

days, the Superintendent implements these days in grades pre-kindergarten through 12. These days are counted as days of attendance and are pupil attendance days for calculation of the length of a school term under 105 ILCS 5/10-19, amended by P.A. 101-643, and 5/10-19.05, added by P.A. 101-12 and amended by P.A. 101-643. If the District has implemented an *e-learning program*, these school attendance days may be met through it. See 105 ILCS 5/10-30, added by P.A. 101-643.

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

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

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

1. Adopts a resolution to implement research-based program(s) for district-wide e-learning days that permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days as required by 105 ILCS 5/10-19 (105 ILCS 5/10-20.56(b), amended by P.A. 101-12);
2. Conducts a public hearing on the District's initial e-learning program proposal or renewal with at least 10 days' advanced notice (*Id.* at 5/10-20.56(c), amended by P.A. 101-12); and
3. On or before September 1st annually, to ensure access for all students, receives verifications by the regional office of education (ROE) or intermediate service center (ISC) that the board's proposal for an e-learning program has: (a) met the requirements specified in 105 ILCS 5/10-20.56, amended by P.A.s 101-12, 101-643, 102-584, and 102-697; (b) the components designed to reasonably and practicably accomplish the requirements outlined in the enabling statute; and (c) not exceeded the minimum number of emergency days in a district's approved school calendar. In its verification process, the ROE/ISC ensures that the specific needs of all students are met, including special education students and English Learners, and that all mandates are still met using the proposed research-based program. See 105 ILCS 5/10-20.56(b), amended by P.A.s 101-12 and 102-584.

While the ROE/ISC must annually verify a district's e-learning program, the Board's approval of an e-learning program is for a term of three years. 105 ILCS 5/10-20.56(d)(10), amended by P.A. 101-12.

**Plan** – The District's formal implementation of remote instruction that includes RLDs and BRLDs. If the District already has an e-learning program in place, it should adapt the program into a Plan by ensuring that the requirements for communicating the Plan, e.g., website posting, etc. are met.<sup>7</sup> When finalized, it is provided to students and faculty, posted on the District's website where other policies, rules, and standards of conduct are posted, and listed in 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. Plans should be periodically reviewed and

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

amended to ensure the needs of all students continue to be met throughout the suspension of in-person learning. If a plan is amended, post the amended plan to the District website. <sup>8</sup>

**Remote Learning Days (RLDs)** – Remote learning is learning that happens outside of the traditional classroom because the student and teacher are separated by distance and/or time. Remote learning can be real-time or flexibility-timed, and it may or may not involve technology. School attendance days are days that the District provides remote instruction to students. Once the State Superintendent of Education declares that the District must use remote learning days or blended remote learning days, the Superintendent implements these days in grades pre-kindergarten through 12 on days of attendance. These days are counted as pupil attendance days for calculation of the length of the District’s official calendar under 105 ILCS 5/10-19, amended by P.A. 101-643, and 5/10-19.05, added by P.A. 101-643. If a district has implemented an *e-learning program*, these school attendance days may be met through it. Five RLDs, taken consecutively or in separate increments, may be used to develop, review, or amend the District’s Plan or provide professional development to staff about remote education; i.e., *Remote Learning Planning Days*. See 105 ILCS 5/10-30, added by P.A. 101-643. <sup>9</sup>

**Remote Learning Planning Days** – Up to five consecutive or separate increment days that a district may use to develop, review, or amend its Plan or to provide professional development to staff about remote education. These days are counted as days of attendance and are pupil attendance days for calculation of the length of a school term under 105 ILCS 5/10-19, amended by P.A. 101-643, and 5/10-19.05, added by P.A. 101-643. See 105 ILCS 5/10-30, added by P.A. 101-643. <sup>10</sup>

#### Plan Development and Implementation

*Use this Plan before, during, and after implementing 105 ILCS 5/10-30, added by P.A. 101-643.*

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

**Consult the Board Attorney for guidance on this procedure.**

Actor	Action
Board	If permitted by local resources and conditions, implement an e-learning program pursuant to 105 ILCS 5/10-20.56, amended by P.A.s 101-12, 101-643, 102-584, and 102-697.  If the Board decides not to implement an e-learning program in the District, provides the Superintendent with the resources necessary to implement a Remote and/or Blended Remote Learning Day Plan (Plan) that meets the needs of all students. 105 ILCS 5/10-30, added by P.A. 101-643.

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

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

<sup>10</sup> See question “What are Remote Learning Planning Days?” in the ISBE Guidance Document, *Mandatory Suspension of In-Person Instruction Guidance for Illinois Schools and School Districts*, and its most recent updates at: [www.isbe.net](http://www.isbe.net).

Actor	Action
	<p>Directs, through policy, the Superintendent to recommend any suspensions or amendments to policies to reduce any Board-required graduation or other instructional requirements in addition to the minimum requirements specified in School Code that the District was not able to complete due to a pandemic. 105 ILCS 5/10-16.7.</p> <p>Monitors Board policies 2:20, <i>Powers and Duties of the School Board; Indemnification</i>, 4:180, <i>Pandemic Preparedness; Management; and Recovery</i>, and 6:20, <i>School Year Calendar and Day</i>, 6:60, <i>Curriculum Content</i>, and 6:300, <i>Graduation Requirements</i> (if applicable), and makes changes recommended by the Superintendent. See policy 2:240, <i>Board Policy Development</i>.</p> <p>Considers all policy changes recommended by the Superintendent pursuant to policy 2:240, <i>Board Policy Development</i>, and included as a topic for discussion in the annual report required by Board policy 6:10, <i>Educational Philosophy and Objectives</i>.</p> <p>Adopts the Superintendent-approved Plan for District-wide implementation. <sup>11</sup></p> <p>Provides appropriate, additional resources requested by the Superintendent to successfully implement the Plan.</p>
Board and Superintendent	<p>Identify, discuss, modify, and monitor relevant policies that remote learning may possibly affect, including but not limited to:</p> <ul style="list-style-type: none"> <li>4:130, <i>Free and Reduced-Price Food Services</i></li> <li>4:180, <i>Pandemic Preparedness; Management; and Recovery</i></li> <li>5:35, <i>Compliance with the Fair Labor Standards Act</i></li> <li>5:40, <i>Communicable and Chronic Infectious Disease</i></li> <li>5:180, <i>Temporary Illness or Temporary Incapacity</i></li> <li>5:185, <i>Family and Medical Leave</i></li> <li>5:200, <i>Terms and Conditions of Employment and Dismissal</i></li> <li>5:270, <i>Employment At-will, Compensation, and Assignment</i></li> <li>5:300, <i>Schedules and Employment Year</i></li> <li>5:330, <i>Sick Days, Vacation, Holidays and Leaves</i></li> <li>6:10, <i>Educational Philosophy and Objectives</i></li> <li>6:15, <i>School Accountability</i></li> <li>6:20, <i>School Year Calendar and Day</i></li> <li>6:30, <i>Organization of Instruction</i></li> <li>6:60, <i>Curriculum Content</i></li> <li>6:120, <i>Education of Children with Disabilities</i></li> <li>6:150, <i>Home and Hospital Instruction</i></li> <li>6:190, <i>Extracurricular and Co-Curricular Activities</i></li> <li>6:300, <i>Graduation Requirements</i></li> <li>7:70, <i>Attendance and Truancy</i></li> <li>7:280, <i>Communicable and Chronic Infectious Disease</i></li> </ul>

