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Students

Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence [1]

The District provides accommodations and support services to students who are parents, expectant parents, or victims of domestic or sexual violence (Article 26A Students) to enable them to succeed in school. Use this procedure to implement the District's program for supporting Article 26A students.

The topics outlined in this procedure include: Glossary of Terms; Notification, Roles, and Responsibilities; Training; Initial Response; Article 26A Support Services; Confidentiality; Recordkeeping; and Policy and Procedure Review.

Complaints alleging violations of Article 26A are processed using administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

Glossary of Terms [2]

Confidential – Information or facts expected and intended to be kept private or protected by an existing privilege in the Ill. Code of Civil Procedure, 735 ILCS 5/. The District may disclose confidential information if disclosure is required by State or federal law or is necessary to complete proceedings relevant to 105 ILCS 5/26A. Designation of student information as confidential applies to the District and does not limit a student's right to speak about the student's experiences.

Consent – Includes, at a minimum, a recognition that (i) consent is a freely given agreement to sexual activity, (ii) an individual's lack of verbal or physical resistance, or submission resulting from the use of threat of force does not constitute consent, (iii) an individual's manner of dress does not constitute consent, (iv) an individual's consent to past sexual activity does not constitute consent to future sexual activity, (v) an individual's consent to engage in one type of sexual activity with one person does not constitute consent to engage in any other type of sexual activity with that person or any sexual activity with another person, (vi) an individual can withdraw consent at any time, and (vii) an individual cannot consent to sexual activity if that individual is unable to understand the nature of the activity or give knowing consent due to the circumstances that include, but are not limited to, all the following:

1. The individual is incapacitated due to the use or influence of alcohol or drugs.
2. The individual is asleep or unconscious.
3. The individual is under the age of consent.
4. The individual is incapacitated due to a mental disability.

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[1] Required by 105 ILCS 5/26A-25, ~~added by P.A. 102-466,~~ a/k/a *the Ensuring Success in School (ESS) Law*, ~~and~~ amended by P.A.s 104-391 and 104-803. Ensure that this sample administrative procedure is aligned with the district's policies, procedures, and practices. ISBE non-regulatory guidance on the *ESS Law* is available at: www.isbe.net/Documents/Ensuring-Success-in-School.pdf.

[2] Unless otherwise noted, all defined terms are based on definitions in 105 ILCS 5/26A-10, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.

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Complainant[3] – A student who is a survivor of domestic or sexual violence and/or a student who is a parent or expectant parent who is alleged to be the victim of conduct that could constitute a violation of 105 ILCS 5/26A (Article 26A). To the extent that the complainant is a minor student, the student's parent/guardian may be a complainant on behalf of their child.

Domestic or Sexual Violence – Domestic violence, gender-based harassment, sexual activity without consent, sexual assault, sexual violence, or stalking. Domestic or sexual violence may occur through electronic communication. Domestic or sexual violence exists regardless of when or where the violence occurred, whether or not the violence is the subject of a criminal investigation or the perpetrator has been criminally charged or convicted of a crime, whether or not an order of protection or a no-contact order is pending before or has been issued by a court, or whether or not any domestic or sexual violence took place on school grounds, during regular school hours, or during a school-sponsored event.

Domestic or Sexual Violence Organization – A nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or advocates for those victims, including an organization carrying out a domestic or sexual violence program, an organization operating a shelter or a rape crisis center or providing counseling services, an accredited Children's Advocacy Center, an organization that provides services to or advocates on behalf of children and students who are gay, lesbian, bisexual, transgender, or gender nonconforming, an organization that provides services to or advocates on behalf of children and students who are parents or expectant parents, or an organization seeking to eliminate domestic or sexual violence or to address the consequences of that violence for its victims through legislative advocacy or policy change, public education, or service collaboration.

Domestic Violence – Abuse by family or household members, as those terms are defined in the Ill. Domestic Violence Act of 1986, 750 ILCS 60/. See 750 ILCS 60/103(1) and (6).

Electronic Communication – Communications via telephone, mobile phone, computer, email, video recorder, fax machine, telex, pager, apps or applications, or any other electronic communication, or cyberstalking as defined in 720 ILCS 5/12-7.5.

Expectant Parent – 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.

Gender-based Harassment – Any harassment or discrimination on the basis of an individual's actual or perceived sex or gender, including unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or unwelcome conduct, including verbal, nonverbal, or physical conduct that is not sexual in nature but is related to a student's status as a parent, expectant parent, or victim of domestic or sexual violence.

Harassment – Any unwelcome conduct on the basis of a student's actual or perceived race, gender, color, religion, national origin, ancestry, sex, marital status, order of protection status, disability, sexual orientation, gender identity, pregnancy, or citizenship status that has the purpose or effect of substantially interfering with the individual's academic performance or creating an intimidating, hostile, or offensive learning environment.

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[3] The definition of *complainant* is based on a recommended definition from the second ESS Task Force. See p. 17 of the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf.

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Perpetrator – An individual who commits or is alleged to have committed any act of domestic or sexual violence. This term must be used with caution when applied to children, particularly young children.

Poor Academic Performance – A student who has (i) scored in the 50th percentile or below on a school district-administered standardized test, (ii) received a score on a State assessment that does not meet standards in one or more of the fundamental learning areas under 105 ILCS 5/27-1, as applicable for the student's grade level, or (iii) not met grade-level expectations on a school district-designated assessment.

Representative – An adult who is authorized to act on behalf of a student during a proceeding, including an attorney, parent, or guardian.

Respondent – The District, school, or school personnel allegedly having violated 105 ILCS 5/26A.

Sexual Activity – Any knowingly touching or fondling by one person, either directly or through clothing, of the sex organs, anus, mouth, or breast of another person for the purpose of sexual gratification or arousal.

Sexual Assault/Sexual Violence – Any conduct of an adult or minor child proscribed in 720 ILCS 5/11, except for Sections 11-35, 11-40, and 11-45, including conduct committed by a perpetrator who is a stranger to the victim and/or conduct committed by a perpetrator who is known or related by blood or marriage to the victim.

