

ISSUE 112

June 2023

Update Memo



Please distribute to board members and appropriate staff.

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Online Instructions

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

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

PRESS

Policy Reference Education Subscription Service

This publication is designed to provide information only and is not a substitute for legal advice from the Board Attorney. If you have any questions, please contact Issue 112 Lead Maryam Brotine, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1219, Kimberly Small, IASB General Counsel and **PRESS** Editor, 630/629-3776, ext. 1226; Debra Jacobson, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1211.

Please share this **PRESS** Update Memo with all board members and appropriate staff.

Two other important components of **PRESS** may be viewed and downloaded from **PRESS Online**: Committee Worksheets and the updated Policy Reference Manual (PRM) pages.

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

Updated PRM pages can be found in the IASB POLICY REFERENCE MANUAL Table of Contents. For visual instruction about how to download PRM pages and use them to update your policy manual, please go to www.iasb.com/policy/ to view the **PRESS** video tutorial located under the header entitled: **PRESS – Policy Reference Education Subscription Service**.

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

PRESS Bundles

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

Specific details about how each piece of material changed, e.g., legislation, administrative rules, **PRESS** Advisory Board feedback, quality assurance, five-year review items, etc., are explained in numerical order in the **Revisions to Policies, Administrative Procedures, and Exhibits** table beginning on p. 3.

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

Have feedback on **PRESS** materials?

Click on the **PRESS** Feedback Button, located on the header bar of **PRESS Online**. For answers to more immediate questions about **PRESS** content, please contact a **PRESS** editor directly.

PRM Five-Year Reviews

PRESS Editors have a quality assurance goal to ensure that a review of each piece of the 1400+ page IASB PRESS PRM occurs once every five years. The PRM contains approximately 450 separate pieces of material, including policies, administrative procedures, and related exhibits. These are also detailed in the [Revisions to Policies, Administrative Procedures, and Exhibits Table](#) in numerical order beginning on p. 3.

The following PRESS materials are updated in response to five-year reviews:

- 2:80, Board Member Oath and Conduct
- 2:80-E, Board Member Code of Conduct
- 2:170, Procurement of Architectural, Engineering, and Land Surveying Services
- 4:45, Insufficient Fund Checks and Debt Recovery
- 4:50-E, School District Payment Order
- 4:55-E, Cardholder's Statement Affirming Familiarity with Requirements for Using District Credit and/or Procurement Cards
- 4:60-E, Notice to Contractors
- 4:80-AP1, Checklist for Internal Controls
- 4:100, Insurance Management
- 5:230, Maintaining Student Discipline
- 6:10, Educational Philosophy and Objectives
- 6:40-AP, Curriculum Development
- 6:120-AP1, E1, Notice to Parents/Guardians Regarding Section 504 Rights
- 6:190, Extracurricular and Co-Curricular Activities
- 6:220-E1, Authorization to Participate in Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct Agreement
- 6:220-E2, Bring Your Own Technology (BYOT) Program Student Guidelines
- 6:240, Field Trips
- 6:240-AP, Field Trip Guidelines
- 7:15-E, Notification to Parents of Family Privacy Rights
- 7:150-AP, Agency and Police Interviews
- 7:275, Orders to Forgo Life-Sustaining Treatment
- 7:280-E3, Prevention of Staphylococcal Infections for Schools - **REWRITTEN**
- 7:300-E2, Certificate of Physical Fitness for Participation in Athletics
- 7:305, Student Athlete Concussions and Head Injuries
- 7:305-AP, Program for Managing Student Athlete Concussions and Head Injuries
- 7:330, Student Use of Buildings - Equal Access
- 7:330-E, Application for Student Groups that Are Not School Sponsored to Request Free Use of School Premises for Meetings
- 8:25, Advertising and Distributing Materials in Schools Provided by Non-School Related Entities
- 8:95, Parental Involvement

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

PRESS Terminology

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

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

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

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

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

It is important to remember that administrative procedures do not require formal board adoption and are not included in a board policy manual.

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

Exhibits labeled with an "E" may provide guidance for board work or staff work. Those providing guidance for board work should be dated for implementation by the board. Those providing guidance for the staff should be dated for implementation by the administrative staff.

Administrative procedures exhibits, always labeled with the "AP, E" format should be dated for implementation by the administrative staff.

Progress Report - The contents of this table frequently change.

Topics	Our Response
<p>Final Title IX Regulations Expected Soon</p> <p>The U.S. Department of Education is expected to release final Title IX regulations shortly. These regulations would replace 2020 Title IX regulations and would require extensive updates to existing policies and procedures governing discrimination based on sex, including sexual harassment.</p>	<p>Relevant PRESS materials, including policy 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i>, and its accompanying procedures will be updated once the final regulations are issued.</p>
<p>School Wellness Policy Updates Coming This Fall</p> <p>In response to a request from the ISBE Nutrition Dept., 6:50, <i>School Wellness</i>, will be updated to include a new subhead for other school-based activities that promote student wellness. Including this subhead will allow districts to clearly show that this topic is addressed in policy as required by 7 C.F.R. §210.3 and as detailed in ISBE's Local Wellness Policy Content Checklist at www.isbe.net/Documents/Local-Wellness-Policy-Content-Checklist.pdf.</p>	<p>Policy 6:50, <i>School Wellness</i>, will be updated in the fall 2023 PRESS Issue.</p>

Revisions to Policies, Administrative Procedures, and Exhibits

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

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

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

RENAMED. The title of the material has been amended.

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

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

Number and Title	Revision Descriptions	
2:80, Board Member Oath and Conduct	The policy is unchanged. The footnotes are updated in response to a five-year review. An option is added to footnote 3 if a board wants to designate a local official to administer the oath of office.	<input type="checkbox"/>
2:80-E, Board Member Code of Conduct	The exhibit is unchanged.	<input type="checkbox"/>
2:170, Procurement of Architectural, Engineering, and Land Surveying Services	The Legal References and footnote 1 are updated in response to a five-year review.	<input type="checkbox"/>
4:45, Insufficient Fund Checks and Debt Recovery	The policy, Legal References, and footnotes are updated in response to a five-year review.	<input type="checkbox"/>

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

4:50-E, School District Payment Order	The exhibit is unchanged.	<input type="checkbox"/>
4:55-E, Cardholder's Statement Affirming Familiarity with Requirements for Using District Credit and/or Procurement Cards	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
4:60-E, Notice to Contractors	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
4:80-AP1, Checklist for Internal Controls	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
4:100, Insurance Management	The policy, Legal References, Cross References, and footnote 2 are updated in response to a five-year review.	<input type="checkbox"/>
4:160-AP, Environmental Quality of Building and Grounds	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
5:230, Maintaining Student Discipline	The policy and footnotes are updated in response to a five-year review.	<input type="checkbox"/>
6:10, Educational Philosophy and Objectives	The policy and footnote 1 are updated in response to a five-year review.	<input type="checkbox"/>
6:40-AP, Curriculum Development	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
6:120-AP1, E1, Notice to Parents/Guardians Regarding Section 504 Rights	The exhibit and footnote 1 are updated in response to a five-year review.	<input type="checkbox"/>
6:190, Extracurricular and Co-curricular Activities	The policy is unchanged. Footnote 1 is amended and a new footnote 2 is added in response to a five-year review.	<input type="checkbox"/>
6:220-E1, Authorization to Participate in Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct Agreement	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
6:220-E2, Bring Your Own Technology (BYOT) Program Student Guidelines	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
6:240, Field Trips	The policy is unchanged. Footnote 5 is updated in response to a five-year review.	<input type="checkbox"/>

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

6:240-AP, Field Trip Guidelines	The procedure and footnote 1 are updated in response to a five-year review.	<input type="checkbox"/>
7:15-E, Notification to Parents of Family Privacy Rights	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
7:150-AP, Agency and Policy Interviews	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
7:275, Orders to Forgo Life-Sustaining Treatment	The policy and its footnotes are updated in response to a five-year review.	<input type="checkbox"/>
7:280-E3, Prevention of Staphylococcal Infections for Schools	REWRITTEN. The exhibit is updated and rewritten in response to a five-year review.	<input type="checkbox"/>
7:300-E2, Certificate of Physical Fitness for Participation in Athletics	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
7:305, Student Athlete Concussions and Head Injuries	The policy, Legal References, and footnotes are updated in response to a five-year review.	<input type="checkbox"/>
7:305-AP, Program for Managing Student Athlete Concussions and Head Injuries	The procedure is updated in response to a five-year review and P.A. 102-1006, requiring that emergency medical dispatchers be included in the group of first responders who annually review the school-specific emergency action plans for interscholastic activities.	<input type="checkbox"/>
7:330, Student Use of Buildings – Equal Access	The policy, Cross References, and footnote 1 are updated in response to a five-year review.	<input type="checkbox"/>

PRESS Issue 112 Trivia

61 PRM pages • 14,653 words • 30 PRM materials



The IASB Office of General Counsel's mission is to honestly, professionally, and credibly protect and preserve IASB through legal risk management and compliance services for the IASB Board of Directors and staff; promote best practices to IASB members; create educational products and services; and maintain strong, collaborative relationships with the public education community.

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The Policy Reference Education Subscription Service (PRESS) Advisory Board consists of a group of distinguished individuals, from the legal and education field. These individuals dedicate and volunteer their time to provide valuable input and suggestions on PRESS Issues. We appreciate their contributions and thank them sincerely.

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The following individuals provide us with excellent assistance between and during the drafting of each PRESS issue. We also thank them and appreciate their dedication and contributions to the quality of this service.

Ummehani Faizullahbho, Office of General Counsel, preparation, formatting, quality assurance, editor, State and federal regulations monitor

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School Board

Board Member Oath and Conduct

Each School Board member, before taking his or her seat on the Board, shall take the following oath of office: ¹

I, (name), do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of member of the Board of Education² of *(name of School District)*, in accordance with the Constitution of the United States, the Constitution of the State of Illinois, and the laws of the State of Illinois, to the best of my ability.

I further swear (or affirm) that:

I shall respect taxpayer interests by serving as a faithful protector of the School District's assets;
I shall encourage and respect the free expression of opinion by my fellow Board members and others who seek a hearing before the Board, while respecting the privacy of students and employees;

I shall recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a public Board meeting;

I shall abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels;

As part of the Board of Education, I shall accept the responsibility for my role in the equitable and quality education of every student in the School District;

I shall foster with the Board extensive participation of the community, formulate goals, define outcomes, and set the course for *(name of School District)*;

I shall assist in establishing a structure and an environment designed to ensure all students have the opportunity to attain their maximum potential through a sound organizational framework;

I shall strive to ensure a continuous assessment of student achievement and all conditions affecting the education of our children, in compliance with State law;

I shall serve as education's key advocate on behalf of students and our community's school (or schools) to advance the vision for *(name of School District)*; and

I shall strive to work together with the District Superintendent to lead the School District toward fulfilling the vision the Board has created, fostering excellence for every student in the areas of academic skills, knowledge, citizenship, and personal development.

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

¹ Although the policy is not required by State or federal law, each board member, before taking his or her seat on the board, must take an oath in substantially the form given in the statute as reprinted in this sample policy. 105 ILCS 5/10-16.5. Districts often ask whether this applies only to newly elected board members or to all members elected and/or re-elected. To assure compliance, those members that are newly elected or appointed and returning by re-appointment and/or re-election should take the oath as the board determines it should be administered, i.e., examine the board's policy or its current practice for administering the oath of office.

This policy contains the verbatim oath because many of its provisions have policy implications. However, if a board prefers to remove the oath from the policy, it should replace the first sentence with this alternative:

Each Board member, before taking his or her seat on the Board, shall take the oath of office as prescribed in Section 10-16.5 of the School Code.

² Replace "Board of Education" with "Board of School Directors" throughout, when applicable.

The Board President will administer the oath in an open Board meeting; in the absence of the President, the Vice President will administer the oath. If neither is available, the Board member with the longest service on the Board will administer the oath. ³

The Board adopts the Illinois Association of School Boards' *Code of Conduct for Members of School Boards*.⁴ A copy of the *Code* shall be displayed in the regular Board meeting room.

LEGAL REF.: 105 ILCS 5/10-16.5.

CROSS REF.: 1:30 (School District Philosophy), 2:20 (Powers and Duties of the School Board; Indemnification), 2:50 (Board Member Term of Office), 2:100 (Board Member Conflict of Interest), 2:105 (Ethics and Gift Ban), 2:210 (Organizational School Board Meeting)

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

³ Optional. State law allows the board to determine how the oath is administered. 105 ILCS 5/10-16.5. Use the following alternative if a board does not want anyone to administer the oath:

Each Board member who is taking office shall read the oath during an open meeting and swear or affirm to follow it as indicated in the oath.

If the Board's practice is to have a local official administer the oath, revise the paragraph as follows:

The Board President may designate a local official, such as a judge, to administer the oath at an open Board meeting. Otherwise, the Board President will administer the oath during an open Board meeting; in the absence of the President, the Vice President will administer the oath.

⁴ Although national and state associations have developed codes of conduct, each board may find it helpful, as part of its self-evaluation process, to consider what behavior members expect from each other. The resulting ethics statement may serve as an important step in new member orientation. Additionally, IASB provides *School Board Member Opportunities and Expectations*, a summary of the treatment that all board members are entitled to expect as members of the school board. For IASB resources, see www.iasb.com/conference-training-and-events/training/training-resources/.

School Board

Exhibit - Board Member Code of Conduct

As a member of my local School Board, I will do my utmost to represent the public interest in education by adhering to the following standards and principles:

1. I will represent all School District constituents honestly and equally and refuse to surrender my responsibilities to special interest or partisan political groups.
2. I will avoid any conflict of interest or the appearance of impropriety which could result from my position, and will not use my Board membership for personal gain or publicity.
3. I will recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a Board meeting.
4. I will take no private action that might compromise the Board or administration and will respect the confidentiality of privileged information.
5. I will abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels.
6. I will encourage and respect the free expression of opinion by my fellow Board members and will participate in Board discussions in an open, honest and respectful manner, honoring differences of opinion or perspective.
7. I will prepare for, attend and actively participate in School Board meetings.
8. I will be sufficiently informed about and prepared to act on the specific issues before the Board, and remain reasonably knowledgeable about local, State, national, and global education issues.
9. I will respectfully listen to those who communicate with the Board, seeking to understand their views, while recognizing my responsibility to represent the interests of the entire community.
10. I will strive for a positive working relationship with the Superintendent, respecting the Superintendent's authority to advise the Board, implement Board policy, and administer the District.
11. I will model continuous learning and work to ensure good governance by taking advantage of Board member development opportunities, such as those sponsored by my State and national school board associations, and encourage my fellow Board members to do the same.
12. I will strive to keep my Board focused on its primary work of clarifying the District purpose, direction and goals, and monitoring District performance.

School Board

Procurement of Architectural, Engineering, and Land Surveying Services ¹

The School Board selects architects, engineers, and land surveyors to provide professional services to the District on the basis of demonstrated competence and qualifications, and in accordance with State law.

LEGAL REF.: 40 U.S.C. §1101 *et seq.*
 50 ILCS 510/, Local Government Professional Services Selection Act.
 105 ILCS 5/10-20.21.
Shively v. Belleville Twp. High Sch. Dist. 201, 329 Ill.App.3d 1156 (5th Dist. 2002), *appeal denied*.

