

Operational Services

Administrative Procedure - Comprehensive Safety and Security Plan¹

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Attachment A – School Emergency Operations and Crisis Response Plan Format

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A. Safety and Security Related Administrative Procedures and Forms

Administrative material on school safety and security may be implemented under this plan, including, without limitation, any in the following list.

4:60-AP3	<i>Criminal History Records Check of Contractor Employees</i>
4:110-AP1	<i>School Bus Post-Accident Checklist</i>
4:110-AP3	<i>School Bus Safety Rules</i>
4:110-E	<i>Emergency Medical Information for Students Having Special Needs or Medical Conditions Who Ride School Buses</i>
4:160-AP	<i>Environmental Quality of Buildings and Grounds</i>
4:170-AP1, E1	<i>Accident or Injury Form</i>
4:170-AP1, E2	<i>Memo to Staff Members Regarding Contacts by Media About a Crisis</i>
4:170-AP2	<i>Routine Communications Concerning Safety and Security</i>
4:170-AP2, E1	<i>Letter to Parents/Guardians Regarding Student Safety</i>
4:170-AP2, E2	<i>Letter to Parents/Guardians Regarding the Dangers of Underage Drinking</i>

The footnotes should be removed before the material is used.

¹ This procedure follows the recommendations in the *Guide for Developing High-Quality School Emergency Operations Plans*, produced by a collaboration of federal agencies in 2013, at www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf. The *Guide* informs schools what they *need* to do, not *what* to do. It recommends a process for developing, implementing, and continually refining a school emergency operations plan as well as a discussion of its form, function, and content.

4:170-AP2, E3	<i>Letter to Parents/Guardians About Disruptive Social Media Apps; Dangers</i>
4:170-AP2, E4	<i>Letter to Parents/Guardians About Preventing and Reducing Incidences of Sexting</i>
4:170-AP2, E5	<i>Notice to Parents/Guardians of Lockdown Drill; Opt-out</i>
4:170-AP4	<i>National Terrorism Advisory System</i>
4:170-AP5	<i>Unsafe School Choice Option</i>
4:170-AP6	<i>Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED</i>
4:170-AP6, E1	<i>School Staff AED Notification Letter</i>
4:170-AP6, E2	<i>Notification to Staff and Parents/Guardians of CPR and AED Video</i>
4:170-AP8	<i>Movable Soccer Goal Safety</i>
4:175-AP1	<i>Criminal Offender Notification Laws; Screening</i>
4:175-AP1, E1	<i>Informing Parents/Guardians About Offender Community Notification Laws</i>
4:180-AP1	<i>School Action Steps for Pandemic Influenza or Other Virus/Disease</i>
4:180-AP2	<i>Pandemic Influenza Surveillance and Reporting</i>
4:190	<i>Targeted School Violence Prevention Program</i>
4:190-AP1	<i>Targeted School Violence Prevention Program</i>
4:190-AP1, E1	<i>Targeted School Violence Prevention Program Resources</i>
4:190-AP2	<i>Threat Assessment Team (TAT)</i>
4:190-AP2, E1	<i>Principles of Threat Assessment</i>
4:190-AP2, E2	<i>Threat Assessment Documentation</i>
4:190-AP2, E3	<i>Threat Assessment Key Areas and Questions; Examples</i>
4:190-AP2, E4	<i>Responding to Types of Threats</i>
4:190-AP2, E5	<i>Threat Assessment Case Management Strategies</i>
4:190-AP2, E6	<i>Targeted School Violence Prevention and Threat Assessment Education</i>
6:235-E4	<i>Keeping Yourself and Your Kids Safe On Social Networks</i>
6:235-E5	<i>Children's Online Privacy Protection Act</i>
7:140-AP	<i>Use of Metal Detectors and Searches for Student Safety</i>
7:140-E	<i>Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act</i>

7:150-AP	<i>Agency and Police Interviews</i>
7:280-AP	<i>Managing Students with Communicable or Infectious Diseases</i>
7:290-AP	<i>Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program</i>

B. Definitions

SEOCR is a School Emergency Operations and Crisis Response Plan² (formerly *Emergency Operations Plan*). Each school or facility has an *SEOCR*.

First responders are local law enforcement, fire department officials, emergency medical services personnel, and any other entity in the community that provides emergency assistance.

Incident means any event or occurrence that threatens the safety and security of individuals on school property or at school events.

District Safety Coordinator is the individual who manages the District’s safety and security efforts.

Safety Team is the Superintendent’s administrative committee that is responsible for its respective *SEOCR*. Each school or facility has a Safety Team.

SRO means school resource officer, defined as a law enforcement officer who has been primarily assigned to a school or school district under an agreement with a local law enforcement agency.³

C. District Safety Coordinator and Safety Team; Responsibilities

The Superintendent appoints an administrator to be the **District Safety Coordinator** to manage the District’s safety and security efforts and serve as the District’s spokesperson during a crisis or emergency.

The Superintendent appoints members of a **Safety Team** for each school or facility, with input from the District Safety Coordinator and each school’s Building Principal. The Building Principal and SRO, if any, shall be members of the Safety Team.

The District Safety Coordinator and each school’s Safety Team are responsible for developing, implementing, and maintaining a **SEOCR** with the following objectives as explained in FEMA’s *Guide for Developing High-Quality School Emergency Operations Plans (2013)*, at www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf:

- **Prevention**, meaning the capabilities needed to avoid, deter, or stop an incident. Prevention requires the use of: (a) research-based principles of safety and security, (b) an ongoing analysis of data (e.g., incident and inspection reports, complaints, suggestions), and (c) an ongoing program for identifying and evaluating unreasonable risks.
- **Protection**, meaning the capabilities needed to secure schools against violence and manmade or natural disasters. Protection focuses on ongoing actions that protect students, teachers, staff, visitors, networks, and property from a threat or hazard.

The footnotes should be removed before the material is used.

² The term *emergency operations and crisis response plan* is used because federal agencies refer to school *emergency operations plans*, and the School Safety Drill Act (105 ILCS 128/) refers to *emergency and crisis response plans*.

³ 105 ILCS 5/10-20.68.

- **Mitigation**, meaning the capabilities needed to reduce the likelihood or impact of an incident or emergency. Mitigation requires, among other things, high-quality training, and instruction programs to execute and improve the SEOCRCP.
- **Response**, meaning the capabilities needed to stabilize an incident, save lives, establish a safe and secure environment, and facilitate the transition to recovery. Effective response requires, among other things, a clear, rapid, factual, and coordinated system of internal and external communication.
- **Recovery**, meaning the capabilities needed to restore the learning environment.

D. Safety Team Meetings

The District Safety Coordinator chairs the Safety Team meetings. The meetings are held as determined by the District Safety Coordinator. **At least once annually, the Safety Team shall request the participation of first responders and the Board Attorney in a meeting to review and provide input.** The following matters are suggested agenda items:

- Review the agenda and determine who will take meeting notes.
- Review the notes from the previous meeting.
- Discuss the status of previously submitted recommendations.
- Receive, review, and discuss individual and Safety Team committee reports and recommendations concerning one or more items below.
 1. Safety and security data from incidents, investigations, audits, etc.
 2. Recommendations received from stakeholders and first responders
 3. Emerging issues
 4. Status of the SEOCRCP
 5. Status of the safety and security communication system
 6. Status of training programs
 7. Status of programs to build awareness of, and support for, the SEOCRCP (contests, posters, drives, etc.)
- Clarify information and recommendations for a report to the Superintendent.
- Confirm the Safety Team meeting schedule and review upcoming meeting dates.

E. Annual Safety Review

The District Safety Coordinator facilitates the annual safety review meeting conducted by the School Board or its designee, as required by 105 ILCS 128/25, amended by P.A.s 102-395 [and 103-608, eff. 1-1-25](#), and 128/30. During the annual safety review, the law requires the School Board or its designee to “review each school building’s emergency and crisis response plans, protocols, and procedures, including procedures regarding the District’s threat assessment team, [procedures regarding the District’s cardiac emergency response plan](#), the efficacy and effects of law enforcement drills, and each building’s compliance with the school safety drill programs.” If the school board uses a designee, it should preferably be someone other than the District Safety Coordinator to assure an unbiased audit. The District Safety Coordinator assists the Board or its designee to comply with annual review requirements, including without limitation, the completion of a report certifying that the review took place. See the Ill. State Board of Education (ISBE) website for an annual review checklist and report at: www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx. The Open Meetings Act (OMA) allows the Board to enter closed session to discuss security procedures, school building safety and security, and the use of

personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8). Consult the Board Attorney for assistance with this OMA exception.

F. School Safety Drill Plan

The School Safety Drill Act (105 ILCS 128/, amended by P.A.s 102-395, 102-791, 103-104, ~~eff. 1-1-24~~, and 103-197, and 103-780~~eff. 1-1-24~~) and any implementing State administrative rules shall supersede this procedure in the event of a conflict.

The Building Principal shall keep the Superintendent or designee informed of when drills are scheduled and/or accomplished. ISBE's fillable *School Drill Documentation* form for documenting the completion of minimum drill requirements may be used (see www.isbe.net/Documents/91-02_school_drill_documentation.pdf).

Each academic year, each school building that houses students must conduct a minimum of:

1. **Three school evacuation drills.** These drills prepare students and personnel for situations that occur when conditions outside of a school building are safer than inside a school building. Evacuation may be necessary depending on the circumstances. They may include a fire, suspicious item or person, or incident involving a hazardous material, including but not limited to a chemical, incendiary, explosive, and bomb threat.

One of the three school evacuation drills requires the participation of the appropriate local fire department, unless waived as provided below. A date is selected according to the following timeline:

- No later than **September 1** of each year, the local fire department or fire district must contact the Building Principal in order to make arrangements.
- No later than **September 14** of each year, the Building Principal or designee and the local fire department or fire district may agree to waive the provisions concerning participation by the local fire department in a school evacuation drill.
- No later than **September 15** of each year, each Building Principal or designee must contact the responding local fire official and propose to the local fire official four dates within the month of October, during at least two different weeks of October, on which to hold the drill. The fire official may choose any of the four available dates, and if he or she does so, the drill occurs on that date.
- Alternatively, the Building Principal or designee and the local fire official may, by mutual agreement, set any other date for the drill, including a date outside of the month of October.
- If the fire official does not select one of the four offered dates in October or set another date by mutual agreement, the school does not need to include the local fire service in one of its mandatory school evacuation drills.

After a drill in which the local fire service participated, the Building Principal should request certification from the local fire service that the school evacuation drill was conducted. Additional school evacuation drills for fire incidents may involve the participation of the appropriate local fire department. In addition, schools may conduct additional school evacuation drills to account for other evacuation incidents, including without limitation, suspicious items or bomb threats.

2. **One school bus evacuation drill.** This drill prepares students and school personnel for situations that occur when conditions outside of the bus are safer than inside the bus. Evacuation may be necessary, depending on the circumstances, in the event of a fire,

suspicious items, and incidents involving hazardous materials. Schools may conduct additional bus evacuation drills.

In addition, instruction on safe bus riding practices should be provided for all students. See [administrative procedure 4:110-AP3, School Bus Safety Rules](#).

3. **One severe weather and shelter-in-place drill.** This drill prepares students for situations involving severe weather emergencies or the release of external gas or chemicals. Severe weather and shelter-in-place drills must address and prepare students and school personnel for possible tornado incidents. Other drills shall be based on the needs and environment of particular communities, including severe weather (such as tornadoes, wind shears, lightning, and earthquakes), incidents involving hazardous materials, and incidents involving weapons of mass destruction.
4. **One law enforcement lockdown drill.⁴** This drill addresses a school shooting incident and evaluates the preparedness of school personnel and students for situations calling for the involvement of law enforcement when there is an active threat or an active shooter within a school building. A law enforcement lockdown drill must occur no later than 90 days after the first day of each school year. This drill must be conducted: (a) according to the District's emergency operations and crisis response plan(s), (b) on days and times when students are normally present in the school building, and (c) with the participation of all school personnel and students present at the time of the drill, except for those exempted at the discretion of administrators or school support personnel. The appropriate local law enforcement agency must observe administration of the drill.

Schools must notify parents/guardians in advance of any lockdown drill that involves student participation, and must allow parents/guardians to exempt their child from participating for any reason. The District may, at its discretion, exempt a student from participating in a lockdown drill. 105 ILCS 128/20(c)(4), added by P.A. 102-395. When deciding whether to exempt a student, the District must include the student's individualized education program team or 504 plan team, if any, in the decision. 105 ILCS 128/20(c)(4), amended by P.A. 103-197, [eff. 1-1-24](#). For students who do not participate in the lockdown drill, districts must provide alternative safety education and instruction related to an active threat or active shooter event. For students who do participate in the lockdown drill, districts must allow them to ask questions related to it. See [exhibit 4:170-AP2, E5, Notice to Parent/Guardian of Lockdown Drill; Opt-out](#). In addition, a law enforcement lockdown drill must meet each of the following criteria:

- During each calendar year, the appropriate local law enforcement agency contacts the Building Principal to request participation in the law enforcement lockdown drill. The Building Principal and the local law enforcement agency shall set, by mutual agreement, a date for the drill.
- The lockdown drill involves the onsite participation of the local law enforcement agency, provided that an agreeable date can be reached between the Building Principal and the local law enforcement agency. If the parties cannot reach an agreeable date, the school shall hold the drill without participation from the local law enforcement agency.

The footnotes should be removed before the material is used.

⁴ 105 ILCS 128/20(c), amended by P.A. 102-395. While 105 ILCS 128/20(c) uses both *lockdown drill* and *walk-through lockdown drill*, the terms are synonymous. For brevity, this material uses the term *lockdown drill*.

- After a drill in which local law enforcement participated, the Building Principal should request a certification from local law enforcement that the law enforcement lockdown drill was conducted. The local law enforcement agency shall also notify the school of any deficiencies noted during the drill.
- The lockdown drill cannot include any simulations that mimic an actual school shooting incident or active shooter event. Law enforcement may only run an active shooter simulation, including simulated gun fire drills, on school days when students are not present.
- All lockdown drills must be announced in advance to all school personnel and students prior to the commencement of the drill.
- Lockdown drill content must be age and developmentally appropriate, and must include trauma-informed approaches to address the concerns and well-being of school personnel.
- Lockdown drills must include and involve school personnel, including school-based mental health professionals.

The District Safety Coordinator, in cooperation with the Building Principal, shall encourage local law enforcement agencies to establish a school walk-through program. This program encourages local law enforcement officials to walk through school properties during their patrols with the goal of increasing security (school districts are encouraged, but not mandated, to do this by House Resolution 153 (98th General Assembly, 2013)).

G. School Emergency Operations and Crisis Response Plan (SEOCR)

Each Safety Team shall develop, implement, and maintain a SEOCR using the process below, as explained in FEMA's *Guide for Developing High-Quality School Emergency Operations Plans (2013)*, at: www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf:

1. Develop a schedule and invite the participation of first responders.
2. Identify threats and hazards, assess risks, and prioritize threats and hazards.
3. Determine goals and objectives.
4. Develop, review, evaluate, and maintain the SEOCR.
5. Share the SEOCR with stakeholders and train them. This includes, without limitation, having the SEOCR accessible in a digital format.

Each SEOCR shall include a plan for local law enforcement to rapidly enter a school building in an emergency. 105 ILCS 128/550 (final citation pending), added by P.A. 103-194 and renumbered by P.A. 103-605, eff. 1-1-24.

Each SEOCR shall be in the format suggested by and explained in FEMA's *Guide for Developing High-Quality School Emergency Operations Plans (2013)*, at www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf. See also *The Role of Districts in Developing High-Quality School Emergency Operations Plans: A Companion to the School Guide (2019)*, at: https://rems.ed.gov/docs/District_Guide_508C.pdf; and the **Attachment** to this procedure.

H. Material to be Included in Each SEOCR

Each school Safety Team annually gathers and/or renews the following material for inclusion in the SEOCR:

1. District-level Targeted School Violence Prevention Plan. See Board policy 4:190, *Targeted School Violence Prevention Program*, and [administrative procedure 4:190-AP1, Targeted School Violence Prevention Program](#).
2. Building-level Threat Assessment Team procedures. See [administrative procedure 4:190-AP2, Threat Assessment Team \(TAT\)](#).
3. Building evacuation protocol. The Building Principal or designee shall: (a) keep a comprehensive evacuation map - describing main and alternate routes - in the main office, (b) post signs containing main and alternate evacuation routes for each occupied area in a conspicuous place, preferably near the exit, (c) prepare evacuation plans for outdoor areas (playgrounds and stadiums), and (d) keep all staff informed of the evacuation plans.
4. Documents concerning safety drills. The Building Principal shall schedule, execute, and document safety drills as per the School Safety Drill Act (105 ILCS 128/, amended by P.A.s 102-395, 102-791, 103-104, ~~eff. 1-1-24~~, and 103-197, [and 103-780](#)~~eff. 1-1-24~~) and this procedure.
5. Maps and layouts, including: (a) campus map, (b) building floor plan, (c) location of first aid kits, [automated external defibrillators \(AEDs\)](#), fire extinguishers, and any trauma kits (105 ILCS 5/10-20.85, added by P.A. 103-128), and (d) map or plan describing the areas to be used in the event of an emergency or crisis for triage, emergency helicopter landing, media center, non-victim students, and parents/guardians. The Safety Team or Principal shall annually give a copy of these to first responders.
6. A protocol to secure a list of people present in the building at any time.
7. Tornado response plan, including a map showing tornado wall locations (105 ILCS 128/25).
8. Carbon monoxide alarm or detector activation plans, protocols, and procedures (105 ILCS 5/10-20.57 and 430 ILCS 135/).
9. The safety equipment's maintenance schedule and the person(s) responsible.
10. An emergency early dismissal protocol.
11. A plan for inviting warnings or tips, e.g., a hotline or website for individuals to make anonymous tips.
12. A protocol for student supervision in the event of an emergency or crisis.
13. A safety patrol plan (105 ILCS 5/10-22.28).
14. Bicycle use rules.
15. Roadway and parking rules.
16. [Emergency Procedures to be followed in cases of injury to or sudden illness of students and/or staff and injuries at school and school events \(23 Ill.Admin.Code §1.530\(c\)\)](#).
17. [A cardiac emergency response plan in accordance with guidelines set forth by the American Heart Association or other nationally recognized, evidence-based standard that addresses the appropriate response to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency \(105 ILCS 128/60, added by P.A. 103-608, eff. 1-1-25\). The plan must include:](#)

- a. [Procedures to follow during a cardiac emergency:](#)
- b. [A list of every AED that is present and clearly marked or easily accessible at school athletic venues and events and at school, and the maintenance schedule for the AEDs; and](#)
- c. [The provision of information on hands-only cardiopulmonary resuscitation and use of AEDs to teachers, administrators, coaches, assistant coaches, and other school staff as identified by administrators, in accordance with 105 ILCS 110/3. Id.](#)

~~16.~~ [See the American Heart Association's cardiac emergency response plan template and implementation materials, at \[www.heart.org/CERP\]\(http://www.heart.org/CERP\).](#)

~~17-18.~~ A plan for giving students instructions on safe school bus riding practices, including the operation and use of emergency doors and windows (as a means of escape), seat belts, and fire extinguisher (105 ILCS 128/20(b)). The District's parent-teacher advisory committee, in cooperation with school bus personnel, establishes and maintains bus safety rules (105 ILCS 5/10-20.14). See [administrative procedure 4:110-AP3, School Bus Safety Rules](#).

~~18-19.~~ Safety and security related administrative material. See section A, above.

~~19-20.~~ The location of any door security locking means and the use of the locking and unlocking means from within and outside the room(s) (105 ILCS 5/10-20.72, renumbered by P.A. 102-558).

~~20-21.~~ Other documents identified by the Safety Team.

I. Managing Communications During and About an Emergency or Crisis

The District Safety Coordinator, with assistance from the Safety Team, is responsible for compiling information and preparing communications concerning an emergency or crisis. The District Safety Coordinator serves as the spokesperson during a crisis or emergency. All District communications should come from this source to ensure accuracy, credibility, and compliance with laws granting confidentiality to student records.

The spokesperson shall follow best practices for spokespersons during an emergency or crisis and receive training on public relations. The Board Attorney serves as a resource to the spokesperson. The objective is:

- To provide the maximum amount of verified information to staff members, students' family members, and the media as quickly as possible,
- While simultaneously respecting student privacy and complying with laws granting confidentiality to student records (Ill. School Student Records Act, 105 ILCS 10/; Family Educational Rights and Privacy Act, 20 U.S.C. §1232g). See [administrative procedure 7:340-AP1, School Student Records](#).

All staff members are requested to refrain from spreading information about an emergency or crisis unless the information is from the District Safety Coordinator. All inquiries should be directed to the spokesperson.

Everyone in the school community can positively affect an emergency or crisis situation by:

1. Avoiding speculation as to the cause.

2. Avoiding allocation of blame.
3. Helping school and law enforcement officials gather the facts.
4. Sticking to the facts during discussions.
5. Deferring all media requests to the spokesperson.
6. Comforting and supporting each other.

J. Required Notices

A school staff member shall immediately notify the Building Principal when he or she:

1. Observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision. 105 ILCS 5/10-27.1A(a).
2. Observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident. 105 ILCS 5/10-27.1B.
3. Observes a battery committed against any staff member or is subject to a battery. 105 ILCS 5/10-21.7, amended by P.A. 102-894.

Upon receiving a report of No. 1, above, the Building Principal or designee shall immediately notify local law enforcement. 105 ILCS 5/10-27.1A(b), 5/10-27.1B, and 5/10-21.7. In addition, upon receiving a report on any of the above Nos. 1-3, the Building Principal or designee must notify the Superintendent or designee and any involved student's parent/guardian.⁵ See the **Required Notices** subhead of [Board](#) policy 7:190, *Student Behavior*, and [exhibit 3:60-E](#), *Event Reporting and Notice Requirements for Building Principals Concerning School Safety and Security*.

Upon receiving a report of any of the above Nos. 1-3, the Superintendent or designee shall immediately notify local law enforcement. 105 ILCS 5/10-27.1A(e), amended by P.A.s 103-34, [103-609 \(first to pass both houses\)](#) and [103-780 \(second to pass both houses and controlling\)](#); [105 ILCS 5/10-27.1B\(b\)](#), amended by P.A.s [103-609 \(first to pass both houses\)](#) and [103-780 \(second to pass both houses and controlling\)](#); and [105 ILCS 5/10-21.7](#). The Superintendent or designee will also report [these incidents involving battery against staff members](#) to ISBE through its web-based School Incident Reporting System (SIRS) as they occur during the year ~~and but~~ no later than ~~August 4~~ [July 31](#) for the preceding school year. ~~Id~~ [105 ILCS 5/10-21.7, amended by P.A. 102-894](#).⁶ SIRS is available at www.isbe.net/Pages/School-Incident-Reporting-System.aspx or by going to ISBE's

The footnotes should be removed before the material is used.

