OK as is
please review
Melissa, Jen, Lisa
Debbie, Jessica, Abby
Jess Honaker, Kaitlyn
etchingham

General Personnel

Exhibit – Expectations and Guidelines for Employee-Student Boundaries [1]

105 ILCS 5/10-23.13, Erin's Law, requires this exhibit's discussion. Use this exhibit to structure local conversations around what the District will include for its examples of expectations and guidelines about professional boundaries in employee-student relationships. Finalization of this exhibit requires a conversation among district administrators and employees to customize it based upon the ages, grade levels, and developmental levels of the students served, as well as local conditions.

105 ILCS 5/22-85.5(e), amended by P.A. 104-831, eff. 1-1-27, requires any staff, student, and parent/guardian handbooks provided by the District to include, in each, employee-student guidelines established for: transporting a student; taking or possessing a photo or video of a student; and meeting with a student or contacting a student outside of the employee's professional role. 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.*

All District employees must maintain professional employee-student boundaries and relationships with students. This includes meeting expectations and following guidelines established by the District for employee-student boundaries. These expectations and guidelines apply to all professional, educational support, and contracted District employees. If they conflict with an applicable collective bargaining agreement, the provision is severable and the applicable bargaining agreement will control.

The District understands that employees may have pre-existing relationships with families of students outside of school. These expectations and guidelines do not apply to employee-student relationships based in pre-existing relationships, including nuclear or extended families. These expectations and guidelines are not intended to prohibit such interactions, provided that an awareness of employee-student boundaries is maintained at all times. This document is not exhaustive, and an employee may be disciplined for boundary violations that are not specifically listed.

Employee-Student Boundaries [2]

The relationship between students and school employees is an inherently unequal imbalance of power because school employees are in a unique position of trust, care, authority, and influence in relation to students. District employees breach employee-student boundaries when they misuse their position of power over a student in a way that compromises the student's health, safety, or general welfare. Employee-student boundaries are categorized into four areas that are not mutually exclusive:

- **Emotional Boundaries** – both the employee's own emotional state and self-regulation as well as students' emotional states and developmental abilities to self-regulate.

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

[1] Follow the discussion related to subjects of mandatory collective bargaining in f/n 1 of ~~this exhibit's~~sample administrative procedure 5:120-AP2, *Employee Conduct Standards*.

[2] Adapted with permission from *Teacher-Student Professional Boundaries: A Resource for WA Teachers*, Revised Edition (2019), Teacher Registration Board of Western Australia, at: www.trb.wa.gov.au/Professional-Conduct/Teacher-Student-Professional-Boundaries.

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- **Relationship/Power Boundaries** – recognizing, as noted above, that the employee-student relationship is unequal and employees must safeguard against misusing positions of power.
- **Communication Boundaries** – how and what employees communicate to students, including communication that is verbal, nonverbal, in person, or via electronic means.
- **Physical Boundaries** – physical contact between employees and students.

While some employee-student boundaries are clear and easy to recognize, there are some unclear, *grey* areas that employees must plan for and respond to with sound judgment. This means recognizing the potential negative consequences for students and/or employees engaging in certain behaviors with students or allowing inappropriate conduct to continue. Employees may use *time*, *place*, and *circumstances* as a guiding principle by asking themselves:

- Is this the appropriate *time* for my planned action?
- Have I chosen the appropriate *place* for the planned action?
- Are these appropriate *circumstances* for me to take my planned action?

To avoid behavior or conduct which may lead to a breach in employee-student boundaries, employees should also recognize their own unique vulnerabilities. Examples of vulnerabilities that employees may experience include, but are not limited to:

- Employees regarding students as peers
- Employees who too closely identify with students and their issues
- Employees experiencing adult relationship issues
- Immature employees, or employees with an under-developed moral compass
- Employees feeling a need for attention
- Employees who abuse alcohol or other substances
- Employees who lack personal crisis management skills

Employees experiencing difficulties in their personal lives may be particularly susceptible to engaging in at-risk behavior or conduct with students. Employees must be alert to such risks and ensure they maintain professional boundaries at all times. The Markkula Center for Applied Ethics' Framework for Ethical Decision-Making may help employees evaluate and address conduct that concerns them. See www.scu.edu/ethics/ethics-resources/ethical-decision-making/.

Guidelines for Specific Boundary Areas

Customize based upon the ages, grade levels, and developmental levels of the students served.

Boundary Area	Inappropriate	Appropriate
Emotional	Favoring certain students by inviting them to your classroom at non-instructional times to "hang out." Favoring certain students by giving them special privileges. Engaging in peer-like behavior with students. Discussing personal issues with students.	Inviting students who need additional instructional support to your classroom for such additional support. Conducting one-on-one student conferences in a classroom with the door open.