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

¹ State law controls this policy's content. The Local Government Professional Services Selection Act describes the required selection procedure. 50 ILCS 510/. A district may not, prior to selecting a firm for contract negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation. *Id.* at 510/5. If the district has a satisfactory relationship with a person or firm, the relationship may continue. *Id.* at 510/4 through 6.

Construction manager services, unlike general contractor services, are significantly different from construction work because they involve a professional activity (i.e., assisting the owner with the project's planning, costing, and management). As such, a construction-management contract is exempt from mandatory bidding by virtue of the professional services exemption. Shively v. Belleville Twp. High Sch. Dist. 201, 329 Ill.App.3d 1156 (5th Dist. 2002).

Operational Services

Insufficient Fund Checks and Debt Recovery

Insufficient Fund Checks ¹

The Superintendent or designee is responsible for collecting up to the maximum fee authorized by State law for returned checks written to the District that are not honored upon presentation to the respective bank or other depository institution for any reason. The Superintendent is authorized to contact the Board Attorney whenever necessary to collect the returned check amount, fee, collection costs and expenses, and interest.

Delinquent Debt Recovery ²

The Superintendent is authorized to seek collection of delinquent debt owed the District to the fullest extent of the law. ³

A Local Debt Recovery Program may be available through the Illinois Office of the Comptroller (IOC). To participate in it, an intergovernmental agreement (IGA) between the District and the IOC must be in existence. The IGA establishes the terms under which the District may refer a delinquent debt to the IOC for an offset (deduction). The IOC may execute an offset, in the amount of the

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

¹ State law controls this policy's content. 810 ILCS 5/3-806 authorizes a \$25.00 collection fee whenever a check is not honored upon presentation because the individual does not have an account with the bank, the individual does not have sufficient funds in his or her account, or the individual does not have sufficient credit with the bank.

This fee may be considered punitive considering several banks rarely charge this amount for an insufficient funds check. To allow more flexibility for the superintendent and his or her designees to charge the full collection fee of \$25.00, a portion thereof, or none of it, the first sentence states "up to the maximum fee." Boards choosing to allow this flexibility should discuss equal protection issues with the board attorney. As a general rule, any flexibility should be applied with uniform rules to all individuals and/or groups to avoid triggering the Constitution's Equal Protection Clause.

Boards that wish to charge the maximum fee in all circumstances should delete the words *up to* in the first sentence: "The Superintendent or designee is responsible for collecting ~~up to~~ the maximum fee authorized by State law for returned checks written to the District that are not honored upon presentation to the respective bank or other depository institution for any reason."

² This section is optional but because the policy's title refers to debt recovery, at least the first sentence should be retained. Deletion of this section may affect a district's ability to enter the Ill. Office of the Comptroller's (IOC) Local Debt Recovery Program (LDRP) for collecting debt owed to school districts by persons receiving payments from the State. This section helps the board's monitoring function by identifying the LDRP's important components. It also serves as an element of due process by informing the public and the district's debtors that the district may collect debt through the LDRP.

The IOC operates an Offset System for collecting debt owed to the State, political subdivisions of the State, and school districts by persons receiving payments from the State. Seeking debt recovery through an offset of a future payment the State makes to a debtor is optional. The requirements in this policy for obtaining an offset are either in statute or the IOC's intergovernmental agreement (IGA). 15 ILCS 405/10.05 and 10.05d. The first step to participate is to contact a LDRP manager with the IOC to request an IGA with the IOC's office. Program managers work one-on-one with districts and matters are handled on a case-by-case basis. The LDRP's number for local governments is 312-814-3090. Contact the board attorney for advice and assistance.

The Hunger-Free Students' Bill of Rights Act (HFSBRA) (105 ILCS 123/) allows districts with *participating schools* under the National School Lunch and Child Nutrition Acts (defined in 7 C.F.R. Parts 210, 220, and 245) to seek an offset under the State Comptroller Act (15 ILCS 405/) when they have made reasonable efforts, for at least one year, to collect a debt owed for meals and snacks in the amount of no less than \$500 from a student's parent or guardian.

³ There are methods other than the IOC's LDRP to collect delinquent debts owed to the school district, i.e., small claims court, private collection agencies, etc. If the district decides it will not ever seek to enter the IOC's Local Debt Recovery Program, keep the first sentence and delete everything after it.

delinquent debt owed to the District, from a future payment that the State makes to an individual or entity responsible for paying the delinquent debt.

The Superintendent or designee shall execute the requirements of the IGA. While executing the requirements of the IGA, the Superintendent or designee is responsible, without limitation, for each of the following:

1. Providing a District-wide, uniform, method of notice and due process to the individual or entity against whom a claim for delinquent debt payment (*claim*) is made. Written notice and an opportunity to be heard must be given to the individual or entity responsible for paying a delinquent debt before the claim is certified to the IOC for offset. The notice must state the claim's amount, the reason for the amount due, the claim's date or time period, and a description of the process to challenge the claim. If reimbursable meals or snacks provided under the Hunger-Free Students' Bill of Rights Act are the basis of the District's delinquent debt claim of no less than \$500, the notice must be sent to a student's parent(s)/guardian(s) only after: (a) the student owes the District more than five meals and/or snacks; (b) the Superintendent or designee made: (i) repeated contacts to collect the amounts owed, and (ii) reasonable efforts to collect the amount due for at least one year; and (c) the District requested the student's parent(s)/guardian(s) to apply for meal benefits pursuant to policy 4:130, *Free and Reduced-Price Food Services*, and they either: (i) did not qualify, or (ii) refused to apply.⁴
2. An individual or entity challenging a claim shall be provided an informal proceeding to refute the claim's existence, amount, or current collectability; the decision following this proceeding shall be reviewable.
 - a. If a waiver of student fees is requested as a challenge to paying the claim, and the waiver of student fees is denied, an appeal of the denial of a fee waiver request shall be handled according to 4:140, *Waiver of Student Fees*. If no waiver of student fees is requested, reviews regarding payment of the claim shall be handled according to this policy before certification to the IOC for offset.
 - b. If application for meal benefits pursuant to policy 4:130, *Free and Reduced-Price Food Services*, is requested as a challenge to paying the claim, and the request is denied, an appeal of the denial of the request shall be handled according to 4:130, *Free and Reduced-Price Food Services*. If no request for meal benefits is received, review of the claim's payment shall be handled according to this policy before certification to the IOC for offset.

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

⁴ Optional. For districts that do not participate in free and reduced-price meal programs under the National School Lunch and Child Nutrition Acts (defined in 7 C.F.R. Parts 210, 220, and 245), delete this sentence and ~~105 ILCS 123/, Hunger-Free Students' Bill of Rights Act~~ from the Legal References. Inclusion of this sentence does not obligate a district to pursue all such delinquent debt claims. The district has discretion in this area, provided its recovery efforts are pursued on a non-discriminatory basis. Note that historically, the IOC has been reluctant to pursue school lunch debts under the LDRP.

For participating districts that do not want this sentence, delete it.

For participating districts that wish to retain this sentence, the HFSBRA allows school districts to determine a lower amount than five meals to trigger contact with a student's parent/guardian to collect owed monies. 105 ILCS 123/10.

For districts that want to set a lower amount than the equivalent of five meals, delete ~~five~~ and insert: [number]. Be sure that this sentence's number matches the required notice in 4:130-E, *Free and Reduced-Price Food Services; Meal Charge Notifications*. Before the board and the superintendent engage in a conversation about lowering this number, the superintendent may want to consider a conversation with his or her staff regarding the logistics of contacting a student's parent(s)/guardian(s) more than once per week (five lunches (the law states one free lunch or snack per day)) as setting a lower number may be impracticable for staff members to implement.

3. Certifying to the IOC that the debt is past due and legally enforceable, and notifying the IOC of any change in the status of an offset claim for delinquent debt.
4. Responding to requests for information from the IOC to facilitate the prompt resolution of any administrative review requests received by the IOC.

LEGAL REF.: 15 ILCS 405/10.05 and 10.05d, State Comptroller Act.
 105 ILCS 123/, Hunger-Free Students' Bill of Rights Act.
 810 ILCS 5/3-806, Uniform Commercial Code.

Operational Services

Exhibit - School District Payment Order

This statutory order authorizes the Treasurer to pay a School Board-approved bill or obligation before the meeting minutes are officially approved. Several items may be attached to this form.

Order Date: _____

The Treasurer, _____, of _____
School District in _____ County, shall pay to the order of _____
_____ the sum of \$ _____, for _____

_____.

By order of the _____ School Board.

Board President

Date

Secretary

Date

Operational Services

Exhibit - Cardholder's Statement Affirming Familiarity with Requirements for Using District Credit and/or Procurement Cards

Cardholder's name

Cardholder's address

Cardholder's position

Name of individual who authorized issuance of card.

I affirm that I am familiar with the Board's policy on using credit and procurement cards, that I understand my responsibilities regarding the use of such cards, and that I agree to adhere to all requirements regarding such cards.

Cardholder's signature

Date

I provided a copy of this Statement along with a copy of Board policy 4:55, *Use of Credit and Procurement Cards*, to the cardholder who signed this statement.

Office personnel signature

Date

Operational Services

Exhibit - Notice to Contractors

On District letterhead.

Date

Notice to contractor:

You are receiving this notice because you may or will be performing *public works* for the School District as that term is defined in the Illinois Prevailing Wage Act (IPWA). 820 ILCS 130/2.

This notice applies to the public works described as: _____.

The IPWA requires contractors and subcontractors to pay laborers, workers, and mechanics performing services on public works projects no less than the *prevailing rate of wages* (hourly cash wages plus fringe benefits) in the county where the work is performed. Any prevailing rate of wages as they are revised by the Ill. Dept. of Labor (IDOL) shall apply to this contract. You are notified that any rate changes to the prevailing wage rate are available on IDOL's official website. For information regarding current prevailing wage rates, please see the IDOL's website at: <https://labor.illinois.gov/laws-rules/conmed/prevailing-wage-rates.html>.

All contractors and subcontractors rendering services for the public works must comply with all requirements of the IPWA, including but not limited to, all wage, notice, and recordkeeping duties.

The above paragraph was or will be included in the project specifications and the contract. 820 ILCS 130/4(e). If the work is awarded without a public bid, contract, or project specification, the notice was or will be included in the purchase order related to the work or in a separate document, such as this notification. 820 ILCS 130/4(f).

Operational Services

Administrative Procedure - Checklist for Internal Controls ¹

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

1. All financial transactions must be properly authorized and documented. This includes:
 - No check is issued without pre-approved documentation for the expenditure pursuant to the Local Government Travel Expense Control Act, 50 ILCS 150/10, e.g., 2:125-E1, *Board Member Expense Reimbursement Form*; 2:125-E2, *Board Member Estimated Expense Approval Form*; 5:60-E1, *Employee Expense Reimbursement Form*; and 5:60-E2, *Employee Estimated Expense Approval Form*.
 - No bank account is opened or established in the District's or a District school's name or with the District's Federal Employer Identification Number without pre-approved documentation.
 - No credit or procurement card is assigned to an individual without pre-approved documentation. All use of a credit or procurement card must be in compliance with Board policy 4:55, *Use of Credit and Procurement Cards*, and administrative procedure 4:55-AP, *Controls for the Use of District Credit and Procurement Cards*.
 - Every receipt to and expenditure from a revolving fund and a petty cash fund are supported with clear documentation and otherwise comply with Board policies 4:50, *Payment Procedures*, and 4:80, *Accounting and Audits*.
 - A record is made of all checks issued and all payments made by credit or procurement cards that includes descriptive information sufficient to allow assignment of the appropriate code.
2. Financial records and data must be accurate and complete. This includes:
 - Data entries are timely made.
 - Cash handling is properly recorded.
 - Checks are sequentially numbered and missing checks are accounted for.
 - Financial reporting deadlines are followed.
3. Accounts payable must be accurate and punctual. This includes:
 - Payments are made on a timely basis.
 - A thorough explanation is provided for any over/underpayments.
 - Payroll and benefits are reviewed and continually updated.
4. District assets must be protected from loss or misuse.
 - The District implements a Fraud, Waste, and Abuse Awareness Program. See 4:80-AP2, *Fraud, Waste and Abuse Awareness Program*.
 - Valuable technology assets are safeguarded from theft or loss.

The footnotes should be removed before the material is used.

¹ This administrative procedure is intended to generate discussion concerning internal controls among relevant district staff members and the district's auditor. **It must be customized to reflect conditions in each district.** Its effectiveness will be greatly enhanced if the employee responsible for each control is identified. A board that wants to take a significant oversight role regarding internal controls may want to list the numbered sentences in its policy 4:80, *Accounting and Audits*, as required inclusions in the superintendent's program for internal controls. For an additional resource, see the Ill. State Board of Education's *Internal Control Handbook* (updated July 2017), available at: www.isbe.net/Pages/School-Finance-Historical-Reports.aspx.

- A backup and recovery system is developed for electronic systems.
 - Only authorized individuals have access to various systems.
 - Passwords are kept secure and frequently changed.
 - Keys are kept secure and accounted for.
 - District property is not *borrowed* or otherwise used for private purposes.
 - District personal property having a monetary value (excluding, for example, trash, out-dated equipment, consumed consumables, and spoilage) is discarded only with the Board's prior approval.
5. Incompatible duties should be segregated, if possible. This includes:
- Transaction approval is separated from disbursement approval duties, as well as record-keeping duties so that no single individual or two individuals control all phases of the claim payment process.
 - Reconciliation of checking accounts and credit cards is performed by an individual who does not have check-writing authority, and if possible, by someone who does not record checks and credit card payments in the District's books.
 - Other controls are used if segregation of duties is impossible.
6. Accounting records are periodically reconciled. This includes:
- All accounts are balanced monthly.
 - All statements from checking accounts and credit cards are reconciled monthly.
 - Expenses are verified against receipts.
 - Out-of-balance conditions are investigated.
7. Equipment and supplies must be safeguarded. This includes:
- Inventories are periodically taken and inspections are frequently made.
 - A reliable record is kept identifying what technology assets have been provided to specific employees.
 - Access to supplies is limited and controlled.
8. Staff members with financial or business responsibilities must be properly trained and supervised, and must perform their responsibilities with utmost care and competence.
- Responsibilities match job descriptions.
 - If required by State law, staff members are appropriately bonded.
 - Staff members are held accountable for complying with Board policies and administrative processes or procedures that have been established to safeguard the District's financial condition.
 - Staff members are appropriately trained and evaluated.
 - Staff members are encouraged to notify their supervisors or the Superintendent of risks, losses, and/or concerns.
9. Any unnecessary weaknesses or financial risks must be promptly corrected. This includes:
- Internal control concerns raised by the District's independent auditor in connection with the annual financial audit or by the Ill. State Board of Education in connection with its administration of the Grant Accountability and Transparency Act or a monitoring visit are properly addressed.
 - Internal or external auditors are annually engaged to assess risk and/or test existing internal controls for those areas not included within the scope of the annual financial audit; concerns are promptly addressed.

Operational Services

Insurance Management¹

The Superintendent shall recommend and maintain all insurance programs that provide the broadest and most complete coverage available at the most economical cost, consistent with sound insurance principles.

