

Students

Attendance and Truancy ¹

Compulsory School Attendance ²

This policy applies to individuals who have custody or control of a child: (a) between the ages of six (on or before September 1) and 17 years (unless the child has graduated from high school), or (b) who is enrolled in any of grades kindergarten through 12 in the public school regardless of age.

Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because his or her religion forbids secular activity on a particular day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness, observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student, other circumstances that cause reasonable concern to the parent/guardian for the student's safety or health, or other reason as approved by the Superintendent or designee. ³

Absenteeism and Truancy Program

The Superintendent or designee shall manage an absenteeism and truancy program in accordance with the School Code and School Board policy. The program shall include but not be limited to:

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified. 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 requires boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/26-13 requires a policy identifying supportive services and available resources for *truants* and *chronic truants* (defined in 105 ILCS 5/26-2a, **amended by P.A. 100-918**). 23 Ill.Admin.Code §1.290 requires the same plus that the policy contain a definition of *valid cause* for absence in accordance with 105 ILCS 5/26-2a and a description of diagnostic procedures to identify the cause(s) of unexcused student absenteeism.

² 105 ILCS 5/26-2, **amended by P.A. 100-825**, addresses enrolled students below or over set compulsory attendance ages. The law also requires any persons having custody or control of a child who is enrolled in grades kindergarten through 12 in the public school to cause the child to attend school.

105 ILCS 5/26-1 contains the compulsory school age exemptions. Each listed exception is specifically included in the statute, except the reference to *home school*. See 7:40, *Nonpublic School Students, Including Parochial and Home-Schooled Students*, regarding assigning students who enroll from a non-public school. See 6:150, *Home and Hospital Instruction*, regarding providing instruction to a pregnant student who is medically unable to attend school.

³ These reasons are in 105 ILCS 5/26-2a, except that "other reason as approved by the Superintendent" was added. ISBE rule requires that the absenteeism and truancy policy defines valid causes for absence. 23 Ill.Admin.Code §1.290.

⁴ Any child "necessarily and lawfully employed" may be exempted from attendance by the superintendent "on certification of the facts by and the recommendation of the school board." 105 ILCS 5/26-1. The policy's language serves to delegate this "certification of the facts" to the superintendent or designee. The following option allows a board to consider and include specific criteria in the policy:

2. A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran. ⁵
3. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings.⁶
4. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification. ⁷
5. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in the School Code, Section 26-2a.
6. A description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem. ⁸
7. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, or information about community agency services.⁹ See Board policy 6:110,

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

A student may be excused, at the Superintendent's discretion, when: (1) the student has a last period study hall, (2) the parent/guardian provides written permission, (3) the student's employer provides written verification of employment, (4) the student provides evidence of a valid work permit, or (5) other reason deemed justifiable by the Superintendent.

Child Labor laws include: 29 C.F.R. Part 570 (minimum age standards, occupations, conditions, etc.); 820 ILCS 205/ (child labor laws); 56 Ill.Admin.Code Part 250 (child labor regulations).

⁵ 105 ILCS 5/26-1, amended by P.A. 99-804. A student must notify the building principal or other administrator at least two days prior to the absence providing the date, time, and location of the military honors funeral. This requirement may be waived if the student did not receive notice at least two days in advance, but the student shall notify the administration as soon as possible of the absence.

A student whose absence is excused to sound *Taps* shall be counted in attendance for purposes of calculating the average daily attendance of students in the district. The district must allow the student reasonable time to make up school work and if school work is satisfactorily completed, the day of absence is counted as an attendance day for the student.

⁶ 105 ILCS 5/26-1, amended by P.A. 100-185. Such a student must be granted five days of excused absences in any school year and, at the board's discretion, may be granted additional excused absences to visit the student's parent/guardian. The student and his/her parent/guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his/her return to school from the excused absence period. *Id.*

⁷ This notification is required by 105 ILCS 5/26-3b.

⁸ 23 Ill.Admin.Code §1.290(b)(2).

⁹ 105 ILCS 5/10-20.630 (final citation pending), added by P.A. 100-163, ~~eff. 1-1-18~~, requires school districts to make feminine hygiene products (defined as tampons and sanitary napkins for use in connection with the menstrual cycle) available, at no cost to students, in the bathrooms of school buildings serving students in grades 6 through 12. The General Assembly found this requirement necessary because "when students do not have access to affordable feminine hygiene products, they may miss multiple days of school every month." 105 ILCS 5/10-20.630(a)(3).

⁹ 23 Ill.Admin.Code §1.290(b)(3). The School Code references to dropout prevention include: 105 ILCS 5/26-3a (regional superintendent activities and annual report); 105 ILCS 5/10-20.25a (annual report by boards); and 105 ILCS 5/1A-4(E) (ISBE report).

Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program.

8. Reasonable efforts to provide ongoing professional development to teachers, administrators, Board members, school resource officers, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement. ¹⁰

~~8.9.~~ A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered. ¹¹

~~9.10.~~ A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records. ¹²

~~10.11.~~ An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a ~~chronic~~-truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student. ¹³

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

¹⁰ 105 ILCS 5/26-18, added by P.A. 100-156, ~~eff. 1-1-18~~, requires that, beginning 7-1-18, districts collect and review chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. 105 ILCS 5/26-18(c). The review must include an analysis of chronic absence data from each attendance center. *Id.* Districts are also encouraged to: (1) provide a system of support to students at risk of reaching or exceeding chronic absence levels, i.e., those available through the Illinois Multi-tiered Systems of Support Network; and (2) make resources available to families, i.e., those available through ISBE's Family Engagement Framework, to support and engage students and their families. 105 ILCS 5/26-18(d). *Chronic absence* means "absences that total 10% or more of school days of the most recent school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student." 105 ILCS 5/26-18(a). In contrast, a *chronic or habitual truant* is "a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days." 105 ILCS 5/26-2a.

¹⁰ 105 ILCS 5/10-22.6(c-5), amended by P.A. 100-810, ~~eff. 1-1-19~~.

¹¹ Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

¹² 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services. 705 ILCS 405/3-33.5.

Counties may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 10 years of age, on the parent or custodian. 55 ILCS 5/5-1078.2. Municipalities may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 13 years of age, on the parent or custodian. 65 ILCS 5/11-5-9. Local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as: (a) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (b) *juvenile authorities* within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Ill. School Student Records Act (105 ILCS 10/6(a)(6.5)). *Id.* A superintendent should consult with the board attorney before disclosing school student records to non-district entities. See 7:340-AP1, *Student Records* for a sample procedure for release of such records to juvenile authorities.

¹³ 105 ILCS 5/26-12, amended by P.A. 100-825, prohibits punitive action "unless available supportive services and other school resources have been provided to the student." In addition, "a truant minor may not be expelled for nonattendance unless he or she has accrued 15 consecutive days of absences without valid cause and the student cannot be located by the school district or the school district has located the student but cannot, after exhausting all available support services, compel the student to return to school." *Id.*

~~11-12.~~The criteria to determine whether a student’s non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. 14

[For high school and unit districts only]

~~12-13.~~A process for a 17-year-old resident to participate in the District’s various programs and resources for truants.¹⁵ The student must provide documentation of his/her dropout status for the previous six months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in 7:50, *Students School Admissions and Student Transfers To and From Non-District Schools*.

~~13-14.~~A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum ~~academic or~~ attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. 16

LEGAL REF.: 105 ILCS 5/26-1 through 16.
705 ILCS 405/3-33.5, Juvenile Court Act of 1987.
23 Ill.Admin.Code §§1.242 and 1.290.

CROSS REF.: [5:100 \(Staff Development Program\)](#), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:190 (Student Behavior), 7:340 (Student Records)

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

¹⁴ 105 ILCS 5/26-3a requires the district to “establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil’s failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship.”

This statute also requires the “clerk or secretary” of the board to quarterly report to the regional superintendent and Secretary of State the identity of students who were removed from the regular attendance roll, exclusive of transferees, because they were expelled; have withdrawn; left school; withdrew due to extraordinary circumstances; have re-enrolled in school since their names were removed from the attendance rolls; were certified to be chronic or habitual truants; or were previously certified as chronic or habitual truants who have resumed regular school attendance. The statute provides that the status of a driver’s license or instructional permit will be jeopardized for a student who is the subject of this notification because of non-attendance unless the non-attendance is due to extraordinary circumstances as determined by the local district. State Superintendent Koch announced in his *Weekly Message*, 8-28-07, see [Funding & Disbursements](#) subhead, p.2, at www.isbe.net/Documents_Superintendent_Weekly_Message/message_082807.pdf, that ISBE is delaying implementing this statute based upon legal guidance from the U.S. Dept. of Education’s Family Policy Compliance Office that its implementation would violate the federal Family Educational Rights and Privacy Act.

¹⁵ A district must allow this participation; the length of the drop-out period and the documentation requirement contained in the next sentence are permissive. 105 ILCS 5/26-14.

¹⁶ Optional, but provided in 105 ILCS 5/26-2(c)(3), [amended by P.A. 100-825](#); ISBE’s rule controls the appeal process, 23 Ill.Admin.Code §1.242.

Students

Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students ¹

Required Health Examinations and Immunizations

A student's parent(s)/guardian(s) shall present proof that the student received a health examination, with proof of the immunizations against, and screenings for, preventable communicable diseases, as required by the Illinois Department of Public Health (IDPH), within one year prior to:

1. Entering kindergarten or the first grade;²
2. Entering the sixth and ninth grades;³ and
3. Enrolling in an Illinois school, regardless of the student's grade (including nursery school, special education, Head Start programs operated by elementary or secondary schools, and students transferring into Illinois from out-of-state or out-of-country).⁴

Proof of immunization against meningococcal disease is required for students in grades 6 and 12. ⁵

As required by State law:

1. Health examinations must be performed by a physician licensed to practice medicine in all of its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician authorizing the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the performance of health examinations by a supervising physician.⁶
2. A diabetes screening is a required part of each health examination; diabetes testing is not required.⁷
3. Beginning with the 2017-2018 school year, an age-appropriate developmental screening and an age-appropriate social and emotional screening are required parts of each health

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. The policy restates 105 ILCS 5/27-8.1, amended by P.A. 100-977, eff. 1-1-19. Immunization requirements are found in 77 Ill.Admin.Code §665.240, amended by 41 Ill.Reg. 2973, eff. 2-27-17. A Tuberculosis skin test is required if the student lives in an area designated by the Ill. Dept. of Public Health (IDPH) as having a high incidence of Tuberculosis. See also *Questions & Answers Regarding School Health Record Issues*, revised May 2013, and available at:

www.dhs.state.il.us/onenetlibrary/27897/documents/schoolhealth/faq_2013.pdf.

² 105 ILCS 5/27-8.1(1); ~~and~~ 77 Ill.Admin.Code §§665.140 and 665.240 et seq.

³ Id.

⁴ Id. If grade levels are not assigned, examinations must be completed within one year prior to the school year in which the child reaches the ages of five, 11, and 15. 77 Ill.Admin.Code §§665.140(b).

⁵ 410 ILCS 315/1.10; 77 Ill.Admin.Code §665.240(l). For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, students must show proof that they have received one dose of meningococcal conjugate vaccine in the school year in which the child reaches age 11 and a second dose in the school year in which the child reaches age 16 (but if the first dose is administered when the child is 16 years of age or older, only one dose is required). Students eligible to remain in public school beyond grade 12 (special education) shall meet the requirements for 12th grade.

⁶ 105 ILCS 5/27-8.1(2); 77 Ill.Admin.Code §665.130 et seq.

⁷ 105 ILCS 5/27-8.1(2); 77 Ill.Admin.Code §665.700 et seq.

examination.⁸ A student will not be excluded from school due to his or her parent/guardian's failure to obtain a developmental screening or a social and emotional screening.⁹

4. Before admission and in conjunction with required physical examinations, parent(s)/guardian(s) of children between the ages of one and seven years must provide a statement from a physician that their child was *risk-assessed* or screened for lead poisoning.¹⁰

5. The IDPH will provide all ~~female~~-students entering sixth grade and their parent(s)/guardian(s) information about the link between human papilloma-virus (HPV) and ~~eeervial~~HPV-related cancers and the availability of the HPV vaccine.¹¹

~~5.6.~~ The District will provide informational materials regarding influenza, influenza vaccinations, meningococcal disease, and meningococcal vaccinations developed, provided, or approved by the IDPH when it provides information on immunizations, infectious diseases, medications, or other school health issues to students' parent(s)/guardian(s).¹²

Unless an exemption or extension applies, the failure to comply with the above requirements by October 15 of the current school year will result in the student's exclusion from school until the required health forms are presented to the District.¹³ New students who register after October 15 of

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

⁸ 105 ILCS 5/27-8.1(2), amended by P.A. 99-927, ~~eff. 6-1-17~~. The IDPH is to develop rules to implement these new screening requirements and revise the Child Health Examination form. Id. The health care provider must only record whether or not the social and emotional screening was completed.

⁹ 105 ILCS 5/27-8.1(2.5), amended by P.A. 99-927 (~~eff. 6-1-17~~). Item #3 may be supplemented with any of the following options:

Option 1: If proof of the developmental screening or the social and emotional screening portions of the health examination are not presented, qualified school support personnel may, with a parent/guardian's consent, offer the screenings to the child.

Option 2: Once a student presents proof that he or she received a developmental screening or a social and emotional screening, the school may, with a parent/guardian's consent, make available appropriate school personnel to work with the parent/guardian, child, and provider who signed the screening form to obtain any appropriate evaluations and services.

Option 3: (The use of both Option 1 and 2.)

a. If proof of the developmental screening or the social and emotional screening portions of the health examination are not presented, qualified school support personnel may, with a parent/guardian's consent, offer the screenings to the child.

b. Once a student presents proof that he or she received a developmental screening or a social and emotional screening, the school may, with a parent/guardian's consent, make available appropriate school personnel to work with the parent/guardian, child, and provider who signed the screening form to obtain any appropriate evaluations and services.

Note: Even if the district does not offer the above optional services, consult the board attorney about whether the presence of developmental or social and emotional screening information on the Child Health Examination form triggers child find obligations under the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

¹⁰ Required by 410 ILCS 45/7.1. Physicians are required to screen children over 7 years of age for lead poisoning when, in the physician's judgment, a child is at risk. 410 ILCS 45/6.2.

¹¹ This sentence restates the requirement in the Communicable Disease Prevention Act regarding ~~eeervial~~HPV-related cancer prevention. 410 ILCS 315/2e, amended by P.A. 100-741, eff. 1-1-19.

¹² 105 ILCS 5/27-8.1(8.5), added by P.A. 100-977, eff. 1-1-19.

¹³ 105 ILCS 5/27-8.1(5) requires compliance by October 15 unless a district establishes an earlier date with 60 days notice. If an earlier date is established, replace "October 15" in this paragraph with the earlier locally established date. During any student's exclusion from school for non-compliance with this policy, the student's parent(s)/guardian(s) shall be considered in violation of 105 ILCS 5/26-1 and subject to any penalty imposed by 105 ILCS 5/26-10, as provided in 105 ILCS 5/27-8.1. 105 ILCS 5/27-8.1(2.5), amended by P.A. 99-927, ~~eff. 6-1-17~~, exempts developmental or social and emotional screenings from the exclusion from school requirement.

the current school year shall have 30 days following registration to comply with the health examination and immunization regulations.¹⁴ If a medical reason prevents a student from receiving a required immunization by October 15, the student must present, by October 15, an immunization schedule and a statement of the medical reasons causing the delay.¹⁵ The schedule and statement of medical reasons must be signed by the physician, advanced practice nurse, physician assistant, or local health department responsible for administering the immunizations.

A student transferring from out-of-state who does not have the required proof of immunizations by October 15 may attend classes only if he or she has proof that an appointment for the required vaccinations is scheduled with a party authorized to submit proof of the required vaccinations.¹⁶ If the required proof of vaccination is not submitted within 30 days after the student is permitted to attend classes, the student may no longer attend classes until proof of the vaccinations is properly submitted.¹⁷

Eye Examination¹⁸

Parent(s)/guardian(s) are encouraged to have their children undergo an eye examination whenever health examinations are required.¹⁹

Parent(s)/guardian(s) of students entering kindergarten or an Illinois school for the first time shall present proof before October 15 of the current school year that the student received an eye examination within one year prior to entry of kindergarten or the school. A physician licensed to practice medicine in all of its branches or a licensed optometrist must perform the required eye examination.