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Boundary Area	Inappropriate	Appropriate
Relationship/Power	Meeting with a student off-campus without parent/guardian knowledge and/or permission. Dating, requesting, or participating in a private meeting with a student (in person or virtually) outside your professional role. Transporting a student in a school or private vehicle without administrative authorization. Giving gifts, money, or treats to individual students. Sending students on personal errands. Intervening in serious student problems instead of referring the student to an appropriately trained professional. A sexual or romantic invitation toward or from a student. Taking and using photos/videos of students for non-educational purposes.	Meeting with a student off-campus with parent/guardian knowledge and/or permission, e.g., when providing pre-arranged tutoring or coaching services. Transporting a student in a school or private vehicle with administrative authorization. Taking and using photos/videos of students for educational purposes, with student and parent/guardian consent, while abiding by student records laws, policies, and procedures.
Communication	Initiating or extending contact with a student beyond the school day in a one-on-one or non-group setting. Inviting students to your home. Adding students on personal social networking sites as contacts when unrelated to a legitimate educational purpose. Privately messaging students by any means. Maintaining intense eye contact. Making comments about a student's physical attributes,	Limiting communication to what is necessary for educational and/or extracurricular activities. Using District-approved methods for communicating with students.

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Boundary Area	Inappropriate	Appropriate
	including excessively flattering comments. Engaging in sexualized or romantic dialog. Making sexually suggestive comments directed toward or with a student. Disclosing confidential information. Self-disclosure of a sexual, romantic, or erotic nature.	
Physical	Full-frontal hugs. Invading personal space. Massages, shoulder rubs, neck rubs, etc. Lingering touches or squeezes. Tickling. Having a student on your lap. Physical exposure of a sexual, romantic, or erotic nature. Sexual, indecent, romantic, or erotic contact with a student. Assisting a young student or a student with special needs with a toileting issue without obtaining parent/guardian permission.	Occasionally patting a student on the back, shoulder, or arm. Momentary physical contact with limited force designed to prevent a student from completing an act that would result in potential physical harm to the student or another person or damage to property; or to remove a disruptive student who is unwilling to leave the area voluntarily. Assisting a young student or a student with special needs with a toileting issue when parent/guardian permission has been granted.

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Ok as is
Share w/ Amanda
Melsa

General Personnel

Administrative Procedure - Personnel Records

Applicant Records

Records for a successful employment applicant are maintained with the individual's ~~employment~~ personnel records. Records for an unsuccessful employment applicant are maintained for no less than five years from the application date.[1] Applicant records include the following if received by the District:

Employment application forms
Transcripts
Previous work experience
References
Such other relevant information as the District desires of applicants for screening purposes

Personnel Records

Personnel records for all employees include:

Applicant records
Job posting, pay scale, and benefits for the employee's position ~~(beginning 1-1-25)~~ [2]
Pre-employment records, including verification of past employment
Dates of employment
Valid certificate and/or evidence of required credentials for services being performed
Criminal background investigation history and report
Sexual Misconduct Related Employment History Review (EHR) records [3]
Form I-9 required under the Immigration Reform and Control Act [4]
Records maintained pursuant to Internal Revenue Service regulations

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The footnotes should be removed before the material is used.

[1] Equal Employment Opportunity Commission regulations require employers to retain all personnel records, including applications, for at least one year from the date the record was made or any personnel action was taken, whichever is later. 29 C.F.R. §1602.14. A longer retention period for unsuccessful applicants allows the district to gather data that may be used to defend a discrimination complaint. State law requires that the job applications submitted by successful applicants be preserved for five years. 56 Ill.Admin.Code §320.140(d).

[2] 820 ILCS 112/20, amended by P.A. 103-539~~, eff. 1-1-25~~. These records are not specifically required to be kept in an employee's personnel file but are included in this sample procedure for ease of administration. The pay scale and benefits for each job posting may be a visual representation of what the posting looked like when it was published. 56 Ill.Admin.Code §320.140(c)(1).

[3] 105 ILCS 5/22-94(e)~~, added by P.A. 102-702~~. See sample administrative procedure 5:30-AP3, *Sexual Misconduct Related Employment History Review (EHR).*

[4] For information on Form I-9, see *Handbook for Employers, Instructions for Completing Form I-9*, *Form I-9 Resources* at: www.uscis.gov/i-9-central/form-i-9-resources. The Ill. Right to Privacy in the Workplace Act (820 ILCS 55/) imposes requirements on employers who use the E-Verify Program, see: https://labor.illinois.gov/content/dam/soi/en/web/idol/employers/posters/e-verify/Right%20to%20Privacy%20in%20the%20Workplace_English.pdf~~https://labor.illinois.gov/laws-rules/conmed/privacy-workplace.html~~. See also f/n 13 in sample policy 5:30, *Hiring Process and Criteria.*

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Payroll information and deductions, including all records required to be kept by administrative procedure 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act* (29 C.F.R. §§516.2 and 516.3) and the Equal Pay Act of 2003, 820 ILCS 112/20 [5]

Records maintained for the Ill. Teachers' Retirement System or the Ill. Municipal Retirement System

