy 7:165, *School Uniforms*, ensure that this option aligns with the option in 7:165's f/n 110.

[4] 105 ILCS 5/10-22.25b, amended by P.A.s 102-360 and 103-463. 775 ILCS 5/1-103(Q), amended by P.A. 104-744, which is referenced in 105 ILCS 5/10-22.25b, prohibits unlawful discrimination whether by purpose or effect based on a person's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service. See also f/n 1, above, for more information.

[5] A comprehensive Student Handbook can provide notice to parents and students of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The Handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board.

Members of the Ill. Principals Assoc. may subscribe to the IPA's Model Student Handbook Service. While this service is not a handbook *per se*, it provides principals with quick, user-friendly access to model student handbook provisions that are attorney drafted and fully aligned with IASB's policy services. For more information, see www.ilprincipals.org/msh/. See also sample exhibit 7:190-E2, *Student Handbook Checklist*.

©2024 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

School Uniforms [1]

Students are encouraged to wear school uniforms to school on all school attendance days, in order to maintain and promote orderly school functions, student safety, and a positive learning environment.[2] The Building Principal is authorized to designate days on which this uniform policy is relaxed. [3]

The Superintendent or designee shall designate a school-wide uniform after receiving input from school staff members, parents, and interested community members.[4] Students may: [5]

1. Display religious messages on items of clothing to the same extent they are permitted to display other messages;
2. Wear attire that is part of the student's religious practice;

DRAFT

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. Boards may adopt a school uniform policy, provided it is "necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety." 105 ILCS 5/10-22.25b, amended by P.A.s ~~102-360 (*Jett Hawkins Law*) and P.A.~~ 103-463 (graduation attire) and 104-723.

[2] Alternatively, the board may designate certain individual attendance centers.

A voluntary school uniform policy permits students to freely choose whether and under what circumstances they will wear the uniform. A voluntary policy allows the district to gauge parental support–something that is vital to the policy's success. In addition, a voluntary policy does not implicate the First Amendment.

Boards may adopt a mandatory uniform policy, with or without an *opt-out* provision. An opt-out provision allows a student to be excused from the policy because of an objection from a parent/guardian based on cultural, religious, or other reasons. While the constitutionality of a mandatory uniform policy is disputed, the inclusion of an opt-out provision reduces vulnerability to constitutional attack. For districts desiring a mandatory uniform policy, substitute this provision for the first sentence (eliminate the 2nd sentence if no opt-out provision is wanted):

> Students are required to wear school uniforms to school on all attendance days, unless otherwise indicated by the Building Principal, in order to maintain and promote orderly school functions, student safety, and a positive learning environment. This policy will be waived for any student whose parent/guardian provides the Board with a signed statement detailing the grounds for their objection.

[3] Optional; eliminate this sentence if the board wants to enforce the policy every day.

[4] Boards may allow each school to designate its own uniform or designate a district-wide uniform, as the following alternative provides:

The Superintendent or designee shall designate a district-wide uniform after receiving input from school staff members, parents, and interested community members.

[5] A uniform policy must accommodate students whose religious beliefs are substantially burdened by a uniform requirement. Religious messages may not be singled out for suppression; they must be subject to the same rules as generally apply to other messages. For more information, see U.S. Dept. of Education's publication:

www.ed.gov/media/document/2026-guidance-constitutionally-protected-prayer-and-religious-expression-public-elementary-and-secondary-schools-113182.pdf~~www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html~~.

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

3. Wear or display expressive items, such as a button, as long as such items do not contribute to disruption by substantially interfering with discipline or with the rights of others;[6] and
4. Wear the uniform of a nationally recognized youth organization such as Boy Scouts or Girl Scouts on regular meeting days.

No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform because of:

1. Personal choice; [7]
2. Insufficient time in which to comply with this policy; [8]
3. Financial hardship; [9]
4. ~~Hairstyles, including h~~Hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists; [10]
4.5. Religious hairstyles, hair-related religious practices, or facial hair worn in accordance with a student's sincerely held religious beliefs, observance, or practice, including, but not limited to, uncut hair or sidelocks (known as payot or peyos), or beards, mustaches, or other facial hair, except that hair or facial hair may be required to be secured, covered, or otherwise controlled during activities as deemed necessary to prevent endangerment of student health or safety;[11]
5.6. Graduation attire or accessories to graduation attire associated with the student's cultural, ethnic, or religious identity or other characteristic or category protected under the Ill. Human Rights Act, 775 ILCS 5/1-103(Q);[12] or
6.7. Religious objection by the student's parent/guardian to the student's compliance with this policy or the applicable uniform, if they have provided the Superintendent with a signed statement detailing their objection. [13]

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

[6] In 1969, the U.S. Supreme Court recognized that students enjoy First Amendment free speech rights in school but that schools have the authority to limit student speech that might reasonably be predicted to cause a material and substantial disruption or invasion of the rights of others. Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503 (1969). The manner in which this ruling applies to uniform policies is still unsettled. See DePinto v. Bayonne Bd. of Ed., 514 F.Supp.2d 633 (D.N.J. 2007) (a school district was enjoined from disciplining elementary students who wore a button protesting the district's mandatory uniform policy). However, many decisions have upheld a compulsory uniform policy. See Blau v. Ft. Thomas Public Sch. Dist., 401 F.3d 381 (6th Cir. 2005); Canady v. Bossier Parish Sch. Bd., 240 F. 3d 437 (5th Cir 2001); Littlefield v. Forney Sch. Dist., 268 F.3d 275 (5th Cir. 2001); Jacobs v. Clark Cnty. Sch. Dist., 373 F.Supp.2d 1162 (D. Nev. 2005); Phoenix Elementary Sch. Dist. v. Green, 943 P. 2d 836 (Az.Ct. App. 1997); Vines v. Zion Sch. Dist., 2002 WL 58815 (N.D.Ill. 2002); Alwood v. Clark, 2005 WL 2001317 (S.D.Ill. 2005); Bear v. Fleming, 714 F.Supp.2d 972 (S.D. 2010) (requiring students to wear a cap and gown while receiving their diplomas is reasonably related to the school board's legitimate interest in maintaining order). **Before adopting a uniform policy, a board should discuss this issue with its attorney.**

[7] Omit *personal choice* if the district has a mandatory uniform policy.

[8] 105 ILCS 5/10-22.25b.

[9] Id.

[10] Id.

[11] Id., amended by P.A. 104-723~~2-360 (*Jett Hawkins Law*)~~. A school may, in the least restrictive manner practicable, require that hair or facial hair be secured, covered, or otherwise controlled during activities as deemed necessary for safety, but cannot require cutting, shaving, or other permanent alteration. Id. See f/n 1 in sample policy 7:160, *Student Appearance*.

If the board expanded upon the law's requirement of race, ethnicity, ~~or~~ hair texture, or religion in policy 7:160, *Student Appearance*, add a~~amend~~ number 6~~4~~ as follows to align with it and renumber the remaining items in the list:

"6. ~~Hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including but not limited to, protective hairstyles such as braids, locks, and twists, or h~~Hairstyles historically associated with any other protected status under Board policy 7:10, *Equal Educational Opportunities*~~:~~."

[12] Id., amended by P.A. 103-463. See f/ns 1 & 3 in sample policy 7:160, *Student Appearance*.

[13] Id., amended by P.A. 104-723. Remove this provision if a mandatory uniform policy is adopted with a provision allowing the parents/guardians to obtain an opt-out (see f/n 2).

©~~2024~~ 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Any student eligible for reduced or free lunches, or for a waiver of student fees, is eligible for financial assistance toward the purchase of school uniforms. The Superintendent or designee shall develop a process for informing parents/guardians of the availability of financial assistance and a method to process financial requests. [14]

No student shall be suspended or expelled from school, or receive a lowered academic grade, because of failing to comply with this policy. [15]

The Superintendent or designee shall develop incentives and positive reinforcement measures to encourage full compliance. [16]

LEGAL REF: 105 ILCS 5/2-3.25 and 5/10-22.25b.

CROSS REF: 4:140 (Waiver of Student Fees), 7:160 (Student Appearance), 7:190 (Student Behavior)

DRAFT

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

[14] Id. State law requires the board to establish "criteria and procedures under which the board will accommodate the needs of or otherwise provide appropriate resources to assist a student from an indigent family."

[15] For those boards choosing a mandatory uniform policy with no opt-out provision, replace this sentence with the following:

> Disciplinary action may be taken for failure to comply with this policy. Before initiating disciplinary action, a conference with the parent(s)/guardian(s) shall be requested to solicit cooperation and support.

[16] The following alternative takes the board into operational matters but it ensures that the nuts and bolts issues will be covered by administration:

> The Superintendent or designee shall develop incentives and positive reinforcement measures to encourage full compliance and shall communicate information to students and parents/guardians concerning:
>
> 1. The uniform's description and its availability;
> 2. The requirements for jackets and outer garments;
> 3. Optional articles of attire, if any;
> 4. Compliance measures;
> 5. Methods to facilitate recycling of uniforms within the school community; and
> 6. Notice of uniform sales and lists of competitive prices from vendors of uniform articles.

©~~2024~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Prevention of and Response to Bullying, Intimidation, and Harassment [1]

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important District goals.

Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, physical appearance, socioeconomic status, academic status, pregnancy, parenting status, homelessness, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, order of protection status, association with

---

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

[1] All districts must have a policy on bullying, monitor it, review and re-evaluate it, and file it with the Ill. State Board of Education (ISBE) every two years, no later than September 30 of the review year. 105 ILCS 5/22-110, amended by P.A. 103-47 and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.295. The policy must be based on ISBE's template for a model bullying prevention policy (available at www.isbe.net/Documents/Model-Bullying-Prevention-Policy.pdf), contain all requirements of 105 ILCS 5/22-110, renumbered by P.A. 104-391, indicate the date of adoption (by month, day, and year), and be filed electronically each review year through ISBE's MyISBE system (formerly known as Ill. Web Application Security (IWAS)). 105 ILCS 5/22-110(d), amended by P.A. 103-47 and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.295(b), (c).

ISBE monitors policy implementation, including by providing technical assistance upon receipt of an allegation by a parent/guardian that a school or district has not substantially complied with its bullying policy. 23 Ill.Admin.Code §1.295(e). If ISBE finds that a school or district has not substantially complied with its bullying policy, the school or district must accept technical assistance from ISBE. 23 Ill.Admin.Code §1.295(f). If a district fails to file its policy by the deadline or submits a deficient policy, ISBE will provide a written request for filing and provide the district with technical assistance and resources to assist it in meeting bullying policy requirements and, as appropriate, notify the district's regional office of education or intermediate service center. 105 ILCS 5/22-110(d), renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.295(g). If the district still fails to file its policy within 14 days of receipt of ISBE's written request, ISBE shall issue a letter of non-compliance, publish notice of non-compliance on its website, and maintain the school or district on its website until thirty days after the district comes into compliance. 105 ILCS 5/22-110(d), renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.295(e)(3).

This sample policy's first paragraph allows a school board to consider its goals for preventing bullying and remedying its consequences; it may be amended.

In addition to a bullying prevention policy, all districts must have a policy on student behavior. 105 ILCS 5/10-20.14, amended by P.A. 104-430; 23 Ill.Admin.Code §1.280. Boards must, in consultation with their parent-teacher advisory committees and other community-based organizations, address aggressive behavior, including bullying, in their student behavior policy. See sample policy 7:190, *Student Behavior*, and sample exhibit 7:190-E1, *Aggressive Behavior Reporting Letter and Form.*

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. See f/n 9, below.

Additionally, 105 ILCS 5/22-110(f), added by P.A. 103-47 and renumbered by P.A. 104-391, requires districts to collect non-identifiable data regarding verified allegations of bullying within the District and submit it in an annual report to ISBE by no later than August 15 of each year, beginning with the 2024-25 school year through the 2030-31 school year. ISBE rules for data submission require that data be submitted electronically on a form approved by ISBE and include: (1) a record of each verified allegation of bullying and action taken; (2) whether the instance of bullying was based on actual or perceived characteristics identified in 105 ILCS 5/22-110(a) and, if so, lists the relevant characteristics; and (3) a record demonstrating that the district adhered to its bullying policy. 23 Ill.Admin.Code §1.295(h). If a school or district fails to submit the required data, ISBE will provide a written request for submission. Id. See www.isbe.net/Pages/Bullying-Prevention.aspx for ISBE's *Racism-Free Schools Law and Bullying Prevention Data Collection Guidance* (~~8-7-24~~July 2025) and *Bullying Racism Free Schools Data Collection Template.*

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic **is prohibited** in each of the following situations: [2]

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the School District or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This paragraph (item #4) applies only when a school administrator or teacher receives a report that bullying through this means has occurred; it does not require staff members to monitor any nonschool-related activity, function, or program.

Definitions from 105 ILCS 5/22-110 [3]

Artificial intelligence means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. *Artificial intelligence* includes generative artificial intelligence.

Bullying includes *cyberbullying* and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
2. Causing a substantially detrimental effect on the student's or students' physical or mental health;
3. Substantially interfering with the student's or students' academic performance; or
4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying may take various forms, including, without limitation, one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, posting or distributing sexually explicit images, theft, public humiliation, destruction of property, or

DRAFT

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

[2] This paragraph and its subparts 1-4 are from the bullying prevention statute. 105 ILCS 5/22-110(a), renumbered by P.A. 104-391; see also 775 ILCS 5/1-103 and 23 Ill.Admin.Code §1.240. With the exception of order of protection status, the protected statuses are mandated by the bullying prevention statute. *Order of protection status* is not a basis for bullying in 105 ILCS 5/22-110, amended by P.A. 103-47 and renumbered by P.A. 104-391, but it is listed here because the Ill. Human Rights Act (IHRA) prohibits harassment based on *order of protection status*. 775 ILCS 5/1-103(K-5), (Q). Including *order of protection status* in the list of protected statuses aligns with the protected statuses listed in sample policy 7:20, *Harassment of Students Prohibited.*

[3] All definitions are directly from 105 ILCS 5/22-110, amended by P.A.s 104-338 ~~, eff. 7-1-26,~~and 104-465, and renumbered by P.A. 104-391, or any other statutes it incorporates by reference. See also resources from Cyberbullying Research Center, available at: www.cyberbullying.org/, and the U.S. School Safety Clearinghouse website at: www.SchoolSafety.gov, discussed in f/n 1, para. 3 of sample policy 4:170, *Safety*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

Cyberbullying means bullying through the use of technology or any electronic communication, including, without limitation, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, without limitation, electronic mail, Internet communications, instant messages, or facsimile communications. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the posting or distribution of an unauthorized digital replica by electronic means if the posting or distribution creates any of the effects enumerated in the definition of *bullying*. [4]

Digital replica means a newly created, electronic representation of the identity of an actual individual created using a computer, algorithm, software, tool, artificial intelligence, or other technology that is fixed in a sound recording or audiovisual work in which that individual did not actually perform or appear and that is so realistic that a reasonable observer would believe it is a performance by the individual being portrayed and no other individual.

Restorative measures means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school, and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act.

School personnel means persons employed by, on contract with, or who volunteer in a school district, including, without limitation, school and school district administrators, teachers, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

Unauthorized digital replica means the use of a digital replica of an individual without the consent of the depicted individual.

DRAFT

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

[4] This sentence is required beginning with the 2026-27 school year. 105 ILCS 5/22-110, amended by P.A. 104-338~~, eff. 7-1-26,~~ and renumbered by P.A. 104-391.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Bullying Prevention and Response Plan

The Superintendent or designee shall develop and maintain a bullying prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below. [5]

1. The District uses the definition of *bullying* as provided in this policy. [6]
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Title IX Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking.[7] Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District named officials or any staff member. The District--named officials and all staff members are available for help with a bully or to make a report about bullying.[8] Anonymous reports are also accepted; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

Nondiscrimination Coordinator: [9]

Name

Title IX Coordinator:

Name

DRAFT

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

[5] Each numbered requirement, 1-12, corresponds with the same number in 5/22-110(b)(1) - (b)(12), renumbered by P.A. 104-391, and the requirements of 105 ILCS 5/22-110(b)(13), renumbered by P.A. 104-391, are included in numbered requirement 4. As a result, there are no reference citations in footnotes. All non-statutory requirements, plus alternatives and optional provisions, are described in footnotes.

[6] 105 ILCS 5/22-110(b), para. 3(1), renumbered by P.A. 104-391. See f/n 4, above and ISBE's ~~*School Policies for*~~ *Bullying Prevention Policy Requirements and Guidance* at: www.isbe.net/Documents/Bullying-Prev-Policy-Req.pdf.

A board may augment the School Code requirement by using this alternative:

Using the definition of *bullying* as provided in this policy, the Superintendent or designee shall emphasize to the school community that: (a) the District prohibits bullying; and (b) all students should conduct themselves with a proper regard for the rights and welfare of other students. This may include a process for commending or acknowledging students for demonstrating appropriate behavior.

[7] The statute requires that the policy contain the email address and telephone number for the staff person(s) responsible for receiving bullying reports. Using the district Nondiscrimination Coordinator and Complaint Managers is consistent with sample policy 2:260, *Uniform Grievance Procedure*. While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored. A telephone number for making anonymous reports may also be added.

[8] 105 ILCS 5/22-110(d), renumbered by P.A. 104-391, requires that "[s]chool personnel available for help with a bully or to make a report about bullying" be made known to parents/guardians, students, and school personnel.

[9] Sample policy 2:260, *Uniform Grievance Procedure*, states that a district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator. Best practice is that throughout the board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Address	Address
Email	Email
Telephone	Telephone

Complaint Managers:

Name	Name
Address	Address
Email	Email
Telephone	Telephone

~~1.~~4. Consistent with federal and State laws and rules governing student privacy rights, the parents/guardians of all students involved in an alleged incident of bullying will be notified of such, along with threats, suggestions, or instances of self-harm determined to be the result of bullying, within 24 hours after the school's administration is made aware of the student's involvement in the incident. As appropriate, the school's administration shall also discuss the availability of social work services, counseling, school psychological services, other interventions, and restorative measures. The school shall make diligent efforts to notify a parent or legal guardian, utilizing all contact information the school has available or that can be reasonably obtained within the 24-hour period. [10]

~~2.~~5. The Superintendent or designee shall promptly investigate and address reports of bullying, by, among other things:

a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.
b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
c. Notifying the Building Principal or school administrator or designee of the reported incident of bullying as soon as possible after the report is received.
d. Consistent with federal and State laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building Principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

DRAFT

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

[10] 105 ILCS 5/10-20.14(d) contains a similar requirement. See sample exhibit 7:190-E1, *Aggressive Behavior Reporting Letter and Form.*

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

The Superintendent or designee shall investigate whether a reported incident of bullying is within the permissible scope of the District's jurisdiction and shall require that the District provide the victim with information regarding services that are available within the District and community, such as counseling, support services, and other programs. [11]

~~3.~~6. The Superintendent or designee shall use interventions to address bullying, that may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services. [12]

~~4.~~7. A reprisal or retaliation against any person who reports an act of bullying **is prohibited**. Any person's act of reprisal or retaliation will be subject to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion[13] with regard to students.

~~5.~~8. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, a person who is found to have falsely accused another of bullying, as a means of retaliation, as a means of bullying, or provided false information will be treated as either: (a) *bullying*, (b) student discipline up to and including suspension and/or expulsion, and/or (c) both (a) and (b) for purposes of determining any consequences or other appropriate remedial actions.

~~6.~~9. The District's bullying prevention and response plan is based on the engagement of a range of school stakeholders, including students and parents/guardians.

~~7.~~10. The Superintendent or designee shall post this policy on the District's publicly accessible website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty. [14]

~~8.~~11. Pursuant to State law and Board policy 2:240, *Board Policy Development*, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The Superintendent or designee shall assist the Board with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. This process shall include, without limitation: [15]

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

[11] This sentence contains requirements found in 105 ILCS 5/22-110(d), amended by P.A.s 104-338 and 104-465, and renumbered by P.A. 104-391.

[12] A grant may be available from ISBE for the promotion of a safe and healthy learning environment. 105 ILCS 5/2-3.180 and 3.181. A list of grant funding opportunities is available at: www.isbe.net/Pages/Grants.aspx. ~~ISBE is also directed to create the Illinois Bullying and Cyberbullying Prevention Fund, through which a grant may be available to support anti-bullying programming.~~ Subject to appropriation, the State Superintendent of Education may provide a grant to a school district or charter school to support its anti-bullying programming.~~30 ILCS 105/5.997 and~~ 105 ILCS 5/22-110~~(i)~~ (j), ~~all~~ added by P.A. 103-47 and renumbered by P.A. 104-391.

[13] Consult the board attorney about the potential conflict of 105 ILCS 5/22-110(b)(7), renumbered by P.A. 104-391, (allowance of suspension and/or expulsion of students for reprisal/retaliation against reports of bullying) with 105 ILCS 5/10-22.6(b-20) (districts must resolve threats, address disruptions, and minimize the length (and implementation of) suspensions and expulsions to the greatest extent practicable). See sample policies 7:200, *Suspension Procedures*, at f/n 8 and 7:210, *Expulsion Procedures*, at f/ns 11 and 13.