Stalking – Any conduct proscribed in 720 ILCS 5/12-7.3, 5/12-7.4, or 5/12-7.5, including stalking committed by a perpetrator who is a stranger to the victim and/or stalking committed by a perpetrator who is known or related by blood or marriage to the victim.

Student – Any child who has not yet received a diploma for completion of a secondary education. A student includes, but is not limited to, an unaccompanied minor not in the physical custody of a parent or guardian.

Student at Risk of Academic Failure – A student who is at risk of failing to meet the Ill. Learning Standards or failing to graduate from elementary or high school and who demonstrates a need for educational support or social services beyond those provided by the regular school program.

Student Parent – A student who is a custodial or noncustodial parent taking an active role in the care and supervision of a child and who has not yet received a diploma for completion of a secondary education.

Support Person – Any person whom the victim has chosen to include in proceedings for emotional support or safety. A support person does not participate in proceedings but is permitted to observe and support the victim with parent/guardian approval. A support person may include, but is not limited to, an advocate, clergy, a counselor, or a parent/guardian. If a student is age 18 years or older, or emancipated, the student has the right to choose a support person without parent/guardian approval.

Survivor-centered – A systematic focus on the needs and concerns of a survivor of sexual violence, domestic violence, dating violence, or stalking that (i) ensures the compassionate and sensitive delivery of services in a nonjudgmental manner, (ii) ensures an understanding of how trauma affects survivor behavior, (iii) maintains survivor safety, privacy, and, if possible, confidentiality, and (iv) recognizes that a survivor is not responsible for the sexual violence, domestic violence, dating violence, or stalking.

Trauma-informed Response – A response involving an understanding of the complexities of sexual violence, domestic violence, dating violence, or stalking through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding sexual

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violence, domestic violence, dating violence, or stalking, and understanding the behavior of perpetrators.

Victim – An individual who has been subjected to one or more acts of domestic or sexual violence.

Notification, Roles, and Responsibilities

Actor	Action
Superintendent or Designee	Ensures that Board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence,* and procedures for requesting supportive services or filing a complaint are (105 ILCS 5/26A-20(d), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*): 1. Posted on the District's website, if any (see exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*); 2. Distributed to each student at the beginning of each school year; and 3. Available for inspection and copying at no cost to students and parents/guardians at each school. Ensures that each Building Principal designates at least one staff member in each school building as a resource person for Article 26A Students (Article 26A Resource Person). 105 ILCS 5/26A-35(a), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*. Identifies all individuals who will resolve complaints of Article 26A violations. 105 ILCS 5/26A-25(b), ~~added by P.A. 102-466, a/k/a *ESS Law*, and~~ amended by P.A.s 104-391 and 104-803, a/k/a *ESS Law*. Such individuals will include the District's Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Manager(s).[4] See administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*. The District must have enough individuals trained to resolve complaints so that (1) a substitution can occur in the case of a conflict of interest or recusal, (2) an individual with no prior involvement in the initial determination may hear an appeal, and (3) the complaint resolution procedure proceeds in a timely manner. Id. 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. 105 ILCS 5/26A-40(e), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.

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[4] Optional. Ensure the individuals identified here align with those stated in board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

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	Annually notifies all District personnel and students 12 years of age or older, in writing, of the availability of counseling without parent/guardian consent under 405 ILCS 5/3-550. See Board policy 7:250, *Student Support Services*. Every two years, along with the Building Principal(s), building-level Student Support Committee(s), and building-level Article 26A Resource Person(s), reviews all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and recommends any necessary updates. 105 ILCS 5/26A-20(a), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*. See the **Policy and Procedure Review** subhead below for a suggested list. Based upon that review, recommends to the Board on any necessary updates to Board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and any other relevant Board policies.
Building Principal(s)	Designates at least one staff member as a resource person for Article 26A Students (Article 26A Resource Person). **Note:** add lines for Resource Persons for each building, as needed. **Article 26A Resource Person** for [*insert school name*]: _____ Name _____ Address _____ Email _____ Telephone The Article 26A Resource Person must be employed at least part-time and be a licensed school social worker, school psychologist, school counselor, school nurse, or school administrator. 105 ILCS 5/26A-35(a), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*. The Article 26A Resource Person may be a member of the building-level Student Support Committee as established under administrative procedure 7:250-AP2, *Protocol for Responding to Students with Social, Emotional, or Mental Health Needs*. Ensures the building-level Student Support Committee performs the duties listed in the Student Support Committee row, below. Annually distributes the name and contact information of the building-level Article 26A Resource Person to all employees, students, and parents/guardians by including it in any building-specific website and

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	student handbook.[5] See exhibits 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and 7:190-E2, *Student Handbook Checklist*. Every two years, assists the Superintendent or designee, Student Support Committee, and Article 26A Resource Person to review all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and to recommend any necessary updates. 105 ILCS 5/26A-20(a), amended by P.A. 104-803 ~~added by P.A. 102-466~~, a/k/a *ESS Law*.
Student Support Committee	Assists the building-level Article 26A Resource Person to identify in-school and non-school-based support service options for Article 26A Students. Every two years, assists the Superintendent or designee, Building Principal, and Article 26A Resource Person to review all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and to recommend any necessary updates. Id.
Article 26A Resource Person	With the assistance of the Student Support Committee, identifies in-school and non-school-based support service options for Article 26A Students. Connects Article 26A Students to appropriate in-school services or other agencies, programs, or services as needed. 105 ILCS 5/26A-35(a), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*. Coordinates the implementation of the District's policies, procedures, and protocols in cases involving student allegations of domestic or sexual violence. Id. Coordinates the implementation of the District's policies, procedures, and protocols concerning Article 26A Students. Id. Assists Article 26A Students in their efforts to exercise and preserve their rights as set forth in 105 ILCS 5/26A. Id. Assists in providing staff development to establish a positive and trauma-sensitive learning environment for Article 26A Students. Id. Every two years, assists the Superintendent or designee, Building Principal, and Student Support Committee to review all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and to recommend any necessary updates. 105 ILCS 5/26A-

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[5] These methods of distribution are optional. Ensure the methods of distribution here align with those stated in exhibits 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and 7:190-E2, *Student Handbook Checklist*.