If a student fails to present proof by October 15, the school may hold the student's report card until the student presents proof: (1) of a completed eye examination, or (2) that an eye examination will take place within 60 days after October 15. The Superintendent or designee shall ensure that parent(s)/guardian(s) are notified of this eye examination requirement in compliance with the rules of

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

Note: 77 Ill.Admin.Code §665.240(n), created by 41 Ill.Reg. 2973, ~~eff. 2-27-17~~, states "It is not the intent of this Part that any child whose parents comply with the intent of this Part, the Act or the School Code should be excluded from a child care facility or school. A child or student shall be considered in compliance with the law if there is evidence of the intent to comply. Evidence may be: 1) a signed statement from a health care provider that he or she has begun, or will begin, the necessary immunization procedures; or 2) the parent's or legal guardian's written consent for the child's participation in a school or other community immunization program." Consult with the board attorney about the impact this new regulation may have on the district's ability to and procedures for excluding students for non-compliance with this policy.

¹⁴ This sentence is optional. The timeframe of 30 days is a matter of local discretion except that out-of-state transfer students who fail to provide proof of the required vaccinations after 30 days must be excluded until such proof is properly submitted. 105 ILCS 5/27-8.1(5). Consult the board attorney about establishing timeframes other than 30 days.

¹⁵ This sentence and the following sentence restate 105 ILCS 5/27-8.1(5).

¹⁶ *Id.* The special treatment of out-of-state transfer students resulted from the enactment of the Educational Opportunity for Military Children Act, 105 ILCS 70/. There are no more sunset dates in this law, which eliminates its constituents' need to continually revisit the law and extend its effective dates.

¹⁷ 105 ILCS 5/27-8.1.

¹⁸ Required by 105 ILCS 5/27-8.1(1.10) and (2). The IDPH's rules are published at 77 Ill.Admin.Code §665.610 *et seq.* §665.150 and 630 prescribe the statewide eye examination report form. It is available at: www.idph.state.il.us/HealthWellness/EyeExamReport.pdf or 77 Ill.Admin.Code §665, Appendix A.

¹⁹ While 105 ILCS 5/27-8.1 requires eye examinations for students entering kindergarten or an Illinois school for the first time, it still encourages parent(s)/guardian(s) to have their children undergo eye examinations at the same points in time as their required health examinations. The IDPH must require that individuals conducting vision screenings give a child's parent/guardian a written notification stating:

Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months.

the IDPH. Schools shall not exclude a student from attending school due to failure to obtain an eye examination.

Dental Examination²⁰

All children in kindergarten and the second, ~~and sixth, and ninth~~ grades must present proof of having been examined by a licensed dentist before May 15 of the current school year in accordance with rules adopted by the IDPH.

If a child in the second, ~~or sixth, or ninth~~ grade fails to present proof by May 15, the school may hold the child's report card until the child presents proof: (1) of a completed dental examination, or (2) that a dental examination will take place within 60 days after May 15. The Superintendent or designee shall ensure that parent(s)/guardian(s) are notified of this dental examination requirement at least 60 days before May 15 of each school year.

Exemptions²¹

In accordance with rules adopted by the IDPH, a student will be exempted from this policy's requirements for:

1. Religious ~~or medical~~ grounds, if the student's parent(s)/guardian(s) present the IDPH's Certificate of Religious Exemption form to the Superintendent or designee. When a Certificate of Religious Exemption form is presented, the Superintendent or designee shall immediately inform the parent(s)/guardian(s) of exclusion procedures pursuant to Board policy 7:280, *Communicable and Chronic Infectious Disease* and State rules if there is an outbreak of one or more diseases from which the student is not protected.²²
2. Health examination or immunization requirements on medical grounds, if ~~at the examining~~ physician, advanced registered practice nurse, or physician assistant provides written verification.
3. Eye examination requirement, if the student's parent(s)/guardian(s) show an undue burden or lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or a licensed optometrist.
4. Dental examination requirement, if the student's parent(s)/guardian(s) show an undue burden or a lack of access to a dentist.

Homeless Child

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce immunization and health records normally required for enrollment.²³ School Board policy 6:140, *Education of Homeless Children*, governs the enrollment of homeless children.

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

²⁰ Required by 105 ILCS 5/27-8.1(1.5), amended by P.A. 100-829, eff. 1-1-19. The IDPH's rules are published at 77 Ill.Admin.Code §665.410 et seq. §665.150 and 430 prescribe the statewide dental examination report form. It is available at: www.dph.illinois.gov/sites/default/files/forms/dentalexamproof10_0.pdf.

²¹ ~~Id.~~; ~~and~~ 105 ILCS 5/27-8.1(1.10) and (8), changed by P.A. 99-249.

²² ~~Id.~~; ~~and~~ 77 Ill.Admin.Code §665.510, amended by 41 Ill.Reg. 2973, ~~eff. 2-27-17~~. The Certificate of Religious Exemption form is available on ISBE's website at: www.isbe.net/Documents/immun-exam-gdlns-religious-exempt.pdf. To direct parent(s)/guardian(s) to the detailed exclusionary requirements pursuant to 77 Ill.Admin.Code Part 690, see 7:280-E2, *Exhibit - Reporting and Exclusion Requirements for Common Communicable Diseases*.

²³ Required by 105 ILCS 45/1-20 (Education for Homeless Children Act). Also required by the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11432(g)(3)(C)(i).

LEGAL REF.: ~~42 U.S.C. §11431 et seq.~~ McKinney-Vento Homeless Assistance Act, ~~42 U.S.C. §11431 et seq.~~
105 ILCS 5/27-8.1 and 45/1-20.
410 ILCS 45/7.1 and 315/2e.
23 Ill.Admin.Code §1.530.
77 Ill.Admin.Code Part 665.
77 Ill.Admin.Code Part 690.

CROSS REF.: 6:30 (Organization of Instruction), 6:140 (Education of Homeless Children),
6:180 (Extended Instructional Programs), 7:50 (School Admissions and Student
Transfers To and From Non-District Schools), 7:280 (Communicable and
Chronic Infectious Disease)

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

Student Behavior 1

The goals and objectives of this policy are to provide effective discipline practices that: (1) ensure the safety and dignity of students and staff; (2) maintain a positive, weapons-free, and drug-free learning environment; (3) keep school property and the property of others secure; (4) address the causes of a student's misbehavior and provide opportunities for all individuals involved in an incident to participate in its resolution; and (5) teach students positive behavioral skills to become independent, self-disciplined citizens in the school community and society. ²

When and Where Conduct Rules Apply 3

A student is subject to disciplinary action for engaging in *prohibited student conduct*, as described in the section with that name below, whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

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

¹ All districts must have a policy on student discipline, including school searches and bullying prevention (105 ILCS 5/10-20.14, amended by P.A. 99-456, ~~eff. 9-15-16~~); re-engagement of students returning from an exclusionary discipline or an alternative school (105 ILCS 5/10-22.6(b-25)); and corporal punishment (105 ILCS 5/24-24). See also 23 Ill.Admin.Code §1.280. See the Cross References for policies on searches and bullying. Each district must furnish a copy of the discipline policy to parents/guardians within 15 days after the beginning of the school year, or within 15 days after starting classes for a student who transfers into the district. The school board must require that each school inform its pupils of the discipline policy's contents.

School boards, along with the parent-teacher advisory committee, must annually review their pupil discipline policies, those policies' implementation, and any other factors related to the safety of their schools, students, and staff. 105 ILCS 5/10-20.14(a), amended by P.A. 99-456. For more information about the parent-teacher advisory committee, see 2:150, *Committees*. The parent-teacher advisory committee, in cooperation with local law enforcement agencies, must develop, with the school board, a reciprocal reporting system. 105 ILCS 5/10-20.14(b). See 7:190-AP3, *Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students*. School districts are encouraged to create memoranda of understanding that define law enforcement's role in schools. See 7:190-E3, *Memorandum of Understanding*.

Given the unique concerns facing school officials, school disciplinary codes are not required to be drafted as narrowly or with the same precision as criminal statutes. *Bethel Sch. Dist. v. Fraser*, 478 U.S. 675 (1986).

² The goals and objectives in this policy give the board a focus for monitoring it. This list can be deleted, replaced, or modified by the board. Data on student discipline is available at: www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx.

³ Board policy should provide a jurisdictional statement telling students and staff the circumstances under which the district will take disciplinary action. Jurisdictional rules in board policy should generally be as broad as possible to give staff members authority to respond to unforeseen situations. Taking jurisdiction over off-campus misconduct generally survives the test of reasonableness when the misconduct has a direct nexus to the school. A countervailing interest concerns liability for off-campus student injuries, i.e., the greater the jurisdiction a district is willing to impose, the greater the scope of liability it may be assuming. Ultimately, a decision whether to discipline for off-campus misconduct requires a factual inquiry to determine the degree of nexus and impact on the school. Many decisions address disciplining a student for off-campus misconduct; for example, see: *J.S. v. Blue Mountain Sch. Dist.*, combined with *Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3d Cir. 2011), *cert. denied* 565 U.S. 1116 (2012) (absent evidence that parodies of school personnel caused, or could cause, substantial disruption, school districts may not punish out-of-school expressive conduct, even if it is lewd, indecent, or offensive speech).

Note that the law is different regarding participants in athletics and extracurricular activities. See policy 7:240, *Conduct Code for Participants in Extracurricular Activities*.

A judge may transfer a student to another school for committing stalking or non-consensual sexual contact against another student, or for aiding and abetting such an act; the parents/guardians are responsible for transportation and other costs associated with the transfer. Stalking No Contact Order Act and the Civil No Contact Order Act, 740 ILCS 21/80 and 22/213. A school district is seldom notified when a transfer order is requested. When notified, school officials should immediately seek the board attorney's advice concerning available options.

1. On, or within sight of, school grounds before, during, or after school hours or at any time;
2. Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;
3. Traveling to or from school or a school activity, function, or event; or
4. Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. ⁴

Prohibited Student Conduct ⁵

The school administration is authorized to discipline students for gross disobedience or misconduct, including but not limited to:

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes. ⁶
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. ⁷ Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
 - a. Any illegal drug or controlled substance, or cannabis (including ~~medical cannabis~~, marijuana, ~~and hashish~~, and medical cannabis unless the student is authorized to be administered a medical cannabis infused product under Ashley's Law). ⁸
 - b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription. ⁹
 - c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription. ¹⁰

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

⁴ The factual context will determine the appropriateness of taking jurisdiction. Contact the board attorney before disciplining a student for off-campus conduct. See Doe v. Superintendent of Schs. of Stoughton, 767 N.E.2d 1054 (Mass. 2002)(suspension for off-campus commission of a felony was upheld).

⁵ Consult the board attorney for advice on deleting or modifying any of the items in this section on prohibited student conduct.

⁶ 105 ILCS 5/10-20.5b prohibits use of tobacco on school property. Federal law prohibits smoking within schools by anyone. Pro-Children Act of 1994, 20 U.S.C. §6081. Districts that fail to comply risk a civil penalty of up to \$1,000 per violation per day. See 8:30, *Visitors to and Conduct on School Property*, for more information.

State and federal law have not yet addressed electronic cigarettes. An electronic or e-cigarette resembles a regular cigarette. It contains a battery-operated heating element that turns a liquid into a mist for inhaling. The liquid may contain nicotine. Information, albeit limited, is posted on the U.S. Food and Drug Administration website at:

www.fda.gov/tobaccoproducts/default.htm

<https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm456610.htm>www.fda.gov/NewsEvents/PublicHealthFocus/ucm172906.htm

www.fda.gov/newsevents/publichealthfocus/ucm252360.htm

⁷ *Alcoholic beverages* are defined in 235 ILCS 5/1-3.01 to 3.05.

⁸ *Controlled substance* is defined in 720 ILCS 570/102; *cannabis* is defined in 720 ILCS 550/3. Either spelling, *marihuana* or *marijuana*, is correct; however, *marijuana* is more common. See *f/n 11* for a discussion of medical cannabis and Ashley's Law.

⁹ *Anabolic steroid* is defined in 720 ILCS 570/102(c-1).

- d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited unless the student is authorized to be administered a medical cannabis infused product under Ashley's Law. ¹¹
- e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.
- f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form. ¹²
- g. *Look-alike* or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that

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

¹⁰ See policies 7:240, *Conduct Code for Participants in Extracurricular Activities*, and 7:300, *Extracurricular Athletics*.

¹¹ To legally use medical cannabis, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Pilot Program. 410 ILCS 130/, amended by P.A. 100-660. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis. This includes in a school bus or on the grounds of any preschool, or primary or secondary school unless the student meets the requirements of 105 ILCS 5/22-33, a/k/a Ashley's Law.- 410 ILCS 130/30(a)(2)and(3), amended by P.A. 100-660, Ashley's Law provides that school districts "shall authorize a parent or guardian or any other individual registered with the Ill. Dept. of Public Health as a designated caregiver of a student who is a registered qualifying patient to administer a medical cannabis infused product to the student on the premises of the child's school or on the child's school bus if both the student (as a registered qualifying patient) and the parent or guardian or other individual (as a registered designated caregiver) have been issued registry identification cards under the Compassionate Use of Medical Cannabis Pilot Program Act." 105 ILCS 5/22-33, added by P.A. 100-660. Once the product is administered, the designated caregiver must remove the product from the school premises/bus. Id. The product may not be administered in a manner that would (in the school or district's opinion) create a disruption or expose other students to the product, and schools are not required to authorize use of the product if the school or district would lose federal funding as a result. Id. For more discussion, see f/n 24 in 7:270, Administering Medicines to Students. See also www.illinois.gov/gov/mepp/Pages/default.aspx.—Contact the board attorney for advice concerning medical cannabis, including whether a federal or State law requires the district to accommodate a student who is a *registered qualifying patient*. See Americans with Disabilities Act, 42 U.S.C. §12101 et seq.; Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §1400 et seq.; Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794; 105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b; and 23 Ill.Admin.Code Part 226.

¹² The Powdered Caffeine Control and Education Act states: "No person may sell, offer for sale, give away, or provide free samples of powdered pure caffeine to any person under age 18 located within the State or to any person under age 18 making the purchase from within the State." A limited exception to this prohibition exists for "the sale of any powdered pure caffeine product that receives explicit approval as safe and effective for its intended use under the federal Food, Drug, and Cosmetic Act or is lawfully marketed under an over-the-counter monograph issued by the United States Food and Drug Administration." 410 ILCS 647/20, added by P.A. 99-50.

the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy. 13

- h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances. 14

Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.

4. Using, possessing, controlling, or transferring a *weapon* as that term is defined in the **Weapons** section of this policy, or violating the **Weapons** section of this policy. 15
5. Using or possessing an electronic paging device. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Prohibited conduct specifically includes, without limitation, creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person through the use of a computer, electronic communication device, or cellular phone. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered-off and out-of-sight during the regular school day unless: (a) the supervising teacher grants permission; (b) use of the device is provided in a student's individualized education program (IEP); (c) it is used during the student's lunch period, or (d) it is needed in an emergency that threatens the safety of students, staff, or other individuals. 16
6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.

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

13 *Look-alike* and *counterfeit substances* are defined in 720 ILCS 570/102(g) and (y). This provision is broader because it would apply, for example, if a student represents a powdered vitamin to be pure caffeine – pure caffeine is prohibited on campus even though it is a legal substance. Look-alike drugs should be defined; an unpublished Ill. appellate decision in 2000 found a policy prohibiting possession of *look-alikes* had vagueness problems.

14 *Drug paraphernalia* is defined in 720 ILCS 600/2. Contact the board attorney for advice concerning a student who is a *registered qualifying patient*, as explained in f/n 11.

15 This language is broader than the **Weapons** section of this policy. The **Weapons** section contains the statutorily required punishment for “a student who is determined to have brought” a weapon to school along with the statutory definition of *weapon*. 105 ILCS 5/10-22.6. The language in item #4 is broader because it prohibits “using, possessing, controlling, or transferring” a weapon in addition to violating the **Weapons** section. See the footnotes in the **Weapons** section for a discussion of the Firearm Concealed Carry Act's provisions.

16 105 ILCS 5/10-21.10 prohibits student possession of electronic paging devices, but State law leaves to local boards the discretion whether to prohibit student possession of cellular phones. 105 ILCS 5/10-20.28. The misuse of camera phones can seriously invade a student's privacy. A board wanting a sweeping prohibition may use the following alternative for item #5:

Using or possessing a cellular telephone, electronic signaling device, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.

Operating transmitters designed to jam or block wireless communications violates the federal Communications Act of 1934. 47 U.S.C. §§301, 302a, and 333. Fines are as high as \$10,000 for each violation and/or imprisonment, and the device may also be seized. 47 U.S.C. §§501-510.

Making a video recording or live video transmission of another person without their consent in a restroom, locker room, or changing room is a Class 4 felony. 720 ILCS 5/26-4. A minor who distributes or disseminates an indecent visual depiction of another minor through the use of a computer or electronic communication device may be subject to adjudication as a minor in need of supervision. 705 ILCS 405/3-40.

7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.
8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
9. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct. **17**
10. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.
11. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*. **18**
12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property. **19**
13. Entering school property or a school facility without proper authorization.
14. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.

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

17 All districts must have a policy on bullying. 105 ILCS 5/27-23.7(d). Policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the statutory definition of *bullying*.