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<sup>11</sup> See f/n 1, above.

Actor	Action
	<p>8:30, <i>Visitors to and Conduct on School Property</i>  8:100, <i>Relations with Other Organizations and Agencies</i></p>
<p>Superintendent or Designee</p>	<p>When the District is required by the State Superintendent of Education to implement RLDs and/or BRLDs:</p> <ol style="list-style-type: none"> <li>1. If an e-learning program is in place: <ol style="list-style-type: none"> <li>a. Adapts it into a Plan by ensuring that the requirements for communicating the Plan, e.g., website posting, etc. are met;<sup>12</sup></li> <li>b. Approves the Plan;<sup>13</sup> and</li> <li>c. Presents the Plan to the Board for adoption.<sup>14</sup></li> </ol> </li> <li>2. If an e-learning program is not in place: <ol style="list-style-type: none"> <li>a. Establishes a District-wide Remote Learning Committee<sup>15</sup> to design a Plan for implementation of RLDs and BRLDs. Committee members should include: <ul style="list-style-type: none"> <li>District-level administrators</li> <li>Building Principals (Building Principals are mandatory for successful implementation of the Plan)</li> <li>Pandemic Planning Team member(s)</li> <li>District Safety Coordinator (see 4:170-AP1, <i>Comprehensive Safety and Security Plan</i>, Part C, <b>District Safety Coordinator and Safety Team; Responsibilities</b>)</li> <li>District 504 Coordinator (see 6:120, <i>Education of Children with Disabilities</i>, and 6:120, AP1, E1 <i>Notice to Parents/Guardians Regarding Section 504 Rights</i>)</li> <li>Staff members<sup>16</sup></li> <li>Parents/Guardians</li> <li>Students</li> </ul> </li> <li>b. Chairs and convenes Committee<sup>17</sup> meetings. Manages virtual attendance by some or all Committee members when necessary.</li> </ol> </li> </ol>

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<sup>12</sup> See f/n 3, above.

<sup>13</sup> See f/n 1, above.

<sup>14</sup> See f/ns 1 and 2, above.

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

<sup>16</sup> 105 ILCS 5/10-30(7), added by P.A. 101-643, states that it does not increase or diminish any collective bargaining rights under existing law, and that aspects of the plan that impact the wages or other terms or conditions of employment will need to be bargained with the exclusive bargaining representative(s).

Actor	Action
	<ol style="list-style-type: none"> <li>3. Designates RLDs and/or BRLDs in grades pre-kindergarten through 12.</li> <li>4. Approves the Plan and presents it to the Board for adoption. <sup>18</sup></li> <li>5. Implements the Plan.</li> <li>6. Ensures that the Plan is provided to students and faculty, posted on the District’s website where other policies, rules, and standards of conduct are posted, and listed in 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>.</li> <li>7. Provides periodic reports to the Board about the Committee’s progress and needs, along with any amendments to the Plan for the purposes of ensuring that it meets the needs of all students by adding information items to the Board’s agendas as needed.</li> </ol>
Remote Learning Committee <sup>19</sup>	<p>Designs a Plan for the Superintendent’s approval and Board’s adoption to implement remote instruction through the District in a manner that: <sup>20</sup></p> <ol style="list-style-type: none"> <li>1. Explores what may work best for the school community using any remote learning guidance issued by the Ill. State Board of Education (ISBE), at: <a href="http://www.isbe.net/Pages/covid19.aspx">www.isbe.net/Pages/covid19.aspx</a>.</li> <li>2. Potentially uses Remote Learning Planning Days consecutively or in separate increments to develop, review, or amend this Plan or provide professional development to staff about remote education; <sup>21</sup></li> </ol> <p>If the District does not have an e-learning program, includes design in the Plan for implementation of remote instruction that also provides:</p> <ol style="list-style-type: none"> <li>1. Accessibility of remote instruction to all students enrolled in the District;</li> <li>2. Hybrid RLDs and BRLDs, as directed or allowed by the ISBE;</li> <li>3. Activities for both RLDs and BRLDs that align with State learning standards and policies<sup>22</sup> 6:10, <i>Educational Philosophy and</i></li> </ol>

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<sup>17</sup> This committee is optional. Establishing it is a best practice for aligning with governance principles and examining the many implementation issues specific to each individual school district. While smaller school districts, i.e., one-building districts, may be able to implement a Plan through one meeting, larger school districts will likely require the uniform coordination that this committee provides.

<sup>18</sup> See f/n 1, above.

<sup>19</sup> As much of the work of developing a plan is administrative/staff work rather than governance work, best practice is for the remote learning committee to operate as an administrative committee. Consult the board attorney for guidance, and see also f/n 1 in sample policy 2:150, *Committees* for a discussion of Open Meetings Act implications of a remote learning committee being a board committee.