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	20(a), amended by P.A. 104-803 ~~added by P.A. 102-466~~, a/k/a *ESS Law*. See **Policy and Procedure Review** subhead, below.
All District employees and agents	Upon learning or suspecting that a student is a parent, expectant parent, or victim of domestic or sexual violence, refers the student to a designated Article 26A Resource Person. 105 ILCS 5/26A-40(e), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.

Training

Actor	Action
Superintendent or Designee	Ensures that (105 ILCS 5/26A-35, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*): 1. All designated Article 26A Resource Persons are trained to understand, provide information and referrals, and address issues pertaining to students who are parents, expectant parents, or victims of domestic or sexual violence in a survivor-centered, trauma responsive, culturally responsive, confidential, and sensitive manner. Training must include: a. Theories and dynamics of domestic and sexual violence; b. The necessity for confidentiality and the law, policy, procedures, and protocols implementing confidentiality; c. Notification of the student's parent/guardian regarding the student's Article 26A status or the enforcement of the student's Article 26A rights, if notifying the student's parents/guardian may put the health or safety of the student at risk (see the **Confidentiality** subhead, below); and d. The rights of minors to consent to counseling services and psychotherapy on an outpatient basis under the Mental Health and Developmental Disabilities Code, 405 ILCS 5/3-550. [6] 2. All individuals who will be resolving complaints of violations of Article 26A must complete initial training on issues related to domestic and sexual violence and how to conduct the District's complaint resolution procedure under administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*; and training annually thereafter. 105 ILCS

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[6] Including the phrase "on an outpatient basis" and the citation to 405 ILCS 5/3-550 are optional but recommended by the second ESS Task Force. See p. 26 of the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf.

105 ILCS 5/26A-35, ~~added by P.A. 102-466,~~ a/k/a ~~*Ensuring Success in School (ESS) Law*~~, requires each designated Article 26A Resource Person to either (1) be trained as set forth above, 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).

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	5/26A-25(b)(1), amended by P.A.s 104-391 and 104-803, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*, ~~and amended by P.A. 104-391~~. Training must be conducted by individuals with expertise in domestic or sexual violence among youth and expertise in developmentally appropriate communications with K-12 students regarding topics of a sexual, violent, or sensitive nature. Id.
Article 26A Resource Person	Assists the Superintendent or designee in providing staff development to establish a positive and trauma-sensitive learning environment for Article 26A Students. 105 ILCS 5/26A-35(a)(5), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*. Informs all building staff that any Article 26A Student who is unable to participate in classes on a particular day or days or at a particular time of day due to circumstances related to their Article 26A status must (105 ILCS 5/26A-40(d), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*): 1. Be excused; and 2. Upon request of the Article 26A Student or his or her parent/guardian, be given a meaningful opportunity to make up any examination, study, or work requirement that the student missed.

Initial Response

Upon learning or suspecting that a student is a parent, expectant parent, or victim of domestic or sexual violence, the Article 26A Resource Person will contact the student to:

1. Connect the student with appropriate in-school services or other agencies, programs, or services, as needed. 105 ILCS 5/26A-35, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*. See the **Article 26A Support Services** subhead, below.
2. Assist the student to exercise and preserve their Article 26A rights. Id.
3. Provide the student, if 12 years of age or older, with written notice of the availability of counseling without parent/guardian consent under 405 ILCS 5/3-550. 105 ILCS 5/26A-40(h), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.

If the student claims Article 26A status as a victim of domestic or sexual violence, the Article 26A Resource Person will then request verification of this status from the student or their parent/guardian as follows (105 ILCS 5/26A-45, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*):

1. Notifies the student or parent/guardian that they must provide one of the following forms of verification of their choosing:
    a. A written statement from the student, or anyone who has knowledge of the circumstances, that supports the student's claim. This may be in the form of a complaint.
    b. A police report, governmental agency record, or court order.
    c. A statement or other documentation from a domestic or sexual violence organization or any other organization from which the student sought services or advice.
    d. Documentation from a lawyer, clergy person, medical professional, or other professional from whom the student sought services or advice related to domestic or sexual violence.
    e. Any other evidence, such as physical evidence of violence, which supports the claim.

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2. Reviews verification submitted by the student or their parent/guardian to determine whether it is acceptable.
    a. If the verification provided is acceptable, informs the student that their status has been verified.
    b. If the verification provided is not acceptable, informs the student that verification is insufficient and requests additional verification in one of the forms identified above.
    c. Once the student's status has been verified, the District cannot request additional verification for a status claim involving the same perpetrator or same incident of violence. Id.

To verify domestic or sexual violence, the District **cannot** contact the person named to be the perpetrator, the perpetrator's family, or any other person named by the student or the student's parent/guardian as ~~to be~~ unsafe to contact. The only exception is if the District determines it has an obligation to do so under State or federal law, or due to safety concerns for the school community, including the victim. In such cases, before making contact, the District must provide prior written notice to the student and their parent/guardian in a developmentally appropriate manner, and meet with the student and parent/guardian to discuss and address any safety concerns related to making such contact. Id. **Contact the board attorney for guidance in such circumstances.**

Article 26A Support Services

To facilitate the full participation of Article 26A Students, the Article 26A Resource Person must offer[7] those students in-school support services, information regarding non-school-based support services, and the ability to make up work that was missed due to circumstances related to the student's Article 26A status. 105 ILCS 5/26A-40, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*. Each of these support service areas are described in further detail below.

In addition:

1. The building-level Student Support Committee will assist the Article 26A Resource Person ~~to~~ in identifying in-school and non-school-based support service options for Article 26A Students.
2. Victims of domestic or sexual violence must have access to support services regardless of when or where the violence occurred. 105 ILCS 5/26A-40(a), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.
3. The Article 26A Resource Person may periodically check on Article 26A Students receiving support services to determine whether each support service continues to be necessary to maintain the student's mental and physical well-being and safety or whether termination is appropriate. Id.
4. The District will honor the decision of an Article 26A Student and/or their parent/guardian to obtain, terminate, or decline to participate in support services. 105 ILCS 5/26A-40(f), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.
5. Article 26A Students are not obligated to use offered support services and may decline or terminate support services at any time. Id.