The insurance program shall include each of the following:²

1. Liability coverage to insure against any loss or liability of the School District and the listed individuals against civil rights damage claims and suits, constitutional rights damage claims and suits, and death and bodily injury and property damage claims and suits, including defense costs, when damages are sought for negligent or wrongful acts allegedly committed in the scope of employment or under the Board's direction or related to any mentoring services provided to the District's licensed staff members; School Board members; employees; volunteer personnel authorized by 105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b; mentors of licensed staff members authorized in 105 ILCS 5/21A-5 *et seq.* (new teacher), 105 ILCS 5/2-3.53a (new principal), and 2-3.53b (new superintendents); and student teachers.³
2. Catastrophic accident insurance at the mandated benefit level for student athletes in grades 9 through 12 who sustain an accidental injury while participating in school-sponsored or school-supervised interscholastic athletic events sanctioned by the Ill. High School Association that results in medical expenses in excess of \$50,000.⁴

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

¹ State law controls this policy's content. The Health Insurance Portability and Accountability Act (HIPAA) guarantees the continuity of health insurance benefits for individuals changing employment. It also contains provisions promoting the: (1) standardization and efficiency for the electronic submission, processing, and payment of health care claims, and (2) security and privacy requirements for health information. See 45 C.F.R. §§160 and 164. **School officials are urged to consult with their insurance providers and legal counsel to devise a compliance plan.**

² Other types of district-purchased insurance should also be listed here, such as, insurance programs for employees and their dependents (authorized by 105 ILCS 5/10-22.3a). Note that: (1) any employee or retired employee insurance program is a mandatory subject of bargaining, and (2) State law provides persons entering into a civil union with the obligations, responsibilities, protections, and benefits afforded or recognized by Ill. law to spouses (750 ILCS 75/).

General liability and property insurance policies typically do not cover cyber risks. For more information, see https://rems.ed.gov/docs/Cybersecurity_K-12_Fact_Sheet_508C.PDF, at p. 4.

³ A board's duty to indemnify and protect specific individuals is found in 105 ILCS 5/10-20.20. A board's duty to insure against loss or liability is found in 105 ILCS 5/10-22.3. The lists of individuals to be protected are identical in both statutes except that *mentors* was added in 2009 to only the indemnification statute. As the best method for providing indemnification is through insurance, this policy includes mentors in its list of individuals covered by the district's liability insurance.

⁴ 105 ILCS 5/22-15 requires each school district having grades 9 through 12 to maintain catastrophic insurance coverage for student athletes participating in interscholastic athletic events sanctioned by the Ill. High School Association (IHSA). The minimum level of coverage must provide aggregate benefit levels of \$3 million or 5 years, whichever comes first, for injuries with total medical expenses exceeding \$50,000. The law authorizes IHSA to promulgate a plan of coverage under a group policy that provides the necessary coverage. If a district opts out of IHSA's group policy, it must offer alternative coverage and submit to IHSA a certificate from the provider stating that the insurance complies with the plan of coverage approved by IHSA.

3. Comprehensive property insurance covering a broad range of causes of loss involving building and personal property. The coverage amount shall normally be for the replacement cost or the insurable value.
4. Workers' Compensation to protect individual employees against financial loss in case of a work-related injury, certain types of disease, or death incurred in an employee-related situation.

Student Insurance⁵

The Board shall annually designate a company to offer student accident insurance coverage. The Board does not endorse the plan nor recommend that parents/guardians secure the coverage, and any contract is between the parents/guardians and the company.

LEGAL REF.: Consolidated Omnibus Budget Reconciliation Act, Pub. L. 99-272, §10001, 26 U.S.C. §4980B(f), 42 U.S.C. §300bb-1 et seq.
105 ILCS 5/2-3.53a, 5/2-3.53b, 5/10-20.20, 5/10-22.3, 5/10-22.3a, 5/10-22.3b, 5/10-22.3f, 5/10-22.34, 5/10-22.34a, 5/10-22.34b, 5/21A-5 et seq., and 5/22-15.
215 ILCS 5/, Ill. Insurance Code.
750 ILCS 75/, Ill. Religious Freedom Protection and Civil Union Act.
820 ILCS 305/, Workers' Compensation Act.

CROSS REF.: 7:300 (Extracurricular Athletics)

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

Delete item #2 if the district: (1) does not maintain grades 9-12, or (2) qualifies for an exemption from the mandatory coverage (contact IHSA or the board attorney for information about claiming an exemption). A district maintaining grades K-8 may, but is not required to, provide accident and/or health insurance on a group or individual basis for students injured while participating in any school-sponsored athletic activity. If so, the following may be *added to* item #2 (for unit districts) or may *replace* item #2 (for elementary districts): "Accident and/or health insurance on a group or individual basis for students in grades kindergarten through 8 participating in any school-sponsored athletic activity." If item #2 is deleted and the option is not used, the board should omit the citation to catastrophic accident insurance (105 ILCS 5/22-15) in the legal references.

⁵ Optional. Until May 2014, this paragraph was included in sample policy 4:170, *Safety*.

Operational Services

Administrative Procedure - Environmental Quality of Buildings and Grounds

Hazardous and/or Infectious Materials

The Buildings and Grounds Supervisor is responsible for the District's compliance with State and federal law concerning toxic, hazardous, and/or infectious materials.² This includes requirements in the federal Occupational Safety and Health Administration (OSHA) *Hazard Communication Standards* (29 C.F.R. §1910.1200), adopted by the State Toxic Substances Disclosure to Employees Act (820 ILCS 255/, otherwise inoperative). See information on OSHA's website at www.osha.gov/hazcom.

Pesticide Application on School Grounds³

The Buildings and Grounds Supervisor is responsible for compliance with the Lawn Care Products Application and Notice Act (415 ILCS 65/3) and shall:

1. Provide an annual schedule of pesticide application to the supervisor of each District building.
2. In coordination with the supervisor of each District building (including each Building Principal), notify employees and students and their parents/guardians in each building. The notification must:
 - a. Be provided at least four business days before a pesticide application on school grounds.
 - b. Be written or by telephone. If written, the notice may be included in newsletters, calendars, or other correspondence currently being published.
 - c. Identify the intended date of the application.
 - d. Provide the name and telephone contact number for the Buildings and Grounds Supervisor or other school personnel responsible for the pesticide program.

Prior notice is not required if an imminent threat to health or property exists. If such a situation arises, the Building and Grounds Supervisor must sign a statement describing the circumstances that gave rise to the health threat and ensure that written or telephonic notice is provided as soon as practicable.

The footnotes should be removed before the material is used.

² Alternatively, these duties may be given to another staff member, in which case that staff member's title should replace "Buildings and Grounds Supervisor" throughout this procedure.

³ Notice to parents/guardians of students is required before pesticides are applied on school grounds (see the Lawn Care Products Application and Notice Act, 415 ILCS 65/3(f)). Notice to employees, while not required, is included in this procedure because notice to employees is mandated by the Structural Pest Control Act, 225 ILCS 235/10.3. Item #1 is not legally required. Items #2a-d are required by 415 ILCS 65/3(f)(3). The district may alternatively maintain a registry of parents/guardians requesting written notification of pesticide application and notify only those people in the registry. Be sure the notice provision is consistent with board policy.

Pesticide Application in School Buildings and Structures ⁴

The Buildings and Grounds Supervisor is responsible for compliance with the requirements in the Structural Pest Control Act (225 ILCS 235/) and shall:

1. Provide an annual schedule of pesticide application to the supervisor of each District building.
2. In coordination with the supervisor of each District building (including each Building Principal):
 - a. Maintain a registry of all employees and parents/guardians of students.
 - b. Notify those employees and parents/guardians of students before pesticides are applied in or on each building. The notification must:
 - i. Be provided at least two business days before a pesticide application in or on school buildings.
 - ii. Be written. The notice may be included in newsletters, bulletins, calendars, or other correspondence currently being published.
 - iii. Identify the intended date of the application.
 - iv. Provide the name and telephone contact number for the Buildings and Grounds Supervisor or other school personnel responsible for the pesticide program.

Prior notice is not required if an imminent threat to health or property exists. If such a situation arises, the Building and Grounds Supervisor must sign a statement describing the circumstances that gave rise to the health threat and ensure that written notice is provided as soon as practicable.

The Buildings and Grounds Supervisor is responsible for the District's integrated pest management program and the District's compliance with the Structural Pest Control Act, 225 ILCS 235/.

- Applicable if the Superintendent determines that an integrated pest management program is economically feasible:*

The Buildings and Grounds Supervisor or designee shall: (1) develop and implement a program incorporating the Department of Public Health guidelines; (2) notify the Department, on forms provided by the Department, that a program is being implemented; (3) repeat the notification every five years after the initial notification; and (4) keep copies of all notifications and all written integrated pest management program plans.

- Applicable if the Superintendent determines that adopting an integrated pest management program is not economically feasible because such adoption would result in an increase in pest control costs:*

The Buildings and Grounds Supervisor or designee shall: (1) notify the Department, on forms provided by the Department, that the development and implementation of an integrated pest management program is not economically feasible; (2) include in the notification the projected pest control costs for the term of the pest control program and projected costs for implementing a program for that same time period; (3) repeat this notification every five years after the initial

The footnotes should be removed before the material is used.

⁴ Item #1 is not legally required. The registry identified in item #2a is required by the Structural Pest Control Act, 225 ILCS 235/10.3. However, for ease of compliance, the procedure automatically puts all employees and parents/guardians in the registry. Change #2a as follows if the superintendent prefers to limit the registry to only those who expressed interest in being notified: "Maintain a registry of all employees and parents/guardians who have requested to receive notice before pesticides are applied to school property." The notice described in item #2b, i-iv, is required by 225 ILCS 235/10.3. Be sure the notice provision is consistent with board policy.

notification until a program is developed and implemented; and (4) attend a training course, approved by the Department, on integrated pest management and repeat attendance every five years thereafter until a program is developed and implemented in the District's schools.

The Buildings and Grounds Supervisor or designee shall maintain copies of all notifications that are required by the Structural Pest Control Act and provide the Building Principal(s) or designee(s) sufficient information to allow him/her/them to inform all parents/guardians and school employees at least once each school year that the District has met its notification requirements.

Training and Necessary Equipment

Each Building Principal and noncertificated staff supervisor shall ensure that all staff members under his or her supervision receive training on the safe handling and use of hazardous materials as required by 105 ILCS 5/10-20.17a. Emergency response and evacuation plans must be a part of the training.

Before an employee is given an assignment where contact with blood or bodily fluids or other hazardous material is likely, the employee must be provided the necessary training, including training in the universal precautions and other infection control measures to prevent the transmission of communicable diseases and/or to reduce potential health hazards as required by 23 Ill.Admin.Code §1.330. The appropriate supervisor shall maintain an attendance record of an employee's participation in the training.

Substitute Non-Hazardous Materials

District staff shall comply with State law governing toxic art supplies in schools. 105 ILCS 135/. This includes substituting non-hazardous material for hazardous substances whenever possible and minimizing the quantity of hazardous substances stored in school facilities. No art or craft material containing a toxic substance shall be ordered or purchased for use through grade 6; material containing toxic substances may be used in grades 7 through 12 only if properly labeled according to State law.

Infectious Materials

The Buildings and Grounds Supervisor shall prepare and distribute to all employees an Occupational Exposure Control Plan to eliminate or minimize occupational exposure to potentially infectious materials.⁵ The Plan shall comply with the Bloodborne Pathogens Standards adopted by State and federal regulatory agencies and an updated copy given to the Superintendent annually. The Plan shall address the following issues:

1. Exposure determination. Positions that do not subject the employee to occupational exposure are generally exempt from the Plan and the Standards.
2. Implementation schedule specifying how and when risks are to be reduced. The Standards are very specific on risks reduction, e.g., Universal Precautions must be followed; engineering and work practice controls are specified (hand washing, restricted food areas); personal protection equipment must be provided; housekeeping requirements are specified (regulated waste disposal and laundry); vaccination requirements (all employees who have occupational exposure must be offered, at employer expense, the hepatitis B vaccine and vaccination

The footnotes should be removed before the material is used.

⁵ The federal regulatory agency administering the Occupational Safety and Health Act (OSHA) issued Bloodborne Pathogens Standards (29 C.F.R. Part 1910.1030) that were adopted by the Ill. Department of Labor (56 Ill.Admin.Code §350.700). The Standards were developed to reduce the risk of occupational exposure to bloodborne pathogens. According to the Standards, *occupational exposure* means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." The Standards require employers to institute a written Exposure Control Plan containing the elements in the sample procedures.

series); communication of hazards to employees through labeling and training; and recordkeeping.

3. Process for ensuring that all medical evaluations and procedures, including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, are available as required by law.
4. Procedures for evaluating an exposure incident.

Emergency Response Plan

The Building Principal shall ensure that proper procedures for the cleanup of potentially hazardous material spills are followed including the following:

1. A building custodian is responsible for the actual cleanup,
2. Personal protective equipment, chemical neutralization kits, and absorbent material are available in each building at all times, and
3. Spill residue is placed in containers designated for such purpose and disposed of in compliance with local, State, and federal law.

Evacuation

The Building Principal shall ensure compliance with the School Safety Drill Act. 105 ILCS 128/. This includes, among other things, ensuring that evacuation rules are posted in each room and discussed with each class using the room during the first days of the school year. The evacuation rules indicate the primary and alternate exits and the evacuation area to which students should proceed upon leaving the building.

The Building Principal shall conduct evacuation drills according to School Board policy 4:170, *Safety*, and administrative procedure 4:170-API, *Comprehensive Safety and Security Plan*.

LEGAL REF: 29 C.F.R. §1910.1030, Occupational Exposure to Bloodborne Pathogens, adopted by the Ill. Department of Labor at 56 Ill.Admin.Code §350.300.
 29 C.F.R. §1910.1200, Occupational Safety and Health Administration Hazard Communication Standards, adopted by 820 ILCS 255/1.5, Toxic Substances Disclosure to Employees Act.
 105 ILCS 5/10-20.17a and 5/10-20.49.
 105 ILCS 135/, Toxic Art Supplies in School Act.
 105 ILCS 140/, Green Cleaning School Act.
 225 ILCS 235/, Structural Pest Control Act.
 415 ILCS 65/, Lawn Care Products Application and Notice Act.
 23Ill.Admin.Code §1.330.

Professional Personnel

Maintaining Student Discipline ¹

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness. The Superintendent shall ensure that all teachers, other certificated [licensed] educational employees (except for individuals employed as paraprofessional educators), and persons providing a student's related service(s):² (1) maintain discipline in the schools as required in the School Code, and (2) follow the School Board policies and administrative procedures on student conduct, behavior, and discipline.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student, if appropriate.³ If the unacceptable behavior continues, the teacher should consult with the Building Principal and/or discuss the problem with the parent(s)/guardian(s). A teacher may remove any student from the learning setting whose behavior interferes with the lessons or participation of fellow students.⁴ A student's removal must be in accordance with Board policy and administrative procedures.

Teachers shall not use disciplinary methods that may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment (including slapping, paddling, or prolonged maintenance of a student in physically painful positions, and intentional infliction of bodily harm) may not be used. Teachers may use reasonable force as needed to keep students, school personnel, and others safe, or for self-defense or defense of property.⁵

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

¹ State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements for employees covered by it. If this policy's subject matter is superseded by a bargaining agreement, the board policy can state, "Please refer to the applicable collective bargaining agreement(s)." For employees not covered by a collective bargaining agreement, the policy should reflect the board's current practice.

² 23 Ill.Admin. Code §1.280. "Persons providing a student's related service(s)" includes both certificated [licensed] and non-certificated [non-licensed] employees. 105 ILCS 5/24-24.

³ School officials determine whether a behavioral intervention is *appropriate*. See 105 ILCS 5/10-22.6(b-20).

⁴ Teachers must be given the authority to remove disruptive students from the classroom. 105 ILCS 5/24-24.