Credit release information

Sick leave, leaves of absence, personal leave, and vacation data (where appropriate)

Salary schedule data

Relevant health and medical records, including the verification of freedom from tuberculosis required by the School Code (105 ILCS 5/24-5) [6]

Supervisory evaluations

Promotions

Awards received

Personnel documents that have been or are intended to be used in determining an employee's qualification for promotion, transfer, compensation, benefits, discharge, or disciplinary action[7]

Any employment-related contracts or agreements that the District maintains are legally binding on the employee [8]

Any employee handbooks that the District made available to the employee or that the employee acknowledged receiving [9]

Any written District policies or procedures that the District contends the employee was subject to and that concern qualifications for employment, promotion, transfer, compensation, benefits, discharge, or other disciplinary action [10]

Disciplinary actions and accompanying records

Notice of discharge and accompanying records

Letter of resignation or retirement

Notification that an employee is the subject of an Ill. Dept. of Children and Family Services (DCFS) investigation pursuant to the Abused and Neglected Child Reporting Act (ANCRA) and any report to DCFS made or caused to be made by a District employee concerning another

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[5] The payroll recordkeeping requirements of the Equal Pay Act of 2003 (EPA), 820 ILCS 112/20, amended by P.A. 103-539, ~~eff. 1-1-25~~, overlap with the requirements of the FLSA and are not separately listed in this procedure. They include employee name, address, occupation, and wages. Id. However, the EPA requires these records be maintained for five years, compared to three years under the Fair Labor Standards Act. Id.; 29 C.F.R. §516.5. Certain payroll documents, e.g., *pay stub* and *payroll card*, are defined in the Ill. Wage Payment and Collection Act. 820 ILCS 115/2, amended by P.A. 103-953, ~~eff. 1-1-25~~.

[6] The Americans with Disabilities Act requires that employment health and medical records be kept separately from the regular personnel file. 42 U.S.C. §12112(d)(3).

[7] 820 ILCS 40/2(a), added by P.A. 103-727, ~~eff. 1-1-25~~. The Personnel Record Review Act (PRRA) restricts an employer's ability to use record information during a proceeding in court or before a hearing officer that was not included in the personnel record. 820 ILCS 40/4. Thus, this item becomes a statement of what must be kept in an employee's personnel record.

[8] Id. at 40/2(a)(2), added by P.A. 103-727, ~~eff. 1-1-25~~.

[9] Id. at 40/2(a)(3).

[10] Id. at 40/2(a)(4).

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employee; this record will be deleted if DCFS informs the District that the allegations were unfounded [11]

Any additional information the District deems to be relevant

In addition to the above, personnel records for all professional personnel include:
Valid certificate for services being performed
Copies of official transcripts required by the School Code (105 ILCS 5/24-23)
Transcripts of graduate work completed
Verification of past teaching experience, if any
Record of in-service work completed
Acknowledgement of mandated reporter status
Employment records will be maintained permanently for all District employees and former employees unless the Local Records Commission's approval is obtained to dispose of them.

Restrictions on Information that May Be Kept

The District will not gather or keep a record of an employee's associations, political activities, publications, communications, or non-employment activities, unless the employee submits the information in writing or gives the District express, written consent when the District keeps or gathers such records. However, the District may gather or keep records in an employee's personnel file concerning: (1) activities or associations with individuals or groups involved in the physical, sexual, or other exploitation of a minor, or (2) activities occurring on the District's premises or during the employee's working hours that interfere with the performance of the employee's duties or activities, or those of other employees, regardless of when and where occurring, that constitute criminal conduct or may reasonably be expected to harm the District's property, operations or educational process, or programs, or that could, by the employee's actions, cause the District financial liability. 820 ILCS 40/9, amended by P.A. 103-727~~, eff. 1-1-25~~.

Access to Employee Records and Correction Requests

Upon written request, which may include any electronic communications, e.g., email or text messages, an employee has the right to inspect, copy, or receive copies of his or her personnel records according to provisions in the Ill. Personnel Record Review Act (PRRA), 820 ILCS 40/, and any relevant provisions in an applicable collective bargaining agreement. Except for the documents described in 820 ILCS 40/10, an employee is granted access to his or her personnel records at least two times in a calendar year at reasonable intervals. Unless otherwise indicated in an applicable bargaining agreement, access to the employee's personnel records will be according to the following guidelines:

1. The employee must submit a written request to the Superintendent or the Superintendent's designee using exhibit 5:150-E, *Employee Request Form for Personnel Records*. The written request must (820 ILCS 40/2(c)):
    a. Identify what personnel records the employee is requesting or if the employee is requesting all records allowed to be requested under 820 ILCS 40/2;
    b. Specify if the employee is requesting to inspect, copy, or receive copies of the records;

The footnotes should be removed before the material is used.