In-School Support Services

In-school support services for Article 26A Students must include but are not limited to (105 ILCS 5/26A-40(b), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*):

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[7] 105 ILCS 5/26A-40, ~~added by P.A. 102-466,~~ a/k/a *ESS Law*, uses the term *provide* but this sample procedure uses *offer* because students are not required to accept support services.

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1. Enabling a student to meet with counselors or other service providers by providing the student with a private setting sufficient to ensure confidentiality and time off from class.
2. Assisting the student with a student success plan.
    a. For a student *at risk of academic failure* or who displays *poor academic performance* as defined above, this may include providing the student with, or referring the student to, education and support services designed to assist the student in meeting Ill. Learning Standards. 105 ILCS 5/26A-40(c), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.
3. Transferring a victim of domestic or sexual violence or the student perpetrator to a different classroom or school, if available.
4. Changing a seating assignment.
5. Implementing safety procedures in school, on school grounds, and on school buses.
6. Honoring court orders, including orders of protection and no-contact orders, to the fullest extent possible.
7. Providing any other supports that may facilitate the student's full participation in the education program, including but not limited to those available via the following Board policies:
    a. 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*. This policy sets eligibility requirements for pregnant or parenting students to enroll in a graduation incentives program. It also provides that any Article 26A Student at risk of academic failure may request in-school support services and information about non-school-based support services designed to assist the student in meeting learning standards by using Board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.
    b. 6:120, *Education of Children with Disabilities*. This policy provides all students with disabilities a free appropriate public education in the least restrictive environment as required by the Individuals with Disabilities Education Act and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act. [8]
    c. 6:150, *Home and Hospital Instruction*. This policy permits home instruction for students who are unable to attend school due to pregnancy or pregnancy-related conditions, the fulfillment of parenting obligations related to the health of the child, or health and safety concerns arising from domestic or sexual violence.
    d. 7:10, *Equal Educational Opportunities*. This policy requires equal educational opportunities for students without regard to sex, physical or mental disability, and actual or potential parental status, including pregnancy.
    e. 7:60, *Residence*. This policy states that nonresident students may attend District schools pursuant to an intergovernmental agreement, which may include an agreement for interdistrict transfer of Article 26A Students.
    f. 7:70, *Attendance and Truancy*. This policy specifies that valid cause for absence includes attendance at a verified medical or therapeutic appointment (including a victim services provider) and, for Article 26A Students, also includes the fulfillment of a parenting responsibility and addressing circumstances resulting from domestic or sexual violence.

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[8] Ill. State Board of Education (ISBE) sex equity regulation 23 Ill.Admin.Code §200.50(e) states that "pregnancy shall be treated as any other temporary disability." Article 26A Students may also have concomitant (naturally accompanying) or comorbid (coexisting) social, emotional, or mental or physical health needs that make them eligible for services under various disability laws. **Consult the board attorney for guidance.**

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i. *Fulfillment of a parenting responsibility* includes, but is not limited to, arranging and providing childcare, caring for a sick child, attending prenatal or other medical appointments for the expectant student, and attending medical appointments for a child. 105 ILCS 5/26-2a, amended by P.A. 102-466, a/k/a *ESS Law*.

ii. *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.

g. 7:250, *Student Support Services*. This policy provides that annually, students 12 years of age and older will be notified, in writing, of the availability of counseling without parent/guardian consent under 405 ILCS 5/3-550. It also requires the designation of at least one staff member in each building as the Article 26A Resource Person and outlines their duties.

Information Regarding Non-School-Based Support Services

The Article 26A Resource Person will provide each Article 26A Student with information regarding any available non-school-based support service options. For Article 26A Students at risk of academic failure or who display *poor academic performance* as defined above, service options shall include any non-school-based organizations and agencies from which at-risk students typically receive services in the community. 105 ILCS 5/26A-40(c), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.

Ability to Make Up Work

Any Article 26A Student who is unable to participate in classes on a particular day or days or at a particular time of day due to circumstances related to their Article 26A status must be excused. Upon request of the Article 26A Student or their parent/guardian, the student must be given a meaningful opportunity to make up any examination, study, or work requirement that the student missed. 105 ILCS 5/26A-40(d), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*. The Article 26A Resource Person will notify all building staff members and Article 26A Students of this requirement.

Confidentiality [9]

Information concerning a student's Article 26A status and related experiences is confidential and must be retained in a confidential temporary file in accordance with 105 ILCS 10/2(f). 105 ILCS 5/26A-45(a), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*. This includes information concerning a student who is a named perpetrator of domestic or sexual violence that is provided to or otherwise obtained by the District or its employees or agents pursuant to 105 ILCS 5/26A or otherwise, including a statement of the Article 26A Student or any other documentation, record, or corroborating evidence that the Article

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[9] Language in this subhead is partially 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.

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26A Student has requested or obtained assistance, support, or services pursuant to 105 ILCS 5/26A. 105 ILCS 5/26A-30(a), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.

Confidential information may not be disclosed to any other individual outside of the District, including any other employee,[10] except if such disclosure is (Id.):

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).

In addition:

3. Prior to disclosing information about an Article 26A Student, the Article 26A Resource Person will notify the Article 26A Student about the pending disclosure and will discuss and address any safety concerns related to the disclosure. This notice and discussion requirement applies to instances in which the Article 26A Student or the District or its employees or agents are otherwise aware that the Article 26A Student's health or safety may be at risk if their Article 26A status is disclosed to the student's parent/guardian, except as otherwise permitted by applicable law and professional ethics policies that govern school personnel. 105 ILCS 5/26A-30(b), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.
4. No Article 26A Student may be required to testify publicly concerning their Article 26A status, allegations of domestic or sexual violence, or their efforts to enforce any rights under 105 ILCS 5/26A. 105 ILCS 5/26A-30(c), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.
5. In the case of domestic or sexual violence, the District cannot contact the person named as the perpetrator, the perpetrator's family, or any other person named by the Article 26A Student or the student's parent/guardian as unsafe without providing prior written notice to the student's parent/guardian. 105 ILCS 5/26A-30(d), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*. **Contact the board attorney for guidance in such circumstances.**

Nothing in this subhead prohibits the District from taking reasonable steps to protect students. If reasonable steps involve conduct that is prohibited under this subhead, the Article 26A Resource Person notify the Article 26A Student, in writing and in a developmentally appropriate communication format, of the District's intent to contact an individual named by the Article 26A Student to be unsafe. Id.

