

School Board

Administrative Procedure - Protocols for Record Preservation and Development of Retention Schedules

Legal Citations

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

Actor	Action
All Staff Members and School Board Members	<p>No District record, as defined in the Illinois Local Records Act, shall be destroyed except as provided herein.</p> <p><i>“Public record means any book, paper, map, photograph, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.”</i> 50 ILCS 205/3.</p> <p>Do not destroy any District record, no matter its form, if it is subject to a litigation hold. F.R.C.P. 37(e).</p> <p>In federal lawsuits there is an automatic discovery of virtually all types of electronically created or stored data that might be relevant. Attorneys will generally notify their clients at the beginning of a legal proceeding to not destroy any electronic records that might be relevant. The receipt of a <i>litigation hold</i> or preservation letter from the Board’s attorney requires all potentially relevant electronic information to be identified, located, and preserved. This includes all e-mail, e-documents, the tapes and servers of discarded systems, and backup data stored elsewhere.</p> <p>Whenever disposing of materials containing <i>personal information</i>, render the <i>personal information</i> unreadable, unusable, and undecipherable.</p> <p>The Personal Information Protection Act (815 ILCS 530/) contains mandates for disposing of materials containing personal information (defined as an individual’s name combined with social security number, driver’s license number or State identification card number, or financial account information, including without limitation, credit or debit card numbers). The Attorney General is authorized to impose a fine for noncompliance. 815 ILCS 530/40.</p>
Superintendent	<p>Assign the following activities to the Records Custodian and Head of Information Technology (IT):</p> <ol style="list-style-type: none"> 1. Develop and maintain a protocol for preserving and categorizing District records;

Actor	Action
	<p>2. Develop and maintain a record retention and destruction schedule; and</p> <p>3. Develop protocols to implement a litigation hold.</p>
<p>Records Custodian and Head of IT</p>	<p>1. Develop and maintain a protocol for preserving and categorizing District records.</p> <p>Develop and maintain a list of all District records organized in categories and sub-categories, e.g., records relating to business, students, personnel, board meetings, etc. Align this list with the list of District records required by the Freedom of Information Act. 5 ILCS 140/5.</p> <p>Paper records may be easier to locate than electronic records. Electronic records will potentially exist in all of the available servers, tapes, hard drives, computers, and similar types of electronic devices (e.g., laptops, Blackberrys, cell phones, Palm Pilots, voicemail, etc.).</p> <p>Prepare a description of how District records stored by means of electronic data processing may be obtained in a form understandable to persons lacking computer knowledge. 5 ILCS 140/5.</p> <p>Such a description may include contact information for a person who can aid in obtaining records stored electronically.</p> <p>Provide for keeping only <i>records</i> and destroying non-records. Avoid filing non-record material with records. Determine what is a non-record, e.g., identical copies of documents maintained in the same file; extra copies of printed or processed materials (official copies of which are retained by the office); blank forms; and personal communications.</p> <p>The goal is to control excessive accumulation of material. Non-record material may be destroyed at any time. 50 ILCS 205/9.</p> <p>Absent a litigation hold, email must be retained only when it contains: (1) evidence of the District’s organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. 50 ILCS 205/3. Email that is conversational, personal, or contains brainstorming may generally be deleted.</p> <p>A consistent email retention policy for use across the District ensures that the necessary emails are being retained and emails that are not required to be preserved are purged on a regular basis.</p> <p>Determine whether each sub-category of documents should be reproduced by photography, microphotographic processes, or digitized electronic format.</p> <p>Any public record may be reproduced in a microfilm or digitized electronic format and the paper version destroyed, provided: (a) the records are reproduced on “a durable medium that accurately and legibly reproduces the original record in all details,” and “that does not permit additions, deletions, or changes to the original document images;” and (b) the Local Records</p>