An in-school suspension program may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel, and districts may employ a school social worker or a licensed mental health professional to oversee in-school suspension programs. 105 ILCS 5/10-22.6(l). Consult the board attorney regarding whether a teacher needs to be present for an in-school suspension program overseen by a school social worker or licensed mental health professional, and whether other licensed school support personnel (such as a school counselor or school psychologist) may oversee an in-school suspension program.

⁵ Required by 105 ILCS 5/24-24. See sample policy 7:190, *Student Behavior*, for a discussion of corporal punishment.

LEGAL REF.: 105 ILCS 5/24-24.
23 Ill.Admin.Code §1.280.

CROSS REF.: 2:150 (Committees), 7:190 (Student Behavior), 7:230 (Misconduct by Students
with Disabilities)

Instruction

Educational Philosophy and Objectives ¹

The District's educational program will seek to provide an opportunity for each student to develop to his or her maximum potential. The objectives for the educational program are to:

1. Foster students' self-discovery, self-awareness, and self-discipline.
2. Develop students' awareness of and appreciation for cultural diversity.
3. Stimulate students' intellectual curiosity and growth.
4. Provide students with fundamental career concepts and skills.
5. Help students develop sensitivity to the needs and values of others and a respect for individual and group differences.
6. Help each student strive for excellence and instill a desire to reach the limit of his or her potential.
7. Encourage students to become lifelong learners.
8. Provide an educational climate and culture free of bias concerning the protected classifications identified in policy 7:10, *Equal Educational Opportunities*.

In order for the Board to monitor whether the educational program is attaining these objectives and to be knowledgeable of current and future resource needs, the Superintendent shall prepare an annual report that includes:

1. A review and evaluation of the present curriculum.
2. A projection of curriculum and resource needs.
3. An evaluation of, and plan to eliminate, any bias in the curriculum or instructional materials and methods concerning the classifications referred to in item 8, above.
4. Any plan for new or revised instructional program implementation.
5. A review of present and future facility needs.

CROSS REF: 1:30 (School District Philosophy), 3:10 (Goals and Objectives), 6:15 (School Accountability), 7:10 (Equal Educational Opportunities)

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¹ For more information about detecting ends and efficiently monitoring district performance, see IASB's *Foundational Principles of Effective Governance*, at: www.iasb.com/principles.cfm.

The items in both the objectives and monitoring lists are only examples. Each board should customize this policy, and re-visit it periodically, to ensure it is responsive to the district's needs and is effective and dynamic.

Alternative or additional objectives for the educational program might include one or more of the following:

1. Have all students meet or exceed State standards in their academic pursuits.
2. Provide meaningful learning activities for all students who have the capacity to learn.
3. Provide opportunities for students to develop emotionally, morally, and socially as well as to gain knowledge and skills to develop and maintain healthy minds and bodies.
4. Foster an appreciation for the efficient use of natural resources.
5. Cultivate students' understanding and appreciation for democracy and the history of the United States.
6. Have students take responsibility for their own actions including understanding their role in creating a positive learning environment as well as being active participants in the learning process.
7. Provide opportunities for students' parents/guardians to participate in their child's academic achievement and school performance.

Instruction

Administrative Procedure - Curriculum Development

Faculty Curriculum Committee

The Faculty Curriculum Committee assists in the District's curriculum planning process and provides the Superintendent with recommendations and supportive summaries. The Committee shall serve in an advisory capacity only.

The Faculty Curriculum Committee will:

1. Engage in two-way communication with teachers in order to address questions and concerns, keep everyone informed, and cooperatively strive for continuous improvement.
2. Provide system wide coordination of curriculum and student learning experiences.
3. Identify and categorize problems related to curriculum.
4. Research instructional methods and curriculum, utilizing available resources.
5. Engage in long-range planning for the continuous improvement of the curriculum.

The Superintendent or designee appoints Committee members and directs the Committee, providing specific tasks and timeframes.

Curriculum Guides and Course Outlines

Development of guides:

1. Curriculum guides are best developed by the staff and teachers who are to use them.
2. When entire staff participation is not feasible, the Superintendent or designee will direct staff representatives and/or relevant department heads to study, create, and revise the guides.
3. Completed guides will be given to the Superintendent.

Use of guides:

1. Curriculum guides serve as a framework from which teachers will develop units of study, individual lesson plans, and approaches to instruction that will serve students' particular needs at a particular time. The guides shall be used to map the logical sequence of instruction.
2. In subjects where sequence is important, such as mathematics, teachers shall be expected to adhere to the guide. In subjects where sequential learning is less important, teachers may be given a greater degree of freedom in respect to sequence.
3. In all cases, sufficient latitude shall be permitted to provide teachers with time to teach the current, topical, and incidental issues that add to motivation and meaningful teaching and learning.
4. The Building Principal and/or department heads shall see that optimum use is made of available curriculum guides.

Instruction

Exhibit - Notice to Parents/Guardians Regarding Section 504 Rights

On District letterhead.

Date:

Dear Parent/Guardian:

Re: Section 504 Rights

Section 504 of the Rehabilitation Act of 1973, commonly referred to as *Section 504*, is a nondiscrimination statute enacted by the U.S. Congress. The Act's purpose is to: (1) protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Dept. of Education (ED), and (2) ensure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who: has a record of having, or is regarded as having, a *physical or mental impairment* which substantially limits a *major life activity* as defined by 34 C.F.R. §104.3.

This notice describes the rights ensured by Section 504 to those disabled students who do not qualify for special education and related services under the Individuals With Disabilities Education Act (IDEA).¹ The intent of this notice is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any decisions in reference to Section 504. If you have questions about the identification, assessment, and placement of children eligible for Section 504, please contact the District's Section 504 Coordinator at *[insert phone number and location]*.

Please keep this explanation for future reference.

Parents/Guardians and/or students have the right to:

1. Be informed by the School District of your rights and procedural safeguards under Section 504 in an understandable language. 34 C.F.R. Part 104. The purpose of this notice is to advise parents/guardians and/or students of these rights.
2. The services of an interpreter, for parents/guardians who are deaf or do not typically communicate using spoken English and who participate in a Section 504 meeting. 105 ILCS 5/14-6.01.
3. A free appropriate public education designed to meet a student's individual educational needs as adequately as the needs of non-disabled students are met. 34 C.F.R. §104.33.
4. Free educational services except for those fees that are imposed on non-disabled students or their parents/guardians. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 C.F.R. §104.33.

The footnotes should be removed before the material is used.

¹ School boards must post on their website, if any, and incorporate into their student handbooks/newsletters, notice that students with disabilities who do not qualify for an individualized education program under the IDEA may qualify for services under Section 504 if the student: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of a physical or mental impairment; or (3) is regarded as having a physical or mental impairment. 105 ILCS 5/14-6.01, amended by P.A. 102-1072. This notice must identify the location and phone number of the person in the district to whom inquiries should be directed. *Id.* It must also state that any parent who is deaf or does not typically communicate using spoken English and who participates in a Section 504 meeting with a district representative shall be entitled to the services of an interpreter. *Id.*

5. A placement in the least restrictive environment to the maximum extent appropriate to meet the student's needs. 34 C.F.R. §104.34.
6. Facilities, services, and activities comparable to those provided for non-disabled students. 34 C.F.R. §104.34.
7. An evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 C.F.R. §104.35.
8. Testing and other evaluation procedures conforming to the requirements of 34 C.F.R. §104.35(b) as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical conditions, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent/guardian observations, anecdotal reports and standardized test scores. 34 C.F.R. §104.35(c).
9. Placement decisions made by a group of persons, i.e., a Section 504 committee, including the parents/guardians and persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements for the least restrictive environment and comparable facilities. 34 C.F.R. §104.35(c).
10. Periodic reevaluation of students who have been provided special education and related services. 34 C.F.R. §104.35(d).
11. A notice prior to any action by the District in regard to the identification, evaluation, or placement of the student. 34 C.F.R. §104.36.
12. Examine relevant records. 34 C.F.R. §104.36.
13. An impartial hearing regarding the student's identification, evaluation, or educational placement including an opportunity for parental participation in the hearing and representation by an attorney, and a review procedure. 34 C.F.R. §104.36.²
*[Insert details regarding the district's hearing and review procedures.]*³
14. File a grievance under Board policy 2:260, *Uniform Grievance Procedure*, regarding any complaints that allege action prohibited by Section 504.
15. File a complaint with the District's Section 504 coordinator or designee concerning Section 504 matters other than your student's identification, evaluation and/or placement. The Section

The footnotes should be removed before the material is used.

² Although compliance with IDEA procedural safeguards is one means of meeting this requirement (34 C.F.R. §104.36), IDEA procedural safeguards go above and beyond Section 504 requirements. Consult with the board attorney to determine if IDEA procedural safeguards should be used for Section 504 disputes.

³ Section 504 does not prescribe hearing and review procedures, leaving the procedures used to the district's discretion. Consult with the board attorney to determine appropriate local procedures. Possible procedures include this option (based upon Section IX, *Impartial Hearing Procedures*, of **Sample Section 504 Procedures** at: www.iasb.com/law/sec504.cfm):

If you disagree with the District relative to the student's identification, evaluation, or educational placement, you must notify the District's Section 504 compliance coordinator or designee and attempt to resolve any differences informally. If informal procedures fail, you may request a hearing before an impartial hearing officer. The due process review procedures set forth in the IDEA and in Article 14 of the School Code shall not be employed unless you are contesting or asserting a right to special education services under the IDEA or Article 14. Your request for a hearing must be submitted in writing to the District's Section 504 compliance coordinator or designee within 10 days of the date of the decision to be reviewed. The District's Section 504 compliance coordinator or designee shall then appoint the impartial hearing officer.

You shall be provided with written notice of the hearing, which shall include the time, date, and location of the hearing and the identity of the hearing officer. Generally, the notice will be sent at least five business days in advance of the hearing. The notice will inform you that you have the right to: review any relevant records before the hearing; be represented by counsel at the hearing; and participate in the hearing. The decision of the impartial hearing officer shall be in writing and be issued within 10 days after the hearing. Either party may seek review of the hearing officer's decision by a court of competent jurisdiction.

504 coordinator or designee will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.

16. File a complaint with the Office of Civil Rights. The Illinois regional Office of Civil Rights is located in Chicago at:

Chicago Office
Office for Civil Rights
U.S. Department of Education
John C. Kluczynski Federal Building
200 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Phone: 312/730-1560
Fax: 312/730-1576
TDD: 800/877-8339
Email: OCR.Chicago@ed.gov

If you would like more information about the differences between Section 504 and IDEA, see *Protecting Students with Disabilities FAQ about Section 504 and the Education of Children with Disabilities*, available at: www2.ed.gov/about/offices/list/ocr/504faq.html.

Sincerely,

Superintendent

Instruction

Extracurricular and Co-Curricular Activities ¹

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

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

Non-school sponsored student groups are governed by School Board policy, 7:330, *Student Use of Buildings - Equal Access*. ³

Academic Criteria for Participation

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

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

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

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

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

In January 2013, the U.S. Dept. of Education, Office for Civil Rights, issued a *Dear Colleague Letter* concerning the participation of students with disabilities in extracurricular athletic activities. It clarifies the types of accommodations and services that districts must provide pursuant to Section 504. See www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.html.

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

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

⁴ High school districts should omit this paragraph.

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

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

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

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

⁵ Elementary districts should omit this paragraph.

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

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

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

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

⁷ Alternatives include:

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

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

Instruction

Exhibit - Authorization to Participate in the Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct Agreement

This form accompanies policy 6:220, Bring Your Own Technology (BYOT); Responsible Use and Conduct. It must be signed before a student participates in a BYOT Program. Please submit this form to the Building Principal.

Student _____ **School year** _____

To be read and signed by the student-participant and his/her parent/guardian:

Dear Parents/Guardians:

Our School District allows students to participate in a curriculum-based Bring Your Own Technology (BYOT) Program. You must authorize your child's participation in the program by agreeing to the following terms and discussing them with your child, including using the Internet through the District's electronic network during instructional time (Children's Internet Protection Act (CIPA) (47 U.S.C. §254)). This authorization and agreement needs to be signed only once while your child is enrolled in the District.

Your child must also sign the *Student Authorization for Access to the District's Electronic Networks* agreement to participate in the program. If you have not read and signed this document or do not know whether one is already on file in the District, contact your Building Principal. You may also ask your Building Principal for any other forms or exhibits referenced in the BYOT authorization and agreement below.

The violation of any laws or Board policies while participating in the program may result in the loss of your child's privilege to participate in the program. Remember that you are legally responsible for your child's actions. If you agree to allow your child to participate in BYOT program, sign the authorization and agreement below and return it to your school.

The teacher's role in the program is that of instructor in your child's classroom. Teachers cannot spend time fixing technical difficulties with BYOT devices. Parents/guardians and their children share the responsibility for technical support and providing a properly charged BYOT device. If a BYOT device has technical difficulties: (1) a District-owned device may be provided, if available, or (2) students may be asked to partner with another student who has a functioning BYOT device during a lesson. The District will also expect you and your child to keep the BYOT device free from viruses, malware, and/or any other harmful programs that could damage the District's electronic network. Finally, the right to privacy in your child's BYOT device is limited while it is on any school property.

Bring Your Own Technology (BYOT) Program Participation Authorization and Responsible Use Agreement

I hereby request that my child be allowed to participate in the District's BYOT program. *(Please indicate agreement by initialing the checkbox.)*

I have read this *BYOT Participation Authorization and Responsible Use Agreement*. I understand the program is designed for educational purposes and that during instructional times, my child may access the District's Internet only through its electronic networks to minimize access to inappropriate material.

- I will hold harmless the District, its employees, agents, and Board members, for any harm caused by materials or software obtained via the District's network and compliance with federal law(s) (including, but not limited to CIPA requirements).
- I have previously signed the *Student Authorization for Electronic Network Access* form. I have also read and discussed with my child the following documents: (1) the Responsible Use portion of policy 6:220, *Bring Your Own Technology (BYOT) Programs; Responsible Use and Conduct*; (2) 6:220-E2, *Bring Your Own Technology (BYOT) Program Student Guidelines*; and (3) 6:235-E5, *Children's Online Privacy Protection Act*.
- I understand that my child and I share the responsibility for technical support, providing a properly charged BYOT device, and keeping the BYOT device free from viruses, malware and/or any other harmful programs that could infect or harm the District's electronic network.
- I understand that the District does not provide liability protection for BYOT devices, and it is not responsible for any damages.
- I understand that my child's privacy rights in his/her BYOT device while on any school property are limited as outlined in Board policy.
- I consent that my child may share another student's BYOT device, or in the alternative, be asked to share his/her BYOT device with another student, from time to time as directed by the classroom teacher.

Parent/Guardian (please print)	Date
Parent/Guardian signature	Student signature

To be read and signed by student and parent/guardian who is not participating:

I have decided **not to participate** in the BYOT program sponsored by the School District for the remainder of this school year. In order for me to participate in the BYOT program at a later date, I understand that I must contact the Building Principal and sign the above *Bring Your Own Technology (BYOT) Program Participation Authorization and Responsible Use Agreement*.

Parent/Guardian (please print)	Date
Parent/Guardian signature	Student signature

Enclosures: 6:220, *Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct*; 6:220-E2, *Bring Your Own Technology (BYOT) Program Student Guidelines*; 6:235-E5, *Children's Online Privacy Protection Act*

Instruction

Exhibit - Bring Your Own Technology (BYOT) Program Student Guidelines

This exhibit accompanies policy 6:220, Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct. It should be sent home with students along with 6:220-E1, Authorization to Participate in the Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct Agreement, and 6:235-E5, Children's Online Privacy Protection Act. It outlines BYOT guidelines. Building Principals may want to include this in the student handbook. Modify this exhibit to reflect the District's and any building-specific guidelines.