105 ILCS 5/10-20.14 requires boards, in consultation with their parent-teacher advisory committees and other community-based organizations, to include provisions in their student discipline policy to address aggressive behavior, including bullying. These provisions must include procedures for notifying a student's parents/guardians about his/her aggressive behavior and early intervention procedures based upon available community-based and district resources. See 7:190-E1, *Aggressive Behavior Reporting Letter and Form*.

Suspending students for hazing was upheld in *Gendelman v. Glenbrook North High Sch. and Northfield Township Sch. Dist. 225*, 2003 WL 21209880 (N.D.Ill. 2003). This decision may have been legislatively overturned by P.A. 99-456, amending 105 ILCS 5/10-20.14.

The failure of a school official (including any administrator, teacher, counselor, support staff, or coach) to report hazing is a Class B misdemeanor. 720 ILCS 5/12C-50.1.

A person commits a felony hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, sexual orientation, disability, or national origin of another person, he or she commits assault or battery. 720 ILCS 5/12-7.1. The penalty is heightened when the offense is committed in a school or administrative facility.

720 ILCS 5/26-1 makes transmitting a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

18 All school boards must have a policy on prohibited teen dating violence. 105 ILCS 110/3.10. Verify that the board adopted the policy listed and amend its title in this policy, if necessary.

19 720 ILCS 5/26-1(a)(3.5) makes threatening to destroy a school building or school property, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

15. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants. 20
16. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member. 21
17. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia. 22
18. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
19. Making an explicit threat on an Internet website against a school employee, a student, or any school-related personnel if the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school. 23
20. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Superintendent or designee. 24
21. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. 25

For purposes of this policy, the term *possession* includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student's person; (b) contained in another item belonging to, or under the control of, the student, such as in the

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

20 105 ILCS 5/26-2a, amended by P.A.s 100-918 and 100-810, eff. 1-1-19; 5/26-9; and 5/26-12, amended by P.A. 100-810, eff. 1-1-19. See policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*, and 7:70, *Attendance and Truancy*.

21 State law requires schools to suspend or expel any student who engages in this activity. 105 ILCS 5/31-3.

22 See *Kelly v. Bd. of Educ. of McHenry Community High Sch. Dist. 156*, 2007 WL 114300 (N.D.Ill. 2007) (upheld student's expulsion for drawing gang symbols while at school; testimony that the danger posed by gang signs and the presence of gangs at school supported the board's insistence on strict enforcement of board policy prohibiting gang related behavior and made expulsion a proper remedy).

740 ILCS 147/15 *et seq.* allows a school district to bring a civil suit against a gang, gang officers, or gang members for losses it suffers due to their criminal activity.

23 This statement of misconduct restates 105 ILCS 5/10-22.6(d-5). The following alternative provides a shorter statement but will require the administrator to check the statute before imposing discipline based on it:

Making an explicit threat on an Internet website against a school, employee, or any school-related personnel under circumstances described in Section 10-22.6(d-5) of the School Code.

24 For more information regarding unmanned aircraft systems, see www.faa.gov/uas/.

25 A catchall provision, e.g., this one, gives staff members authority to respond to unforeseen situations.

If the board adopts a mandatory uniform policy (see 7:165, *School Uniforms*), add the following item to the list as number 17: "Failing to comply with the mandatory uniform policy, but only after repeated attempts to secure compliance, such as conferences with parents/guardians, have been unsuccessful."

student's clothing, backpack, or automobile; (c) in a school's student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event. 26

Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The Superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident.²⁷ The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

No disciplinary action shall be taken against any student that is based totally or in part on the refusal of the student's parent/guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. 28

Disciplinary Measures 29

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary discipline before using out-of-school suspensions or expulsions.³⁰ School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.³¹ Potential disciplinary measures include, without limitation, any of the following: 32

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.

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

²⁶ Possession should be defined to avoid vagueness problems.

²⁷ See fn 17.

²⁸ Mandated by 105 ILCS 5/10-20.36.

²⁹ **IMPORTANT:** The practice of suspending or expelling a student based on the number of accumulated disciplinary infractions may be illegal under 105 ILCS 5/10-22.6. This includes a system of assigning points to specific infractions and then tallying the points a student receives over a period of time to determine a disciplinary exclusion from school. Contact the board attorney before using such a system.

Before P.A. 99-456 amended 105 ILCS 5/10-22.6, courts used the following factors to determine if a board abused its discretion when it expelled a student: (1) the egregiousness of the student's conduct; (2) the record of the student's past conduct; (3) the likelihood that such conduct will affect the delivery of educational services to other students; (4) the severity of the punishment; and (5) the intent of the child. Robinson v. Oak Park, 213 Ill.App.3d (1st Dist. 1991); Wilson ex rel. Geiger v. Hinsdale Elementary Dist., 349 Ill.App.3d 243 (2nd Dist. 2004). Whether courts will continue to use these factors is yet to be determined. The enactment of P.A. 99-456 calls into question the validity of relying on past misconduct in suspension or expulsion decisions.

Aside from procedural due process protection, students have a constitutional substantive due process right. This right protects them from an abuse of government power which "shocks the conscience." While the scope of substantive due process is very limited, it is available to students who believe they were subject to arbitrary and excessive discipline. Generally, however, school officials need not fear being found guilty of a substantive due process violation. Federal courts are loath to second-guess school officials. See Tun v. Whitticker, 398 F.3d 899 (7th Cir. 2005)(expulsion did not amount to a substantive due process violation because it fell short of the required *shocks the conscience* standard).

³⁰ 105 ILCS 5/10-22.6(b-5). According to subsection c-5, "[s]chool districts must make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates."³¹ 105 ILCS 5/10-22.6(c-5), amended by P.A. 100-810, eff. 1-1-19.

³¹ 105 ILCS 5/10-22.6(h).

³² Most school attorneys advise against using a grade reduction as a disciplinary measure. A decision upholding such a policy is Knight v. Bd. of Educ., 38 Ill.App.3d 603 (4th Dist. 1976). A decision striking one is Smith v. Sch. City of Hobart, 811 F.Supp. 391 (N.D.Ind. 1993)(grade reduction policy requiring 9-week grades to be reduced 4% for each day of a suspension was found unconstitutional).

3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property. 33
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised. 34
7. After-school study or Saturday study³⁵ provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs.³⁶ The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules. 37
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*. 38
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*.³⁹ A student who has been suspended may also be restricted from being on school grounds and at school activities. 40
12. Expulsion from school and all school activities for a definite time period not to exceed 2 calendar years in accordance with Board policy 7:210, *Expulsion Procedures*.⁴¹ A student

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

³³ While restitution is permitted, issuing a fine or fee as a disciplinary consequence is not permitted. 105 ILCS 5/10-22.6(i). The Parental Responsibility Law (740 ILCS 115/5) is discussed in a footnote in sample policy 7:170, *Vandalism*.

³⁴ ~~State law does not address in-school suspensions. 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), added by P.A. 100-1035. Providing programming during in-school suspensions is not required. Providing~~ ~~however providing such programming-educational program during in-school suspensions~~ will help distinguish them from exclusionary suspensions. See *f/n 3 in policy 5:230, Maintaining Student Discipline*, for further discussion of in-school suspension programs.

³⁵ Teachers may not be required to teach on Saturdays. 105 ILCS 5/24-2.

³⁶ See *Herndon v. Chapel Hill-Carrboro City Bd.*, 89 F.3d 174 (4th Cir. 1996)(upheld policy requiring students to complete community service in order to graduate).

³⁷ Consult the board attorney for advice concerning confiscated devices. There is no binding Ill. court decision regarding school personnel seizing and retaining a student's property. The Supreme Court of Arkansas held that a teacher and principal did not violate a student's state or federal rights when they confiscated and retained a student's cell phone for two weeks for violating school rules on cell phones. *Koch v. Adams*, 361 S.W.3d 817 (Ark. 2010).

³⁸ 105 ILCS 5/10-22.6(b) and (b-30), amended by P.A. 99-456, ~~eff. 9-15-16~~.

³⁹ A suspension may be imposed in only limited situations that vary according to the suspension's length. 105 ILCS 5/10-22.6(b-15). This is explained in sample board policy 7:200, *Suspension Procedures*, and its footnotes

⁴⁰ This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

⁴¹ An expulsion may be imposed in only limited situations. 105 ILCS 5/10-22.6(b-20). This is explained in sample board policy 7:210, *Expulsion Procedures*, and its footnotes.

105 ILCS 5/10-22.6(d) permits expulsion for a definite period of time not to exceed two calendar years. School officials must document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

who has been expelled may also be restricted from being on school grounds and at school activities. 42

13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code. 43
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), *look-alikes*, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies.

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available, and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion.44

Corporal punishment is prohibited. *Corporal punishment* is defined as slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property. 45 46

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

42 This sentence is optional. A board may make this mandatory by replacing “may also be” with “shall also be.”

43 105 ILCS 5/10-22.6(a) and (b). Subsection 10-22.6(b) uses the phrase “is suspended in excess of 20 school days” even though a 20-consecutive day suspension should be treated as an expulsion. *Goss v. Lopez*, 419 U.S. 565 (1975). An alternative program is probably available to a student who is suspended for 11 to 20 consecutive days because that student is technically expelled and, as such, qualifies under subsection (a) of Section 10-22.6. Contact the board attorney if the district wants to interpret the statute as referring to *cumulative* school days so that it can transfer a student to an alternative program upon his or her suspension in excess of 20 *cumulative* school days.

Contact the board attorney regarding the necessary due process procedures before imposing a disciplinary transfer to an alternative school. The court in *Leak v. Rich Twp. High Sch. Dist.* 227 (2015 IL App. 143202)41 N.E. 3d 501 (1st Dist. 2015)), held that placement in an alternative school is tantamount to an expulsion. Thus, according to dicta in this decision, districts must follow expulsion procedures before a student is transferred to an alternative school. Schools may still reach agreements with parents/guardians to transfer students to such schools without completing the expulsion procedures.

The alternative program may not deny the transfer on the basis of the suspension or expulsion, except in cases in which the transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

44 **Note:** Districts that receive early childhood block grant funding (authorized by 105 ILCS 5/1C-2 of the School Code) are prohibited from expelling children from their early childhood programs. 105 ILCS 5/2-3.71(a)(7) and 105 ILCS 5/10-22.6, amended by P.A. 100-105, ~~eff. 1-1-18~~. A district may, however, transition a child to a new program if: (1) it has documented evidence that all available interventions and supports recommended by a qualified professional have been exhausted; (2) the program determines that transitioning a child is necessary for the well-being of the child or his or her peers and staff; and (3) the current and pending programs create a transition plan for the child with parent or legal guardian permission. 105 ILCS 5/2-3.71(a)(7)(C). A district may temporarily remove a child from attendance in the group setting in the case of a serious safety threat to a child or others, or in the case of possession of a weapon as described in 105 ILCS 5/10-22.6(d), but it must then begin the process of documenting interventions and supports as outlined in the law. 105 ILCS 5/2-3.71(a)(7)(E). As of PRESS Issue 926, the Ill. State Board of Education (ISBE) has not yet adopted rules to implement these new requirements. Compliance with this law does not relieve a district of its obligations to also comply with the Individuals with Disabilities Education Improvement Act of 2004 when disciplining students with disabilities. For further information, see sample policy 7:230, *Misconduct by Students with Disabilities*. For districts that receive early childhood block grant funding, add the following:

Students enrolled in the District’s State-funded preschool program(s) may be temporarily removed or transitioned to a new program in accordance with federal and State law. State law prohibits the expulsion of students from the program(s).

If this language is inserted, add 105 ILCS 5/2-3.71(a)(7) to the Legal References for this policy.

45 This paragraph paraphrases 105 ILCS 5/24-24.

Weapons 47

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than two calendar years:

1. A *firearm*, meaning any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code (18 U.S.C. § 921), firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1).
2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including *look-alikes* of any *firearm* as defined above.

The expulsion requirement under either paragraph one or two above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm. 48

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

46 Staff members may *not* use isolated time out or physical restraint unless their use is authorized by policy and administrative procedure. 105 ILCS 5/2-3.130, 5/10-20.33, and 5/24-24; 23 Ill.Admin.Code §1.280(c) and 1.285. See 7:190-AP4, *Use of Isolated Time Out and Physical Restraint*. **The sample policy prohibits the use of isolated time out and physical restraint by not specifically permitting their use.** State statute and ISBE rules contain complex restrictions on the use of isolated time out and physical restraints. 105 ILCS 5/2-3.130, 5/10-20.33, and 5/24-24; 23 Ill.Admin.Code §1.280(c) and 1.285. According to the ISBE rule, isolated time out and physical restraints are prohibited unless a board authorizes their use in a policy containing the numerous components identified in the rule. **A board that wants to authorize the use of isolated time out and physical restraints should insert the paragraph below.** To comply with ISBE's rule, a board must also incorporate by reference the procedure developed by the superintendent, i.e., 7:190-AP4, *Use of Isolated Time Out and Physical Restraint*. By doing this, the procedure becomes part of the policy.

School staff members shall not use isolated time out and physical restraints other than as permitted in Section 10-20.33 of the School Code, State Board of Education rules, and procedures developed by the Superintendent.

Neither isolated time out nor physical restraints shall be used to discipline or punish a student.

If the above option is used, add the following before the Legal References on the final page: "Incorporated by Reference: 7:190-AP4, *Use of Isolated Time Out and Physical Restraint*."

47 This section paraphrases 105 ILCS 5/10-22.6(d) and contains the statutorily required punishment for bringing a weapon to school along with the statutory definition of *weapon*. When preparing for a due process hearing, a principal needs to use the applicable State and federal law definitions of *firearm* – not just the School Code.

While subsection 105 ILCS 5/10-22.6(b-10), added by P.A. 99-456, explicitly forbids zero tolerance policies, it provides an exception for those zero tolerance policies established by State or federal law, which includes weapons in school. Section 10-22.6(d) provides that a student who brings a weapon to school, as defined in the section, "shall be expelled for a period not less than one year," unless modified by the superintendent or board. The federal Gun-Free Schools Act (20 U.S.C. §7961 *et seq.*) provides for at least a one year expulsion for students who bring firearms to school. As directed by 20 U.S.C. §7961(b)(1), 105 ILCS 5/10-22.6(d), the superintendent and the board may modify that consequence; however, the superintendent/board may decline to exercise that discretion and instead impose the maximum penalty authorized by law. Analyzing the student's circumstances on a case-by-case basis may avoid a judicial finding that an expulsion is too severe. See *Washington v. Smith*, 248 Ill.App.3d 534 (1st Dist. 1993).

Item #4 in the **Prohibited Student Conduct** section is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the **Weapons** section.

48 Optional.

This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area. 49

Re-Engagement of Returning Students 50

The Superintendent or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit. 51

Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member.⁵² Upon receiving such a report, the Building Principal or designee shall immediately notify the local law enforcement agency, Ill. Dept. of State Police (ISP), and any involved student's parent/guardian.⁵³ "School grounds"² includes modes of transportation to school activities and any public way within 1000 feet of the school, as well as school property itself.

Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Teachers, other certificated [licensed] educational employees, and other persons providing a related service for or with respect to a student, may use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense or

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

⁴⁹ The Firearm Concealed Carry Act permits a properly licensed individual to carry a concealed firearm within a vehicle into a school parking area and store it a locked vehicle out of plain view. 430 ILCS 66/65(b). The Federal Gun-Free Schools Act has a similar provision. 20 U.S.C. §7961(g). The School Code, however, contains no similar exception to the ban on firearms at schools. Contact the board attorney before permitting students to store their firearms in their vehicle's trunk while parked at school.

⁵⁰ Required by 105 ILCS 5/10-22.6(b-25). See 7:190-AP8, *Student Re-Engagement Guidelines*.

⁵¹ A goal for re-engagement is optional. Schools must permit students who were suspended to make-up work for equivalent academic credit. 105 ILCS 5/10-22.6(b-30).

⁵² 105 ILCS 5/10-27.1A, 5/10-27.1B, and 5/10-21.7. *School grounds* includes the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground. To satisfy the reporting requirement, ISBE created the School Incident Reporting System (SIRS), a web-based application on IWAS for schools to report incidents electronically. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.

⁵³ *Id.* State law imposes this duty to report firearm possession only on school officials; this duty may be also imposed on volunteers and community members. Only staff members, however, are vulnerable to committing a petty offense for their failure to report, and only staff members are protected from civil or criminal liability that might arise as a result of making a report (although the liability potential for anyone making a report is remote).