Actor	Action
	<p>Commission is notified when the original record is disposed of and also when the reproduced record is disposed of. Local Records Act, 50 ILCS 205/7.</p> <p>Use this web link to the Illinois Secretary State’s publication, Guidelines for Using Electronic Records.</p> <p>Identify and index the location of each category and sub-category of District records. Organize electronic record and data storage.</p> <p>The goal is to ensure that all documents, including electronically created ones, are retained for the required timeframes and are easy to retrieve and produce if necessary.</p> <p>2. Develop and maintain a record retention schedule for submission to the Superintendent and eventually to the Local Records Commission.</p> <p>Prepare a list of public records that: (1) are not needed for current business, and (2) do not have sufficient administrative, legal, or fiscal value to warrant their further preservation. Stated differently, identify records that have no administrative, legal, or fiscal value, as this is the criteria the Commission uses to determine whether or not to authorize the records’ destruction.</p> <p>Records that have no administrative, legal, or fiscal value may be destroyed according to provisions in the Local Records Act. 50 ILCS 205/10.</p> <p>Prepare a schedule for record destruction by identifying the length of time a record category or series warrants retention after it has been received or produced by the District.</p> <p>The ultimate goal is to obtain permission to destroy unnecessary public records. The Local Records Commission must approve the destruction of any public record. 50 ILCS 205/7, 44 Ill.Admin.Code Part 4000 (Local Records Commission for agencies comprising counties of less than 3,000,000 inhabitants); 44 Ill.Admin.Code Part 4500 (Local Records Commission of Cook County). See the Archives Department on the Secretary of State’s website: www.cyberdriveillinois.com/departments/archives/databases/home.html.</p> <p>A list can be used when applying for authority to destroy records. A schedule can be used when applying for continuing authority to destroy records after specified periods of time or the occurrence of specified events. 44 Ill.Admin.Code Part 4000.30.</p> <p>The School Code and other statutes (e.g., statutes of limitations) contain mandatory retention timelines. The Board’s attorney should be consulted.</p> <p>The e-discovery rules provide a safe harbor for parties during a lawsuit that cannot provide information because it was destroyed as a result of routine practices. F.R.C.P. 37(e).</p> <p>3. Develop protocols to implement a litigation hold.</p>

Actor	Action
	<p>Understand what a <i>litigation hold</i> is.</p> <p>A litigation hold refers to the notification made by the Board’s attorney telling the District to preserve all information that may be relevant to current or anticipated litigation. While it may occur anytime in the legal process, it will usually occur during discovery, the pretrial phase of a lawsuit designed to compel the exchange of information between parties. A litigation hold triggers the need to immediately suspend destruction of electronic and other records relevant to the current or potential claim. F.R.C.P 37(e).</p> <p>Specify how to implement a litigation hold, i.e.:</p> <ul style="list-style-type: none"> • Who can trigger a litigation hold? • How is a litigation hold communicated? • Who should gather the records? • What records are subject to a litigation hold and who determines this? • In what format should records be gathered? • Where should records be gathered? <p>Identify how to implement a litigation hold for all IT systems, including backup tapes, to ensure they are not deleted or overwritten as part of the normal tape rotation process.</p> <p>Prepare a map of potentially relevant data and otherwise assist the Board’s attorneys in locating all potentially relevant information.</p>
Superintendent	<p>Submit new or revised record retention and destruction lists and schedules to the Local Records Commission for approval.</p> <p>Disseminate the record retention schedule, along with instructions, to all affected staff members and Board members.</p> <p>Immediately inform the Records Custodian and Head of IT whenever a record must be preserved because: (1) it may be relevant to present or future litigation, or (2) the Board Attorney has notified the District to preserve a record, including electronic information (<i>litigation hold</i>).</p> <p>Authorize and/or order the destruction of District records after ensuring that the following steps have been performed:</p> <ol style="list-style-type: none"> 1. The Local Records Commission approved a schedule for continuing authority to destroy District records after the expiration of the applicable period. 2. Any record is retained and removed from the disposal list if it is or may be evidence in litigation, or is otherwise subject to a <i>litigation hold</i>. 3. A Local Records Disposal Certificate was sent to the Local Records Commission, Illinois State Archives at least, 60 days before the disposal date and an approved copy was returned. Section 4000.40(b) of the rules of the Downstate Local Records Commission and Section 4500.40(b) of the rules of the Cook County Local Records Commission.