The purpose of the District's BYOT program is to extend and enrich the learning environment. The following guidelines apply to students who participate in the program:

- Access only the District's Internet gateway. The District filters access to materials that may be defamatory, inaccurate, offensive, or otherwise inappropriate at school pursuant to policy 6:235, *Access to Electronic Networks*. Make no attempts to bypass the District's Internet gateway. Similar to when a filter is disabled or malfunctions, it is impossible to control all Internet material, and a BYOT participant may discover inappropriate material. It may also be discovered if and/or when sharing a BYOT device with another student. Report inappropriate content and conduct to your classroom teacher.
- Follow the standards of your parents/guardians. The District respects each family's right to decide whether or not to participate. District-provided technology may be an alternative.
- Access only authorized data or files on the computer or Internet sites that are relevant to the classroom curriculum and suggested by a teacher. Students are strictly prohibited from infecting the District's network(s) with a virus or malware program designed to damage, alter, destroy, or otherwise compromise the network, and hacking, altering, or bypassing security policies or measures. Installing and updating anti-virus and anti-malware software and keeping the operating system on BYOT devices updated is required. The District may examine any BYOT device that it suspects is causing network problems or may be the source of an attack or virus infection.
- Use of a BYOT device is subject to policy 7:190, *Student Behavior*.
- Transmit only appropriate content while using the District's electronic network. At no time, may a photographic image or video of any person on campus be made, posted, or shared, unless authorized by the teacher for instructional purposes. Any reasonable suspicion of an activity that violates law or Board policies will be treated according to policy 7:140, *Search and Seizure*. Bullying, harassment, or sexual material will not be tolerated and will be managed pursuant to policies 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, or 7:20, *Harassment of Students Prohibited*, as appropriate. Retrieval of devices that become involved in a law enforcement investigation is the student and parent/guardian's responsibility.

- Charge all BYOT devices prior to school every day. Turn off and keep BYOT devices in the sight of the teacher during assessments, unless otherwise directed by a teacher. Immediately follow any teacher's instruction to shut down BYOT devices or close the screen. All BYOT devices must be in silent mode and put away when directed by teachers.
- Sharing BYOT devices with other students is allowed only when a parent/guardian has approved this in writing through the *Bring Your Own Technology (BYOT) Program Participation Authorization and Responsible Use Agreement* and the teacher has directed it.

Instruction

Field Trips ¹

Field trips are permissible when the experiences are a part of the school curriculum and/or contribute to the District's educational objectives. ²

All field trips must have the Superintendent or designee's prior approval, except that field trips beyond a 200-mile radius of the school or extending overnight must have the prior approval of the School Board.³ The Superintendent or designee shall analyze the following factors to determine whether to approve a field trip:⁴ educational value, student safety, parent concerns, heightened security alerts, and liability concerns. On all field trips, a bus fee set by the Superintendent or designee may be charged to help defray the transportation costs. ⁵

Parents/guardians of students: (1) shall be given the opportunity to consent to their child's participation in any field trip; and (2) are responsible for all entrance fees, food, lodging, or other costs, except that the District will pay such costs for students who qualify for a fee waiver under Board policy 4:140, *Waiver of Student Fees*. All non-participating students shall be provided an alternative experience. Any field trip may be cancelled without notice due to an unforeseen event or condition.

Privately arranged trips, including those led by District staff members, shall not be represented as or construed to be sponsored by the District or school. The District does not provide liability protection for privately arranged trips and is not responsible for any damages arising from them. ⁶

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

¹ This is an optional policy. The following is an optional section for including class trips; add to the bottom of the policy and add "and Recreational Class Trips" to the policy's title.

Recreational Class Trips

Recreational class trips are permissible provided they do not interfere with the District's educational program. The provisions in this policy concerning field trips, except those regarding educational value, are also applicable to recreational class trips.

² As an alternative, substitute the verb "encouraged" for "permissible." State law also permits educational tours as a course supplement but does not authorize the use of school funds for such tours. 105 ILCS 5/10-22.29b.

³ According to 105 ILCS 5/29-3.1, "[t]he school board may provide transportation for pupils on bona fide field trips in Illinois or adjacent states." The superintendent or designee is delegated the responsibility to approve field trips after considering the factors in the policy.

105 ILCS 5/29-6.3 allows districts to transport students in multi-function school activity busses (MFSABs) for school sponsored activities.

⁴ These are at the local board's discretion.

⁵ Transportation fees are permitted by 105 ILCS 5/29-3.1. Such fees cannot exceed the cost of transportation but may include a reasonable allowance for vehicle depreciation. *Id.*

⁶ This paragraph is optional. It seeks to distinguish privately arranged trips from those that are controlled and sponsored by the district and provides a disclaimer.

LEGAL REF.: 105 ILCS 5/29-3.1.

CROSS REF.: 4:140 (Waiver of Student Fees), 6:10 (Educational Philosophy and Objectives), 7:10 (Equal Educational Opportunities), 7:270 (Administering Medicines to Students)

Instruction

Administrative Procedure - Field Trip Guidelines ¹

Actor	Action
Teacher(s) or administrator who seeks consent for a school-sponsored trip with students	<p>Submits a trip proposal to the Building Principal. The proposal must specifically describe each of the following:</p> <ol style="list-style-type: none"> 10. The trip, including possible dates, location, and experience 11. The trip's educational value 12. Transportation requirements 13. Supervision plans that include, among other things, plans for at least two adult supervisors to be present with every grouping of students 14. The students who will be involved 15. The alternative experience that will be provided non-participating students 16. A summary and evaluation of any previous similar trip
Building Principal	<p>Prepares a recommendation for the Superintendent or Board, as appropriate, using the following factors to analyze the trip proposal:</p> <ul style="list-style-type: none"> Educational value Distance to be traveled Location Travel arrangements Fees Parent concerns Insurance carrier's liability feedback Safety considerations Heightened security alerts Whether trip is an annual event
Appropriate teacher(s) and Building Principal	<p>Makes final transportation arrangements.</p> <p>Recruits parents/guardians for supervisory roles, as appropriate.</p> <p>Collects signed consent forms and fees from all participating students' parents/guardians.</p> <p>Makes sure all supervisors have a list of the following:</p> <ol style="list-style-type: none"> 1. Names of all student participants and supervisors 2. Names and specifics of students with special needs 3. Name/phone number of emergency contacts for all students and supervisors 4. Date/time and specific destination of trip 5. Departure/arrival times both to and from destination

The footnotes should be removed before the material is used.

¹ Be sure these procedures are consistent with the board policy. See sample policy 6:240, *Field Trips*. In addition, if class trips are included in the board's policy, add to the title, "and Recreational Class Trips."

Actor	Action
	<ol style="list-style-type: none"> 6. Name and phone number of transportation company and primary contact in case of emergency 7. Name/phone number of contact at destination 8. Once at destination, where to go in case of an emergency 9. Make final supervisor assignments and inform all supervisors of their individual assignments
Parent(s)/guardian(s)	<p>Decides whether to consent to their child's participation.</p> <p>If the student is participating, pays all applicable fees for entry, food, lodging, transportation, or other costs. The District will pay such costs for students who qualify for free and reduced school lunches in accordance with policy 4:140, <i>Waiver of Student Fees</i>.</p>
Teacher(s) or administrator proposing the trip	After a trip, evaluates the trip and provides the Building Principal with the evaluation.

Students

Exhibit - Notification to Parents of Family Privacy Rights ¹

Date _____

Re: Student Survey Participation

Dear Parents:

Your child will be asked to complete a survey as described below:

Survey description: _____

Survey grade/participants: _____ Anticipated Survey date(s): _____

Parents/guardians may request that their child not participate in surveys that concern one or more of the following eight areas:

1. Political affiliations or beliefs of the student or student's parent/guardian;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom the student has close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
8. Income other than as required by law to determine program eligibility.

The school will not penalize any student whose parent/guardian exercises this option. In addition, a parent/guardian may review surveys asking questions about the above areas as well as other instructional materials. School Board policy 7:15, *Student and Family Privacy Rights*, contains a more thorough explanation of these rights and may be obtained from the Building Principal.

Opt-Out Instructions (*Note: This notice and opt-out right transfers from parents/guardians to any student who is 18 years old.*)

If you do not want your child to participate in this activity, contact your child's Building Principal no later than _____. If we do not hear from you by this date, we will assume that you do not object to having your child participate in the surveys described above.

Request to Review

If you wish to review any survey instrument or instructional material, please submit your request to the Building Principal. You will be notified of the time and place where you may review these materials.

Building Principal contact information: _____

The footnotes should be removed before the material is used.

¹ The Protection of Pupil Rights Act grants parents/guardians the right to preview surveys and to prohibit their child's participation. 20 U.S.C. §1232h(c). **This form does not contain the mandatory notifications if a board adopts optional provisions concerning invasive physical examinations.** See f/ns 2, 9, and 13 in sample policy 7:15, *Student and Family Privacy Rights*.

Students

Administrative Procedure - Agency and Police Interviews

The Ill. Council of School Attorneys, with participation from the DuPage County State's Attorney's Office and Regional Superintendent of Schools, developed *Guidelines for Interviews of Students at School by Law Enforcement Authorities* to assist law enforcement authorities and school officials in determining when it is appropriate for law enforcement authorities or the Ill. Dept. of Children and Family Services to interview students while the students are at school or participating in school-related activities. The document is available on the Illinois Association of School Boards website: www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf.

Students

Orders to Forgo Life-Sustaining Treatment ¹

Written orders from parents/guardians to forgo life-sustaining treatment for their child must be signed by the student's physician and given to the Superintendent. This policy shall be interpreted in accordance with the Illinois Health Care Surrogate Act. 755 ILCS 40/. ²

Whenever an order to forgo life-sustaining treatment is received, the Superintendent shall convene a multi-disciplinary team that includes:

1. The student, when appropriate;
2. The student's parents/guardians;
3. Other medical professionals, e.g., licensed physician, physician's assistant, or nurse practitioner;
4. Local first responders for the building in which the student is assigned to attend school; ³
5. The school nurse;
6. Clergy, if requested by the student or his or her parents/guardians;
7. Other individuals to provide support to the student or his or her parents/guardians; and
8. School personnel designated by the Superintendent. ^{4 5}

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

¹ This policy is optional. State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled in that there is no statute or binding decision resolving competing interests and providing direction to schools for handling *do not resuscitate* (DNR) orders or Practitioner Orders for Life-Sustaining Treatment (POLST) forms. For information on the Ill. Dept. of Public Health's Uniform POLST Form, see <https://dph.illinois.gov/topics-services/health-care-regulation/nursing-homes/advance-directives/polst-guidance-health-care.html#completing-reviewing-polst-form>.

² The Health Care Surrogate Act grants parents and court-appointed guardians the authority to decide whether to forgo life-sustaining treatment on behalf of their minor child in certain situations. 755 ILCS 40/20. The child must suffer a *qualifying condition*, which means the existence of a terminal condition, permanent unconsciousness, or an incurable or irreversible condition. These terms are defined in the Act.

The Act does not address the obligation of school staff members to comply with orders to forgo life-sustaining treatment, including DNR orders and POLST forms. Rather, the Act is silent regarding directives on life-sustaining care outside a health care facility or performed by a non-health care provider. The law does, however, indicate who should be the ultimate decision maker – the parents/guardians. School officials should use the Act, after consulting the school board's attorney, as a guideline.

³ Municipal and/or village ordinances may affect response time and care from first responders.

⁴ Consult the board attorney regarding the establishment of a multi-disciplinary team and whether attendance at meetings is necessary. Implementing orders to forgo life-sustaining care implicates the laws prohibiting discrimination on the basis of a disability. IDEA, 20 U.S.C. §1401; Section 504, 29 U.S.C. §794; ADA, 42 U.S.C. §12101 *et seq.*, amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub.L. 110-325 and modified by the Lilly Ledbetter Fair Act, Pub.L. 111-2. A school agreeing to abide by such an order does so because of the disability's severity; a less severely disabled or non-disabled student would be treated differently. The U.S. Dept. of Education's Office for Civil Rights approved a policy that provided for a multi-disciplinary team to develop individually designed interventions. School staff members must use these interventions that might require honoring an order to forgo life-sustaining care. 21 IDELR 83 (3-31-94). This sample policy balances the interests of the parents/guardians with the district's obligation under federal law by using such a team. However, liability may exist when a district determines specific interventions and then does not provide them. See *In re Estate of Stewart*, 406 Ill.Dec. 345 (2nd Dist. 2016) (denying tort immunity to district, finding its response to a student's asthma attack was willful and wanton (which district disputed as a possible heart attack)); *In re Estate of Stewart*, 412 Ill.Dec. 914 (Ill. 2017) (school district's appeal denied).

The team shall determine guidelines to be used by school staff members in the event the child suffers a life-threatening episode at school or a school event. ⁶

District personnel shall convey orders to forgo life-sustaining treatment to the appropriate emergency or healthcare provider.

LEGAL REF.: Health Care Surrogate Act, 755 ILCS 40/
Cruzan v. Director, Missouri Dept. of Health, 497 U.S. 261 (1990).
In re C.A., a minor, 236 Ill.App.3d 594 (1st Dist. 1992).

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⁵ Consult the board attorney about requiring teachers and other non-administrative school employees to administer medical care and/or treatment to students who are subjects of orders to forgo life-sustaining treatment. Generally, only licensed (formerly certificated) school nurses and non-licensed (formerly non-certificated) registered professional nurses may be required to administer medication to students. See 105 ILCS 5/10-22.21b and f/n 1 in policy 7:270, *Administering Medicines to Students*.

⁶ The following are two optional sentences to add at the end of this paragraph:

Option 1: The Superintendent or designee will ensure minutes are taken that summarize the decisions and guidelines made during multi-disciplinary meetings and obtain signatures of the child's parents/guardians on the minutes of each multi-disciplinary meeting.

Option 2: The Superintendent or designee will monitor the effectiveness of the guidelines established during the multi-disciplinary meetings at times the multi-disciplinary team determines are necessary. Boards may choose either or both options.

Instruction

Exhibit - Prevention of Staphylococcal Infections for Schools

The following resources from the Ill. Dept. of Public Health (IDPH) and Centers for Disease Control and Prevention (CDC) may be distributed to students and their parents/guardians and staff to inform them about what staphylococcus aureus is, how it spreads, and how staph infections can be prevented:

- <https://dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/mrsa.html>
- www.cdc.gov/mrsa/community/
- Additional factsheets for parents, athletes and staff are available at: www.cdc.gov/mrsa/community/posters/index.html.

The local health department may also have more information specific to the District's jurisdiction.

I certify that:

1. My child is in good health and is capable of participating in the above sport or activity. No need exists to limit my child's participation. I assume full responsibility for my child's physical condition and participation, and will notify you of any changes.
2. I have completed and submitted the *Authorization for Medical Treatment* form allowing the school to seek medical treatment for my child in the event of a medical emergency when reasonable attempts to contact me are unsuccessful.
3. If my child requires or may need medication while participating in athletics, I have completed and submitted the *School Medication Authorization Form*.