[14] 105 ILCS 5/22-110(b)(10), amended by P.A. 103-47 and renumbered by P.A. 104-391. The policy posted on the district's website may not be password protected and must be easily accessible to students and parents/guardians. 23 Ill. Admin. Code §1.295(c)(1).

[15] 105 ILCS 5/22-110, renumbered by P.A. 104-391. See the ISBE guidance document that is cited in f/n ~~6~~7, above. Including the month, date, and year that an updated policy was adopted is required by 23 Ill. Admin.Code §1.295(c)(2).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

a. The frequency of victimization;
b. Student, staff, and family observations of safety at a school;
c. Identification of areas of a school where bullying occurs;
d. The types of bullying utilized; and
e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

i. An updated version of the policy with the amendment/modification date specifying the date of adoption (indicated by month, date, and year) included in the reference portion of the policy;
ii. If no revisions are deemed necessary, a copy of Board minutes indicating that the policy was re-evaluated and no changes were deemed to be necessary; or
iii. A signed statement from the Board President indicating that the Board re-evaluated the policy and no changes to it were necessary.

The Superintendent or designee must post the information developed as a result of the policy re-evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

~~9.~~12. The Superintendent or designee shall fully implement the Board policies, including without limitation, the following: **16**

a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
b. 2:265, *Title IX Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
c. 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*. Any person may use this policy to complain about discrimination or harassment on the basis of race, color, or national origin in violation of Title VI of the Civil Rights Act of 1964 and/or the Illinois Human Rights Act.
d. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.

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

16 The statute requires that the bullying policy *be consistent with* other board policies. The list of policies may be deleted and the following alternative used: "12. The District's bullying prevention plan must be consistent with other Board policies." If a policy list is included, be sure the referenced policies were adopted locally and amend the list accordingly.

The bullying statute does not identify staff member duties regarding the prevention of or response to student bullying. The following optional provision addresses staff member responsibilities and may be added as a new paragraph 13:

13. The Superintendent or designee shall fully inform staff members of the District's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes each of the following:
    a. Communicating the District's expectation and State law requirement that teachers and other licensed employees maintain discipline.
    b. Establishing the expectation that staff members: (1) intervene immediately to stop a bullying incident that they witness or immediately contact building security and/or law enforcement if the incident involves a weapon or other illegal activity, (2) report bullying, whether they witness it or not, to an administrator, and (3) inform the administration of locations on school grounds where additional supervision or monitoring may be needed to prevent bullying.
    c. Where appropriate in the staff development program, providing strategies to staff members to effectively prevent bullying and intervene when it occurs.
    d. Establishing a process for staff members to fulfill their obligation to report alleged acts of bullying.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

e. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
f. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
g. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
h. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
i. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
j. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members. [17]

LEGAL REF.: 105 ILCS 5/10-20.14, 5/10-22.6(b-20), 5/22-110, and 5/24-24.
405 ILCS 49/, Children's Mental Health Act.
775 ILCS 5/1-103, Ill. Human Rights Act.
23 Ill.Admin.Code §§1.240, 1.280, and 1.295.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Anaphylaxis Prevention, Response, and Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

DRAFT

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

[17] For elementary districts, delete: ~~and 7:315, *Restrictions on Publications; High Schools*~~ and delete the Cross Reference to 7:315, *Restrictions on Publications; High Schools*. For high school districts, delete ~~7:310, *Restrictions on Publications; Elementary Schools,* and~~ and delete the Cross Reference to 7:310, *Restrictions on Publications; Elementary Schools*. In both cases, revise the beginning of the sentence to read: "This~~e~~ policy~~ies~~ prohibits students from and provides."

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Student Behavior [1]

The goals and objectives of this policy are to provide effective discipline practices that: (1) ensure the safety and dignity of students and staff; (2) maintain a positive, weapons-free, and drug-free learning environment; (3) keep school property and the property of others secure; (4) address the causes of a student's misbehavior and provide opportunities for all individuals involved in an incident to participate in its resolution; and (5) teach students positive behavioral skills to become independent, self-disciplined citizens in the school community and society. [2]

DRAFT

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

[1] All districts must have a policy on student discipline, including school searches and bullying prevention (105 ILCS 5/10-20.14, amended by P.A.s 103-896); re-engagement of students returning from an exclusionary discipline or an alternative school (105 ILCS 5/10-22.6(b-25), amended by P.A. 103-896); and corporal punishment (105 ILCS 5/24-24). See also 23 Ill.Admin.Code §1.280. See the Cross References for policies on searches and bullying. Each district must furnish a copy of the discipline policy to parents/guardians within 15 days after the beginning of the school year, or within 15 days after starting classes for a student who transfers into the district. 105 ILCS 5/10-20.14(a), amended by P.A.s 103-896, ~~and~~ 104-391, and 104-648, eff. 1-1-27. The school board must require that each school inform its pupils of the discipline policy's contents. Id.

School boards, along with the parent-teacher advisory committee, must annually review their pupil discipline policies, those policies' implementation (including, but not limited to, the impact of student behavior on students and school personnel), and any other factors related to the safety of their schools, students, and staff. Id. For more information about the parent-teacher advisory committee, see sample policy 2:150, *Committees*. The parent-teacher advisory committee, in cooperation with local law enforcement agencies, must develop, with the school board, a reciprocal reporting system. 105 ILCS 5/10-20.14(b), amended by P.A.s 103-896, ~~and~~ 104-430, and 104-648, eff. 1-1-27. See sample administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of Offenses Committed by Students*. See also *Development of Reciprocal Reporting Systems Guidance*, developed by the Ill. State Board of Education (ISBE) in consultation with stakeholders, available at: www.isbe.net/Documents/Reciprocal-Reporting-June-2025.pdf.

105 ILCS 5/10-20.14(b), amended by P.A.s 103-896 and 104-430, encourages districts to create memoranda of understanding that define law enforcement's role in schools. ~~Beginning 7-1-26, a~~A memorandum of understanding with a local law enforcement agency is required for any district that uses a school resource officer. 105 ILCS 5/10-20.68(a-5), added by P.A. 104-430. See sample exhibit 7:190-E3, *Memorandum of Understanding*.

Given the unique concerns facing school officials, school disciplinary codes are not required to be drafted as narrowly or with the same precision as criminal statutes. Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

[2] The goals and objectives in this policy give the board a focus for monitoring it. This list can be deleted, replaced, or modified by the board. Data on student discipline is available at: www.isbe.net/discipline~~www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx~~.

See f/n 1 in sample policy 4:170, *Safety,* for information on the U.S. School Safety Clearinghouse website at: www.schoolsafety.gov.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

When and *Where* Conduct Rules Apply [3]

A student is subject to disciplinary action for engaging in prohibited student conduct, as described in the section with that name below, whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

1. On, or within sight of, school grounds before, during, or after school hours or at any time;
2. Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;
3. Traveling to or from school or a school activity, function, or event; or
4. Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. [4]

Prohibited Student Conduct [5]

The school administration is authorized to discipline students for gross disobedience or misconduct, including but not limited to:

DRAFT

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

[3] Board policy should provide a jurisdictional statement telling students and staff the circumstances under which the district will take disciplinary action. Jurisdictional rules in board policy should generally be as broad as possible to give staff members authority to respond to unforeseen situations. Taking jurisdiction over off-campus misconduct generally survives the test of reasonableness when the misconduct has a direct nexus to the school. A countervailing interest concerns liability for off-campus student injuries, i.e., the greater the jurisdiction a district is willing to impose, the greater the scope of liability it may be assuming. Ultimately, a decision whether to discipline for off-campus misconduct requires a thorough factual inquiry to determine the degree of nexus and impact on the school. Consult the board attorney in these situations.

A U.S. Supreme Court decision and many lower court decisions address disciplining a student for off-campus misconduct. See Mahanoy Area Sch. Dist. v. B.L., 594 U.S. 180 (2021), discussed in f/n 3 of sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities*; and J.S. v. Blue Mountain Sch. Dist., 650 F.3d 915 (3rd Cir. 2011), combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3d Cir. 2011), cert. denied 565 U.S. 1156 (2012)(absent evidence that parodies of school personnel caused, or could cause, substantial disruption, school districts may not punish out-of-school expressive conduct, even if it is lewd, indecent, or offensive speech).

In contrast, the 7th Circuit Court of Appeals upheld a student's expulsion for an article in an underground newspaper titled "So You Want to be a Hacker." The article's instructions for hacking into the school's computers clearly interfered with the school's operations. Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield, 134 F.3d 821 (7th Cir. 1998). See also Wisniewski v. Bd. of Educ. of the Weedsport Central Sch. Dist., 494 F.3d 34 (2nd Cir. 2007), cert. denied 552 U.S. 1296 (2008), (holding a student's transmission of an icon of a pistol with blood splattering and the words "Kill Mr. VanDer Molen" crossed the boundary of protected speech and posed a reasonably foreseeable risk that the icon would come to the attention of school authorities and materially and substantially disrupt the school).

Historically, schools have had more leeway in disciplining participants in athletics and extracurricular activities; however, the Mahanoy decision raises unresolved questions about the degree of leeway now afforded to school officials. See sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities* at f/n 3 for further discussion.

A judge may transfer a student to another school for committing stalking or non-consensual sexual contact against another student, or for aiding and abetting such an act; the parents/guardians are responsible for transportation and other costs associated with the transfer. Stalking No Contact Order Act and the Civil No Contact Order Act, 740 ILCS 21/80 and 22/213. A school district is seldom notified when a transfer order is requested. When notified, school officials should immediately seek the board attorney's advice concerning available options.

[4] The factual context will determine the appropriateness of taking jurisdiction. Contact the board attorney before disciplining a student for off-campus conduct. See, e.g., Doe v. Superintendent of Schs. of Stoughton, 767 N.E.2d 1054 (Mass. 2002)(suspension for off-campus commission of a felony was upheld). See f/n 3, above.

[5] Consult the board attorney for advice on deleting or modifying any of the items in this section on prohibited student conduct.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes. [6]
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages.[7] Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
   a. Any illegal drug or controlled substance, or cannabis (including marijuana, hashish, and medical cannabis unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*). [8]
   b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription. [9]
   c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription. [10]
   d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited

DRAFT

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

[6] 105 ILCS 5/10-20.5b prohibits use of tobacco on school property. Federal law prohibits smoking within schools by anyone. Pro-Children Act of 2004, 20 U.S.C. §7971 et seq. Districts that fail to comply risk a civil penalty of up to $1,000 per violation per day. 20 U.S.C. §7973(e)(1). See sample policy 8:30, *Visitors to and Conduct on School Property*, for more information.

The U.S. Food and Drug Administration now regulates electronic cigarettes. 21 C.F.R. Parts 1100, 1140, and 1143. An electronic or e-cigarette resembles a regular cigarette and contains a battery-operated heating element that turns a liquid into a mist for inhaling. The liquid may contain nicotine. E-cigarettes are sometimes referred to as e-cigs, vapes, e-hookahs, vape pens, and electronic nicotine delivery systems (ENDS), and they are generally involved in *vaping*. Vaping is the act of inhaling and exhaling the aerosol, often referred to as vapor that is produced by an e-cigarette or similar device. An e-cigarette resembles a cigarette and contains a battery-operated heating element that turns a liquid into a mist for inhaling. Some e-cigarettes do not look like tobacco products and are shaped like other objects, such as USB flash drives, and are more easily concealed.

Information and resources are available at:
www.isbe.net/Pages/School-Health-Issues.aspx
www.fda.gov/tobacco-products
www.cdc.gov/tobacco/e-cigarettes/index.html
www.dph.illinois.gov/topics-services/prevention-wellness/tobacco/e-cigarettes-and-vapes
https://nida.nih.gov/research-topics/tobacconicotine-vaping

[7] *Alcoholic beverages* are defined in 235 ILCS 5/1-3.01 to 3.05.

[8] *Controlled substance* is defined in 720 ILCS 570/102(f); *cannabis* is defined in 720 ILCS 550/3(a) and in 410 ILCS 705/1-10, amended by P.A. 104-463. Either spelling, *marihuana* or *marijuana*, is correct; however, *marijuana* is more common. See f/n 11 for a discussion of medical cannabis and *Ashley's Law*.

[9] *Anabolic steroid* is defined in 720 ILCS 570/102(c-1).

[10] See sample policies 7:240, *Conduct Code for Participants in Extracurricular Activities*, and 7:300, *Extracurricular Athletics*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*. [11]

e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.

f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form. [12]

g. *Look-alike* or *counterfeit* drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy. [13]

Formatted: IASB Italic

Formatted: IASB Italic

DRAFT

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

[11] To legally use medical cannabis, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program. 410 ILCS 130/. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis. This includes in a school bus or on the grounds of any preschool, or primary or secondary school unless the student meets the requirements of 105 ILCS 5/22-33, a/k/a *Ashley's Law*. 410 ILCS 130/30(a)(2) and (3). *Ashley's Law* provides that school districts "shall authorize a parent or guardian or any other individual registered with the Department of Public Health as a designated caregiver of a student who is a registered qualifying patient to administer a medical cannabis infused product to the student on the premises of the child's school or on the child's school bus if both the student (as a registered qualifying patient) and the parent or guardian or other individual (as a registered designated caregiver) have been issued registry identification cards under the Compassionate Use of Medical Cannabis Program Act." 105 ILCS 5/22-33(b). Once the product is administered, the designated caregiver must remove the product from the school premises/bus. Id. 105 ILCS 5/22-33(b-5) allows a properly trained school nurse or administrator to administer medical cannabis infused products to a student while at school, a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus. The product may not be administered in a manner that would (in the school or district's opinion) create a disruption or expose other students to the product, and schools are not required to authorize use of the product if the school or district would lose federal funding as a result. 105 ILCS 5/22-33(c). For more information, see f/ns 22-32 in sample policy 7:270, *Administering Medicines to Students*. Contact the board attorney for advice concerning medical cannabis, including whether a federal or State law requires the district to accommodate a student who is a *registered qualifying patient*. See Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.; Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §1400 et seq.; Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794; 105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b; and 23 Ill.Admin.Code Part 226.

[12] The Powdered Caffeine Control and Education Act states: "No person may sell, offer for sale, give away, or provide free samples of powdered pure caffeine to any person under age 18 located within the State or to any person under age 18 making the purchase from within the State." A limited exception to this prohibition exists for "the sale of any powdered pure caffeine product that receives explicit approval as safe and effective for its intended use under the federal Food, Drug, and Cosmetic Act or is lawfully marketed under an over-the-counter monograph issued by the United States Food and Drug Administration." 410 ILCS 647/20.

[13] *Counterfeit* and *look-alike substances* are defined in 720 ILCS 570/102(g) and (y). This provision is broader because it would apply, for example, if a student represents a powdered vitamin to be pure caffeine – pure caffeine is prohibited on campus even though it is a legal substance. Look-alike drugs should be defined; an unpublished Ill. appellate decision in 2000 found a policy prohibiting possession of *look-alikes* had vagueness problems.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances. [14]

Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.

4. Using, possessing, controlling, or transferring a *weapon* as that term is defined in the **Weapons** section of this policy, or violating the **Weapons** section of this policy. [15]
5. Using or possessing an electronic paging device. [16]
6. Using a ~~cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered off or silenced and out of sight~~[17] ~~during the regular school day unless: (a) the supervising teacher grants permission, (b) use of the device is provided in a student's individualized education program (IEP) or Section 504 plan; (c) it is used during the student's lunch period, or (d) it is needed in an emergency that threatens the safety of students, staff, or other individuals~~*wireless communication device* in violation of Board policy 7:195, *Wireless Communication Devices*. [18]

DRAFT

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

[14] *Drug paraphernalia* is defined in 720 ILCS 600/2(d), amended by P.A. 103-336. Contact the board attorney for advice concerning a student who is a *registered qualifying patient*, as explained in f/n 11.

[15] This language is broader than the **Weapons** section of this policy. The **Weapons** section contains the statutorily required punishment for "a student who is determined to have brought" a weapon to school along with the statutory definition of *weapon*. 105 ILCS 5/10-22.6(d), amended by P.A. 104-546, operative 7-1-28 per P.A. 104-803. The language in item #4 is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the **Weapons** section. See the footnotes in the **Weapons** section for a discussion of the Firearm Concealed Carry Act's provisions.

[16] 105 ILCS 5/10-21.10.

[17] ~~Delete "and out-of-sight" if the district wants to provide greater flexibility. A board should, in consultation with the superintendent and board attorney, carefully review its policy on the use of electronic devices to ensure it aligns with building-level practices and any student handbook provisions addressing student use of personal mobile devices, including, but not limited to, cell phones, smartwatches, and smart glasses.~~

[18] ~~State law~~ By the beginning of the 2027-2028 school year, local boards must adopt a policy banning student *wireless communication devices* during school time, subject to certain exceptions. 105 ILCS 5/10-20.88 (final citation pending), added by P.A. 104-657. Certain conditions may allow a board to delay implementation until the 2031-2032 school year. See sample policy 7:195, *Wireless Communication Devices*, and its f/n 1, for additional information. ~~leaves to local boards the discretion whether to prohibit student possession of cellular phones. 105 ILCS 5/10-20.28. The misuse of camera phones can seriously invade a student's privacy. A board wanting a sweeping prohibition may use the following alternative for item #6:~~

~~Using or possessing a cellular telephone, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.~~

~~Operating transmitters designed to jam or block wireless communications violates the federal Communications Act of 1934. 47 U.S.C. §§301, 302a, and 333. Fines are as high as $10,000 for each violation and/or imprisonment, and the device may also be seized. 47 U.S.C. §§501-510.~~

~~Making a video recording or live video transmission of another person without their consent in a restroom, locker room, or changing room is a Class 4 felony. 720 ILCS 5/26-4. A minor who distributes or disseminates an indecent visual depiction of another minor through the use of a computer or electronic communication device may be subject to adjudication as a minor in need of supervision. 705 ILCS 405/3-40.~~

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

~~6.~~7. Using a *wireless communication device* or other electronic device to take photographs in private areas such as locker rooms or bathrooms, or to otherwise violate student conduct rules.[19]

~~7.~~8. *Sexting*, which, for purposes of this policy, is the act of creating, sending, sharing, viewing, receiving, or possessing sexually explicit messages, images, or videos electronically, regardless of whether they are authentic or computer-generated, through the use of a computer, electronic communication device, or cellular phone. Sexting also includes creating, sending, sharing, viewing, receiving, or possessing *indecent visual depictions*, *non-consensual dissemination of private sexual images*, and *non-consensual dissemination of sexually explicit digitized depictions*, as defined in State law. [20]

~~8.~~9. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.

~~9.~~10. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.

~~10.~~11. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, using a writing service and/or generative artificial intelligence technology in place of original work unless specifically authorized by staff,[21] wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.

~~11.~~12. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment,

---

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

[19] See sample policy 7:195, *Wireless Communication Devices*, for a definition of *wireless communication device*. Making a video recording or live video transmission of another person without their consent in a restroom, locker room, or changing room is a Class 4 felony. 720 ILCS 5/26-4. A minor who distributes or disseminates an indecent visual depiction of another minor through the use of a computer or electronic communication device may be subject to adjudication as a minor in need of supervision. 705 ILCS 405/3-40. Additionally, operating transmitters designed to jam or block wireless communications violates the federal Communications Act of 1934. 47 U.S.C. §§301, 302a, and 333. Fines are as high as $10,000 for each violation and/or imprisonment, and the device may also be seized. 47 U.S.C. §§501-510.

[20] This definition of *sexting* is adapted from Merriam-Webster's definition at www.merriam-webster.com/dictionary/sexting, and it incorporates offenses under State law that address the dissemination of explicit images. A district may wish to use another definition or create its own with the board attorney. See sample administrative procedure 7:190-AP6, *Guidelines for Investigating Sexting Allegations*, for definitions of the italicized terms in this paragraph and their accompanying citations. See also sample administrative procedure 7:190-AP5, *Student Handbook - Electronic Devices*.

[21] Optional. *Artificial intelligence* (AI) is defined in State law to mean "a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments" and to also include generative artificial intelligence. 105 ILCS 5/22-110, renumbered by P.A. 104-391 and incorporating by reference the definition of AI in the Digital Voice and Likeness Protection Act, 815 ILCS 550/. *Generative artificial intelligence* (Gen AI) is defined in State law as "an automated computing system that, when prompted with human prompts, descriptions, or queries, can produce outputs that simulate human-produced content, including, but not limited to, the following: (1) textual outputs, such as short answers, essays, poetry, or longer compositions or answers; (2) image outputs, such as fine art, photographs, conceptual art, diagrams, and other images; (3) multimedia outputs, such as audio or video in the form of compositions, songs, or short-form or long-form audio or video; and (4) other content that would be otherwise produced by human means." Id. When not used for academic dishonesty purposes, Gen AI tools may present innovative learning opportunities for students and teaching opportunities for educators. For further information, see sample policy 6:235, *Access to Electronic Networks*, and its f/n 17, and sample administrative procedure 6:235-AP3, *Development of an Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

public humiliation, theft or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct. [22]

~~12.~~13. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.

~~13.~~14. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*. [23]

~~14.~~15. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property. [24]

~~15.~~16. Entering school property or a school facility without proper authorization.

~~16.~~17. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.