⁵ The building principal must notify the student's parent/guardian only when the alleged offense is firearm possession. 105 ILCS 5/10-27.1A(b). The **Required Notices** subhead of sample policy 7:190, *Student Behavior*, and [section J. Required Notices of this sample administrative procedure](#) expands this notification duty to include drug-related incidents and battery of a staff member. See f/n 56 in sample policy 7:190, *Student Behavior* and [f/n 1, above](#). If your board has not expanded this notification duty in policy 7:190, *Student Behavior*, amend the second sentence as follows:

In addition, upon receiving a report on any of the above Nos. 1-3, the Building Principal or designee must notify the Superintendent or designee and, if a student is reportedly in possession of a firearm, also any involved student's parent/guardian.

⁶ [105 ILCS 5/10-27.1 requires reporting through SIRS no later than August 1, while 105 ILCS 5/10-27.1A and 5/10-27.1B both require reporting through SIRS no later than July 31. 105 ILCS 5/10-27.1; 105 ILCS 5/10-27.1A and 5/10-27.1B, both amended by P.A.s 103-609 \(first to pass both houses\) and 103-780 \(second to pass both houses and controlling\). Since reporting no later than July 31 meets all three reporting requirements, this sample administrative procedure states that all reporting will occur no later than July 31.](#)

home page and accessing the District's Web Application Security (IWAS) account. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.

K. Resources

Guide for Developing High-Quality School Emergency Operations Plans: At a Glance
www.rems.ed.gov/K12GuideForDevelHQSchool.aspx

Guide for Developing High-Quality School Emergency Operations Plans
www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf

The Role of Districts in Developing High-Quality School Emergency Operations Plans: A Companion to the School Guide https://rems.ed.gov/docs/District_Guide_508C.pdf

Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center Tool Box www.rems.ed.gov/toolbox.aspx

ALICE (Alert, Lockdown, Inform, Counter, Evacuate) Training Institute www.alicetraining.com

ISBE/OSFM All Hazard Preparedness Guide for Illinois Schools www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx

Illinois Emergency Management Agency (IEMA) www2.illinois.gov/ready/Pages/default.aspx
Schools/Campus – Resources, including School Safety Information Sharing
<https://ready.illinois.gov/plan/schools.html>

Safe2Help Illinois, designed to offer students a safe, confidential way in which to share information that might help prevent suicides, bullying, school violence, or other threats to school safety, www.safe2helpil.com/

Illinois Terrorism Task Force (ITTF) <https://ready.illinois.gov/hazards/terrorism.html>

National Association of School Psychologists (NASP) - Recommendations for Comprehensive School Safety and Crisis Policies www.nasponline.org/resources-and-publications/resources-and-podcasts/school-safety-and-crisis

U.S. Secret Service (USSS) National Threat Assessment Center (NTAC)
www.secretservice.gov/protection/ntac

Improving School Safety Through Bystander Reporting: A Toolkit for Strengthening K-12 Reporting Programs, developed by the USSS NTAC and the Cybersecurity and Infrastructure Security Agency (CISA) www.secretservice.gov/sites/default/files/reports/2023-05/cisa-uss- k-12-bystander-reporting-toolkit-508_final_0.pdf

Bomb Threat Response Planning Tool, developed by the U.S. Dept. of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives and the U.S. Dept. of Education's Office of Safe and Drug Free Schools www.ojp.gov/ncjrs/virtual-library/abstracts/bomb-threat-response-interactive-planning-tool-schools-cd-rom

School Crisis Guide - Help and Healing in a Time of Crisis, published by NEA Health Information Network www.nea.org/resource-library/neas-school-crisis-guide

Attachment A

School Emergency Operations and Crisis Response Plan Format

Basic Plan

- | | |
|--|--|
| 1. Introductory Material | 3. Concept of Operations |
| 1.1 Promulgation Document and Signatures | 4. Organization and Assignment of Responsibilities |
| 1.2 Approval and Implementation | 5. Direction, Control, and Coordination |
| 1.3 Record of Changes | 6. Information Collection, Analysis, and Dissemination |
| 1.4 Record of Distribution | 7. Training and Exercises |
| 1.5 Table of Contents | 8. Administration, Finance, and Logistics |
| 2. Purpose, Scope, Situation Overview, and Assumptions | 9. Plan Development and Maintenance |
| 2.1 Purpose | 10. Authorities and References |
| 2.2 Scope | |
| 2.3 Situation Overview | |
| 2.4 Planning Assumptions | |

Functional Annexes

Note: This is not a complete list, but it is recommended that all SEOCRPs include at least the following functional annexes:

- | | |
|-------------------------------|------------------------------------|
| 1. Communications | 6. Reunification |
| 2. Evacuation | 7. Continuity of Operations (COOP) |
| 3. Shelter-in-Place | 8. Security |
| 4. Lockdown | 9. Recovery |
| 5. Accounting for All Persons | 10. Health and Medical |

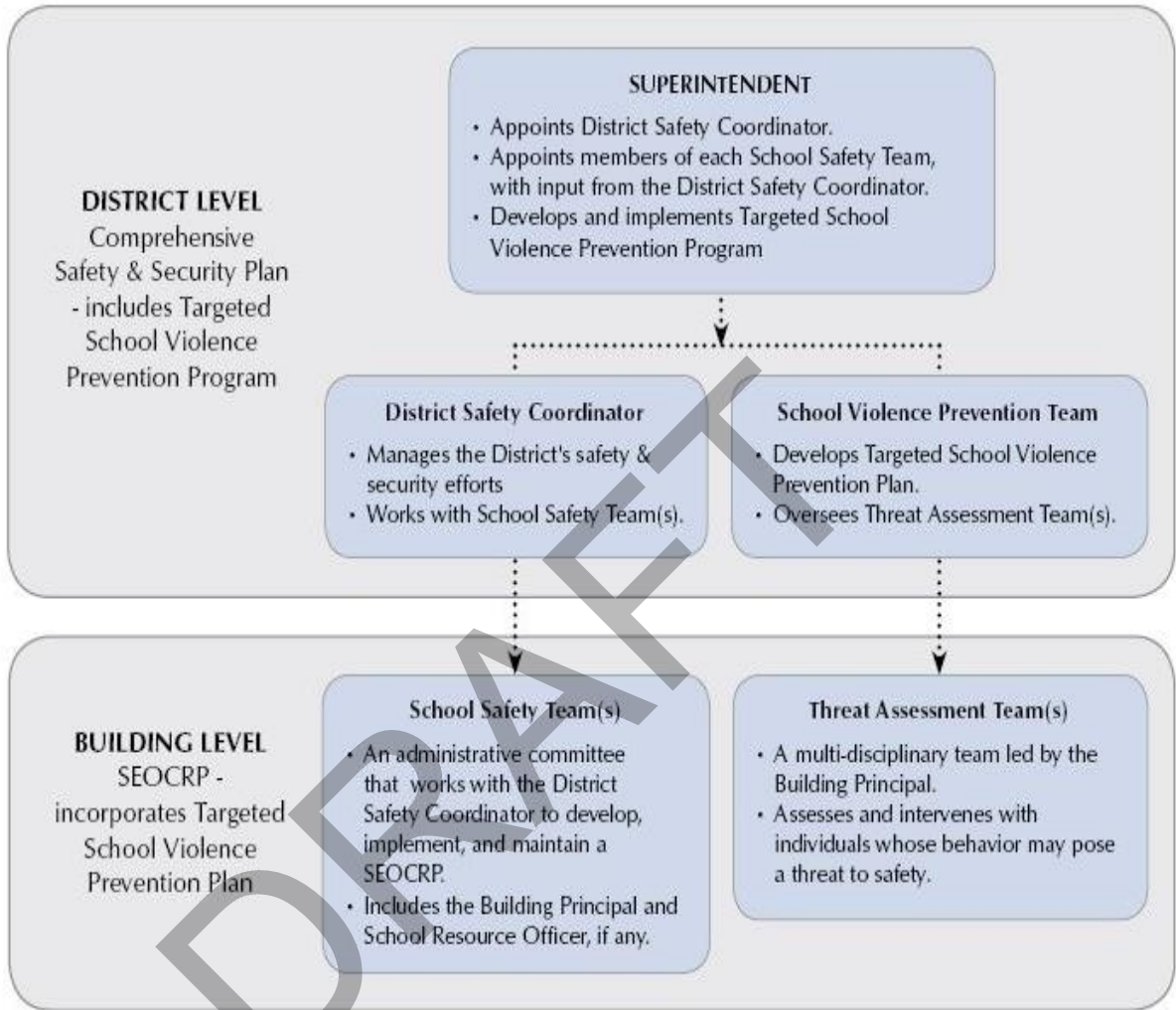
Threat- or Hazard-Specific Annexes

Note: This is not a complete list. Each school's annexes will vary based on its hazard analysis.

- | | |
|---------------------------------|---------------------------------|
| 1. Hurricane or Severe Storm | 5. Mass Casualty Incident |
| 2. Earthquake | 6. Active Shooter |
| 3. Tornado | 7. Pandemic or Disease Outbreak |
| 4. Hazardous Materials Incident | |

Attachment B

Alignment of Comprehensive Safety and Security Plan with Targeted School Violence Prevention Program



Operational Services

Administrative Procedure - Threat Assessment Team (TAT) ¹

This procedure implements Threat Assessment Teams (TATs). TAT members are professional educators, mental health professionals, law enforcement professionals, and professionals from other disciplines as necessary who are trained in behavioral threat assessment. 105 ILCS 128/45(a).

TATs function at the Building level, taking direction from the District-level School Violence Prevention Team. They identify, inquire, assess, and manage a range of threats that may be posed to the school community. Threats may be posed from a broad range of individuals affecting the District environment, including: ²

- Students: current and former (and potentially prospective)
- Employees: current and former (and potentially prospective)
- Parents/guardians or other family members of students
- Persons who are (or have been) in relationships with staff or students
- Contractors, vendors, or other visitors
- Persons unaffiliated with the District

Customize this procedure to each TAT's building-specific needs, and use it in conjunction with [administrative procedure](#) 4:190-AP1, *Targeted School Violence Prevention Program*; and exhibits 4:190-AP2, E1, *Principles of Threat Assessment*; 4:190-AP2, E2, *Threat Assessment Documentation*; 4:190-AP2, E3, *Threat Assessment Key Areas and Questions; Examples*; 4:190-AP2, E4, *Responding to Types of Threats*; and 4:190-AP2, E5, *Threat Assessment Case Management Strategies*. This procedure contains five sections as follows:

1. Glossary of Terms
2. TAT Formation, Development, and Responsibilities
3. Assessing and Classifying Threats
4. Responding to and Managing Threats
5. Reporting Threats to Outside Agencies

Glossary of Terms

Pose a Threat – To pose a threat means an individual has, or is in the process of obtaining, the intent and capability to cause harm to self or others through planning and preparation.

Protective Factors – Characteristics or resources that make it less likely that an individual will engage in violence.

The footnotes should be removed before the material is used.

¹ Required by 105 ILCS 128/45, amended by P.A.s 102-791, ~~and 103-175~~, and 103-780. School districts had to implement a threat assessment procedure by 12-21-19 and establish a threat assessment team by 2-19-20. *Id.*

Adapted from *Threat Assessment in Virginia Public Schools: Model Policies, Procedures, and Guidelines*, Fifth Edition (July 2023), Virginia Center for School and Campus Safety, Virginia Dept. of Criminal Justice Services, at: www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/k-12_threat_assessment_management_mppg_mpd.pdf.

² See *Threat Assessment in Virginia Public Schools: Model Policies, Procedures, and Guidelines*, p. 2.

Risk Factors – Characteristics that make it more likely that an individual may engage in violence. Risk factors are usually stable over time.

Subject of Concern (Subject) – An individual who has been identified to pose a threat of violence or serious harm to self/others.

Target – An individual who is the intended target of the threat posed by the subject of concern.

Threat – A concerning communication or behavior that indicates that an individual may pose a danger to the safety of school staff or students through acts of violence or other behavior that could cause harm to self or others. The threat may be expressed/communicated behaviorally, orally, visually, in writing, electronically, or through any other means; it is considered a threat regardless of whether it is observed by or communicated directly to the target of the threat or observed by or communicated to a third party, and regardless of whether the target of the threat is aware of the threat.

Threat Assessment – A systemic, fact-based process emphasizing an appraisal of observed (or reasonably observable) behaviors to identify potentially disruptive, dangerous, or violent situations, to assess them, and to manage/address them.

Threat Assessment Team (TAT) – A multidisciplinary Building-level team lead by the Building Principal to perform specific threat assessments that, ~~if available to serve,~~ must include at least one law enforcement official as well as cross-disciplinary representatives of the District who are most directly familiar with the mental and behavioral health needs of students and staff. Such cross-disciplinary representatives may include the following ~~members~~ individuals employed by the District or a special education cooperative that serves the District and who are available to serve; an administrator, a teacher, a school counselor, a school psychologist, and a school social worker, ~~and at least one law enforcement official.~~³

TAT Triage Team – Consists of at least two members of the TAT designated by the Building Principal to triage reported cases of concerning, aberrant, or threatening behavior and/or communication. Considers the nature and level of concern of cases to determine if existing resources and mechanisms are sufficient to address concerns, or whether the full TAT should further assess and manage the situation, and initiates any crisis responses as appropriate.

Types of Threats –

Routine/No Known Concern: Subject/situation does not indicate a threat of violence or harm to self or others, or need for assistance or intervention. No impact on others, environmental factors, or precipitants that need TAT intervention. Close the case.

Low Level: Subject/situation does not indicate a threat of violence or harm to self or others; would or may benefit from intervention or assistance with concerns. Target, environmental/systemic, or precipitating events may be present at low levels. May involve some ongoing assessment management with passive monitoring and/or periodic active monitoring, and referrals as appropriate. Close the case if no team interventions or monitoring are indicated.

Moderate Level: Subject/situation does not pose a threat of serious violence or harm though risk cannot be ruled-out. Subject may be developing the capability for harm and is engaging in aberrant

The footnotes should be removed before the material is used.

³ 105 ILCS 128/45(a), amended by P.A. 103-780. Districts that are unable to establish a threat assessment team with school district staff and resources may use a regional behavioral threat assessment and intervention team that includes mental health professionals, a representative from the Ill. Law Enforcement Alarm System, a safety education officer from the Ill. State Police, and local law enforcement representatives. Id.

or concerning behaviors that indicate a need for assistance/intervention. Targets/others are likely concerned and impacted. Environmental/systemic or precipitating factors may be present. Consider law enforcement/security notification as appropriate. Requires ongoing assessment and management plan, active monitoring, and referrals as appropriate.

High Level: Subject/situation poses, or is rapidly developing the capability for, a threat of serious violence or harm to self or others; or is in urgent need of hospitalization or treatment. Targets/others are impacted. Typically involves environmental/systemic factors and consideration for precipitating events. Requires immediate notification of school administration and law enforcement, subject containment, target protection and safety plan, activation of crisis response protocols as appropriate, ongoing assessment and management plan, active monitoring, and referrals as appropriate.

Imminent: Subject/situation poses an imminent threat of serious violence or harm to self/others and has or may reasonably have significant impact on others. Requires immediate law enforcement and school administration notification, subject containment, target protection and safety planning, implementation of crisis response and notification protocols, ongoing assessment and management plan, and active monitoring.

Warning Signs – Characteristics or behaviors that are associated with a current or escalating risk of violence. These tend to be dynamic, acute, and often associated with new stresses, events, losses, or failures.

TAT Formation, Development, and Responsibilities

Following are tasks to integrate TATs into the District’s Targeted School Violence Prevention Plan.

Actor	Action
Superintendent or designee	<p>Ensures TATs are trained in threat assessment by a threat assessment expert.⁴ Free statewide training is available through the Ill. School and Campus Safety Program, at: https://ready.illinois.gov/plan/schools.html.</p> <p>Prior to the start of each school year, files this procedure and a list identifying the members of all TATs with: (1) a local law enforcement agency, and (2) the Regional Office of Education or Intermediate Service Center, as applicable. 105 ILCS 128/45(b), amended by P.A.s 102-791 and 103-175. Informs the Board that this filing was completed.</p>
Building Principal	<p>Leads TAT.</p> <p>Selects TAT members, including at least one law enforcement official as well as cross-disciplinary representatives of the District who are most directly familiar with the mental and behavioral health needs of students and staff. Such cross-disciplinary representatives may include the following individuals employed by the District or a special education cooperative that serves the District and who are available to serve with expertise in:</p>

The footnotes should be removed before the material is used.

⁴ Many threat assessment publications outline that the best practice is for the entire TAT, as a team, to attend in-person threat assessment training by a threat assessment expert.

Actor	Action
	<p>An administrator <u>School administration, e.g., a principal or other senior administrator from the school(s) covered by the TAT;</u></p> <p>Instruction, e.g., a <u>A teacher or administrator with instructional experience;</u></p> <p>Counseling, e.g., a <u>A school counselor, school psychologist or school social worker;</u></p> <p>Law enforcement, e.g., a school resource officer <u>A school psychologist;</u></p> <p>Being a staff member in the building, e.g., school safety staff, human resources staff, special education staff, school nurse <u>A school social worker;</u> and</p> <p>Other <u>District employees and/or</u> community resource persons (as members or consultants as determined by the TAT).</p> <p>When resources allow, selects designated back-up for each core TAT member, from the same or similar areas of expertise, to fulfill their duties in the event of their absence or inability.</p> <p>Designates a TAT Triage Team.</p> <p>Ensures that any reporting mechanisms used by the school community are kept up to date, work consistently, and are checked on a regular and timely basis.</p> <p>Establishes an intake and triage process for reports regarding concerning, aberrant, or threatening behavior and/or communication.</p> <p>When a report is received, activates the TAT and uses this <u>administrative procedure 4:190-AP2, Threat Assessment Team (TAT).</u></p>
TAT	<p>Receives education and seeks training resources, including but not limited to <u>exhibits 4:190-AP2, E1, Principles of Threat Assessment; 4:190-AP2, E2, Threat Assessment Documentation; 4:190-AP2, E3, Threat Assessment Key Areas and Questions; Examples; 4:190-AP2, E4, Responding to Types of Threats; and 4:190-AP2, E5, Threat Assessment Case Management Strategies.</u></p> <p>Receives initial and periodic refresher threat assessment training by a threat assessment expert.</p> <p>Commits to work collaboratively with each other, with other school staff, and (as appropriate) with community resources to support the purposes of the TAT and the safety of the school, its students, and its staff.</p> <p>Actively, lawfully, and ethically communicates with each other, District administrators, and other school staff who have a need to know particular information to support the safety of the school, its students, and its staff.</p>

Actor	Action
	<p>Trains staff, students, parents/guardians, and other members of the school community to recognize and report possible threats by conducting presentations, broadly disseminating relevant information, and ensuring access to consultation from the TAT.</p> <p>Identifies and trains members of the school community who can take reports of possible threats.</p> <p>Effectively implements Board policy 4:190, <i>Targeted School Violence Prevention Program</i>.</p>

Assessing and Classifying Threats

When a threat is reported, the Building Principal and TAT assess and classify the threat using the criteria and process outlined below.

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Actor	Action
<p>Building Principal and/or TAT Triage Team</p>	<p>When a potential threat report is received, initiates the following intake and triage process.</p> <p><u>Intake</u></p> <p>Obtains basic information about the potential threat, including but not limited to:</p> <p>Initial Report of Concern: Date/time reported, date/time reviewed, person receiving report.</p> <p>Reporting Party: Name, affiliation, contact information, relationship to subject of concern.</p> <p>Incident/Nature of Concern: Date/time occurred, location, nature of threat/concern, weapons involved/threatened, details about concerns, and any relevant background information.</p> <p>Subject of Concern: Name, affiliation, contact information, relationship to reporting party or target(s).</p> <p>Identified/Identifiable Target(s): Name, affiliation, contact information, relationship to report party or subject.</p> <p>Determines if an imminent threat exists. An imminent threat is indicated by such factors as:</p> <ol style="list-style-type: none"> 1. Subject intends imminent and/or serious harm to self/others; or 2. Subject lacks inhibitions for using violence. <p>If an imminent threat exists, initiates School Emergency Operations and Crisis Response Plan (SEOCRCP) and notifies law enforcement in accordance with administrative procedure 4:170-AP1, Comprehensive Safety and Security Plan, Part G, School Emergency Operations and Crisis Response Plan (SEOCRCP).</p> <p>If no imminent threat exists, or once an imminent threat is contained, proceeds to triage.</p> <p><u>Triage</u></p> <p>Triages threat to determine if the full TAT must be involved. Triage may include, as necessary and appropriate:</p> <p>Reviewing the reported concerning, aberrant, or threatening behavior and/or communication.</p> <p>Reviewing school and other records for any prior history or interventions with the individual(s) involved.</p> <p>Conducting timely and thorough interviews of the person(s) who reported the threat, the recipient(s) or target(s) of the threat, other witnesses who have knowledge of the threat, and where reasonable, the individual(s) who allegedly engaged in the threatening behavior or communication. The purpose of the interviews is to gain a</p>

Actor	Action
	<p>holistic understanding of the situation, determine the nature and level of the concerns, identify areas where more information may be needed, and inform appropriate strategies or interventions to address any concerns identified.</p> <p>Determines if the full TAT must be involved.</p> <p>To determine that the full TAT does not need to be involved, all TAT Triage Team members must concur that there is no identifiable threat/concern, or that there is a low level of concern regarding issues that are being adequately addressed.</p> <p>If the full TAT must be involved, convenes it as soon as possible.</p> <p>Documents intake and triage using exhibit 4:190-AP2, E2, <i>Threat Assessment Documentation</i>.</p>

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Actor	Action
TAT	<p>Conducts a comprehensive and holistic assessment of the threat using the STEP framework set forth in exhibit 4:190-AP2, E1, <i>Principles of Threat Assessment</i>. See exhibit 4:190-AP2, E3, <i>Threat Assessment Key Areas and Questions; Examples</i>, for key questions to ask the person(s) who reported the threat, the threat recipient(s)/target(s), other witnesses, and the subject to assess the threat.</p> <p>Once the assessment is complete, classifies the threat as one of the following: Routine/No Known Concern, Low Level, Moderate Level, High Level, or Imminent.</p> <p>Documents the threat assessment and classification using exhibit 4:190-AP2, E2, <i>Threat Assessment Documentation</i>, and ensures that TAT documentation follows the acronym FORT: ⁵</p> <p>F Fair – sought to understand situations and give individuals an opportunity to be heard and understood;</p> <p>O Objective – sought information based on facts and observations of the case and not speculation or bias;</p> <p>R Reasonable – engaged in responses that were effective and proportionate to the situation; and</p> <p>T Timely – quickly and responsively addressed reports of threatening behavior.</p>
Building Principal	<p>Where the TAT classifies the threat as a Moderate, High, or Imminent level of concern and the threat requires further intervention to prevent violence or serious harm, notifies:</p> <ol style="list-style-type: none"> 1. The parent(s)/guardian(s) of any student who is the target/recipient of a threat; and 2. The parent(s)/guardian(s) of any student who engaged in threatening behaviors.