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

<sup>21</sup> While remote learning planning days do not need to be accounted for in the plan itself, the committee may want to address the fact that the district may use up to five RLDs and/or BRLDs may be counted as pupil attendance days for calculation of the length of a school term under 105 ILCS 5/10-19. 105 ILCS 5/10-30(3), added by P.A. 101-643.

<sup>22</sup> 105 ILCS 5/10-30(8), added by P.A. 101-643, does not excuse districts from completing all statutory and regulatory curricular mandates and offerings when RLD/BRLD are required. All statutory and regulatory curricular mandates and offerings may be administered through a district’s RLD/BRLD plan(s), except that a district may not offer individual behind-the-wheel instruction 105 ILCS 5/ 27-24.2 in its plan(s). *Id.*

Actor	Action
	<p><i>Objectives, 6:15, School Accountability, 6:30, Organization of Instruction, 6:60, Curriculum Content, and 6:300, Graduation Requirements, if applicable;</i></p> <ol style="list-style-type: none"> <li>4. Communication between students and teacher(s),<sup>23</sup> as necessary to align with the requirements of policy 7:340, <i>Student Records</i>; <sup>24</sup></li> <li>5. Methods to address the unique needs of students in special populations, including, but not limited to, students eligible for special education under 105 ILCS 5/14-1.01 <i>et seq.</i>, students who are English learners as defined in 105 ILCS 5/14C-2, and students experiencing homelessness under the Education for Homeless Children Act (105 ILCS 45/), or vulnerable student populations;</li> <li>6. Guidance for how the District will take attendance and monitor and verify each student’s remote participation; and</li> <li>7. Resources for transitions from remote learning to in-person instruction when the State Superintendent declares that RLDs and/or BRLDs are no longer deemed necessary.</li> </ol> <p>Delivers the Plan to the Superintendent for approval<sup>25</sup> in a format that is easily posted on the District’s website.</p> <p>Periodically reviews and amends the Plan, with the Superintendent as needed, to ensure it meets the needs of all students. 105 ILCS 5/10-30(5), added by P.A. 101-643.</p> <p>Recommends to the Board, through the Superintendent, any policy changes for consideration. See policy 2:240, <i>Board Policy Development</i>.</p> <p>Reports reviews and amendments to the Plan to the Superintendent or designee.</p>
All Staff <sup>26</sup>	Implements the Plan.

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

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

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

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

<sup>25</sup> See f/n 1, above.

<sup>26</sup> See f/n 16, above.

## Instruction

### School Wellness<sup>1</sup>

Student wellness, including good nutrition and physical activity, shall be promoted in the District's educational program, school-based activities, and meal programs.<sup>2</sup> This policy shall be interpreted consistently with Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 and the Healthy Hunger-Free Kids Act of 2010 (HHFKA).<sup>3</sup>

The Superintendent will ensure: <sup>4</sup>

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<sup>1</sup> State or federal law requires this subject matter to be covered in policy and controls its content. The federal Child Nutrition and WIC Reauthorization Act of 2004 (Child Nutrition Act) requires school districts participating in a program authorized by the National School Lunch Act (NSLA) (42 U.S.C. §1751 *et seq.*) or the Child Nutrition Act to have a school wellness policy. Pub. L. 108-265, Sec. 204. State law required the Ill. State Board of Education (ISBE) to “establish a State goal that all school districts have a wellness policy.” 105 ILCS 5/2-3.139. ISBE complied in October 2007 by “instruct[ing] all public school districts to establish a School Wellness Policy.” The federal and State laws list mandatory topics for the policy. The second sentence of this policy should be deleted if the district does not participate in the NSLA or the Child Nutrition Act.

See ISBE's numerous resources at: [www.isbe.net/Pages/Nutrition-and-Wellness.aspx](http://www.isbe.net/Pages/Nutrition-and-Wellness.aspx). Action for Healthy Kids is a national organization dedicated to overcoming the “epidemic of overweight, undernourished and sedentary youth by focusing on changes in schools;” see its resources at: [www.actionforhealthykids.org/index.php](http://www.actionforhealthykids.org/index.php).

This sample policy seeks to be both legally compliant and consistent with good governance principles. Both federal and State laws allow each school district to determine how the required topics are addressed. Good governance principles suggest that the board should establish goals with community and stakeholder input. The administration should determine how to achieve the goals. The board should monitor this policy by requesting and reviewing periodic implementation data.

The Ill. Dept. of Agriculture and ISBE are directed to create the Farm Fresh Schools Program. 105 ILCS 124/, Farm Fresh Schools Program Act; 30 ILCS 105/5.728, Farm Fresh Schools Program Fund. They are also directed to administer a grant program to further the Program's intent of “reduc[ing] obesity and improve[ing] nutrition and public health, as well as strengthen[ing] local agricultural economies by increasing access to and promoting the consumption of locally grown fruits and vegetables in schools and increasing physical activities and programs that promote pupil wellness.” 105 ILCS 124/10.

<sup>2</sup> 7 C.F.R. §210.31(a) and (c)(1). The law does not require *school-based activities* to be listed in policy – only that boards implement them. Federal law requires consideration of *evidence-based strategies and techniques* when implementing school-based activities. A board that chooses to list these activities must update them as they change by readopting the policy.

For boards that have developed and wish to list their chosen evidence-based school-based activities, add the following sentence to the paragraph as the second sentence: “The District's school-based activities include: [*list the chosen evidence-based school-based activities*].”

For boards that have not yet developed and implemented their evidence-based school-based activities and need technical assistance, see the websites for:

1. The U.S. Dept. of Agriculture (USDA) at: [www.fns.usda.gov/tn/local-school-wellness-policy](http://www.fns.usda.gov/tn/local-school-wellness-policy); and
2. The Alliance for a Healthier Generation (AHG) at: [www.healthiergeneration.org/](http://www.healthiergeneration.org/).

<sup>3</sup> Healthy Hunger-Free Kids Act of 2010 (HHFKA); 42 U.S.C. §1758b (Pub.L. 111-296); 7 C.F.R. §§210.10 and 210.31(a).

<sup>4</sup> *Id.*; 7 C.F.R. §210.31(c)(4) (identification of school official responsible for implementation of the policy), §210.31 (d)(2) (informing the public about the policy and making it available on an annual basis), §210.31 (d)(3) (informing the public of the progress toward meeting the goals of the policy by making triennial assessments available), and §210.31(e) (policy implementation, assessments, and updates). See also f/n 20, below.