Actor	Action
<p>Links to Web-based Record Management Resources:</p> <p>Cook County Local Records Commission Meetings</p> <p>Cook County Local Records Commission Rules (44 Ill Admin Code Title PART 4500)</p> <p>Downstate Local Records Commission Meetings</p> <p>Rules of the Downstate Local Records Commission (44 Ill Admin Code Title PART 4000)</p> <p>Filmed Records Certification Act (50 ILCS 210)</p> <p>Filmed Records Destruction Act (50 ILCS 215)</p> <p>Illinois School Student Records Act (105 ILCS 10)</p> <p>Local Records Act (50 ILCS ACT 205)</p> <p>Local Records Disposal Certificate</p>	

LEGAL REF.: Federal Rules of Civil Procedure, Rules 16, 26 and 37.
5 ILCS 140/, Freedom of Information Act.
50 ILCS 205/, Local Records Act.
105 ILCS 10/, Ill. School Student Records Act.
820 ILCS 40/, Ill. Personnel Record Review Act.

IASB POLICY REFERENCE MANUAL
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Operational Services

Identity Protection 1

The collection, storage, use, and disclosure of social security numbers by the School District shall be consistent with State and federal laws. The goals for managing the District's collection, storage, use, and disclosure of social security numbers are to: 2

1. Limit all activities involving social security numbers to those circumstances that are authorized by State or federal law.
2. Protect each social security number collected or maintained by the District from unauthorized disclosure.

The Superintendent is responsible for ensuring that the District complies with the Identity Protection Act, 5 ILCS 179/. Compliance measures shall include each of the following: 3

1. All employees having access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality of social security numbers. Training should include instructions on the proper handling of information containing social security numbers from the time of collection through the destruction of the information.
2. Only employees who are required to use or handle information or documents that contain social security numbers shall have access to such information or documents.
3. Social security numbers requested from an individual shall be provided in a manner that makes the social security number easily redacted if the record is required to be released as part of a public records request.
4. When collecting a social security number or upon request by an individual, a statement of the purpose(s) for which the District is collecting and using the social security number shall be provided. 4
5. Notification to an individual whenever his or her personal information was acquired by an unauthorized person; *personal information* is an individual's name in combination with his or her social security number, driver's license number or State identification card number, or financial account information. 5
6. Disposal of materials containing personal information in a manner that renders the personal information unreadable, unusable, and undecipherable; *personal information* has the meaning stated in #5, above.

¹ The Identity Protection Act, 5 ILCS 179/, requires that this subject matter be covered in policy and controls its content. The Act places greater limits on the use of SSNs than federal law. The Act defines *identity-protection policy* as "any policy created to protect social security numbers from unauthorized disclosure." *Social security number* is not capitalized in the Identity Protection Act (5 ILCS 179/5).

Another State law, the Personal Information Protection Act, 815 ILCS 530/, amended by P.A. 97-483, contains mandates for *government agencies* and *local government*. Attorneys disagree whether this Act applies to school districts. This Act contains requirements for: (1) notifying an owner of a security breach, and (2) disposing of material containing *personal information* (defined as the owner's name combined with SSN, driver's license number or State identification card number, and financial account information, including without limitation, credit or debit card numbers).

² The list of goals is optional; it may be deleted, augmented, or otherwise amended.

³ Items 1-4 in this numbered list must be covered in board policy (5 ILCS 179/35(a)).

⁴ See 4:15-E2, *Exhibit - Statement of Purpose for Collection of Social Security Numbers*.

⁵ Items #5 & #6 are not required to be in policy. They are mandates contained in the Personal Information Protection Act; see the second paragraph of f/n #1. They are included in the sample policy because: (1) they are consistent with public policy, and (2) if the Act applies to school districts, so will its section allowing the Attorney General to fine any person up to \$100 for each violation of the disposal requirements for materials containing personal information (815 ILCS 530/40).