Parent/Guardian signature

Date

Students

Student Athlete Concussions and Head Injuries¹

The Superintendent or designee shall develop and implement a program to manage concussions and head injuries suffered by students. The program shall:

1. Fully implement the Youth Sports Concussion Safety Act (YSCSA), that provides, without limitation, each of the following:²
 - a. The Board must appoint or approve member(s) of a Concussion Oversight Team for the District.³
 - b. The Concussion Oversight Team shall establish each of the following based on peer-reviewed scientific evidence consistent with guidelines from the Centers for Disease Control and Prevention:⁴

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¹ Three Illinois statutes in the School Code have addressed student concussions:

1. The Youth Sports Concussion Safety Act (YSCSA) (105 ILCS 5/22-80). The Act contains concussion safety directives for school boards and certain identified staff members. A school district must implement 105 ILCS 5/22-80 if it offers interscholastic athletic activities or interscholastic athletics under the direction of a coach (volunteer or school employee), athletic director, or band leader. A school district may need to implement its return-to-learn protocol for a student's return to the classroom after he or she is believed to have experienced a concussion, "whether or not the concussion took place while the student was participating in an interscholastic activity." 105 ILCS 5/22-80(d). For a comprehensive discussion of this Act, see the IASB publication *Checklist for Youth Sports Concussion Safety Act* at: www.iasb.com/iasb/media/documents/checklistconcussionsafetyact.pdf. Helpful guidance for implementing this law is available from the Lurie Children's Hospital's *A Guide for Teachers and School Professionals*.
2. 105 ILCS 25/1.15 requires: (a) all high school coaching personnel to complete online concussion awareness training; and (b) all student athletes to view the Ill. High School Association (IHSA) video about concussions.
3. 105 ILCS 25/1.20, requires the IHSA to require all member districts that have certified athletic trainers to have those trainers complete and submit a monthly report on student-athletes who have sustained a concussion during: (1) a school-sponsored activity overseen by the athletic trainer; or (2) a school-sponsored event of which the athletic director is made aware.

The Centers for Disease Control and Prevention (CDC) explains that a concussion is a type of traumatic brain injury caused by a bump, blow, or jolt to the head, or by a hit to the body that causes the head and brain to move rapidly back and forth. See www.cdc.gov/headsup/index.html. The CDC website contains excellent resources for the recognition, response, and prevention of concussions, including the opportunity to order or download free educational materials on concussions that can be distributed to parents, students, and coaches.

² 105 ILCS 5/22-80.

³ 105 ILCS 5/22-80(d). A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, they must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. The statute provides that the Team may be composed of only one person who need not be a licensed healthcare professional, however, that person may not be a coach. *Id.*

As this is administrative/staff work rather than governance work, the best practice is to have the Concussion Oversight Team be an *administrative* committee, but consult the board attorney for guidance. If it is a board committee, it must comply with the Open Meetings Act, 5 ILCS 120/1.02. For a discussion of the Open Meetings Act's treatment of committees, see the footnotes in 2:150, *Committees*.

⁴ 105 ILCS 5/22-80(d).

- i. A return-to-play protocol governing a student's return to interscholastic athletics practice or competition following a force of impact believed to have caused a concussion. The Superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol.⁵
- ii. A return-to-learn protocol governing a student's return to the classroom following a force of impact believed to have caused a concussion. The Superintendent or designee shall supervise the person responsible for compliance with the return-to-learn protocol.⁶
- c. Each student and the student's parent/guardian shall be required to sign a concussion information receipt form each school year before participating in an interscholastic athletic activity.⁷
- d. A student shall be removed from an interscholastic athletic practice or competition immediately if any of the following individuals believes that the student sustained a concussion during the practice and/or competition: a coach, a physician, a game

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⁵ The YSCSA contains requirements for a student to return to play following a concussion *Id.* The supervisor of the person responsible for compliance with the return-to-play protocol may not be a coach. The student's treating physician, physician assistant, advanced practice registered nurse, or an athletic trainer working under a physician's supervision must evaluate and find that it is safe for the student to return to play. The student's parent/guardian must sign a consent form that complies with statutory prerequisites. In addition, the student must also complete the requirements in the district's return-to-play and return-to-learn protocols. Thus, the district through its protocols may add requirements for the student's return, but may not delete any statutory requirements.

It is an open question whether the return-to-play protocol is limited to when the concussion occurred during an interscholastic athletic activity because the statute does not state "whether or not the concussion took place while the student was participating in an interscholastic athletic activity." It makes sense, however, to apply the return-to-play protocol whenever a student suffers a concussion before allowing him or her to participate in an interscholastic athletic activity. See IHSA's *Post-concussion Consent Form (RTP/RTL)* at: <http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources>.

⁶ 105 ILCS 5/22-80(g). The supervisor of the person responsible for compliance with the return-to-learn protocol may not be a coach. The return-to-learn protocol governs a student's return to the classroom after a concussion, whether or not the concussion took place while the student was participating in an interscholastic athletic activity. Guidance from Lurie Children's Hospital explains that recovery from a concussion must be an individualized process because no two concussions are the same. See *Return to Learn after a Concussion: A Guide for Teachers and School Professionals*, Lurie Children's Hospital, at: www.luriechildrens.org/globalassets/media/pages/specialties--conditions/programs/concussion-program/documents/lurie-return-to-learn-guide-2017-updated.pdf. This *Guide* explains that a student's full recovery depends on both cognitive rest and physical rest. It suggests using a multidisciplinary team to facilitate a student's return to the classroom and provides examples of accommodations and interventions. It also stresses the importance of identifying a school staff member who will function as a case manager or concussion management leader, such as a school nurse, athletic trainer, or school counselor. See IHSA's *Post-concussion Consent Form (RTP/RTL)* at: <http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources>.

⁷ 105 ILCS 5/22-80(e). *Interscholastic athletic activity* is defined in 105 ILCS 5/22-80(a) as "any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling." The form must be approved by the IHSA. See <http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources>, for *IHSA Concussion Protocols* and *IHSA Sports Medicine Acknowledgement & Consent Form* (Concussion, PES, Asthma Medication).

- official, an athletic trainer, the student's parent/guardian, the student, or any other person deemed appropriate under the return-to-play protocol.⁸
- e. A student who was removed from interscholastic athletic practice or competition shall be allowed to return only after all statutory prerequisites are completed, including without limitation, the return-to-play and return-to-learn protocols developed by the Concussion Oversight Team. An athletic team coach or assistant coach may not authorize a student's return-to-play or return-to-learn.⁹
 - f. The following individuals must complete concussion training as specified in the YSCSA: all coaches or assistant coaches (whether volunteer or a district employee) of interscholastic athletic activities; nurses, licensed healthcare professionals or non-licensed healthcare professionals who serve on the Concussion Oversight Team (whether or not they serve on a volunteer basis); athletic trainers; game officials of interscholastic athletic activities; and physicians who serve on the Concussion Oversight Team.¹⁰
 - g. The Board shall approve school-specific emergency action plans for interscholastic athletic activities to address the serious injuries and acute medical conditions in which a student's condition may deteriorate rapidly.¹¹
2. Comply with the concussion protocols, policies, and by-laws of the Illinois High School Association (IHSA), including its *Protocol for Implementation of NFHS Sports Playing Rules for Concussions, which includes its Return to Play (RTP) Policy*.¹² These specifically require that:
- a. A student athlete who exhibits signs, symptoms, or behaviors consistent with a concussion in a practice or game shall be removed from participation or competition at that time.

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⁸ 105 ILCS 5/22-80(f).

⁹ 105 ILCS 5/22-80(g). Most students with a concussion will not need a formal 504 plan or individualized education program; contact the board attorney whenever one is requested or the student's symptoms are prolonged.

¹⁰ 105 ILCS 5/22-80(h). Individuals covered by this training mandate must take a training course from an authorized training provider prior to serving on a Concussion Oversight Team (Team) and at least once every two years (or if not serving on the Team, at least once every two years). See the footnotes in 5:100, *Staff Development Program*. Physicians on Teams are required, to the greatest extent practicable, to periodically take an appropriate medical course on concussions. 105 ILCS 5/22-80(h)(3).

Note: *Licensed healthcare professionals* includes nurses and licensed clinical psychologists, physical therapists, occupational therapists, physicians' assistants, and athletic trainers working under the supervision of a physician. 105 ILCS 5/22-80(b). *Non-licensed healthcare professionals* is not specifically defined. Therefore, it is not entirely clear if a Team may include an individual, i.e., a building principal that is not mandated to take the training. As a matter of best practice and to reduce liability, all Team members should receive the training; however, consult with the board attorney for further guidance.

¹¹ 105 ILCS 5/22-80(i), amended by P.A. 102-1006. A template is available on the IHSA website under *Emergency Action Plan (EAP) Resources* at:

<http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources>.

¹² The *IHSA Protocol for Implementation of NFHS Sports Playing Rules for Concussions* (<http://ihsa.org/documents/sportsMedicine/Concussion%20Protocols.pdf>) contains concussion information, provides instructions when a student athlete sustains an apparent concussion, and includes a *Return to Play (RTP) Policy*. The *Return to Play (RTP) Policy* addresses the requirements for returning a student athlete to play after he or she exhibits signs, symptoms, or behaviors of a concussion.

- b. A student athlete who has been removed from an interscholastic contest for a possible concussion or head injury may not return to that contest unless cleared to do so by a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer.
 - c. If not cleared to return to that contest, a student athlete may not return to play or practice until the student athlete has provided his or her school with written clearance from a physician licensed to practice medicine in all its branches in Illinois, advanced practice registered nurse, physician assistant or a certified athletic trainer working in conjunction with a physician licensed to practice medicine in all its branches in Illinois.¹³
3. Require that all high school coaching personnel, including the head and assistant coaches, and athletic directors obtain online concussion certification by completing online concussion awareness training in accordance with 105 ILCS 25/1.15. ¹⁴
 4. Require all student athletes to view the IHSA video about concussions. ¹⁵
 5. Inform student athletes and their parent(s)/guardian(s) about this policy in the *Agreement to Participate* or other written instrument that a student athlete and his or her parent/guardian must sign before the student is allowed to participate in a practice or interscholastic competition. ¹⁶
 6. Provide coaches and student athletes and their parent(s)/guardian(s) with educational materials from the IHSA regarding the nature and risk of concussions and head injuries, including the risks inherent in continuing to play after a concussion or head injury. ¹⁷
 7. Include a requirement for staff members to notify the parent/guardian of a student who exhibits symptoms consistent with that of a concussion. ¹⁸
 8. Include a requirement for staff members to distribute the Ill. Dept. of Public Health concussion brochure to any student or the parent/guardian of a student who may have sustained a concussion, regardless of whether or not the concussion occurred while the student was participating in an interscholastic athletic activity, if available. ¹⁹

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¹³ 105 ILCS 5/22-80(g)(4) and 225 ILCS 65/20-10. P.A. 100-513 amended the Nurse Practice Act to add *registered* to the definition of *advanced practice registered nurse*; P.A. 100-747 similarly amended 105 ILCS 5/22-80.

¹⁴ 105 ILCS 25/1.15(b) requires high school coaching personnel and athletic directors hired before 8-18-14 to have been certified by 8-19-15. Coaching personnel and athletic directors hired on or after 8-19-14 must be certified before the starting date of their position.

¹⁵ 105 ILCS 25/1.15(e).

¹⁶ Required by 23 Ill.Admin.Code §1.530(b). IHSA drafted a sample *Concussion Information Sheet*, which is included within the *IHSA Sports Medicine Acknowledgement & Consent Form* and has been incorporated into 7:300-E1, *Agreement to Participate*. See <http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources>.

An ISBE rule defines *health-related information* to include a concussion policy acknowledgment 23 Ill.Admin.Code §375.10. The acknowledgment, therefore, must be kept with the student's school student records as a temporary record. 23 Ill.Admin.Code §375.40.

¹⁷ IHSA has produced educational materials on concussions for coaches, parents/guardians, student athletes, and the school and health care providers on concussions. See:

<http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources>.

¹⁸ This provision is optional.

¹⁹ Required by 20 ILCS 2310/2310-307. The Ill. Dept. of Public Health did not develop its own brochure, but it refers to the CDC's *Heads Up* campaign brochures which include concussion fact sheets for athletes, parents, coaches, and school professionals, see <https://dph.illinois.gov/topics-services/prevention-wellness/injury-violence-prevention/concussion.html>.

[For high school districts that belong to the IHSA and have certified athletic trainers.]

9. Include a requirement for certified athletic trainers to complete and submit a monthly report to the IHSA on student-athletes who have sustained a concussion during: 1) a school-sponsored activity overseen by the athletic trainer; or 2) a school-sponsored event of which the athletic director is made aware.²⁰

LEGAL REF.: 105 ILCS 5/22-80.
105 ILCS 25/1.15, Interscholastic Athletic Organization Act.
20 ILCS 2310/2310-307, Civil Administrative Code of Illinois.

CROSS REF.: 4:170 (Safety), 5:100 (Staff Development Program), 7:300 (Extracurricular Athletics)

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²⁰ Required by 105 ILCS 25/1.20 for high school districts that belong to the IHSA and have certified athletic trainers.

Students

Administrative Procedure - Program for Managing Student Athlete Concussions and Head Injuries

State Law

10. The Youth Sports Concussion Safety Act (YSCSA) contains concussion safety directives for School Boards and certain identified staff members. 105 ILCS 5/22-80. A School District must implement 105 ILCS 5/22-80 if it offers interscholastic athletic activities or interscholastic athletics under the direction of a coach (volunteer or school employee), athletic director, or band leader. An *interscholastic athletic activity* “means any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling. All interscholastic athletics are deemed to be interscholastic activities.” 105 ILCS 5/22-80(b). A School District may need to implement its return-to-learn protocol for a student’s return to the classroom after he or she is believed to have experienced a concussion, “whether or not the concussion took place while the student was participating in an interscholastic activity.” 105 ILCS 5/22-80(d). For a comprehensive discussion of this Act, see the IASB publication, *Checklist for Youth Sports Concussion Safety Act*, at: www.iasb.com/iasb/media/documents/checklistconcussionsafetyact.pdf. Helpful guidance for implementing this law plus training modules are available from the Lurie Children’s Hospital’s *A Guide for Teachers and School Professionals*, also available using the above link.
11. 105 ILCS 25/1.15 requires: (a) all high school coaching personnel to complete online concussion awareness training, and (b) all student athletes to view the IHSA video about concussions.
12. 105 ILCS 25/1.20, requires the IHSA to require all member districts that have certified athletic trainers to have those trainers complete and submit a monthly report on student-athletes who have sustained a concussion during: (1) a school-sponsored activity overseen by the athletic trainer; or (2) a school-sponsored event of which the athletic director is made aware. **Concussion** - A complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns and which may or may not involve a loss of consciousness. 105 ILCS 5/22-80. See also: *Returning to School After a Concussion: A Fact Sheet for School Professionals*, www.cdc.gov/headsup/pdfs/schools/tbi_returning_to_school-a.pdf.
13. 20 ILCS 2310/2310-207 requires: (a) the Ill. Dept. of Public Health (IDPH), subject to appropriation, to develop, publish, and disseminate a brochure to educate the general public on the effects of concussions in children and discuss how to look for concussion warning signs in children, and (b) schools to distribute this brochure, free of charge, to any child or parent/guardian of a child who may have sustained a concussion, regardless of whether or not the concussion occurred while the child was participating in an interscholastic athletic activity, if available. The IDPH has adopted as its brochure the CDC's *Heads Up* campaign brochures which include concussion fact sheets for athletes, parents, coaches, and school professionals, see <https://dph.illinois.gov/topics-services/prevention-wellness/injury-violence-prevention/concussion.html>.