1. Each school building complies with this policy;
2. The policy is available to the community on an annual basis through copies of or online access to the Board Policy Manual<sup>5</sup>; and
3. The community is informed about the progress of this policy's implementation.

### Goals for Nutrition Education and Nutrition Promotion <sup>6</sup>

The goals for addressing nutrition education and nutrition promotion include the following:

- Schools will support and promote sound nutrition for students.
- Schools will foster the positive relationship between sound nutrition, physical activity, and the capacity of students to develop and learn.
- Nutrition education will be part of the District's comprehensive health education curriculum. See Board policy 6:60, *Curriculum Content*.<sup>7</sup>

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This sample policy identifies the superintendent as the school official responsible to ensure compliance and oversee the policy. When the rules require specific identification of a school official, the policy does not include the delegation language *or designee*. **[School boards] must identify the [school official(s)] responsible for oversight of [its wellness policy] to ensure compliance. [Boards] have discretion and are the most qualified to identify the best candidate for [their wellness] policy leadership as size, resources, and needs vary greatly among [school districts]**. See Federal Register Vol. 81, No. 146 at 50155 at: [www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17230.pdf](http://www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17230.pdf).

For boards that wish to identify a school official other than the superintendent, delete Superintendent and replace it with the responsible school official's title.

The intent of the rule is that schools "notify households on an annual basis of the availability of the local school wellness policy information and provide information that would enable *interested households* to obtain additional details." Fed. Reg. Vol. 81, No. 146 at 50160. However, the rule states, "[i]nform the *public* about the content and implementation of the local school wellness policy, and make the policy and any updates to the policy available to the public on an annual basis."

To achieve the intent of this requirement, the regulations suggest several methods for districts, which include a common method many districts likely already use: post the policy on the websites for the *public*, and use the student handbook to distribute important information to *interested households*.

<sup>5</sup> For boards that distribute their wellness policies via student handbooks and want to list that in the text of their policies, insert "and distributed to students and their parents/guardians through student handbooks". For sample handbook language, see the Illinois Principals Association *Online Model Student Handbook (MSH)* at: [www.ilprincipals.org/msh/](http://www.ilprincipals.org/msh/).

<sup>6</sup> Goals for nutrition education and nutrition promotion are required topics, but the local board may determine what goals are appropriate. Pub. L. 108-265, Sec. 204(a)(1) and Pub. L. 111-296; 105 ILCS 5/2-3.139(a)(2); and 7 C.F.R. §210.31(c)(1). Replace this policy's text with a board's own locally-developed nutritional education and promotion goals.

*Nutrition promotion*, required by Pub. L. 111-296, is not well-described or defined. The Food Nutrition Service (FNS) describes *nutrition promotion* more clearly in its technical assistance materials and the proposed 7 C.F.R. Part 210 rules (Fed. Reg. Vol. 79, No. 38 at 10695), dated Feb. 26, 2014, which state, "... evidence based techniques and scientifically-based nutrition messages targeted to a specific audience to inspire and motivate them to take action and use these techniques and messages to create environments and food service venues (classroom, cafeteria, a la carte, vending machines, school stores, snack bars, fundraisers, home, etc.) that encourage healthy nutrition choices, as well as enhance and encourage participation in school meal programs."

More specific materials about nutrition education and promotion, including songs, games, posters, videos, event-planning booklets, wellness communication toolkits, school garden activities, and a graphics library, have also been developed by the FNS' Team Nutrition at: [www.fns.usda.gov/tn/resource-library](http://www.fns.usda.gov/tn/resource-library).

Technical assistance for:

1. Nutritional promotion at: [www.fns.usda.gov/tn/local-school-wellness-policy](http://www.fns.usda.gov/tn/local-school-wellness-policy).
2. Goals development for and implementation of nutrition education and promotion are available from AHG at: [www.healthiergeneration.org/](http://www.healthiergeneration.org/).

<sup>7</sup> 105 ILCS 110/3 and 23 Ill.Admin.Code §1.420(n).



## Goals for Physical Activity<sup>8</sup>

The goals for addressing physical activity include the following:

- Schools will support and promote an active lifestyle for students.
- Physical education will be taught in all grades and shall include a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. See policies 6:60, *Curriculum Content* and 7:260, *Exemption from Physical Education*.<sup>9</sup>
- During the school day, all students will be required to engage in a daily physical education course, unless otherwise exempted. See policies 6:60, *Curriculum Content* and 7:260, *Exemption from Physical Education*.<sup>10</sup>
- The curriculum will be consistent with and incorporate relevant *Illinois Learning Standards for Physical Development and Health* as established by the Ill. State Board of Education (ISBE).<sup>11</sup>

## Nutrition Guidelines for Foods Available During the School Day; Marketing Prohibited<sup>12</sup>

Students will be offered and schools will promote nutritious food and beverage choices during the school day that are consistent with Board policy 4:120, *Food Services* (requiring compliance with the nutrition standards specified in the U.S. Dept. of Agriculture's (USDA) *Smart Snacks* rules).<sup>13</sup>

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<sup>8</sup> This is a required topic, but the local board may determine what goals are appropriate. Pub.L. 108-265, Sec. 204(a)(1); 105 ILCS 5/2-3.139(a)(2); and 7 C.F.R. §210.31(a) and (c)(1).

<sup>9</sup> 105 ILCS 5/27-5 and 27-6, amended by P.A. 102-405; 23 Ill.Admin.Code §1.425. See also f/n 31 in policy 6:60, *Curriculum Content*. For standards-based lesson plans and curricula for pre-kindergarten through grade 8, classroom-based lesson plans, recipes, guidance to improve the quality of school meals, and other materials for nutrition education and promotion, including songs, games, posters, videos, event-planning booklets, wellness communication toolkits, school garden activities, and a graphics library, see the resources developed by the FNS' Team Nutrition at: [www.fns.usda.gov/tn/resource-library](http://www.fns.usda.gov/tn/resource-library).