This subhead does not apply to notification of parents/guardians if the perpetrator of alleged sexual misconduct is an employee, agent, or contractor of the District who has direct contact with children or students. 105 ILCS 5/26A-30(e), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*.

Recordkeeping

See Board policy 7:340, *Student Records*, along with administrative procedures 7:340-AP1, *School Student Records*, and 7:340-AP2, *Storage and Destruction of School Student Records*, addressing the District's legal obligations regarding the identification, confidentiality, safeguarding, access, and disposal of school student records.

Policy and Procedure Review

The footnotes should be removed before the material is used.

[10] 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.**

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Every two years, the Superintendent or designee, along with the Building Principal(s), building-level Student Support Committee(s), and building-level Article 26A Resource Person(s), must review all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and recommend any necessary updates. The review may include, but is not limited to, the following Board policies and administrative procedures:

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*
7:10-AP2, *Accommodating Breastfeeding Students*
7:50, *School Admissions and Student Transfers To and From Non-District Schools*
7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*
7:60, *Residence*
7:70, *Attendance and Truancy*
7:190, *Student Behavior*
7:200, *Suspension Procedures*
7:210, *Expulsion Procedures*
7:250, *Student Support Services*
7:250-AP2, *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, *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*
7:340, *Student Records*
7:340-AP1, *School Student Records*

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Students

Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence [1]

105 ILCS 5/26A (Article 26A) ensures that students who are parents, expectant parents, or victims of domestic or sexual violence (Article 26A Students) are identified by schools in a manner respectful of their privacy and safety, treated with dignity and high regard, and provided the protection, instruction, and support services necessary to enable them to meet Illinois Learning Standards and succeed in school. This procedure implements the District's complaint resolution procedure for complaints of violations of Article 26A. **Consult the Board Attorney as needed throughout the complaint resolution procedure.**

Table of Contents

A. Overview of Article 26A Complaint Resolution Procedure
B. Access to Support Services
C. Investigation and Determination
D. Appeals

Sections

A. Overview of Article 26A Complaint Resolution Procedure

An Article 26A Student and/or their parent/guardian (hereinafter Complainant) may file a complaint alleging violations of Article 26A. Complaints may be about the identification, treatment, and/or provision of protection, instruction, and/or support services to Article 26A Students. The District's Article 26A Complaint Resolution Procedure (Complaint Resolution Procedure) adheres to the following guidelines:

1. Respondent. The Respondent must be one or more of the following: the school, the District, or school personnel. 105 ILCS 5/26A-25(a), ~~added by P.A. 102-466,~~ a/k/a *the Ensuring Success in School (ESS) Law*, ~~eff. 7-1-25~~.
2. Factors Considered. The District will consider the most appropriate means to implement the Complaint Resolution Procedure, including the following factors: school safety, developmental level of students involved, methods to reduce trauma during the Complaint Resolution Procedure, and how to avoid multiple communications with students involved in an alleged incident of domestic or sexual violence. Id. at (a)(1).
3. Privacy Protection. Any proceeding, meeting, or hearing held to resolve Article 26A complaints shall protect the privacy of the participants. The District or school personnel shall not disclose the identity of parties or witnesses, except as necessary to resolve the complaint or to implement interim protective measures and reasonable support services or when required by law. Id. at (a)(2).

The footnotes should be removed before the material is used.

[1] Required by 105 ILCS 5/26A-25, amended by P.A. 104-803 ~~added by P.A. 102-466~~, a/k/a *the Ensuring Success in School (ESS) Law*, ~~eff. 7-1-25~~. This procedure is partially based on language recommended by the second ESS Task Force. See the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf. Ensure that this sample Article 26A complaint resolution procedure is aligned with the district's policies, procedures, and practices. ISBE non-regulatory guidance on the *ESS Law* is available at: www.isbe.net/Documents/Ensuring-Success-in-School.pdf.

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4. Promptness. Complainants shall have an opportunity to request that the Complaint Resolution Procedure begin promptly and proceed in a timely manner. Id. at (a)(3).
5. No Conflict of Interest or Bias. The District's Nondiscrimination Coordinator(s) and Complaint Manager(s) (hereinafter Complaint Resolvers) shall resolve Article 26A complaints. The District will have a sufficient number of Complaint Resolvers so that (Id. at (b)(2)):
    a. A substitution can occur in the case of a conflict of interest or recusal,
    b. An individual with no prior involvement in the initial determination may hear any appeal, and
    c. The Complaint Resolution Procedure proceeds in a timely manner.
6. Notification of Complaint Resolver. The Complainant and any witnesses shall receive notice of the name of the Complaint Resolver assigned to resolve the Complaint and shall have the opportunity to request a substitution if they believe their assigned Complaint Resolver has a conflict of interest. Id. at (b)(3).
7. Access to Supportive Measures. The District shall offer and coordinate interim protective measures and support services, as appropriate and available, for a Complainant pending the resolution of the Complaint. Id. at (g). See **Section B. Access to Supportive Measures**, below.
8. Investigation. The Complaint Resolver shall objectively investigate the Complaint and evaluate all relevant evidence.[2] See **Section C. Investigation and Determination**, below.
9. Reports of Incidents of Domestic or Sexual Violence. In the event a Complainant or their parent/guardian chooses to report an incident of alleged domestic or sexual violence, the Complaint Resolver shall:
    a. Determine if additional action is needed under the following Board policies:
        1) 2:260, *Uniform Grievance Procedure*
        2) 2:265, *Title IX Grievance Procedure*
        3) 5:90, *Abused and Neglected Child Reporting*
        4) 5:120, *Employee Ethics; Conduct; and Conflict of Interest*
        5) 7:20, *Harassment of Students Prohibited*
        6) 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*
        7) 7:185, *Teen Dating Violence Prohibited*
        8) 7:190, *Student Behavior*
    b. Provide the Complainant and their parent/guardian with information required by 105 ILCS 5/26A-20(c)(1)-(5). [3]

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[2] Optional. This is a suggested best practice.