The building principal must notify the student's parents/guardians only when the alleged offense is firearm possession. The policy expands this notification duty; a board disinclined to do this should substitute the following sentence:

Upon receiving such a report, the Building Principal or designee shall immediately notify the applicable local law enforcement agency, Ill. Dept. of State Police (ISP), and, if a student is reportedly in possession of a firearm, also the student's parents/guardians.

defense of property. Teachers may temporarily remove students from a classroom for disruptive behavior. 54

The Superintendent, Building Principal, Assistant Building Principal, or Dean of Students is authorized to impose the same disciplinary measures as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to ten consecutive school days, provided the appropriate procedures are followed.⁵⁵ The Board may suspend a student from riding the bus in excess of ten school days for safety reasons. 56

Student Handbook

The Superintendent, with input from the parent-teacher advisory committee,⁵⁷ shall prepare disciplinary rules implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment.

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

54 105 ILCS 5/24-24 and 23 Ill.Admin.Code §1.280 require: (1) teachers and other certificated [licensed] employees (except for individuals employed as paraprofessionals) to maintain discipline, and (2) the district to have a policy on discipline that provides that:

[A] teacher, other certificated employee, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student may use reasonable force as needed to maintain safety for the other students, school personnel or persons or for the purpose of self defense or the defense of property, shall provide that a teacher may remove a student from the classroom for disruptive behavior, and shall include provisions which provide due process to students. The policy shall not include slapping, paddling or prolonged maintenance of students in physically painful positions nor shall it include the intentional infliction of bodily harm. 105 ILCS 5/24-24.

55 Required by 105 ILCS 5/10-22.6(b).

56 *Id.*

57 The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline. See 2:150, *Committees*. This policy's dissemination requirements are from 105 ILCS 5/10-20.14.

A comprehensive student handbook can provide notice of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Illinois Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/resources/model-student-handbook.

LEGAL REF.: 20 U.S.C. §6081, Pro-Children Act of 1994. ~~Gun-Free Schools Act, 20 U.S.C. §7961 et seq.~~
~~Pro-Children Act of 1994, 20 U.S.C. §6081-20 U.S.C. §7961 et seq., Gun Free Schools Act.~~
105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10, 5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/22-33, 5/24-24, 5/26-12, 5/27-23.7, 5/31-3, and 110/3.10.
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.
410 ILCS 647/, Powdered Caffeine Control and Education Act.
430 ILCS 66/, Firearm Concealed Carry Act.
~~105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10, 5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/24-24, 5/26-12, 5/27-23.7, 5/31-3, and 110/3.10.~~
23 Ill.Admin.Code §1.280.

CROSS REF.: 2:150 (Committees), 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 7:70 (Attendance and Truancy), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment-), 7:185 (Teen Dating Violence Prohibited), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:270 (Administering Medicines to Students), 7:310 (Restrictions on Publications; Elementary Schools), 8:30 (Visitors to and Conduct on School Property)

Students

Administrative Procedure - Student Discipline Guidelines 1

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

Recordkeeping

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

The footnotes should be removed before the material is used.

¹ This guidance aligns with the 1-8-~~2014~~ *Dear Colleague Letter* issued jointly by the U.S. Dept. of Education and U.S. Dept. of Justice, and their comprehensive School Climate and School Discipline Guidance Package (a weblink is provided in the Resources section of this procedure). See also:

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

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

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

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

- k. Basis for making the referral to the SRO or law enforcement (if applicable)
- l. Whether there were any criminal charges filed as a result of the student's misconduct
- m. If the student received an exclusionary consequence (out-of-school suspension or expulsion) for his/her misconduct, whether the student was offered any academic or behavior support services and, if so, which support services

Periodic Review and Self-Monitoring

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

1. Discipline-related District policies and procedures
 - a. Such policies may include:
 - 7:20, *Harassment of Students Prohibited*
 - 7:70, *Attendance and Truancy*
 - 7:130, *Student Rights and Responsibilities*
 - 7:140, *Search and Seizure*
 - 7:150, *Agency and Police Interviews*
 - 7:160, *Student Appearance*
 - 7:165, *School Uniforms*
 - 7:170, *Vandalism*
 - 7:180, *Prevention and Response to Bullying, Intimidation, and Harassment*
 - 7:185, *Teen Dating Violence Prohibited*
 - 7:190, *Student Behavior*
 - 7:200, *Suspension Procedures*
 - 7:210, *Expulsion Procedures*
 - 7:220, *Bus Conduct*
 - 7:230, *Misconduct by Students With Disabilities*
 - 7:240, *Conduct Code For Participants in Extracurricular Activities*
 - 7:250, *Student Support Services*
 - 7:310, *Restrictions on Publications; Elementary Schools*
 - b. This review should:
 - 1) Include input from all members of the school community (administrators, staff, students, parents/guardians, volunteers and community members). Such input may be obtained through school climate surveys, school forums, and the District's parent-teacher advisory committee (established per 105 ILCS 5/10-20.14) and the behavior interventions committee for students with disabilities (established per 105 ILCS 5/14-8.05).

The footnotes should be removed before the material is used.

² School resource officer means a law enforcement officer who has been primarily assigned to a school or school district under an agreement with a local law enforcement agency. 105 ILCS 5/10-20.67 (final citation pending), added by P.A. 100-984, eff. 1-1-19.

- 2) Ensure policies and procedures (e.g., an individual school's conduct code) have clear definitions of prohibited student conduct, especially those entailing the subjective exercise of discretion.
- 3) Attempt to incorporate alternative disciplinary measures into Board policies and procedures.
- 4) Implement a system of Positive Behavioral Interventions and Support (PBIS) or, if PBIS has been implemented, analyze and monitor its effectiveness and ways to improve it.

2. Discipline data

- a. Data review should analyze each of the following:
 - 1) Number of referrals by teacher/staff member.
 - 2) Race/gender/disability status of referred students by teacher/staff member.
 - 3) Overall percentage of student disciplinary referrals by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
 - 4) Overall percentage of student disciplinary referrals for a specific offense (i.e., tardy, dress code violation) by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
 - 5) Overall percentage of student disciplinary referrals resulting in an exclusionary consequence by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
 - 6) Overall percentage of student disciplinary referrals resulting in a referral to law enforcement by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
 - 7) Comparison of discipline imposed for the same or similar offense for students of different races, gender, and disability statuses.
- b. Compare the District's student discipline data with the data from other school districts. As required by 105 ILCS 5/2-3.162, by Oct. 31 annually, ISBE prepares a report on student discipline from data collected from all Ill. school districts. The report includes data on the issuance of out-of-school suspensions, expulsions, and removals to alternative settings in lieu of another disciplinary action, disaggregated by race and ethnicity, gender, age, grade level, whether a student is an English learner, incident type, and discipline duration. It is available at www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx.
- c. According to section 2-3.162:
 - 1) ~~Beginning with the 2017-2018 school year, s~~School districts that are identified in the top 20% of any of the metrics for ~~3~~three consecutive years must submit a plan identifying its strategies to reduce the use of exclusionary disciplinary practices or racial disproportionality or both, if applicable.
 - 2) The plan must be approved by the school board and posted on the district's website. Within one year after being identified, the school district must submit to ISBE and post on the district's website a progress report describing the plan's implementation and the results achieved.
- d. If there are any *red flags* resulting from the data analysis, the discipline committee should meet to determine if there are comparably effective alternative practices or policies that

would meet the school's stated educational goal with less of a burden or adverse impact on the disproportionately affected group.

Training

1. Annually train all District staff and school-based law enforcement on each of the following:
 - a. The District's discipline-related policies and procedures, including which behaviors fall into categories of misconduct defined therein so that there is consistency in application.
 - b. How to apply school discipline policies, procedures, and practices in a fair and equitable manner so as not to disproportionately impact students of color, students of a particular gender, students with disabilities, or at-risk students.
 - c. Effective classroom management strategies, recognizing that the removal of students from the classroom is to be used as a last resort.
 - d. How to engage students and support positive behavior, including through any PBIS program implemented in the District.
 - e. Classroom management techniques and resources available to staff who are having difficulty with classroom management.
 - f. The role that school-based law enforcement is expected to play in the discipline process, including when it is or is not appropriate to refer a student to school-based law enforcement.
2. Provide ongoing professional development on the adverse consequences of exclusion and justice system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates to administrators, teachers, staff, school board members, and SROs. ³

Notice

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

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

The footnotes should be removed before the material is used.

³ 105 ILCS 5/10-22.6(c-5), amended by P.A.s 99-456 and 100-810, eff. 1-1-199-5-2016. The statute does not define *ongoing* or specify whether each group must receive training on all of the topics. As these are important matters, consult the board attorney for guidance.

Collaboration with Law Enforcement

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

Resources

Dear Colleague letter, issued by the Civil Rights Division of the U.S. Dept. of Justice and the Office for Civil Rights of the U.S. Dept. of Education at:

www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf.

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

ISBE Data Analysis of Expulsions, Suspensions, and Truants by District at:

www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx .

The footnotes should be removed before the material is used.

⁴ Pursuant to 105 ILCS 5/10-20.14, school districts are to establish and maintain a parent-teacher advisory committee, whose duties include developing policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students.

⁵ 105 ILCS 5/10-20.14(b), amended by P.A. 99-456, ~~eff. 9-15-2016~~, encourages school districts to create memoranda of understanding (MOU) with law enforcement agencies. An MOU defines law enforcement's role in schools and describes the respective duties of a school district and local law enforcement agencies. Its purpose is to prevent confusion, decrease conflict, and promote school safety. MOUs vary by community because they are created through a collaborative process involving local school districts and local law enforcement agencies. For an example, see 7:190-E3, *Memorandum of Understanding*.

Students

Exhibit - Student Handbook Checklist

The Checklist contains mandatory and recommended notices that schools should give to their students and the students’ parents/guardians.¹ *Mandatory* means the notices are legally required. *Recommended* means including the notices are a best practice. The Checklist is in the IASB Policy Reference Manual (PRM) format, and it lists corresponding policies, procedures, and exhibits in numerical order within each sub-headed category. A corresponding citation to the Illinois Principals Association **Online Model Student Handbook (MSH)** is also listed, if one exists. Any handbook should be reviewed by the Board Attorney before distribution to ensure that all mandatory notices are included as this Checklist is subject to change without notice. This Checklist is not a substitute for legal advice.

Mandatory Notices

Student Services

Mandatory Topics	IASB PRM	IPA MSH
Transportation	4:110, <i>Transportation</i>	4.10, <i>Bus Transportation</i>
Transportation reimbursement eligibility and dispute resolution Note: this program has been withdrawn due to lack of funding	4:110, <i>Transportation</i>	4.10, <i>Bus Transportation</i>
Eligibility criteria for free and reduced lunch	4:130, <i>Free and Reduced-Price Food Services</i> 4:130-E, <i>Free and Reduced-Price Food Services; Meal Charge Notifications</i>	3.10, <i>Fees, Fines & Charges; Waiver of Student Fees</i>
Waiver of school fees along with the fee waiver application form	4:140, <i>Waiver of Student Fees</i> 4:140-AP, <i>Fines, Fees, and Charges - Waiver of Student Fees</i> 4:140-E1, <i>Application for Fee Waiver</i> 4:140-E2, <i>Response to Application for Fee Waiver, Appeal, and Response to Appeal</i>	3.10, <i>Fees, Fines & Charges; Waiver of Student Fees</i> 3.10-E1, <i>Application for Fee Waiver</i>
Alternative learning opportunities	6:110, <i>Programs for Students At Risk of Academic Failure and/or Dropping Out of School</i>	2.90, <i>Course Alternatives & Substitutions</i>

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

¹ In its continuing commitment to help school districts comply with legal requirements for all policies and procedures, the Illinois Principals Association (IPA) in conjunction with the Illinois Association of School Boards’ (IASB) **PRESS**, have prepared this checklist to assist school administrators in preparing their student handbooks. A special thank you also goes to the law firm of Hodges, Loizzi, Eisenhammer, Rodick and Kohn for allowing IPA and IASB to cross check this *Student Handbook Checklist* against its annual version.

Mandatory Topics	IASB PRM	IPA MSH
	<i>and Graduation Incentives Program</i>	
Notification to parents/guardians of English Learners regarding their child's placement in, and information about, the District's English Learners programs	6:160, <i>English Learners</i>	12.60, <i>English learners</i>
Parental involvement under Title I (only when the district receives Title I funds)	6:170, <i>Title I Programs</i> 6:170-AP1, <i>Checklist of Development, Implementation, and Maintenance of Parent and Family Engagement Compacts for Title I Programs</i> 6:170-AP1, E1, <i>District-Level Parent and Family Engagement Compact</i> 6:170-AP1, E2, <i>School-Level Parent and Family Engagement Compact</i> 6:170-AP2, <i>Notice to Parents Required by Elementary and Secondary Education Act, McKinney-Vento Homeless Assistance Act, and Protection of Pupil Rights Act</i>	12.50, <i>Parent Involvement Compact</i>
Notice to parents required by No Child Left Behind Act of 2001	6:170-AP2, <i>Notice to Parents Required by Elementary and Secondary Education Act, McKinney-Vento Homeless Assistance Act, and protections of Pupil Rights Act</i>	
Surveys that request personal information from students	7:15, <i>Student and Family Privacy Rights</i>	11.10, <i>Student Privacy Protections</i>
Birth certificate requirements for enrollment	7:50, <i>School Admissions and Student Transfers To and From Non-District Schools</i> 7:50-AP, <i>School Admissions and Student Transfers To and From Non-District Schools</i>	
Administration of medications (includes asthma inhalers and epinephrine auto -injectors)	7:270, <i>Administering Medicines to Students</i> 7:270-AP1, <i>Dispensing Medication</i> 7:270-E1, <i>School Medication Authorization Form</i>	5.20, <i>Student Medication</i> 5.20-E1, <i>Student Medical Authorization Form</i>

Mandatory Topics	IASB PRM	IPA MSH
		5.20-E2, <i>Authorization for Student Self Medication Form</i>

Student Programs

Mandatory Topics	IASB PRM	IPA MSH
Notice of instruction in recognizing and avoiding sexual abuse (K-8 only)	6:60-AP, <i>Comprehensive Health Education Program</i> 6:60-AP, E1, <i>Notice to Parents/Guardians of Students Enrolled in Family Life and Sex Education Classes</i>	12.40, <i>Sex Education Instruction</i> 12.40-E1, <i>Notice to Parents on Sex Education Instruction</i>
Free appropriate public education to students with disabilities Special education services to eligible children whether or not enrolled in the District	6:120, <i>Education of Children with Disabilities</i> 6:120-AP1, <i>Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities</i> (downloadable from IASB website, www.iasb.com)	10.10, <i>Education of Children with Disabilities</i>

Student Responsibilities

Mandatory Topics	IASB PRM	IPA MSH
IHSA policy on banned substances (required only for IHSA schools)	6:190, <i>Extracurricular and Co-Curricular Activities</i> 6:190-AP, <i>Academic Eligibility for Participation in Extracurricular Activities</i> 7:240, <i>Conduct Code for Participants in Extracurricular Activities</i> 7:240-AP1, <i>Code of Conduct for Extracurricular Activities</i>	9.10, <i>Athletic Rules & Code of Conduct</i>
Absenteeism and truancy	7:70, <i>Attendance and Truancy</i>	2.10, <i>Attendance</i> 2.50, <i>Truancy</i>
Statement of district ownership of and right to search student lockers	7:140, <i>Search and Seizure</i>	8.10, <i>Search & Seizure</i>
Search procedures for school grounds and lockers	7:140, <i>Search and Seizure</i>	8.10, <i>Search & Seizure</i>
Notification regarding access to student accounts or profiles on social networking websites	7:140, <i>Search and Seizure</i>	8.10, <i>Search & Seizure</i>

Mandatory Topics	IASB PRM	IPA MSH
Bullying prohibited and reporting encouraged	7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>	6.40, <i>Bullying, Intimidation, & Harassment</i> 6.40-E1, <i>Aggressive Behavior Reporting Letter & Form</i>
Teen dating violence prohibited and reporting encouraged	7:185, <i>Teen Dating Violence Prohibited</i>	
Prohibition of electronic paging devices and making threat by Internet	7:190, <i>Student Behavior</i>	6.30, <i>Student Discipline</i>
All prohibited conduct in the school discipline code, including, but not limited to: 1. Controlled substances 2. Firearms and other weapons 3. E-cigarettes 4. Gangs and gang-related activity 5. Sexting prohibited	4:170-AP2, E4, <i>Letter to Parents/Guardians About Preventing and Reducing Incidences of Sexting</i> 7:190, <i>Student Discipline</i> 7:190-AP5, <i>Student Handbook - Electronic Devices</i> 7:190-AP6, <i>Guidelines for Investigating Sexting Allegations</i>	6.30, <i>Student Discipline</i>
Inform parents/guardians when their child engaged in aggressive behavior along with the school's early intervention procedures	7:190-E1, <i>Aggressive Behavior Reporting Letter and Form</i>	6.40-E1, <i>Aggressive Behavior Reporting Letter & Form</i>
Suspension and expulsion, and due process requirements	7:200, <i>Suspension Procedures</i> 7:210, <i>Expulsion Procedures</i>	
School bus safety	7:220, <i>Bus Conduct</i> 4:110-AP3, <i>School Bus Safety Rules</i>	4.10, <i>Bus Transportation</i>
Videotape surveillance of buses (if applicable)	7:220, <i>Bus Conduct</i> 7:220-AP, <i>Electronic Recordings on School Buses</i>	4.10, <i>Bus Transportation</i>
Behavior interventions (these may be developed through the Spec. Ed. Coop if the district belongs to one)	7:230, <i>Misconduct by Students With Disabilities</i>	
Dress code	7:160, <i>Student Appearance</i>	6.20, <i>School Dress Code & Student Appearance</i>
All other conduct prohibited by Board policy - school discipline code	7:190, <i>Student Behavior</i>	6.30, <i>Student Discipline</i>