<sup>10</sup> *Id.* This policy's sample text is based upon federal and State *goals* while sample policy 6:60, *Curriculum Content*'s text is based only upon State curriculum requirements that require a minimum of three days of physical education per five-day week. Ensure the text in this policy's goal aligns with the district's practice stated in policy 6:60 for meeting the minimum requirements of 23 Ill.Admin.Code §1.425(b).

<sup>11</sup> Schools must "set student learning objectives which meet or exceed goals established by the State." 105 ILCS 5/2-3.63. The *Learning Standards* can be found on ISBE's website at: [www.isbe.net/Pages/Standards-Courses.aspx](http://www.isbe.net/Pages/Standards-Courses.aspx). See State goals 19-24 for physical education and health at: [www.isbe.net/Documents/Goals-19-24-and-Perf-Descrip.pdf](http://www.isbe.net/Documents/Goals-19-24-and-Perf-Descrip.pdf).

105 ILCS 5/27-6.5 describes physical fitness assessments required, beginning with the 2016-17 school year and every school year thereafter, for grades 3-12 in an effort to meet State Goal 20 of the *Illinois Learning Standards for Physical Development and Health*. See also 23 Ill.Admin.Code §1.425 (f) and (h); ISBE's *IL Fitness Assessments and Data Reporting Requirements Questions and Answers (Rev. Sept. 2021)* at: [www.isbe.net/Documents/Physical\\_Fitness\\_Assessment\\_FAQ.pdf](http://www.isbe.net/Documents/Physical_Fitness_Assessment_FAQ.pdf).

<sup>12</sup> The policy must include the nutrition guidelines selected by the board for "all foods available during the school day with the objective of promoting student health and reducing childhood obesity." Pub. L. 108-265, Sec. 204(a)(2); 105 ILCS 5/2-3.139(a)(1); and 7 C.F.R. §210.10 and 210.31(a), (c)(2), and (c)(3)(i)-(iv). 42 U.S.C. 1758b(b)(2)(A) requires that each local school wellness policy include nutrition guidelines for all foods and beverages available for sale on the school campus during the school day to ensure they are consistent with the statutory and regulatory provisions governing school meals (7 C.F.R. §§210.10, 220.8 and 220.10) and competitive foods (7 C.F.R. §210.11) as applicable.

Prior to July 2016 when 7 C.F.R. § 210.10 and 7 C.F.R. § 210.31(c) (respectively) became effective, the current *Dietary Guidelines for Americans* published jointly by the U.S. Depts. of Health and Human Services and Agriculture (USDA) were used as nutrition guidelines.

In addition, in order to promote student health and reduce childhood obesity,<sup>14</sup> the Superintendent or designee shall:

1. Restrict the sale of *competitive foods*, as defined by the USDA, in the food service areas during meal periods;
2. Comply with all ISBE rules; and
3. Prohibit marketing during the school day of foods and beverages that do not meet the standards listed in Board policy 4:120, *Food Services*, i.e., in-school marketing of food and beverage items must meet *competitive foods* standards.<sup>15</sup>

*Competitive foods* standards do not apply to foods and beverages available, but not sold in school during the school day; e.g., brown bag lunches, foods for classroom parties, school celebrations, and reward incentives.<sup>16</sup>

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<sup>13</sup> 7 C.F.R. §§210.10 (meal requirements for lunches and after-school snacks); 210.11(c) (general nutrition standards for competitive food, i.e., *Smart Snacks*); and 210.31(a) and (c) (encompassing all other nutrition requirements, including foods not sold to students during the school day (classroom parties)).

<sup>14</sup> 7 C.F.R. §210.31(c)(3)(iv).

<sup>15</sup> 7 C.F.R. §§210.11(a)(2) and 210.31(c)(3)(iii); 23 Ill. Admin. Code §305.5. For a definition of *competitive foods*, see 4:120-AP, *Food Services; Competitive Foods; Exemptions*.

<sup>16</sup> 7 C.F.R. §210.31(c)(2). This sample policy does not apply competitive food standards to foods not sold in schools; i.e., foods that students bring into the school from home, etc.

The final [federal] rule does not require that local school wellness policy standards for *foods provided in schools during the school day but not available for sale* conform to the school meal requirements or the competitive foods standards. In fact, the preamble to the final rule reiterates this saying, “[a]gain, it should be noted that with regard to foods provided, but not sold, in schools, local jurisdictions have the discretion to adopt standards that conform to [the competitive food standards] or to adopt more or less stringent standards.” Similarly, the preamble to the final rule clearly states the rule does not require school boards to address standards for food brought from home for individual consumption. See Federal Register Vol. 81, No. 146 at 50158 at: [www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17230.pdf](http://www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17230.pdf). Emphasis added.

This sample policy adopts less stringent standards for foods not sold in schools. For boards that wish to adopt standards that conform to the competitive food standards or apply even more stringent standards to foods available, but not sold during the school day, delete the last sentence of this subhead: ~~*Competitive foods* standards do not apply to foods and beverages available, but not sold in school during the school day; e.g., foods for classroom parties, school celebrations, and reward incentives.~~ and choose one of the following sentences to replace it:

**Option 1:** The District applies competitive foods standards listed in Board policy 4:120, *Food Services*, to foods available, but not sold, in schools.

**Option 2:** The District applies more stringent standards than the competitive foods standards to foods available, but not sold, in schools. These include [list the chosen standards to foods available, but not sold, in schools].

The AHG encourages school officials to consider prohibiting foods as a reward and using the *Smart Snacks* standards for foods available, but not sold during the school day. However, enforcing such standards against students who are sent to school with snacks from their parents/guardians is difficult and may be considered overreach. Further, such a standard may open the district to challenges. Consult the board attorney about enforcement of standards that meet the *competitive foods* standards – or even more stringent standards – upon foods available, but not sold during the school day, i.e., choosing Options 1 or 2, above.

### Exempted Fundraising Day (EFD) Requests <sup>17</sup>

All food and beverages sold to students on the school campuses of participating schools during the school day must comply with the “general nutrition standards for competitive foods” specified in federal law.

ISBE rules prohibit EFDs for grades 8 and below in participating schools.