[11] 820 ILCS 40/13; 325 ILCS 5/4 and 5/7.4, amended by P.A. 103-460; see the last section of this procedure for additional requirements. According to ANCRA: (1) DCFS must notify the employer of an individual who is the subject of a formal child abuse or neglect investigation if his or her employment results in frequent contact with children (325 ILCS 5/7.4(b)(4)); and (2) when a report is made by a school district employee involving the conduct of an individual employed by the district, the appropriate Child Protective Service Unit must send a copy of its final finding report to the district superintendent (325 ILCS 5/7.4(c-5)).

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c. Specify whether records be provided in hardcopy or in a reasonable and commercially available electronic format;
d. Specify whether inspection, copying, or receipt of copies will be performed by that employee's representative, including family members, lawyers, union stewards, other union officials, or translators; and
e. If the requested records include medical information and medical records, include a signed waiver to release medical information and medical records to that employee's specific representative.

2. The Superintendent or designee will provide the employee the opportunity for inspection within seven working days after receipt of the request. If such deadline cannot reasonably be met, the District will have an additional seven calendar days to comply.
   a. If the District does not maintain records in one or more of the categories requested, the District may respond by notifying the employee in writing that the District does not maintain records in that category, but the District must still permit inspection, copying, and receipt of copies of any other records category requested that the District does maintain.
   b. If records are maintained in a manner and fashion that is already accessible by the employee, the District may instead provide the employee with instructions on how to access that information.
3. The employee will inspect, copy, or receive copies of the personnel record at the District's administrative office during normal working hours or at another time mutually convenient to the employee or the employee's representative and the Superintendent or designee.
4. Inspection of personnel records will be conducted under the supervision of an administrative staff member.
5. Neither an employee nor his or her representative will have access to records that are treated as exceptions in the PRRA discussed below.
6. The employee may copy material maintained in his or her personnel record. Payment for record copying will be based on the District's actual costs of duplication and may not include: the imputed costs of time spent duplicating the information; the purchase or rental of copying machines; the purchase or rental of computer equipment; the purchase, rental, or licensing of software; or other similar expenses.
7. The employee may not remove any part of his or her personnel records from his or her file nor remove any part of his or her personnel records from the District's administrative office.
8. Upon the employee's request, the District will email or mail a copy of the specific record(s) to the email address or mailing address identified by the employee for the purpose of receiving the record(s).[12] The District will charge a fee for providing a copy of the records not to exceed the actual cost of duplication.
9. Should the employee be involved in a current grievance against the District or involved in any other contemplated proceedings against the District, the employee may designate in writing a representative who has the authority to inspect the personnel records under the same rights as the employee.
10. If the employee disagrees with any information contained in the personnel record, a removal or correction of that information may be mutually agreed upon by the District and employee. If agreement cannot be reached, the employee may submit a written statement explaining his or her position. The District will attach the employee's statement to the disputed portion of the

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[12] Optional.

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personnel record and the statement will be included whenever that disputed record is released to a third party as long as the disputed record is part of the employee's personnel file. Inclusion of any written statement attached to the disputed record in an employee's personnel file without any further comment or action by the District will not imply or create any presumption that the District agrees with the statement's contents.

Requests by Third Parties

The Board Attorney shall be consulted whenever a subpoena or court order requests personnel record information. Any other request for personnel information by a third party will be treated as a FOIA request and immediately forwarded to the School District's Freedom of Information Officer (see administrative procedure 2:250-AP1, *Access to and Copying of District Public Records*). Concerning a request for a disciplinary report, letter of reprimand, or other disciplinary action:

1. If the responsive record is more than four years old and is not 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), access will be denied unless the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q); 820 ILCS 40/8, amended by P.A. 104-1582-702.
2. 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.
3. If the responsive record is four years old or less, access will be granted (regardless of its nature). The District will provide the employee with written notice or through electronic mail, if available, on or before the day any such record is released, unless notice is not required under the Personnel Record Review Act. 5 ILCS 140/7.5(q); 820 ILCS 40/7 and 40/8, amended by P.A. 104-1582-702.
4. The employee will not be informed if the employee has specifically waived written notice as part of a written, signed employment application with another employer; the disclosure is ordered to a party in a legal action or arbitration; or information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

A FOIA request for a performance evaluation will be denied. 820 ILCS 40/11, 5 ILCS 140/7.5(q).

Before replying to a request from a third party, the District will review the requested records and delete or redact material that is protected from disclosure. 820 ILCS 40/8, amended by P.A. 104-1582-702.

Restriction on Employee Access

The PRRA, 820 ILCS 40/10, amended by P.A. 103-727, ~~eff. 1-1-25,~~ provides that the right of the employee or the employee's representative to inspect his or her personnel records does not extend to:

1. Letters of reference for that employee.
2. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document.
3. Materials relating to the employer's staff planning, such as matters relating to the District's development, expansion, closing or operational goals, where the materials relate to or affect more than one employee, provided, however, that this exception does not apply if such materials are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, compensation, or benefits, or in determining an individual employee's discharge or discipline.
4. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

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5. Records relevant to any other pending claim between the District and employee that may be discovered in a judicial proceeding.
6. Investigatory or security records maintained by the District to investigate criminal conduct by an employee or other activity by the employee that could reasonably be expected to harm the District's property, operations, or education process or programs, or could by the employee's activity cause the District financial liability, unless and until the District takes adverse personnel action based on information in such records.
7. The District's trade secrets, client lists, sales projections, and financial data.