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

[22] All districts must have a policy on bullying. 105 ILCS 5/22-110(d), amended by P.A. 103-47 and renumbered by P.A. 104-391. Sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the statutory definition of bullying. Districts must also have an age-appropriate policy on sexual harassment. 105 ILCS 5/10-20.69. See sample policy 7:20, *Harassment of Students Prohibited*, and its f/n 9 for further detail.

105 ILCS 5/10-20.14(d), amended by P.A. 103-896, requires boards, in consultation with their parent-teacher advisory committees and other community-based organizations, to include provisions in their student discipline policy to address aggressive behavior, including bullying. These provisions must include procedures for notifying a student's parents/guardians about his/her aggressive behavior and early intervention procedures based upon available community-based and district resources. See sample exhibit 7:190-E1, *Aggressive Behavior Reporting Letter and Form. Guidance for Evidence-Based Intervention Procedures*, developed by ISBE in consultation with stakeholders, is available at: www.isbe.net/Documents/Evidence-Based-Intervention-June-2025.pdf. *Evidence-based intervention* means an intervention that has demonstrated a statistically significant effect on improving student outcomes, documented in a peer-reviewed scholarly journal. Id.

Suspending students for hazing was upheld in Gendelman v. Glenbrook North High Sch. and Northfield Twp. Sch. Dist. 225, 2003 WL 21209880 (N.D.Ill. 2003). This decision may have been legislatively overturned by amending 105 ILCS 5/10-20.14.

The failure of a school official (including any administrator, teacher, counselor, support staff, or coach) to report hazing is a Class B misdemeanor. 720 ILCS 5/12C-50.1.

A person commits a felony hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she commits assault, battery, aggravated assault, intimidation, stalking, cyberstalking, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, transmission of obscene message, harassment by telephone, or harassment through electronic communications as these crimes are defined in the Criminal Code. 720 ILCS 5/12-7.1. The penalty is heightened when the offense is committed in a school or administrative facility.

720 ILCS 5/26-1(a)(3.5) and (b) make transmitting a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

[23] All school boards must have a policy on prohibited teen dating violence. 105 ILCS 5/27-240, renumbered by P.A. 104-391. Verify that the board adopted the policy listed and amend its title in this policy, if necessary.

[24] 720 ILCS 5/26-1(a)(3.5) and (b) make threatening to destroy a school building or school property, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

~~17.~~18. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants. [25]

~~18.~~19. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member. [26]

~~19.~~20. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia. [27]

~~20.~~21. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.

~~21.~~22. Making an explicit threat on an Internet website against a school employee, a student, or any school-related personnel if the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school. [28]

~~22.~~23. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Superintendent or designee. [29]

~~23.~~24. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; ~~or~~ (b) endanger the health or safety of students, staff, or school property; or (c) violate the rights of others. [30]

For purposes of this policy, the term possession includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student's

---

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

[25] 105 ILCS 5/26-2a; 5/26-9; and 5/26-12, amended by P.A. 104-743. School personnel cannot refer a truant, chronic truant, or truant minor to any other local public entity, school resource officer, or peace officer to have them issue a fine or fee as punishment for truancy. 105 ILCS 5/26-12(b), amended by P.A. 104-430. See sample policies 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*, and 7:70, *Attendance and Truancy*.

[26] State law requires schools to suspend or expel any student who engages in this activity. 105 ILCS 5/31-3.

[27] See Kelly v. Bd. of Educ. of McHenry Cmty. High Sch. Dist. 156, 2007 WL 114300 (N.D.Ill. 2007) (upheld student's expulsion for drawing gang symbols while at school; testimony that the danger posed by gang signs and the presence of gangs at school supported the board's insistence on strict enforcement of board policy prohibiting gang related behavior and made expulsion a proper remedy).

740 ILCS 147/15 et seq. allows a school district to bring a civil suit against a gang, gang officers, or gang members for losses it suffers due to their criminal activity.

[28] This statement of misconduct restates 105 ILCS 5/10-22.6(d-5), amended by P.A. 104-546, operative 7-1-28 per P.A. 104-803. The following alternative provides a shorter statement but will require the administrator to check the statute before imposing discipline based on it:

> Making an explicit threat on an Internet website against a school, employee, or any school-related personnel under circumstances described in 105 ILCS 5/10-22.6(d-5).

[29] For more information regarding unmanned aircraft systems, see www.faa.gov/uas.

[30] A catchall provision, e.g., this one, gives staff members authority to respond to unforeseen situations.

If the board adopts a mandatory uniform policy (see sample policy 7:165, *School Uniforms*), add the following item to the list as number 22: "Failing to comply with the mandatory uniform policy, but only after repeated attempts to secure compliance, such as conferences with parents/guardians, have been unsuccessful."

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

person; (b) contained in another item belonging to, or under the control of, the student, such as in the student's clothing, backpack, or automobile; (c) in a school's student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event. [31]

Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The Superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident.[32] The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

No disciplinary action shall be taken against any student that is based totally or in part on the refusal of the student's parent/guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. [33]

Disciplinary Measures [34]

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary discipline before using out-of-school suspensions or expulsions.[35] School personnel shall

DRAFT

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

[31] *Possession* should be defined to avoid vagueness problems.

[32] See f/n 21.

[33] Mandated by 105 ILCS 5/10-20.36.

[34] A student cannot be issued a monetary fine, fee, ticket, or citation as a school-based disciplinary consequence or for a municipal code violation on school grounds during school hours or while taking school transportation by any person. 105 ILCS 5/10-22.6(i), amended by P.A. 104-430. See ISBE's *Student Ticketing P.A. 104-0430 Non-Regulatory Guidance* at: www.isbe.net/discipline.

The practice of suspending or expelling a student based on the number of accumulated disciplinary infractions is illegal under 105 ILCS 5/10-22.6. This includes a system of assigning points to specific infractions and then tallying the points a student receives over a period of time to determine a disciplinary exclusion from school. Before amendments to 105 ILCS 5/10-22.6, courts used the following factors to determine if a board abused its discretion when it expelled a student: (1) the egregiousness of the student's conduct; (2) the record of the student's past conduct; (3) the likelihood that such conduct will affect the delivery of educational services to other students; (4) the severity of the punishment; and (5) the intent of the child. Robinson v. Oak Park, 213 Ill.App.3d 77 (1st Dist. 1991); Wilson ex rel. Geiger v. Hinsdale Elementary Dist., 349 Ill.App.3d 243 (2nd Dist. 2004). The amendments to 105 ILCS 5/10-22.6 called into question the validity of relying on past misconduct in suspension or expulsion decisions. At least one Ill. appellate court has held that the Robinson factors no longer apply because the legislature incorporated specific criteria for expulsion directly into 105 ILCS 5/10-22.6 when it amended the statute. A.A. v. Bd. of Educ., 257 N.E.3d 617 (Ill. App. Ct. 1st Dist. 2024). **Consult the board attorney for guidance**.

Aside from procedural due process protection, students have a constitutional substantive due process right. This right protects them from an abuse of government power which "shocks the conscience." While the scope of substantive due process is very limited, it is available to students who believe they were subject to arbitrary and excessive discipline. Generally, however, school officials need not fear being found guilty of a substantive due process violation. Federal courts are loath to second-guess school officials. See Tun v. Whitticker, 398 F.3d 899 (7th Cir. 2005) (expulsion did not amount to a substantive due process violation because it fell short of the required *shocks the conscience* standard).

[35] 105 ILCS 5/10-22.6(b-5). In addition, subsection c-5 states, "[s]chool districts must make reasonable efforts to provide ongoing professional development to all school personnel, school board members, and school resource officers on the requirements of [105 ILCS 5/10-20.14], the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments, as defined in [105 ILCS 5/3-11(b)], the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates." 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.[36] Potential disciplinary measures include, without limitation, any of the following: [37]

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property. [38]
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised. [39]
7. After-school study or Saturday study[40] provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs.[41] The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules. [42]
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*. [43]

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

Beginning 7-1-28, districts will be prohibited from expelling a student in grades K-2 unless the student commits specific weapons offenses, and superintendent approval will be required to suspend a student in grades K-2 for more than three school days. 105 ILCS 5/10-22.6, amended by P.A. 104-546, operative 7-1-28 per P.A. 104-803. Relevant **PRESS** material will be updated well in advance of the operative date.

36 105 ILCS 5/10-22.6(h).

37 Most school attorneys advise against using a grade reduction as a disciplinary measure. A decision upholding such a policy is Knight v. Bd. of Educ., 38 Ill.App.3d 603 (4th Dist. 1976). A decision striking one is Smith v. Sch. City of Hobart, 811 F.Supp. 391 (N.D.Ind. 1993) (grade reduction policy requiring 9-week grades to be reduced 4% for each day of a suspension was found unconstitutional).

38 While restitution is permitted, issuing a fine or fee as a disciplinary consequence is not permitted. 105 ILCS 5/10-22.6(i). Possible parental liability for damages under the Parental Responsibility Law (740 ILCS 115/5) is discussed in f/n 2 in sample policy 7:170, *Vandalism*.

39 An in-school suspension program may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel, and districts may employ a school social worker or a licensed mental health professional to oversee in-school suspension programs. 105 ILCS 5/10-22.6(l). Providing programming during in-school suspensions is not required, however providing such programming will help distinguish them from exclusionary suspensions. See f/n 4 in sample policy 5:230, *Maintaining Student Discipline*, for further discussion of in-school suspension programs.

40 Teachers may not be required to teach on Saturdays. 105 ILCS 5/24-2.

41 See Herndon v. Chapel Hill-Carrboro City Bd., 89 F.3d 174 (4th Cir. 1996) (upheld policy requiring students to complete community service in order to graduate).

42 Consult the board attorney for advice concerning confiscated devices. There is no binding Ill. court decision regarding school personnel seizing and retaining a student's property. 105 ILCS 5/10-20.88(b)(4) and (g) (final citation pending), added by P.A. 104-657, contemplate that a school may temporarily confiscate a student's wireless communication device, including a cell phone, as a consequence for violation of a district's wireless device policy. Additionally, t~~T~~he Supreme Court of Arkansas held that a teacher and principal did not violate a student's state or federal rights when they confiscated and retained a student's cell phone for two weeks for violating school rules on cell phones. Koch v. Adams, 361 S.W.3d 817 (Ark. 2010).

43 105 ILCS 5/10-22.6(b), amended by P.A. 104-546, operative 7-1-28 per P.A. 104-803, and (b-30). *School Bus Safety Guidance*, developed by ISBE in consultation with stakeholders, is available at: www.isbe.net/Documents/Bus-Safety-Guidance-June-2025.pdf.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*.[44] A student who has been suspended may also be restricted from being on school grounds and at school activities. [45]
12. Expulsion from school and all school activities for a definite time period not to exceed two calendar years in accordance with Board policy 7:210, *Expulsion Procedures*.[46] A student who has been expelled may also be restricted from being on school grounds and at school activities.[47]
13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code. [48]
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), look-alikes, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies. [49]

DRAFT

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

[44] A suspension may be imposed in only limited situations that vary according to the suspension's length. 105 ILCS 5/10-22.6(b-15)-(b-25), amended by P.A. 104-546, operative 7-1-28 per P.A. 104-803. This is explained in sample board policy 7:200, *Suspension Procedures*, and its footnotes.

[45] This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

[46] An expulsion may be imposed in only limited situations. 105 ILCS 5/10-22.6(b-20), amended by P.A. 104-546, operative 7-1-28 per P.A. 104-803. This is explained in sample policy 7:210, *Expulsion Procedures*, and its footnotes.

105 ILCS 5/10-22.6(d), amended by P.A. 104-546, operative 7-1-28 per P.A. 104-803, permits expulsion for a definite period of time not to exceed two calendar years. School officials must document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

[47] This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

[48] 105 ILCS 5/10-22.6(a) and (b), amended by P.A.s 103-896 and 104-546, operative 7-1-28 per P.A.803. 105 ILCS 5/13A, amended by P.A. 103-473, a/k/a *Safe Schools Law*, governs the transfer of *disruptive students*, defined to include suspension- or expulsion-eligible students in grades 6-12, to an alternative school program. See sample administrative procedure 7:190-AP9, *Administrative Transfer to Regional Safe School Program*, and the ISBE regional safe schools program webpage at: www.isbe.net/Pages/Regional-Safe-Schools-Program.aspx. 105 ILCS 5/13B, amended by P.A. 104-546, governs the transfer of students in kindergarten through grade 12 to an alternative learning opportunities program. See ISBE's alternative learning opportunities program webpage at: www.isbe.net/Pages/Special-Education-Alternative-Learning-Opportunities-Programs.aspx. Also see f/n 3 in sample policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program.*

Contact the board attorney regarding the necessary due process procedures before imposing a disciplinary transfer to an alternative school. The court in Leak v. Rich Twp. High Sch. Dist. 227, ~~(~~397 Ill.Dec. 90 (1st Dist. 2015)~~)~~, held that placement in an alternative school is tantamount to an expulsion. Thus, according to dicta in this decision, districts must follow expulsion procedures before a student is transferred to an alternative school. Schools may still reach agreements with parents/guardians to transfer students to such schools without completing the expulsion procedures.

The alternative program may not deny the transfer on the basis of the suspension or expulsion, except in cases in which the transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

[49] 105 ILCS 5/22-88. 20 ILCS 2605/2605-51(c)(5), amended by P.A. 104-24, requires specialized juvenile training for all Ill. State Police officers who meet the definition of *juvenile police officer* as defined in 705 ILCS 405/1-3(17) and permits juvenile specialists to question juveniles on school grounds as provided in 105 ILCS 5/22-88. See sample policy 7:150, *Agency and Law Enforcement Requests*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students may not be suspended or expelled solely for violating Board policy 7:195, *Wireless Communication Devices*. [50]

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available, and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion. [51]

Corporal punishment is prohibited in all circumstances. *Corporal punishment* is defined as a discipline method in which a person deliberately inflicts pain upon a student in response to the student's unacceptable behavior or inappropriate language, with an aim to halt an offense, prevent its recurrence, or set an example for others.[52] It includes slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as permitted by 105 ILCS 5/10-20.33. [53]

DRAFT

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

[50] 105 ILCS 5/10-20.88(e) (final citation pending), added by P.A. 104-657, and 105 ILCS 5/10-22.6, amended by P.A. 104-657. The law is unclear regarding whether a school may issue in-school suspensions solely for violations of its wireless communication device policy. 105 ILCS 5/10-20.88(e) (final citation pending) prohibits "suspensions," but 105 ILCS 5/10-22.6 prohibits out-of-school suspensions only. Consult the board attorney for guidance if the district wants to use in-school suspensions as a disciplinary consequence for violations of the policy.

[51] **Note:** Districts that receive early childhood block grant funding (authorized by 105 ILCS 5/1C-2, amended by P.A. 103-594, ~~of the School Code~~) are required to restrict suspensions of and prohibited from expelling children from their early childhood programs. ~~105 ILCS 5/2-3.71(a)(7), amended by P.A. 103-594 (making it inoperative on 7-1-26), and~~ 105 ILCS 5/10-22.6(k). On and after 7-1-26, the Dept. of Early Childhood Act, 325 ILCS 3/15-30(a)(7), added by P.A. 103-594, ~~will~~ prohibits expulsion of children enrolled in early childhood programs funded under 325 ILCS 3/1-10. A district may, however, transition a child to a new program if: (1) it has documented evidence that all available interventions and supports recommended by a qualified professional have been exhausted; (2) the program determines that transitioning a child is necessary for the well-being of the child or his or her peers and staff; and (3) the current and pending programs create a transition plan for the child with parent or legal guardian permission. ~~105 ILCS 5/2-3.71(a)(7)(C) (inoperative on 7-1-26);~~ 325 ILCS 3/15-30(a)(7)(C) ~~on and after 7-1-26~~. A district may temporarily remove a child from attendance in the group setting in the case of a serious safety threat to a child or others, or in the case of possession of a weapon as described in 105 ILCS 5/10-22.6(d), but it must then begin the process of documenting interventions and supports as outlined in the law. ~~105 ILCS 5/2-3.71(a)(7)(E) (inoperative on 7-1-26);~~ 325 ILCS 3/15-30(a)(7) ~~on and after 7-1-26~~. ISBE rules implementing these requirements are at 23 Ill.Admin.Code §§ 235.300-235.340. For guidance on behavior support and transition plans, including links to ISBE Form 37-50A, *Early Childhood Block Grant (ECBG) Program Transition Plan*, and ISBE Form 37-50B, *Early Childhood Block Grant (ECBG) Behavior Support Plan*, see ISBE's *Frequently Asked Questions: Behavior Support and Program Transition* (November 2024) at: www.isbe.net/Documents/EC-FAQ-Behavior-Transition-Plan.pdf. **Consult the board attorney for advice to ensure compliance with ISBE rules.** Compliance with this law does not relieve a district of its obligations to also comply with the Individuals with Disabilities Education Improvement Act of 2004 when disciplining students with disabilities. For further information, see sample policy 7:230, *Misconduct by Students with Disabilities*. For districts that receive early childhood block grant funding, add the following:

Students enrolled in the District's State-funded preschool program(s) may be temporarily removed or transitioned to a new program in accordance with federal and State law. State law prohibits the expulsion of students from the program(s).

If this language is inserted, add 105 ILCS 5/2-3.71(a)(7) to the Legal References for this policy.

[52] 105 ILCS 5/22-100, added by P.A. 103-806.

[53] The last two sentences of this paragraph paraphrase 105 ILCS 5/24-24, amended by P.A. 103-806.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Isolated Time Out, Time Out, and Physical Restraint [54]

Neither isolated time out, time out, nor physical restraint shall be used to discipline or punish a student. These methods are only authorized for use as permitted in 105 ILCS 5/10-20.33, Ill. State Board of Education (ISBE) rules (23 Ill.Admin.Code §§ 1.280, 1.285), and the District's procedure(s).

Weapons [55]

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than two calendar years:

1. A *firearm*, meaning any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code (18 U.S.C. § 921), firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of 2012 (720 ILCS 5/24-1).
2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including *look-alikes* of any *firearm* as defined above.

The expulsion requirement under either paragraph one or two above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request

---

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

[54] *Physical restraint* or *restraint* does not include momentary periods of physical restriction by direct person to person contact, without the aid of material or mechanical devices, that are accomplished with limited force and that are designed to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property. 105 ILCS 5/10-20.33(b). Isolated time out, time out, or physical restraint may be used by staff members **only if** their use is authorized by policy and administrative procedure. 105 ILCS 5/2-3.130 and 5/10-20.33; 105 ILCS 5/24-24; 23 Ill.Admin.Code §§1.280(c) and 1.285. See sample administrative procedure 7:190-AP4, *Use of Isolated Time Out, Time Out, and Physical Restraint*. **The sample policy allows the use of isolated time out, time out, and physical restraint pursuant *only* to the conditions allowed in the School Code and ISBE rules.** State statute and ISBE rules contain complex restrictions on the use of isolated time out, time out, and physical restraint. 105 ILCS 5/2-3.130 and 5/10-20.33; 105 ILCS 5/24-24; 23 Ill.Admin.Code §§1.280(c) and 1.285. According to the ISBE rule, isolated time out, time out, and physical restraints are allowed only if a board authorizes their use in a policy containing the numerous components identified in the rule. To comply with ISBE's rule, a board must also incorporate by reference the district's procedure, i.e., 7:190-AP4, *Use of Isolated Time Out, Time Out, and Physical Restraint*. By doing this, the policy includes the district's procedure. **For a board that wants to prohibit the use of isolated time out, time out, and physical restraint** (1) replace the contents of this subhead with "The district prohibits the use of isolated time out, time out, and physical restraint, as defined in 105 ILCS 5/10-20.33."; (2) amend the Legal References as follows "23 Ill.Admin.Code §§ 1.280, ~~1.285,~~" and (3) delete "Incorporated by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)."

[55] This section paraphrases 105 ILCS 5/10-22.6(d), amended by P.A. 104-546, operative 7-1-28 per P.A. 104-803, and contains the statutorily required punishment for bringing a weapon to school along with the statutory definition of *weapon*. When preparing for a due process hearing, a principal needs to use the applicable State and federal law definitions of *firearm* – not just the School Code.

While subsection 105 ILCS 5/10-22.6(b-10) explicitly forbids zero tolerance policies, it provides an exception for those zero tolerance policies established by State or federal law, which includes weapons in school. Section 10-22.6(d) provides that a student who brings a weapon to school, as defined in the section, "shall be expelled for a period not less than one year," unless modified by the superintendent or board. The federal Gun-Free Schools Act (20 U.S.C. §7961 et seq.) provides for at least a one-year expulsion for students who bring firearms to school. As directed by 20 U.S.C. §7961(b)(1), 105 ILCS 5/10-22.6(d), the superintendent and the board may modify that consequence; however, the superintendent/board may decline to exercise that discretion and instead impose the maximum penalty authorized by law. Analyzing the student's circumstances on a case-by-case basis may avoid a judicial finding that an expulsion is too severe. See Washington v. Smith, 248 Ill.App.3d 534 (1st Dist. 1993).

Item #4 in the **Prohibited Student Conduct** section is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the **Weapons** section.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm.[56]

This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area. [57]

Re-Engagement of Returning Students [58]

The Superintendent or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit. [59]

Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on school grounds, becomes aware of any person in possession of a firearm on school grounds, or becomes aware of any threat of gun violence on school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member or is subject to a battery.[60] *School grounds* includes modes of transportation to school activities and any public way within 1000 feet of the school, as well as school property itself.