The Superintendent or designee in a participating school may grant an EFD for grades 9 through 12 in participating schools. To request an EFD and learn more about the District’s related procedure(s), contact the Superintendent or designee. The District’s procedures are subject to change. The number of EFDs for grades 9 through 12 in participating schools is set by ISBE rule.

### Guidelines for Reimbursable School Meals <sup>18</sup>

Reimbursable school meals served shall meet, at a minimum, the nutrition requirements and regulations for the National School Lunch Program and/or School Breakfast Program. <sup>19</sup>

### Unused Food Sharing Plan <sup>20</sup>

In collaboration with the District’s local health department, the Superintendent or designee will:

1. Develop and support a food sharing plan (Plan) for unused food that is focused on needy students. <sup>21</sup>
2. Implement the Plan throughout the District.
3. Ensure the Plan complies with the Richard B. Russell National School Lunch Act, as well as accompanying guidance from the U.S. Department of Agriculture on the Food Donation Program. <sup>22</sup>
4. Ensure that any leftover food items are properly donated to combat potential food insecurity in the District’s community. *Properly* means in accordance with all federal regulations and State and local health and sanitation codes.

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<sup>17</sup> Required by 23 Ill.Admin.Code §305.15(c)(2), 7 C.F.R. §§210.11(b)(4), (c)(2) and 210.30(c)(2) for participating schools that want to grant EFDs.

For elementary districts, delete these sentences: ~~The Superintendent or designee in a participating school may grant an EFD for grades 9 through 12 in participating schools. To request an EFD and learn more about the District’s related procedure(s), contact the Superintendent or designee. The District’s procedures are subject to change. The number of EFDs for grades 9 through 12 in participating schools is set by ISBE rule.~~

For high school districts, delete this sentence: ~~EFDs are prohibited for grades eight and below in participating schools.~~

Detailed procedures are subject to change and are too complicated for policy text. This policy seeks to balance the requirement to include procedures in the policy for requesting an EFD by providing information about the initial steps and directing the superintendent or designee to inform the requestor of the current procedure. For a list of the number of available EFDs and a more detailed sample step-by-step procedure to request them, see 4:120-AP, *Food Services; Competitive Foods; Exemptions*.

<sup>18</sup> Inclusion in the policy is required for only those districts that participate in a program authorized by the NSLA or the Child Nutrition Act.

<sup>19</sup> Child Nutrition Act of 1966 (42 U.S.C. §1771 *et seq.*) and NSLA (42 U.S.C. §1758).

<sup>20</sup> 105 ILCS 5/2-3.189, added by P.A. 102-359 and renumbered by P.A. 102-813.

<sup>21</sup> *Needy students* is not defined by 105 ILCS 5/2-3.189, added by P.A. 102-359 and renumbered by P.A. 102-813.

<sup>22</sup> Required for districts that participate in child nutrition programs, the National School Lunch Program and National School Breakfast Program, the Child and Adult Care Food Program (CACFP), and the Summer Food Service Program (SFSP). See 105 ILCS 5/2-3.189, added by P.A. 102-359 and renumbered by P.A. 102-813.

Delete number 3 *only if* the district participates in none of the programs listed.

Food sharing plans will depend on many local factors and require local health department involvement, so because of that, a sample **PRESS** administrative procedure is not practical and does not exist.

## Monitoring <sup>23</sup>

At least every three years, the Superintendent shall provide implementation data and/or reports to the Board concerning **this policy's** implementation sufficient to allow the Board to monitor and adjust the policy (a triennial report).<sup>24</sup> This triennial report must include without limitation each of the following:

- An assessment of the District's implementation of the policy
- The extent to which schools in the District are in compliance with the policy
- The extent to which the policy compares to model local school wellness policies
- A description of the progress made in attaining the goals of the policy
- How the District will make the results of the assessment available to the public
- Where the District will retain records of the assessment <sup>25</sup>

The Board will monitor and adjust the policy pursuant to policy 2:240, *Board Policy Development*.

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<sup>23</sup> The policy must establish a plan for measuring implementation of the local wellness policy, including designation of one or more persons within the local educational agency at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy. Pub. L. 108-265, Sec. 204(a)(4); 105 ILCS 5/2-3.139(a)(4); and 7 C.F.R. §210.31(c)(5), (6), and (e)(1). 105 ILCS 110/3.5(a) requires ISBE to develop and maintain a nutrition and physical activity best practices database. Materials may be found at: [www.isbe.net/Pages/Nutrition-and-Wellness.aspx](http://www.isbe.net/Pages/Nutrition-and-Wellness.aspx).

<sup>42</sup> U.S.C. §1758b (Pub. L. 111-296) requires the public to receive periodic measures with the listed items. The accepted practice is annual reports. There is very little guidance to assist school districts in complying with this requirement, and school districts were expected to be working toward developing a reasonable method to implement this requirement by the end of the 2011-2012 school year. Without guidance, to ensure compliance, superintendents should contact their Regional Office of Education or Intermediate Service Center regarding their school districts' efforts to comply with this requirement. A guide to help school districts conduct an evaluation of local wellness policies is available, along with more guidance at: [www.fns.usda.gov/tn/local-school-wellness-policy](http://www.fns.usda.gov/tn/local-school-wellness-policy).

<sup>24</sup> 7 C.F.R. §210.31(e)(2)(i)-(iii) and (3).

<sup>25</sup> *Id.* and §210.31(f); see also the Local Records Act, 50 ILCS 205/. It governs retention of district records; its definition of *public record* is narrower than the definition in the Freedom of Information Act. These communications must be retained only when they contain: (1) evidence of the district's **organization, function, policies, procedures, or activities**, or (2) informational data appropriate for preservation. Consult the board attorney for a more thorough analysis and a legal opinion about how to meet both of the federal records retention requirements discussed in f/n 28, below, and the Local Records Act.

## Community Involvement<sup>26</sup>

The Board and Superintendent will actively invite suggestions and comments concerning the development, implementation, periodic reviews, and updates of the school wellness policy from parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the community. Community involvement methods shall align their suggestions and comments to policy 2:140, *Communications To and From the Board* and/or the **Community Engagement** subhead in policy 8:10, *Connection with the Community*.<sup>27</sup>

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<sup>26</sup> A board must establish a plan in its wellness policy for involving parents, students, and representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the public in the development of the school wellness policy. Pub.L. 108-265, Sec. 204(a)(5), amended by 42 U.S.C. §1758b (Pub.L. 111-296); 105 ILCS 5/2-3.139(a)(3); 7 C.F.R. §210.31(c)(5) (requirement to describe involvement plan in policy), and 7 C.F.R. §210.31(d)(1) (requirement to allow certain stakeholders to participate in policy development, etc.).