Complying with Requirements in the Abused and Neglected Child Reporting Act

The Superintendent will execute the requirements in ANCRA whenever a District employee makes a report to DCFS involving another District employee's conduct. This includes performing the following tasks (325 ILCS 5/4 and 820 ILCS 40/13):

1. Disclose to any school district requesting information concerning a current or former employee's job performance or qualifications the fact that he or she was the subject of another employee's report to DCFS. Only the fact that a District employee made a report may be disclosed.
2. Inform the District employee who is or has been the subject of such report that the Superintendent will make the disclosure as described above.
3. Delete the record of such a report if DCFS informs the District that the allegation was unfounded.

Complying with Requirements of *Faith's Law* [13]

The Superintendent or designee shall execute the recordkeeping requirements of *Faith's Law*. This includes performing the following tasks (105 ILCS 5/22-94(e)):

1. At the time of an employee's separation from employment, or upon request of any employee, ensures the completion of the *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response* form, using the Ill. State Board of Education *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response Template* at: www.isbe.net/Documents/Temp2-Auth-Release-Sexual-Misconduct-Related-Info.pdf.
2. If the District is still investigating an employee for *sexual misconduct*[13] after the employee's separation from employment, updates the information in the *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response* form accordingly. [14]
3. Maintains the completed *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response* form in the employee's personnel file.
4. Responds to employer requests for sexual misconduct related employment history information under *Faith's Law* by: (a) completing the *Authorization for Release of Sexual Misconduct-*

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[13] 105 ILCS 5/22-94(e), amended by P.A. 104-831, eff. 1-1-27~~added by P.A. 102-702~~. The contents of this subhead implement: (1) the *Faith's Law* recordkeeping requirements contained in the **Special Superintendent Responsibilities** subhead in sample policy 5:90, *Abused and Neglected Child Reporting*, and (2) the obligation to respond to employer requests for information under *Faith's Law* contained in the **Prospective Employer Inquiries Concerning a Current of Former Employee's Job Performance** subhead in sample policy 5:150, *Personnel Records*.

[13] *Sexual misconduct* is defined in 105 ILCS 5/22-85.5(c)~~, added by P.A. 102-676~~.

[14] 105 ILCS 5/22-94(e), amended by P.A. 104-831, eff. 1-1-27~~added by P.A. 102-702~~.

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Related Information and Current/Former Employer Response form provided by the employer within 20 calendar days of receipt, and (b) providing to the employer any relevant information, including copies of personnel records, regarding instances of sexual misconduct in accordance with the instructions on the form.

LEGAL REF.: 29 C.F.R. Part 516.
5 ILCS 140/, Freedom of Information Act.
105 ILCS 5/22-94.
325 ILCS 5/4 and 5/7.4, Abused and Neglected Child Reporting Act.
820 ILCS 40/, Personnel Record Review Act.
820 ILCS 112/20, Equal Pay Act of 2003.
23 Ill.Admin.Code §1.660.

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Instruction

Administrative Procedure – Remote and/or Blended Remote Learning Day Plan(s)

Use this procedure in conjunction with the subhead ***Suspension of In-Person Instruction; Remote and/or Blended Remote Learning Day Plan(s)*** *in Board policy 4:180, Pandemic Preparedness; Management; and Recovery.*

When the District must implement a Remote and/or Blended Remote Learning Day Plan (Plan) that designates *remote learning days* (RLDs) and/or *blended remote learning days* (BRLDs) for instruction in grades pre-kindergarten through 12, the Superintendent must approve[1] a Plan, present the Plan to the Board for adoption[2] prior to its implementation, implement the Plan after Board approval, and post it on the District's website.

The Superintendent will begin the process of developing a Plan in one of the two following ways:

1. Adapting the District's e-learning program (adopted by the Board pursuant to 105 ILCS 5/10-20.56) into a Plan[3] and ensuring that it is posted on the District's website and communicated to the community in accordance with this procedure.[4] See *E-learning Program; Days*, in the **Definitions** subhead below for more information about an e-learning program.
2. Using this procedure if the District has not implemented an e-learning program. [5]

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[1] 105 ILCS 5/10-30(3) states "the district shall adopt a remote and blended remote learning day plan approved by the district superintendent." This presents a governance best practice conundrum. 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~~https://www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/~~), this administrative procedure requires the superintendent to present the approved plan to the board for adoption prior to district-wide implementation and posting on the district's website. See f/n 13 in sample policy 4:180, *Pandemic Preparedness; Management; and Recovery* for further discussion.

[2] Id.