Student Rights

Mandatory Topics	IASB PRM	IPA MSH
Notice of non-discrimination coordinator(s) and making complaint of discrimination or sexual harassment	2:260, <i>Uniform Grievance Procedure</i>	6.40, <i>Bullying, Intimidation & Harassment</i>
Prohibition of discrimination on the basis of race, color, national origin, sex, sexual orientation, ancestry, age, religious beliefs, physical or mental disability, status as homeless, or actual or potential marital or parental status, including pregnancy	7:10, <i>Equal Educational Opportunities</i>	1.50, <i>Equal Opportunity & Sex Equity</i>
Sex equity and grievance procedures	2:260, <i>Uniform Grievance Procedure</i> 7:10, <i>Equal Educational Opportunities</i>	1.50, <i>Equal Opportunity & Sex Equity</i>
Sexual harassment prohibited and grievance procedures	2:260, <i>Uniform Grievance Procedure</i> 7:20, <i>Harassment of Students Prohibited</i>	6.40, <i>Bullying, Intimidation & Harassment</i>
Notify parents of their right to request their child's classroom teachers' qualifications	5:190-E1, <i>Notice of Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications</i>	12.10, <i>Teacher Qualifications</i>
Educational rights of homeless students in the location where homeless children receive services	6:140, <i>Education of Homeless Children</i> 6:140-AP, <i>Education of Homeless Children</i>	12.30, <i>Homeless Child's Right to Education</i>
Notice of parent and student rights under the Children's Privacy Protection and Parental Empowerment Act	7:15, <i>Student and Family Privacy Rights</i> 7:15-E, <i>Notification to Parents of Family Privacy Rights</i>	11.10, <i>Student Privacy Protections</i>
Notice to parents/guardians about social network passwords	7:140, <i>Search and Seizure</i> 7:140-E, <i>Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act</i>	6.70 (Pending)
Notice concerning privacy and access rights to school student records	7:340, <i>Student Records</i> 7:340- <u>API</u> , E1, <i>Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records</i> 7:340- <u>API</u> , E2, <i>Using a Photograph or Video Recording of a Student</i>	11.20, <i>Student Records</i>

Mandatory Topics	IASB PRM	IPA MSH
Disclosure of directory information	7:340- API , E1, <i>Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records</i> 7:340- API , E2, <i>Using a Photograph or Video Recording of a Student</i>	11.20, <i>Student Records</i>
Information classified as directory information and for objecting to disclosure of information	7:340- API , E1, <i>Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records</i>	11.20, <i>Student Records</i>
Military recruiting	7:340- API , E3, <i>Letter to Parents Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information</i> 7:340- API , E4, <i>Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information</i>	11.20, <i>Student Records</i>
Student biometric information (when applicable)	7:340, <i>Student Records</i> 7:340- API , E5, <i>Biometric Information Collection Authorization</i>	11.30, <i>Student Biometric Information</i>
Notice of disability accommodation	8:70, <i>Accommodating Individuals with Disabilities</i>	1.110, <i>Accommodating Individuals with Disabilities</i>

General Information

Mandatory Topics	IASB PRM	IPA MSH
Notice before a pesticide application	4:160-AP, <i>Environmental Quality of Buildings and Grounds</i>	12.80, <i>Pesticide Application Notice</i>
Availability of information concerning sex offenders	4:175-API, <i>Criminal Offender Notification Laws; Screening</i> 4:175-API, E1, <i>Informing Parents About Offender Community Notification Laws</i>	12.120, <i>Sex Offender Notification Law</i>
School bus safety	4:110-AP3, <i>School Bus Safety Rules</i>	4.10, <i>Bus Transportation</i>
Notice to parents/guardians and staff of IHSA's online training video about hands-only CPR and AED	4:170, <i>Safety</i> 4:170-AP6, E1, <i>School Staff AED Notification Letter</i>	
Notice that a student athlete and his/her parent must sign acknowl-	7:305, <i>Student Athlete Concussions and Head Injuries</i>	9.30, <i>Student Athlete Concussions and</i>

Mandatory Topics	IASB PRM	IPA MSH
edgement of receiving the concussion policy (required only for IHSA schools)		<i>Head Injuries</i>
School visitation rights notice	8:95-E1, <i>Letter Notifying Parents/Guardians of School Visitation Rights</i> 8:95-E2, <i>Verification of School Visitation</i>	12.70, <i>School Visitation Rights</i>

Recommended Notices

Student Services

Recommended Topics	IASB PRM	IPA MSH
Information regarding waiver of student fees	4:140, <i>Waiver of Student Fees</i>	
Fire drill program, building specific plan	4:170, <i>Safety</i> 4:170-AP1, <i>Comprehensive Safety and Security Plan</i>	5.40, <i>Safety Drill Procedures</i>
School safety plans, including severe weather and injury or sudden illness	4:170, <i>Safety</i> 4:170-AP1, <i>Comprehensive Safety and Security Plan</i> 4:170-AP1, E1, <i>Accident or Injury Form</i>	2.100, <i>Home and Hospital Instruction</i>
Home and hospital instruction	6:150, <i>Home and Hospital Instruction</i>	2.100, <i>Home and Hospital Instruction</i>
Student residency and tuition	7:60, <i>Residence</i> 7:60-AP1, <i>Challenging a Student's Residence Status</i> 7:60-AP2, <i>Establishing Student Residency</i> 7:60-AP2, E1, <i>Letter from Landlord in Lieu of Lease</i> 7:60-AP2, E2, <i>Letter of Residence to be Used When the Person Seeking to Enroll a Student is Living with a District Resident</i> 7:60-AP2, E3, <i>Evidence of Non-Parent's Custody, Control and Responsibility of a Student</i>	
Parking, building specific	7:140, <i>Search and Seizure</i>	4.20, <i>Parking</i>
Health and guidance counselor and social work access	7:250, <i>Student Support Services</i>	5.30, <i>Guidance & Counseling</i>

Recommended Topics	IASB PRM	IPA MSH
Communicable and infectious disease	7:280, <i>Communicable and Chronic Infectious Disease</i> 7:280-AP, <i>Managing Students with Communicable and Infectious Diseases</i>	5.50, <i>Communicable Diseases</i> 5.60, <i>Head Lice</i>
Students with diabetes	6:120-AP4, <i>Care of Students with Diabetes</i>	1.130, <i>Care of Students with Diabetes</i> 1.130-E1, <i>Authorization to Provide Diabetes Care</i>
<u>Medical cannabis administration</u>	<u>7:270-E2, School Medication Authorization Form - Medical Cannabis</u>	
Food allergy management program	7:285, <i>Food Allergy Management Program</i> 7:285-AP, <i>Implementing a Food Allergy Management Program</i>	1.120, <i>Students with Food Allergies</i>
Telephone use, building specific		

Student Programs

Recommended Topics	IASB PRM	IPA MSH
Weighted grades		
District philosophy and goals	1:30, <i>School District Philosophy</i> 3:10, <i>Goals and Objectives</i> 6:10, <i>Educational Philosophy and Objectives</i>	
Anti-bias curriculum	6:60, <i>Curriculum Content</i>	
Driver education eligibility and requirements (high schools only)	6:60, <i>Curriculum Content</i>	
Parental objections to sex education, family life instruction, and sexually transmitted diseases	6:60- <u>AP, E1</u> , <i>Notice to Parents/Guardians of Students Enrolled in Family Life and Sex Education Classes</i>	12.40, <i>Sex Education Instruction</i> 12.40-E1, <i>Notice to Parents on Sex Education Instruction</i>
<u>Biking and Walking Safety Education</u>	<u>6:60-AP, E2, Resources for Biking and Walking Safety Education</u>	
Adaptive physical education program exemption	6:310, <i>High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students</i>	2.80, <i>Exception from PE Requirement (Regular Education)</i>
Bilingual education availability	6:160, <i>English Learners</i>	12.60, <i>English Learn-</i>

Recommended Topics	IASB PRM	IPA MSH
		<i>ers</i>
Co-curricular activities	6:190, <i>Extracurricular and Co-Curricular Activities</i>	9.10, <i>Athletic Rules & Code of Conduct</i>
“No Pass, No Play”	6:190, <i>Extracurricular and Co-Curricular Activities</i> 6:190-AP, <i>Academic Eligibility for Participation in Extracurricular Activities</i>	9.10, <i>Athletic Rules & Code of Conduct</i>
Parental right to review instructional materials	6:210, <i>Instructional Materials</i>	11.10, <i>Student Privacy Protections</i>
Acceptable use and Internet safety	6:235, <i>Access to Electronic Networks</i> 6:235-AP1, <i>Acceptable Use of the District’s Electronic Networks</i> 6:235-AP1, E1, <i>Student Authorization for Access to the District’s Electronic Networks</i> 6:235-AP1, E2, <i>Staff Authorization for Access to the District’s Electronic Networks</i>	7.10, <i>Internet Acceptable Use</i> 7.10-E1, <i>Internet Acceptable Use Sign-Off</i>
Social promotion	6:280, <i>Grading and Promotion</i> 6:280-AP, <i>Evaluating and Reporting Student Achievement</i>	2.60, <i>Grading & Promotion</i>
High school graduation requirements (high schools only)	6:300, <i>Graduation Requirements</i>	2.120, <i>Graduation Requirements</i>
Right of students with IEP to participate in graduation ceremony (high schools only)	6:300, <i>Graduation Requirements</i>	10.40, <i>Certificate of High School Completion</i>
Physical education, including waiver of required classes	6:310, <i>High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students</i>	2.80, <i>Exception from PE Requirement (Regular Education)</i> 10.30, <i>Exemption from PE Requirement (Special Education)</i>
Class schedules, building specific		
Schedule of testing programs, building specific	6:340, <i>Student Testing and Assessment Program</i>	
Student distribution of non-curricular material	7:310, <i>Restrictions on Publications; Elementary Schools</i> 7:310-AP, <i>Guidelines for Student Distribution of Non-School Sponsored Publications; Elementary</i>	7.20, <i>Guidelines for Student Distribution of Non-School Sponsored Publications</i>

Recommended Topics	IASB PRM	IPA MSH
	<i>Schools</i> 7:315, <i>Restrictions on Publications; High Schools</i> 7:315-AP, <i>Guidelines for Student Distribution of Non-School Sponsored Publications; High Schools</i>	

General Information

Recommended Topics	IASB PRM	IPA MSH
Asbestos management plan, notice of availability		
School calendar	6:20, <i>School Year Calendar and Day</i>	
Field trip	6:240, <i>Field Trips</i> 6:240-AP, <i>Field Trip Guidelines</i>	6.60, <i>Field Trips</i>
Release time for religious instruction/observance	7:80, <i>Release Time for Religious Instruction/Observance</i>	2.30, <i>Release Time for Religious Instruction/Observance</i>
Extra-curricular drug and alcohol testing (if applicable)	7:240-AP2, <i>Extracurricular Drug and Alcohol Testing Program</i> 7:240-E, <i>Consent to Participate in Extracurricular Drug and Alcohol Testing Program</i>	9.10, <i>Athletic Rules & Code of Conduct</i>
Eligibility to remove college entrance exams from student transcripts	7:340, <i>Student Records</i>	11.20, <i>Student Records</i>
Equal access to school facilities	8:20, <i>Access to School Facilities</i>	
Identification and registration of persons entering the school building	8:30, <i>Visitors to and Conduct on School Property</i>	1.40, <i>Visitors</i>
Statement that the handbook is: 1. Only a summary of board policies governing the district; board policies are available to the public at the district office 2. A document that may be amended during the year without notice 3. Is a communication tool of all policies to persons expected to execute and comply with them	2:240, <i>Board Policy Development</i>	1.10, <i>Parent/Guardian Handbook Acknowledgement</i> 1.20, <i>Student Handbook Acknowledgement</i> 1.30, <i>General School Information</i>
Address of District offices, list of administrators, and contact information	2:250, <i>Access to District Public Records</i> 2:250-E2, <i>Immediately Available</i>	1.30, <i>General School Information</i>

Recommended Topics	IASB PRM	IPA MSH
	<i>District Public Records and Web-Posted Reports and Records</i>	
Board members' names	2:250, <i>Access to District Public Records</i> 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>	1.30, <i>General School Information</i>
List of District school addresses	2:250, <i>Access to District Public Records</i> 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>	1.30, <i>General School Information</i>

Special Circumstance Notifications

Special Circumstance Topics	IASB PRM	IPA MSH
Notification for unsafe school transfer choice	4:170, <i>Safety</i> 4:170-AP5, <i>Unsafe School Choice Option</i>	12.100, <i>Unsafe School - Transfer</i>
Notification of right to review teachers' qualifications	5:190, <i>Teacher Qualifications</i> 5:190-E1, <i>Notice to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications</i> 5:190-E2, <i>Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements</i> 5:190-E3, <i>Letter to Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements for the Grade Level and Subject Area of Assignment</i>	12.10, <i>Teacher Qualifications</i>
Notice when: 1. Student is being taught by a teacher who is not highly qualified, 2. School identified as in need of improvement, 3. Schools are identified for corrective action, 4. Schools are identified for re-	5:190-E2, <i>Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements</i> 6:15, <i>School Accountability</i>	

Special Circumstance Topics	IASB PRM	IPA MSH
structuring, 5. There is eligibility for supplemental educational services, and 6. The district offers voluntary school choice, if applicable.		
Credit for proficiency	6:110, <i>Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program</i>	2.90, <i>Course Alternatives & Substitutions</i>

Students

Exhibit - Memorandum of Understanding

Memoranda of Understanding (MOUs) vary by community. This exhibit contains two sample MOUs in two subheads: **General Law Enforcement Memorandum of Understanding (MOU)** and **School Resource Officer (SRO) Memorandum of Understanding (MOU)**.¹ Depending upon the needs in the District, each MOU is designed to stand alone or be combined into one MOU.

Use these sample MOUs to develop the District’s MOU with (1) assistance from the Board Attorney, (2) careful attention to the footnotes, which provide instructions, information, best practice considerations, and other resources, (3) alignment of their sample language to the District’s or its individual school building’s local conditions and student discipline needs, (4) careful attention to [INSERT] the requested information and fill boxes and blanks with the information indicated in the final MOU, (5) deletions of all sample language not used from the final MOU, (6) deletions of all footnotes from the final MOU.

General Law Enforcement Memorandum of Understanding (MOU)

Table of Contents:

- | | |
|---|--|
| A. Introduction | I. Live Feeds |
| B. Definitions/Acronyms | J. Cell Phone/ Electronic Device Searches |
| C. MOU Leadership Team | K. Agency and Police Interviews |
| D. District Authority over the Educational Environment | L. Body-Worn Cameras (BWCs) |
| E. Identified Needs for Services to Maintain the Educational Environment | M. General Provisions |
| F. Annual Evaluation of MOU; Renewal; Termination | 1. Scope of Agreement |
| G. Record Sharing | 2. Amendment |
| H. Reciprocal Reporting of Criminal Offenses Committed by Students | 3. Assignment |
| | 4. Notices |
| | 5. Governing Law |
| | 6. Non-Waiver of Breach |
| | 7. Severability |
| | 8. Enforcement |

A. Introduction

In consideration of the mutual promises, terms, and conditions set forth in the sections below, and for other good and valuable consideration, the receipt and sufficiency of which is hereby expressly acknowledged,² this Memorandum of Understanding (MOU) is entered into by [INSERT District’s name] (District) and [INSERT Local Law Enforcement Agency’s name] (LLEA) on the [INSERT DATES ____ day of ____, 20__].

The District and LLEA agree that they may enter into and participate in joint programs and intergovernmental agreements with units of local government and other school districts to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law

The footnotes should be removed before the material is used.

¹ Consult the Board Attorney about developing these sample MOU(s). Neither sample is meant to replace existing MOU(s) that the District may have with any Local Law Enforcement Agency (LLEA), but they may be helpful in reviewing any existing MOU(s). The District may have several General MOU agreements with multiple LLEAs.

² See f/n 1, and specifically discuss posting this as a contract on the District’s website pursuant to 105 ILCS 5/10-20.44.

or by ordinance (Ill. Constitution, Art. VII, Sec. 10, 5 ILCS 220/1 et seq., and Board Policy 1:20, *District Organization, Operations, and Cooperative Agreements*).