[3] 105 ILCS 5/26A-20(c)(1)-(5), ~~added by P.A. 102-466,~~ a/k/a *ESS Law*, ~~eff. 7-1-25,~~ states that 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 must include the elements set forth in No. 9(b), many of which are impractical for districts to provide in board policy or administrative procedure. For further discussion, see f/n 10 in sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and **consult with the board attorney for guidance**.

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Information Required by 105 ILCS 5/26A-20(c)	Possible Sources
The name and contact information for the Article 26A Resource Person, Title IX Coordinator, school district resource officers or security, and any community-based domestic or sexual violence organization(s), as appropriate.	The name and contact information for each building-level Article 26A Resource Person appears in administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, as well as in any building-specific website and/or student handbook. See exhibits 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and 7:190-E2, *Student Handbook Checklist.* The name and contact information of the District's Title IX coordinator(s) are available in Board policy 2:265, *Title IX Grievance Procedure*, on the District's website, and in student handbooks. Contact each school's administrative office for information about building-level resource officers or security and local community-based domestic or sexual violence organization(s).
The name, title, and contact information for any confidential resources and a description of what confidential reporting means.	See exhibit 2:265-E, *Title IX Glossary of Terms*, for a definition of *confidential employee*. **Consult the Bboard Aattorney** to determine whether the Ddistrict has any confidential resources.
An option for the student or their parent/guardian to electronically, anonymously, and confidentially report the incident.	Electronic, anonymous, confidential reporting is available via the Safe2Help Illinois helpline, www.safe2helpil.com/. Helpline information is published in student handbooks (see exhibit 7:190-E2, *Student Handbook Checklist*) and on district-issued student identification cards, if any (see administrative procedure 7:290-AP, *Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program*).
An option for reports by third parties and bystanders.	Third parties and bystanders may report an alleged incident of domestic or sexual violence using any of the following policies, as appropriate: 2:260, *Uniform Grievance Procedure* 2:265, *Title IX Grievance Procedure* 5:90, *Abused and Neglected Child Reporting* 7:20, *Harassment of Students Prohibited* 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment* 7:185, *Teen Dating Violence Prohibited*

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	7:190, *Student Behavior*
Information regarding the various individuals, departments, or organizations to whom a student may report an incident of domestic or sexual violence, specifying for each individual or entity (a) the extent of the individual's or entity's reporting obligation to the District's administration, Title IX Coordinator, or other personnel or entity, (b) the individual or entity's ability to protect the student's privacy, and (c) the extent of the individual's or entity's ability to have confidential communications with the student or their parent/guardian.	Students may report an alleged incident of domestic or sexual violence via the Safe2Help Illinois helpline (www.safe2helpil.com/), by contacting any staff member or school resource officer, or using any of the following policies: 2:260, *Uniform Grievance Procedure* 2:265, *Title IX Grievance Procedure* 7:20, *Harassment of Students Prohibited* 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment* 7:185, *Teen Dating Violence Prohibited* 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence* Information regarding local community-based domestic or sexual violence organizations may also be available in each school's administrative office. The extent of an individual or entity's reporting obligations, ability to protect student privacy, and ability to have confidential communications is fact-specific and impractical to include in district-level policy or procedures. It is also beyond the scope of the District's work to know an outside individual's or entity's reporting obligations, ability to protect student privacy, and ability to have confidential communications. **Consult the Board Attorney for guidance.**

10. Standard of Proof. All determinations are based upon the *preponderance of evidence* standard. Id. at (c)(1). Preponderance of the evidence is defined to mean "the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force." Black's Law Dictionary, 11th ed. 2019.
11. Right to Appeal. The Complainant, Respondent, or any named perpetrator directly impacted by the results of the Complaint Resolution Procedure may appeal as described in **Section D. Appeals**, below.

B. Access to Support Services

After a Complaint is filed and an investigation is underway, the District will offer and coordinate interim protective measures and support services, as appropriate and available, for a Complainant pending the resolution of the Complaint. Such services will include those identified in the **Article 26A Support Services** subheading in administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

C. Investigation and Determination

The Complaint Resolver follows these steps when investigating the allegations in a Complaint. The Complaint Resolver shall make all reasonable efforts to complete the investigation and issue a written determination regarding whether an Article 26A violation occurred within 30 school business days. The Complaint Resolver will take steps to interview all parties, view any recorded

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forensic interviews, review other forms of evidence, and conduct interviews and follow-up interviews, as needed.

During the investigation, the Complainant and Respondent:

1. Will have the opportunity to provide or present evidence and witnesses on their behalf;
2. May have a representative or support person accompany them to any meeting related to the Complaint, so long as the representative or support person does not unduly delay the meeting and the representative or support person complies with any District rules;
3. May not directly or through a representative question one another or any witnesses; and
4. May, at the discretion of the Complaint Resolver, suggest questions for the Complaint Resolver to pose during the investigation.

Witnesses interviewed by the Complaint Resolver may also have a representative or support person accompany them to any meeting related to the Complaint, under the same conditions identified above. If any person's representative or support person violates District rules or engages in behavior or advocacy that is harassing, abusive, or intimidating, the representative or support person may be prohibited from further participation. Id. at (c)-(e).

Following the investigation, the Complaint Resolver will make a determination based on the *preponderance of evidence* standard. Within 10 business days after thereafter, the Complaint Resolver will provide simultaneous written notice of the determination to the Complainant, Respondent, and any named perpetrator directly impacted by the results of the Complaint Resolution Procedure. Written notice shall include information regarding appeal rights and procedures. Id. at (f).