[3] Id. at 5/10-30(2). If the board has implemented an e-learning program in the district, it should adapt the program into a Plan by ensuring that the requirements for communicating the Plan are met. See f/n 4 below. Consult the board attorney regarding the impact, if any, of 105 ILCS 5/10-20.56(d-10), (d-15), and (d-20), which requires boards to pay educational support personnel and contractors their regular rate of pay on e-learning days, unless they are rescheduled. The law limits the number of e-learning days to the minimum number of emergency days in the approved school calendar; it is unclear if those days would still need to be paid in the event an e-learning program is adapted into a Plan. Id.

[4] Id. at 5/10-30(6).

[5] Id. at 5/10-30(3) and (6). See f/n 1, above.

See f/n 3 in sample policy 2:150, *Committees* for a discussion of Open Meetings Act implications of the Remote Learning Committee being a board committee. 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/~~.

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Definitions

Blended Remote Learning Days (BRLDs) – School attendance days during which the District provides hybrid days of in-person and remote instruction to students.[6] Once the State Superintendent of Education declares that the District must use RLDs or BRLDs, the Superintendent implements these days in grades pre-kindergarten through 12. These days are counted as days of attendance and are pupil attendance days for calculation of the length of a school term under 105 ILCS 5/10-19 and 5/10-19.05. If the District has implemented an *e-learning program*, these school attendance days may be met through it. See 105 ILCS 5/10-30.

E-learning Program; Days – E-learning is short for electronic learning. As an optional instructional tool for school districts, e-learning days are part of an implemented *e-learning program* in the District that:

1. Uses the Internet, telephones, texts, chat rooms, or other similar means of electronic communication for instruction and interaction between teachers and students that meet the needs of all learners; and
2. Addresses a district's responsibility to ensure that all teachers and staff who may be involved in the provision of e-learning have access to any and all hardware and software that may be required for the program.

An e-learning program is implemented after a school board:

1. Adopts a resolution to implement research-based program(s) for district-wide e-learning days that permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days as required by 105 ILCS 5/10-19 (105 ILCS 5/10-20.56(b), amended by P.A.s 103-780 and 104-552, eff. 1-1-27)[7];
2. Conducts a public hearing on the District's initial e-learning program proposal or renewal with at least 10 days' advanced notice (Id. at 5/10-20.56(c)); and
3. Before the implementation of any e-learning days in that school year, to ensure access for all students, receives verifications by the regional office of education (ROE) or intermediate service center (ISC) that the board's proposal for an e-learning program has: (a) met the requirements specified in 105 ILCS 5/10-20.56, amended by P.A. 103-780; (b) the components designed to reasonably and practicably accomplish the requirements outlined in the enabling statute; and (c) not exceeded the minimum number of emergency days in a district's approved school calendar. In its verification process, the ROE/ISC ensures that the specific needs of all students are met, including special education students and English Learners, and that all mandates are still met using the proposed research-based program. See 105 ILCS 5/10-20.56(b), amended by P.A. 103-780.

While the ROE/ISC must annually verify a district's e-learning program, the Board's approval of an e-learning program is for a term of three school years. 105 ILCS 5/10-20.56(d)(10), amended by P.A. 103-780.

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[6] The law is silent regarding whether BRLDs must be in-person and remote on the same day or whether they may include in-person instruction on one day and remote learning on different day. BRLDs is a term commonly used in higher education, and in higher education, in-person and remote instruction may take place on the same day or on different days.

[7] 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.

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Plan – The District's formal implementation of remote instruction that includes RLDs and BRLDs. If the District already has an e-learning program in place, it should adapt the program into a Plan by ensuring that the requirements for communicating the Plan, e.g., website posting, etc. are met.[8] When finalized, it is provided to students and faculty, posted on the District's website where other policies, rules, and standards of conduct are posted, and listed in exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. Plans should be periodically reviewed and amended to ensure the needs of all students continue to be met throughout the suspension of in-person learning. If a plan is amended, post the amended plan to the District website. [9]

Remote Learning Days (RLDs) – Remote learning is learning that happens outside of the traditional classroom because the student and teacher are separated by distance and/or time. Remote learning can be real-time or flexibility-timed, and it may or may not involve technology. School attendance days are days that the District provides remote instruction to students. Once the State Superintendent of Education declares that the District must use RLDs or BLRDs, the Superintendent implements these days in grades pre-kindergarten through 12 on days of attendance. These days are counted as pupil attendance days for calculation of the length of the District's official calendar under 105 ILCS 5/10-19 and 5/10-19.05. If a district has implemented an *e-learning program*, these school attendance days may be met through it. Five RLDs, taken consecutively or in separate increments, may be used to develop, review, or amend the District's Plan or provide professional development to staff about remote education; i.e., *Remote Learning Planning Days*. See 105 ILCS 5/10-30. [10]

Remote Learning Planning Days – If the district does not implement an e-learning program, then a district may use up to five consecutive or separate increment days to develop, review, or amend its Plan or to provide professional development to staff about remote education. These days are counted as days of attendance and are pupil attendance days for calculation of the length of a school term under 105 ILCS 5/10-19 and 5/10-19.05. See 105 ILCS 5/10-30. [11]

Plan Development and Implementation

Use this Plan before, during, and after implementing 105 ILCS 5/10-30.