The District is organized and operates as follows: 3

The LLEA is organized and operates as follows: 4

The District and LLEA further agree to the following sections:

B. Definitions/Acronyms 5

Memorandum of Understanding (MOU) - Defines a local law enforcement agency's role in schools and describes the respective duties of a school district and local law enforcement agencies (105 ILCS 5/10-20.14(b) amended by P.A. 99-456, ~~eff. 9-15-16~~, encourages school districts to create memoranda of understanding (MOU) with law enforcement agencies). Its purpose is to prevent confusion, decrease conflict, and promote school safety.

Leadership Team (Team) - A group of designated key staff members from each party. These individuals will be responsible for the implementation of the MOU. They will communicate directly with the each other about MOU issues.

Local Law Enforcement Agency (LLEA) - A police department or State's Attorney's Office within the District's boundaries.

Police Officer - A police officer employed by the LLEA but who is not specifically assigned to the District or any of its buildings.

School Resource Officer (SRO) - A police officer who is assigned to the District or any of its buildings through an intergovernmental agreement or a memorandum of understanding with the LLEA. 6

C. MOU Leadership Team (Team)

The following individuals are designated for the MOU Team as described in Section B, above.

District Staff: 7

LLEA Staff: 8

D. District Authority Over the Educational Environment 9

The footnotes should be removed before the material is used.

³ Use the Board's statement from policy 1:20, *District Organization, Operations, and Cooperative Agreements*. Delete this statement if the Board does not have a statement or does not want to include it in the MOU.

⁴ Delete this statement if the local law enforcement agency does not have or provide a statement.

⁵ Amend these definitions to align with the local community.

⁶ See 105 ILCS 5/10-20.67 (final citation pending), added by P.A. 100-984, eff. 1-1-19.

⁷ Individuals for the District may include principals, teachers, school-employed mental health professionals, instruction/curriculum professionals, and a staff member skilled in data collection analysis.

⁸ Individuals for the LLEA may include employees who have demonstrated interest and/or training in challenges specific to schools.

⁹ 105 ILCS 5/10-20.14(b), amended by P.A. 99-456, ~~eff. 9-15-16~~. See f/n 1. Defining parameters helps prevent school buildings from becoming unintended extensions of the LLEA. Discuss how the case law on this concept applies to the District and the MOU terms and insert any recommendations. See also the Ill. Council of School Attorneys' *Guidelines for Interview of Students*, which is available at:

The District has identified the need for a partnership with LLEA. LLEA will partner with District school officials to manage disruptive student behavior and discipline issues. Collaboration between the District and LLEA and respect for the important role each party holds in connection with our community's youth are essential to the success of the mission of both parties. Where it is necessary for LLEA to be present on school property, its employees will conduct themselves according to accepted legal practices, always recognizing the responsibility and authority of the District's officials to manage the educational environment and work with them to minimize any impact its actions might have upon that environment.

Both parties recognize that disciplining students may often be better left for District officials to manage, especially in light of 105 ILCS 5/10-20.14(b), amended by P.A. 99-456, ~~eff. 9-15-16~~. If a student in the District is recommended for prosecution in a court of law, the Team conferences about the most appropriate form of discipline for the student. Final discretion regarding whether to charge an individual with an ordinance, criminal, or traffic violation lies with the LLEA.

E. Identified Needs for Services to Maintain the Educational Environment 10

LLEA's activities shall align to the District's identified needs for creating and maintaining its educational environment. All services rendered by LLEA for the District shall seek to implement a partnership that creates effective and positive school student discipline that (a) functions in concert with efforts to address school safety and climate; (b) includes more than punitive measures, e.g., restorative discipline; (c) is clear, consistent, and equitable; and (d) reinforces positive behaviors.

1. The District's identified needs for services from LLEA are each of the following:

- a. When requested, assistance with conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the District for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search produces evidence that the student has violated or is violating either the law, local ordinance, or the District's policies or rules, such evidence may be seized by school authorities and turned over to law enforcement authorities, and disciplinary action may be taken. 105 ILCS 5/10-22.6(e) and 10-22.10a.
- b. Utilization by Building Principals of proper law enforcement agency resources when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal possession or use of weapons, or by illegal gang activity. 105 ILCS 5/10-21.4a.
- c. Cooperation with the parent-teacher advisory committee to develop policy guideline procedures that establish and maintain a reciprocal reporting system between the District applicable local law enforcement agencies regarding criminal offenses committed by students. 105 ILCS 5/10-20.14 and see Board Policy 2:150, *Committees*.
- d. Immediate required reporting to local law enforcement authorities by the superintendent of batteries committed against teachers, teacher personnel, administrative personnel or educational support personnel. 105 ILCS 5/10-21.7.
- e. Immediate required notification by the Building Principal or his or her designee to a local law enforcement agency upon receiving a report that any person has been observed in possession of a firearm on school grounds, other than a law enforcement official engaged in the conduct of his or her official duties. 105 ILCS 5/10-27.1A.
- f. Upon receipt of a report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property, immediate required notification by the Superintendent or designee to the local law enforcement authorities of all such firearm-related incidents occurring in a school or on school property. 105 ILCS 5/10-27.1A.

Commented [BZ1]: There has been no change in the law, but this language is added to more closely match the statute.

The footnotes should be removed before the material is used.
www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf.

¹⁰ This section lists communications and reports that are required or authorized by the School Code to be exchanged between the District and its LLEAs. Discuss local conditions within the District to determine other services that may be needed from the LLEA to maintain ideal educational environments. School climate surveys may also provide data to determine these needs.

- g. Upon receipt of a report from any school personnel regarding a verified incident involving drugs in a school or on school owned or leased property, immediate required reporting by the Superintendent or designee to the local law enforcement authorities of all such drug-related incidents occurring in a school or on school property. 105 ILCS 5/10-27.1B.
- h. Implementation of other sections of the School Code that authorize the District to work with LLEA for the purposes of keeping schools safe and providing education or training.
- i. Based upon locally based District outcomes, the District has identified these additional needs: ¹¹

- 2. The LLEA has identified partnership needs from the District, which include each of the following:
 - a. Sharing required reports to applicable Building Principals whenever a child enrolled in the District is detained for proceedings under the Juvenile Court Act of 1987 (705 ILCS 405/), or for any criminal offense or any violation of a municipal or county ordinance (105 ILCS 5/22-20). The report shall include the basis for detaining the child, circumstances surrounding the events that led to the child's detention, and status of proceedings. The report shall be updated as appropriate to notify the Building Principal of developments and the disposition of the matter. Building Principals shall keep this information separate from the official school record of the student and ensure that it does not become part of the official school record of the student. Such information shall not be a public record and will be used solely by the appropriate school official or officials that the Building Principal determines have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. 105 ILCS 5/22-20.
 - b. In accordance with administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students*, transmitting law enforcement records concerning a minor enrolled in any District school who has been arrested or taken into custody for certain offenses. 705 ILCS 405/1-7(A)(8)(A) and 5-905(1)(h)(A) and see *Section H., Reciprocal Reporting of Criminal Offenses Committed by Students*, below.
 - c. Based upon locally-based LLEA outcomes, the LLEA has identified these additional needs:

F. Annual Evaluation of MOU; Renewal; Termination

The parties will periodically review the MOU for relevancy, monitor its terms for effectiveness, and consider whether any modifications are required. This review may align with the School Board's annual policy review and monitoring calendar. The MOU will remain in effect and automatically renew from year to year unless terminated. Any party may terminate its participation in this MOU upon thirty (30) days prior written notice to the other(s).

G. Record Sharing ¹²

The footnotes should be removed before the material is used.

¹¹ Use school climate surveys and other information to identify additional needs from the LLEA, which may include, but not be limited to requiring the LLEA to:

- Cooperate with building principals and staff to coordinate and develop delinquency prevention programs, anti-crime programs and/or school emergency plans or other safety-related plans, including targeted school violence prevention efforts, and
- Explain the LLEA's role in society.

For more discussion about identifying and developing additional needs, see the discussion in f/n 27.

¹² For Sections G – L, see f/n 1 and ensure that the language for these sections aligns to local conditions. These sections may duly apply to an SRO-specific agreement. See f/n 265 for instructions to add them to the sample School Resource Officer (SRO) MOU below.

Both parties recognize the privacy protections of federal and State law in the disclosure of student records. When sharing information, State and federal laws regarding *school student records* apply. See the Family Educational Rights and Privacy Act, (20 U.S.C. §1232g; 34 C.F.R. Part 99) and the Illinois School Student Records Act, (105 ILCS 10/; 23 Ill.Admin.Code Part 375). The applicable federal and/or State law shall control, and the District may refuse disclosure requests by LLEA without a warrant or subpoena/court order. The SRO and LLEA's officers shall at all times recognize and comply with the confidentiality of student and education records and may only seek such records in accordance with the requirements of the District's Policy 7:340, *Student Records*.

School student records may only be released to the LLEA by the Building Principal. Information kept by law enforcement professionals working in a school is not considered a *school student record*. See 105 ILCS 10/2. Information derived from reports of law enforcement to principals regarding students detained for proceedings are not considered a *school student record*. 105 ILCS 5/22-20. The *school student records* definition and 7:340-AP1, *School Student Records* are incorporated into this agreement.

Within its standard operating procedures, the LLEA will include training for its officers about these laws, along with information about how to access the District's policies and procedures for school student records. For general guidance both parties will refer to *Answers to FAQs Responding to a Subpoena* (Illinois Council of School Attorneys, Revised January 2015) at: www.iasb.com/law/ICSAFAQRespondingtoaSubpoena2015.pdf.

H. Reciprocal Reporting of Criminal Offenses Committed by Students 13

As outlined in Section E.2.b., above, the District and LLEA's officers shall at all times recognize and comply with (a) the School Code requirements for a reciprocal reporting system regarding criminal offenses committed by students (105 ILCS 5/10-20.14), and (b) the Juvenile Court Act of 1987 and the School Code's requirements for the management and sharing of law enforcement records and other information about students who have contact with LLEA.

The District's administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students* is incorporated into this MOU.

Nothing in this MOU is intended to impose upon any party a duty to report information to any other party that is not otherwise required by law. This MOU shall not be interpreted as making an obligation of a party mandatory that is otherwise discretionary under the law or vice versa. No party to this MOU waives any defenses or immunities it otherwise has under the law, including without limitation any immunities under the Sections 2-204 or 2-205 of the Local Governmental and Governmental Employees Tort Immunity Act or the State Employee Indemnification Act. 5 ILCS 350/4.

I. Live Feeds

The District will provide access to its live feeds to one or more of its buildings in the event of a health or safety emergency. Access is strictly to allow LLEA tactical forces to become familiar with current conditions that underlie the health or safety emergency in the District's building(s). 14

J. Cell Phone/Electronic Device Searches 15

The footnotes should be removed before the material is used.

13 *Id.* Replace this section with a reference to any existing reciprocal reporting agreements already in place.

Important: existing reciprocal reporting agreement(s) may be a part of a larger countywide agreement(s).

14 *Id.* Considerations to discuss with the Board Attorney for this section may include, but are not limited to:

1. Which parties have authority to activate a live feed?
2. If police are given authority to activate, what is the standard for activation? Is it upon request of the Superintendent or an emergency 911 call reporting a crime in progress at the school?
3. How and when is the live feed tested?
4. When and what are the requirements for testing the live feed?
5. Will the Superintendent have the right to review the activation logs to ensure that the live feed is/was being activated in accordance with the MOU terms?

The established procedures between the parties for searching cell phones/electronic devices must be followed. Both parties agree that cell phone/electronic device searches involve Fourth Amendment search and seizure issues and the federal Stored Communication Act (SCA) (18 U.S.C. §2701) issues. Generally asking for permission, calling the parents to come and search the phone, or getting a warrant solves this issue. Investigations of sexting allegations shall follow administrative procedure, 7:190-AP6, *Guidelines for Investigating Sexting Allegations*, which is incorporated into this agreement.

K. Agency and Police Interviews

Board Policy 7:150, *Agency and Police Interviews* and administrative procedure 7:150-AP, *Agency and Police Interviews*, are incorporated into this MOU and must be followed at all times.

Within its standard operating procedures, LLEA will include training for its officers about this policy and procedure, along with information about how to access the District's policies and procedures. 16

L. Body-Worn Cameras (BWCs)

All parties agree that any use of BWCs by officers must be subject to and in compliance with federal, state, and local regulations regarding the use and operation of them. The LLEA shall use its best efforts to notify the District at least two weeks before its officers assigned to the District are to begin use of BWCs, and it will provide written information and training to the Building Principals and assistant principals of the schools in which the officers may enter. Training shall include the objectives and procedures for the use of BWCs in public and in schools. Every officer equipped with a BWC shall be trained in the operation of the equipment prior to its use. To maximize the effectiveness of the BWC and the integrity of the video documentation, officers shall adhere to the objectives and procedures outlined in this MOU and the LLEA's General Operations Orders or similar policies when they utilize BWCs. LLEA may, if not otherwise prohibited by law, provide to the District copies of any such filming of students, parents, employees, or others upon school property, upon request for such copies by the District, as a law enforcement record. In the event that the LLEA receives advice that providing a copy of such videos is prohibited, the LLEA agrees to utilize its best efforts to facilitate the availability of its officer(s) that made the video to testify, upon request by the District, in any school disciplinary hearing concerning his/her/their knowledge of the facts and circumstances of the videoed incident. Any such film or video taken by, and kept in the possession of LLEA's officers may be considered *law enforcement records* under the Family Educational Rights and Privacy Act (FERPA); (20 U.S.C. ~~see-~~§1232g and 34 C.F.R. ~~See-~~§99.8) and Ill. School Student Records Act (ISSRA); (105 ILCS 10/2(d)). Any copy of such film or video, if permitted by law to be provided to the District, may become an *educational record* of the District. The LLEA's officers shall at all times recognize and comply with the confidentiality of student and education records and may only seek such records in accordance with the requirements of Board Policy 7:340, *Student Records*, which is incorporated into the terms of this MOU.

M. General Provisions 17 18

The footnotes should be removed before the material is used.

15 *Id.* See the following publications to develop more detailed researched-based local procedures for this section:

Searching and Seizing Computers and Obtaining Electronic Evidence Manual (Sept. 2009), Chapter 3, The Stored Communication Act, available at:

<https://www.justice.gov/sites/default/files/criminal-ccips/legacy/2015/01/14/ssmanual2009.pdf>

www.justice.gov/sites/default/files/criminal-ccips/legacy/2015/01/14/ssmanual2009.pdf

Orin S. Kerr, *A User's Guide to the Stored Communications Act, and a Legislator's Guide to Amending It*, George Washington Law Review (Aug. 2004), available at:

<http://courses.ischool.berkeley.edu/i205/s10/readings/week10/kerr-storedcomm.pdf>

courses.ischool.berkeley.edu/i205/s10/readings/week10/kerr-storedcomm.pdf

16 The following optional sentence may be added: "For general guidance, both parties will refer to Ill. Council of School Attorneys' *Guidelines for Interview of Students*, which is available at:

www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf."

17 If the District uses the same LLEA for school resource officer (SRO) services, and it wants its SRO MOU(s) referenced in this General MOU:

1. Change section M. General Provisions to: N. General Provisions, and
2. Insert the following:

1. Scope of Agreement

Nothing in this MOU is intended to impose upon any party a duty to report information to any other party that is not otherwise required by law. This MOU shall not be interpreted as making an obligation of a party mandatory that is otherwise discretionary under the law or vice versa. No party to this MOU waives any defenses or immunities it otherwise has under the law, including without limitation any immunities under Sections 2-204 and/or 2-205 of the Local Governmental and Governmental Employees Tort Immunity Act or the State Employee Indemnification Act. 5 ILCS 350/4.

2. Amendment

No change or modification of this MOU shall be valid unless it is in writing and is signed by all parties.

3. Assignment

No party to this MOU may assign it or its rights or obligations.

4. Notices

All notices required pursuant to this MOU shall be in writing and sent by U.S. certified mail, postage prepaid, return receipt requested or by overnight express delivery to the address of the party set forth below or as otherwise directed in writing by such party or as provided under applicable state law. Notice is deemed given three (3) days after being deposited in the U.S. Mail for certified mail delivery or one (1) day after being deposited with an overnight express delivery courier for delivery to the correct address.

5. Governing Law

This MOU shall be construed in accordance with and pursuant to the laws of the State of Illinois.

6. Non-Waiver of Breach

The failure of any party to insist upon strict performance of any of the terms or conditions of this MOU shall not be construed to be a waiver of such term or condition or any subsequent breach of it.

7. Severability

The invalidity or unenforceability of any particular provision of this MOU shall not affect the other provisions of it, and it shall be construed in all respects as if such invalid or unenforceable provision were omitted.