Upon receiving a report of (1), above, the Building Principal or designee shall immediately notify local law enforcement. If the report of (1), above, pertains to a threat of firearm violence made by a student, the Building Principal or designee shall attempt to notify the student's parent/guardian as soon as possible and shall further attempt to contact the parent/guardian to ensure that the student does not have access to a firearm. In addition, upon receiving a report on any of the above (1)-(3), the Building

DRAFT

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

[56] Optional.

[57] The Firearm Concealed Carry Act permits a properly licensed individual to carry a concealed firearm within a vehicle into a school parking area and store it in a locked vehicle out of plain view. 430 ILCS 66/65(b). The federal Gun-Free Schools Act has a similar provision. 20 U.S.C. §7961(g). The School Code, however, contains no similar exception to the ban on firearms at schools. Contact the board attorney before permitting students to store their firearms in their vehicle's trunk while parked at school.

[58] Required by 105 ILCS 5/10-22.6(b-25), amended by P.A. 103-896. See sample administrative procedure 7:190-AP8, *Student Re-Engagement Guidelines*. *Guidance for Re-Engagement*, developed by ISBE in consultation with stakeholders, is available at: www.isbe.net/Documents/Re-Engagement-Guidance-June-2025.pdf.

[59] A goal for re-engagement is optional. Schools must permit students who were suspended, including students suspended from the school bus who do not have alternate transportation to school, to makeup work for equivalent academic credit. 105 ILCS 5/10-22.6(b-30).

[60] 105 ILCS 5/10-27.1A(a), amended by P.A. 104-174; 105 ILCS 5/10-27.1B, amended by P.A.s 103-609 (first to pass both houses) and 103-780 (second to pass both houses and controlling); and 105 ILCS 5/10-21.7. *School grounds* includes the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Principal or designee shall notify the Superintendent or designee and any involved student's parent/guardian. [61]

Upon receiving a report on any of the above (1)-(3), the Superintendent or designee shall immediately notify local law enforcement. The Superintendent or designee shall also report these incidents to ISBE through its web-based School Incident Reporting System as they occur during the year and no later than July 31 for the preceding school year. [62]

Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Teachers, other licensed educational employees, and any other persons (whether or not a licensed employee) providing a related service for or with respect to a student, may only use reasonable force as permitted by 105 ILCS 5/10-20.33. Teachers may temporarily remove students from a classroom for disruptive behavior. [63]

The Superintendent, Building Principal, Assistant Building Principal, or Dean of Students is authorized to impose the same disciplinary measures as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to 10 consecutive school days, provided the appropriate procedures are followed.[64] The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons. [65]

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

[61] Id. State law imposes the duty to report firearm possession only on school officials; this duty may be also imposed on volunteers and community members. Only staff members, however, are vulnerable to committing a petty offense for their failure to report, and only staff members are protected from civil or criminal liability that might arise as a result of making a report (although the liability potential for anyone making a report is remote).

The building principal must notify the student's parent/guardian only when the alleged offense is firearm possession by a student or a threat of firearm violence by a student. 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174. The policy expands this notification duty to include drug-related incidents and battery of a staff member; a board disinclined to do this should amend the second sentence as follows:

> In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Superintendent or designee and, if a student is reportedly in possession of a firearm or threatens firearm violence, also any involved student's parent/guardian.

[62] 105 ILCS 5/10-27.1A, amended by P.A.s 103-34, 103-609 (first to pass both houses), 103-780 (second to pass both houses and controlling), and 104-174; 105 ILCS 5/10-27.1B, amended by P.A.s 103-609 (first to pass both houses) and 103-780 (second to pass both houses and controlling); and 105 ILCS 5/10-21.7. See f/n 6 and subhead **J. Required Notices** of sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.

[63] 105 ILCS 5/24-24, amended by P.A. 103-806, requires: (1) teachers, other licensed educational employees, and any other person (whether or not a licensed employee) providing a related service for or with respect to a student (except for individuals employed as paraprofessionals) to maintain discipline, and (2) the district to have a policy on discipline that provides that:

[A] teacher, other licensed employee, and any other person, whether or not a licensed employee, providing a related service for or with respect to a student may only use reasonable force as permitted under [105 ILCS 5/10-20.33], shall provide that a teacher may remove a student from the classroom for disruptive behavior, and shall include provisions which provide due process to students. The policy shall prohibit the use of corporal punishment, as defined in [105 ILCS 5/22-100], in all circumstances. 105 ILCS 5/24-24, amended by P.A. 103-806.

[64] Required by 105 ILCS 5/10-22.6(b), amended by P.A. 104-546, operative 7-1-28 per P.A. 104-803.

[65] Id.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Student Handbook [66]

The Superintendent, with input from the parent-teacher advisory committee,[67] shall prepare disciplinary rules implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment.

Incorporated by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)

LEGAL REF.: 20 U.S.C. §7971 et seq., Pro-Children Act of 2004.
20 U.S.C. §7961 et seq., Gun Free Schools Act.
105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-20.88 (final citation pending), 5/10-21.7, 5/10-21.10, 5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/22-33, 5/22-100, 5/22-110, 5/24-24, 5/26-12, 5/27-240, and 5/31-3.
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.
410 ILCS 647/, Powdered Caffeine Control and Education Act.
430 ILCS 66/, Firearm Concealed Carry Act.
23 Ill.Admin.Code §§ 1.280, 1.285.

CROSS REF.: 2:150 (Committees), 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 7:70 (Attendance and Truancy), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:150 (Agency and Law Enforcement Requests), 7:160 (Student Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:195 (Wireless Communication Devices), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:270 (Administering Medicines to Students), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:30 (Visitors to and Conduct on School Property)

DRAFT

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

[66] 105 ILCS 5/10-20.14(a), amended by P.A. 104-391, requires schools to provide a copy of the student discipline policy to parents/guardians within 15 days after the beginning of the school year, or within 15 days after a transfer student starts classes, but it does not specify how to provide copies. For ease of administration, this policy specifies that copies will be provided via student handbooks.

[67] ~~The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline.~~Required by 105 ILCS 5/10-20.14, amended by P.A.s 103-896, 104-391, and 104-648, eff. 1-1-27. The committee must include representatives of the district, its parents/guardians, and its teachers. Id. See f/n 1, above, and sample policy 2:150, *Committees.* This policy's dissemination requirements are from 105 ILCS 5/10-20.14.

A comprehensive student handbook can provide notice of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh/.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Wireless Communication Devices [1]

The District limits the use of wireless communication devices in accordance with State law. This policy is intended to minimize distractions in the educational environment and support students' learning, behavior, and overall well-being. [2]

Definitions

Wireless communication device means any portable wireless device that has the capability to provide voice, messaging, or other data communication between two or more parties, including, but not limited to:

1. Cellular telephones;
2. Tablet computers;
3. Laptop computers;
4. Gaming devices; and
5. Wearable devices, including smart watches or smart glasses, unless the capability to provide messaging or transmit other data communications has been disabled. [3]

Wireless communication device does not include any device that the District or a teacher has directly issued to, provided for, or required a student to possess and use for educational purposes. [4]

School time means the time students spend on a school campus during the regular school day, beginning with the designated arrival time for students through the designated dismissal time for students,

DRAFT

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

[1] Boards must adopt a wireless communication policy that meets the requirements of 105 ILCS 5/10-20.88 (final citation pending throughout), added by P.A. 104-657, by the beginning of the 2027-2028 school year. However, districts that have existing wireless communication device policies in place before 7-28-26 which limit the use of such devices "during a majority of or the entirety of a school day" are not required to adopt a policy meeting the requirements of 105 ILCS 5/10-20.88(b) until the 2031-2032 school year. Id. at (j). Consult the board attorney for guidance if the board wishes to rely on an existing policy and delay implementation of a new policy that complies with 105 ILCS 5/10-20.88. Development of this policy must include input from the local collective bargaining agent representing teachers (if any), administrators, and parents/guardians. The law encourages, but does not require, input from students. Id. at (f). A board may utilize its existing parent-teacher advisory committee established under 105 ILCS 5/10-20.14 to develop the policy. Id. See sample policy 2:150, *Committees*. The Ill. State Board of Education (ISBE) was required to develop a template for a model wireless communication device policy, see the *Model Cell Phone Policy*, available at: www.isbe.net/Documents/Model-Cell-Phone-Policy.pdf. A board's policy does not have to be based on the ISBE model, but this sample policy is consistent with ISBE's model.

[2] This introductory paragraph can be customized based on local needs and conditions.

[3] A board may choose to ban wearable devices altogether based on concerns that students may surreptitiously use them to record others at school, to further limit classroom distractions, and/or to address enforceability issues. Delete ~~, unless the capability to provide messaging or transmit other data communications is disabled~~ from item #5 if the board prohibits the use of these devices, even with their data transmission capabilities disabled.

[4] See sample policy 6:235, *Access to Electronic Networks*, and sample administrative procedure 6:235-AP1, *Acceptable Use of the District's Electronic Networks*, for rules regarding the use of devices that a district issues to students.

©2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

including instructional time, recess, lunch, and passing periods.[5] School time does not include a before-school or after-school activity or a student's presence at an off-campus learning opportunity.

Device Use [6]

Students are prohibited from using wireless communication devices during school time, except under the following circumstances:

1. A licensed physician, physician assistant, or nurse practitioner determines that the possession or use of a wireless communication device is necessary for the management of the student's health care, and the student uses the device only as prescribed by the licensed physician, physician assistant, or nurse practitioner.
2. A wireless communication device is required by a student's individualized education program, Section 504 Plan, the student's health care provider's medical orders, or another written accommodation plan.
3. School personnel have determined that a wireless communication device is necessary for a student who is an English learner, as defined in 105 ILCS 5/14C-2, to access learning materials.
4. School personnel determine, on a case-by-case basis, that a wireless communication device is necessary for a student caregiver who is routinely responsible for the care and well-being of a family member.
5. When required by State or federal law.
6. In the event of an emergency, when authorized by the District's emergency crisis and response plans, protocols, or procedures.
7. When school personnel authorize a student to use a wireless communication device for educational purposes. Any such use shall be in accordance with Board policy 6:220, *Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct*.

DRAFT

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

[5] Id. at (a), added by P.A. 104-657. A high school district should delete "recess" from the first sentence of this paragraph. A high school or unit district may permit the use of wireless communication devices during lunch and/or passing periods for high school students. Unit districts that want to allow the use of devices during lunch and/or passing periods in high school may choose one of the following options:

> **Option 1**: add ", except that in grades 9-12, school time shall not include lunch or passing periods." to the end of this sentence.
>
> **Option 2**: add ", except in grades 9-12, school time shall not include lunch." to the end of this sentence.
>
> **Option 3**: add ", except in grades 9-12, school time shall not include passing periods." to the end of this sentence.

High school districts that want to allow the use of devices during lunch and/or passing periods may choose one of the options provided above for unit districts but delete ~~recess,~~ and ~~in grades 9-12,~~.

[6] Items #1-5 are required by 105 ILCS 5/10-20.88(c), added by P.A. 104-657. Items #6 and #7 are optional and can be deleted. See sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*, at Section G., **School Emergency Operations and Crisis Response Plan**, and its f/n 5, regarding student use of devices during an emergency.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Device Storage [7]

All wireless electronic devices must be powered off or silenced and out of sight during school time. Each Building Principal shall issue guidance to students and staff within their respective school buildings regarding how wireless communication devices must be stored during school time. Storage methods may include, but are not limited to, lockers, backpacks or personal bags, classroom storage solutions, and/or secured pouches/containers. [8]

Enforcement

Uniform enforcement of this policy at each of the District's schools is important for its effective and fair implementation. Staff shall implement this policy consistently and in a trauma-informed and developmentally appropriate manner. [9]

Each Building Principal shall establish administrative responses for students who violate this policy, consistent with Board policy 7:190, *Student Behavior*.[10] Administrative responses may include, but are not limited to, verbal reminders/redirection, student conference, temporary confiscation of the device, parent/guardian notification, restorative intervention, and/or other additional supports.[11] No student will be suspended, expelled, be required to pay a fee or fine, or be referred to a school resource officer or local law enforcement solely for violating this policy.[12] If, as a response to violating this policy, a parent/guardian must retrieve the wireless communication device at a school building, the Building

DRAFT

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

[7] 105 ILCS 5/10-20.88(b)(2), added by P.A. 104-657, requires the policy to incorporate guidance for wireless communication storage within a school building during school time, but it does not prescribe the manner of storage for wireless communication devices in schools. This sample policy allows for flexibility at the building level based upon the conditions and needs of a particular school building by delegating the guidance to the building principal. Districts may choose from a variety of storage solutions ranging in cost, from hanging door caddies to magnetized pouches/containers with centralized locking systems. The law does not specifically require devices to be powered off, silenced, or out of sight, but these restrictions are included as a best practice to minimize distractions in the learning environment.

Staff, as used in this sample policy, is intended to include substitute teachers, who also need to be familiar with the guidance on device storage at the buildings where they substitute.

[8] This sentence is optional. It is based on ISBE's *Model Cell Phone Policy* (see f/n 1, above).

[9] Required by 105 ILCS 5/10-20.88(b)(3), added by P.A. 104-657. See 105 ILCS 5/3-11 for trauma-related definitions, including *trauma responsive*.

[10] This sample policy authorizes building principals to establish building-level consequences based upon the needs of students in their building. The law does not require inclusion of the administrative responses for violation in board policy, but they must be included in student handbooks(s). See f/n 17, below. For an additional resource on responses for violations, see: https://stand.org/illinois/our-stories/illinois-phone-free-schools-implementation-guide/, at p. 4.

[11] This sentence is optional. It is based on ISBE's *Model Cell Phone Policy* (see f/n 1, above).

[12] 105 ILCS 5/10-20.88(e), added by P.A. 104-657, and 105 ILCS 5/10-22.6, amended by P.A. 104-657. The prohibition on these types of disciplinary consequences does not extend to a student's use of a wireless communication device to commit gross disobedience or other misconduct. See sample policy 7:190, *Student Behavior*, at f/n 34, regarding restrictions on the use of issuance of fines, fees, or tickets to students as a school-based disciplinary consequence.

The law is unclear regarding whether a school can issue students in-school suspensions solely for violations of this policy. 105 ILCS 5/10-20.88(e) prohibits "suspensions," but 105 ILCS 5/10-22.6 prohibits out-of-school suspensions only. Consult the board attorney for guidance if the district wants to include in-school suspensions as a disciplinary consequence for violating this policy.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Principal shall provide an alternative for cases in which a parent/guardian is unable to appear in person.[13]

The Board and District staff are not liable for damage to a wireless communication device if the device is stored in good faith and in accordance with this policy. [14]

Policy Posting and Distribution

This policy shall be posted on the District's website and published in the student handbook(s).[15] The Superintendent shall also annually provide this policy to staff, including new employees and substitute teachers when hired, as well as students and their parents/guardians by posting it on the District's website. [16]

In addition to this policy, the student handbook(s) shall also include the consequences for violations of this policy. [17]

Policy Review [18]

At least once every three years, pursuant to 105 ILCS 5/10-20.88 and Board policy 2:240, *Board Policy Development*, the Board will review and make any necessary and appropriate updates to this policy. In conducting its review, the Board will gather and consider input from the teachers' local collective bargaining agent, administrators, and parents/guardians and consider any available data on the enforcement of this policy. The Board may utilize its Parent-Teacher Advisory Committee to accomplish the policy review.

LEGAL REF.: 105 ILCS 5/10-20.88 (final citation pending).

CROSS REF.: 1:30 (School District Philosophy), 2:150 (Committees), 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct), 6:235 (Access to Electronic Networks), 7:190 (Student Behavior)

DRAFT

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

[13] 105 ILCS 5/10-20.88(b)(4), added by P.A. 104-657. This requirement is intended to accommodate those parents/guardians who are unable to physically pick up a device at school due to other commitments, such as working. An alternative could include a call with the parent/guardian to review the policy violation and confirm the device's return to the student or permitting a parent/guardian to designate another adult to pick up the device.

[14] Id. at (g), added by P.A. 104-657. Statutory immunity does not apply if damage to a device is "caused by the willful or wanton conduct of school personnel." Id.

[15] Required by 105 ILCS 5/10-20.88(b) and (h), added by P.A. 104-657. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook* (MSH), at: www.ilprincipals.org/msh/.

[16] 105 ILCS 5/10-20.88(h), added by P.A. 104-657, requires a district to annually provide this policy to parents, guardians, and school personnel, including new employees and substitutes teacher when hired. This sample policy manages this requirement through posting on a district's website. Provision of a hyperlink to the policy also satisfies the posting and annual notice requirements. Id.

[17] 105 ILCS 5/10-20.88(b), added by P.A. 104-657, requires the student handbook to include the policy *and* administrative responses (consequences) for violations of the policy.

[18] Id. at (f), added by P.A. 104-546. A board may utilize its existing parent-teacher advisory committee established under 105 ILCS 5/10-20.14 to review this policy. Id. See sample policy 2:150, *Committees*.

©2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence [1]

Domestic and sexual violence affect a student's ability to learn. Students who are parents or expectant parents have unique needs. Providing support services that enable students who are parents, expectant parents, or victims of domestic or sexual violence (Article 26A Students) to succeed in school are important District goals and required by 105 ILCS 5/26A (Article 26A).

The Superintendent or designee shall develop and implement a program for supporting Article 26A Students that:

1. Distributes this policy and procedures for requesting supportive services or filing a complaint to all students at the beginning of each school year. [2]
2. Ensures at least one staff member in each school building is designated as a resource person for Article 26A Students (Article 26A Resource Person) and receives training in accordance with 105 ILCS 5/26A-35. [3]
3. Notifies all District employees and agents that, upon learning or suspecting that a student is a parent, expectant parent, or victim of domestic or sexual violence, they must refer the student to a designated Article 26A Resource Person. [4]
4. Ensures any employees whose duties include the resolution of Article 26A complaints receive training in accordance with 105 ILCS 5/26A-25(b)(1). [5]

DRAFT

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

[1] State law requires this subject matter be covered by policy. 105 ILCS 5/26A, ~~added by P.A. 102-466,~~ a/k/a *the Ensuring Success in School (ESS) Law*~~, eff. 7-1-25~~. An *expectant parent* is a student who (i) is pregnant and (ii) has not yet received a diploma for completion of a secondary education as defined in 105 ILCS 5/22-22. Id. at 5/26A-10.

105 ILCS 5/2-3.147, added by P.A. 95-558 and repealed by P.A. 99-30, created the first Ensuring Success in School (ESS) Task Force. Supervised by the Ill. State Board of Education (ISBE), it developed policies, procedures, and protocols for school boards to adopt to address the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence; the goal was to encourage these students to stay in school, stay safe while in school, and successfully complete their education. The June 2010 report of the first ESS Task Force is available here: www.isbe.net/Documents/ess-task-force-final-report0610.pdf. 105 ILCS 5/26A-15~~, added by P.A. 102-466~~ (a/k/a *ESS Law)* ~~and scheduled to be~~ (repealed on 12-1-25)~~,~~ created a second ESS Task Force supervised by ISBE, also focused on the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence. The second ESS Task Force was to: (1) draft and publish model policies and intergovernmental agreements for inter-district transfers, (2) draft and publish model complaint resolution procedures, and (3) identify current mandatory and new staff trainings needed. The June 2024 report of the second ESS Task Force is available here: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf. ISBE non-regulatory guidance on the *ESS Law* is available at: www.isbe.net/Documents/Ensuring-Success-in-School.pdf.

[2] 105 ILCS 5/26A-20(d), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*~~, eff. 7-1-25~~.

[3] See f/n 25 in sample policy 5:100, *Staff Development Program*, and sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, for further information about training requirements.

[4] 105 ILCS 5/26A-40(e), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*~~, eff. 7-1-25~~. *Agents* is not defined and who is considered an agent for the district is fact-specific; consult the board attorney for guidance.

[5] See f/n 3, above.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

5. Requires verification of a student's claim of Article 26A status relating to domestic or sexual violence in accordance with 105 ILCS 5/26A-45. [6]
6. Provides Article 26A Students with in-school support services, information about non-school-based support services, and the ability to make up work missed due to circumstances related to the student's Article 26A status in accordance with 105 ILCS 5/26A-40. [7]
7. Ensures the prompt and equitable resolution of all Article 26A complaints through a complaint resolution procedure that fully complies with 105 ILCS 5/26A-25. [8]
8. Ensures that all information concerning an Article 26A Student's status and related experiences, or information concerning a student who is a named perpetrator of domestic or sexual violence, provided to or otherwise obtained by the District or its employees or agents pursuant to 105 ILCS 5/26A is retained in a confidential temporary file in accordance with 105 ILCS 10/2(f).[9] Confidentiality procedures will: [10]
    a. Provide that such information may not be disclosed to any other individual outside of the District, including any other employee, except if such disclosure is: (1) permitted by the Ill. School Student Records Act (105 ILCS 10/), the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g), or other applicable State or federal laws; or (2) requested or consented to, in writing, by the Article 26A Student or their parent/guardian if it is safe to obtain written consent from the parent/guardian; and
    b. Comply with the requirements of 105 ILCS 5/26A-30.