Consult the Board Attorney for guidance on this procedure.

Actor	Action
Board	If permitted by local resources and conditions, implement an e-learning program pursuant to 105 ILCS 5/10-20.56, amended by P.A.s 103-780 and 104-552, eff. 1-1-27. If the Board decides not to implement an e-learning program in the District, provides the Superintendent with the resources necessary to implement a Remote and/or Blended Remote Learning Day Plan (Plan) that meets the needs of all students. 105 ILCS 5/10-30.

DRAFT

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[8] See the Ill. State Board of Education (ISBE) Guidance Document, *Current Remote Learning Options Under Illinois Law Guidance for Schools and Districts*, and its most recent updates at: www.isbe.net/Documents/Remote-Learning-Guidance-Chart.pdf.

[9] Id.

[10] Id.

[11] See question "What are Remote Learning Planning Days?" in the archived ISBE Guidance Document, *Mandatory Suspension of In-Person Instruction Guidance for Illinois Schools and School Districts*, at: www.isbe.net.

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Actor	Action
	Directs, through policy, the Superintendent to recommend any suspensions or amendments to policies to reduce any Board-required graduation or other instructional requirements in addition to the minimum requirements specified in School Code that the District was not able to complete due to a pandemic. 105 ILCS 5/10-16.7. Monitors Board policies 2:20, *Powers and Duties of the School Board; Indemnification*, 4:180, *Pandemic Preparedness; Management; and Recovery*, and 6:20, *School Year Calendar and Day*, 6:60, *Curriculum Content*, and 6:300, *Graduation Requirements* (if applicable), and makes changes recommended by the Superintendent. See Board policy 2:240, *Board Policy Development.* Considers all policy changes recommended by the Superintendent pursuant to Board policy 2:240, *Board Policy Development*, and included as a topic for discussion in the annual report required by Board policy 6:10, *Educational Philosophy and Objectives*. Adopts the Superintendent-approved Plan for District-wide implementation. [12] Provides appropriate, additional resources requested by the Superintendent to successfully implement the Plan.
Board and Superintendent	Identify, discuss, modify, and monitor relevant Board policies that remote learning may possibly affect, including but not limited to: 4:130, *Free and Reduced-Price Food Services* 4:180, *Pandemic Preparedness; Management; and Recovery* 5:35, *Compliance with the Fair Labor Standards Act* 5:40, *Communicable and Chronic Infectious Disease* 5:180, *Temporary Illness or Temporary Incapacity* 5:185, *Family and Medical Leave* 5:200, *Terms and Conditions of Employment and Dismissal* 5:270, *Employment At-~~w~~Will, Compensation, and Assignment* 5:300, *Schedules and Employment Year* 5:330, *Sick Days, Vacation, Holidays and Leaves* 6:10, *Educational Philosophy and Objectives* 6:15, *School Accountability* 6:20, *School Year Calendar and Day*

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[12] See f/n 1, above.

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Actor	Action
	6:30, *Organization of Instruction* 6:60, *Curriculum Content* 6:120, *Education of Children with Disabilities* 6:150, *Home and Hospital Instruction* 6:190, *Extracurricular and Co-Curricular Activities* 6:300, *Graduation Requirements* 7:70, *Attendance and Truancy* 7:280, *Communicable and Chronic Infectious Disease* 8:30, *Visitors to and Conduct on School Property* 8:100, *Relations with Other Organizations and Agencies*
Superintendent or Designee	When the District is required by the State Superintendent of Education to implement RLDs and/or BRLDs: 1. If an e-learning program is in place: a. Adapts it into a Plan by ensuring that the requirements for communicating the Plan, e.g., website posting, are met; [13] b. Approves the Plan;[14] and c. Presents the Plan to the Board for adoption. [15] 2. If an e-learning program is not in place: a. Establishes a District-wide Remote Learning Committee[16] to design a Plan for implementation of RLDs and BRLDs. Committee members should include: District-level administrators Building Principals (Building Principals are mandatory for successful implementation of the Plan) Pandemic Planning Team member(s) District Safety Coordinator (see administrative procedure 4:170-AP1, Comprehensive Safety and Security Plan, Part C, **District Safety Coordinator and Safety Team; Responsibilities**)

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[13] See f/n 3, above.

[14] See f/n 1, above.

[15] See f/ns 1 and 2, above.

[16] If a committee is not feasible in the district, the superintendent or designee must perform this function. See f/n 18, below.