7. All employees must be advised of this policy's existence and a copy of the policy must be made available to each employee. The policy must also be made available to any member of the public, upon request. ⁶

No District employee shall collect, store, use, or disclose an individual's social security number unless specifically authorized by the Superintendent. ⁷ This policy shall not be interpreted as a guarantee of the confidentiality of social security numbers and/or other personal information. The District will use best efforts to comply with this policy, but this policy should not be construed to convey any rights to protection of information not otherwise afforded by law.

LEGAL REF.: 5 ILCS 179/, Identity Protection Act.

CROSS REF: 2:250 (Access to District Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

⁶ Item #7 is not required to be in the policy but districts are required to perform the described action (5 ILCS 179/35(b)). These compliance measures are covered in administrative procedure 4:15-AP, *Protecting the Privacy of Social Security Numbers*.

⁷ This sentence is optional. Its intent is to inform employees of the need to have proper authority before collecting, storing, using, or disclosing SSNs. A board may attach a sanction to the paragraph by adding the following option:

An employee who has substantially breached the confidentiality of SSNs may be subject to disciplinary action or sanctions up to and including dismissal in accordance with District policy and procedures.

Operational Services

Exhibit - School District Payment Order

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

Order Date: _____

The Treasurer, _____, of _____ School

District in _____ County, shall pay to the order of _____

_____ the sum of \$ _____, for _____

_____.

By order of the _____ School Board.

Board President

Date

Secretary

Date

Operational Services

Administrative Procedure - Third Party Non-Instructional Contracts

When completed, this procedure documents that the requirements in 105 ILCS 5/10-22.34c have been fulfilled thereby allowing the School Board to approve a contract for third party non-instructional services currently performed by any employee or bargaining unit member. However, these conditions are not mandatory for the Board to enter into a contract, of no longer than 3 months in duration, with a third party for non-instructional services currently performed by an employee or bargaining unit member for the purpose of augmenting the current workforce in an emergency situation that threatens the safety or health of the District’s students or staff, provided that the Board meets all of its obligations under the Illinois Educational Labor Relations Act.

Name of proposed contractor: _____

Name and description of proposed contract for third party non-instructional services: _____

Effective date of proposed contract: _____

Each of the following conditions must be checked to document that it was present or fulfilled:

- Any lay-off resulting from entering into the contract for third party non-instructional services will comply with the applicable collective bargaining agreement and/or Board policy 5:290, *Employment Terminations and Suspensions*.
- The proposed contract will not be entered into or become effective during the term of an applicable collective bargaining agreement covering any employees who perform the non-instructional services.
- The proposed contract will take effect upon or after the expiration of an existing collective bargaining agreement.
- The proposed contractor has submitted a bid that includes the following:
 - A. Evidence of liability insurance in scope and amount equivalent to the liability insurance provided by the Board pursuant to 105 ILCS 5/10-22.3;
 - B. A benefits package for the third party’s employees who will perform the non-instructional services comparable to the benefits package provided to District employees who perform those services;
 - C. A list of the number of employees who will provide the non-instructional services, the job classifications of those employees, and the wages the proposed contractor will pay those employees;
 - D. A minimum 3-year cost projection, using generally accepted accounting principles, and which the proposed contractor is prohibited from increasing if the bid is accepted by the Board, for each and every expenditure category and account for performing the non-instructional services;
 - E. Composite information about the criminal and disciplinary records, including alcohol or other substance abuse, Department of Children and Family Services complaints and investigations, traffic violations, and license revocations or any other licensure problems, of any employees who may perform the non-instructional services, provided that the individual names and other identifying information of employees need not be provided with the submission of the bid, but must be made available upon request of the Board; and