DRAFT

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

[6] 105 ILCS 5/26A-45, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*~~, eff. 7-1-25~~. See detailed verification requirements and restrictions in sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

[7] 105 ILCS 5/26A-40, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*~~, eff. 7-1-25~~. Providing accommodations to ensure equal educational opportunities for students who are parents and expectant parents is also required by federal regulations implementing Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. §1681 et seq.) and ISBE sex equity regulations. 34 C.F.R. §106.40 and 49 C.F.R. §25.445; 23 Ill.Admin.Code §200.50. See sample policy 7:10, *Equal Educational Opportunities*, and sample administrative procedure 7:10-AP2, *Accommodating Breastfeeding Students*. Reasonable accommodations for breastfeeding students are also required by 105 ILCS 5/10-20.60.

[8] 105 ILCS 5/26A-25, amended by P.A. 104-803 and 5/26A-20(c), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*, ~~eff. 7-1-25,~~ list the basic requirements for a complaint resolution procedure. Live hearings are not required but may be offered as part of the complaint resolution procedure. **Consult the board attorney if the board wants the district to use a live hearing in its complaint resolution procedure.** For an Article 26A complaint resolution procedure, see sample administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*. See also sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

[9] 105 ILCS 5/26A-45(a), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*~~, eff. 7-1-25~~. The ESS Law amended the definition of *student temporary record* in the Ill. School Student Records Act (ISSRA) (105 ILCS 10/) to include information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A. 105 ILCS 10/2(f), ~~amended by P.A. 102-466,~~ a/k/a *ESS Law*~~, eff. 7-1-25~~.

[10] Required by 105 ILCS 5/26A-30, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*~~, eff. 7-1-25~~. The policy text is based on recommendations of the second ESS Task Force. See p. 14 of the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf. The phrase "including any other employee" comes directly from 105 ILCS 5/26A-30(a) and is confusing because it is unclear whose employee is being referenced. ISSRA permits student records to be disclosed to any district employees with a "current demonstrable educational or administrative interest" in a student if disclosure is "in furtherance of such interest." 105 ILCS 10/6(a)(2). **Consult the board attorney for guidance**.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

9. Ensures that in the event an Article 26A Student or their parent/guardian reports an incident of alleged domestic or sexual violence, the District's procedures comply with 105 ILCS 5/26A-20(c). [11]
10. Complies with State and federal law and aligns with Board policies. [12]

Requesting Support Services

An Article 26A Student and/or their parent/guardian may request support services under this policy by contacting the building-level Article 26A Resource Person, whose name and contact information will be annually distributed to employees, students, and parents/guardians by each Building Principal.

Filing a Complaint

An Article 26A Student and/or their parent/guardian may file a complaint under this policy with the Nondiscrimination Coordinator, Title IX Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any employee with whom the person is comfortable speaking.[13]

The Superintendent shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers. [14]

Nondiscrimination Coordinator:	**Title IX Coordinator:**
Name	Name
Address	Address
Email	Email
Telephone	Telephone

DRAFT

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

[11] 105 ILCS 5/26A-20(c)(1)-(6), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*, ~~eff. 7-1-25,~~ states elements that must be in a district's "policy on the procedures" that a student or their parent/guardian may follow if he or she chooses to report an incident of alleged domestic or sexual violence. Having a "policy on the procedures" is a misnomer because the board does not adopt procedures but rather, through policy, directs the superintendent to establish procedures to implement policy. Only the required element at 105 ILCS 5/26A-20(c)(6), to establish a complaint resolution procedure, appears in this policy's text because the remaining elements are not board work and therefore inappropriate to include in board policy. Instead, required elements from 105 ILCS 5/26A-20(c)(1)-(5) appear in sample administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence.*

[12] See sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, for a list of board policies implicated by the *ESS Law* and that may interact with this policy.

[13] By including "any employee" in this list, 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.

[14] While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Complaint Managers:

Name	Name
Address	Address
Email	Email
Telephone	Telephone

Complaint Resolution Procedure

When a complaint is filed, the Nondiscrimination Coordinator and/or Complaint Manager or designee shall process and review it according to administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

Enforcement

Any District employee who is determined, at the conclusion of the complaint resolution procedure, to have violated Article 26A will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the complaint resolution procedure, to have violated Article 26A will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent/guardian, invitee, etc.

This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law.

Policy Review [15]

At least once every two years, pursuant to 105 ILCS 5/26A-20 and Board policy 2:240, *Board Policy Development*, the Board reviews and makes any necessary updates to this policy and to any other policies that may act as a barrier to their immediate enrollment and re-enrollment, attendance, graduation, and success in school of any student who is a parent, expectant parent, or victim of domestic or sexual violence. The Superintendent or designee shall assist the Board with its review and any updates.

Retaliation Prohibited [16]

Retaliation against an Article 26A Student or their parent/guardian for exercising or attempting to exercise their rights under Article 26A is prohibited. Individuals should report allegations of retaliation to the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

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

[15] 105 ILCS 5/26A-20(a), amended by P.A. 104-803, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*, ~~eff. 7-1-25~~. Boards had to initially review their policy by 7-1-26, and they must review it every two years thereafter. This provision also requires districts to review and revise any procedures that act as a barrier to Article 26A Students. Since procedure review and revision is administrator work and not board work, this requirement is addressed in sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

[16] 105 ILCS 5/26A-50, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*, ~~eff. 7-1-25~~.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

A student, employee, or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension or expulsion, with regard to students.

LEGAL REF.: 105 ILCS 5/26A.
105 ILCS 10/, Ill. School Student Records Act.
405 ILCS 5/, Mental Health and Developmental Disabilities Code.
405 ILCS 49/, Children's Mental Health Act.
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.
23 Ill.Admin.Code §1.240 and Part 200.

CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:120 (Education of Children with Disabilities), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:250 (Student Support Services), 7:340 (Student Records)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Administering Medicines to Students [1]

Students should not take medication during school hours or during school-related activities unless it is necessary for a student's health and well-being. When a student's licensed health care provider and parent/guardian believe that it is necessary for the student to take a medication during school hours or school-related activities, the parent/guardian must request that the school dispense the medication to the child and otherwise follow the District's procedures on dispensing medication.

No School District employee shall administer to any student, or supervise a student's self-administration of, any prescription or non-prescription medication until a completed and signed *School Medication Authorization Form (SMA Form)* is submitted by the student's parent/guardian.

No student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures.

Nothing in this policy shall prohibit any school employee from providing emergency assistance to students, including administering medication.

The Building Principal shall include this policy in the Student Handbook and shall provide a copy to the parents/guardians of students. [2]

Self-Administration of Medication

A student may possess and self-administer ~~an~~ epinephrine ~~injector~~, e.g., EpiPen®, and/or asthma medication prescribed for use at the student's discretion, provided the student's parent/guardian has

DRAFT

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

[1] All boards must have a policy for administering medication. 105 ILCS 5/10-20.14b. State law prohibits school boards from requiring that teachers and other non-administrative school employees administer medication to students; exceptions are certificated school nurses and non-certificated registered professional nurses. 105 ILCS 5/10-22.21b(b). For a sample medication authorization form, see sample exhibit 7:270-E1, *School Medication Authorization Form*.

Separate from this policy, boards must also adopt a policy that addresses the prevention of anaphylaxis and a district's response to medical emergencies resulting from anaphylaxis. See sample policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, and its accompanying administrative procedure, 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, for more information. Due to the structure of the School Code and the IASB Policy Reference Manual, sample policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, does not address the administration of epinephrine and instead refers to this policy 7:270, *Administering Medicine to Students*.

[2] Each district must inform students, e.g., through homeroom discussion or loudspeaker announcement, about, and distribute to their parents/guardians, the district's policy, guidelines, and forms on administering medicines within 15 days after the beginning of each school year, or within 15 days after starting classes for a student who transfers into the district. 105 ILCS 5/10-20.14b. A comprehensive student handbook can provide notice to parents and students of the school's rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh/.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

completed and signed an *SMA Form*.[3] The Superintendent or designee will ensure an Emergency Action Plan is developed for each self-administering student. [4]

A student may self-administer medication required under a *qualifying plan*, provided the student's parent/guardian has completed and signed an *SMA Form*.[5] A qualifying plan means: (1) an asthma action plan, (2) an Individual Health Care Action Plan, (3) an allergy emergency action plan, (4) a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or (5) a plan pursuant to the federal Individuals with Disabilities Education Act. A student may also possess the supplies and equipment necessary to monitor and treat diabetes in accordance with the student's diabetes care plan and/or the supplies, equipment, and medication necessary to treat epilepsy in accordance with the student's seizure action plan. [6]

The District shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication, including asthma medication or epinephrine ~~injectors~~, or medication required under a qualifying plan.[7] A student's parent/guardian must indemnify and hold harmless the District and its employees and agents, against any claims, except a claim based

DRAFT

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

[3] 105 ILCS 5/22-30, amended by P.A.s 104-762, eff. 1-1-27, and 104-803, requires school districts to allow students to *self-administer* their prescribed asthma medication and an epinephrine delivery system~~injector~~ as described. *Self-carry* means a student's ability to carry his or her prescribed asthma medication or epinephrine ~~injector~~delivery system. *Self-administer* and *self-administration* mean that a student may use these two medications at his or her discretion: (1) while in school; (2) while at a school- ~~-~~sponsored activity; (3) while under the supervision of school personnel; or (4) before or after normal school activities, such as while in before-school or after-school care on school-operated property.

[4] 105 ILCS 5/10-22.21b(d). The plan must address actions to be taken if the student is unable to self-administer medication and the situations in which the school must call 911. Id. For plan guidance, see sample administrative procedure 7:270-AP1, *Dispensing Medication*.

[5] 105 ILCS 5/10-22.21b(c), amended by P.A. 103-175. A student with an asthma action plan, an Individual Health Care Action Plan, an allergy emergency action plan, a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or a plan pursuant to the federal Individuals with Disabilities Education Act may self-administer medication if the student's parent/guardian provides the school with: (1) written permission for the student's self-administration of medication, (2) written authorization from the student's physician, physician assistant, or advanced practice registered nurse for the student to self-administer the medication, and (3) the prescription label containing the name of the medication, the prescribed dosage, and the time(s) or circumstances under which the medication is to be administered. Id. This does not allow a student to self-carry unless otherwise permitted. Contact the board attorney for further guidance.

[6] 105 ILCS 145/30; 105 ILCS 150/30.

[7] 105 ILCS 5/22-30, amended by P.A.s 104-655, eff. 1-1-27, 104-762, eff. 1-1-27, and 104-803, (asthma medication and epinephrine ~~injectors~~delivery system) and 105 ILCS 5/10-22.21b (medications required by a plan listed in 105 ILCS 5/10-22.21b(c), amended by P.A. 103-175). 105 ILCS 5/22-30(c), amended by P.A. 104-655, eff. 1-1-27, requires this information regarding any administration of asthma medication, epinephrine, opioid antagonists, or undesignated glucagon to be in a notification to parents/guardians. 105 ILCS 5/10-22.21b does not specifically require this information to be in a notification to parents/guardians. However, 105 ILCS 5/10-22.21b requires parents/guardians to sign a statement that includes the district's protections from liability under 105 ILCS 5/10-22.21b; the signed acknowledgment (see f/n 8~~7~~) is the notice. This policy includes the liability protection information under 105 ILCS 5/10-22.21b to also inform the community.

The storage of medication is not addressed in the applicable statutes and may not be covered as part of the district's protections from liability and hold harmless provisions. Contact the board attorney and the board's liability insurance carrier for further discussion about the district's liability and coverage in this area.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

on willful and wanton conduct, arising out of a student's self-administration of ~~an~~ epinephrine ~~injector~~, asthma medication, and/or a medication required under a qualifying plan. [8]

School District Supply of Undesignated Asthma Medication [9]

The Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated asthma medication in the name of the District and provide or administer them as necessary according to State law. *Undesignated asthma medication* means an asthma medication prescribed in the name of the District or one of its schools. A school nurse or trained personnel, as defined in State law,[10] may administer an undesignated asthma medication to a person when they, in good faith, believe a person is having *respiratory distress*. Respiratory distress may be characterized as *mild-to-moderate* or *severe*.[11] Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law. [12]

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

[8] 105 ILCS 5/22-30(c), amended by P.A.s 104-762, eff. 1-1-27, and 104-803, and 105 ILCS 5/10-22.21b(e). Both statutes require parents/guardians to sign a statement: (1) acknowledging the statement from f/n ~~6~~ 5 above; and (2) that they must indemnify and hold harmless the school district and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the self-administration of medication by the student. There are several methods to obtain a parent/guardian's signature for this purpose, e.g., receipt of handbook signature, or see sample exhibit 7:270-E1, *School Medication Authorization Form*. Discuss with the board attorney the method that works best for the district.

[9] Optional. A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement 105 ILCS 5/22-30, amended by P.A.s 104-655, eff. 1-1-27, 104-762, eff. 1-1-27, and 104-803. The law permits a district to maintain a supply of undesignated asthma medication in any secure location that is accessible before, during, and after school where a person is most at risk, including, but not limited to a classroom, ~~or~~ the nurse's office, or a practice field or gym, and use them when necessary. 105 ILCS 5/22-30(f), amended by P.A. 104-484, eff. 1-1-27. Maintaining undesignated asthma medication at practice fields or gyms is subject to appropriation of available grant funding. Id.

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated asthma medication, implement a plan for its use, and then not doing it, as doing so may be fraught with legal liabilities. Also fraught with legal liabilities is when the district provides them, but does not have them accessible before, during, and after school where an asthmatic person is most at risk as required by 105 ILCS 5/22-30, amended by P.A.s 104-655, eff. 1-1-27, 104-762, eff. 1-1-27, and 104-803. See In re Estate of Stewart, 406 Ill.Dec. 345 (2nd Dist. 2016)(denying tort immunity to district, finding its response to a student's asthma attack was *willful* and *wanton* (which district disputed as a possible heart attack)) and In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017)(school district's appeal denied).

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated asthma medication in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs. To address the challenge of filling prescriptions for undesignated asthma medication, the Ill. Pharmacists Association drafted a letter that may be presented to a pharmacy by a district, available at: www.isbe.net/Documents/IPA-Letter-Stock-Albuterol-Schools.pdf.

[10] 105 ILCS 5/22-30(a) defines *trained personnel* as any school employee, coach, athletic trainer, or volunteer personnel authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of the School Code who has completed training required by 105 ILCS 5/22-30(g), to recognize and respond to anaphylaxis, an opioid overdose, ~~or~~ respiratory distress, or a severe hypoglycemia emergency. 105 ILCS 5/22-30(a), amended by P.A.s 104-484 and 104-655, both eff. 1-1-27. The training of coaches and athletic trainers is subject to appropriation of available grant funding. 105 ILCS 5/22-30(m), added by P.A. 104-484, eff. 1-1-27.

The Ill. State Board of Education (ISBE) must develop the training curriculum for trained personnel, and it may be conducted online or in person. Id. at (a) and (h), and 23 Ill.Admin.Code §1.540(e)(3). 105 ILCS 5/22-30(h-5), 5/22-30(h), and 5/22-30(h-10), and 23 Ill.Admin.Code §1.540(e) list the training curriculum requirements to recognize and respond to an opioid overdose, an allergic reaction, including anaphylaxis, ~~and~~ respiratory distress, or a severe hypoglycemia emergency, respectively. See training resources, at: www.isbe.net/Pages/School-Nursing.aspx.

[11] 105 ILCS 5/22-30(a). *Respiratory distress* means the perceived or actual presence of wheezing, coughing, shortness of breath, chest tightness, breathing difficulty, or any other symptoms consistent with asthma. Id.

[12] Id. at (g); 23 Ill.Admin.Code §1.540(e)(9) and (10).

DRAFT

©~~2025~~ 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

School District Supply of Undesignated Epinephrine Delivery Systems~~Injectors~~ [13]

The Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated epinephrine delivery systems~~injectors~~ in the name of the District and provide or administer them as necessary according to State law. *Undesignated epinephrine delivery system~~injector~~* means an epinephrine ~~injector~~ delivery system prescribed in the name of the District or one of its schools. A school nurse or trained personnel, as defined in State law,[14] may administer an undesignated epinephrine delivery system~~injector~~ to a person when they, in good faith, believe a person is having an anaphylactic reaction. Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law. [15]

School District Supply of Undesignated Opioid Antagonists [16]

The Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated opioid antagonists and provide or administer them as necessary according to State law.

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

[13] Optional. See f/n 9, above. If the board adopts this subhead, the use of undesignated epinephrine ~~injectors~~ delivery systems must align with its anaphylaxis prevention, response, and management policy. See sample policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, at f/n 7, and its sample administrative procedure, 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, at f/ns 4, 5, and 6. If the district does not maintain an undesignated supply of epinephrine, ensure that policy 7:285 and administrative procedure 7:285-AP do not state that it does maintain such a supply.

A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement 105 ILCS 5/22-30, amended by P.A.s 104-762, eff. 1-1-27, and 104-803. The law permits a district to maintain a supply of undesignated epinephrine delivery systems~~injectors~~ in any secure location that is accessible before, during, and after school where an allergic person is most at risk, including, but not limited to, classrooms and lunchrooms, and use them when necessary.

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated epinephrine delivery systems~~injectors~~, and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities. Also fraught with legal liabilities is if the district is provides them, but does not have them accessible before, during, and after school where an allergic person is most at risk as required by 105 ILCS 5/22-30, amended by P.A.s 104-762, eff. 1-1-27, and 104-803~~2 413~~. See In re Estate of Stewart, 406 Ill.Dec. 345 (2nd Dist. 2016)(denying tort immunity to district, finding its response to a student's asthma attack was *willful* and *wanton* (which district disputed as a possible heart attack)); In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017)(school district's appeal denied).

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated epinephrine delivery systems~~injectors~~ in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

[14] See the discussion regarding *trained personnel*, in f/n 10, above.

[15] See f/n 12, above.

[16] Required by 105 ILCS 5/22-30(f), amended by P.A. 103-348. In the case of a shortage of opioid antagonists, a district must make reasonable efforts to maintain a supply. Id. At least one opioid antagonist, a naloxone nasal spray, has been approved by the U.S. Federal Food and Drug Administration for over-the-counter, nonprescription use. A district must obtain a prescription for a supply of opioid antagonists from a *health care professional* with prescriptive authority under the Substance Use Disorder Act, 20 ILCS 301/5-23, unless it is able to secure a supply without a prescription. Id. *Health care professional* means a physician licensed to practice medicine in all its branches, a licensed physician assistant with prescriptive authority, a licensed advanced practice registered nurse with prescriptive authority, or an advanced practice registered nurse who practices in a hospital or ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act, 20 ILCS 301/5-23(d)(4). Id.

Consult the board attorney regarding the Safe and Drug-Free School and Communities Act of 1994 (20 U.S.C. §7101(b)). It prohibits funds provided under it to be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to crime or who illegally use drugs.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Opioid antagonist means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration. *Undesignated opioid antagonist* is not defined by the School Code; for purposes of this policy it means an opioid antagonist prescribed in the name of the District or one of its schools or obtained by the District without a prescription. A school nurse or trained personnel,[17] as defined in State law, may administer an undesignated opioid antagonist to a person when they, in good faith, believe a person is having an opioid overdose. Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law.[18] See the website for the Ill. Dept. of Human Services for information about opioid prevention, abuse, public awareness, and a toll-free number to provide information and referral services for persons with questions concerning substance abuse treatment. [19]

School District Supply of Undesignated Oxygen Tanks [20]

In schools where the District maintains special educational facilities, the Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated oxygen tanks in the name

DRAFT

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

A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement 105 ILCS 5/22-30, amended by P.A. 103-348. The law permits a district to maintain a supply of undesignated opioid antagonists in any secure location where a person is at risk of an opioid overdose and use them when necessary. The consequences of informing the community that the district will obtain a prescription for a supply of opioid antagonists and implement a plan for their use, and then not doing it may be fraught with legal liabilities.

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of opioid antagonists in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

[17] See the discussion regarding *trained personnel* in f/n 10, above. The Clinical Social Work and Social Work Practice Act also authorizes licensed school social workers to possess and administer opioid antagonists in the licensed clinical social worker's or licensed social worker's professional capacity. 225 ILCS 20/4.5, added by P.A. 103-1048.

[18] See f/n 12, above.

[19] This sentence is optional. 20 ILCS 301/20-30, mandates the Ill. Dept. of Human Services to create a website with these resources. The purpose of this sentence is to provide the community with information about a public health crisis affecting students. See www.dhs.state.il.us/page.aspx?item=58142 for resources.