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Actor	Action
	District 504 Coordinator (see Board policy 6:120, *Education of Children with Disabilities*, and exhibit 6:120, AP1, E1 *Notice to Parents/Guardians Regarding Section 504 Rights*) Staff members [17] Parents/Guardians Students b. Chairs and convenes Committee[18] meetings. Manages virtual attendance by some or all Committee members when necessary. 3. Designates RLDs and/or BRLDs in grades pre-kindergarten through 12. 4. Approves the Plan and presents it to the Board for adoption. [19] 5. Implements the Plan. 6. Ensures that the Plan is provided to students and faculty, posted on the District's website where other policies, rules, and standards of conduct are posted, and listed in exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. 7. Provides periodic reports to the Board about the Committee's progress and needs, along with any amendments to the Plan for the purposes of ensuring that it meets the needs of all students by adding information items to the Board's agendas as needed.
Remote Learning Committee [20]	Designs a Plan for the Superintendent's approval and Board's adoption to implement remote instruction through the District in a manner that: [21] 1. Explores what may work best for the school community using any remote learning guidance issued by the Ill. State Board of Education (ISBE), at: www.isbe.net/Documents/Remote-Learning-Guidance-Chart.pdf.

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[17] 105 ILCS 5/10-30(7) states that it does not increase or diminish any collective bargaining rights under existing law, and that 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).

[18] This committee is optional. Establishing it is a best practice for aligning with governance principles and examining the many implementation issues specific to each individual school district. While smaller school districts, i.e., one-building districts, may be able to implement a Plan through one meeting, larger school districts will likely require the uniform coordination that this committee provides.

[19] See f/n 1, above.

[20] As much of the work of developing a plan is administrative/staff work rather than governance work, best practice is for the remote learning committee to operate as an administrative committee. Consult the board attorney for guidance, and see also f/n 1 in sample policy 2:150, *Committees*, for a discussion of Open Meetings Act implications of a remote learning committee being a board committee.

[21] 105 ILCS 5/10-30(4) and see f/n 1, above.

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Actor	Action
	2. Potentially uses Remote Learning Planning Days consecutively or in separate increments to develop, review, or amend this Plan or provide professional development to staff about remote education; [22] If the District does not have an e-learning program, includes design in the Plan for implementation of remote instruction that also provides: 1. Accessibility of remote instruction to all students enrolled in the District; 2. Hybrid RLDs and BRLDs, as directed or allowed by the ISBE; 3. Activities for both RLDs and BRLDs that align with State learning standards and Board policies[23] 6:10, *Educational Philosophy and Objectives*, 6:15, *School Accountability*, 6:30, *Organization of Instruction*, 6:60, *Curriculum Content*, and 6:300, *Graduation Requirements* (if applicable); 4. Communication between students and teacher(s),[24] as necessary to align with the requirements of Board policy 7:340, *Student Records*; [25] 5. Methods to address the unique needs of students in special populations, including, but not limited to, students eligible for special education under 105 ILCS 5/14-1.01 et seq., students who are English learners as defined in 105 ILCS 5/14C-2, and students experiencing homelessness under the Education for Homeless Children Act (105 ILCS 45/), or vulnerable student populations; 6. Guidance for how the District will take attendance and monitor and verify each student's remote participation; and 7. Resources for transitions from remote learning to in-person instruction when the State Superintendent declares that RLDs and/or BRLDs are no longer deemed necessary. Delivers the Plan to the Superintendent for approval[26] in a format that is easily posted on the District's website.

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[22] While remote learning planning days do not need to be accounted for in the plan itself, the committee may want to address the fact that the district may use up to five RLDs and/or BRLDs may be counted as pupil attendance days for calculation of the length of a school term under 105 ILCS 5/10-19. 105 ILCS 5/10-30(3).

[23] 105 ILCS 5/10-30(8), amended by P.A. 104-391, does not excuse districts from completing all statutory and regulatory curricular mandates and offerings when RLD/BRLD are required. All statutory and regulatory curricular mandates and offerings may be administered through a district's RLD/BRLD plan(s), except that a district may not offer individual behind-the-wheel instruction 105 ILCS 5/27-815, renumbered by P.A. 104-391, in its plan(s). Id.

While 105 ILCS 5/10-30(8), amended by P.A. 104-391, explicitly prohibits behind-the-wheel instruction for RLDs/BRLDs, during the COVID-19 pandemic, joint ISBE and Ill. Dept. of Public Health (IDPH) guidance focused on allowable in-person instruction activities, one of which included behind-the-wheel instruction.

[24] 105 ILCS 5/10-30(4)(iii).

[25] The second part of this sentence is not in 105 ILCS 5/10-30, but is still required by State and federal law.

[26] See f/n 1, above.

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Actor	Action
	Periodically reviews and amends the Plan, with the Superintendent as needed, to ensure it meets the needs of all students. 105 ILCS 5/10-30(5). Recommends to the Board, through the Superintendent, any policy changes for consideration. See Board policy 2:240, *Board Policy Development*. Reports reviews and amendments to the Plan to the Superintendent or designee.
All Staff [27]	Implements the Plan.

LEGAL REF.: 105 ILCS 5/10-30.

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[27] See f/n 176, above.

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