D. Appeals

Actor	Action
Complainant, Respondent, or any Named Perpetrator Directly Impacted by Results	Within 10 school business days[4] after receiving notice of the determination, makes a written request to the Complaint Resolver appealing the determination based on allegations of (Id. at (f)(1)): 1. A procedural error; 2. The existence of new information that would substantially change the outcome; 3. The remedy not being sufficiently related to the finding; or 4. The determination being against the weight of the evidence.
Complaint Resolver	Upon receiving an appeal from one party: 1. Notifies all parties in writing that an appeal has been filed, including a copy of the appeal with the notifications. 2. Provides the parties five (5) school business days to submit a written statement and/or new evidence in support of, or challenging, the outcome to the Complaint Resolver. 3. Promptly forwards all materials relative to the appeal to the Superintendent.
Superintendent	Reviews all appeal materials.

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[4] This timeline is optional and suggested for ease of use to align with the appeal timelines in sample policy 2:260, *Uniform Grievance Procedure*.

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	Within ~~10~~ 15 school business days after concluding the review, affirms, reverses, or amends the Complaint Resolver's determination and notifies the parties in writing of the appeal result and rationale for the result. Id. at (f)(3), amended by P.A. 104-803.

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Students

Administrative Procedure - Dispensing Medication

Actor	Action
Parents/Guardians	Ask the child's physician, dentist, or other health care provider who has authority to prescribe medications if a medication, either prescription or non-prescription, must be administered during the school day. *Medication* includes ~~an~~ epinephrine (105 ILCS 5/22-30, amended by P.A.s 104-762, eff. 1-1-27, and 104-803) ~~injector~~, ~~e.g., *EpiPen*®,~~ asthma medication (105 ILCS 5/22-30(a), amended by P.A.104-484, eff. 1-1-27), medical cannabis (105 ILCS 5/22-33(g)), glucagon (105 ILCS 145/27 and 5/22-30, amended by P.A. 104-655, eff. 1-1-27~~, added by P.A. 101-428~~), and any medication required under a plan listed in 105 ILCS 5/10-22.21b(c), amended by P.A. 103-175~~added by P.A. 101-205~~, for a student's self-administration of medication. **For a student using medical cannabis**: The parent/guardian is responsible for providing the school with copies of the valid registry identification cards issued to their child and the child's designated caregiver as required by the Ill. Dept. of Public Health. The student's parent/guardian must also ask the student's health care provider to complete a *School Medication Authorization Form – Medical Cannabis*. 105 ILCS 5/22-33(b-5)~~, added by P.A. 101-370~~. The designated caregiver shall be allowed to administer a *medical cannabis infused product* (product) to the student on the premises of the child's school or on the child's school bus. The product must be immediately removed from school premises or the school bus after administration. 105 ILCS 5/22-33(b)~~, amended by P.A.s 101-363 and 101-370~~. **Note:** State law does not require school personnel to administer medical cannabis to students. The school nurse or an administrator is allowed to administer a 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 attends 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)~~, added by P.A. 101-370~~. The District may also allow a qualifying student to self-administer product if the self-administration takes place under the direct supervision of a school nurse or administrator. Id. A product administered by a school nurse or administrator, or self-administered under the supervision of a school nurse or administrator, must be stored at school 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

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Actor	Action
	nurse or an administrator. 105 ILCS 5/22-33(b-10)~~, added by P.A. 101-370~~. **For a student with diabetes**: The parent/guardian is responsible for sharing the health care provider's instructions. When the student is at school, the student's diabetes will be managed according to a diabetes care plan, if one exists. To the extent there is any conflict between the diabetes care plan and this Procedure, the diabetes care plan shall control. See Care of Students with Diabetes Act, 105 ILCS 145/. Last, the Public Self-Care of Diabetes Act allows a person with diabetes (or a parent/guardian of a person with diabetes) to self-administer insulin (or administer insulin) in any location, public or private, where the person is authorized to be irrespective of whether the injection site is uncovered during or incidental to the administration of insulin (410 ILCS 135/). **For a student with epilepsy**: The parent/guardian is responsible for sharing the health care provider's instructions. When the student is at school, the student's epilepsy will be managed according to a seizure action plan, if one exists. To the extent there is any conflict between the seizure action plan and this Procedure, the seizure action plan shall control. See Seizure Smart School Act, 105 ILCS 150/~~, added by P.A. 101-50~~. **For a student with asthma**: The parent/guardian is responsible for sharing the student's asthma action plan. When the student is at school, the student's asthma will be managed according to an asthma action plan, if one exists. To the extent there is any conflict between the student's asthma action plan and this Procedure, the asthma action plan shall control. See 105 ILCS 5/22-30(j-5). Asthma emergencies shall be managed pursuant to the District's asthma emergency response protocol. 105 ILCS 5/22-30(j-10). **Note:** The Ill. State Board of Education (ISBE)'s model asthma episode emergency response protocol required by 105 ILCS 5/22-30(j-10), ~~-~~that must be incorporated in the District's procedure is available at: www.isbe.net/Documents/asthma_response_protocol.pdf. When developing the District's model protocol, consider that a district may be liable for injury to an asthmatic student during a medical emergency if the district does not respond by immediately calling 911. See 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). Consult the board attorney about: (1) whether all asthma action plans should require immediate 911 calls based upon Stewart; and (2) the duties and responsibilities of a 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.