[20] Optional. 105 ILCS 5/22-30(f), amended by P.A. 103-196, permits a district maintaining special educational facilities under 105 ILCS 5/14-4.01 to maintain a supply of undesignated oxygen tanks in a secure location that is accessible before, during, and after school where a person with developmental disabilities is most at risk, including, but not limited to classrooms and lunchrooms. Delete if the district does not maintain special educational facilities for children with disabilities under 105 ILCS 5/14-4.01. *Special educational facility* is not specifically defined in 105 ILCS 5/14-4.01; consult the board attorney for advice regarding this term and if it is limited to separate buildings, self-contained classrooms, and/or programs attended solely by students with disabilities. For example, this option may not be available if a district utilizes a special education cooperative for all of its special education programming. There is a reference to *special education facilities* in 105 ILCS 5/14-12.01, which may provide some guidance; it addresses reimbursement for the construction and maintenance of "special education facilities designed and utilized to house instructional program, diagnostic services" and "other special education services for children with disabilities." 105 ILCS 5/22-30(f), amended by P.A. 103-196, does not specify who can administer undesignated oxygen, nor does it specify any training requirements for its use in schools. To minimize potential liability and ensure proper administration, a best practice is to restrict who can administer undesignated oxygen to school nurses and other school personnel who have received appropriate training on the emergency use and storage of oxygen. See sample administrative procedure 7:270-AP2, *Checklist for District Supply of Undesignated Medication(s)*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

of the District and provide or administer them as necessary. The supply shall be maintained in accordance with manufacturer instructions and local fire department rules.

School District Supply of Undesignated Glucagon [21]

The Superintendent or designee shall implement 105 ILCS 145/27 and 5/22-30 and maintain a supply of undesignated glucagon in the name of the District in accordance with manufacturer's instructions.

When a student's prescribed glucagon is not available or has expired, a school nurse or delegated care aide may administer undesignated glucagon only if he or she is authorized to do so by a student's diabetes care plan, Individual Health Care Action Plan, Section 504 plan, individualized education program, or other written accommodations plan.

DRAFT

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

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated oxygen tanks and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities. Also fraught with legal liabilities is if the district provides them, but does not have them accessible before, during, and after school where a person with development disabilities is most at risk as required by 105 ILCS 5/22-30(f), amended by P.A. 103-196, ~~eff. 1-1-24~~. See In re Estate of Stewart, 406 Ill.Dec. 345 (2nd Dist. 2016)(denying tort immunity to district, finding its response to a student's asthma attack was *willful* and *wanton* (which district disputed as a possible heart attack)); In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017)(school district's appeal denied).

21 Optional. 105 ILCS 145/27 and 5/22-30, amended by P.A. 104-655, eff. 1-1-27, permits a district to maintain a supply of undesignated glucagon in any secure location that is immediately accessible to a school nurse or delegated care aide. A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement it.

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated glucagon, and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities.

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated glucagon in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

A school nurse or trained personnel may be authorized by a district to administer undesignated glucagon to a student or provide undesignated glucagon to any personnel authorized under a student's Individual Health Care Action Plan, in accordance with the student's prescriber's order or Section 504 plan, individualized education program, or other written accommodations plan. 105 ILCS 5/22-30(b-10), amended by P.A. 104-655, eff. 1-1-27. See sample administrative procedure 7:270-AP2, *Checklist for District Supply of Undesignated Medication(s)*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Administration of Medical Cannabis [22]

The Compassionate Use of Medical Cannabis Program Act[23] allows a *medical cannabis infused product* to be administered to a student by one or more of the following individuals:

1. A parent/guardian of a student who is a minor who registers with the Ill. Dept. of Public Health (IDPH) as a designated caregiver to administer medical cannabis to their child. A designated caregiver may also be another individual other than the student's parent/guardian. Any designated caregiver must be at least 21 years old[24] and is allowed to administer a medical cannabis infused product to a child who is a student on the premises of his or her school or on his or her school bus if:
    a. Both the student and the designated caregiver possess valid registry identification cards issued by IDPH;
    b. Copies of the registry identification cards are provided to the District; [25]
    c. That student's parent/guardian completed, signed, and submitted a School Medication Authorization Form - Medical Cannabis; and [26]

DRAFT

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

[22] 105 ILCS 5/22-33(g) (*Ashley's Law*), requires school boards to adopt a policy and implement it by:

1. Authorizing a parent/guardian and/or a *designated caregiver* of a student who is a *registered qualifying patient* to administer a medical cannabis infused product to that student at school or on the school bus (105 ILCS 5/22-33(b)).
2. Allowing a school nurse or administrator to administer a medical cannabis infused product to a student who is a *registered qualifying patient* while at school, a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care, on school-operated property, or while being transported on a school bus (105 ILCS 5/22-33(b-5)).
3. Authorizing a student who is a *registered qualifying patient* to self-administer a medical cannabis infused product if the self-administration takes place under the direct supervision of a school nurse or school administrator (Id.).

Important: If a district would lose federal funding as a result of the board adopting this policy, the board may not authorize the use of a medical cannabis infused product under *Ashley's Law* and not adopt this subsection. 105 ILCS 5/22-33(f). See f/n 26, below, and paragraph two of f/n 1 in sample policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*, for more information about Congress interfering with a state's decision to implement laws governing the legalization of cannabis, and consult the board attorney about the issue of federal funding. See also ISBE's *Medical Cannabis-Infused Product Administration Training/Seminar~~Frequently Asked Questions, Ashley's Law~~*, at: www.isbe.net/Pages/Health.aspx~~www.isbe.net/Documents/Medical-Cannabis-FAQ.pdf~~.

[23] 410 ILCS 130/, amended by P.A. 104-463.

[24] Id. at 130/10(i), and 130/57(a) and (b), amended by P.A. 104-463. *Designated caregiver* means a person who is at least 21 years of age, has agreed to assist with a patient's medical use of cannabis, assists no more than one registered qualifying patient with the patient's medical use of cannabis, except the parent or guardian of a registered qualifying patient may assist each of their children who are registered qualifying patients. Id. at 130/10(i), amended by P.A. 104-463. A student under the age of 18 may have up to three designated caregivers as long as at least one is a biological parent or a legal guardian. Id. at 130/57(a), amended by P.A. 104-463. A student 18 years of age or older may appoint up to three designated caregivers who meet the requirements of the Compassionate Use of Medical Cannabis Program Act. Id. at 130/57(b), amended by P.A. 104-463.

[25] The laws are silent about copies of the cards being provided to the district. Requiring copies of the registry cards is a best practice. Consult the board attorney about any records laws implicated in requiring and maintaining copies of these registry cards.

[26] A completed and signed school medication authorization form is not required by *Ashley's Law* but is a best practice and consistent with this sample policy's language for other medications. See sample exhibit 7:270-E2, *School Medication Authorization Form - Medical Cannabis*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

d. After administering the product to the student, the designated caregiver immediately[27] removes it from school premises or the school bus.

2. A properly trained school nurse or administrator, who shall be allowed to administer the medical cannabis infused product to the student on the premises of the child's school, at a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus. [28]
3. The student him or herself when the self-administration takes place under the direct supervision of a school nurse or administrator. [29]

Medical cannabis infused product (product) includes oils, ointments, foods, and other products that contain usable cannabis but are not smoked or vaped.[30] Smoking and/or vaping medical cannabis is prohibited. [31]

The product may not be administered in a manner that, in the opinion of the District or school, would create a disruption to the educational environment or cause exposure of the product to other students. A school employee shall not be required to administer the product. [32]

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

[27] The word *immediately* is not in *Ashley's Law*. It is added to ensure legal compliance with federal laws that could affect federal funding. For example, consider administrators who may be in the situation where a designated caregiver provides his or her child the product and then wants to volunteer in the school or greet another child in the school while carrying the product in the building, which may violate the Cannabis Control Act (720 ILCS 550/5.2). Consult the board attorney about the best term to use here, if any, as nothing in the law addresses these common scenarios that school administrators will encounter.

[28] 105 ILCS 5/22-33(b-5). A school nurse or administrator must annually complete a training curriculum to be developed by ISBE in consultation with the Ill. Dept. of Public Health prior to administering a medical cannabis infused product to a student in accordance with this section. 105 ILCS 5/22-33(f-5). See www.isbe.net/Pages/Health.aspx for training resources.

[29] Id. Any product administered by a school nurse or administrator, or self-administered under the supervision of a school nurse or administrator, must be stored with the school nurse at all times in a manner consistent with storage of other student medication at the school and may be accessible only by the school nurse or a school administrator. 105 ILCS 5/22-33(b-10).

[30] 410 ILCS 130/10(q). Consult the board attorney regarding the controversial issue of students using at, or bringing to school, cannabis-infused products without THC that are derived from *hemp* or *industrial hemp* (hemp oil or cannabidiol (CBD) oil, the naturally occurring cannabinoid constituent of cannabis). Hemp or industrial hemp is defined in the ~~Industrial~~ Ill. Hemp Act (IHA) as the plant Cannabis sativa L. and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis and includes any intermediate or finished product made or derived from industrial hemp. 505 ILCS 89/5, amended by P.A. 104-463, repealing the Industrial Hemp Act and replacing it with the IHA. Hemp or industrial hemp is also colloquially known as *agricultural hemp*.

Products from hemp or industrial hemp are widely available. As a consequence, school employees may encounter the argument from a student and his or her parent/guardian that the use of hemp or CBD oil products ~~derived from hemp or industrial hemp (containing no THC)~~ is not a violation of Illinois law because 720 ILCS 550/4, amended by P.A. 104-463, states "[e]xcept as otherwise provided in the Cannabis Regulation and Tax Act, ~~and~~ the Industrial Hemp Act, and the Illinois Hemp Act, it is unlawful for any person knowingly to possess cannabis." In addition, products containing hemp or CBD oil can be purchased with a prescription and without a medical ~~marijuana~~ cannabis card, so a parent/guardian may argue that such prescriptions should be administered at school as any other prescription medication would be.

A person under 21 years of age can only possess a consumable or topical hemp-derived cannabinoid product that does not contain certain levels of cannabinoids listed in the IHA. See 505 ILCS 89/20, amended by P.A. 104-463. See also Ill. Dept. of Agriculture's *Informational Bulletin June 2026 Illinois Hemp Act Overview*, at: https://agr.illinois.gov/content/dam/soi/en/web/agr/plants/documents/2026-06-il-hemp-act-overview.pdf. ~~Consult the board attorney for guidance.~~

[31] Optional sentence. 410 ILCS 130/10(q) prohibits medical cannabis from being smoked. District administrators may find providing this information to the community helpful to enforcement of this policy.

[32] 105 ILCS 5/22-33(e). Consult the board attorney for guidance regarding whether a school nurse or administrator can be required to administer the product. ISBE's FAQ on *Ashley's Law* (see f/n 21) states that a school staff member cannot be forced to administer a medical cannabis infused product to a student because *Ashley's Law* does not require it.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

Discipline of a student for being administered a product by a designated caregiver, or by a school nurse or administrator, or who self-administers a product under the direct supervision of a school nurse or administrator[33] pursuant to this policy is prohibited. The District may not deny a student attendance at a school solely because he or she requires administration of the product during school hours.

Void Policy [34]

The **School District Supply of Undesignated Asthma Medication** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for undesignated asthma medication from a physician or advanced practice nurse licensed to practice medicine in all its branches, or (2) fill the District's prescription for undesignated school asthma medication. [35]

The **School District Supply of Undesignated Epinephrine ~~Injectors~~ Delivery Systems** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for undesignated epinephrine ~~injectors~~ delivery systems from a physician or advanced practice nurse licensed to practice medicine in all its branches, or (2) fill the District's prescription for undesignated school epinephrine delivery systems~~injectors~~. [36]

The **School District Supply of Undesignated Opioid Antagonists** section of the policy is void whenever the Superintendent or designee is unable to obtain a supply of opioid antagonists due to a shortage, in which case the District shall make reasonable efforts to maintain a supply. [37]

The **School District Supply of Undesignated Oxygen Tanks** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for oxygen tanks from a qualifying prescriber,[38] or (2) fill the District's prescription for undesignated oxygen tanks. [39]

The **School District Supply of Undesignated Glucagon** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription

DRAFT

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

[33] 105 ILCS 5/22-33(d).

[34] Remove this section if the board does not adopt the undesignated asthma medication, the undesignated epinephrine delivery system~~injector~~, the undesignated opioid antagonist, the undesignated glucagon, or the administration of medical cannabis sections (see f/n 2~~1~~2) of the policy. If the board adopts one or some but not all, delete the appropriate paragraph(s) or sentence(s) in this section.

[35] Discuss with the board attorney whether the board should remove this sentence when the district reaches full implementation of this section.

[36] See f/n 1~~2~~3, above.

[37] 105 ILCS 5/22-30(f), amended by P.A. 103-348. See f/n 1~~5~~6, above.

[38] 105 ILCS 5/22-30(f), amended by P.A. 103-196, provides that a physician, a physician assistant who has prescriptive authority under the Physician Assistant Practice Act of 1987 (225 ILCS 95/7.5), or an advanced practice registered nurse who has prescriptive authority under the Nurse Practice Act (225 ILCS 65-40) may prescribe undesignated oxygen tanks in the name of the district to be maintained for use when necessary.

[39] See f/n 20~~19~~, above.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

for glucagon from a qualifying prescriber,[40] or (2) fill the District's prescription for undesignated school glucagon. [41]

The **Administration of Medical Cannabis** section of the policy is void and the District reserves the right not to implement it if the District or school is in danger of losing federal funding. [42]

Administration of Undesignated Medication [43]

Upon any administration of an undesignated medication permitted by State law, the Superintendent or designee(s) must ensure all notifications required by State law and administrative procedures occur.

Undesignated Medication Disclaimers

Upon implementation of this policy, the protections from liability and hold harmless provisions applicable under State law apply. [44]

No one, including without limitation, parents/guardians of students, should rely on the District for the availability of undesignated medication. This policy does not guarantee the availability of undesignated medications. Students and their parents/guardians should consult their own physician regarding these medication(s).

DRAFT

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

[40] 105 ILCS 145/27 provides that a physician, a physician assistant who has prescriptive authority under the Physician Assistant Practice Act of 1987 (225 ILCS 95/7.5), or an advanced practice registered nurse who has prescriptive authority under the Nurse Practice Act (225 ILCS 65-40) may prescribe undesignated glucagon in the name of the district to be maintained for use when necessary. See also f/n 21, above.

[41] See f/n 2~~1~~0, above.

[42] 105 ILCS 5/22-33(f).

[43] 105 ILCS 5/22-30, amended by P.A.s 104-655, eff. 1-1-27, 104-762, eff. 1-1-27, and 104-803, and 105 ILCS 145/27 detail specific required notifications, which are listed in sample administrative procedure 7:270-AP2, *Checklist for District Supply of Undesignated Medication(s)*. Schools are not required to accept opt-out requests from parents for the administration of undesignated medications, and even if a parent fails to acknowledge a notification, a school nurse or other trained personnel are not precluded from administering undesignated medications in accordance with the School Code. 23 Ill.Admin.Code §1.540(b)(2).

[44] 105 ILCS 5/22-30(c), amended by P.A.s 104-655, eff. 1-1-27, 104-762, eff. 1-1-27, and 104-803. The school, and its employees and agents, incur no liability, except for willful and wanton conduct, as a result of an injury to a student arising from the administration of asthma medication, epinephrine~~injectors~~, ~~or~~ opioid antagonists, or undesignated glucagon (Id.), a student's self-administration of medication (105 ILCS 5/10-22.21b, amended by P.A. 103-175), or administration of undesignated glucagon (insofar as it would be considered part of the care of a student with diabetes, see 105 ILCS 145/45).

105 ILCS 5/22-30(c) amended by P.A.s 104-655, eff. 1-1-27, 104-762, eff. 1-1-27, and 104-803, requires the district to inform parents/guardians in writing of the protections from liability and hold harmless provisions that apply to the administration of asthma medication, epinephrine~~injectors~~, ~~and~~ opioid antagonists, and undesignated glucagon. In addition, a statement must be signed by a student's parent/guardian acknowledging the district's protections from liability and hold harmless provisions for these undesignated medications. Id. A similar acknowledgment must be signed by a student's parent/guardian for the self-administration of medication. 105 ILCS 5/10-22.21b(e). See sample exhibit 7:270-E1, *School Medication Authorization Form*, for a sample acknowledg~~e~~ment.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 105 ILCS 5/10-20.14b, 5/10-22.21b, 5/22-30, and 5/22-33.
105 ILCS 145/, Care of Students with Diabetes Act.
105 ILCS 150/, Seizure Smart School Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
720 ILCS 550/, Cannabis Control Act.
23 Ill.Admin.Code §1.540.

CROSS REF.: 7:285 (Anaphylaxis Prevention, Response, and Management Program)

ADMIN. PROC.: 7:270-AP1 (Dispensing Medication), 7:270-AP2 (Checklist for District Supply of Undesignated Medication(s)), 7:270-E1 (School Medication Authorization Form), 7:270-E2 (School Medication Authorization Form - Medical Cannabis)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Anaphylaxis Prevention, Response, and Management Program [1]

School attendance may increase a student's risk of exposure to allergens that could trigger anaphylaxis. Students at risk for anaphylaxis benefit from a School Board policy that coordinates a planned response in the event of an anaphylactic emergency. Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Common allergens include animal dander, fish, latex, milk, shellfish, tree nuts, eggs, insect venom, medications, peanuts, soy, and wheat. A severe allergic reaction usually occurs quickly; death has been reported to occur within minutes. An anaphylactic reaction can also occur up to one to two hours after exposure to the allergen.

While it is not possible for the District to completely eliminate the risks of an anaphylactic emergency[2] when a student is at school, an Anaphylaxis Prevention, Response, and Management Program using a cooperative effort among students' families, staff members, students, health care providers, emergency

DRAFT

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

[1] 105 ILCS 5/2-3.190(d)~~, added by P.A. 102-413 and renumbered P.A. 102-813~~, required school boards to update or implement an anaphylactic policy by 8-17-22 (six months after the Ill. State Board of Education (ISBE) distributed its model on 2-17-22) in accordance with the model policy developed by ISBE, titled *Anaphylaxis Response Policy for Illinois Schools*, (*ISBE Model*), available at: www.isbe.net/Documents/Anaphylactic-policy.pdf. At the time of **PRESS** Issue 123's publication (Oct. 2026), ISBE had not updated the *ISBE Model* with the term change from epinephrine injector to epinephrine delivery system. Administrative procedures referencing the *ISBE Model* must support this policy in order to comply with the law. See the discussion in f/n 4 below and 7:285-AP, ~~*Implementing an*~~ *Anaphylaxis Prevention, Response, and Management Program* for a sample implementation procedure.

The law requires the *ISBE Model*, and in turn a district's policy based on the *ISBE Model*, to include: (a) a procedure and treatment plan, including emergency protocols and responsibilities for school nurses and other appropriate school personnel, for responding to anaphylaxis, (b) requirements for a training course for appropriate school personnel on prevention and responding to anaphylaxis, (c) a procedure and appropriate guidelines for the development of an individualized emergency health care plan for children with a food or other allergy that could result in anaphylaxis, (d) a communication plan for intake and dissemination of information provided by Illinois regarding children with a food or other allergy that could result in anaphylaxis, including a discussion of methods, treatments, and therapies to reduce the risk of allergic reactions, including anaphylaxis, (e) strategies for reducing the risk of exposure to anaphylactic causative agents, including food and other allergens, and (f) a communication plan for discussion with children who have developed adequate verbal communication and comprehension skills and with the parents or guardians of all children about foods that are safe and unsafe and about strategies to avoid exposure to unsafe food. 105 ILCS 5/2-3.190(b)~~, added by P.A. 102-413 and renumbered by P.A. 102-813~~.

The *ISBE Model* is primarily focused on item (a). Little to no guidance for schools regarding items (b) – (f) exists in it other than to generally cite to voluminous resources made available by the Centers for Disease Control and Prevention (CDC) and National Association of School Nurses (NASN). See f/n 8, below. This policy and its implementing procedures are designed to supplement the *ISBE Model* and further lead school officials to resources regarding items (b) – (f). 105 ILCS 5/2-3.182(b)(1-6)~~, added by P.A. 102-413 and renumbered by P.A. 102-813~~.

[2] The *ISBE Model* does not provide a specific definition for *anaphylactic emergency,* but it appears to use that term and *anaphylaxis* interchangeably.

©~~2023~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

medical services, and the community helps the District reduce these risks and provide accommodations and proper treatment for anaphylactic reactions. [3]

The Superintendent or designee shall develop and implement an Anaphylaxis Prevention, Response, and Management Program for the prevention and treatment of anaphylaxis that: [4]

1. Fully implements the Ill. State Board of Education (ISBE)'s model policy required by the School Code that: (a) relates to the care and response to a person having an anaphylaxis reaction, (b) addresses the use of epinephrine in a school setting, (c) provides a full food allergy and prevention of allergen exposure plan, and (d) aligns with 105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540. [5]
2. Ensures staff members receive appropriate training, including: (a) an in-service training program for staff who work with students that is conducted by a person with expertise in anaphylactic reactions and management, and (b) training required by law for those staff members acting as *trained personnel*, as provided in 105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540. [6]

DRAFT

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

[3] This ends statement requires board work and should be discussed (what effect or impact will this district statement have on the students and the community?) and altered accordingly before board adoption. The *ISBE Model* provides that students at risk for anaphylaxis benefit from a policy that coordinates a planned response in the event of an anaphylactic emergency, and it emphasizes that an emergency plan should include all stakeholders. For more information on ends statements and governance, see 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/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/~~.

The clause "using a cooperative effort among students' families, staff members, students, health care providers and emergency medical services, and the community" is optional and can be removed. The purpose of the clause is to share responsibility for management among all stakeholders.

[4] 105 ILCS 5/10-20. To balance the requirement to implement a policy based upon the *ISBE Model* (105 ILCS 5/2-3.190(d)) with the practicalities of managing a district, this paragraph delegates the board's implementation duty to the superintendent.