Actor	Action
School Board	<p>Adopt a Board policy on concussions. See policy 7:305, <i>Student Athlete Concussions and Head Injuries</i>.</p> <p>Approve members of the Concussion Oversight Team. 105 ILCS 5/22-80(d).</p> <p>Approve school-specific emergency action plan(s) for interscholastic athletic activities to address serious injuries and acute medical conditions that may cause a student's condition to deteriorate rapidly. 105 ILCS 5/22-80(i).</p> <p>Monitor the effectiveness of Board policy 7:305, <i>Student Athlete Concussions and Head Injuries</i>, by discussing with the Superintendent or designee the type of data the Board needs to monitor the policy, establishing a monitoring calendar, and reviewing the data provided by the Superintendent or designee.</p>
Superintendent or designee	<p>Identify individuals to serve on the Concussion Oversight Team; request Board approval. 105 ILCS 5/22-80(d).</p> <p>A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, he or she must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. The Team may be composed of only one person who need not be a licensed healthcare professional, but may not be a coach.</p> <p>Note: As this is administrative/staff work rather than governance work, the best practice is to have the Concussion Oversight Team be an <i>administrative</i> committee, but consult the Board Attorney for guidance. If it is a Board committee, it must comply with the Open Meetings Act, 5 ILCS 120/1.02. For a discussion of the Open Meetings Act's treatment of committees, see the footnotes in Board policy 2:150, <i>Committees</i>.</p> <p>Require that all high school coaching personnel, including the head and assistant coaches, and athletic directors obtain an online concussion certification in accordance with 105 ILCS 25/1.15.</p> <p>Coaching personnel and athletic directors hired on or after 8-19-14 must be certified before their position's starting date.</p> <p>Require that the following individuals complete concussion training as specified in the YSCSA: coaches or assistant coaches (whether volunteer or a District employee) of interscholastic athletic activities; nurses, physicians, other licensed health professionals and non-licensed health care professionals who serve on the Concussion Oversight Team; athletic trainers; and game officials of interscholastic athletic activities. 105 ILCS 5/22-80(h).</p> <p>Individuals covered by this training mandate must initially have</p>

Actor	Action
	<p>completed the training prior to serving on the Concussion Oversight Team and at least once every two years (or if not on the Team, at least once every two years). See the footnotes in policies 5:100, <i>Staff Development Program</i>, and 7:305, <i>Student Athlete Concussions and Head Injuries</i>.</p> <p>Identify the staff members who are responsible for student athletes, including Building Principals, and require that they comply with IHSA concussion protocols, policies, and by-laws, including its <i>Protocol for Implementation of NFHS Sports Playing Rules for Concussions</i>, at: www.ihsa.org/documents/sportsmedicine/ihsa_protocols_for_nfhs_concussion_playing_rule.pdf.</p> <p>Along with the Building Principal(s), develop and maintain school-specific emergency action plan(s) for interscholastic athletic activities to address serious injuries and acute medical conditions that may cause a student’s condition to deteriorate rapidly; present it/them to the Board for approval. 105 ILCS 22-80(i).</p> <p>Hold the staff members responsible for implementing this procedure.</p>
Concussion Oversight Team	<p>Establish each of the following based on peer-reviewed scientific evidence consistent with guidelines from the Centers for Disease Control and Prevention (CDC). 105 ILCS 5/22-80(d). See www.cdc.gov/headsup/index.html.</p> <p>14. A <i>return-to-play protocol</i> governing a student’s return to interscholastic athletic practice or competition following a force of impact believed to have caused a concussion. The Superintendent or designee (not a coach) must supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol. 105 ILCS 5/22-80(g).</p> <p>The student’s treating physician or an athletic trainer working under a physician’s supervision must evaluate and find that it is safe for the student to return to play. The student’s parent/guardian must sign a consent form that complies with statutory prerequisites. IHSA’s website contains a form for this, <i>Post-concussion Consent Form (RTP/RTL)</i>, at: http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources.</p> <p>It is an open question whether the return-to-play protocol is limited to when the concussion occurred during an interscholastic athletic activity, because the statute does not state “whether or not the concussion took place while the student was participating in an interscholastic athletic activity.” It makes sense, however, to apply the return-to-play protocol whenever a student suffers a concussion before allowing him or her to participate in an interscholastic</p>

Actor	Action
	<p>athletic activity.</p> <p>15. A return-to-learn protocol governing a student’s return to the classroom following a force of impact believed to have caused a concussion. The Superintendent or designee (not a coach) must supervise the person responsible for compliance with the return-to-learn protocol. 105 ILCS 5/22-80(g).</p> <p>The return-to-learn protocol governs a student’s return to the classroom after a concussion, whether or not the concussion took place while the student was participating in an interscholastic athletic activity. Guidance from Lurie Children’s Hospital explains that recovery from a concussion must be an individualized process, because no two concussions are the same. See <i>Return to Learn after a Concussion: A Guide for Teachers and School Professionals</i>, Lurie Children’s Hospital, at: www.luriechildrens.org/globalassets/media/pages/specialties--conditions/programs/concussion-program/documents/lurie-return-to-learn-guide-2017-updated.pdf. This Guide explains that a student’s full recovery depends on both cognitive and physical rest. It suggests using a multidisciplinary team to facilitate a student’s return to the classroom and provides examples of accommodations and interventions. It also stresses the importance of identifying a school staff member who will function as a case manager or concussion management leader, e.g., a school nurse, athletic trainer, or school counselor.</p>
Building Principals or designees	<p>Along with the Superintendent, develop and maintain school-specific <i>emergency action plan(s) (EAP)</i> for interscholastic athletic activities to address serious injuries and acute medical conditions that may cause a student’s condition to deteriorate rapidly; present the plan(s) to the Superintendent who will present it/them to the Board for approval. 105 ILCS 22-80(i).</p> <p>A template is available on the IHSA website under Emergency Action Plan (EAP) Resources, at: http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources.</p> <p>Ensure the EAP is distributed to all appropriate personnel and conspicuously posted at all venues utilized by the school. <i>Id.</i> at (4) & (5).</p> <p>Ensure the EAP is reviewed annually by all athletic trainers, first responders (including, but not limited to, emergency medical dispatchers), coaches, school nurses, athletic directors and volunteers for interscholastic athletic activities. <i>Id.</i> at (6), amended by P.A. 102-1006.</p> <p>Require coaches and assistant coaches, trainers, and other staff</p>

Actor	Action
	<p>members who are responsible for student athletes to:</p> <ol style="list-style-type: none"> 16. Review and abide by the IHSA protocols, polices, and by-laws regarding concussions and head injuries, at: www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Stakeholder-Responsibilities. 17. Provide information to student athletes and their parents/guardians each school year about concussions and otherwise perform all duties identified by law or described in this procedure. School districts must include information about concussions in the student athlete agreement, contract, code, or written instrument that a student athlete and his or her parent/guardian are required to sign before participating in a practice or interscholastic competition. IHSA drafted a sample <i>Concussion Information Sheet</i>, which is included within the <i>IHSA Sports Medicine Acknowledgement & Consent Form</i> at: http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources. It has been incorporated into 7:300-E1, <i>Agreement to Participate</i>. 18. Distribute the IDPH concussion brochure, if available, to any student or the parent/guardian of a student who may have sustained a concussion, regardless of whether or not the concussion occurred while the student was participating in an interscholastic athletic activity. 20 ILCS 2310/2310-307. The IDPH has adopted as its brochure the CDC's <i>Heads Up</i> campaign brochures which include concussion fact sheets for athletes, parents, coaches, and school professionals, see https://dph.illinois.gov/topics-services/prevention-wellness/injury-violence-prevention/concussion.html. <p>Maintain appropriate school student records for student athletes.</p> <p>Although a <i>concussion policy acknowledgment</i> is no longer required, an ISBE rule defines <i>health-related information</i> to include a <i>concussion policy acknowledgment</i>. 23 Ill. Admin. Code §375.10. The acknowledgment must be kept with the student's school student records as a temporary record. 23 Ill. Admin. Code §375.40.</p> <p>All written information concerning an injury to a student athlete, including without limitation, a return-to-play clearance, must be kept with the student's school student records as a temporary record. 23 Ill. Admin. Code §§375.10 and 375.40. An ISBE rule defines <i>health-related information</i> to include "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." 23 Ill. Admin. Code §375.10.</p>

Actor	Action
<p>Each student participant in an interscholastic athletic activity and his or her parent/guardian</p>	<p>Each school year, sign a concussion information receipt form before participating in an interscholastic athletic activity. 105 ILCS 5/22-80(e).</p> <p><i>Interscholastic athletic activity</i> is defined on the first page of this procedure. 105 ILCS 5/22-80(b).</p> <p>The form must be approved by IHSA. See http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources, for IHSA Concussion Protocols and IHSA Sports Medicine Acknowledgement & Consent Form.</p> <p>Annually view IHSA’s video about concussions (applicable to only high school student athletes). 105 ILCS 25/1.15(e).</p> <p>Become knowledgeable about the concussion symptoms and ask questions of any athletic staff member.</p> <p>Inform the coach or other supervisor about any trauma to the student’s head and/or any symptoms of a concussion or confirmed concussion regardless of where and when it occurred.</p> <p>Follow the District’s return-to-play and/or return-to-learn protocol(s), as applicable, whenever the student suffers a concussion.</p>
<p>Coaches or Assistant Coaches (whether volunteer or a District employee) of <i>interscholastic athletic activities</i>;</p> <p>Nurses and Physicians who serve on the Concussion Oversight Team;</p> <p>Athletic Trainers; and</p> <p>Game Officials of <i>interscholastic athletic activities</i></p>	<p>Complete concussion training as specified in the YSCSA. 105 ILCS 5/22-80(h).</p> <p><i>Interscholastic athletic activity</i> is defined on the first page of this procedure. 105 ILCS 5/22-80(b).</p> <p>Individuals covered by this training mandate must complete the training prior to serving on the Concussion Oversight Team and at least once every two years (or if not on the Team, at least once every two years). See the footnotes in policy 5:100, <i>Staff Development Program</i>.</p> <p>Complete IHSA’s online concussion certification program (required only of high school coaching personnel including, without limitation, athletic directors). 105 ILCS 25/1.15.</p> <p>Learn concussion symptoms and danger signs. See http://ihsa.org/documents/sportsMedicine/current/Sports%20Medicine%20Consent%20and%20Acknowledgement.pdf and www.cdc.gov/headsup/youthsports/officials.html.</p>
<p>Coaches and Assistant Coaches of <i>interscholastic athletic activities</i></p> <p>Athletic Trainers</p> <p>Other staff members who are responsible for student athletes</p>	<p>Each school year, have student athletes and their parents/guardians, or another person with legal authority to make medical decisions for the student, sign a form “that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion.” The form must be approved by IHSA. 105 ILCS 5/22-80(e).</p> <p>Each school year, inform student athletes and their parents/guardians</p>

Actor	Action
	<p>about concussions and head injuries by:</p> <ol style="list-style-type: none"> 19. Giving them a copy of the IHSA's <i>Concussion Information Sheet</i> at the time they sign exhibit 7:300-E1, <i>Agreement to Participate</i>, or other agreement, contract, code, or written instrument that a student athlete and his or her parent/guardian are required to sign before the student is allowed to participate in a practice or interscholastic competition. <i>The Concussion Information Sheet</i>, is included within the <i>IHSA Sports Medicine Acknowledgement & Consent Form</i> at: www.ihsa.org/Resources/DownloadCenter.aspx. 20. Using educational material provided by IHSA to educate student athletes and parents/guardians about the nature and risk of concussions and head injuries, including the risks inherent in continuing to play after a concussion or head injury. See www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources. The CDC offers free printed educational materials on concussions that can be ordered or downloaded and distributed to parents, students, and coaches. See www.cdc.gov/headsup/index.html. <p>Each school year, participate in the review of the EAP, as directed by the Building Principal or designee.</p> <p>Remove a student from an interscholastic athletic practice or competition immediately if any of the following individuals believes that the student sustained a concussion during the practice and/or competition: a coach, a physician, a game official, an athletic trainer, the student's parent/guardian, the student, or any other person deemed appropriate under the return-to-play protocol. 105 ILCS 5/22-80(f).</p> <p>Comply with the IHSA concussion management guidelines, including its <i>Protocol for Implementation of NFHS Sports Playing Rules for Concussion</i>, which includes its <i>Return to Play (RTP) Policy</i>, at: www.ihsa.org/documents/sportsmedicine/ihsa_protocols_for_nfhs_concussion_playing_rule.pdf. These guidelines, in summary, require that:</p> <ol style="list-style-type: none"> 21. A student athlete who exhibits signs, symptoms, or behaviors consistent with a concussion (e.g., loss of consciousness, headache, dizziness, confusion, or balance problems) in a practice or game shall be removed from participation or competition at that time. 22. A student athlete who has been removed from an interscholastic contest for a possible concussion or head injury may not return to that contest unless cleared to do so by a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer. 23. If not cleared to return to that contest, a student athlete may

Actor	Action
	<p>not return to play or practice until the student athlete has provided his or her school with written clearance from a physician licensed to practice medicine in all its branches in Illinois, advanced practice registered nurse, physician assistant or a certified athletic trainer working in conjunction with a physician licensed to practice medicine in all its branches in Illinois, and has completed the return-to-play protocol in compliance with the YSCSA, 105 ILCS 5/22-80(g).</p> <p>Inform the student athlete's parent/guardian about a possible concussion and give the parent/guardian a fact sheet on concussion, at: www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources.</p> <p>Allow a student who was removed from interscholastic athletic practice or competition to return only after all statutory prerequisites are completed, including without limitation, completing the return-to-play and return-to-learn protocols developed by the Concussion Oversight Team. An athletic team coach or assistant coach may not authorize a student's return-to-play or return-to-learn. 105 ILCS 5/22-80(g).</p> <p>Most students with a concussion will not need a formal 504 plan or individualized education program; contact the Board Attorney whenever one is requested or the student's symptoms are prolonged.</p>
Athletic trainers [<i>high school only</i>]	<p>Complete a monthly report on student-athletes who have sustained a concussion during: (1) a school-sponsored activity overseen by the athletic trainer; or (2) a school-sponsored event of which the athletic director is made aware. Do not identify student names in the monthly report. 105 ILCS 25/1.20.</p> <p>Submit this monthly report to the interscholastic athletic organization to which the school belongs.</p>

Students

Student Use of Buildings - Equal Access ¹

[For high school and unit districts]

Student groups or clubs that are not school sponsored are granted free use of school premises for a meeting or series of meetings under the following conditions: ²

1. The meeting is held during those non-instructional times identified by the Superintendent or designee for non-curricular student groups, clubs, or organizations to meet. *Non-instructional*

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

¹ State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled. This sample policy implements the Equal Access Act (EAA) (20 U.S.C. §4071 *et seq.*). The EAA applies to public secondary schools that receive federal financial assistance. The policy should be adopted by districts with secondary school(s) that wish to establish or already have a *limited open forum* as defined in the EAA and quoted below. The policy allows non-school sponsored student groups to meet on school premises, free of charge, on the same basis that non-curriculum related student groups are allowed to meet. Hence the policy is named, *Equal Access*.