8. Enforcement

No party to this MOU shall be liable for any negligent or wrongful acts, either by omission or commission, chargeable to the other party. This MOU shall not be construed to create a duty owed by any party to any third party. The District and LLEA agree that the exclusive claims or remedies for breach of this MOU are limited to an action for specific performance or mandamus action or termination of the MOU. Each party waives any and all other claims and remedies, direct or indirect, by way of subrogation or otherwise, that it may have against the other party arising out of the performance or non-performance of any provision of this MOU.

Board President

Date

Authorized Signatory for LLEA

Date

The footnotes should be removed before the material is used.

M. School Resource Officer (SRO) Terms

The District's School Resource Officer (SRO) MOU dated [INSERT DATES ___ day of ___, 20__] is incorporated into this agreement.

18 This section M. General Provisions includes general best practice terms for intergovernmental agreements. Note: If the optional section discussed in fn 176 was added, this becomes section N.

School Resource Officer (SRO) Memorandum of Understanding (MOU) 19

Table of Contents:

- | | |
|--|---|
| A. Introduction | F. Ongoing Training of SROs |
| B. Definitions/Acronyms | G. SRO Selection Process; Qualifications & Certification |
| C. MOU Leadership Team | H. SRO Employer; Assignments; Mentoring & Outreach; Supervision; Performance Evaluations; Conflict Resolution; Termination/Replacement; Extra Duties/Projects |
| D. District Authority over the Educational Environment | |
| E. Funding; Payment for SROs; Chain of Command; Extra Duties/Projects | |

A. Introduction

[INSERT Section A from General MOU here.]

B. Definitions/Acronyms

[INSERT Section B from General MOU here.]

C. MOU Leadership Team

[INSERT Section C from General MOU here.]

D. District Authority Over the Educational Environment

[INSERT Section D from General MOU, above. End Section D with this sentence: "The LLEA recognizes that assigning SROs to District buildings is not a substitute for effective student discipline policies."]

E. Funding; Payment for SROs; Chain of Command 20

1. Funding. Members of the Leadership Team (Team) will negotiate the terms for funding including any grant funding that is available. Any terms tied to grant funding, such as data collection include: 21

2. Payment for SROs. The Team has agreed that the District shall compensate LLEA for the SROs in 10 equal installments commencing on August 15th of each fiscal year in the following amounts:

3. Chain of Command. The Team shall develop a local, District-specific chain of command for the placement of SROs in school buildings. Each District administrator responsible for supervising and evaluating the SRO in his/her/their assigned building(s) shall be included in an individual SRO's District-specific chain of command. 22

F. Ongoing Training of SROs 23

Both parties agree that training is critical to the success of this partnership. The LLEA's assigned SROs (as defined in Section H below) will receive minimum in-service training and certification requirements as

The footnotes should be removed before the material is used.

¹⁹ See f/n 1. This section does not replace any existing SRO MOU agreements that the District may have. SRO terms must always be specifically aligned with the buildings in which the SROs will be assigned; therefore, SRO MOU agreements generally work best as a stand-alone agreement.

²⁰ See f/ns 1 & 2.

²¹ Delete this language if grant funding does not apply.

²² The District may have several SRO District chains of command based upon local conditions.

²³ See f/n 1. Ongoing training is a best practice that SRO MOUs should address for both parties. Modify the language to match the District's practices.

would normally apply to all other certified officers of LLEA through LLEA and/or local State's attorney offices. In addition, an ongoing District training calendar shall be developed for assigned SROs and District officials.

Trainings will consist of updates from the District's School Board Attorney on current laws and difficult issues such as search and seizure, questioning, and requests for student records. In addition, trainings will delineate legal authority for when assigned SROs will be acting at the direction of a District official (reasonableness) or at the direction of LLEA (probable cause).

Other LLEA employees that are not SROs but have frequent contact with District buildings will be encouraged to attend any of these trainings.

All trainings, when possible, must occur during school breaks or at times that would least impact the District and should include: (1) emerging education issues, (2) state law training requirements, (3) mental health awareness training, (4) restorative justice (if applicable), and (5) record sharing.

G. SRO Selection Process; Qualifications & Certification ²⁴

1. **Selection Process.** The Team shall develop formal screening criteria based upon the following *Office of Community Oriented Policing Services (COPS)* characteristics: (1) likes kids – wants to, and is able to, work with kids; (2) has the right demeanor and people skills, including being calm, patient, approachable, and “able to put up gracefully with guff from kids;” (3) has experience as a patrol officer or road deputy; (4) has above-average integrity; (5) demonstrated willingness to work hard, be dependable and on time, be self-directed, and has the ability to teach. Other formal screening criteria shall include:

In addition, the Team shall designate the appropriate school officials in buildings to be assigned an SRO to provide input to LLEA on SRO applicants for open SRO positions, such as reviewing applications and memoranda of interest provided by candidates, sitting in on interviews of candidates and/or rating of applicants.

2. **SRO Qualifications & Certification.** The LLEA must ensure that the SRO has either of the following qualifications issued by the Ill. Law Enforcement Training Standards Board under Section 10.22 of the Ill. Police Training Act: (1) a certificate of completion for the required course of instruction or (2) an approved waiver (prior experience and training only). The certificate of completion or waiver of it must be obtained within one year of assignment to the District.²⁵ The SRO must possess, at minimum, 48 hours of National Association of School Resource Officer (NASRO) training,²⁶ along with the following other qualifications:²⁷

The footnotes should be removed before the material is used.

²⁴ See fn 1. Restated from *U.S. Department of Justice's Office of Community Oriented Policing Service (COPS) publication, A Guide to Developing, Maintaining, and Succeeding with Your School Resource Officer (SRO) Program*, written by Peter Finn, Meg Townsend, Michal Shively, and Tom Rich, and available at:

http://www.popcenter.org/Responses/school_police/PDFs/Finn_et_al_2005.pdf

²⁵ Required by 105 ILCS 5/10-20.67, added by P.A. 100-984. The District is not responsible for an officer's SRO certification training or payment for it.

Additional training is available from the National Association of School Resource Officers.

²⁶ Optional. Delete this qualification requirement if the District does not wish to require it in addition to the required certification under 105 ILCS 5/10-20.67, added by P.A. 100-984.

²⁷ A District may want to insert its own qualifications specific to local conditions. Delete this qualification requirement if the District does not wish to require additional qualifications.

H. SRO Employer; Assignments; Mentoring & Outreach; Supervision; Performance Evaluations; Conflict Resolution; Termination/Replacement; Extra Duties/Projects 28 29 30

1. **Employer.** SROs are employed by LLEA. The District does not employ any SROs that are assigned in any of its buildings. The District is not considered a joint employer of SROs for purposes of the Fair Labor Standards Act (FLSA). The SRO remains covered by the LLEA's insurance and continues to enjoy the immunities specific to his or her employment with LLEA. Section D, *District Authority Over the Educational Environment*, above shall apply to the District's specific responsibilities for supervision and performance evaluations of assigned SROs while in District school buildings as their duties pertain to fulfilling the identified needs and goals of a District building.
2. **Assignments.** For purposes of this section, SRO means a sworn police officer of LLEA who has been assigned to a District building pursuant to this MOU. SROs shall be assigned to District buildings by the LLEA with input from the MOU Leadership Team. Staffing issues at LLEA may take precedence to the assignment of an SRO to the District.
 - a. **SRO Work Hours, Uniform, and Visibility on Campus.** The SRO shall remain on school grounds during normal school hours, except when necessary to attend a law enforcement emergency, to attend any meetings or trainings described in this MOU, or on limited occasions to attend to official law enforcement business off campus. With the exception of emergency situations out of the SRO's control, the SRO shall give the SRO Supervisor and Building Principal(s) reasonable advanced notice of any times when the SRO is not expected to be on campus during normal school hours, and LLEA may provide a replacement SRO to the extent possible.

The SRO shall wear the official law enforcement uniform or other apparel issued by the LLEA at all times while serving on District property. The SRO shall make best efforts to maintain high visibility at all times when practical and safe to do so, especially in areas where incidents of crime or violence are most likely to occur.

The SRO shall, whenever possible and in accordance with guidance from the Building Principal or designee, participate in or attend school functions during the SRO's regular duty hours in order to assure the peaceful operation of school-related programs.
 - b. **Student Search Assistance.** When requested, assistance with conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the District for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search produces evidence that the student has violated or is violating the law, local ordinance, or the District's policies or rules, such evidence may be seized by school authorities and/or turned over to law enforcement authorities, and disciplinary action may be taken. 105 ILCS 5/10-22.6 and 10-22.10a.

The footnotes should be removed before the material is used.

²⁸ *Id.* and see *f/n* 1. Replace this section with any existing intergovernmental agreement(s) or MOU(s) terms. Questions to answer while memorializing assignments in the MOU include:

- Will the SRO be a full-time or part-time assignment? A full-time SRO contract usually requires the SRO to be present during the times that students are on campus and would follow the District's calendar. A part-time SRO contract would generally require the SRO to be present during certain hours of the school day when students are on campus.
- Will the District have an SRO at each school within the District?
- Will the SROs only be assigned to high schools?

²⁹ See *f/ns* 1 & 124. If the District wants sections G – L from the General MOU in its SRO MOU, add them here and adjust the alphanumeric lettering.

Do not use this option or the *f/n* 276 option below if the District uses the same LLEA for SRO services (see *f/n* 176).

³⁰ *Id.* If the District wants section M. **General Provisions** (see *f/n* 187) from the General MOU, insert it here and adjust the alphanumeric numbering. Discuss, if it exists, the District's targeted school violence prevention program and information sharing between the District and local law enforcement. See Recommendation 3 in *Recommendations of the Illinois Terrorism Task Force School Safety Working Group*, Presented to the Office of the Governor April 5, 2018, available at: www.iasb.com/safety/.

c. **Administrative Hearings.** Contingent upon pre-approval by the LLEA, the SROs will attend suspension review and/or expulsion hearings upon the request of school officials or the Superintendent. The SRO will be prepared to provide testimony on any actions that were taken by the SRO and any personally observed conduct witnessed by the SRO.

d. **Goal Setting for Services in District. 31**

3. **Mentoring & Outreach.** The SRO shall conduct himself or herself as a role model at all times and in all facets of the job; shall seek to establish a strong rapport with staff, faculty, students, parents and other members of the school community; and shall encourage students to develop positive attitudes toward the school, education, law enforcement officers, and good citizenship in general.

4. **Supervision.** With input from the LLEA and/or the MOU Team, the District will assign school officials to supervise SROs in District buildings based upon the individual SRO's needs, School Board policies, available local resources, specific school building needs, and geographical realities. Both parties expect excellence from SROs and commit to frequent communication between supervising school officials and the SROs assigned to their buildings. The SRO and his or her supervising District official shall meet both formally and informally on a regular basis to discuss issues, duties, and responsibilities.

5. **Performance Evaluations.** An instrument for SRO performance evaluations in the school setting shall be agreed upon by the assigned SRO and the District's official supervising the SRO. Both parties recognize that a performance evaluation instrument for an SRO should incorporate data results from the District's school climate assessments, if available.

6. **Conflict Resolution.** If the District's expectation of excellence is not being met by an SRO, the supervising District official will report unresolved concerns to the SRO's direct law enforcement supervisor at LLEA sooner rather than later. Addressing issues promptly helps increase understanding and minimize potential negative impact on the school environment. If that method of communication does not solve the conflict, the Team has agreed to the following formal conflict resolution process between the District and LLEA:

7. **Termination/Replacement of SROs.** When paragraph 6, *Conflict Resolution*, above, has not been successful, the District may request that the SRO be removed from his or her assignment and replaced with another SRO from LLEA. If a replacement is not immediately available, the District reserves the right to terminate the SRO's assignment in a specific building until a replacement is available.

8. **Extra Duties/Projects.** The Team has negotiated the below terms for special projects and/or extra duties:

The footnotes should be removed before the material is used.

31 These may be identical to the General MOU terms in f/n 10. List whether the SRO will additionally:

- Assume any instructional responsibilities for short-term programs
- Provide individual mentoring to students, and become familiar with local youth-related service providers

Other questions to answer include whether the District wants a "law enforcement/safety officer," a problem solver and liaison to community resources, or both? Defining these roles helps to establish a successful relationship.

The following publication, *U.S. Departments of Education and Justice Release School Discipline Guidance Package to Enhance School Climate and Improve School Discipline Policies/Practices*, may be helpful for the District to identify and develop specific needs, goals and/or services from its LLEA. It is available at: www.ed.gov/news/press-releases/us-departments-education-and-justice-release-school-discipline-guidance-package-enhance-school-climate-and-improve-school-discipline-policiespractices.

Board President

Date

Authorized Signatory for LLEA

Date

Incorporated
by reference: 1:20 (District Organization, Operations, and Cooperative Agreements), 2:150
(Committees), 7:150-AP (Agency and Police Interviews), 7:190 (Student
Behavior), 7:190-AP3 (Guidelines for Reciprocal Reporting of Criminal
Offenses Committed by Students), 7:190-AP6 (Guidelines for Investigating
Sexting Allegations), 7:200 (Suspension Procedures), 7:210 (Expulsion
Procedures), 7:340 (Student Records), 7:340-AP1 (School Student Records)

LEGAL REF.: 105 ILCS 5/10-20.14(b) and 5/22-20.
705 ILCS 405/1-7, 1-8(F), 1-8(G), and 5-905.

Students

Suspension Procedures ¹

In-School Suspension ²

The Superintendent or designee is authorized to maintain an in-school suspension program. The program shall include, at a minimum, each of the following:

1. Before assigning a student to in-school suspension, the charges will be explained and the student will be given an opportunity to respond to the charges.
2. Students are supervised by licensed school personnel.
3. Students are given the opportunity to complete classroom work during the in-school suspension for equivalent academic credit.

Out-of-School Suspension

The Superintendent or designee shall implement suspension procedures that provide, at a minimum, for each of the following: ³

1. A conference during which the charges will be explained and the student will be given an opportunity to respond to the charges before he or she may be suspended.

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

¹ State law requires districts to have a policy on student discipline. (105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280). State or federal law controls this policy's content. For information about administering student discipline, see the U.S. Dept. of Education's and the U.S. Dept. of Justice's 2014 jointly released school discipline package, *Guiding Principles*, at: www2.ed.gov/policy/gen/guid/school-discipline/faq.pdf.

Boards may authorize *by policy* the superintendent, building principal, assistant building principal, or dean of students to suspend students guilty of gross disobedience or misconduct from school, including all school functions. (105 ILCS 5/10-22.6(b)). See 7:190, *Student Behavior*, for such an authorization.

² 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), added by P.A. 100-1035. Providing programming during in-school suspensions is not required; however providing educational programs during in-school suspensions will help distinguish them from exclusionary suspensions. In-school suspensions are not covered by statute. See f/n 3 in policy 5:230, *Maintaining Student Discipline*, for further discussion of in-school suspension programs. Contact the board attorney for advice concerning amending this section.

³ Suspension procedures are required by State law. (105 ILCS 5/10-22.6). The right to attend school is a property right protected by the due process clause of the U.S. Constitution. *Goss v. Lopez*, 95 S.Ct. 729 419 U.S. 565 (1975). Imposing a short deprivation of this property right by suspending a student for 10 or fewer days requires only minimal due process. The student must be generally informed of the reasons for the possible suspension, and be permitted to tell his/her version of the story. Making a decision to suspend before the hearing violates the basic due process requirement that the hearing be meaningful. *Sieck v. Oak Park-River Forest High School*, 807 F.Supp. 73 (N.D. Ill., E.D., 1992).

105 ILCS 5/10-22.6(b) allows a student who is suspended in excess of 20 school days to be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of the School Code. A student cannot be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

Consult the board attorney for assistance if a suspension will exceed 10 consecutive school days. Subsection 10-22.6(b) uses the phrase "is suspended in excess of 20 school days" even though a 20-consecutive day suspension should be treated as an expulsion. *Goss v. Lopez*, 95 S.Ct. 729 419 U.S. 565 (1975). For further discussion, see f/n 4340 in policy 7:190, *Student Behavior*.

2. A pre-suspension conference is not required, and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. An attempted phone call to the student's parent(s)/guardian(s).
4. A written notice of the suspension to the parent(s)/guardian(s) and the student, which shall:
 - 4 a. Provide notice to the parent(s)/guardian(s) of their child's right to a review of the suspension;
 - 4 b. Include information about an opportunity to make up work missed during the suspension for equivalent academic credit;⁵
 - 4 c. Detail the specific act of gross disobedience or misconduct resulting in the decision to suspend;
 - 4 d. Provide rationale or an explanation of how the chosen number of suspension days will address the threat or disruption posed by the student or his or her act of gross disobedience or misconduct; and
 - 4 e. Depending upon the length of the out-of-school suspension, include the following applicable information:
 - 4 e i. For a suspension of 3 school days or less, an explanation that the student's continuing presence in school would either pose:⁶
 - 4 e i a) A threat to school safety, or
 - 4 e i b) A disruption to other students' learning opportunities.
 - 4 e ii. For a suspension of 4 or more school days, an explanation:⁷
 - 4 e ii a) That other appropriate and available behavioral and disciplinary interventions have been exhausted,
 - 4 e ii b) As to whether school officials attempted other interventions or determined that no other interventions were available for the student,⁸ and

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

⁴ 105 ILCS 5/10-22.6, amended by P.A. 99-456, ~~eff. 9-15-2016~~.