- F. An affidavit, notarized by the president or chief executive officer of the proposed contractor, that each of its employees has completed a criminal background check as required by 105 ILCS 5/10-21.9 within 3 months prior to submission of the bid, provided that the results of such background checks need not be provided with the submission of the bid, but must be made available upon request of the Board.
- The following is attached or otherwise available: a cost comparison, using generally accepted accounting principles, of each and every expenditure category and account that the District projects it would incur over the term of the contract if it continued to perform the non-instructional services using its own employees with each and every expenditure category and account that is projected the proposed contractor would incur if it performed the non-instructional services.
- The Board reviewed and considered all bids by third parties to perform the non-instructional services in open session of a regularly scheduled Board meeting, unless the exclusive bargaining representative of the employees who perform the non-instructional services, if any such exclusive bargaining representative exists, agreed in writing that such review and consideration could take place in open session at a specially scheduled Board meeting.
- Date of Board meeting: _____
- Each of the following occurred:
1. A minimum of one public hearing, conducted by the Board prior to a regularly scheduled Board meeting, to discuss the proposed contract was held before the Board entered such contract.
Date of hearing: _____
 2. The Board provided notice to the public of the date, time, and location of the first public hearing on or before the initial date that bids to provide the non-instructional services are solicited or a minimum of 30 days prior to entering into such a contract, whichever provides a greater period of notice.
Date and manner of notice: _____
- The proposed contract contains provisions requiring the proposed contractor to offer available employee positions pursuant to the contract to qualified School District employees whose employment is terminated because of the contract.
- The proposed contract contains provisions requiring the proposed contractor to comply with a policy of nondiscrimination and equal employment opportunity for all persons and to take affirmative steps to provide equal opportunity for all persons.

Operational Services

Administrative Procedure - Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; and Bus Driving Comments

Bus Driver Communication Devices

State law prohibits a school bus driver from operating a school bus while using a cellular radio telecommunication device. It requires each school bus to contain either an operating cellular radio telecommunication device or two-way radio while the school bus driver is in possession of the school bus. The cellular radio telecommunication device or two-way radio must be turned on and adjusted in a manner that would alert the driver of an incoming communication request (625 ILCS 5/12-813.1).

Bus drivers may still have cell phones although they are prohibited from using cell phones for anything, including personal use, while operating a bus except: (1) in an emergency situation to communicate with an emergency response operator; a hospital; a physician's office or health clinic; an ambulance service; a fire department, fire district, or fire company; or a police department; (2) in the event of a "mechanical breakdown or other mechanical problem;" (3) to communicate with school authorities or their designees about bus operation or the welfare and safety of any passengers on the bus; or (4) when the bus is parked (625 ILCS 5/12-813.1(c)).

Bus/Vehicle Pre-Trip and Post-Trip Inspection ¹

All school bus drivers, whether employed by the School District or private sector school bus company, shall perform each of the following:

1. Comply with the applicable pre-trip inspection of the mechanical and safety equipment on the school bus listed on the *School Bus Driver Pre-Trip Inspection Form* (92 Ill.Admin. Code §§458.1030 and 458.1030(u) requires any variations from the form to be approved by the Dept. of Transportation by calling 217/785-3031 or writing to:
Vehicle-Inspection Unit Manager
Ill. Dept. of Transportation, Div. of Traffic Safety
1340 North 9th St.
P.O. Box 19212
Springfield, IL 62794-9212
2. Test the cellular radio communication device or two-way radio and ensure that it is functioning properly before the bus is operated (625 ILCS 5/12-816).
3. Perform a visual sweep for children or other passengers at the end of a route, work shift or workday by:
 - a. Activating interior lights of the school bus to assist the driver in searching in and under each seat (625 ILCS 5/12-816(c), and
 - b. Walking to the rear of the school bus/vehicle checking in and under each seat (625 ILCS 5/12-816(b)).

If a mechanical post-trip inspection reminder system is installed, the driver shall comply with the requirements of that system (625 ILCS 5/12-816(d)).