Responding to and Managing Threats

Actor	Action
TAT	<p>Identifies appropriate responses to the threat based upon its level. See exhibit 4:190-AP2, E4, <i>Responding to Types of Threats</i>, for examples of responses to each threat level.</p> <p>Develops, implements, and monitors an individualized, fact-based case management plan to intervene with, address, and reduce the threat by:</p>

The footnotes should be removed before the material is used.

⁵ Source: © G. Deisinger (1996).

Actor	Action
	<p>Designating a TAT member as case manager to monitor the status of the subject and to notify the TAT of any change in status, response to interventions/referrals, or additional information that would be cause for reassessment and/or changes in interventions strategies;</p> <p>Assisting the subject, and any impacted staff or students, in accessing appropriate school and community-based resources for support and/or further intervention;</p> <p>Appointing one or more TAT members to engage directly with the subject to prevent the subject from becoming isolated; and</p> <p>Using the least intrusive interventions and strategies that are sufficient, fair, and reasonable to address the concerns identified. See exhibit 4:190-AP2, E5, Threat Assessment Case Management Strategies, for interventions and strategies, including those that are subject-based, target-based, and environmental/systems-based.</p> <p>Documents this process and any case updates using exhibit 4:190-AP2, E2, Threat Assessment Documentation.</p> <p>Submits updates to the Building Principal regularly, e.g., at least every 30 days, until the case is resolved and the subject no longer poses a threat to the school, its students, or its staff.</p> <p>Maintains documentation in accordance with Board policy, State records laws, and administrative procedures.</p>

Reporting Threats to Outside Agencies

The following is the process to notify the Local Law Enforcement Agency (LLEA) and/or the Ill. State Police (ISP) about certain types of threats. See also [administrative procedure 4:170-AP1, Comprehensive Safety and Security Plan, Part J, Required Notices](#).

Actor	Action
<p>Superintendent or designee</p>	<p>Reports batteries committed against teachers, teacher personnel, administrative personnel, or educator support personnel to: (1) the LLEA immediately after the occurrence of the attack, and (2) ISBE through its web-based School Incident Reporting System (SIRS) as they occur during the year and no later than August 1 for the preceding school year. 105 ILCS 5/10-21.7, amended by P.A. 102-894.</p> <p>Immediately notifies the LLEA upon receiving a report from any school personnel regarding a verified incident involving:</p> <p>Batteries committed against teachers, teacher personnel, administrative personnel, or educational support personnel. 105 ILCS 5/10-21.7, amended by P.A. 102-894.</p>

Actor	Action
	<p>A firearm in a school or on school-owned or leased property. 105 ILCS 5/10-27.1A(c), amended by P.A.s 103-34, 103-609, and 103-780.</p> <p>Drugs in a school or on school-owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel. 105 ILCS 5/10-27.1B(b), amended by P.A.s 103-609 and 103-780; 105 ILCS 127/).</p> <p>Reports all of the above incidents to ISBE through its web-based School Incident Reporting System (SIRS) as they occur during the year but no later than July 31 for the preceding school year.⁶ 105 ILCS 5/10-27.1A, amended by P.A.s 103-34, 103-609 (first to pass both houses), and 103-780 (second to pass both houses and controlling); 105 ILCS 5/10-27.1B, amended by P.A.s 103-609 (first to pass both houses) and 103-780 (second to pass both houses and controlling); and 105 ILCS 5/10-21.7.</p>
Building Principal	<p>Reports to the LLEA threats to the safety and welfare of students and teachers by illegal use of drugs and alcohol, by illegal use or possession of weapons, or by illegal gang activity. 105 ILCS 5/10-21.4a.</p> <p>Reports other threats to the LLEA as necessary and appropriate.</p> <p>Immediately notifies the LLEA upon receiving a report that any person has been observed in possession of a firearm on school grounds (other than a law enforcement official engaged in the conduct of his or her official duties).</p> <p>If the person found to be in possession of a firearm on school grounds is a student, the Building Principal or designee shall also immediately notify the student's parent/guardian. 105 ILCS 5/10-21.7A(b).</p> <p>Reports directly to the ISP within 24 hours of a determination that a student or other person poses a clear and present danger to himself, herself, or others. 430 ILCS 66/105 and 405 ILCS 5/6-103.3; 20 Ill.Admin.Code §1230.120(b). See exhibit 3:60-E, Event Reporting and Notice Requirements for Building Principals Concerning School Safety and Security, for further information.</p>

The footnotes should be removed before the material is used.

⁶ See f/n 6 in sample administrative procedure 4:170-AP1, [Comprehensive Safety and Security Plan](#).

General Personnel

Administrative Procedure - Investigations

Immigration Investigation

All newly hired employees must complete section one of the U.S. Citizenship and Immigration Services Form I-9 (Form I-9) no later than three business days following their first working day (Immigration Reform and Control Act, 8 U.S.C. §1324a, 8 C.F.R. §274a.2). See: www.uscis.gov/i-9. If an individual is unable to provide the required documents to complete it, the individual may present a receipt for the application of the required documents within three days of the hire. The individual must then present the required documents within 90 days of the hire. The Superintendent or designee completes section two of the Form I-9 and confirms the employee's information.

If the Employment Eligibility Verification System (E-Verify) is used to complete Form I-9, the Superintendent or designee will review the Ill. Dept. of Labor's website and its E-Verify factsheet, available at: <https://labor.illinois.gov/content/dam/soi/en/web/idol/laws-rules/legal/documents/e-verification-facts-poster.pdf>. ~~See the Ill. Dept. of Labor Right to~~ If the District contends that there is a discrepancy in an employee's employment verification information, follow the procedures required by the Privacy in the Workplace Act, 820 ILCS 55/12, amended by P.A. 103-879, and 820 ILCS 55/13, added by P.A. 103-879, eff. 1-1-25.

The completed Form I-9 shall be maintained in a file separate from other personnel records in order to prevent unauthorized review of personnel files. The Form I-9 shall be retained for a period of three years after the date of hire or one year after individual employment is terminated, whichever is later.

Fingerprint-based Criminal History Records Information Check (105 ILCS 5/10-21.9, amended by P.A. 102-702, ~~eff. 7-1-23~~)

A fingerprint-based criminal history records information check must be initiated prior to employment, but the District may permit the individual to be hired and begin employment pending its outcome. See *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/Documents/guidance_chr.pdf. See administrative procedure 5:30-AP4, Fingerprint-Based Criminal History Record Information, for procedures regarding the handling of sensitive CHRI provided through the Federal Bureau of Investigation's national databases.

A complete criminal history records check pursuant to 105 ILCS 5/10-21.9 consists of:

1. Fingerprint-based checks through (a) the Ill. State Police (ISP) for criminal history records information (CHRI) pursuant to the Ill. Uniform Conviction Information Act (20 ILCS 2635/), and (b) the Federal Bureau of Investigation (FBI) national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (Pub. L. 109-248),
2. *A check of the Ill. Sex Offender Registry (see the Sex Offender Community Notification Law, 730 ILCS 152/ et seq.), and
3. *A check of the Murderer and Violent Offender Against Youth Registry (see the Murderer and Violent Offender Against Youth Registration Act, 730 ILCS 154/75 -154/105).

*These checks must be conducted by the District or the Regional Superintendent¹ once every five years that an individual remains employed by the District. 105 ILCS 5/10-21.9(a-5), (a-6), amended by P.A. 102-552.

See also Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, and administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*. **Important:** 20 ILCS 2630/5.2 outlines how an individual may petition to have an arrest record expunged by the arresting authority and the records of the arrest sealed by the circuit court clerk. It also details offenses for which an individual cannot have his or her conviction sealed.

Note: The following criminal history records check guides are also available:

1. Guide to Understanding Criminal History Record Check Information is available at: <https://dph.illinois.gov/content/dam/soi/en/web/idph/files/forms/background-check-guide-071817.pdf>.
2. Ill. State Board of Education non-regulatory guidance document, Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel, at: www.isbe.net/Documents/guidance_chr.pdf.

The following individuals are responsible for the actions listed:

Applicant - Each applicant for employment in any position (except bus drivers employed by a private student transportation contractor) must provide a written authorization for a complete criminal history records check at the time he or she submits the application.

Individual Student Teaching or beginning a required internship - Each individual student teaching or beginning a required internship must provide written authorization for, and pay the costs of, his or her criminal history records check (including any applicable vendor's fees) prior to participating in any field experiences in the District. See 105 ILCS 5/10-21.9(g).

Applicant for Bus Driver - Each applicant for a bus driver position must complete the application required by the Secretary of State for a school bus driver permit (obtained from the District) and submit it to the District along with the necessary fingerprint submission as required by the ISP to conduct a fingerprint-based criminal history records check. The Superintendent or designee will conduct a pre-employment interview² with prospective school bus driver candidates, distribute school bus driver applications and medical forms, and submit the applicant's fingerprint cards to the ISP. The Superintendent or designee will certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed, including the successful completion of a criminal history records check as required by State law. The applicant must present the certification to the Secretary of State at the time of submitting the school bus driver permit application. See 625 ILCS 5/6-106.1, amended by P.A. [102-168](#) and [102-299](#); 92 Ill.Admin.Code §1035.25.

Superintendent or designee - Note: *Add any additional steps to efficiently receive a complete criminal history records check.*

1. Fingerprint-Based Criminal History Records Check:
 - a. For all applicants, the Superintendent or designee completes the required forms to request the criminal history records checks from an appropriate ISP or LiveScan

The footnotes should be removed before the material is used.

¹ Alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director" throughout this procedure.

² Any employer that asks applicants to record video interviews and uses an artificial intelligence analysis of the applicant-submitted videos must comply with the Artificial Intelligence Video Interview Act, 820 ILCS 42/.

vendor. When the applicant is a successful superintendent candidate who has been offered employment by the Board, the School Board President shall ensure that these checks are completed. This may include submitting the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers to the ISP and FBI on the forms prescribed by each agency.

- b. The Superintendent or designee, or when the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President, will provide the applicant with a copy of the ISP and FBI reports. Required by 105 ILCS 5/10-21.9(b) and 20 ILCS 2635/7. The applicant has the obligation and responsibility to notify the District within seven (7) working days if information in the report furnished by the ISP is inaccurate or incomplete. Id.
- c. The Superintendent or designee, or the Regional Superintendent, notifies the State Superintendent of Education in writing within 15 business days when a CHRI returns a *conviction* of a crime set forth in 105 ILCS 5/21B-80. 105 ILCS 5/21.9(e), and:
 - i. Makes a preliminary determination that the applicant will be disqualified based on a conviction record when: (1) the District is prohibited by 105 ILCS 5/10-21.9 from employing the individual because the conviction is an offense listed in 105 ILCS 5/21B-80, amended by P.A. 102-552;³ (2) there is a *substantial relationship* between one or more of the previous criminal offenses and the employment sought or held; or (3) the employment would involve an *unreasonable risk* to property or to the safety or welfare of specific individuals or the general public.

Conviction record means information indicating that a person has been convicted of a felony, misdemeanor or other criminal offense, placed on probation, fined, imprisoned, or paroled pursuant to any law enforcement or military authority. 775 ILCS 5/1-103(G-5). It includes the results of a *complete criminal history records check* conducted pursuant to 105 ILCS 5/10-21.9.

Substantial relationship means a consideration of whether a job position offers the opportunity for the same or a similar offense to occur and whether the circumstances leading to the conduct for which the person was convicted will recur in the position. 775 ILCS 5/2-103.1(A).

To determine whether an applicant is disqualified based on a *substantial relationship* or *unreasonable risk*, considers the following factors: (1) length of time since the conviction; (2) number of convictions that appear on the conviction record; (3) nature and severity of the conviction and its relationship to the safety and security of others; (4) the facts or circumstances surrounding the conviction; (5) the age of the employee at the time of the conviction; and (6) evidence of rehabilitation efforts. 775 ILCS 5/2-103.1(B). See also Ill. Dept. of Human Rights (IDHR) *Conviction Record Protection – Frequently Asked Questions* (March 2021), at:

The footnotes should be removed before the material is used.

³ Attorneys have different opinions as to whether the IHRA requires the *interactive assessment* outlined in 775 ILCS 5/2-103.1(c), which includes preliminary and final notices, when a disqualifying offense listed in 105 ILCS 5/21B-80 is found in a conviction record; **consult the board attorney for guidance on this issue.**

<https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html>.

- ii. When the applicant's conviction record disqualifies him/her/them, notifies the applicant of the preliminary decision in writing. The written notice shall contain: (1) the disqualifying convictions that are the basis for the preliminary decision and the District's reasoning for the disqualification; (2) a copy of the *complete criminal history records check* conducted pursuant to 105 ILCS 5/10-21.9; and (3) an explanation of the applicant's right to submit evidence challenging the accuracy of the conviction record that is the basis for the disqualification within seven (7) working days of the applicant's receipt of the copy of the conviction record⁴ if the applicant wishes to dispute the accuracy of the conviction record and/or submit evidence in mitigation, such as rehabilitation. 775 ILCS 5/2-103.1(C)(1) and (2). See [exhibit 5:30-AP2, E1, Notice of Preliminary Hiring Decision Based on Conviction Record](#), for a sample letter template.

Note: Evidence of rehabilitation may include education, training, stable employment, family and community involvement, and recovery from substance abuse. For more information, see *EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decision under Title VII of the Civil Rights Act*, at: www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions.
- iii. When the final decision disqualifies the applicant based on the conviction record, provides a second written notice to the applicant that contains: (1) notice of the disqualifying conviction(s) that are the basis for the final decision and the District's reasoning for the disqualification; (2) any existing procedure the employer has for the applicant to challenge the decision or request reconsideration (this is not required)⁵; and (3) the right to file a charge with the IDHR. 775 ILCS 5/2-103.1(C)(3). See [exhibit 5:30-AP2, E2, Notice of Final Hiring Decision Based on Conviction Record](#), for a sample letter template.
- d. The Superintendent or designee, or the Regional Superintendent, or as applicable the entity that provides background checks for public schools, notifies the State

The footnotes should be removed before the material is used.

⁴ The IHRA requires at least five business days for the applicant to dispute the accuracy of the conviction record, but the Ill. Uniform Conviction Information Act (UCIA) provides the applicant seven working days from of receipt of the copy of the conviction information to notify the district if the information is inaccurate or incomplete. 20 ILCS 2635/7(A)(2). This procedure accommodates the longer timeline of the UCIA.

⁵ Consult the board attorney for advice about whether policy 2:260, *Uniform Grievance Procedure*, should be included in the final decision letter for new applicants and/or existing employees. That policy is limited to students, parents/guardians, employees, or community members that want to file a complaint regarding the district's alleged violation of a constitutional right, statute, or board policy.

Superintendent of education in writing⁶ within 10 business days⁷ after receiving information of a *pending* criminal charge for an offense set forth in 105 ILCS 5/21B-80. Required by 105 ILCS 5/10-21.9(e).

Note: For substitute teachers, the Superintendent will need to ensure that the District performs these checks. Contact the ~~b~~Board ~~a~~Attorney and/or ISBE regarding the validity of a *certificate of authorization*, if a substitute teacher presents one. From 1-1-11 through 7-1-11, the Regional Superintendent or Suburban Cook County Intermediate Service Center Executive Director, whichever ~~was~~ appropriate, was allowed to issue *certificates of authorization* to substitute teachers. Issuance of a *certificate of authorization* was proof that the substitute teacher applicant had met all of the requirements to substitute teach in the educational service region; i.e., a fingerprint-based criminal history records check, a physical examination, and a negative tuberculin test. Because P.A. 97-607 deleted *certificates of authorization*, substitute teachers no longer receive them because they no longer exist. ~~For those substitute teachers who did receive them, there is not an answer to the question of whether their certificates of authorization are still valid. Attorneys in the field suggest looking for an expiration date on the certificate of authorization. If the document has no expiration date, it is likely invalid because the document no longer exists. If there is an expiration date, then the document is likely valid until the date listed.~~

- e. For individuals student teaching or beginning a required internship, the Superintendent or designee ensures that the individual completes the required forms, authorizations, and provides payment to the District for the costs of completing a complete criminal history records check prior to student teaching or beginning a required internship (105 ILCS 5/10-21.9(g) and ~~Board~~ policy 5:260, *Student Teachers*). For more information, see also ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/Documents/guidance_chr.pdf.
2. Screen of the Statewide offender databases upon hire and every five years thereafter that an individual remains employed by the District. 105 ILCS 5/10-21.9(a-5), (a-6), amended by P.A. ~~s 401-531 and~~ 102-552. The Superintendent or designee, or when the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President, performs a screen for each applicant of:
 - a. The Statewide Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer>, as authorized by the Sex Offender Community Notification Law (730 ILCS 152/ ~~et seq.~~), and
 - b. The Statewide Murderer and Violent Offender Against Youth Registry <https://isp.illinois.gov/MVOAY/Disclaimer>, as authorized by the Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/75-154/105).

The Superintendent or designee, or when the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President, notifies the individual if he or she is

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⁶ 105 ILCS 5/10-21.9(e) requires written notice for *convictions*. While notice for *pending* criminal charges is not required to be "in writing," for ease of use, consistency in administration, alignment with the requirement to provide written notice for *convictions*, and best practices this sample text states the State Superintendent will also be notified of *pending* criminal charges in writing. Consult the board attorney for further guidance.

⁷ 105 ILCS 5/10-21.9(e) does not state whether the notice requirement is *calendar days* or *business days*. Support for it being *business days* is found later in 105 ILCS 5/10-21.9(e), which requires that notice for *convictions* be provided within 15 business days.

identified in the database as a sex offender. Required by 105 ILCS 5/10-21.9-(a-5), (a-6), and (b). The Superintendent or designee, or the Regional Superintendent, notifies the State Superintendent of Education in writing within 15 business days, when a database screen finds a *registration* for an individual licensed by ISBE. 105 ILCS 5/21.9(e).

ISP and FBI - The ISP and FBI furnish records of convictions (until expunged), pursuant to the District's request, to the Board President. **Note:** The ISP and FBI must "furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board...". See 105 ILCS 5/10-21.9(a) and (g). 20 ILCS 2630/3.3 establishes authority for the ISP to collect fees from the District if [the Board](#) wishes to participate in a Federal *Rap Back Service*. Rap Back Service is a capability of the FBI's Next Generation Identification (NGI) system that provides authorized agencies notification of criminal activity and, in limited cases, of civil activity, that occurs after the initial processing and retention of criminal or civil transactions, e.g., an initial fingerprint-based criminal history records check. The Board may determine that it wants to participate. Participation includes ISP submitting fingerprints that the District orders to the FBI Rap Back Service to be retained for the purpose of being searched by future submissions to the FBI Rap Back Service. For a student teacher, the report shall be returned to the Superintendent or designee (see ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/Documents/guidance_chr.pdf).

Board President - The School Code requires the Board President to keep a conviction record confidential. The information may only be shared between the Board President, the Superintendent or designee, Regional Superintendent (if the check was requested by the District), State Superintendent of Education, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, the ISP and/or Statewide Sex Offender Registry for clarification purposes, or the Teachers' Retirement System of the State of Illinois (TRS) when the board learns that a teacher has been convicted of a felony. See 105 ILCS 5/10-21.9(b), 105 ILCS 5/21B-10, and 105 ILCS 5/21B-85, amended by P.A. 102-552. For further discussion about the practical implementation issues for the Board President to ensure that a fingerprint-based criminal history records information check and other database screens are initiated and completed prior to employment, see f/n 11 in [Board policy 5:30, Hiring Process and Criteria](#).

Regional Superintendent/Suburban Cook County Intermediate Service Center Executive Director - The Superintendent or designee may require the applicant to authorize the Regional Superintendent or Suburban Cook County Intermediate Service Center Executive Director, whichever is appropriate, to conduct the check when an applicant is (1) seeking employment in more than one District simultaneously as (a) a substitute teacher, (b) a concurrent part-time employee, and/or (c) educational support personnel, or (2) the employee works for a contractor holding contracts with more than one district. The Regional Superintendent or Suburban Cook County Intermediate Service Center Executive Director, whichever is appropriate, also performs a check of the Statewide Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer>, as authorized by the Sex Offender Community Notification Law (730 ILCS 152/115), and the Violent Offender Against Youth Registry, <https://isp.illinois.gov/MVOAY/Disclaimer>, as authorized by the Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/75-154/105). See 105 ILCS 5/10-21.9 (a-5), (a-6), and (b), amended by P.A. 102-552.

Contractors - The above requirements for a *complete criminal history records check* apply to all employees and agents of contractors who have direct, daily contact with students. 105 ILCS 5/10-21.9(f). Every contractor with the District shall: (1) make every employee or agent who will have direct, daily contact with students submit to a complete criminal history records check, (2) confirm that it will

make those employees available to the District for the criminal history records check, and (3) submit payment for the costs of the check(s) to the District.

Note: The provisions in 105 ILCS 5/10-21.9(f) and (g) apply to employees of contractors who have “direct, daily contact” with students. To be comprehensive and to eliminate uncertainty, this procedure and [Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*](#), may require a criminal history records check on *all* employees of contractors who may work in any school building or on school property. Whether the District uses the comprehensive language or the direct language from the School Code, the District, not the contractor, must perform the background checks. Contractors are not authorized under any State or federal law to: (1) conduct the required criminal history background checks; or (2) see the employee’s criminal history furnished by the ISP and the FBI.⁸ All contracts should also require the contractor to purchase insurance to cover misconduct by their employees and/or an indemnification clause. Additionally, the Superintendent or designee should check insurance coverage to determine whether employees of contractors are covered. See also [Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*](#), and administrative procedure 4:60-AP3, *Criminal History Records Check of Contractor Employees*, for the responsibilities of contractors. Last, if the District has received, within the last year, information that concerns the record of conviction and identification as a sex offender of any contractors’ employees, the District must provide the information to another school or school district that requests it. 105 ILCS 5/10-21.9(f-5). For more information, see ISBE’s non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/Documents/guidance_chr.pdf. Unless notified by the individual named in a criminal history records information (CHRI) request or by the ISP that the information furnished in a CHRI report is inaccurate or incomplete, the District cannot be liable for damages to any person to whom the CHRI pertains for actions it reasonably took in reliance on the accuracy and completeness of CHRI report. 20 ILCS 2635/7(A)(3).