[5] Number one outlines the goals that the legislature directed ISBE to include in the topics covered by the *ISBE Model*. 105 ILCS 5/2-3.190(b)~~, added by P.A. 102-413 and renumbered by P.A. 102-813~~. The *ISBE Model* is based on the *Virginia Dept. of Education Anaphylaxis Policy*, available at: www.doe.virginia.gov/programs-services/student-services/specialized-student-support-services/school-health-services/school-health-guidance-resources/anaphylaxis-epinephrine-training, and it incorporates NASN recommendations for a comprehensive anaphylaxis school policy. See the *NASN Sample Anaphylaxis Policy*, at: www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis. Boards may add further expectations and include additional goals that reflect those expectations here. Ensure that any additional expectations or goals align with policy 7:270, *Administering Medicines to Students*.

[6] Number two includes the in-service training program required by 105 ILCS 5/10-22.39(b-5)(2), added by P.A. 103-542~~, eff. 1-1-24 and operative 7-1-24~~, and training required by 105 ILCS 5/22-30(h~~s~~), amended by P.A.s 104-762, eff. 1-1-27, and 104-803, for those staff members who will be *trained personnel*, authorized by 105 ILCS 5/22-30(b-10), amended by P.A.s 104-762, eff. 1-1-27, and 104-803, to provide or administer undesignated epinephrine in specific situations. The law authorizes school nurses and trained personnel to administer undesignated epinephrine. See sample policies~~y~~ 5:100, *Staff Development Program*, and 7:270, *Administering Medicines to Students*, for information on who can serve as trained personnel and see sample administrative procedure 7:270-AP2, *Checklist for District Supply of Undesignated Medication(s)*, for details on training requirements. 105 ILCS 5/22-30(b-5), amended by P.A.s 104-762, eff. 1-1-27, and 104-803, does not specifically state that staff members authorized to administer (student-specific) epinephrine under a student's specific individual plan must also complete the more rigorous training required for trained personnel. However, the ISBE Model is clear that "[o]nly trained personnel should administer epinephrine to a student believed to be having an anaphylactic reaction," and it requires each building-level administrator to identify at least two employees, in addition to the school nurse (if any), to be trained personnel. The more in-depth training for staff members who may administer epinephrine (whether student-specific or undesignated) is also a best practice emphasized in the CDC Guidelines, which is referenced in the ISBE Model (see f/n 8, below).

©~~2023~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

3. Implements and maintains a supply of undesignated epinephrine in the name of the District, in accordance with policy 7:270, *Administering Medicines to Students*. [7]
4. Follows and references the applicable best practices specific to the District's needs in the Centers for Disease Control and Prevention's *Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs and the National Association of School Nurses Allergies and Anaphylaxis Resources/Checklists*. [8]
5. Provides annual notice to the parents/guardians of all students to make them aware of this policy. [9]
6. Complies with State and federal law and is in alignment with Board policies.

Monitoring [10]

Pursuant to State law and policy 2:240, *Board Policy Development*, the Board reviews and makes any necessary updates to this policy at least once every three years. The Superintendent or designee shall assist the Board with its review and any necessary updates.

LEGAL REF.: 105 ILCS 5/2-3.190, 5/10-22.39, and 5/22-30.
23 Ill.Admin.Code §1.540.
Anaphylaxis Response Policy for Illinois Schools, published by ISBE.

CROSS REF.: 4:110 (Transportation), 4:120 (Food Services), 4:170 (Safety), 5:100 (Staff Development Program), 6:120 (Education of Children with Disabilities), 6:240 (Field Trips), 7:180 (Prevention of and Response to Bullying, Intimidation and Harassment), 7:250 (Student Support Services), 7:270 (Administering Medicines to Students), 8:100 (Relations with Other Organizations and Agencies)

DRAFT

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

[7] Optional. Delete number three if a board has not adopted the **School District Supply of Undesignated Epinephrine Delivery Systems ~~Injectors~~** subhead in policy 7:270, *Administering Medicines to Students.*

[8] Number four refers to the CDC's *Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs*, at: https://www.cdc.gov/school-health-conditions/media/pdfs/20_316712-A_FA_guide_508tag.pdf ~~www.cdc.gov/healthyschools/foodallergies/pdf/20_316712-A_FA_guide_508tag.pdf~~(*CDC Guidelines*), which is cited in the *ISBE Model* as a resource for a "full food allergy and prevention of allergen exposure plan." Adopting the entire, voluminous *CDC Guidelines* document as policy is not practical. The *CDC Guidelines* also state that not every recommendation will be appropriate or feasible for every district's needs. The *National Association of School Nurses Allergies and Anaphylaxis Resources/Checklists*, at: http://www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis, are also linked as a resource in the *ISBE Model.* The *ISBE Model* acknowledges that not all schools have access to school nurses or other health staff on a regular basis, and it encourages districts to take this into consideration when developing building-level plans.

[9] Number five is required by 105 ILCS 5/2-3.190(c)~~, added by P.A. 102-413 and renumbered by P.A. 102-813~~. The notification must include contact information for parents/guardians to engage further with the district to learn more about individualized aspects of the policy. For ease of administration, districts may want to include this notification in student handbook(s). The Ill. Principal's Association (IPA) maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook* (MSH), at: www.ilprincipals.org/msh/.

[10] 105 ILCS 5/2-3.190(e)~~, added by P.A. 102-413 and renumbered by P.A. 102-813~~, provides that ISBE shall review and update its model policy at least once every three years. Although this section does not expressly state that boards must also conduct a review within this time frame, that is the logical conclusion based on a board's duty in 105 ILCS 5/10-16.7 to direct the superintendent through policy. The policy should be updated in accordance with any revisions made to the *ISBE Model*.

©~~2023~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Suicide and Depression Awareness and Prevention [1]

Youth suicide impacts the safety of the school environment. It also affects the school community, diminishing the ability of surviving students to learn and the school's ability to educate. Suicide and depression awareness and prevention are important Board goals.

Suicide and Depression Awareness and Prevention Program

The Superintendent or designee shall develop, implement, and maintain a suicide and depression awareness and prevention program (Program) that advances the Board's goals of increasing awareness and prevention of depression and suicide. This program must be consistent with the requirements of *Ann Marie's Law* listed below; each listed requirement, 1-6, corresponds with the list of required policy components in the School Code Section 5/2-3.166(c)(2)-(7). The Program shall include:

1. Protocols for administering youth suicide awareness and prevention education to students and staff. [2]
    a. For students, implementation will incorporate Board policy 6:60, C*urriculum Content*, which implements 105 ILCS 5/27-215 (requiring education for students on mental health and illness, including suicide prevention curricula in grades 6-12 if the Superintendent or designee determines that opportunities for integration exist).
    b. For staff, implementation will incorporate Board policy 5:100, *Staff Development Program*, and teacher's institutes under 105 ILCS 5/3-14.8 (requiring coverage of the warning signs of suicidal behavior).
2. Procedures for methods of suicide prevention with the goal of early identification and referral of students possibly at risk of suicide.[3] Implementation will incorporate:

DRAFT

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

[1] A suicide awareness and prevention policy is required by 105 ILCS 5/2-3.166(c). The first sentence of this policy is required by 105 ILCS 5/2-3.166(c)(1).

This policy contains an item on which collective bargaining may be required. See 105 ILCS 5/10-22.24b. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

[2] Required by 105 ILCS 5/2-3.166(c)(2). While this law is titled Youth Suicide Awareness and Prevention, it requires the policy to include protocols for administering youth suicide awareness and prevention education to *staff* and students.

For student protocols, see 105 ILCS 5/27-215, added by P.A. 104-391 and amended by P.A. 104-808, eff. 1-1-27. This sample policy directs the superintendent or designee to determine whether such instruction can be integrated because implementation of the policy is staff work. See www.iasb.com/training-and-events/training/training-resources/foundational-principles-of-effective-governance (Principle #4).

For staff protocols, see 105 ILCS 5/3-14.8, which requires the regional superintendents to cover the warning signs of suicidal behavior in teacher's institutes. In suburban Cook County, an Intermediate Service Center will perform the responsibilities that are performed in other locations by the regional superintendent.

[3] Required by 105 ILCS 5/2-3.166(c)(3). This policy adds *with the goal of* and *possibly* to modify the statute's use of "at risk of suicide." *With the goal of* acknowledges that identifying every student at risk of suicide is impossible. *Possibly* is added to inform the public that these identifications are not definitive. School staff members are not licensed medical professionals who are fully trained to make definitive determinations about whether a student is at risk of suicide, and parents/guardians should not take any referral under this requirement as such.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

a. The training required by 105 ILCS 5/10-22.39 for all District staff who work with students to identify the warning signs of suicidal behavior in youth along with appropriate intervention and referral techniques, including methods of prevention, procedures for early identification, and referral of students at risk of suicide; and

b. Ill. State Board of Education (ISBE)-recommended guidelines and educational materials for staff training and professional development, along with ISBE-recommended resources for students containing age-appropriate educational materials on youth suicide and awareness, if available ~~pursuant to *Ann Marie's Law* ~~on ISBE's website pursuant to *Ann Marie's Law*.

3. Methods of intervention, including procedures that address an emotional or mental health safety plan for use during the school day and at school-sponsored events for a student identified as being at increased risk of suicide including those students who: (A) suffer from a mental health disorder; (B) suffer from a substance abuse disorder; (C) engage in self-harm or have previously attempted suicide; (D) reside in an out-of-home placement; (E) are experiencing homelessness; (F) are lesbian, gay, bisexual, transgender, or questioning (LGBTQ); (G) are bereaved by suicide; or (H) have a medical condition or certain types of disabilities. Implementation will incorporate paragraph number 2, above, along with Board policies: [4]

   a. 6:65, *Student Social and Emotional Development*, implementing the goals and benchmarks of the Ill. Learning Standards and 405 ILCS 49/15(b) (requiring student social and emotional development in the District's educational program);

   b. 6:120, *Education of Children with Disabilities*, implementing special education requirements for the District;

   c. 6:140, *Education of Homeless Children*, implementing provision of District services to students who are homeless;

   d. 6:270, *Guidance and Counseling Program*, implementing guidance and counseling program(s) for students, and 105 ILCS 5/10-22.24a and 22.24b, which allow a qualified guidance specialist or any licensed staff member to provide school counseling services;

DRAFT

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

105 ILCS 5/10-22.39 requires licensed school personnel and administrators who work with students in kindergarten through grade 12 to be trained to identify the warning signs of suicidal behavior in youth along with appropriate intervention and referral techniques. 105 ILCS 5/10-22.39(b-20), added by P.A. 103-542, requires teachers, administrators, and school support personnel who work with pupils be trained on identifying warning signs of mental illness, trauma, and suicidal behavior in youth. Such training must include, but is not limited to, appropriate intervention and referral techniques, including resources and guidelines as outlined in 105 ILCS 5/3.166. 105 ILCS 5/10-22.39, amended by P.A. 103-542, uses the phrase *teachers, administrators, and school support personnel*, but for brevity this material uses the phrase *all District staff*.

While very little guidance is available for students in grades 6 and below, *Ann Marie's Law* directs the Ill. State Board of Education (ISBE) to compile, develop and post these items on its website. Districts may use the Ill. Mental Health training program, established under the Ill. Mental Health First Aid Training Act, to provide the training for this in-service requirement.

Ann Marie's Law requires ISBE to develop and recommend materials. See the discussion in f/n 7, below, on ISBE-recommended materials.

See f/n 1 in sample policy 4:170, *Safety*, for information on the U.S. School Safety Clearinghouse website at: www.schoolsafety.gov.

See sample policy 5:100, *Staff Development Program*, for further discussion of these training requirements.

[4] Required by 105 ILCS 5/2-3.166(c)(4). For further discussion of 105 ILCS 5/10-22.24b, see f/n 2 in sample policy 6:270, *Guidance and Counseling Program*. This policy adds "for use during the school day and at school-sponsored events" to inform the public about the limitations concerning what schools can realistically provide students and their parent(s)/guardian(s). See the discussion in f/n 3, above, regarding the addition of the word *possibly*.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

e. 7:10, *Equal Educational Opportunities*, and its implementing administrative procedure and exhibit, implementing supports for equal educational opportunities for students who are LGBTQ;
f. 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, implementing State law requirements related to students who are in foster care;
g. 7:250, *Student Support Services*, implementing the Children's Mental Health Act, 405 ILCS 49/ (requiring protocols for responding to students with social, emotional, or mental health issues that impact learning ability); and
h. State and/or federal resources that address emotional or mental health safety plans for students who are possibly at an increased risk for suicide, if available on the ISBE's website pursuant to *Ann Marie's Law*.

4. Methods of responding to a student or staff suicide or suicide attempt. Implementation of this requirement shall incorporate building-level Student Support Committee(s) established through Board policy 7:250, *Student Support Services*. [5]
5. Reporting procedures. Implementation of this requirement shall incorporate Board policy 6:270, *Guidance and Counseling Program*, and Board policy 7:250, *Student Support Services*, in addition to other State and/or federal resources that address reporting procedures. [6]
6. A process to incorporate ISBE-recommended resources[7] on youth suicide awareness and prevention programs, including current contact information for such programs in the District's Suicide and Depression Awareness and Prevention Program. [8]

Illinois Suicide Prevention Strategic Planning Committee

The Superintendent or designee shall attempt to develop a relationship between the District and the Illinois Suicide Prevention Strategic Planning Committee, the Illinois Suicide Prevention Coalition Alliance, and/or a community mental health agency. The purpose of the relationship is to discuss how to incorporate the goals and objectives of the Illinois Suicide Prevention Strategic Plan into the District's Suicide Prevention and Depression Awareness Program. [9]

DRAFT

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

[5] Required by 105 ILCS 5/2-3.166(c)(5). See sample administrative procedure 7:250-AP2, *Protocol for Responding to Students with Social, Emotional, or Mental Health Needs* for information about building-level Student Support Committees. When sharing information from therapists and counselors, these committees are required to follow the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/, and the Children's Mental Health Act, 405 ILCS 49/.

[6] Required by 105 ILCS 5/2-3.166(c)(6).

[7] 105 ILCS 5/2-3.166(b)(2), directs ISBE to "compile, develop, and post on its publicly accessible Internet website both of the following, which may include materials already publicly available: (A) [r]ecommended guidelines and educational materials for training and professional development, and (B) [r]ecommended resources and age-appropriate educational materials on youth suicide awareness and prevention."

ISBE has created the *Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators*, *Counselors*, *Teachers*, *and Staff*, at: www.isbe.net/Documents/Suicide-Prevention-Procedures.pdf, as well as listing other resources at: www.isbe.net/Pages/Suicide-Prevention.aspx.

[8] Required by 105 ILCS 5/2-3.166(c)(7).

[9] Optional. The Illinois Suicide Prevention Strategic Plan may be found at: https://dph.illinois.gov/content/dam/soi/en/web/idph/files/publications/illinoisstrategicplan2020reduced.pdf. Its goals and objectives reflect the input of public and private organizations and stakeholders that are concerned with mental health. It is designed to reduce suicide through a positive public health approach. See also the Suicide Prevention Resource Center page at https://sprc.org/ for more information.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Monitoring [10]

The Board will review and update this policy pursuant to *Ann Marie's Law* and Board policy 2:240, *Board Policy Development*.

Information to Staff, Parents/Guardians, and Students

The Superintendent shall inform each school district employee about this policy and ensure its posting on the District's website.[11] The Superintendent or designee shall provide a copy of this policy to the parent or legal guardian of each student enrolled in the District.[12] Student and staff identification (ID) cards, the District's website, and student handbooks and planners will contain the support information as required by State law. [13]

Implementation

This policy shall be implemented in a manner consistent with State and federal laws, including the Student Confidential Reporting Act, 5 ILCS 860/, Children's Mental Health Act, 405 ILCS 49/, Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/, and the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

The District, Board, and its staff are protected from liability by the Local Governmental and Governmental Employees Tort Immunity Act. Services provided pursuant to this policy: (1) do not replace the care of a physician licensed to practice medicine in all of its branches or a licensed medical practitioner or professional trained in suicide prevention, assessments and counseling services, (2) are strictly limited to the available resources within the District, (3) do not extend beyond the school day

DRAFT

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

[10] Required by 105 ILCS 5/2-3.166(d).

[11] Id. See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. Consult the board attorney about whether a signature is required to prove compliance with the law's specific requirement that *each school district employee* and *each student enrolled in the district* are informed of and/or provided a copy of the policy.

[12] Id. Consult the board attorney about placing the policy in the student handbook instead of and/or in addition to providing a hard copy to each student's parent/guardian. Members of the Ill. Principals Assoc. (IPA) may subscribe to the IPA's Model Student Handbook Service, which are aligned with IASB's policy services. For more information, see: https://ilprincipals.org/msh/.

[13] 105 ILCS 5/10-20.81, amended by P.A. 103-143 (districts must insert contact information for the National Suicide Prevention Lifeline, the Crisis Text Line, and the Safe2Help Illinois helpline on student identification (ID) cards for students in grades 6-12, and contact information must identify each helpline that may be contacted through text messaging; the same must be included in student handbooks and planners (if a student planner is custom printed by a district or its schools for distribution to students in any of grades 6 through 12) and P.A. 104-264 (districts must insert the same contact information required for student ID cards on employee ID cards for employees serving any of grades 6 through 12). See f/n 1 in sample administrative procedure 7:290-AP, *Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program*, for further information regarding Safe2Help Illinois.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

and/or school-sponsored events, and (4) cannot guarantee or ensure the safety of a student or the student body. [14]

LEGAL REF.: 42 U.S.C. § 12101 et seq., Individuals with Disabilities Education Act.
105 ILCS 5/2-3.166, 5/3-14.8, 5/10-20.81, 5/10-22.24a, 5/10-22.24b, 5/10-22.39, 5/14-1.01 et seq., 5/14-7.02, 5/14-7.02b, and 5/27-215.
5 ILCS 860/, Student Confidential Reporting Act.
405 ILCS 49/, Children's Mental Health Act.
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.
745 ILCS 10/, Local Governmental and Governmental Tort Immunity Act.

CROSS REF.: 2:240 (Board Policy Development), 5:100 (Staff Development Program), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:120 (Education of Children with Disabilities), 6:270 (Guidance and Counseling Program), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:250 (Student Support Services)

DRAFT

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

[14] **Consult the board attorney for guidance concerning liability in this area.** Except for cases of willful and wanton conduct, the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/, likely protects districts from liability for failure to properly identify and/or respond to a student's mental health issue that results in suicide. See 745 ILCS 10/3-108 and Grant v. Bd. of Trustees of Valley View Sch. Dist. No. 365-U, 286 Ill.App.3d. 642 (3rd Dist. 1997). However, attorneys have concerns that failing to inform parents/guardians that services required under *Ann Marie's Law* are limited may open districts to potential litigation if services provided under the policy fail or are deemed inadequate. Every situation is fact specific and the issues require careful evaluation. A disclaimer, such as the one presented here, may not be sufficient. A district may take several actions, after discussion with its board attorney, to minimize liability, such as adding limiting phrases (see discussions in f/ns 3 & 4) and ensuring other policies are followed. Ultimately, the best way to minimize liability is to be sure that the district's insurance policies cover the training and other requirements under *Ann Marie's Law*.

In addition to the Tort Immunity Act, school officials and districts may also be entitled to qualified immunity in civil rights lawsuits that seek to hold them liable for a suicide. See Sanford v. Stiles, 456 F.3d 298 (3d Cir. 2006); Martin v. Shawano-Gresham Sch. Dist., 295 F.3d 701 (7th Cir. 2002); Armijo v. Wagon Mount Pub. Schs, 159 F.3d 1253 (10th Cir. 1998). Yet, recent trends in student-on-student harassment cases are emerging where parents whose children die of suicide allege that a school's failure to properly identify or respond to the child's mental health issues was a contributing cause for the suicide.

In these cases, the parents ask courts to apply Davis v. Monroe Cnty. Bd. of Educ., 526 U.S. 629 (1999), to *Section 504* cases. Under the *Davis standard*, parents must prove that: (1) their child was an individual with a disability; (2) their child was harassed based upon his or her disability; (3) the harassment was sufficiently severe or pervasive that it altered the condition of the child's education and created an abusive educational environment; (4) the school district knew about the harassment; and (5) the school district was deliberately indifferent to the harassment.

While not precedential in Illinois, several cases illustrate the uncertainty of a school district's liability in the emerging area of suicide prevention liability and/or failure to properly respond to a student's mental health issues and may indicate a trend toward courts allowing juries to determine a district's liability: Armijo (denying summary judgment to two individual defendant district employees based on a state-created danger theory and as to all defendant employees based on a special relationship theory); Estate of Barnwell ex rel. Barnwell v. Watson, 44 F.Supp.3d 859 (E.D. Ark. 2014) (allowing plaintiff parents to move forward in litigation alleging that school district's *Section 504* failures contributed to their son's suicide, but summary judgment in favor of school district eventually granted); and Walsh v. Tehachapi Unified Sch. Dist., 997 F.Supp.2d 1071 (E.D. Ca. 2014) (denying summary judgment because the school district's conduct may have been the proximate cause of the student suffering an uncontrollable impulse to commit suicide). But see Estate of Lance v. Lewisville Indep. Sch. Dist., 743 F.3d 982 (5th Cir. 2014) (finding in favor of the school district because the claimed special relationship theory and state-created danger theories were not actionable).