¹ 625 ILCS 5/12-816(a), requires districts to have a pre-trip and post-trip inspection policy. Sample policy 4:110, *Transportation*, requires the superintendent or designee to develop the inspection procedures. 23 Ill.Admin.Code §1.510 and 92 Ill.Admin.Code §440.420(h) requires bus drivers to follow this procedure. 92 Ill.Admin.Code §1035.45 requires the bus driver's prospective or current employer to notify the Secretary of State whenever the bus driver failed to perform the pre-trip and post-trip inspection process.

Bus Driving Comments ²

Each school bus and multifunction school activity bus shall display a sign at the rear, with letters and numerals readily visible and readable, in the following form:

TO COMMENT ON MY DRIVING, CALL [*insert District area code and telephone number*] ³

Driving comments shall be accepted in the following manner:

1. Calls to comment on school bus driving shall be directed to the Superintendent or designee.
2. The Superintendent or designee shall conduct an internal investigation of the events that led to each complaint. Required for districts that own school buses by 625 ILCS 5/12-821(c)(1).
3. The Superintendent or designee shall inform the commenting party of the results of any investigation and the action, if any, taken to remedy the situation. Required for districts that own school buses by 625 ILCS 5/12-821(c)(2).

² This section applies only to districts that own school buses (625 ILCS 5/12-821(b)). The Ill. Vehicle Code requires school bus owners to display an area code and telephone number at the rear of all buses for the purpose of commenting on school bus driving (Id. at (a)). It allows school bus owners who placed a sign without an area code pursuant to P.A. 95-176 to use that sign until the owner replaces the sign. School bus owners must also establish procedures for accepting calls and taking complaints (Id. at (b)); 92 Ill.Admin.Code §§440.420(v)(15, 16) and 441-3).

³ An area code in addition to the telephone number of the school bus owner must be displayed, regardless of whether the owner is a school district or another person or entity (625 ILCS 5/12-821(a)). The procedure's language assumes the district owns the school bus.

Although not mandatory, school districts that do not own school buses should replace #2 with the following sentences; the procedural expectation should also be included in contracts with private carriers:

Every comment that a private company receives about a driver must be noted in writing along with the follow-up activity, and a copy sent or emailed to the Superintendent or designee. The Superintendent will communicate regularly with the school bus owner to ensure bus driving comments are accepted and investigated in accordance with State law.

Operational Services

Waiver of Student Fees ¹

The Superintendent will recommend to the School Board a schedule of fees, if any, to be charged students for the use of textbooks, consumable materials, extracurricular activities, and other school student fees. Students must also pay for the loss of or damage to school books or other school-owned materials.

Fees for textbooks, other instructional materials, and driver education are waived for students who meet the eligibility criteria for a fee waiver as described in this policy. ² In order that no student is denied educational services or academic credit due to the inability of parents/guardians to pay student fees, the Superintendent will recommend to the Board which additional fees, if any, the District will waive for students who meet the eligibility criteria for fee waiver. ³ Students receiving a fee waiver are not exempt from charges for lost and damaged books, locks, materials, supplies, and equipment. ⁴

Notification

The Superintendent shall ensure that applications for fee waivers are widely available and distributed according to State law and ISBE rule and that provisions for assisting parents/guardians in completing the application are available.

¹ State law requires this subject matter be covered by policy and controls its content (105 ILCS 5/10-20.13; 23 Ill.Admin.Code §1.245). State law provides that “[n]o discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees,” (105 ILCS 5/28-19.2). This policy concerns an area in which the law is unsettled (see footnotes 2 and 3).

² Districts must waive textbooks fees (105 ILCS 5/10-20.13) and driver education fees (105 ILCS 5/27-24.2) for students whose parents/guardians are unable to afford them. In order to effectuate the law’s intent, the term “textbook” should be interpreted broadly to include fees for instructional materials, laboratory fees, and workbooks. The enforceability of 105 ILCS 5/10-20.13(b) and implementing ISBE regulations (23 Ill.Admin.Code §1.245) requiring districts to waive “other fees” is questionable because they are unfunded mandates. ISBE regulations on school fees may not be enforceable because the General Assembly failed to make necessary appropriations (see the Weekly Message from State Superintendent Robert Schiller, 8-15-03).