District - The District complies with 105 ILCS 5/10-21.9, amended by P.A.s 102-552 and 102-702, [eff. 7-1-23](#), and 5/21B-80, amended by P.A. 102-552. It will not knowingly employ a person, or allow a person to work or student teach/complete a required internship (105 ILCS 5/10-21.9(g)) on school grounds, who:

1. Has been convicted of any one or more of the following offenses, until seven years following the end of the sentence⁹ for the criminal offense:
 - a. Those defined in the Cannabis Control Act, 720 ILCS 550/, except: 720 ILCS 550/4(a), 550/4(b), 550/4(c), 550/5(a), 550/5(b), and any offense for which the holder of a license is placed on probation under the provisions of 550/10 provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.
 - b. Those defined in the Ill. Controlled Substances Act, 720 ILCS 570/100 *et seq.*, except: any offense for which the holder of a license is placed on probation under the provisions of 570/410 provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.

The footnotes should be removed before the material is used.

⁸ See [sample administrative procedure 4:60-AP3, *Criminal History Records Check of Contractor Employees*](#), at f/n 1, for discussion of the impact of 775 ILCS 5/2-103.1 on contractor employees.

⁹ *Sentence* includes any period of supervision or probation that was imposed either alone or in combination with a period of incarceration. 105 ILCS 5/21B-80(a), amended by P.A. 102-552.

- c. Those defined in the Methamphetamine Control and Community Protection Act, 720 ILCS 646/, except: any offense for which the holder of a license is placed on probation under the provisions of 646/70 provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.
 - d. Any attempt to commit any of the offenses listed in (a)-(c) of this section.
 - e. Any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in Illinois, would have been punishable as one or more of the offenses listed in (a)-(d) of this section.
2. Has been convicted of committing or attempting to commit any one or more of the following offenses:
- a. Attempting to commit, conspiring to commit, soliciting, or committing first-degree murder or any Class X felony.
 - b. Attempting to commit, conspiring to commit, soliciting, or committing any offense defined in Article 9 (Homicide) of the Criminal Code of 1961 or the Criminal Code of 2012.
 - c. Attempting to commit, conspiring to commit, soliciting, or committing any *sex offense*. Sex offense means any offense defined in:
 - i. Sections 11-6 and 11-9 through 11-9.5, inclusive, and 11-30 (if punished as a Class 4 felony) of the Criminal Code of 1961 or the Criminal Code of 2012;
 - ii. Sections 11-14.1 through 11-21, inclusive, of the Criminal Code of 1961 or the Criminal Code of 2012;
 - iii. Sections 11-23 (if punished as a Class 3 felony), 11-24, 11-25, and 11-26 of the Criminal Code of 1961 or the Criminal Code of 2012; and
 - iv. Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if punished pursuant to 26-4(d)(4) or (5)) of the Criminal Code of 1961 or the Criminal Code of 2012.
 - d. Any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in Illinois, would have been punishable as one or more of the foregoing offenses.
3. Has been found to be the perpetrator of sexual or physical abuse of any minor less than 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

Reporting New Hires

The Superintendent or designee shall timely file an IRS Form W-4 or IDES *New Hire Reporting Form* for each newly hired employee with the Ill. Dept. of Employment Security. See 820 ILCS 405/1801.1. When the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President shall ensure either the retiring Superintendent or designee performs this task.

General Personnel

Administrative Procedure - Fair Labor Standards Act Exemptions ¹

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

Overview

- An exempt employee in Illinois is “any employee employed in a bona fide executive, administrative or professional capacity, ... as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [current federal rules].” 820 ILCS 105/4a.
- ~~According to the~~ U.S. Dept. of Labor’s (DOL’s) rules [set the minimum salary threshold for an employee](#), “[t]o qualify as an exempt executive, administrative or professional employee, ... ~~an employee must be compensated on a salary basis at a rate of not less than \$684 per week.~~” 29 C.F.R. §541.600.
- Guidance on the DOL’s website includes:
[Salary thresholds: www.dol.gov/agencies/whd/overtime/rulemaking](http://www.dol.gov/agencies/whd/overtime/rulemaking)
Exemptions from overtime pay provisions: www.dol.gov/agencies/whd/compliance-assistance/handy-reference-guide-flsa#8
Exempt vs. non-exempt status of a particular job: www2.illinois.gov/idol/Laws-Rules/FLS/Pages/overtime-exemption.aspx

FLSA Exemption Category	Staff Positions
Non-covered persons	Independent contractors: www.dol.gov/agencies/whd/fact-sheets/13-flsa-employment-relationship www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs35.pdf Volunteers: www.dol.gov/agencies/whd/field-operations-handbook/Chapter-10#B10b30 www.dol.gov/sites/dolgov/files/WHD/legacy/files/FOH_Ch10.pdf

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

¹ This sample procedure must be customized to reflect the positions in the District and the actual duties performed. The list should be reviewed by the board attorney. Problematic employment positions requiring careful analysis include: (1) cafeteria, transportation, maintenance, and janitorial supervisors who primarily perform manual or non-office work, and (2) executive assistants “e.g., the superintendent’s secretary” who primarily spend their time doing secretarial work, not managerial work.

FLSA Exemption Category	Staff Positions
	<p>Student teachers who: (1) receive academic credit for their work experience, (2) do not displace regular employees, (3) work under close supervision, and (4) are not entitled to a job at the end of their training</p> <p>https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/2006_04_06_12_FLSA.pdf www.dol.gov/sites/dolgov/files/WHD/legacy/files/2006_04_06_12_FLSA.pdf)</p>
Executive employees	<p>Superintendent</p> <p>Associate/Assistant Superintendents</p> <p>Directors</p> <p>Supervisors</p> <p>Other department managers</p>
Administrative employees	<p>Building Principals</p> <p>Assistant Principals</p> <p>Data systems analysts or computer programmers involved in obtaining solutions to complex business problems: www.dol.gov/agencies/whd/fact-sheets/17e-overtime-computer</p> <p>Other certificated administrative staff</p>
Professional employees	<p>Teachers</p> <p>Counselors</p> <p>Registered nurses</p> <p>Media coordinators</p> <p>Other non-supervising certificated staff</p>
Non-exempt employees	<p>Secretaries (includes administrative assistants)</p> <p>Receptionists</p> <p>Bookkeepers</p> <p>Cafeteria workers</p> <p>Crossing guards</p> <p>Before/after school program workers</p> <p>Bus drivers/transportation workers</p> <p>Computer lab managers</p> <p>Custodians</p> <p>Maintenance workers</p>

FLSA Exemption Category	Staff Positions
	Pre-school workers (whose primary duty is to care for physical needs of children rather than teaching; does <i>not</i> include licensed special education early childhood teachers) Teacher aides, paraprofessionals, and assistants

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General Personnel

Administrative Procedure - Personnel Records

Applicant Records

Records for a successful employment applicant are maintained with the individual's employment 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:

- 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) records³
- Form I-9 required under the Immigration Reform and Control Act⁴
- Records maintained pursuant to Internal Revenue Service regulations
- Payroll information and deductions, including all records required to be kept by 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 112/20⁵

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 allows the district to gather data that may be used to defend a discrimination complaint.

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.

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/laws-rules/conmed/privacy-workplace.html>. See also f/n 13 in sample policy 5:30, *Hiring Process and Criteria*.

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.](#)

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 action⁷

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 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)

The footnotes should be removed before the material is used.

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).

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)).

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 ~~authorizes the District in writing to keep or gather~~ 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 ~~is granted access to~~ 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 ~~inspection~~ 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;
 - 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
 - ~~a-c.~~ 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.

~~2.3.~~ 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.

~~3.4.~~ Inspection of personnel records will be conducted under the supervision of an administrative staff member.

~~4.5.~~ Neither an employee nor his or her ~~designated~~ representative will have access to records that are treated as exceptions in the PRRa discussed below.

~~5.6.~~ 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.

~~6.7.~~ The employee may not remove any part of his or her personnel records from his or her file nor may not remove any part of his or her personnel records from the District's administrative office.

~~7.8.~~ 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~~the copying.¹³

~~8.9.~~ 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.

~~9.10.~~ 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 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:

The footnotes should be removed before the material is used.

¹² Optional.

¹³ Optional. 820 ILCS 40/2, amended by P.A. 103-201, eff. 1-1-24.

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. 102-702.
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. 102-702.
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. 102-702.
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. 102-702.

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 ~~designated~~ 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, ~~or additional~~ 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.
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.
- [6.7.](#) [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*¹⁴ 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.¹⁵
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-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.

The footnotes should be removed before the material is used.

¹³ 105 ILCS 5/22-94(e), 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 or Former Employee's Job Performance** subhead in sample policy 5:150, *Personnel Records*.

¹⁴ *Sexual misconduct* is defined in 105 ILCS 5/22-85.5(c), added by P.A. 102-676.

¹⁵ 105 ILCS 5/22-94(e), added by P.A. 102-702.

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.

DRAFT

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 approve¹ a Plan, present the Plan to the Board for adoption² 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 Plan³ 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

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

The footnotes should be removed before the material is used.

¹ 105 ILCS 5/10-30(3), ~~added by P.A. 101-643~~, 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/principles_popup.cfm), 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), ~~added by P.A. 101-643~~. 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), added by P.A. 102-697, 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), ~~added by P.A. 101-643~~.

⁵ Id. at 5/10-30(3) and (6), ~~added by P.A. 101-643~~. 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/principles_popup.cfm.

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.

of Education declares that the District must use remote learning days or blended remote learning days, 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, ~~amended by P.A. 101-643~~, and 5/10-19.05, ~~added by P.A. 101-12 and amended by P.A. 101-643~~. If the District has implemented an *e-learning program*, these school attendance days may be met through it. See 105 ILCS 5/10-30, ~~added by P.A. 101-643~~.

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. ~~103-780~~~~101-12~~);
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), ~~amended by P.A. 101-12~~); and
3. ~~On or before~~ September 1st annually ~~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.s ~~101-12, 101-643, 102-584, and 102-697~~, and 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.s ~~101-12 and 102-584~~ and 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~~~~1-12~~.

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.⁷ 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

The footnotes should be removed before the material is used.

⁷ See question “How do Remote Learning Plans and E-Learning Plans differ?” in the Ill. State Board of Education (ISBE) Guidance Document, *Mandatory Suspension of In-Person Instruction Guidance for Illinois Schools and School Districts*, and its most recent updates at: www.isbe.net.

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. ⁸

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 remote learning days or blended remote learning days, 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, ~~amended by P.A. 101-643~~, and 5/10-19.05, ~~added by P.A. 101-643~~. 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, ~~added by P.A. 101-643~~. ⁹

Remote Learning Planning Days – Up to five consecutive or separate increment days that a district may use 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, ~~amended by P.A. 101-643~~, and 5/10-19.05, ~~added by P.A. 101-643~~. See 105 ILCS 5/10-30, ~~added by P.A. 101-643~~. ¹⁰

Plan Development and Implementation

Use this Plan before, during, and after implementing 105 ILCS 5/10-30, ~~added by P.A. 101-643~~. ~~**Note:** The legislative history and purpose of 105 ILCS 5/10-30, added by P.A. 101-643 was to ensure school districts could reopen in time for the start of the 2020-2021 school year, even if that required remote learning.~~

Consult the Board Attorney for guidance on this procedure.

Actor	Action
Board	<p>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 101-12, 101-643, 102-584, and 102-697, and 103-780.</p> <p>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, added by P.A. 101-643.</p>

The footnotes should be removed before the material is used.

⁸ See question “Can Remote Learning Plans be revised periodically to align with changing circumstances?” in the ISBE Guidance Document, *Mandatory Suspension of In-Person Instruction Guidance for Illinois Schools and School Districts*, and its most recent updates at: www.isbe.net.

⁹ See questions “What is a Remote Learning Day on the school calendar?” and “How do Remote Learning Plans and E-Learning Plans differ?” in the [archived](#) ISBE Guidance Document, *Mandatory Suspension of In-Person Instruction Guidance for Illinois Schools and School Districts*, ~~and its most recent updates~~ at: www.isbe.net/Pages/covid19.aspx ~~www.isbe.net~~.

¹⁰ 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*, ~~and its most recent updates~~ at: www.isbe.net/Pages/covid19.aspx ~~www.isbe.net~~.

Actor	Action
	<p>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.</p> <p>Monitors Board policies 2:20, <i>Powers and Duties of the School Board; Indemnification</i>, 4:180, <i>Pandemic Preparedness; Management; and Recovery</i>, and 6:20, <i>School Year Calendar and Day</i>, 6:60, <i>Curriculum Content</i>, and 6:300, <i>Graduation Requirements</i> (if applicable), and makes changes recommended by the Superintendent. See Board policy 2:240, <i>Board Policy Development</i>.</p> <p>Considers all policy changes recommended by the Superintendent pursuant to Board policy 2:240, <i>Board Policy Development</i>, and included as a topic for discussion in the annual report required by Board policy 6:10, <i>Educational Philosophy and Objectives</i>.</p> <p>Adopts the Superintendent-approved Plan for District-wide implementation. ¹¹</p> <p>Provides appropriate, additional resources requested by the Superintendent to successfully implement the Plan.</p>
Board and Superintendent	<p>Identify, discuss, modify, and monitor relevant Board policies that remote learning may possibly affect, including but not limited to:</p> <p>4:130, <i>Free and Reduced-Price Food Services</i></p> <p>4:180, <i>Pandemic Preparedness; Management; and Recovery</i></p> <p>5:35, <i>Compliance with the Fair Labor Standards Act</i></p> <p>5:40, <i>Communicable and Chronic Infectious Disease</i></p> <p>5:180, <i>Temporary Illness or Temporary Incapacity</i></p> <p>5:185, <i>Family and Medical Leave</i></p> <p>5:200, <i>Terms and Conditions of Employment and Dismissal</i></p> <p>5:270, <i>Employment At-will, Compensation, and Assignment</i></p> <p>5:300, <i>Schedules and Employment Year</i></p> <p>5:330, <i>Sick Days, Vacation, Holidays and Leaves</i></p> <p>6:10, <i>Educational Philosophy and Objectives</i></p> <p>6:15, <i>School Accountability</i></p> <p>6:20, <i>School Year Calendar and Day</i></p>

The footnotes should be removed before the material is used.

¹¹ See f/n 1, above.

Actor	Action
	<p>6:30, <i>Organization of Instruction</i></p> <p>6:60, <i>Curriculum Content</i></p> <p>6:120, <i>Education of Children with Disabilities</i></p> <p>6:150, <i>Home and Hospital Instruction</i></p> <p>6:190, <i>Extracurricular and Co-Curricular Activities</i></p> <p>6:300, <i>Graduation Requirements</i></p> <p>7:70, <i>Attendance and Truancy</i></p> <p>7:280, <i>Communicable and Chronic Infectious Disease</i></p> <p>8:30, <i>Visitors to and Conduct on School Property</i></p> <p>8:100, <i>Relations with Other Organizations and Agencies</i></p>
<p>Superintendent or Designee</p>	<p>When the District is required by the State Superintendent of Education to implement RLDs and/or BRLDs:</p> <ol style="list-style-type: none"> 1. If an e-learning program is in place: <ol style="list-style-type: none"> a. Adapts it into a Plan by ensuring that the requirements for communicating the Plan, e.g., website posting, etc. are met; ¹² b. Approves the Plan;¹³ and c. Presents the Plan to the Board for adoption. ¹⁴ 2. If an e-learning program is not in place: <ol style="list-style-type: none"> a. Establishes a District-wide Remote Learning Committee¹⁵ to design a Plan for implementation of RLDs and BRLDs. Committee members should include: <ul style="list-style-type: none"> 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-API, Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities)

The footnotes should be removed before the material is used.

¹² See f/n 3, above.

¹³ See f/n 1, above.

¹⁴ See f/ns 1 and 2, above.

¹⁵ If a committee is not feasible in the district, the superintendent or designee must perform this function. See f/n 16, below.

Actor	Action
	<p>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)</p> <p>Staff members ¹⁶</p> <p>Parents/Guardians</p> <p>Students</p> <p>b. Chairs and convenes Committee¹⁷ meetings. Manages virtual attendance by some or all Committee members when necessary.</p> <p>3. Designates RLDs and/or BRLDs in grades pre-kindergarten through 12.</p> <p>4. Approves the Plan and presents it to the Board for adoption. ¹⁸</p> <p>5. Implements the Plan.</p> <p>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.</p> <p>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.</p>
Remote Learning Committee ¹⁹	<p>Designs a Plan for the Superintendent’s approval and Board’s adoption to implement remote instruction through the District in a manner that: ²⁰</p> <p>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/Pages/covid19.aspx.</p>

The footnotes should be removed before the material is used.

¹⁶ 105 ILCS 5/10-30(7), ~~added by P.A. 101-643~~, 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).

¹⁷ 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.

¹⁸ See f/n 1, above.

¹⁹ 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.

²⁰ 105 ILCS 5/10-30(4), ~~added by P.A. 101-643~~ and see f/n 1, above.

Actor	Action
	<p>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;²¹</p> <p>If the District does not have an e-learning program, includes design in the Plan for implementation of remote instruction that also provides:</p> <ol style="list-style-type: none"> 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 policies²² 6:10, <i>Educational Philosophy and Objectives</i>, 6:15, <i>School Accountability</i>, 6:30, <i>Organization of Instruction</i>, 6:60, <i>Curriculum Content</i>, and 6:300, <i>Graduation Requirements</i>, if applicable; 4. Communication between students and teacher(s),²³ as necessary to align with the requirements of Board policy 7:340, <i>Student Records</i>;²⁴ 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 <i>et seq.</i>, 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. <p>Delivers the Plan to the Superintendent for approval²⁵ in a format that is easily posted on the District's website.</p>

The footnotes should be removed before the material is used.

²¹ 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), ~~added by P.A. 101-643~~.

²² 105 ILCS 5/10-30(8), ~~added by P.A. 101-643~~, 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/ 27-24.2 in its plan(s). *Id.*

While 105 ILCS 5/10-30, ~~added by P.A. 101-643~~, explicitly prohibits behind-the-wheel instruction for RLDs/BRLDs, [during the COVID-19 pandemic, Part Two of the joint ISBE and Ill. Dept. of Public Health \(IDPH\)'s Remote Learning & Transitions Considerations](#) guidance focused on allowable in-person instruction activities, one of which included behind-the-wheel instruction. ~~For this two part guidance publication and its most recent updates, see the REMOTE LEARNING & TRANSITION CONSIDERATIONS tab at www.isbe.net/Pages/covid19.aspx.~~

²³ 105 ILCS 5/10-30(4)(iii), ~~added by P.A. 101-643~~.

²⁴ The second part of this sentence is not in 105 ILCS 5/10-30, ~~added by P.A. 101-643~~, but is still required by State and federal law.

²⁵ See f/n 1, above.

Actor	Action
	<p>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); added by P.A. 101-643.</p> <p>Recommends to the Board, through the Superintendent, any policy changes for consideration. See Board policy 2:240, <i>Board Policy Development</i>.</p> <p>Reports reviews and amendments to the Plan to the Superintendent or designee.</p>
All Staff ²⁶	Implements the Plan.

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

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The footnotes should be removed before the material is used.

²⁶ See f/n 16, above.

Instruction

Administrative Procedure - Comprehensive Health Education Program

105 ILCS 110/3 requires the District to implement a Comprehensive Health Education Program (CHEP). CHEP is a systematic and extensive educational program designed to provide a variety of learning experiences based upon scientific knowledge of the human organism as it functions within its environment which will favorably influence the knowledge, attitudes, values, and practices of Illinois [students]; and which will aid [students] in making wise personal decisions in matters of health.

Unless limited to specific grades, the following major educational areas are the basis for curricula in the District's CHEP in all elementary and secondary schools: ¹

1. Human ecology and health;
2. Human growth and development;
3. In all grades, age-appropriate sexual abuse and assault awareness and prevention education,² except no student in grades pre-K through 8 shall be required to take or participate in any instruction for *recognizing and avoiding* sexual abuse if the student's parent/guardian submits written objection and refusal to participate in the instruction shall not be reason for failing, suspending or expelling the student.³ Through grade 12, an age-appropriate and evidence-informed curriculum pursuant to *Erin's Law* will provide instruction pursuant to Board policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*.⁴ The

The footnotes should be removed before the material is used.

¹ All topics in this list without citation are from 105 ILCS 110/3; additional citations are for other portions of the School Code that also cover each topic. To avoid redundancy, Public Acts amending this law are simply listed in the f/ns as: "Amended by P.A. ..., " without first listing 105 ILCS 110/3.

² Four statutes address a district's responsibility to provide age-appropriate sexual abuse and assault awareness and prevention education programs:

See f/n 1 above (age-appropriate sexual abuse and assault awareness and prevention education in all grades);

Erin's Law, 105 ILCS 5/10-23.13, amended by P.A. 102-610, and see sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors* (permits boards to adopt and implement a policy addressing sexual abuse prevention education for students through grade 5 and their parents/guardians);

105 ILCS 5/27-9.1a(b), amended by P.A. 102-522 (requires comprehensive personal health and safety and comprehensive sexual health education a/k/a National Sex Education Standards (NSES) to be: (a) age and developmentally appropriate, medically accurate, complete, culturally appropriate, inclusive, and trauma informed (b) replicate evidence-based or evidence-informed programs or substantially incorporate elements of evidence-based programs or evidence-informed programs or characteristics of effective programs, (c) provide information about local resources where students can obtain additional information and confidential services related to sexual violence (includes sexual abuse), and (d) provide information about State laws related to mandated reporting of child abuse and neglect, and school policies addressing the prevention of and response to sexual violence); and

105 ILCS 5/27-13.2 (addresses (a) written objections to sexual abuse prevention instruction and notice provisions (minimum five days) for students in grades K through 8, and (b) distribution by the Ill. State Board of Education (ISBE) and Ill. Dept. of Children and Family Services (DCFS) of information for districts to provide to their communities about this instruction).

³ 105 ILCS 5/27-13.2 addresses instruction and opt-out provisions. This law also requires ISBE in cooperation with the DCFS to prepare and distribute information about instructional materials and programs about child sexual abuse that schools can use for their own or community programs and distribute to parents/guardians.

⁴ Required by 105 ILCS 110/3 and *Erin's Law*, 105 ILCS 5/10-23.13, amended by P.A. 102-610.