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Actor	Action
	A student with asthma is allowed to self-administer and self-carry asthma medication if the student's parents/guardians provides the school with: (1) written authorization for the self-administration and/or self-care of asthma medication; and (2) the prescription label containing the name of the asthma medication, the prescribed dosage, and the time at which or circumstances under which the asthma medication is to be administered. 105 ILCS 5/22-30(b). **For a student self-administering medication**: A student with an asthma action plan, an Individual Health Care Action Plan, an Illinois Food Allergy Emergency Action and Treatment Authorization Form[1], 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 is allowed to 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 with the medication is to be administered. 105 ILCS 5/10-22.1b(c)~~, added by P.A. 101-205~~. If the child's physician, physician assistant, advanced practice registered nurse, dentist, or other health care provider who has authority to prescribe medications authorizes a child to self-administer medication, then ask the health care provider to complete a *School Medicine Authorization Form* (*SMA Form*). **This form must be completed and given to the school before the school will store or dispense any medication, before a child may possess asthma medication or an epinephrine ~~injector~~delivery system, and before a child will be allowed to self-administer any medication.** If a student is on a medication on an indefinite or long-term basis, file a new *SMA Form* every year. Bring the medication to the school office. If the medicine is for asthma or ~~is an~~ the use of an epinephrine delivery system ~~injector~~, a student may keep possession of it for immediate use at the student's 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. 105 ILCS 5/22-30(e), amended by P.A. 104-762, eff. 1-1-27, and 104-803.

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

[1] See sample policy 7:270, *Administering Medicines to Students*, at f/n5, for a discussion about this form that the Ill. State Board of Education retired in 2022 but still appears by name in 105 ILCS 5/10-22.21b, 5/22-30(b-5), and 5/22-30(b-10).

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Actor	Action
	Bring other prescription medications to the school in the original package or appropriately labeled container. The container shall display: Student's name Prescription number Medication name and dosage Administration route and/or other direction Date(s) and Time(s) to be taken Licensed prescriber's name Pharmacy name, address, and phone number Bring non-prescription medications to school in the manufacturer's original container with the label indicating the ingredients and the student's name affixed. At the end of the treatment regime, remove any unused medication from the school. If the student is at risk of anaphylaxis, follow the procedures for Individual Allergy Management in 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*.
School Office Personnel	Provide a copy of these procedures, as well as an *SMA Form*, to inquiring parents/guardians. If the building has no school nurse and a student is identified as having asthma, request the student's parent/guardian to share their child's asthma action plan. If the plan is provided, keep it on file in the school nurse's office or, in the absence of a school nurse, the Building Principal's or designee's office. Tell the school nurse or Building Principal or designee of the receipt of the plan as soon as possible so that he/she may provide copies of it to appropriate school staff interacting with the student on a regular basis and, if applicable, attach it to the student's Section 504 plan or Individualized Education Program (IEP). 105 ILCS 5/22-30(j-5). Whenever a parent/guardian brings medication for a student to the office, summon the school nurse. If the school nurse is unavailable, accept the medication, provided the parent/guardian submits a completed *SMA Form* and the medication is packaged in the appropriate container. Put the medication in the appropriate locked drawer or cabinet. Tell the school nurse about the medication as soon as possible.
School Nurse (certificated school nurse or non-certificated registered professional nurse)	Ensure that a parent/guardian who brings medication for his or her child has complied with the parent/guardian's responsibilities as described in this administrative procedure. If a student is identified as having asthma, request the student's parent/guardian to share their child's asthma action plan. If the plan is provided, keep it on file in the school nurse's office. Provide copies of it to appropriate school staff who interact with the student on a regular basis

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	and, if applicable, attach it to the student's Section 504 plan or IEP. 105 ILCS 5/22-30(j-5). In conjunction with the licensed prescriber and parent/guardian, identify circumstances, if any, in which the student may self-administer the medication and/or carry the medication. A student will be permitted to self-administer medication in accordance with 105 ILCS 5/10-22.1b(c)~~, added by P.A. 101-205~~. A student may be permitted to self-administer a medical cannabis infused product in accordance with 105 ILCS 5/22-33(b-5)~~, added by P.A. 101-370~~. A student will be permitted to carry and self-administer medication for asthma or an epinephrine ~~injector~~delivery system, 105 ILCS 5/22-30(e), amended by P.A. 104-762, eff. 1-1-27, and 104-803. Develop an emergency action plan for a student who self-administers medication in accordance with 105 ILCS 5/10-22.21b(c), amended by P.A. 103-175~~ added by P.A. 101-205~~. The plan must include (105 ILCS 5/10-22.21b(d)~~, added by P.A. 101-205~~): 1. A plan of action in the event a student is unable to self-administer medication, and 2. The situations in which a school must call 911. For students at risk of anaphylaxis, follow the procedures for Individual Allergy Management in 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, which include the development of an emergency action plan. Prior to administering a medical cannabis infused product in accordance with 105 ILCS 5/22-33(b-5)~~, added by P.A. 101-370~~, annually complete the medical cannabis infused product administration training curriculum developed by ISBE. 105 ILCS 5/22-33(f-5)~~, added by P.A. 101-370~~. See training resources at: www.isbe.net/Pages/Health.aspx. Store the medication in a locked drawer or cabinet. A student may keep possession of medication for asthma or an epinephrine ~~injector~~delivery system. Medications requiring refrigeration should be refrigerated in a secure area. Plan with the student the time(s) the student should come to the nurse's office to receive medications. Document each dose of the medication in the student's individual health record. Documentation shall include date, time, dosage, route, and the signature of the person administering the medication or supervising the student in self-administration. Assess effectiveness and side effects as required by the licensed prescriber. Provide written feedback to the licensed prescriber and the parent/guardian as requested by the licensed prescriber.

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	Document whenever the medication is not administered as ordered along with the reasons. If the parent/guardian does not pick up the medication by the end of the school year, discard the medication in the presence of a witness.
Building Principal	Supervise the use of these procedures. Perform any duties described for school office personnel, as needed. Perform any duties described for school nurses, as needed, or delegate those duties to appropriate staff members. No staff member shall be required to administer medications to students, except school nurses, non-certificated and registered professional nurses, and administrators. 105 ILCS 5/10-22.21b(b)~~, amended by P.A. 101-205~~. Make arrangements, in conjunction with the parent/guardian, supervising teachers, and/or bus drivers for the student to receive needed medication while on a field trip. For students at risk of anaphylaxis, follow the procedures for Individual Allergy Management in 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*.

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.
23 Ill.Admin.Code §1.540.
In re Estate of Stewart, 406 Ill.Dec. 345 (2nd Dist. 2016).
In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017).

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