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Students

Student Records [1]

School student records are confidential. Information from them shall not be released other than as provided by law.[2] A school student record is any writing or other recorded information concerning a

---

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

[1] State law requires school boards to adopt a policy and procedures implementing the Illinois School Student Records Act (ISSRA) and specifying the content of school student records. 23 Ill.Admin.Code §§375.100 and 226.740. Both State and federal law address school student records. See the federal Family Educational Rights and Privacy Act (FERPA) ((20 U.S.C. §1232g) implemented by federal rules at 34 C.F.R. Part 99) and ISSRA (105 ILCS 10/, amended by P.A.~~s 102-466, a/k/a *Ensuring Success in School (ESS) Law*, and~~ 104-356~~, eff. 7-1-26~~, implemented by ISBE rules at 23 Ill.Admin.Code Part 375).

In addition, the U.S. Dept. of Education's (DOE) *Protecting Student Privacy* webpage, a service of the Privacy Technical Assistance Center (PTAC) and the Student Privacy Policy Office, is a *one-stop* resource for education stakeholders to learn about student privacy and confidentiality, including data privacy and security practices related to student-level longitudinal data systems, at: www.studentprivacy.ed.gov/. PTAC published a guide for school officials titled *Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices* (2014), at:

www.studentprivacy.ed.gov/resources/protecting-student-privacy-while-using-online-educational-services-requirements-and-best.

The DOE also issued a summary of resources on FERPA and virtual learning (2020) at: www.studentprivacy.ed.gov/resources/ferpa-and-virtual-learning. **Boards that wish to enter into cloud computing and other operator contracts must comply with the Student Online Personal Protection Act (SOPPA), 105 ILCS 85/, and should contact the board attorney for implementation guidance.** See also f/n 2, item #7, below.

Confusion persists regarding the interplay between the FERPA and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub. L. 104-191). The Privacy Rule implementing HIPAA, issued by the U.S. Dept. of Health and Human Services (HHS), addresses the disclosure of individuals' health information by *covered entities*. 45 C.F.R. Parts 160 and 164, Subparts A and E. Generally speaking, a school district becomes a *covered entity*, and must comply with applicable sections in the Privacy Rule, if it provides health care and transmits health information in electronic form in connection with transactions. However, *educational records* as defined by FERPA are excluded from HIPAA's definition of *protected health information.* 45 C.F.R. §160.103. In most cases this exception relieves school districts of complying with burdensome privacy notices and authorization forms. In December 2019, HHS and DOE issued an update to its *Joint Guidance on the Application of FERPA and HIPAA to Student Health* Records, at: www.studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records.

The board attorney should be consulted on all HIPAA-related questions.

[2] A plethora of statutory and decisional law protects student records. Aside from the laws identified in f/n 1, other laws protecting student records include:

1. Schools may not provide a student's *personal information* to a business organization or financial institution that issues credit or debit cards. 105 ILCS 5/10-20.38.
2. Schools may not sell personal information concerning a child under the age of 16, with a few exceptions, unless a parent has consented. Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/.
3. The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is governed by the Mental Health and Developmental Disabilities Confidentiality Act. 740 ILCS 110/.
4. Schools must keep a sex offender registration form received from law enforcement separately from school student records maintained on behalf of the juvenile sex offender. 730 ILCS 152/121.
5. Divorced or separated parents/guardians with and without *parental responsibility* (formerly custody) are both permitted to inspect and copy the student's school student records. The Ill. Marriage and Dissolution of Marriage Act (IMDMA), 750 ILCS 5/602.11.
6. Schools may not provide a parent/guardian access to his or her child's school records if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. Id.

©~~2025~~2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

student and by which a student may be identified individually that is maintained by a school or at its direction by a school employee, regardless of how or where the information is stored, except as provided in State or federal law as summarized below: [3]

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement professionals working in the school. [4]
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses[5]) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement professionals, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 18 years who has been arrested or taken into custody. [6]

State and federal law grants students, parents/guardians, and when applicable, the Ill. Dept. of Children and Family Services' Office of Education and Transition Services, certain rights, including the right to

DRAFT

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

7. SOPPA (105 ILCS 85/) addresses a school district's obligations related to *covered information* of students and contracts with educational technology *operators*. In some instances, covered information as defined under SOPPA may also qualify as education records under FERPA and school student records under ISSRA. See sample policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, and sample administrative procedure 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*, for a description of SOPPA obligations.
8. School employees or agents may not disclose information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence, or a student's status as a named perpetrator of domestic or sexual violence except under certain circumstances and only upon prior notice to, and discussion with, the student. 105 ILCS 5/26A-30, ~~added by P.A. 102-466,~~ a/k/a *the Ensuring Success in School Law*. See sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and the **Confidentiality** subhead of sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence.*

Note: Nos. 5 and 6 above may conflict with FERPA in that they restrict a parent/guardian's right to access his or her child's school records more than is expressly permitted by FERPA. 20 U.S.C. §1232g(a)(1)(A), (B); 34 C.F.R. §99.10(a). **Consult the board attorney for guidance.**

Allowing students to grade each other's papers does not violate FERPA; such student work is not a *school record* until it is recorded by the teacher. Owasso I.S.D. No. I-011 v. Falvo, 534 U.S. 426 (2002). School student records are *per se* prohibited from disclosure; a district is under no obligation to redact them. Chicago Tribune Co. v. Chicago Bd. of Educ., 332 Ill.App.3d 60 (1st Dist. 2002).

[3] 20 U.S.C. §1232g(a)(4); 34 C.F.R. §99.3; 105 ILCS 10/2(d); 705 ILCS 405/1-7 and 5-905; 23 Ill.Admin.Code §375.10. Rather than listing the exceptions in the policy, a school board may choose to end the sentence after the provision "except as provided in State or federal law."

[4] For a helpful resource, see f/n 1 in sample policy 7:150, *Agency and Law Enforcement Requests*.

[5] For an explanation, see footnotes in sample policy 7:220, *Bus Conduct*.

[6] Many lawyers believe that once these records are received by a school, they are protected as *education records* under FERPA. Consult the board attorney for advice.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

inspect, copy[7], and/or challenge school student records.[8] The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child.[9] The District may release directory information as permitted by law, but a parent/guardian shall have the right to opt-out of the release of directory information regarding his or her child.[10] The District

---

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

[7] 105 ILCS 10/5(a). ISSRA does not give DCFS representatives the right to challenge student records. 105 ILCS 10/7. For more information about DCFS liaison qualifications and duties, see sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, at f/n 16.

105 ILCS 10/5(c) requires that a parent's or student's request to inspect and copy records be granted no later than 10 business days (previously 15 school days) after the date of receipt of such a request by the official records custodian.

105 ILCS 10/5(c-5) outlines how a school district may extend the 10-business day timeline for response by not more than five business days from the original due date if one or more of these six reasons applies:

1. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
2. The request required the collection of a substantial number of specified records;
3. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
4. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
5. The request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) without unduly burdening or interfering with the operations of the school district; or
6. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district among two or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

The person making the request and the school district may also agree in writing to extend the timeline for compliance for a period to be determined by the parties. Id.

[8] 23 Ill.Admin.Code §375.10 provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If the board of a unit or high school district wants to allow this, insert:

A student or the student's parent/guardian may request, in writing, that scores received on college entrance examinations be included on the student's academic transcript.

Note: Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and FERPA attach to *eligible students* and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

If a board allows for the inclusion of college entrance examination scores on academic transcripts, amend the district's notification to parents/guardians and students of their school student records rights with the process for requesting the inclusion. 23 Ill.Admin.Code §375.30(d)(5). See sample exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, for an example.

[9] 23 Ill.Admin.Code §226.740(a).

[10] This sentence is required if the board allows schools to release student directory information. 20 U.S.C. §1232g; 23 Ill.Admin.Code §375.80; 34 C.F.R. §99.37. There is at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor supports that a district may not rely on the FOIA exemption for home addresses. PAO 12-3.

This sample policy does not identify the components of *directory information*, leaving that task to implementing material. Boards may want to discuss this quagmire with the superintendent knowing that there are good reasons to release directory information, e.g., to allow the district to publish information about specific students, and good reasons to not release directory information, e.g., to avoid releasing names and addresses pursuant to a FOIA request.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

DRAFT

will comply with State or federal law with regard to release of a student's school records, including, where applicable, without notice to, or the consent of, the student's parent/guardian or eligible student.[11] Upon request, the District discloses school student records without parent consent to the official records custodian of another school in which a student has enrolled or intends to enroll, as well as to any other person as specifically required or permitted by State or federal law. [12]

The Superintendent shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records. [13]

Student Biometric Information Collection [14]

The Superintendent or designee may recommend a student biometric information collection system solely for the purposes of identification and fraud prevention.[15] Such recommendation shall be consistent with budget requirements and in compliance with State law. Biometric information means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

DRAFT

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

23 Ill.Admin.Code §375.80(a)(1) no longer includes *gender* as information which may be designated as directory information. This is consistent with attorneys' views that Illinois' past practice of including *gender* within directory information may have violated FERPA. FERPA regulations provide that directory information "means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed" and it "includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended." 34 C.F.R. §99.3. Though FERPA regulations do not explicitly preclude the designation of *gender* as directory information, DOE guidance has ~~consistently~~ historically advised schools not to disclose a student's sex as directory information because it would be considered harmful or an invasion of privacy. ~~See *Letter to Institutions of Postsecondary Education*, DOE Family Policy Compliance Office (September 2009).~~ Consult the board attorney about the practical implementation of this issue. Some attorneys, for example, believe photos of the "Girls Volleyball Team" may contradict DOE guidance.

See sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*, at f/n 6, for a discussion about 105 ILCS 5/22-10~~65~~(c)(4)(B), added by P.A. 104-288 and renumbered by P.A. 104-852, ~~eff. 1-1-26,~~ which prohibits districts from designating place of birth as *directory information*.

[11] 20 U.S.C. §1232g(j), as added by Sec. 507 of the U.S.A. Patriot Act of 2001.

[12] 34 C.F.R. §99.31; 105 ILCS 10/6, amended by P.A. 104-356~~, eff. 7-1-26~~.

[13] Each school must have an *official records custodian.* 105 ILCS 10/4(a). Districts must notify students and parents/guardians of their rights concerning school student records. 105 ILCS 10/3; 105 ILCS 10/4; 23 Ill.Admin.Code §375.30; 34 C.F.R. §99.7. Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal, but should be reviewed and approved by the superintendent and board. See sample exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, and sample administrative procedure 7:340-AP1, *School Student Records*.

[14] This program is optional; however, districts either wishing to implement such a program or districts that have already engaged in the collection of student biometric information must have a policy consistent with the requirements of 105 ILCS 5/10-20.40. This section restates the School Code's requirements for a student biometric information policy.

[15] For districts already collecting biometric information, the following is an alternative:

The Superintendent or designee shall maintain a biometric screening program that is consistent with budget requirements and in compliance with State law.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Before collecting student biometric information, the District shall obtain written permission from the person having legal custody/parental responsibility[16] or the student (if over the age of 18).[17] Upon a student's 18th birthday, the District shall obtain written permission from the student to collect student biometric information.[18] Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

All collected biometric information shall be stored and transmitted in a manner that protects it from disclosure. Sale, lease, or other disclosure of biometric information to another person or entity is strictly prohibited. [19]

The District will discontinue use of a student's biometric information and destroy all collected biometric information within 30 days after: (1) the student graduates or withdraws from the School District, or (2) the District receives a written request to discontinue use of biometric information from the person having legal custody/parental responsibility of the student or the student (if over the age of 18).[20] Requests to discontinue using a student's biometric information shall be forwarded to the Superintendent or designee.

The Superintendent or designee shall develop procedures to implement this policy consistent with State and federal law. [21]

DRAFT

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

[16] Several statutes define legal custody and when a court may grant it; the term requires statutory construction/interpretation and school boards should discuss this issue with their attorney prior to adopting a policy on collection of student biometric information.

105 ILCS 5/10-20.40(b)(1) states the definition of legal custody is the same as the definition of legal custody for purposes of residency, payment of tuition, hearings, and criminal penalties at 105 ILCS 5/10-20.12b(a)(2)(i)-(v).

The IMDMA, 750 ILCS 5/, changed the terms *custody* and *visitation* to *parental responsibility* and *parenting time*, respectively. It also requires a *parenting plan* that allocates: (1) significant decision-making responsibilities; and (2) each parent's right to access his or her child's school records. The IMDMA does not amend ISSRA or the School Code.

[17] Based upon 105 ILCS 5/10-20.40, written permission is not required annually; it is valid until a request for discontinuation of the use of biometric information is received or until the student reaches the age of 18. See sample exhibit 7:340-AP1, E5, *Biometric Information Collection Authorization*.

[18] Districts must reissue exhibit 7:340-AP1, E5, *Biometric Information Collection Authorization* to students turning 18 years of age during the school year. This is because all rights and privileges accorded to a parent under ISSRA become exclusively those of the student upon his or her 18th birthday, graduation from secondary school, marriage, or entry into military service, whichever comes first. 105 ILCS 10/2(g).

[19] State law contains two exceptions: (1) the individual who has legal custody/parental responsibility of the student or the student (if over the age of 18) consents to the disclosure; and (2) the disclosure is required by court order. 105 ILCS 5/10-20.40(b)(5).

[20] 105 ILCS 5/10-20.40(d). No notification to or approval from the district's local records commission, pursuant to the Local Records Act, is required to destroy student biometric information. See f/n 16 for a discussion about the terms *custody* and *parental responsibility*.

[21] Whether the student biometric information is an education record under FERPA or falls under an exception to an education record under FERPA is an issue about which school boards should consult their board attorney. Protected Health Information under the DHS's interpretations of HIPAA excludes education records covered by FERPA, and thus HIPAA requirements are not expected to be triggered by districts collecting student biometric information. However, before implementing policies and procedures to collect student biometric information, a board should discuss these issues with the board attorney.

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

LEGAL REF.: 20 U.S.C. §1232g, Family Educational Rights and Privacy Act; 34 C.F.R. Part 99.
50 ILCS 205/7, Local Records Act.
105 ILCS 5/10-20.12b, 5/10-20.40, 5/14-1.01 et seq., and 5/26A-30.
105 ILCS 10/, Ill. School Student Records Act.
105 ILCS 85/, Student Online Personal Protection Act.
325 ILCS 17/, Children's Privacy Protection and Parental Empowerment Act.
750 ILCS 5/602.11, Ill. Marriage and Dissolution of Marriage Act.
23 Ill.Admin.Code Parts 226 and 375.
Owasso I.S.D. No. I-011 v. Falvo, 534 U.S. 426 (2002).
Chicago Tribune Co. v. Chicago Bd. of Ed., 332 Ill.App.3d 60 (1st Dist. 2002).

CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights), 7:220 (Bus Conduct), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)

ADMIN. PROC.: 7:15-E (Notification to Parents of Family Privacy Rights), 7:255-AP1 (Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:340-AP1 (School Student Records), 7:340-AP1, E1 (Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records), 7:340-AP1, E3 (Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information), 7:340-AP1, E4 (Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information, 7:340-AP1, E5 (Biometric Information Collection Authorization), 7:340-AP2 (Storage and Destruction of School Student Records), 7:340-AP2, E1 (Letter Containing Schedule for Destruction of School Student Records)

DRAFT

©~~2025~~ 2026 **P**olicy **R**eference **E**ducation **S**ubscription **S**ervice
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Community Relations

Community Use of School Facilities [1]

School facilities are available to community organizations during non-school hours when such use does not: (1) interfere with any school function or affect the safety of students or employees, or (2) affect the property or liability of the School District. The use of school facilities for school purposes has precedence over all other uses. The District reserves the right to cancel previously scheduled use of facilities by community organizations and other groups. The use of school facilities requires the prior approval of the Superintendent or designee and is subject to applicable procedures. [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. If a board wants to allow community organizations to use school facilities, it must adopt a policy. 105 ILCS 5/10-20.41. The policy must "prohibit such use if it interferes with any school functions or the safety of students or school personnel or affects the property or liability of the school district." This policy may be implemented using 8:20-E, *Application and Procedures for Use of School Facilities*. A board should discuss the implications of any access to school facilities policy with its attorney.

This policy concerns an area that is frequently litigated because of its many complex legal and practical issues. The U.S. Constitution's Free Speech and Equal Protection Clauses, as well as the federal Equal Access Act, are triggered. As a general rule, school officials can avoid constitutional problems and still open facilities to community groups by treating requests to use school facilities according to uniform rules that do not discriminate against a group on the basis of its viewpoint.

A board may avoid constitutional controversy over community use of its facilities by refusing to permit such use by all non-school groups (thereby creating a closed forum). A board may also avoid triggering the constitutional clauses and the Equal Access Act by allowing all non-school groups to use its facilities (thereby creating an open forum). If the board creates an open forum, it may still impose reasonable time, place, and manner restrictions on the use as long as the restrictions are the same for all groups. However, practically speaking, it is difficult for a board to either completely close its facilities to non-school groups or to open its facilities to all non-school groups. Most boards decide to create a limited open forum.

This policy creates a limited open public forum by allowing public use of school facilities provided the use is consistent with the public interest. See Widmar v. Vincent, 454 U.S. 263 (1981). A public school district may not discriminate on the basis of a group's purpose, message, or goal. Thus, any restrictions on the use by non-school groups must not discriminate against speech on the basis of viewpoint. Lamb's Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993); Good News Club v. Milford Central School, 533 U.S. 98 (2001). A board must show neutrality to all viewpoints.

A board runs afoul of showing viewpoint neutrality if it prohibits single sex youth organizations, even those that discriminate against homosexuals, to use school facilities. Note the U.S. Supreme Court refused to apply the N.J.'s public accommodation law to the Boy Scouts because forcing the Scouts to accept a homosexual as a member would violate the Scout's freedom of expressive association. Boy Scouts of America v. Dale, 530 U.S. 640 (2000).

This constitutional jurisprudence was codified as the Boy Scouts of America Equal Access Act.20 U.S.C. §7905. Schools are prohibited from denying equal access to school facilities to the Boy Scouts or any other youth group "for reasons based on membership or leadership criteria or oath of allegiance to God and country."

See sample policy 7:330, *Student Use of Buildings - Equal Access*, for a discussion of the Equal Access Act, 20 U.S.C. §4071 et seq.

[2] However, at the request of election officers, any publicly owned building must be made available for use as a polling place. 10 ILCS 5/11-4.1. For the day of the election, a school district is encouraged to (a) close the school, or (b) hold a teachers institute on that day with students not in attendance. 10 ILCS 5/11-4.1. See sample policy 6:20, *School Year Calendar and Day*, at f/n 3, regarding a district's use of an e-learning day when a school is used as a polling place.

Election officers must place markers 100 horizontal feet from a polling room's voter entrance and, if the 100 feet marker ends within the building's interior, the markers must be placed outside of the building at each entrance used by voters. The area within where the markers are placed is a campaign free zone where electioneering is prohibited. The area on polling place property beyond the campaign free zone is a public forum for the time that the polls are open on an election day and may be used for campaigning and to place temporary signs. 10 ILCS 5/17-29. A child sex offender is permitted to vote early or by absentee ballot when his or her polling place is a school. 10 ILCS 5/11-4.1.

DRAFT

©~~2023~~ 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.

Persons on school premises must abide by the District's conduct rules at all times. [3]

Student groups, school-related organizations, government agencies, and non-profit organizations are granted the use of school facilities at no costs during regularly staffed hours.[4] Fees and costs shall apply during non-regularly staffed hours and to other organizations granted use of facilities at any time.[5] A fee schedule and other terms of use shall be prepared by the Superintendent and be subject to annual approval by the School Board.

LEGAL REF.: 20 U.S.C. §7905, Boy Scouts of America Equal Access Act.
10 ILCS 5/11-4.1, Election Code.
105 ILCS 5/10-20.41, 5/10-22.10, and 5/29-3.5.
Good News Club v. Milford Central School, 533 U.S. 98 (2001).
Lamb's Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993).
Rosenberger v. Rector and Visitors of Univ. of Va., 515 U.S. 819 (1995).

CROSS REF.: 7:330 (Student Use of Buildings - Equal Access), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities), 8:30 (Visitors to and Conduct on School Property)

DRAFT

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

[3] See sample policy 8:30, *Visitors to and Conduct on School Property*.

[4] The decisions concerning facility-use fees are at the local board's discretion. However, the general rule applies: school officials can avoid constitutional problems by treating requests to use school facilities according to uniform rules that do not discriminate against a group on the basis of its viewpoint.

[5] This option adds an additional restriction: "Facilities and grounds will not be made available to individuals for personal or social reasons or to business enterprises for commercial gain."

This option recognizes that districts should require bodily injury liability insurance and property damage liability in specified amounts as recommended by the district's own insurance carrier: "All non-school sponsored groups, before using the facilities during non-regularly staffed hours, must provide a certificate of insurance naming the District as an *additional insured* or otherwise show proof of insurance."

©2023 2026 Policy Reference Education Subscription Service
Illinois Association of School Boards. All Rights Reserved.
Please review this material with your school board attorney before use.