Consult the board attorney (1) about the specific documentation required in this portion of the notice, and (2) to ensure that 7:200-E1, *Short Term Out-of-School Suspension (1-3 Days) Reporting Form* and 7:200-E2, *Long Term Out-of-School Suspension (4-10 Days) Reporting Form* reflect the exact practices that the district will use to implement this requirement.

⁵ Required by 105 ILCS 5/10-22.6(b-30).

⁶ 105 ILCS 5/10-22.6(b-15), amended by P.A. 99-456, ~~eff. 9-15-2016~~ explains that "threat to school safety or a disruption to other students' learning opportunities" shall be determined by the school board or its designee on a case-by-case basis. Consult the board attorney for specific advice regarding the application of these statutory terms in this context (see f/n 8, below).

⁷ 105 ILCS 5/10-22.6(b-20), amended by P.A. 99-456, ~~eff. 9-15-2016~~. School officials are granted the sole authority to determine on a case-by-case basis: (1) whether "appropriate and available behavioral and disciplinary interventions have been exhausted;" and (2) whether "the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community, or (ii) substantially disrupt, impede, or interfere with the operation of the school." Consult the board attorney to request specific training for school officials to apply these statutory terms in this context (see f/n 5 above).

- c) That the student’s continuing presence in school would either:
 - i) Pose a threat to the safety of other students, staff, or members of the school community, or
 - ii) Substantially disrupt, impede, or interfere with the operation of the school.
- iii. For a suspension of 5 or more school days, the information listed in section 4.e.ii., above, along with documentation by the Superintendent or designee determining what, if any, appropriate and available support services will be provided to the student during the length of his or her suspension. ⁹
- 5. A summary of the notice, including the reason for the suspension and the suspension length, must be given to the Board by the Superintendent or designee.
- 6. Upon request of the parent(s)/guardian(s), a review of the suspension shall be conducted by the Board or a hearing officer appointed by the Board. ¹⁰ At the review, the student’s parent(s)/guardian(s) may appear and discuss the suspension with the Board or its hearing officer and may be represented by counsel. Whenever there is evidence that mental illness may be the cause for the suspension, the Superintendent or designee shall invite a representative from the Department of Human Services to consult with the Board. ¹¹ After presentation of the evidence or receipt of the hearing officer’s report, the Board shall take such action as it finds appropriate. If the suspension is upheld, the Board’s written suspension decision shall specifically detail items (a) and (e) in number 4, above. ¹²

LEGAL REF.: 105 ILCS 5/10-22.6.
Goss v. Lopez, 95 S.Ct. 729 (1975).
Sieck v. Oak Park River-Forest High School, 807 F.Supp. 73 (N.D. Ill., E.D., 1992).

CROSS REF.: 5:100 (Staff Development Program), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:220 (Bus Conduct)

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

⁸ While school officials have discretion to determine the length of suspensions, they must resolve threats, address disruptions, and minimize the length of student exclusions to the greatest extent practicable. (~~105 ILCS 5/10-22.6(b-20)~~, amended by P.A. 99-456, ~~eff. 9-15-2016~~). **Consult the board attorney about the practical implementation of documenting other appropriate and available interventions for the student.**

Last, the law also requires school districts to make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates. (~~105 ILCS 5/10-22.6(c-5)~~, amended by P.A.s 99-456 and 100-810, ~~eff. 1-1-19, eff. 9-15-2016~~).

⁹ 105 ILCS 5/10-22.6(b-25), amended by P.A. 99-456, ~~eff. 9-15-2016~~.

¹⁰ A board may hear student disciplinary cases in a meeting closed to the public. (~~5 ILCS 120/2(c)(9)~~).

¹¹ 105 ILCS 5/10-22.6(c).

¹² 105 ILCS 5/10-22.6(b), amended by P.A. 99-456, ~~eff. 9-15-2016~~.

Students

Student Support Services 1

The following student support services may be provided by the School District:²

1. Health services supervised by a qualified school nurse.³ The Superintendent or designee may implement procedures to further a healthy school environment and prevent or reduce the spread of disease.
2. Educational and psychological testing services and the services of a school psychologist⁴ as needed. In all cases, written permission to administer a psychological examination must be obtained from a student's parent(s)/guardian(s). The results will be given to the parent(s)/guardian(s), with interpretation, as well as to the appropriate professional staff.

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.

² All districts are required to conduct a comprehensive needs assessment to determine the scope of student personnel services needs. 23 Ill.Admin.Code §1.420(q).

P.A. 95-558 created the Ensuring Success in School Task Force. This task force developed recommendations for policies, procedures, and protocols for school boards to adopt to address the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence. The intent of the recommendations is to ensure these student populations' ability to: (1) stay in school; (2) stay safe at school; and (3) successfully complete their education. A copy of this report is at: <http://povertylaw.org/advocacy/women/pubs/essa-task-force-report> <http://povertylaw.org/advocacy/women/pubs/essa-task-force-report>. School boards and superintendents may want to create their own study groups to discuss implementation of the task force's recommendations for policies, procedures and protocols.

³ School districts may employ noncertificated/non-professional-educator-licensed *registered professional nurses* to perform professional nursing services. 105 ILCS 5/10-22.23; 23 Ill.Admin.Code §1.760(c). A *registered professional nurse* means any nurse who is licensed to practice professional nursing in Illinois under the Nurse Practice Act (225 ILCS 65/) and whose license is active and in good standing with the Ill. Dept. of Financial and Professional Regulation. 23 Ill.Admin.Code §1.760(b).

A *school nurse* means any registered professional nurse who also holds a professional educator license endorsed for school support services in school nursing, or any registered professional nurse who does not hold the professional educator license but was employed in the school district of current employment before 7-1-76. 23 Ill.Admin.Code §1.760(c).

105 ILCS 5/10-22.23 provides that any nurse first employed on or after 7-1-76, whose duties require teaching or the exercise of instructional judgment or educational evaluation of students, must be licensed under 105 ILCS 5/21-25. However, that licensure Section 21-25 was repealed by P.A. 98-413, eff. 8-16-13.

A school nurse may hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§ 1.760(c), 23.120, 25.245, amended at 42 Ill. Reg. 8901. An individual who fails to meet one or more requirements for this endorsement may seek an educator license with stipulations endorsed for provisional educator. 105 ILCS 5/21B-20; 23 Ill.Admin.Code §25.245, amended at 42 Ill. Reg. 8901.

⁴ A *school psychologist* means a psychologist who holds a Professional Educator License with a school psychologist endorsement per 105 ILCS 5/21B-25 and either: (1) has graduated with a master's degree or higher degree in psychology or educational psychology from an institution of higher education that maintains equipment, courses of study, and standards of scholarship approved by the Ill. State Board of Education (ISBE), has had at least one school year of full-time supervised experience in the delivery of school psychological service approved by the State Superintendent of Education, and has such additional qualifications as may be required by ISBE; or (2) holds a valid Nationally Certified School Psychologist credential. 105 ILCS 5/14-1.09, amended by P.A. 100-750. School psychologists hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§ 1.760(a), 23.130, 25.235, amended at 42 Ill. Reg. 8900. An individual who fails to meet one or more requirements for this endorsement may seek an educator license with stipulations endorsed for provisional educator. 105 ILCS 5/21B-20; 23 Ill.Admin.Code §25.235, amended at 42 Ill. Reg. 8900.

3. The services of a school social worker.⁵ A student's parent/guardian must consent to regular or continuing services from a social worker.
4. Guidance and school counseling⁶ services.
5. A liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Illinois Department of Children and Family Services when enrolling in or changing schools.⁷

The Superintendent or designee shall develop protocols for responding to students with social, emotional, or mental health ~~problems-needs~~ that impact learning ability.⁸ The District, however, assumes no liability for preventing, identifying, or treating such ~~problemsneeds~~.

This policy shall be implemented in a manner consistent with State and federal laws, including the Individuals with Disabilities Education Act, 42 U.S.C. § 12101 *et seq.*

LEGAL REF.: 405 ILCS 49/, Children's Mental Health Act of 2003.
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.
105 ILCS 5/10-20.58.

CROSS REF.: 6:65 (Student Social and Emotional Development), 6:270 (Guidance and Counseling Program), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:280 (Communicable and Chronic Infectious Diseases), 7:340 (Student Records)

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

⁵ A *school social worker* means a social worker who has graduated from an accredited graduate school of social work and has such additional qualifications as may be required by ISBE and who holds a Professional Educator License with a school support personnel endorsement for school social work per 105 ILCS 5/21B-25. 105 ILCS 5/14-1.09a. See 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§ 1.760(a), 23.140, 25.215, amended at 42 Ill. Reg. 8896. An individual who fails to meet one or more requirements for this endorsement may seek an educator license with stipulations endorsed for provisional educator. 105 ILCS 5/21B-20; 23 Ill.Admin.Code §25.215. School social workers may not provide services outside of their district employment to any student(s) attending school in the district. *Id.*, amended by P.A. 100-356.

⁶ *School counselors* hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§ 1.760(a), 23.110, 25.255. An individual who fails to meet one or more requirements for this endorsement may seek an educator license with stipulations endorsed for provisional educator. 105 ILCS 5/21B-20; 23 Ill.Admin.Code §25.225, amended at 42 Ill. Reg. 8897.

In contrast, *professional counselors* and professional counseling practice in Illinois are governed by the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act and its implementing regulations. 225 ILCS 107/; 68 Ill.Admin.Code Part 1375. The Mental Health and Developmental Disabilities Code, 405 ILCS 5/, amended by P.A. 100-196 and 100-614, eff. 1-1-18, provides that minors 12 years of age or older may request and receive up to eight 90-minute sessions (previously five 45-minute sessions) of professional counseling services or psychotherapy (provided by a clinical psychologist) without the consent of the minor's parent, guardian, or person in loco parentis. 405 ILCS 5/3-5 A-10504(a), added by P.A. 100-614. Most school districts do not regularly provide *professional* counseling or *clinical* psychological services to students. Instead, most districts provide *school counseling* or *school psychological* services to students, and Illinois law does not specify any limits on the number of school counseling or school psychological sessions which a minor may have before obtaining parent/guardian permission. If your district seeks to regularly provide *professional counseling* or *clinical psychological* services to students, consult with your board attorney about potential changes to board policies and administrative procedures, as well as collective bargaining issues.

⁷ Optional. 105 ILCS 5/10-20.598, added by P.A. 99-781 and amended by P.A. 100-201, allows a liaison. Be sure this policy is consistent with policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. See ¶n 13 in 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, for liaison responsibilities and requirements.

⁸ Required by the Children's Mental Health Act of 2003, 405 ILCS 49/15(b).

Students

Administrative Procedure - Protocol for Responding to Students with Social, Emotional, or Mental Health ~~Problems~~ Needs ¹

Student Support Committee

Each Building Principal shall annually appoint a building-level Student Support Committee that shall have the tasks described in this Administrative Procedure. Committee members must be school staff members who are qualified by professional licensing or experience to address issues concerning students who may have social, emotional, or mental health ~~problems~~ needs. As needed on a case-by-case basis, the Student Support Committee may request the involvement of the Building Principal, relevant teachers, and the parents/guardians. Records produced and shared among Committee members may be subject to laws governing student records. Confidential information given by a student to a therapist is governed by the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/.

Children's Mental Health Partnership's Plan and Annual Progress Reports

The Illinois Children's Mental Health Partnership (ICMHP) monitors the implementation of its statewide Children's Mental Health Plan (CMH Plan). The CMH Plan is a statewide strategic blueprint or *roadmap* to promote and improve the children's mental health system and covers a range of recommendations and strategies necessary to reforming the children's mental health system in Illinois. Every year, the ICMHP must submit an annual progress report to the Governor for approval. The Student Support Committee will monitor the annual CMH Plan. ~~See—(at: icmhp.org/wordpress/wp-content/uploads/2015/12/ICMHP_CMH-Strategic_Plan.pdf. The CMH Plan is now~~ ~~—and~~ updated at: www.dhs.state.il.us/page.aspx?item=68168). ~~After reviewing both websites, the Student Support Committee will~~ ~~—and~~ decide how to implement its recommendations and strategies as appropriate within the resources available in the District.

Referrals

Staff members should refer a student suspected of having social, emotional, or mental health ~~need~~ problems to the building-level Student Support Committee. The Student Support Committee will review information about a referred student, including prior interventions, and suggest appropriate steps for referral and follow-up. The Student Support Committee may offer strategies to a referred student's classroom teachers and parents/guardians about ways they can manage, address, and/or enhance the student's social and emotional development and mental health. In addition, the Student Support Committee may recommend coordinated educational, social work, school counseling, ~~and/or~~ student assistance services, ~~and/or a case study evaluation, within the school~~ as well as referrals to outside agencies.

~~The footnotes should be removed before the material is used.~~

¹ The Children's Mental Health Act of 2003, 405 ILCS 49/, requires districts to have a protocol for responding to children with social, emotional, or mental health ~~problems~~ needs, or a combination of such ~~problems~~ needs, that impact learning ability. The complexity and scope of such a protocol will vary from district to district. At minimum, the superintendent should consider including the first three sections of this sample procedure.

The Children's Mental Health Act also requires every district to have a policy for incorporating social and emotional development into the district's educational program. See IASB sample policy 6:65, *Student Social and Emotional Development*.

Referrals under this procedure are unrelated to the special education evaluation process and do not trigger the District's timeline for evaluations. However, the use of these procedures shall not circumvent the special education process. See Administrative Procedure 6:120-AP1, *Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities*.

School Counseling, School Social Work, School Psychological, and School Nursing Services

The Student Support Committee may request school counselors², school social workers³, school psychologists⁴, and school nurses to provide support and consultation to teachers and school staff about strategies to promote the social and emotional development and mental health of all students. They may also be requested to provide screening and early detection approaches to identify students with social, emotional, and mental health problemsneeds.

School counselors, school social workers, school psychologists, and school nurses will inform parents/guardians of all issues that pose a health and/or safety risk; they will inform the Building Principal of any health or safety risks that are present in the school.

Psycho-Educational Groups ⁵

As appropriate, the Student Support Committee may recommend that a student participate in a variety of psycho-educational groups. These groups are typically led by school counselors, social workers, or psychologists, but are not structured as therapeutic services. Groups are designed to help students better understand issues and develop strategies to manage issues of concern to them that may, if not addressed, interfere significantly with the students' educational progress or school adjustment. Groups have a written curriculum that guides discussion over a set period of time, generally five weeks. A student may participate in a group without parent/guardian permission for one such time period; subsequent enrollment in the same group requires parent/guardian permission.

Students in a group who present significant concern and for whom therapeutic services must be considered will be referred to the social workers, psychologists, or school counselors for individual consultation. (See above description of these services.)

School and Community Linkages

When possible, the Student Support Committee shall seek to establish linkages and partnerships with diverse community organizations with the goal of providing a coordinated, collaborative early

The footnotes should be removed before the material is used.

² School counselors hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§ 1.760(a), 23.110, 25.255. An individual who fails to meet one or more requirements for this endorsement may seek an educator license with stipulations endorsed for provisional educator. 105 ILCS 5/21B-20; 23 Ill.Admin.Code §25.225, amended at 42 Ill. Reg. 8897.

³ A *school social worker* means a social worker who has graduated from an accredited graduate school of social work and has such additional qualifications as may be required by ISBE and who holds a Professional Educator License with a school support personnel endorsement for school social work per 105 ILCS 5/21B-25. 105 ILCS 5/14-1.09a. See 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§1.760(a), 23.140, 25.215. An individual who fails to meet one or more requirements for this endorsement may seek an educator license with stipulations endorsed for provisional educator. 105 ILCS 5/21B-20; 23 Ill.Admin.Code §25.215, amended at 42 Ill. Reg. 8896. School social workers may not provide services outside of their district employment to any student(s) attending school in the district. Id., amended by P.A. 100-356.

⁴ See f/n 4 in policy 7:250, Student Support Services, for a definition of school psychologist. School psychologists hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§1.760(a), 23.130, 25.235. An individual who fails to meet one or more requirements for this endorsement may seek an educator license with stipulations endorsed for provisional educator. 105 ILCS 5/21B-20; 23 Ill.Admin.Code §25.235, amended at 42 Ill. Reg. 8900.

⁵ Omit this section if the school does not have a psycho-educational program in place.