School districts have discretion in exactly how they implement this requirement, and [e]ach [school district] is best suited to determine the distinctive needs of the community it serves. See Federal Register Vol. 81, No. 146 at 50155 at: [www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17230.pdf](http://www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17230.pdf).

This requirement's awkward wording notwithstanding, a board may take compliance steps by:

1. Seeking community input or involvement during this policy's adoption and monitoring phases, and inviting suggestions and comments during the public comment portion of board meetings from time to time. This method aligns with 2:140, *Communications To and From the Board* and 2:240, *Board Policy Development*.
2. Establishing a "local school wellness committee." This method is discussed in the preamble to 7 C.F.R. §210.31(d)(1), which suggests "identifying individuals" to serve on a "local school wellness policy committee." However, the final text of 7 C.F.R. §210.31(d)(1) does not specifically require districts to establish a local school wellness policy committee – only that they "permit [groups listed in the policy above] to participate ... ." See also the citation to the Federal Register, in the second paragraph of this f/n, above, discussing policy implementation discretion.

The default text of this policy follows item #1 above and does not establish a local school wellness committee. For a district that wants to appoint or approve a local school wellness committee, add the following optional sentence as the last sentence of this subhead: "As necessary, the Superintendent or designee will convene a Wellness Committee with at least one representative from each of the listed groups." Also list the Wellness Committee in 2:150-AP, *Superintendent Committees*. As much of the work of developing a plan to involve local stakeholders is administrative/staff work rather than governance work, best practice is for a Wellness Committee be an administrative committee, but consult the board attorney for guidance. See f/n 3 in policy 2:150, *Committees*, for a discussion of Open Meetings Act implications of the Wellness Committee being a board committee.

If a board wants to comply with the USDA's *encouragement* to include Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators or educators in the group to provide input about the policy, add:

“, Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators, educators” to the end of the first sentence in this subhead, immediately before: “, and community.”

<sup>27</sup> If a board has not adopted the **Community Engagement** subhead in policy 8:10, *Connection with the Community*, delete the phrase at the end of the second sentence: “Individuals shall align their suggestions and comments to policy 2:140, *Communications To and From the Board* and/or the **Community Engagement** subhead in policy 8:10, *Connection with the Community*.”

A board may also choose to post this policy on its website and include it in the student handbook.

## Recordkeeping <sup>28</sup>

The Superintendent shall retain records to document compliance with this policy, the District's records retention protocols, and the Local Records Act.

LEGAL REF.: Pub. L. 108-265, Sec. 204, Child Nutrition and WIC Reauthorization Act of 2004.  
42 U.S.C. §1771 et seq., Child Nutrition Act of 1966.  
42 U.S.C. §1751 et seq., National School Lunch Act.  
42 U.S.C. §1758b, Pub. L. 111-296, Healthy, Hunger-Free Kids Act of 2010.  
42 U.S.C. §1779, as implemented by 7 C.F.R. §§210.11 and 210.31.  
50 ILCS 205/, Local Records Act.  
105 ILCS 5/2-3.139 and 5/2-3.189.  
23 Ill.Admin.Code Part 305, Food Program.  
ISBE's *School Wellness Policy* Goal, adopted Oct. 2007.

CROSS REF.: 2:140 (Communications To and From the Board), 2:150 (Committees), 2:240 (Board Policy Development), 4:120 (Food Services), 5:100 (Staff Development Program), 6:60 (Curriculum Content), 7:260 (Exemption from Physical Education), 8:10 (Connection with the Community)

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<sup>28</sup> 7 C.F.R. §210.31(f). Records must include: (1) the policy; (2) documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public; and (3) documentation of the triennial assessment of the local school wellness policy for each school under its jurisdiction.

See f/n 25, above regarding the Local Records Act and 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*.

While 7 C.F.R. §210.31(f) does not require the policy text to state what records must be kept, a board that wants to include that information may insert the following text: "Records must include: (1) this policy; (2) documentation demonstrating compliance with community involvement, including requirements to make the policy and triennial assessments available to the public; and (3) documentation of the triennial assessment of this policy for each school under its jurisdiction."

## Instruction

### Administrative Procedure - Comprehensive Health Education Program

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

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

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

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

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

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

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

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

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

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

<sup>4</sup> Required by 105 ILCS 110/3, amended by P.A. 102-1034, and *Erin's Law*, 105 ILCS 5/10-23.13, amended by P.A. 102-610.

Superintendent must ensure all parent(s)/guardian(s) of students in any of grades K through 8 receive not less than five days' written notice before commencing the instruction. <sup>5</sup>

4. In all grades, a minimum of 16 hours of safety education in the courses of study regularly taught with instruction about: <sup>6</sup>
  - a. Automobile safety, including traffic regulations, highway safety, and the consequences of alcohol consumption and the operation of a motor vehicle;
  - b. Safety in the home, including safe gun storage;
  - c. Safety in connection with recreational activities;
  - d. Safety in and around school buildings;
  - e. Safety in connection with vocational work or training;
  - f. For students in grades 9 through 11, CPR subject to the excusal limitations in the first aid item 26, below; and
  - g. For students in grades 6 through 8, CPR and how to use an AED by watching a training video on those subjects. <sup>7</sup>
5. In all grades, tobacco and e-cigarettes and other vapor devices; <sup>8</sup>
6. In grades K through 8, education must be available to students concerning effective methods of preventing and avoiding traffic injuries related to walking and bicycling. <sup>9</sup>
7. In grades K through 8, instruction, study, and discussion of effective methods for the prevention and avoidance of drugs and the dangers of opioid and substance abuse that are integrated into the curricula and designed to promote effective methods for the prevention and avoidance of drug and substance abuse. <sup>10</sup>
8. In grades K through 8, annual instruction on the danger of and how to avoid abduction as part of the District's regular curriculum. <sup>11</sup>

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

<sup>6</sup> 105 ILCS 5/27-17, amended by P.A. 102-971, eff. 1-1-23.