- Superintendent must ensure all parent(s)/guardian(s) of students in any of grades K through 8 receive not less than five days' written notice before commencing the instruction. ⁵
4. In all grades, a minimum of 16 hours of safety education in the courses of study regularly taught with instruction about: ⁶
 - a. Automobile safety, including traffic regulations, highway safety, and the consequences of alcohol consumption and the operation of a motor vehicle;
 - b. Safety in the home, including safe gun storage;
 - c. Safety in connection with recreational activities;
 - d. Safety in and around school buildings;
 - e. Safety in connection with vocational work or training;
 - f. For students in grades 9 through 11, CPR subject to the excusal limitations in the first aid item 26, below; and
 - g. For students in grades 6 through 8, CPR and how to use an AED by watching a training video on those subjects. ⁷
 - h. For students enrolled in pre-K through grade 6, water safety that incorporates evidence-based water safety instructional materials and resources.
 5. In all grades, tobacco and e-cigarettes and other vapor devices; ⁸
 6. In grades K through 8, education must be available to students concerning effective methods of preventing and avoiding traffic injuries related to walking and bicycling. ⁹
 7. In grades K through 8, instruction, study, and discussion of effective methods for the prevention and avoidance of drugs and the dangers of opioid and substance abuse that are integrated into the curricula and designed to promote effective methods for the prevention and avoidance of drug and substance abuse. ¹⁰
 8. In grades K through 8, annual instruction on the danger of and how to avoid abduction as part of the District's regular curriculum. ¹¹

The footnotes should be removed before the material is used.

⁵ 105 ILCS 5/27-13.2 para. 3 addresses the notice provisions for recognizing and avoiding sexual abuse.

⁶ 105 ILCS 5/27-24.2 (requires safety education for elementary grades); 105 ILCS 5/27-17 (safety education topics), amended by P.A.s 102-971 and 103-567. For resources on water safety instruction, see <https://ndpa.org/water-safety-educational-resources>.

⁷ Consult the board attorney about whether the requirements for students in grades 6 through 8 to watch a video pursuant to 105 ILCS 5/27-17 are subject to the parent/guardian excusal provisions of 105 ILCS 110/3.

⁸ Amended by P.A. 102-464. Starting in grade 5, the law expands education to alcohol and drug use and abuse along with tobacco. See number 9 of this [sample](#) administrative procedure text.

⁹ The law is silent about how to educate students on this topic. 105 ILCS 5/27-23.11. See sample exhibit 6:60-AP1, E2, *Resources for Biking and Walking Safety Education*, for additional information.

¹⁰ 105 ILCS 5/27-13.2, amended by P.A. 102-195. See also f/n 5 in sample policy 6:60, *Curriculum Content*.

¹¹ Required by 105 ILCS 5/27-13.2. Each board determines locally the minimum amount of instruction time that qualifies as program of instruction and satisfies this requirement.

9. In grades 5 through 12, alcohol and drug use and abuse, including the medical and legal ramifications of alcohol, drug, and tobacco use that integrates into existing curricula, instruction related to: ¹²
 - a. The physical and legal effects and ramifications of drug and substance abuse (including use during pregnancy);
 - b. Ill. State Board of Education (ISBE) instructional materials and guidelines developed to assist the District with incorporating this instruction topic into its curricula; and
 - c. Either as part of existing curricula during the school day or as part of an after-school program, support services and instruction for students who are or students whose parents/guardians are chemically dependent.
10. ~~Beginning with the 2024-2025 school year, in~~ grades ~~9-12~~, instruction, study, and discussion on the dangers of fentanyl, ~~which must that includes~~ the following ~~for grades 9-12~~: ¹³
 - a. Information on fentanyl itself including its variations, an explanation of the differences between synthetic and nonsynthetic opioids and illicit drugs, and the differences between the legal and illegal uses of fentanyl.
 - b. Side effects and risk factors of using fentanyl, along with information comparing the lethal amounts of fentanyl to other drugs. Information on risk factors may include: (1) the lethal dose of fentanyl, (2) how often fentanyl is placed in drugs without a person's knowledge, (3) an explanation of what fentanyl does to a person's body and the severity of its addictive properties, and (4) how the consumption of fentanyl can lead to hypoxia, as well as an explanation of precisely what hypoxia does to a person's body.
 - c. Details about the process of lacing fentanyl in drugs and why drugs get laced with fentanyl.
 - d. Details about how to detect fentanyl in drugs and how to save someone from an overdose of fentanyl, including: (1) how to buy and use fentanyl strips, (2) how to buy and use naloxone, either through a nasal spray or an injection, and (3) how to detect if someone is overdosing on fentanyl.

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¹² Letters b. and c. are optional. Ensure the district aligns letter c. with the board's policy 6:180, *Extended Instructional Programs* (and see its f/n 11). Curricula in the area of alcohol and drug use and abuse must be age- and developmentally appropriate, and it may include information from the *Substance Use and Recovery Instruction Resource Guide*, available at: www.isbe.net/Pages/Substance-Use-Prevention-and-Recovery-Instruction-Resource-Guide.aspx. Amended by P.A. 103-810. See f/n 8, above, for a discussion of the progression of tobacco, e-cigarettes, and other vapor devices awareness education. See f/n 13, below, for information regarding instruction on the dangers of fentanyl. P.A. 102-464 amended grammar to separate "abuse during pregnancy" as its own subject but this procedure keeps it tied to the dangers of substance abuse during pregnancy because no course content related to *abuse during pregnancy* exists, except for perhaps teen dating violence prevention education.

¹³ Amended by P.A.s 103-365 and 103-810; 105 ILCS 5/27-13.2(e), added by P.A. 103-365. The law mandates the specific content of instruction for grades 9-12, but it does not mandate the content for grades 6-8. Instruction on the dangers of fentanyl must be age- and developmentally appropriate and may include information from the *Substance Use and Recovery Instruction Guide* (see f/n 12, above). The instructions must be delivered by a licensed educator, school nurse, school social worker, law enforcement officer, or school counselor. Id-105 ILCS 5/27-13.2(e), added by P.A. 103-365. The law also requires students in grades 9-12 to be assessed on fentanyl instruction. The assessment may include: (1) the differences between synthetic and nonsynthetic drugs; (2) hypoxia; (3) the effects of fentanyl on a person's body; (4) the lethal dose of fentanyl; and (5) how to detect and prevent overdoses. Id.

11. In grades 6-12, parenting education that includes instruction in the following: ¹⁴
 - a. Child growth and development, including prenatal development.
 - b. Childbirth and child care.
 - c. Family structure, function, and management.
 - d. Prenatal and postnatal care for mothers and infants.
 - e. Prevention of child abuse.
 - f. The physical, mental, emotional, social, economic, and psychological aspects of interpersonal and family relationships.
 - g. Parenting skill development.
12. Family life,¹⁵ specifically its emotional, psychological, physiological, hygienic and social responsibilities, including sexual abstinence until marriage and evidence-based and medically

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¹⁴ Optional, but if offered by a district the course requirements are mandated by 105 ILCS 5/27-23.1. Upon request, ISBE must assist each district that offers an evidence-based parenting education model to develop instructional materials, train teachers, and establish appropriate time allotments for each of the areas included in such instruction. Id. at (a). Districts may give regular school credit for satisfactory completion of these courses by the student.

School districts may offer parenting education courses during that period of the day which is not part of the regular school day, and residents of the school district may enroll in the courses. Boards may establish fees and collect such charges that are necessary for attendance at these courses in an amount not to exceed the per capita cost of the course's operation, but they may waive all or part of established fees in situations of indigence and/or that a student's educational needs require enrollment.

Last, subject to appropriations and ending after school year 25-26, ISBE was to implement and administer a seven-year pilot program supporting the health and wellness student-learning requirement with a unit of instruction on parenting education in participating school districts that maintain grades 9 through 12, to be determined by the participating school districts. Id. at (b), amended by P.A. 103-8. The pilot was encouraged to include, but was not limited to, instruction on (i) family structure, function, and management, (ii) the prevention of child abuse, (iii) the physical, mental, emotional, social, economic, and psychological aspects of interpersonal and family relationships, and (iv) parenting education competency development that is aligned to the social and emotional learning standards of the student's grade level. Instruction for this pilot may be included with the requirements or 105 ILCS 110/3. ISBE was authorized to make grants to school districts that apply to participate in the pilot, and provide by administrative rule the application and criteria to be used and applied in selecting participating urban, suburban, and rural school districts. See www.isbe.net/Documents/ParentABLE-Flyer-2023.pdf.

¹⁵ Read f/ns 16 and 17 in conjunction with this footnote.

While P.A. 102-522 repealed 105 ILCS 5/27-9.2 (family life instruction optional), CHEP still requires this family life and the prevention, transmission and spread of AIDS instruction, and these topics are subject to a parent/guardian's written objection. See sample exhibit 6:60-AP1, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Excusals and Opt-outs*. CHEP does not indicate that these topics are optional for districts. Consult the board attorney about whether these CHEP topics are optional.

In addition, the now-repealed family life instruction law required the State Superintendent of Education (State Superintendent) to: (a) prepare and make available to local school districts courses of instruction designed to satisfy family life instructional requirements; and (b) develop a procedure to evaluate and measure the effectiveness of family life instruction in each local school district that includes setting reasonable goals for reduced sexual activity, sexually transmitted diseases, and premarital pregnancy. Copies of that procedure were required to be distributed to each district.

ISBE guidance issued after P.A. 102-522 went into effect does not address how districts should proceed with family life instruction under CHEP and whether their curriculums that were combined with the now-repealed family life sex education law may continue to be used. Consult the board attorney for advice on these issues.

For districts that will offer neither family life nor NSES, consult the board attorney before deleting the family life curriculum number 12 because CHEP does not indicate that curriculum is optional.

For districts that will not offer family life assuming that the National Sex Education Standards (NSES) will/would cover these topics, consult the board attorney before replacing the family life curriculum number 12 with: "Family life instruction is replaced by [administrative procedure](#) 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*."

For districts that will offer both family life and NSES, insert after the last sentence: "See also number 13, below, and [administrative procedure](#) 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*."

accurate information regarding sexual abstinence¹⁶; and in grades 6 through 12, instruction on the prevention, transmission, and spread of AIDS; except if a student's parent/guardian submits written objection to taking or participating in family life course or AIDS prevention instruction, and refusal to take or participate in the family life course or AIDS prevention instruction shall not be reason for suspension or expulsion of the student. See [exhibit 6:60-AP1, E1, Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection\(s\) and/or Opt-outs.](#)

13. Comprehensive personal health and safety and comprehensive sexual health education (NSES)¹⁷; except no student shall be required to take or participate in any NSES class or course, and a student's parent/guardian may opt the student out of NSES by submitting the request in writing or using [exhibit 6:60-AP1, E1, Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection\(s\) and/or Opt-outs.](#) Refusal to take or participate in an NSES course or program may not be a reason for disciplinary action, academic penalty, suspension, or expulsion or any other sanction of a student.¹⁸ Active parental consent for their child to participate in NSES is not required;¹⁹ however, because NSES mandates instruction about sexual violence (defined to include sexual abuse)²⁰ and instruction in recognizing and avoiding sexual abuse required by 105 ILCS 5/27-13.2 requires a minimum of five days' notice to parents/guardians of students in grades K through 8, the District will notify students in grades K through 8 using the **Notice of Sexual Abuse and Assault Awareness and Prevention Education** subhead of [administrative procedure 6:60-AP1, E1, Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection\(s\) and/or Opt-outs.](#)²¹ See also [administrative procedure 6:60-AP2, Comprehensive](#)

The footnotes should be removed before the material is used.

¹⁶ Consult the board attorney about whether "evidence-based and medically accurate information regarding sexual abstinence" is included in *family life*. Abstinence is listed in two major educational areas of the CHEP. One is within family life, which is subject to a parent/guardian's written objection. See also f/n 4 in sample exhibit 6:60-AP1, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs.*

Important is that "evidence-based and medically accurate information regarding sexual abstinence," is not listed with the parent/guardian's written objection suggesting a separate educational area. This procedure treats both mentions of abstinence in CHEP as family life instruction, but it may ultimately be included in the final NSES curriculum (see f/n 17⁶, below).

¹⁷ Optional. See 105 ILCS 5/27-9.1a(i)(1), added by P.A. 102-522.

If NSES is offered by a district, 105 ILCS 5/27-9.1a, added by P.A. 102-522, mandates the course content and instruction. ISBE learning standards, which adopt the NSES, and other resources are available at: www.isbe.net/sexualhealth. If boards offered sex education, the law provides zero guidance related to whether boards may use the now-repealed family life and sex education curriculums in future school years. See also para. 3, f/n 15, above.

For districts that will not provide NSES, delete this number 13 and ensure the district does not implement [administrative procedure 6:60-AP2, Comprehensive Personal Health and Safety and Sexual Health Education Program \(National Sex Education Standards \(NSES\)\)](#).

For districts that will implement NSES, ensure that the district implements [administrative procedure 6:60-AP2, Comprehensive Personal Health and Safety and Sexual Health Education Program \(National Sex Education Standards \(NSES\)\)](#).

¹⁸ 105 ILCS 5/27-9.1a(d), added by P.A. 102-522.

¹⁹ *Id.*

²⁰ 105 ILCS 5/27-9a(a) and (b)(6), (8), (9), and (12), added by P.A. 102-522.

²¹ 105 ILCS 5/27-13.2.

Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES)).

14. Course materials and instruction to advise students about the Abandoned Newborn Infant Protection Act, 325 ILCS 2/; ²²
15. The prevention and control of disease;
16. In grades 7 through 12, teen dating violence awareness; ²³
17. In grades 7 through 12, instruction about the prevention of abuse of anabolic steroids in science, health, drug abuse, physical education, or other appropriate courses of study. Instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development. In addition, coaches and sponsors of interscholastic athletic programs shall provide instruction on steroid abuse prevention to students participating in these programs. ²⁴
18. In grade 9 or 10, one unit of instruction in either grade about donations and transplants of organs/tissue and blood, except if a student's parent/guardian files written objection on constitutional grounds, but refusal to take or participate in the instruction shall not be reason for suspension or expulsion of a student or result in any academic penalty. ²⁵
19. Public and environmental health;
20. Consumer health;
21. Safety education and disaster [preparednesssurvival](#);
22. Mental health and illness²⁶ that evaluates the multiple dimensions of health by reviewing the relationship between physical and mental health to enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity and must include how and where to find mental health resources and specialized treatment in the State. ²⁷
23. Personal health habits;
24. Nutrition;
25. Dental health;
26. Cancer, including, without limitation, types of cancer, signs and symptoms, risk factors, the importance of early prevention and detection, and information on where to go for help;
27. Basic first aid including, but not limited to:

The footnotes should be removed before the material is used.

²² The law does not specify which grades must receive this information.

²³ See also sample policy 7:185, *Teen Dating Violence Prohibited*. A toolkit about teenage dating abuse is available online. It is titled Preventing, Assessing, and Intervening in Teenage Dating Abuse: A Training for Specialized Instructional Support Personnel. Materials include a PowerPoint and handouts. See www.safesupportivelearning.ed.gov/get-smart-get-help-get-safe-teenage-dating-abuse-training-specialized-instructional-support.

²⁴ Required by 105 ILCS 5/27-23.3. ISBE may assist in the development of instructional materials and teacher training in relation to steroid abuse prevention. For ease of administration, this procedure puts the duty on coaches and sponsors of interscholastic athletic programs; if the district uses individuals other than those listed insert that fact.

²⁵ Optional according to 105 ILCS 5/27-23.5. The law requires the regional superintendent of schools (or intermediate service center executive director) to obtain and distribute information and data, including instructional materials provided at no cost by America's Blood Centers, the American Red Cross, and Gift of Hope to schools in their regions for use in developing a unit of instruction to comply with this law. It also allows each board to determine the minimum amount of instructional time that qualifies as a unit of instruction to satisfy this law.

²⁶ Mental health and illness instruction must evaluate the multiple dimensions of health by reviewing the relationship between physical and mental health. Amended by P.A. 102-1034.

²⁷ For ease of administration, this topic combines two major education topics listed in 105 ILCS 110/3.

- a. Cardiopulmonary resuscitation (CPR) and the Heimlich maneuver, including training on how to properly administer CPR in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization, except if a student's parent/guardian submits written objection, but refusal to participate in the training shall not be a reason for suspension or expulsion of the student; and
 - b. In secondary schools, how to use an automated external defibrillator (AED) shall be included, except if a student's parent/guardian submits written objection, but refusal to participate in the training shall not be a reason for suspension or expulsion of the student.
28. Beginning with the 2024-2025 school year, in grades 9 through 12, instruction, study, and discussion on the dangers of allergies, including recognizing the signs and symptoms of an allergic reaction, the steps to take to prevent exposure to allergens, and safe emergency epinephrine administration. ²⁸
 29. Heart disease;
 30. Diabetes;
 31. Stroke;
 32. The prevention of child abuse and neglect;
 33. Suicide prevention pursuant to [Board](#) policy 7:290, *Suicide and Depression Awareness and Prevention*;
 34. All students shall receive age-appropriate instruction on motor vehicle safety and litter control.²⁹

Notice to Parent/Guardian; Requirements; Written Objection(s) and/or Opt-outs ³⁰

Refusal to take or participate in any course or program that allows parents/guardians to object in writing and/or opt their children out shall not be reason for disciplinary action or academic penalty to the student. The District will provide [exhibit](#) 6:60-AP1, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs* to parents/guardians wishing to provide written objection or opt out of content in CHEP.

LEGAL REF.: 105 ILCS 110/, Comprehensive Critical Health Problems and Comprehensive Health Education Act.

ADMIN PROC.: 6:60-AP2 (Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES)), 6:60-AP3 (Developmentally Appropriate Consent Education)

The footnotes should be removed before the material is used.

²⁸ Amended by P.A. 103-212. Information for the instruction, study, and discussion on the dangers of allergies must be based on information provided by the Ill. Dept. of Public Health and the federal Centers for Disease Control and Prevention. For resources, see <https://dph.illinois.gov/topics-services/prevention-wellness/epinephrine-autoinjector-and-anaphylaxis.html> and www.cdc.gov/healthyschools/foodallergies/index.htm.

²⁹ Optional. Formerly required by repealed 105 ILCS 5/27-23. Delete this sentence if the district no longer provides this education.

³⁰ Required by 105 ILCS 5/10-23.13, amended by P.A. 102-610; 5/27-9.1a(d), added by P.A. 102-522, 5/27-13.2, 5/27-23.5; and 110/3.

Instruction

Administrative Procedure - Accelerated Placement Program Procedures ¹

The District’s Accelerated Placement Program (APP) places qualified students in an educational setting that includes curriculum usually reserved for students who are older or in higher grades than the student, and is implemented by the Superintendent or designee. 105 ILCS 5/14A.

This administrative procedure contains seven sections as follows:

1. Definitions
2. Annual Notification
3. Referral Process
4. Evaluation Process
5. Eligibility Determination
6. Automatic Enrollment in Advanced High School Coursework
7. Program Reporting, Review, and Expanded Access Plan

Definitions ²

Accelerated placement is the placement of a student in an educational setting with curriculum that is usually reserved for students who are older or in higher grades than the student.³ Accelerated placement includes, but may not be limited to: early entrance to kindergarten or first grade, accelerating a student in a single subject, and grade acceleration.⁴

The footnotes should be removed before the material is used.

¹ Customize this procedure to meet the district’s needs. It is written in general terms with regard to 105 ILCS 5/14A, the Accelerated Placement Act (APA). Districts may wish to utilize different procedures for different types of accelerated placement. For example, many districts that permit early entrance to kindergarten or first grade require that early entrance requests be submitted by a certain calendar date, often months in advance of the start of a school term, to allow sufficient time for evaluation and the determination of incoming class sizes and staffing needs. The law is silent regarding whether these deadlines may be waived or adjusted for students who move into the district after the deadline; consult the board attorney for further guidance. Districts should also consider implementing specific and objective criteria for early entrance and address such issues as who pays the costs for assessments, etc.

To provide school administrators and personnel with a familiar procedural framework, the **Referral Process, Evaluation Process, and Eligibility Determination** sections of this sample administrative procedure are loosely modeled on the Ill. Council of School Attorneys’ *Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities*. See www.iasb.com/law/icsaspedec.cfm.

² 105 ILCS 5/14A-17, ~~amended by P.A. 103-263 (APA)~~, requires districts to have an accelerated placement program that includes, but need not be limited to, the following types of acceleration: early entrance to kindergarten or first grade, accelerating a child in a single subject, and grade acceleration. The APA does not define these types of acceleration however, they are defined in Ill. State Board of Education (ISBE) regulations at 23 Ill.Admin.Code §227.5.

For high school districts, delete the definitions of *early entrance to kindergarten* and *early entrance to first grade*. If the district offers additional types of acceleration, such as curriculum compacting or telescoping curriculum, then the definitions of such additional types should be added to this section.

³ 105 ILCS 5/14A-17, ~~amended by P.A. 103-263~~; 23 Ill.Admin.Code §227.5.

⁴ *Id.* For high school districts, delete “early entrance to kindergarten or first grade.” For districts that offer additional types of acceleration, amend this sentence to include those types in the list of accelerated placement offerings.

Advanced academic program is a course of study, including but not limited to, accelerated placement, Advanced Placement coursework, International Baccalaureate coursework, dual credit, or any course designated as enriched or honors, that a student is enrolled in based on the student's advanced cognitive ability or advanced academic achievement compared to local age peers and in which the curriculum is substantially differentiated from the general curriculum to provide appropriate challenge and pace. ⁵

Early entrance to kindergarten is the admission to kindergarten of a student who: (a) is assessed for and meets the District’s readiness standards to attend school; and (b) will not be five years of age on or before September 1 of that school term. ⁶

Early entrance to first grade is the admission to first grade of a student who is assessed for and meets the District’s readiness standards to attend school. A student may, but is not required to, have attended a non-public preschool and continued his or her education at that school through kindergarten and been taught in kindergarten by an appropriately certified teacher. A student who is younger than six upon starting first grade but who was admitted early to kindergarten does not need to be reevaluated prior to admission to first grade. ⁷

Individual subject acceleration is the practice of assigning a student to a specific content area at a higher instructional level than is typical given the student’s grade for the purpose of providing access to appropriately challenging learning opportunities in one or more subject areas.⁸ It may be accomplished by either: (a) physically moving the student to a higher level class for instruction; or (b) using higher level curricular or study materials in the student’s current classroom.

Whole grade acceleration is the practice of assigning a student to a higher grade level than is typical, given the student’s age, on a full-time basis for the purpose of providing access to appropriately challenging learning opportunities.⁹ Commonly referred to as skipping a grade, grade acceleration may be done at the beginning of or during the school term.