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

The EAA requires a secondary school to grant fair opportunity or *equal access* to students who wish to conduct a meeting within a *limited open forum* without regard to the religious, political, philosophical, or other content of the speech at such a meeting. A secondary school has a *limited open forum* whenever it "grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time." 20 U.S.C. §4071(a). Thus, the equal access obligation is triggered when a secondary school allows one *non-curriculum related* group, e.g., a sports team, to meet.

The EAA's requirements may be avoided by closing the forum, i.e., by refusing to permit any non-curriculum related group to use its facilities (thereby creating a closed forum). But creating a closed forum is difficult given the U.S. Supreme Court's expansive interpretation of *non-curriculum related*.

A student group is *non-curriculum related* if it does not directly relate to the body of courses offered by the school. *Bd. of Ed. of Westside Community Sch. Dist. v. Mergens*, 496 U.S. 226 (1990). School officials cannot avoid triggering the EAA's equal access requirements by tying the purposes of the student clubs it wants to allow to some broadly defined educational goal. Likewise, it does not matter whether the school sponsors, recognizes, or supports the student group – the Act's equal access requirements will be triggered whenever any student group is allowed to meet that is unrelated to the curriculum. The *Mergens* Court said that a student group directly relates to a school's curriculum only if:

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

Just as a *non-curriculum related* determination is fact-sensitive, so is determining whether a particular time period is *non-instructional time*. A morning activity period was found to be *non-instructional time* making a high school's refusal to allow a student Bible club to meet in school during that period a violation of the EAA. *Donovan v. Punxsutawney Area Sch. Bd.*, 336 F.3d 211 (3d. Cir. 2003). The Ninth Circuit reached the opposite conclusion in a similar case. *Prince v. Jacoby*, 303 F.3d 1074 (9th Cir. 2002).

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

- ² All of the listed conditions are from the EAA, except for 10 and 11.

time means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. *Non-curricular student groups* are those student groups, clubs, or organizations that do not directly relate to the curriculum.³

2. All non-curriculum related student groups that are not District sponsored receive substantially the same treatment.⁴
3. The meeting is student-initiated, meaning that the request is made by a student.
4. Attendance at the meeting is voluntary.
5. The school will not sponsor the meeting.
6. School employees are present at religious meetings only in a non-participatory capacity.
7. The meeting and/or any activities during the meeting do not materially or substantially interfere with the orderly conduct of educational activities.
8. Non-school persons do not direct, conduct, control, or regularly attend the meetings.
9. The school retains its authority to maintain order and discipline.⁵
10. A school staff member or other responsible adult is present in a supervisory capacity.
11. The Superintendent or designee approves the meeting or series of meetings.

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

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

CROSS REF.: 7:10 (Equal Educational Opportunities), 8:20 (Community Use of School Facilities)

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

³ 20 U.S.C. §4072.

⁴ The Ninth Circuit Court of Appeals found that a school district violated the EAA and the student's First Amendment rights by denying her Bible club the same rights and benefits as other student clubs. Prince v. Jacoby, 303 F.3d 1074 (9th Cir. 2002). Nothing in the decision suggests that the school was required to *sponsor* the Bible club and financially support it. However, the school board voluntarily gave "associated student body" clubs certain benefits that were denied the plaintiff's religious club. Thus, the district unlawfully treated one non-curriculum related student club differently from another non-curriculum related student club.

⁵ In response to a school's invitation for all student groups to paint murals in the school hallway, a Bible club sought to include a large cross. The school principal forbade the cross in order to avoid conflicts among students – there was evidence the student body contained Satanic and neo-Nazi adherents. The principal's decision was insulated from liability under the EAA by the Act's provision that "nothing in [the Act] shall be construed to limit the authority of the school ... to maintain order and discipline on school premises." Gernetzke v. Kenosha Unified Sch. Dist. No. 1, 274 F.3d 464 (7th Cir. 2001), *cert. denied*, 535 U.S. 1017 (2002).

Students

Exhibit - Application for Student Groups that Are Not School Sponsored to Request Free Use of School Premises for Meetings

[For high school and unit districts]

A student must complete this form to request the free use of school premises for a meeting of a student group that is not school-sponsored. Only one student needs to complete the application. Submit the completed application to the Building Principal at least one week before the first meeting. When a copy of this form is returned to the student with the necessary approval signature, the group may use the designated school premises, at the identified time, for its meetings.

Student applicant	Student contact number
Student group	Requested premise
Program/Meeting	Program/Activity date(s) and time(s)

Materials to be brought into facility, if any

The following rules apply to the free use of school premises by non-school-sponsored student groups:

1. The meeting(s) must be student-initiated, meaning that a request to use school premises is being made by a student.
2. The meeting(s) must occur during non-instructional time identified by the Building Principal. This time is typically before classroom instruction begins or after it ends.
3. In scheduling the use of school premises, activities associated with the District’s educational program have priority over the activities of any other organization. Otherwise, school premises will be available on a first come, first served basis.
4. The assigned room and its contents must be restored to its original condition and configuration after each use. Only modular furniture may be moved. Nothing shall be adhered or affixed to walls that will leave marks. Any decorations used shall be removed after the meeting. The contents of any assigned room are the property of the School District or teacher and shall not be handled or removed.
5. Before any meeting, a member of the non-school-sponsored student group must give the office the names of anyone attending the meeting who is neither a student nor a school staff member. All visitors must register at the school office before proceeding to any scheduled student meeting. Non-school individuals may not regularly attend meetings. Any visitors to school property are also expected to follow Board policy 8:30, *Visitors to and Conduct on School Property*.

6. The following mediums are available on request to announce group meetings:
 - Office bulletin board containing announcements
 - Public address system
 - Student newspaper
 - School or District website
7. No activity is allowed on school grounds that would violate the student disciplinary policy. Any student who engages in misconduct is subject to disciplinary action, including suspension and expulsion.
8. A school staff member or other responsible adult must be present in a supervisory capacity.
9. The Equal Access Act, 20 U.S.C. §4071 *et seq.*, controls the free use of school premises by non-school-sponsored student groups. The use of school facilities by non-school-sponsored groups is governed by Board policy 8:20, *Community Use of School Facilities*.

I agree to follow the rules stated in this application and all Board policies and administrative procedures related to the student group's use of the school's facilities.

Student applicant signature	Date
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Note to office: after the Building Principal acts on this application, return a copy of it to the student making the request and keep the original in the office.

Approved **Denied**

This non-school-sponsored student group may meet in the following location at the identified times:

Location	Time
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Building Principal or designee	Date
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Community Relations

Advertising and Distributing Materials in Schools Provided by Non-School Related Entities¹

No material or literature shall be posted or distributed that would: (1) disrupt the educational process, (2) violate the rights or invade the privacy of others, (3) infringe on a trademark or copyright, or (4) be defamatory, obscene, vulgar, or indecent. No material, literature, or advertisement shall be posted or distributed without advance approval as described in this policy.

Community, Educational, Charitable, or Recreational Organizations

Community, educational, charitable, recreational, or similar groups may, under procedures established by the Superintendent, advertise events pertinent to students' interests or involvement.² All advertisements must (1) be student-oriented, (2) prominently display the sponsoring organization's name, and (3) be approved in advance by the Superintendent or designee. The District reserves the right to decide where and when any advertisement or flyer is distributed, displayed, or posted.³

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

¹ State or federal law controls this policy's content, but the area of law is unsettled. Schools are *nonpublic forums*, meaning they need not open their doors to private speakers but may not discriminate against disfavored viewpoints or subjects, e.g., religion. *Id.*, *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993). This policy establishes a limited public forum, i.e., non-school entities may only distribute material concerning events pertinent to students' interests or involvement. Alternatively, boards may refuse to allow the distribution or posting of any material requested by non-school related organizations. *Hedges v. Wauconda Community Unit Sch. Dist. No. 18*, 9 F.3d 1295 (7th Cir. 1993). The following language can be used to completely ban the distribution of material by non-school related organizations:

No material or literature shall be posted in schools or distributed to students by non-school related organizations or individuals.

² This sentence establishes a limited public forum, i.e., the school limits non-school expressive activity to "events pertinent to students' interests or involvement." Such a limitation survives First Amendment scrutiny if it is reasonable and not based on the speaker's viewpoint. A school's refusal to post an individual's sign containing the Ten Commandments on the baseball field's fence open to commercial advertising did not violate the individual's free speech rights because the fence was open for a limited purpose (commercial ads) and the school's content restrictions were reasonable. *DiLoreto v. Downey Unified Sch. Dist.*, 196 F.3d 958 (9th Cir. 1999).

³ This section authorizes the superintendent or designee to approve non-commercial ads. Most boards do not want to approve these ads because of their frequency; however, a board may use the following alternative for #3, "be approved in advance by the Board."

The distribution of flyers from religious youth organizations will survive scrutiny under the First Amendment's Establishment Clause if the organization's religious message is sufficiently separated from the school to prevent students from confusing the two. *Sherman v. CCSD 21*, 8 F.3d 1160 (7th Cir. 1993); *Rusk v. Crestview Local Schools*, 379 F.3d 418 (6th Cir. 2004). However, a policy allowing viewpoint discrimination will be set aside. *Hills v. Scottsdale Unified Sch. Dist., No. 48*, 329 F.3d 1044 (9th Cir. 2003)(refusal to distribute summer camp brochures offering Bible classes because of their religious content violated the First Amendment); *Child Evangelism Fellowship of NJ v. Stafford Twp. Sch. Dist.*, 386 F.3d 514 (3rd Cir. 2004)(struck a policy prohibiting classroom distribution of religious fliers because it discriminated on basis of viewpoint); *Child Evangelism Fellowship v. Montgomery Co. Public Schools*, 457 F.3d 376 (4th Cir. 2006)(policy limiting classroom distribution of materials from outside groups based on *type of group*, rather than content of the materials, violates religious group's free speech rights because of inadequate protection against viewpoint discrimination, i.e., it gave school officials *unfettered discretion* to engage in viewpoint discrimination).

Commercial Companies and Political Candidates or Parties ⁴

Commercial companies may purchase space for their advertisements in or on: (1) athletic field fences; (2) athletic, theater, or music programs; (3) student newspapers or yearbooks; (4) scoreboards; or (5) other appropriate locations.⁵ The advertisements must be consistent with this policy and its implementing procedures and be appropriate for display in a school context. Prior approval from the Board is needed for advertisements on athletic fields, scoreboards, or other building locations. Prior approval is needed from the Superintendent or designee for advertisements on athletic, theater, or music programs; student newspapers and yearbooks; and any commercial material related to graduation, class pictures, or class rings.

No individual or entity may advertise or promote its interests by using the names or pictures of the School District, any District school or facility, staff members, or students except as authorized by and consistent with administrative procedures and approved by the Board.

Material from candidates and political parties will not be accepted for posting or distribution, except when used as part of the curriculum.

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

Limitations that are not based on the material's viewpoint are permissible. Victory Through Jesus Sports Ministry v. Lee's Summit R-7 Sch. Dist., 640 F.3d 329 (8th Cir. 2011), *cert. denied*, 565 U.S. 1036 (2011) (policy limiting the volume of promotional materials sent home with elementary students did not violate the First Amendment rights of a nonprofit Ministry Foundation).

Allowing Gideons to meet with students and distribute Bibles during instructional time violates the Establishment Clause. Berger v. Rensselaer Central Sch. Corp., 982 F.2d 1160 (7th Cir. 1993); Doe v. South Iron R-1 Sch. Dist., 498 F.3d 878 (8th Cir. 2007).

⁴ Commercial advertising may be accepted without making the school a forum for all types of expressive activity. See ¶n 2 above. If the board does not want to sell advertising space, use the following alternative:

Commercial companies and political candidates or organizations are prohibited from advertising in schools, on the school grounds, or on school or District websites.

The list of places where commercial companies may purchase space for their advertisements must be tailored to meet local needs and circumstances.

This sample policy requires board approval only for ads that alter the look of school property. Boards that want to approve all commercial and political ads may use the following alternative for the final two sentences:

Prior approval from the Board is needed for all commercial or political advertisements.

Boards that want to authorize the superintendent or designee to approve all commercial and political ads may use the following alternative:

Prior approval from the Superintendent or designee is needed for all commercial or political advertisements.

⁵ Consult the board attorney when commercial advertising companies seek to purchase space for their advertisements within the school's available technology platforms. The Student Online Personal Protection Act (SOPPA) (105 ILCS 85/) provides safeguards to protect the privacy and security of data about students when it is collected by educational technology companies and specifies that the use of such data may only be for *beneficial purposes* such as providing personalized learning and innovative educational technologies. It specifically prohibits *targeted advertising* (presenting advertisements to students where they are selected based on information obtained or inferred from that students' online behaviors, usage of applications, or *covered information* (as defined by SOPPA)). But students may be targeted for online advertisements when they visit an online location based upon their own response to or request for information or feedback, e.g., using Google brand products, where ads are an inherent part of the search engine, or other types of search engines or Internet-based resources to do assignments.

LEGAL REF.: Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993).
Berger v. Rensselaer Central Sch. Corp., 982 F.2d 1160 (7th Cir. 1993), *cert. denied*, 113 S.Ct. 2344 (1993).
Sherman v. Community Consolidated Sch. Dist. 21, 8 F.3d 1160 (7th Cir. 1993), *cert. denied*, 8 F.3d 1160 (1994).
Hedges v. Wauconda Community Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).
Victory Through Jesus Sports Ministry v. Lee's Summit R-7 Sch. Dist., 640 F.3d 329 (8th Cir. 2011), *cert. denied*, 565 U.S. 1036 (2011).
DiLoreto v. Downey Unified Sch. Dist., 196 F.3d 958 (9th Cir. 1999).

CROSS REF.: 7:325 (Student Fundraising Activities), 7:330 (Student Use of Buildings - Equal Access)

Community Relations

Parental Involvement¹

In order to assure collaborative relationships between students' families and the District, and to enable parents/guardians to become active partners in their children's education, the Superintendent² shall:

1. Keep parents/guardians thoroughly informed about their child's school and education.
2. Encourage parents/guardians to be involved in their child's school and education.
3. Establish effective two-way communication between parents/guardians and the District.
4. Seek input from parents/guardians on significant school-related issues.
5. Inform parents/guardians on how they can assist their children's learning.

The Superintendent shall periodically report to the School Board on the implementation of this policy.

CROSS REF.: 6:170 (Title I Programs), 6:250 (Community Resource Persons and Volunteers), 8:10 (Connection with the Community), 8:90 (Parent Organizations and Booster Clubs)

ADMIN. PROC.: 6:170-AP1, E1 (District-Level Parent and Family Engagement Compact), 6:170-AP1, E2 (School-Level Parent and Family Engagement Compact)

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

¹ A board may allow the district to participate and implement a *Bring Your Parents to School Day* the first Monday in October of each year. 105 ILCS 5/10-20.55. Its purpose is to promote parental involvement and student success. Consult the board attorney for advice before implementing this law. It may be an item upon which collective bargaining may be required. Any policy that impacts wages, hours, or terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Boards may also want to consider the impact *Bring Your Parents to School Day* may have upon students' instructional time and how the implementation of this day will impact school safety and security. See policy 4:170, *Safety*, and its implementing procedures.

If a board chooses to implement this day, insert the following optional subhead as the second paragraph and add the Legal Reference before the Cross Reference:

Bring Your Parents to School Day

On the first Monday in October of each year, students' parents/guardians are invited to attend class with their children and meet with teachers and administrators during the school day.

The following Legal Reference must also be inserted into the policy: "105 ILCS 5/10-20.55."

² The default text of this policy does not use "or designee" because it is important and the board likely wants to monitor it.