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

<sup>8</sup> Amended by P.A. 102-464. Starting in grade 5, the law expands education to alcohol and drug use and abuse along with tobacco. See number 9 of this administrative procedure text.

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

<sup>10</sup> 105 ILCS 5/27-13.2, amended by P.A. 102-195. See also and f/n 4 in sample policy 6:60, *Curriculum Content*, for more information on this resolution urging all schools in Illinois to educate youth about the dangers associated with the use of heroin.

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



9. In grades 5 through 12, alcohol and drug use and abuse, including the medical and legal ramifications of alcohol, drug, and tobacco use that integrates into existing curricula, instruction related to: <sup>12</sup>
  - a. The physical and legal effects and ramifications of drug and substance abuse (including use during pregnancy);
  - b. III. State Board of Education (ISBE) instructional materials and guidelines developed to assist the District with incorporating this instruction topic into its curricula; and
  - c. Either as part of existing curricula during the school day or as part of an after-school program, support services and instruction for students who are or students whose parent(s)/guardian(s) are chemically dependent.
10. In grades 6-12, parenting education that includes instruction in the following: <sup>13</sup>
  - a. Child growth and development, including prenatal development.
  - b. Childbirth and child care.
  - c. Family structure, function, and management.
  - d. Prenatal and postnatal care for mothers and infants.
  - e. Prevention of child abuse.
  - f. The physical, mental, emotional, social, economic, and psychological aspects of interpersonal and family relationships.

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<sup>12</sup> Letters b. and c. are optional. Ensure the district aligns letter c. with the board's policy 6:180, *Extended Instructional Programs* (and see its f/n 11). See f/n 8, above, for a discussion of the progression of tobacco, e-cigarettes, and other vapor devices awareness education. P.A. 102-464 amended grammar to separate "abuse during pregnancy" as its own subject but this procedure keeps it tied to the dangers of substance abuse during pregnancy because no course content related to *abuse during pregnancy* exists, except for perhaps teen dating violence prevention education.

<sup>13</sup> Optional, but if offered by a district the course requirements are mandated by 105 ILCS 5/27-23.1. Upon request, ISBE must assist each district that offers an evidence-based parenting education model to develop instructional materials, train teachers, and establish appropriate time allotments for each of the areas included in such instruction. *Id.* at (a). Districts may give regular school credit for satisfactory completion of these courses by the student.

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

Last, subject to appropriations and ending after school year 21-22, ISBE was to implement and administer a three-year pilot program supporting the health and wellness student-learning requirement with a unit of instruction on parenting education in participating school districts that maintain grades 9 through 12, to be determined by the participating school districts. The pilot was encouraged to include, but was not be limited to, instruction on (i) family structure, function, and management, (ii) the prevention of child abuse, (iii) the physical, mental, emotional, social, economic, and psychological aspects of interpersonal and family relationships, and (iv) parenting education competency development that is aligned to the social and emotional learning standards of the student's grade level. Instruction for this pilot may be included with the requirements or 105 ILCS 110/3. ISBE was authorized to make grants to school districts that apply to participate in the pilot, and provide by administrative rule the application and criteria to be used and applied in selecting participating urban, suburban, and rural school districts. As recently Dr. Ayala's 7-13-21 Weekly Message, ISBE was soliciting participants for the Parenting Education Pilot, also known as *ParentAble*. See [www.isbe.net/Documents/ParenTeach-Recruitment-flyer.pdf](http://www.isbe.net/Documents/ParenTeach-Recruitment-flyer.pdf).

g. Parenting skill development.

11. Family life,<sup>14</sup> specifically its emotional, psychological, physiological, hygienic and social responsibilities, including sexual abstinence until marriage and evidence-based and medically accurate information regarding sexual abstinence<sup>15</sup>; and in grades 6 through 12, instruction on the prevention, transmission, and spread of AIDS; except if a student's parent/guardian submits written objection to taking or participating in family life course or AIDS prevention instruction, and refusal to take or participate in the family life course or AIDS prevention instruction shall not be reason for suspension or expulsion of the student. See 6:60-AP1, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs*.
12. Comprehensive personal health and safety and comprehensive sexual health education (NSES)<sup>16</sup>; except no student shall be required to take or participate in any NSES class or

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

<sup>14</sup> Read f/ns 15 and 16 in conjunction with this footnote.

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

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

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

For districts that will offer neither family life nor NSES, consult the board attorney before deleting the family life curriculum number 11 because CHEP does not indicate that curriculum is optional.

For districts that will not offer family life assuming that the National Sex Education Standards (NSES) will/would cover these topics, consult the board attorney before replacing the family life curriculum number 11 with: "Family life instruction is replaced by 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*."

For districts that will offer both family life and NSES, insert after the last sentence: "See also number 12, below, and 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*."

<sup>15</sup> Consult the board attorney whether "evidence-based and medically accurate information regarding sexual abstinence" is included in *family life*. Abstinence is listed in two major educational areas of the CHEP. One is within family life, which is subject to a parent/guardian's written objection. See also f/n 4 in exhibit 6:60-AP1, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs*.

Important is that "evidence-based and medically accurate information regarding sexual abstinence," is not listed with the parent/guardian's written objection suggesting a separate educational area. This procedure treats both mentions of abstinence in CHEP as family life instruction, but it may ultimately be included in the final NSES curriculum (see f/n 16, below).

<sup>16</sup> Optional. See 105 ILCS 5/27-9.1a(i)(1), added by P.A. 102-522.

If NSES is offered by a district, 105 ILCS 5/27-9.1a, added by P.A. 102-522, mandates the course content and instruction. ISBE learning standards, which adopt the NSES, and other resources are available at: [www.isbe.net/sexualhealth](http://www.isbe.net/sexualhealth). If boards offered sex education, the law provides zero guidance related to whether boards may use the now-repealed family life and sex education curriculums in future school years. See also para. 3, f/n 14, above.

For districts that will not provide NSES, delete this number 12 and ensure the district does not implement 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.