Annual Notification ¹⁰

Actor	Action
Superintendent or designee	Annually notifies the community, including community-based organizations, providers of out-of-school programs, parent(s)/guardian(s), students, and school personnel, about the:

The footnotes should be removed before the material is used.

⁵ [105 ILCS 5/14A-17, amended by P.A. 103-263.](#)

⁶ 23 Ill.Admin.Code §227.5. Use the following alternative in a district operating on a year-round basis:
Early entrance to kindergarten is the admission to kindergarten of a student who: (a) is assessed for and meets the District’s readiness standards to attend school; and (b) will not be five years of age within 30 days after the commencement of that school term.

⁷ 23 Ill.Admin.Code §227.5.

⁸ *Id.*

⁹ *Id.*

¹⁰ Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require “procedures for annually informing the community at-large, including parents or guardians, community-based organizations, and providers of out-of-school programs, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework[.]” Delete if the board has not included annual notification language in its adopted [Board](#) policy 6:135, *Accelerated Placement Program*.

Actor	Action
	<ol style="list-style-type: none"> 1. APP 2. Process for referring a student for possible evaluation for accelerated placement, including: <ol style="list-style-type: none"> a. Steps to be taken to make a referral; b. Individual(s) to whom a referral may be submitted; c. Deadlines by which a referral must be made; and d. Information that must be provided in the referral. 3. Methods used to determine whether a student is eligible for accelerated placement. 4. Strategies used to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework. <p>Provides such notification:</p> <ol style="list-style-type: none"> 1. By varied communication methods, such as student handbooks and District/school websites; and 2. In multiple languages.

Referral Process

Actor	Action
<p>Parent(s)/Guardian(s), Licensed Educational Professionals, Student (with written consent of a parent/guardian), or Peer (through a licensed educational professional who has knowledge of the student’s abilities).</p> <p>In addition to the above-noted individuals, referrals for possible early entrance to kindergarten or first grade may also come from: Preschool Educator, Non-public Kindergarten Teacher,</p>	<p>Refers a student for possible evaluation for accelerated placement using the process set forth in this procedure.</p>

Actor	Action
Pediatrician, or Psychologist who knows the studentchild . ¹¹	
Student Services Director, Building Principal, or designee	<p>Within <i>[insert number]</i> school days after receiving a referral, determines whether an evaluation for accelerated placement is warranted.</p> <p>To determine whether an evaluation is warranted, may review existing data about the student, utilize screening data, and conduct preliminary procedures such as observation of the student, consultation with the teacher or other individual making the request, and a conference with the student.</p> <p>Provides the student’s parent(s)/guardian(s) with written notice of the referral determination. For cases not warranting an evaluation, the process ends here. For cases warranting an evaluation, proceed to Evaluation Process, below.</p>

Evaluation Process

Actor	Action
Student Services Director, Building Principal, or designee	<p>Convenes an Evaluation Team (consisting of District teacher(s) and school support personnel, as appropriate) having the knowledge and skills necessary to:</p> <ol style="list-style-type: none"> 1. Identify multiple valid, reliable indicators¹² to use during the evaluation; 2. Identify appropriate assessment instruments; 3. Administer said assessments; and 4. Interpret evaluation results. <p>The composition of the team may vary depending upon the type of acceleration requested and other relevant factors.</p>
Evaluation Team	<p>Identifies multiple valid, reliable indicators and any assessment instruments appropriate to use during the evaluation.</p> <p>Prepares a written document identifying the evaluation components. This may occur without a meeting.</p>

The footnotes should be removed before the material is used.

¹¹ 105 ILCS 5/14A-32(b)(2) recommends that the referral process allow for multiple referrers, and specifically notes that referrers for possible early entrance may include “a preschool educator, pediatrician, or psychologist who knows the child.” High school districts should delete the list of additional referrers for possible early entrance. ISBE regulations define *multiple referrers* as including, but not being limited to, “the student’s parents or guardian, current teachers, district gifted coordinator or gifted education specialist, guidance [\[school\]](#) counselor, principal, and school psychologist.” 23 Ill.Admin.Code §227.5.

¹² Required by 105 ILCS 5/14A-32(a)(4). *Multiple valid, reliable indicators* are not defined in the APA or ISBE regulations; some attorneys prefer using “standardized and norm-referenced indicators” instead.

Actor	Action
Student Services Director, Building Principal, or designee	Provides parent(s)/guardian(s) with written notification of the Evaluation Team’s conclusions regarding the evaluation components and requests parent(s)/guardian(s)’ written consent to conduct the evaluation.
Parent/Guardian	Provides written consent to conduct the evaluation.
Evaluation Team	<p>Completes the evaluation within <i>[insert number]</i> school days following the date of receipt of parent(s)/guardian(s)’ written consent to conduct the evaluation.</p> <p>Ensures the evaluation is nondiscriminatory and follows Board policy 7:10, <i>Equal Educational Opportunities</i>.</p>

Eligibility Determination

Actor	Action
Evaluation Team	<p>Convenes a meeting¹³ with parent(s)/guardian(s) to review evaluation results and determine eligibility for the APP. Provides parent(s)/guardian(s) with written notice of eligibility determination.</p> <p>If the student is found eligible for the APP, prepares and provides parent(s)/guardian(s) with a written plan detailing the type of acceleration the student will receive and strategies to support the student. ¹⁴</p> <p>If the student is not found eligible for the APP, provides parent(s)/guardian(s) with written notice of their right to appeal the eligibility determination, within five calendar days after receiving the determination, by submitting a written request to the Superintendent. ¹⁵</p>
Parent/Guardian	If desired, within <i>[insert number]</i> calendar days after receiving written notice that student is not eligible for the APP, submits written appeal to the Superintendent.

The footnotes should be removed before the material is used.

¹³ Convening a meeting with parents/guardians is not required, however, 105 ILCS 5/14A-32(a)(2) requires “a fair and equitable decision-making process that involves multiple persons and includes a student’s parents or guardians.” A meeting logically allows the Evaluation Team to explain evaluation results, parent(s)/guardian(s) to ask questions and be heard, and all stakeholders to be involved in the eligibility determination. Delete this sentence if the district will not offer a meeting.

ISBE regulations define *multiple persons* as including, but not being limited to, “the student’s parent or guardian, current teachers, district gifted coordinator or gifted education specialist, guidance [\[school\]](#) counselor, principal, and school psychologist. 23 Ill.Admin.Code §227.60.

¹⁴ Optional. The APA permits but does not require this written plan. 105 ILCS 5/14A-32(b)(3).

¹⁵ Optional.

Actor	Action
Superintendent	<p>Within <i>[insert number]</i> calendar days after receiving the written appeal request, reviews the case, and provides parent(s)/guardian(s) with written notice of his/her decision.</p> <p>The Superintendent’s decision is final.</p>

Automatic Enrollment in Advanced High School Coursework ¹⁶

Actor	Action
Student Services Director, Building Principal, or designee	<p>Identifies students who qualify for automatic enrollment in the “next most rigorous level of advanced coursework” (NMR) offered by the District, for the following school term, by reviewing State assessment results in English language arts, mathematics, and science.</p> <p>For English language arts, the NMR includes courses in English, social studies, humanities, or related subjects. ¹⁷</p> <p>For a student entering grade 12, the NMR in English language arts or mathematics must be a dual credit course (as defined in the Dual Credit Quality Act, 110 ILCS 27/5), an Advanced Placement course (as defined in the College and Career Success for All Students Act, 105 ILCS 302/10), or an International Baccalaureate course. The same is true for all other subjects, except that the NMR may also include an honors class, an enrichment opportunity, a gifted program, or another program offered by the District. ¹⁸</p> <p>Provides written notice to parent(s)/guardian(s) of a qualified student of the student’s eligibility for automatic enrollment in the NMR level of advanced coursework offered by the high school that:</p> <ol style="list-style-type: none"> 1. Identifies the course(s) the student is eligible for, including the location and schedule, if known, of the course(s); 2. Informs the parent(s)/guardian(s) of the option to instead enroll the student in alternative coursework that better

The footnotes should be removed before the material is used.

¹⁶ Required only for districts with grades 9-12. 105 ILCS 5/14A-32(a-5), [\(a-10\)](#), amended by P.A.s 102-209 [and 103-743](#). Delete for elementary school districts. See f/n [10](#) [and 11](#) in sample policy 6:135, *Accelerated Placement Program*, for further discussion of this requirement. Written notice to parents/guardians is not required but is a best practice to memorialize that automatic enrollment into the next level of advanced coursework and the option of alternative coursework were offered to qualified students.

¹⁷ [Id.](#) at (a-5)(1), [amended by P.A. 103-743](#).

¹⁸ 105 ILCS 5/14A-32(a-5), amended by P.A.s 102-209 [and 103-743](#).

Actor	Action
	<p>aligns with the student’s postsecondary education or career goals; ¹⁹</p> <ol style="list-style-type: none"> 3. Identifies the alternative coursework the student is eligible for, including the location and schedule, if known, of the alternative coursework; and 4. Requests that the parent(s)/guardian(s) notify the District within [insert number] calendar days of their course enrollment decision.
Parent/Guardian	Provides the District with written notice of their course enrollment decision within [insert number] calendar days after receiving the written notice.

Program Reporting, Review, and Expanded Access Plan

Actor	Action
Superintendent, Student Services Director, or designee	<p>Submits by July 31 each year to the Ill. State Board of Education (ISBE) through the Student Information System (SIS): ²⁰</p> <ol style="list-style-type: none"> 1. Demographic information for each student participating in the APP; 2. Student participation in the APP; and 3. Type of APP placement. <p><u>Develops procedures to provide support and promote success for students who are newly enrolled in the APP. ²¹</u></p> <p><u>Develops procedures to promote equity, which may incorporate one or more of the following evidence-based practices: ²²</u></p> <ol style="list-style-type: none"> 1. <u>The use of multiple tools to assess exceptional potential and provide several pathways into advanced academic programs when assessing student need for advanced academic or accelerated programming;</u> 2. <u>Providing enrichment opportunities starting in the early grades to address achievement gaps that occur at school entry and provide students with opportunities to demonstrate their advanced potential;</u>

The footnotes should be removed before the material is used.

¹⁹ 105 ILCS 5/14A-32(a-5), amended by P.A.s 102-209 and 103-743.

²⁰ 23 Ill. Admin.Code §227.60(b).

²¹ Optional. 105 ILCS 5/14A-32(b)(4).

²² Optional. 105 ILCS 5/14A-32(b)(6), added by P.A. 103-263. For districts that prefer to not use the terms *gifted* or *gifted education*, consider replacing No. 5 with the following:

Providing professional learning in instructional practices, including identifying and challenging students from diverse cultures and backgrounds, to support all students’ successful participation in accelerated placement or advanced academic programming.

Actor	Action
	<p data-bbox="751 281 1469 380">3. <u>The use of universal screening combined with local school-based norms for placement in accelerated and advanced learning programs;</u></p> <p data-bbox="751 380 1469 579">4. <u>Developing a continuum of services to identify and develop talent in all learners ranging from enriched learning experiences, such as problem-based learning, performance tasks, critical thinking, and career exploration, to accelerated placement and advanced academic programming; and</u></p> <p data-bbox="751 579 1469 779">5. <u>Providing professional learning in gifted education for teachers and other appropriate school personnel to appropriately identify and challenge students from diverse cultures and backgrounds who may benefit from accelerated placement or advanced academic programming.</u></p> <p data-bbox="703 789 1469 888">Reviews disaggregated data on APP participation and successful completion rates to address gaps among demographic groups in accelerated placement opportunities. ²³</p> <p data-bbox="703 909 1469 1008">Develops and, as necessary, updates a plan to expand access to the APP and to ensure the teaching capacity necessary to meet any increased demand. ²⁴</p>

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The footnotes should be removed before the material is used.

²³ Optional. 105 ILCS 5/14A-32(b)(5).

²⁴ 105 ILCS 5/14A-32(d).

Students

Student Handbook - Hazing Prohibited ¹

Soliciting, encouraging, aiding, or engaging in hazing, no matter when or where it occurs, is prohibited. *Hazing* means any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students. ²

Students engaging in hazing will be subject to one or more of the following disciplinary actions:

1. Removal from the extracurricular activities,
2. Conference with parents/guardians, and/or
3. Referral to appropriate law enforcement agency.

Students engaging in hazing that endangers the mental or physical health or safety of another person may also be subject to:

1. Suspension for up to 10 days, and/or ³
2. Expulsion for the remainder of the school term. ⁴

The footnotes should be removed before the material is used.

¹ State or federal law controls this student handbook provision's content. This provision concerns an area in which the law is unsettled in that a school's authority to discipline a student for off-campus hazing is unclear and highly fact-sensitive.

The district itself may be liable for a civil rights violation when school officials participate in hazing rituals. Hilton v. Lincoln-Way High Sch., 1998 WL 26174 (N.D. Ill. 1998) (female band member, who was hazed during a required retreat, stated a cause of action under §1983).

A district must identify a connection between a student's off-campus misconduct and the school before it may suspend or expel a student. In a case involving an off-campus *powder puff* football game that evolved into senior girls physically hazing junior girls, the federal judge upheld a school's authority to discipline students, saying: "When one set of students sets to prey upon another set of students in a ritualistic exercise, the consequences of which will necessarily effect the students' relationships while they are all in attendance at the same school, the ability of school officials to act in the area and discipline those who went beyond the pale of tolerable student behavior is manifest." Gendelman v. Glenbrook North High Sch. and Northfield Twp. Sch. Dist. 225, 2003 WL 21209880 (N.D. Ill. 2003). In that case, the school handbook expressly prohibited hazing and harassment; this prohibition was not limited to school sponsored events.

Schools have greater latitude to remove students from extracurricular participation than to suspend or expel them from school. See sample policy 7:240, *Conduct Code for Participation in Extracurricular Activities* and its discussion of court cases in f/n 3.

School employees who observe hazing that results in bodily injury to a student must report it to the building principal or superintendent; see sample policy 5:90, *Abused and Neglected Child Reporting*.

² According to Illinois criminal law, a person commits hazing who knowingly requires the performance of any act by a student or other person in a school, college, university, or other educational institution of this State, for the purpose of induction or admission into any group, organization, or society associated or connected with that institution if: (a) the act is not sanctioned or authorized by that educational institution; and (b) the act results in bodily harm to any person. 720 ILCS 5/12C-50(a). Consent to being hazed does not provide a defense to prosecution for hazing. 720 ILCS 5/12C-50(a-1), added by P.A. 103-765, eff. 1-1-25. Hazing is a Class A misdemeanor, except hazing that results in death or great bodily harm is a Class 4 felony. 720 ILCS 5/12C-50(b). People v. Anderson-Rekita, 148 Ill.2d 15 (1992)(hazing statute was not overbroad by punishing constitutionally protected speech because it reached only conduct that recklessly, knowing, or intentionally results in bodily injury).

³ See sample policy 7:200, *Suspension Procedures*, for further information concerning student suspension.

⁴ See sample policy 7:210, *Expulsion Procedures*, for further information concerning student expulsion.

Students

Administrative Procedure - Use of Isolated Time Out, Time Out, and Physical Restraint¹

This administrative procedure applies to all students. Isolated time out, time out, and physical restraint shall only be used if the student's behavior presents an imminent danger of serious physical harm to the student or others, and other less restrictive and intrusive measures were tried and proven ineffective in stopping it. The District may not use isolated time out, time out, or physical restraint as discipline or punishment, convenience for staff, retaliation, a substitute for appropriate educational or behavioral support, a routine safety matter, or to prevent property damage in the absence of imminent danger of serious physical harm to the student or others. Any use of isolated time out, time out, or physical restraint by any staff member shall comply with the Ill. State Board of Education (ISBE) rules, Section 1.285, "Requirements for the Use of Isolated Time Out, Time Out, and Physical Restraint."

For further guidance, see ISBE's *Permanent Regulations for the Use of Time Out, Isolated Time Out, and Physical Restraint: Guidance and Frequently Asked Questions*, available at: www.isbe.net/Pages/restraint-time-out.aspx. **Note:** The special education committee of the Ill. Council of School Attorneys collaborated with ISBE on this guidance in its continuing commitment to help school boards and their districts comply with ISBE requirements.

A written record of each episode of isolated time out, time out, or physical restraint must be created by the Superintendent or designee using the ISBE Physical Restraint and Time Out form, available at: www.isbe.net/Pages/restraint-time-out.aspx. Additionally, ISBE's *Physical Restraint, Time Out, and Isolated Time Out Bill of Rights*, at: www.isbe.net/Documents/RTO-Bill-of-Rights.pdf, or a similar document can be provided to parents/guardians within one business day after each incident of isolated time out, time out, or physical restraint to meet notification requirements in 105 ILCS 5/10-22.33(g) and 23 Ill.Admin.Code §1.285(f)(3).

Isolated time out, time out, and physical restraint are defined as follows:

Isolated time out - the involuntary confinement of a student alone in a time out room or other enclosure outside the classroom without a supervising adult in the time out room or enclosure. Isolated time out does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment. [23 Ill.Admin.Code §1.285\(a\)](#).

Time Out - a behavior management technique for the purposes of calming or de-escalation that involves the involuntary monitored separation of a student from classmates with an adult trained under 23 Ill.Admin.Code §1.285(i) for part of the school day, only for a brief time, in a non-locked setting.

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

¹ 105 ILCS 5/10-20.33, amended by P.A. 102-339; [105 ILCS 5/22-100, added by P.A. 102-806, eff. 1-1-25](#); 23 Ill.Admin.Code §§1.280 and 1.285. The rules apply to all students. The rules are so filled with minutiae that schools have very few compliance options. One option is to adopt the Ill. State Board of Education (ISBE) rules by reference. This sample administrative procedure uses that option, which is noted explicitly in item #2, below. **Note: To comply with ISBE rules, the sample AP must include local practices**, for items #3, #4, and #5 below. Another option is to prohibit the use of isolated time out, time out, and physical restraint as those terms are defined in the rules. Contact the board attorney for further guidance.

Time out does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment. [23 Ill.Admin.Code §1.285\(a\)](#).

Physical restraint - holding a student or otherwise restricting a student's movements using a specific, planned technique. A physical restraint shall not impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's ability to speak. [23 Ill.Admin.Code §1.285\(b\), \(c\)\(3\)](#).

Prone physical restraint is a physical restraint in which a student is held face-down on the floor or other surface and physical pressure is applied to the student's body to keep the student in the prone position. Prone physical restraint is prohibited ~~except in special education nonpublic facilities under 105 ILCS 5/14-7.02 when all of the criteria in 23 Ill.Admin.Code §1.285(d)(4) are met. Prone physical restraint is entirely prohibited after the 2021-2022 school year.~~ [23 Ill.Admin.Code §1.285\(c\)\(4\)\(F\)](#).

Supine physical restraint is a physical restraint in which a student is held face up on the floor or other surface and physical pressure is applied to the student's body to keep the student in the supine position. Supine physical restraint is prohibited unless all of the criteria in [23 Ill.Admin.Code §1.285\(c\)\(5\)](#) are met. [23 Ill.Admin.Code §1.285\(c\)\(5\)](#).

Restraint does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to: ~~(1) prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or (2) remove a disruptive student who is unwilling to leave the area voluntarily.~~ [23 Ill.Admin.Code §1.285\(b\)](#).

The following also apply:

1. The circumstances under which isolated time out, time out, or physical restraint will be applied are limited to maintaining a safe and orderly learning environment, to the extent necessary to preserve the safety of the student and others. [23 Ill.Admin.Code §1.285\(i\)\(1\)](#).
2. The ISBE rules are adopted as the District's written procedure to be followed by staff for the use of isolated time out or physical restraint. [23 Ill.Admin.Code §1.285\(i\)\(2\)](#).
3. Staff members shall inform the Building Principal whenever isolated time out, time out, or physical restraint is used, and the Building Principal shall maintain the documentation required according to [Section 1.285\(j\)\(3\)](#). [23 Ill.Admin.Code §1.285\(i\)\(3\)](#).
4. The Building Principal shall investigate and evaluate any incident that results in an injury to the affected student, parent/guardian, staff member, or other individual. [23 Ill.Admin.Code §1.285\(i\)\(4\)](#).
5. The Superintendent or designee shall compile an annual review of the use of isolated time out, time out, or physical restraint. The Building Principal shall report the following information to the Superintendent or designee in order to facilitate the report's compilation: [23 Ill.Admin.Code §1.285\(i\)\(5\)](#).
 - a. The number of incidents involving the use of these interventions;
 - b. The location and duration of each incident;
 - c. Identification of the staff members who were involved;
 - d. Any injuries or property damage that occurred; and
 - e. The timeliness of parental or guardian notification and timelines for agency notification and administrative review.

LEGAL REF.: 105 ILCS 5/10-20.33.
23 Ill.Admin.Code §§1.280 and 1.285.

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Students

Administrative Procedure - Student Discipline Guidelines ¹

The intent of these guidelines is to enhance school climate, improve school discipline practices, and ensure that students are disciplined without discrimination on the basis of race, color, national origin, gender, disability, or other protected status. Data collected from Ill. school districts on student discipline is available at www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx.

Recordkeeping

1. Develop and implement a District-wide uniform discipline referral form that documents each of the following:
 - a. Student name
 - b. Identity of staff member making referral
 - c. Date and time of incident
 - d. Location of incident
 - e. Description of incident
 - f. Description of interventions attempted prior to incident
 - g. Description of the incident's effect on other students and/or the learning environment
 - h. Parent/guardian contact made (when, how, and by whom)
2. Maintain each of the following data related to student discipline referrals:
 - a. Race of the student referred for discipline
 - b. Gender of the student referred for discipline
 - c. Disability status of the student referred for discipline
 - d. Basis for the referral
 - e. Identity of the staff member making referral
 - f. Race of the staff member making referral
 - g. Gender of the staff member making referral
 - h. Basis for imposing or not imposing discipline
 - i. Description of discipline imposed, if any, and the rationale for its selection
 - j. Whether the referral was made to the school resource officer² (SRO) or law enforcement
 - k. Basis for making the referral to the SRO or law enforcement (if applicable)
 - l. Whether there were any criminal charges filed as a result of the student's misconduct

The footnotes should be retained.

¹ This guidance aligns with the 1-8-14 *Dear Colleague Letter* issued jointly by the U.S. Dept. of Education (DOE) and U.S. Dept. of Justice (DOJ), and their comprehensive School Climate and School Discipline Guidance Package (a weblink is provided in the Resources section of this procedure). **Note:** These guidance documents were rescinded by a joint DOE and DOJ *Dear Colleague* letter dated 12-21-18, at: www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-201812.pdf and www2.ed.gov/about/offices/list/ocr/letters/colleague-201812.pdf. Since July 30, 2021, the letter and rescinding of the letter have been under review by the DOE and DOJ. See also:

Christian County Public Schools, Case No. 03-11-5002 (decision letter issued 2-28-14).

Christina School District, Case No. 03-10-5001 (decision letter issued 12-14-13).

Oakland Unified School District, Case No. 09-12-5001 (decision letter issued 9-27-12).

Independent School District #761, Case No. 05-10-1148 (decision letter issued 5-4-11).

² *School resource officer* means a law enforcement officer who has been primarily assigned to a school or school district under an agreement with a local law enforcement agency. 105 ILCS 5/10-20.68, added by P.A. 100-984.

- m. If the student received an exclusionary consequence (out-of-school suspension or expulsion) for his/her misconduct, whether the student was offered any academic or behavior support services and, if so, which support services

Periodic Review and Self-Monitoring

Review the following on a periodic basis and at least annually:

1. Discipline-related District policies and procedures
 - a. Such policies may include:
 - 7:20, *Harassment of Students Prohibited*
 - 7:70, *Attendance and Truancy*
 - 7:130, *Student Rights and Responsibilities*
 - 7:140, *Search and Seizure*
 - 7:150, *Agency and Police Interviews*
 - 7:160, *Student Appearance*
 - 7:165, *School Uniforms*
 - 7:170, *Vandalism*
 - 7:180, *Prevention and Response to Bullying, Intimidation, and Harassment*
 - 7:185, *Teen Dating Violence Prohibited*
 - 7:190, *Student Behavior*
 - 7:200, *Suspension Procedures*
 - 7:210, *Expulsion Procedures*
 - 7:220, *Bus Conduct*
 - 7:230, *Misconduct by Students With Disabilities*
 - 7:240, *Conduct Code For Participants in Extracurricular Activities*
 - 7:250, *Student Support Services*
 - 7:310, *Restrictions on Publications; Elementary Schools*
 - b. This review should:
 - i. Include input from all members of the school community (administrators, staff, students, parents/guardians, volunteers and community members). Such input may be obtained through school climate surveys, school forums, and the District's parent-teacher advisory committee (established per 105 ILCS 5/10-20.14, [amended by P.A. 103-896](#)) and the behavior interventions committee for students with disabilities (established per 105 ILCS 5/14-8.05).
 - ii. Ensure policies and procedures (e.g., an individual school's conduct code) have clear definitions of prohibited student conduct, especially those entailing the subjective exercise of discretion.
 - iii. Attempt to incorporate alternative disciplinary measures into Board policies and procedures.
 - iv. Implement a system of Positive Behavioral Interventions and Support (PBIS) or, if PBIS has been implemented, analyze and monitor its effectiveness and ways to improve it.
2. Discipline data
 - a. Data review should analyze each of the following:
 - i. Number of referrals by teacher/staff member.
 - ii. Race/gender/disability status of referred students by teacher/staff member.
 - iii. Overall percentage of student disciplinary referrals by race, gender, and disability status versus the overall percentage of said student groups in the school and District.

- iv. Overall percentage of student disciplinary referrals for a specific offense (i.e., tardy, dress code violation) by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
 - v. Overall percentage of student disciplinary referrals resulting in an exclusionary consequence by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
 - vi. Overall percentage of student disciplinary referrals resulting in a referral to law enforcement by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
 - vii. Comparison of discipline imposed for the same or similar offense for students of different races, gender, and disability statuses.
- b. Compare the District's student discipline data with the data from other school districts. As required by 105 ILCS 5/2-3.162, by Oct. 31 annually, ISBE prepares a report on student discipline from data collected from all Ill. school districts. The report includes data on the issuance of out-of-school suspensions, expulsions, and removals to alternative settings in lieu of another disciplinary action, disaggregated by race and ethnicity, gender, age, grade level, whether a student is an English learner, incident type, and discipline duration. It is available at www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx.
- c. According to 105 ILCS 5/2-3.162:
- i. School districts that are identified in the top 20% of any of the metrics for three consecutive years must submit a plan identifying its strategies to reduce the use of exclusionary disciplinary practices or racial disproportionality or both, if applicable.
 - ii. The plan must be approved by the school board and posted on the district's website. Within one year after being identified, the school district must submit to ISBE and post on the district's website a progress report describing the plan's implementation and the results achieved.
- d. If there are any red flags resulting from the data analysis, the discipline committee should meet to determine if there are comparably effective alternative practices or policies that would meet the school's stated educational goal with less of a burden or adverse impact on the disproportionately affected group.

Training

1. Annually train all District staff and school-based law enforcement on each of the following:
 - a. The District's discipline-related policies and procedures, including which behaviors fall into categories of misconduct defined therein so that there is consistency in application.
 - b. How to apply school discipline policies, procedures, and practices in a fair and equitable manner so as not to disproportionately impact students of color, students of a particular gender, students with disabilities, or at-risk students.
 - c. Effective classroom management strategies, recognizing that the removal of students from the classroom is to be used as a last resort.
 - d. How to engage students and support positive behavior, including through any PBIS program implemented in the District.
 - e. Classroom management techniques and resources available to staff who are having difficulty with classroom management.
 - f. The role that school-based law enforcement is expected to play in the discipline process, including when it is or is not appropriate to refer a student to school-based law enforcement.
2. [Make reasonable efforts to provide ongoing professional development to all District staff, school board members, and SROs on the requirements of 105 ILCS 5/10-22.6 and 105 ILCS 5/10-20.14,](#) adverse consequences of exclusion and justice system involvement, effective classroom

management strategies, culturally responsive discipline, [trauma responsive learning environments](#), the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates ~~to administrators, teachers, staff, school board members, and SROs.~~³

Notice

Annually notify students and parents/guardians of the District's discipline-related policies and procedures.

1. Use varied communication methods, such as student handbooks, District or school websites, posters, classroom instruction, assemblies, etc.
2. Ensure such notice is provided in an age-appropriate, easily understood manner.
3. Ensure such notice is provided in multiple languages.
4. Explain to students:
 - a. The District's discipline-related policies and procedures, including which behaviors fall into categories of misconduct.
 - b. Their particular school's discipline-related procedures and conduct codes, including which behaviors fall into categories of misconduct.
 - c. Behavior expectations.
 - d. Resources and support services available to students.

Collaboration with Law Enforcement

1. Annually train SROs on the District's discipline-related policies and procedures (if applicable).
2. Review the District's reciprocal reporting agreement⁴ with local law enforcement agencies to determine if revisions are necessary.
3. Develop and enter into a memorandum of understanding (MOU) with local law enforcement agencies. The MOU should clearly define law enforcement's role in the District's schools. Follow an existing MOU and suggest modifications as the need arises.⁵

Resources

[School Climate and Student Discipline Resources: Know the Law \(multiple guidance documents\)](https://www.ed.gov/teaching-and-administration/safe-learning-environments/school-safety-and-security/school-climate-and-student-discipline/school-climate-and-student-discipline-resources-know-the-law), at: <https://www.ed.gov/teaching-and-administration/safe-learning-environments/school-safety-and-security/school-climate-and-student-discipline/school-climate-and-student-discipline-resources-know-the-law>.

The footnotes should be retained.

³ 105 ILCS 5/10-22.6(c-5), amended by P.A. [103-896400-810](#). [See sample policy 2:120, Board Member Development, at f/n 9, for more information regarding 105 ILCS 5/10-22.6, 105 ILCS 5/10-20.14, and relevant sample policies to reference. See 105 ILCS 5/3-11\(b\), amended by P.A. 103-413, for the definition of *trauma-responsive learning environments*.](#) The statute does not define *ongoing* or specify whether each group ~~should~~^{must} receive training on all of the topics. As these are important matters, consult the board attorney for guidance.

⁴ Pursuant to 105 ILCS 5/10-20.14, school districts are to establish and maintain a parent-teacher advisory committee, whose duties include developing policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students. [In consultation with stakeholders, the Ill. State Board of Education \(ISBE\) must draft and publish guidance for the development of reciprocal reporting systems by 7-1-25. Id., amended by P.A. 103-896.](#)

⁵ 105 ILCS 5/10-20.14(b) encourages school districts to create memoranda of understanding (MOU) with law enforcement agencies. An MOU defines law enforcement's role in schools and describes the respective duties of a school district and local law enforcement agencies. Its purpose is to prevent confusion, decrease conflict, and promote school safety. MOUs vary by community because they are created through a collaborative process involving local school districts and local law enforcement agencies. For an example, see [sample exhibit 7:190-E3, Memorandum of Understanding](#).

Dear Colleague [Letter on Nondiscriminatory Administration of School Discipline](#), issued by the Civil Rights Division of the U.S. Dept. of Justice and the Office for Civil Rights of the U.S. Dept. of Education on 1-8-14 (no longer available on the U.S. Dept. of Education's website) at: www2.ed.gov/about/offices/list/ocr/letters/colleague_201401_title_vi.pdf.

Note: These guidance documents were rescinded by a joint Dear Colleague letter dated 12-21-18, at: www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-201812.pdf www2.ed.gov/about/offices/list/ocr/letters/colleague_201812.pdf.

Civil Rights Data Collection at: www2.ed.gov/about/offices/list/ocr/data.html?src=rt.

ISBE Data Analysis of Expulsions, Suspensions, and Truants by District at: www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx

DRAFT

Students

Administrative Procedure - Student Re-Engagement Guidelines

Actor	Action
<p>Building Principal and/or Dean of Students or designee(s), student’s teacher</p>	<p>Determine on a case-by-case basis whether a <i>re-engagement conference</i> and/or a <i>re-engagement plan</i> is/are appropriate.</p> <p>School boards must adopt a policy on the re-engagement of students who are returning from an exclusionary discipline or an alternative school. 105 ILCS 5/10-22.6(b-25), amended by P.A. 103-896. See Board policy 7:190, Student Behavior.</p> <p>While neither a <i>re-engagement conference</i> nor a <i>re-engagement plan</i> is mandatory, one or both will advance “supporting the student’s ability to be successful in school following a period of exclusionary discipline,” from Board policy 7:190, <i>Student Behavior</i>.</p> <p>As appropriate:</p> <ol style="list-style-type: none"> 1. Initiate and schedule a <i>re-engagement conference</i> with the suspended or expelled student and the student’s parent(s)/guardian(s) for a time soon after the student is excluded. If the student is expelled, a second re-engagement conference may be needed before the student’s scheduled return date. 2. Develop a <i>re-engagement plan</i> for each student who is returning from an exclusionary discipline. The plan may address each of the following, as determined on a case-by-case basis: <ol style="list-style-type: none"> a. Appropriate and available support services, if any, during the period of exclusionary discipline. For students who are suspended out-of-school for longer than 4 or more school days (5-10 days), districts are required to: (1) provide “appropriate and available support services” during the period of their suspension, (2) determine what are the “appropriate and available support services,” and (3) document whether such services are to be provided or whether there are no “appropriate and available support services.” 105 ILCS 5/10-22.6(b-25), amended by P.A. 103-896. Districts may refer students who are expelled to “appropriate and available support services.” 105 ILCS 5/10-22.6(b-25)Id. b. Provisions for a suspended student to continue work during an out-of-school suspension or makeup academic credit, such as completing academic work; taking tests or exams; or enrolling in an alternative education program. Districts are required to do this for students who are suspended; it is optional whether to give expelled students this opportunity. 105 ILCS 5/10-22.6(b-30). c. Academic and behavioral re-engagement strategies and interventions, such as the following: <ol style="list-style-type: none"> i. A plan for the student to receive tutoring (during school, after school, at an alternative site, etc.).

Actor	Action
	<ul style="list-style-type: none"> ii. Regularly scheduled and/or impromptu meetings with counseling, guidance, or other staff members. iii. Steps to prevent future misconduct, such as avoiding certain other students and/or situations. iv. Ways to develop the social and emotional skills to cope with adversity. v. An altered schedule. vi. A communication plan between the school and the student and his or her parent(s)/guardian(s). vii. Completion of identified behavioral assessments, with the consent of the parent/guardian, and/or a safety plan where appropriate. <p>3. Identify community resources that may help the student, such as mental health and behavioral support services and academic supports. Note: 20 ILCS 1705/76, added by P.A. 101-45, requires the Ill. Dept. of Public Health to create and maintain an online database and resource page on its website that contains mental health resources specifically geared toward school social workers, school counselors, parents, teachers, and school support personnel. See the database at: www.dhs.state.il.us/page.aspx?item=118331 www.dhs.state.il.us. Also, the Ill. Public Aid Code, 305 ILCS 5/5-5.23(g), amended by P.A. 101-461, eff 7-1-20, requires the Ill. Dept. of Healthcare and Family Services to restructure the Family Support Program (formerly known as the Individual Care Grant program) to enable early treatment of youth, emerging adults, and transition-age adults with a serious mental illness or serious emotional disturbance.</p>
Parent(s)/Guardian(s), Student, and Building Principal and/or Dean of Students, or designee(s)	If scheduled, attend the re-engagement conference during which the following occurs: Help the student understand why he or she was suspended or expelled. Review the re-engagement plan, if any, and make adjustments as needed. Engage in identified community resources that may help the student, such as mental health and behavioral support services and academic supports.

Students

Administrative Procedure - School Student Records ¹

This procedure implements [Board](#) policy 7:340, *Student Records*. It contains a **Table of Contents** and lettered **Sections**.

Table of Contents

- A. Legal Citations and Definitions
- B. School Student Records Defined
- C. Eligible Students Accorded the Rights of Parent/Guardian
- D. Official Records Custodians
- E. Maintenance of School Student Records
- F. Retention and Destruction of School Student Records
- G. Social Security Numbers
- H. Access to School Student Records
- I. Record of Release
- J. Orders of Protection
- K. Parenting Plans
- L. Transmission of Records for Transfer Students
- M. Directory Information
- N. Student Record Challenges

Sections

A. Legal Citations and Definitions

The legal requirements contained in this procedure are followed by a citation to the controlling rule and/or statute. Citations in parentheses indicate the location of a named law. For additional clarification regarding a requirement, the cited law should be reviewed.

Definitions are found in the Ill. School Student Records Act and the Ill. State Board of Education (ISBE) rules. 105 ILCS 10/2; 23 Ill.Admin.Code §375.10. For easy reference, some definitions are re-printed in this procedure.

The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is not included in these procedures but is governed by the Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA). 740 ILCS 110/.

B. School Student Records Defined

School Student Record means any writing or other recorded information concerning a student and by which a student may be individually identified that is maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. 105 ILCS 10/2(d).

The footnotes should be removed before the material is used.

¹ Modify this procedure to align it with board policy. Customize it to reflect the district's practice, particularly to specify the district's treatment of records that the law: (1) says may be kept as either permanent records or temporary records; and (2) allows to be kept as directory information.

Special Education Records means school records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. §1400 *et seq.*) and Article 14 of the School Code. These records include the report of the multidisciplinary staffing conference on which placement or nonplacement was based and all records and audio recordings in any format relating to special education placement hearings and appeals. 23 Ill.Admin.Code §375.10.

A school student record does not include any of the following:

1. Writings or other recorded information kept in a school staff member's sole possession that is destroyed not later than the student's graduation or permanent withdrawal, and is not accessible or revealed to any other person except a temporary substitute teacher. 105 ILCS 10/2(d).
2. Information maintained by law enforcement professionals working in the school. 105 ILCS 10/2(d).
3. Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes. This includes, without limitation, electronic recordings made on school buses, as described in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3(m). The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials for disciplinary or special education purposes regarding a particular student. 23 Ill.Admin.Code §375.10. **Note:** For districts and schools that do not have a designated law enforcement unit, consult the Board Attorney regarding designating an employee to serve as the *law enforcement unit* in order to maintain the security camera and determine the appropriate circumstances in which the school would disclose recorded images.
4. Any information, either written or oral, received from law enforcement officials pursuant to 105 ILCS 5/22-20 concerning a student less than the age of 18 years who has been arrested or taken into custody. 23 Ill.Admin.Code §375.10. ²

C. Eligible Students Accorded the Rights of Parent/Guardian

All rights and privileges concerning school student records that are accorded to parents/guardians become exclusively those of the student when the student reaches 18 years of age, graduates from high school, marries, or enters military service, whichever occurs first. 105 ILCS 10/2(g). Such students are called *eligible students* in this procedure.

D. Official Records Custodians

Each Building Principal is designated the Official Records Custodian for his or her respective school and has the duties, without limitation, listed below. ³

1. Is responsible for the maintenance, care, and security of all school student records, whether or not the records are in his or her personal custody or control, and shall take all reasonable measures to protect school student records through administrative, technical, and security

The footnotes should be removed before the material is used.

² Many lawyers believe that once these records are received by a school, they are protected as education records under the federal Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. §1232g). Consult the board attorney for advice.

³ For districts that have a single District-level records custodian rather than one at each school, use the following alternative sentence: "The District's Official Records Custodian or designee(s) has the duties, without limitation, listed below."

safeguards against risks, such as unauthorized access, release, or use. 105 ILCS 10/4(a) and (b); 23 Ill.Admin.Code §375.40(g).

2. Reviews student temporary records at least every four years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary, or irrelevant information. The records review is required in any given school year at the time a student first changes attendance centers within the District, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year. 23 Ill.Admin.Code §375.40(b).
3. When ~~notified~~requested by the Ill. Dept. of Children and Family Services (DCFS) due to an indicated finding being overturned in an appeal or hearing, purges DCFS's final finding report from the student's record in accordance with the Ill. School Student Records Act (105 ILCS 10/) on the date of expungement provided by the report and returns the report to DCFS. If a school has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of the DCFS's request to the receiving school. 325 ILCS 5/8.6, amended by P.A. 103-624, eff. 1-1-25.
4. Manages requests to access school student records.
5. Transfers a certified copy of the records of students transferring to another school and retains the original records.
6. Provides all required notices to parents/guardians and students, including without limitation, each of the following:
 - a. Upon initial enrollment or transfer to the school, notification of rights concerning school student records; the notification may be delivered by any means likely to reach parents, including direct mail or email, delivery by the student to the parent, or incorporation into a student handbook. 23 Ill.Admin.Code §375.30.
 - b. Annual notification of information that is considered to be *directory information* and of the procedures to be used by parents/guardians to request that specific information not be released. 23 Ill.Admin.Code §375.80.
 - c. Notification to secondary students and their parents/guardians that they may opt out of the disclosure of students' names, addresses, and telephone listings to military recruiters and institutions of higher learning by submitting a written request that such information not be released without the prior written consent of the parent/guardian. 20 U.S.C. §7908.
 - d. Notification of their right to a hearing to challenge any entry in the school student records (except for academic grades) and Official Records Custodian's name and contact information. 23 Ill.Admin.Code §375.90.
 - e. Upon a student's graduation, transfer, or permanent withdrawal, notification to the parents/guardians, and if the student is in the legal custody of DCFS, DCFS' Office of Education and Transition Services, of the destruction schedule for the student's permanent and temporary school student records and of their right to request a copy. Notice to parents/guardians or the student may be provided through: (1) the school's parent or student handbook, (2) publication in a newspaper published in the District or, if no newspaper is published in the District, in a newspaper of general circulation within the district, (3) U.S. mail delivered to the last known address of the parent/guardian or student, or (4) other means provided notice is confirmed to have been received, e.g., hand delivery, return

receipt, or read receipt email. 105 ILCS 10/4(h), amended by P.A.s ~~101-161 and~~ 102-199; 23 Ill.Admin.Code §375.40(c). ⁴

7. Takes all action necessary to ensure that school personnel are informed of the provisions of the School Student Records Act. 105 ILCS 10/3(c).
8. Performs all actions required of the District described in this procedure and the laws governing school student records.

The Building Principal may delegate any of these duties to an appropriate staff member but shall remain responsible for the ~~duty's~~^{duties}' execution.

E. Maintenance of School Student Records 105 ILCS 10/2; 23 Ill.Admin.Code §375.10.

The District maintains two types of school records for each student: a *permanent* record and a *temporary* record.

The *student permanent record* shall consist of the following:

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s).
2. Evidence required by the Missing Children Records Act. 325 ILCS 50/5(b)(1).
3. Academic transcripts, including: grades, graduation date, and grade level achieved; as applicable, and if allowed by District policy, scores received on college entrance examinations if that inclusion is requested in writing by an eligible student or the student's parent/guardian⁵; the unique student identifier assigned and used by ISBE's Student Information System (23 Ill.Admin.Code §1.75); as applicable, designation of an Advanced Placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in 105 ILCS 5/27-22, ~~amended by P.A. 101-643~~; as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with 105 ILCS 5/2-3.159 and 23 Ill.Admin.Code Part 680; as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy, awarded in accordance with 23 Ill.Admin.Code §680.20(c); and as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance with 105 ILCS 5/2-3.169, ~~amended by P.A. 103-979, eff. 1-1-25~~, and 23 Ill.Admin.Code §1.443.
4. Attendance record.
5. Health record, defined by ISBE rule as "medical documentation necessary for enrollment and proof of having certain examinations, as may be required under Section 27-8.1 of the [School] Code."

The footnotes should be removed before the material is used.

⁴ 105 ILCS 10/4(h), amended by P.A. 101-161 and 102-199, requires notice of destruction of student records also be given to DCFS when a student is in its legal custody; however, the law does not specify how that notice is to be delivered to DCFS. A district may wish to rely on item #4 in paragraph e of this list so it has evidence the notice was received.

⁵ 23 Ill.Admin.Code §375.10 provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If board policy allows for the inclusion of such scores on academic transcripts, then the district's notification to parents/guardians and students of their school student records rights must include the process for requesting the inclusion. 23 Ill.Admin.Code §375.30(d)(5).

Note: Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and FERPA attach to eligible students and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

6. Record of release of permanent record information that contains the information listed in Section I, **Record of Release**, below.
7. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12). 105 ILCS 5/2-3.64a-5, ~~amended by P.A. 101-643~~.

If not maintained in the temporary record, the *permanent record* may include:

1. Honors and awards received.
2. Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the permanent record.

The *student temporary record* contains all information not required to be kept in the student permanent record and must include:

1. Record of release of temporary record information that contains the information listed in Section I, **Record of Release**, below.
2. Scores received on the State assessment tests administered in the elementary grade levels (kindergarten through grade 8).
3. Completed home language survey. 23 Ill.Admin.Code §228.15(d).
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction.
5. Any final finding report received from DCFS provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act (325 ILCS 5/8.6) shall be placed in the student record. 23 Ill.Admin.Code §375.40(f).
6. Any biometric information that is collected in accordance with 105 ILCS 5/10-20.40.
7. Health-related information, defined by ISBE rule as “current documentation of a student’s health information, not otherwise governed by the MHDDCA or other privacy laws, that includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs, e.g., glucose readings, long-term medications administered during school hours, documentation regarding a student athlete’s and his or her parents’ acknowledgment of the District’s concussion policy adopted under Section 22-80 of the [School] Code, and other health-related information that is relevant to school participation, e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports.”
8. Accident report, defined by ISBE rule as “documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or if the school nurse has referred the student for a medical evaluation, regardless of whether the parent or guardian, student (if 18 years or older), or an unaccompanied youth has followed through on that request.”

9. Any documentation of a student's transfer, including records indicating the school or school district to which the student transferred. 23 Ill.Admin.Code §375.75(e).
10. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement. 105 ILCS 10/4; 23 Ill.Admin.Code §1.445.
11. Information contained in related service logs maintained by the District for a student with an individualized education program under 105 ILCS 5/14-8.02f(d), ~~amended by P.A. 101-643~~, including for speech and language services, occupational therapy services, physical therapy services, school social work services, school counseling services, school psychology services, and school nursing services.

The *temporary record* may also consist of:

1. Family background information
2. Intelligence test scores, group and individual
3. Aptitude test scores
4. Reports of psychological evaluations, including information on intelligence, personality, and academic information obtained through test administration, observation, or interviews
5. Elementary and secondary achievement level test results
6. Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations
7. Honors and awards received
8. Teacher anecdotal records
9. Other disciplinary information
10. Special education records
11. Records associated with plans developed under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §701 et seq.)
12. Verified reports or information from non-educational persons, agencies, or organizations of clear relevance to the student's education

F. Retention and Destruction of School Student Records

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(e). The temporary record is maintained for at least five years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(f). Individuals adding information to a student's temporary record must include their name, signature, and position and the date the information was added. 105 ILCS 10/4(d). Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after five years, be transferred to the parent(s)/guardian(s) or to the eligible student. Appropriate District personnel shall explain to the student and the parent/guardian the future usefulness of these records. 23 Ill.Admin.Code §375.40(d). Be sure to provide notice of destruction of school student records pursuant to 105 ILCS 10/4(h), amended by P.A. ~~s-101-161 and~~ 102-199, as noted in D(6)(e), above.

G. Social Security Numbers

School officials, with limited exceptions, may not require students or their parents/guardians to provide social security numbers. 5 ILCS 179/, Identity Protection Act. The collection and retention of social security numbers shall be in accordance with Board policy 4:15, *Identity Protection*.

H. Access to School Student Records

The phrase “access to a school student record” means any release or disclosure of information from a student’s school record, whether or not any record is copied. Access in all cases is limited to the designated portion of the record to which the consent or statutory authority applies.

Neither the District nor any of its employees shall release, disclose, or grant access to information found in any school student record except under the conditions set forth in the Ill. School Student Records Act. 105 ILCS 10/6. Absent a court order, school officials do not provide educational records to the Immigration Customs Enforcement.

The Building Principal shall grant access to school student records as detailed below. The Building Principal shall consult with the Superintendent and, if authorized, the Board Attorney concerning any questions.

Access to Parent/Guardian, Eligible Student, or DCFS

1. A student’s parent(s)/guardian(s) or eligible student, or designee, or DCFS’ Office of Education and Transition Services, when a student is in the legal custody of DCFS, are entitled to inspect and copy information in the student’s school record; a student less than 18 years old may inspect or copy information in his or her permanent school record. 105 ILCS 10/5. A request to inspect or copy school student records shall be made in writing and directed to the Building Principal. Access to the records shall be granted within 10 business days after the receipt of such a request. 105 ILCS 10/5(c). The District may extend this timeline by up to five additional business days if one or more of these six reasons applies:
 - a. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
 - b. The request required the collection of a substantial number of specified records;
 - c. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
 - d. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
 - e. The request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) without unduly burdening or interfering with the operations of the school district; or
 - f. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district among two or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

105 ILCS 10/5(c-5).

The District and the person making the request may also agree in writing to extend the timeline for response. Id. The response to an access request for a special education student's records shall include those school student records located in the special education office.

2. The parent(s)/guardian(s), DCFS, if applicable, or the District may request a qualified professional to be present to interpret the student's records. 105 ILCS 10/5(b), amended by P.A. 102-199. If the District makes the request, it is responsible for securing and bearing the cost of the professional's presence.
3. Unless the District has actual notice of a court order or a notice of a *parenting plan* under the Ill. Marriage and Dissolution of Marriage Act, indicating otherwise:
 - a. Divorced or separated parents/guardians with and without *parental responsibility* (formerly custody) are both permitted to inspect and copy the student's school student records. 750 ILCS 5/602.11.
 - b. The Building Principal shall send copies of the documents listed below to both divorced or separated parents/guardians at either's request. 105 ILCS 5/10-21.8.
 - i. Academic progress reports or records
 - ii. Emotional and physical health reports
 - iii. Notices of school-initiated parent-teacher conferences
 - iv. School calendar regarding the student
 - v. Notices about open houses, graduations, and other major school-sponsored events including student-parent/guardian interaction
4. The school will deny access to a student's school records to a parent against whom an *order of protection* (OP) was issued if the OP prohibits the parent from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. See the Ill. Marriage and Dissolution of Marriage Act, 750 ILCS 5/602.11(a), and 750 ILCS 60/214(b)(15), and 222(f). Also see **Orders of Protection**, below. ⁶
5. Parent(s)/guardian(s) or the student, or if applicable, DCFS' Office of Education and Transition Services, shall not be granted access to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment or the receipt of an honor or award which were placed in the records prior to 1-1-75, provided such letters and statements are not used for purposes other than those for which they were specifically intended. Access shall not be granted to such letters and statements entered into the record at any time if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters and statements. 105 ILCS 10/5(e), amended by P.A. 102-199.

Access With Consent of Parent/Guardian or Eligible Student

1. Access will be granted to any person possessing a written, dated consent, signed by the parent(s)/guardian(s) or eligible student, stating to whom the records may be released, the information or record to be released, and the reason for the release. 105 ILCS 10/6(a)(8); 23

The footnotes should be removed before the material is used.

⁶ This may conflict with FERPA in that it restricts a parent/guardian's right to access his or her child's school records more than is expressly permitted by FERPA. 20 U.S.C. §1232g(a)(1)(A), (B); 34 C.F.R. §99.10(a). Contact the board attorney for guidance.

Ill.Admin.Code §375.70(e). Whenever the District requests the consent to release records, the Building Principal shall inform the parent(s)/guardian(s) or eligible student in writing of the right to inspect, copy, and challenge their contents and to limit such consent to designated portions of the records. 105 ILCS 10/6(a)(8).

2. Access to any record that is protected by the MHDDCA, specifically that of a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services to a student, will be granted according to the consent requirements contained in MHDDCA. 740 ILCS 110/4 and 5.

Access Without Notification to or Consent of Parent/Guardian or Eligible Student

1. District employees or officials of the ISBE will be granted access, without parental/guardian consent or notification, when a current, demonstrable, educational, or administrative need is shown. Access in such cases is limited to the satisfaction of that need. 105 ILCS 10/6(a)(2). Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest. 105 ILCS 10/6(a)(2).
2. Access will be granted, without parental/guardian consent or notification, to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent/guardian can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. 105 ILCS 10/6(a)(4).
3. Access will be granted, without parental/guardian consent or notification, to another school district that overlaps attendance boundaries with the District, if the District has entered into an intergovernmental agreement that allows for sharing of student records and information between them. 105 ILCS 10/6(a)(13), added by P.A. 102-557.⁷
4. The District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or the consent of the student's parent(s)/guardian(s). 20 U.S.C. §1232(g)(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001. An *ex parte* order is an order issued by a court of competent jurisdiction without notice to an adverse party.
5. A Serious Habitual Offender Comprehensive Action Program (SHOCAP) committee member will be granted access, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act (FERPA). 105 ILCS 10/6(a)(10) allows disclosure to SHOCAP committee members who are "state and local officials and authorities" as those terms are used in FERPA. This federal law does not define "state and local officials and authorities;" rather, it limits when disclosure may be made to such officials and authorities.

The footnotes should be removed before the material is used.

⁷ For elementary or high school districts only. Intergovernmental agreements must meet the following requirements: (1) the sharing must be voluntary and at the discretion of each district; (2) the sharing of student information only applies to students that have a) been enrolled in both districts or b) would have been enrolled in both districts based on attendance boundaries, provided the parent/guardian has confirmed in writing that the student intends to enroll or has enrolled in the high school district; and (3) the sharing of student information does not exceed the scope of information that is shared among schools in a unit district. 105 ILCS 10/6(a)(13), added by P.A. 102-557.

6. Juvenile authorities will be granted access when necessary for the discharge of their official duties upon their request before the student's adjudication, provided they certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. *Juvenile authorities* means: (a) a circuit court judge and court staff members designated by the judge; (b) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (c) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (d) any individual, public or private agency having court-ordered custody of the child; (e) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (f) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (g) law enforcement officers and prosecutors; (h) adult and juvenile prisoner review boards; (i) authorized military personnel; and (j) individuals authorized by court. 105 ILCS 10/6(a)(6.5).
7. Military recruiters and institutions of higher learning will be granted access to secondary students' names, addresses, and telephone listings, unless the student's parent/guardian submits a written request that such information not be released without the prior written consent of the parent/guardian or eligible student. Only this written consent process may be used, no other processes, such as an opt-in process, etc., may be used. Military recruiters and institutions of higher learning have access to students' names, addresses, and phone numbers even if the District does not release directory information. 20 U.S.C. §7908. For more information, see [exhibits 7:340-AP1, E3, Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information; 7:340-AP1, E4, Frequently Asked Questions Regarding Military Recruiters Access to Students and Student Information; ISBE Military Recruitment Access Reminder, announced in State Superintendent Smith's Weekly Message, 11-27-18, at: \[www.isbe.net/Documents/Military-Access-Reminder.pdf\]\(http://www.isbe.net/Documents/Military-Access-Reminder.pdf\)](#). The requirements in this paragraph apply only if the District receives funds under the Elementary and Secondary Education Act. Id.
8. DCFS' Office of Education and Transition Services will be granted access if the student is in the legal custody of DCFS. 105 ILCS 10/6(a)(12.5), added by P.A. 102-199 and renumbered by P.A. 102-813.

Access Without Consent of, but With Notification to, Parent/Guardian or Eligible Student

1. In accordance with the procedures described in Section L below (Transmission of Records for Transfer Students), access will be granted, without parental/guardian consent, to the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled or intends to enroll, upon the request of such official or student. 105 ILCS 10/6(a)(3).
2. Access will be granted pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice of such order's terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. 105 ILCS 10/6(a)(5). Parents of students who are named in a court order or parenting plan shall be deemed to have received the required written notice. The Building Principal shall respond to the order no earlier than five school days after its receipt in order to afford parents/guardians the opportunity to review, inspect, and challenge the records if the parents choose to do so. 23 Ill.Admin.Code §375.70(d).

For the purposes of these procedures, a court order is a document signed by a judge. A subpoena signed by a court clerk, an attorney, or an administrative agency official shall not be considered a court order unless signed by a judge. 23 Ill.Admin.Code §375.40(a).

3. Information may be released without parental consent, in connection with an articulable and significant threat to the health or safety of a student or other individuals, to appropriate persons if the knowledge of the requested information is necessary to protect the health or safety of the student or other individuals. The Building Principal shall make this decision taking into consideration the seriousness of the threat to the health or safety of the student or other individuals, the need for such records to meet the emergency, whether the persons to whom such records are released are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency. 105 ILCS 10/6(a)(7); 23 Ill.Admin.Code §375.60. The Building Principal shall notify the parent(s)/guardian(s) or eligible student, no later than the next school day after the date that the information is released, of the date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.
4. The District will grant access as specifically required by federal or State statute, provided the individual complies with the requirements in 23 Ill.Admin.Code §375.70(b). 105 ILCS 10/6(a)(6). Prior to granting access, the Building Principal shall provide prompt written notice to the parent(s)/guardian(s) or eligible student of this intended action. 105 ILCS 10/6(b); 23 Ill.Admin.Code §375.70. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents. If the release relates to more than 25 students, a notice published in the newspaper is sufficient.

The District charges \$.35 per page for copying information from a student's records.⁸ No parent/guardian or student shall be precluded from copying information because of financial hardship. 23 Ill.Admin.Code §375.50. **Note:** The ISBE rule allows a school to "charge the actual cost for providing a copy of school student records or any portion of such records to parents and students upon request for such copies, provided that such costs shall not exceed \$.35 per page." 23 Ill.Admin.Code §375.50.

I. Record of Release

Except as provided below, a record of all releases of information from school student records (including all instances of access granted whether or not records were copied) shall be kept and maintained as part of such records. 105 ILCS 10/6(c). This record shall be maintained for the life of the school student record and shall be accessible only to the parent(s)/guardian(s) or eligible student, Building Principal, or other authorized person. The record of release shall include each of the following:

1. The nature and substance of the information released;
2. The name and signature of the official records custodian releasing such information;
3. The name of the person requesting the information, in what capacity the request was made, and the purpose for the request;
4. The date of release; and

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⁸ Districts may substitute the following alternative: "The District charges a fee for copying school student records that corresponds to the fee schedule for copies of records requested under the Freedom of Information Act."

5. A copy of any consent to a release.

No record of a disclosure is maintained when records are disclosed according to the terms of an *ex parte* court order entered under 20 U.S.C. §1232g(j), *Investigation and prosecution of terrorism*. 20 U.S.C. §1232g(j)(4).

J. Orders of Protection

Upon receipt of a court OP that prohibits a Respondent's access to records, the Building Principal shall file it in the temporary record of a student who is the *protected person* under the OP. No information or records shall be released to the Respondent named in the OP. 750 ILCS 60/222(f).⁹

K. Parenting Plans

Upon receipt of a parenting plan under the Ill. Marriage and Dissolution of Marriage Act (750 ILCS 5/), the Building Principal shall file it in the temporary record of a student who is the subject of the parenting plan.

L. Transmission of Records for Transfer Students 105 ILCS 10/6(a)(3); 23 Ill.Admin.Code §§375.70 and 375.75.

The Building Principal shall:

1. Within 14 calendar days after enrolling a transfer student, request directly from the student's previous school a certified copy of the student's record. The District shall exercise due diligence in obtaining the copy of the record requested.
2. Upon the student's request or that of the official records custodian of another school in which the student has enrolled or intends to enroll, within 10 calendar days, transfer a certified copy of the student's record (that is, the student's permanent and temporary record) to the official records custodian of the appropriate school and retain the original records. The records transfer is subject to prior notice to the student's parent(s)/guardian(s) as described above in Section H (Access to School Student Records). See [Board](#) policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.
3. Determine if the school or special education office has any record that is protected by the MHDDCA concerning the transferring student, specifically a record or report made by a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services. If so, ask the appropriate person as identified in 740 ILCS 110/4 whether to send the record protected by MHDDCA to the new school and, if *yes*, obtain a written consent for disclosure as provided in 740 ILCS 110/5.

This requirement does not apply to special education records and reports that are related to the identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities. 23 Ill.Admin.Code §375.10.

4. Provide the parent/guardian or eligible student prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge it. If the parent's/guardian's address is unknown, notice may be served upon the official records custodian of the requesting school for transmittal to the parent/guardian. This service is deemed conclusive, and 10 calendar days after this service, if the parents/guardians make no objection, the records may be transferred to the requesting school.

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⁹ See f/n 6 above.

5. Destroy any biometric information collected and do not transfer it to another school district.
6. Refrain from transferring the records if a student's record has been flagged as a "missing child" as provided in Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law. The District shall notify the Ill. State Police or the local law enforcement authority of the request.
7. Retain the original records in accordance with the requirements of 105 ILCS 10/4.
8. Include information about whether or not the student is *in good standing* and whether or not the student's medical records are up-to-date and complete. 105 ILCS 5/2-3.13a.
9. Maintain any documentation of the student's transfer, including records indicating the school or school district to which the student transferred, in that student's temporary record.

If the student has unpaid fines, fees, or tuition charged pursuant to 105 ILCS 5/10-20.12a and is transferring to a public school located in Illinois or any other state, the Building Principal shall, unless otherwise prohibited by State law (23 Ill.Admin.Code §375.75(i)): ¹⁰

1. Transfer the student's *unofficial record of student grades* in lieu of the student's official transcript of scholastic records. The *unofficial record of student grades* means written information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. These records shall also include the school's name and address, the student's name, the name and title of the school official transmitting the records, and the transmittal date.
2. Within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at this District's own expense, forward the student's official transcript of scholastic records to the student's new school.

The Building Principal shall include the following information with the transferred records if the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for any reason: 105 ILCS 5/2-3.13a; 23 Ill.Admin.Code §375.75(j).

1. The date and duration of the period of any current suspension or expulsion; and
2. Whether the suspension or expulsion is for: (a) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. §7961 *et seq.*); (b) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (c) battering a school staff member.

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¹⁰ Optional. 105 ILCS 5/10-20.9a(c) and (d), added by P.A. 102-727, and inoperative "on and after three years" from 5-6-22, prohibits public high schools from withholding a student's grades, transcripts, or diploma because of an unpaid balance on the student's school account. See sample policy 6:280, *Grading and Promotion*, at f/n 3, for a discussion about the expiration date of this law. Districts are also prohibited from withholding student records, transcripts, or diplomas because the student's parents are unable to pay required *fees*. 105 ILCS 5/28-19.2, amended by P.A. 102-805, ~~eff. 1-1-23~~. See [sample policy 4:140, Waiver of Student Fees](#), at f/n 1, for more information about the definition of *fees*. Fees, for example, do not include library fines, which could be reflected in a student's account. 23 Ill.Admin.Code §1.245(a)(2). These statutes refer generically to *transcripts*; they do not distinguish between *unofficial* and *official transcripts*. Consult the board attorney for advice on a district's ability to withhold official transcripts from students under 23 Ill.Admin.Code §375.75(i).

M. Directory Information¹¹ 23 Ill.Admin.Code §375.80

The District may release certain directory information regarding students as permitted by law, except that a student's parent(s)/guardian(s) may prohibit the release of the student's directory information. Directory information is limited to: ¹²

1. Student's Name
2. Student's Address
3. Student's Grade level
4. Student's Birth date and place
5. Parent(s)/guardian(s)' names, addresses, electronic mail addresses, and telephone numbers
6. Photographs, videos, or digital images used for informational or news-related purposes (whether by a media outlet or by the school) of a student participating in school or school-sponsored activities, organizations, and athletics that have appeared in school publications, such as yearbooks, newspapers, or sporting or fine arts programs
7. Academic awards, degrees, and honors
8. Information in relation to school-sponsored activities, organizations, and athletics
9. Major field of study
10. Period of attendance in school

No photograph highlighting individual faces shall be used for commercial purposes, including solicitation, advertising, promotion, or fundraising, without the prior, specific, dated, and written consent of the parent or eligible student (see 765 ILCS 1075/30). 23 Ill.Admin.Code §375.80. The

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¹¹ Districts are not required to identify and release directory information. **Be sure that the board policy provides for the release of directory information before including this section.** See sample policy 7:340, *Student Records*. There has been at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor (PAC) supports that a district may not rely on the FOIA exemption for home addresses. PAO 12-3.

Delete the specific types of information that the district does not want released, such as *address*, from the list of information designated as *directory information*. Realize, however, that if the information identified as directory information is too limited, the district may be prohibited from publishing information about specific students.

¹² 23 Ill.Admin.Code 375.80(a)(1) no longer includes *gender* as information which may be designated as directory information. This is consistent with attorneys' views that Illinois' past practice of including *gender* within directory information may have violated FERPA. FERPA regulations provide that directory information "means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed" and it "includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status, e.g., undergraduate or graduate, full-time or part-time; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended." 34 C.F.R. §99.3. Though FERPA regulations do not explicitly preclude the designation of *gender* as directory information, U.S. Dept. of Educ. (DOE) guidance has consistently advised schools not to disclose a student's sex as directory information because it would be considered harmful or an invasion of privacy. See *Letter to Institutions of Postsecondary Education*, DOE Family Policy Compliance Office (Sept. 2009). Consult the board attorney about the practical implementation of this issue. Some attorneys, for example, believe photos of the "Girls Volleyball Team" may contradict DOE guidance.

following shall not be designated as directory information: (a) an image on a school security video, or (b) student social security number or student identification or unique student identifier. Id.

The notification to parents/guardians and students concerning school student records will inform them of their right to opt out of the release of directory information. See [exhibit 7:340-AP1, E1](#), *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*.

N. Student Record Challenges

Parents/guardians have the right to a hearing to challenge the accuracy, relevancy, or propriety of any entry in their student's school records, exclusive of academic grades and references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring. 105 ILCS 10/7; 23 Ill.Admin.Code §375.90. A request for a hearing should be submitted to the Superintendent and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge. The following procedures apply to a challenge: Id.

1. The Superintendent or designee will invite the parent(s)/guardian(s) to an initial informal conference, within 15 school days of receipt of the request for a hearing.
2. If the challenge is not resolved by the informal conference, formal procedures shall be initiated. The Superintendent will appoint a hearing officer, who is not employed in the attendance center in which the student is enrolled.
3. The hearing officer will conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parent(s)/guardian(s) and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
4. At the hearing, each party shall have the right to:
 - a. Present evidence and to call witnesses;
 - b. Cross-examine witnesses;
 - c. Counsel;
 - d. A written statement of any decision and the reasons therefore; and
 - e. Appeal an adverse decision to an administrative tribunal or official to be established or designated by the State Board.
5. A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a transcript is not required in an appeal.
6. The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parent(s)/guardian(s) and the School District. It shall be based solely on the information presented at the hearing and shall be one of the following:
 - a. To retain the challenged contents of the school student record;
 - b. To remove the challenged contents of the school student record; or
 - c. To change, clarify, or add to the challenged contents of the school student record.

7. Any party has the right to appeal the decision of the local hearing officer to the Regional Superintendent or appropriate Intermediate Service Center [Executive Director](#), within 20 school days after the decision is transmitted to the parties. The parent(s)/guardian(s), if they appeal, shall so inform the District and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question, and any other pertinent materials to the Regional Superintendent or appropriate Intermediate Service Center. The District may initiate an appeal by the same procedures.
8. The final decision of the Regional Superintendent or appropriate Intermediate Service Center [Executive Director](#) may be appealed to the circuit court of the county in which the District is located.
9. The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. The District will include a copy of the statement in any release of the information in dispute. 105 ILCS 10/7(d).

LEGAL REF.: 20 U.S.C. §1232g, Family Education Rights and Privacy Act; 34 C.F.R. Part 99.
105 ILCS 10/, Illinois School Student Records Act; 23 Ill.Admin.Code Part 375.
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.
750 ILCS 5/, Illinois Marriage and Dissolution of Marriage Act.

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