A school district may charge up to \$50 to students who participate in the driver education course. The fee may be increased up to \$250, provided the district completes the requirements in section 27-24.2. The fee must be waived for any student who is unable to pay (105 ILCS 5/27-24.2, 23 Ill.Admin.Code §252.30).

Resident tuition fees are not permissible. Hamer v. Board of Education, School District No. 109, 292 N.E.2d 569 (Ill.App. 2, 1977); Polzin v. Rand, McNally & Co., 95 N.E. 623 (1911).

³ 105 ILCS 5/10-20.13(b) was added in 1983 to require districts to waive “other fees” in addition to the costs of textbooks (P.A. 83-603). The General Assembly, however, never appropriated the necessary funds. Thus, the amendment may be unenforceable because it violated the State Mandates Act (30 ILCS 805/1; see above footnote). Use the following alternative if the board wants to make a longstanding commitment to waive specific fees, amending the list of fees that will be waived as desired:

In order that no student is denied educational services or academic credit due to the inability of parents/guardians to pay fees, the following fees are also waived for students who meet the eligibility criteria for fee waiver: athletic participation fees, lock fees, towel fees, shop fees, laboratory fees, and registration fees.

Alternatively, a board may decide to waive all school student fees and substitute the following sentence for the first 2 sentences of this paragraph:

All school student fees as defined by the Illinois State Board of Education (ISBE) are waived for students who meet the eligibility criteria for a fee waiver contained in this policy.

⁴ Districts in which a referendum was approved to provide students with free textbooks must have a policy on textbook care and preservation (105 ILCS 5/28-17). The textbook loan program operated by the ISBE is found at 105 ILCS 5/18-17.

Eligibility Criteria

A student shall be eligible for a fee waiver when the student currently lives in a household that meets the same income guidelines, with the same limits based on household size, that are used for the federal free meals program. ⁵

The Superintendent or designee will give additional consideration where one or more of the following factors are present: ⁶

- Illness in the family;
- Unusual expenses such as fire, flood, storm damage, etc.;
- Unemployment;
- Emergency situations;
- When one or more of the parents/guardians are involved in a work stoppage.

Verification ⁷

The Superintendent or designee shall establish a process for determining a student's eligibility for a waiver of fees in accordance with State law requirements. The Superintendent or designee may require family income verification at the time an individual applies for a fee waiver and anytime thereafter but not more often than once every 60 calendar days. The Superintendent or designee shall not use any information from this or any independent verification process to determine free or reduced-price meal eligibility.

If a student receiving a fee waiver is found to be no longer eligible during the school year, the Superintendent or designee shall notify the student's parent/guardian and charge the student a prorated amount based upon the number of school days remaining in the school year.

⁵ Required by 105 ILCS 5/10-20.13. The federal free meals program is found at 42 U.S.C. §1758; 7 C.F.R. Part 245. A board has a choice regarding verification – it may: (1) establish a process to determine eligibility for fee waivers that is completely independent of the federal free meals eligibility guidelines, or (2) tie the application for fee waivers to the free meals program and only ask for *verification* in accordance with the free or reduced-price meals program. This sample policy assumes that option #1 will be chosen but would allow for option #2 if the alternative is used in the *Verification* section. See footnote 7.

⁶ This paragraph is optional and may be omitted.

⁷ By using a process for determining eligibility for fee waivers that is completely separate from the process for determining eligibility for free meals, a district may require income verification at the time an application is submitted for a fee waiver and may do so thereafter, but not more than once every 60 calendar days. 105 ILCS 5/10-20.13; 23 Ill.Admin.Code §1.245(d). Income verification may include such things as payroll stubs, tax returns, or evidence of receipt of food stamps or Temporary Assistance for Needy Families.

An application for fee waivers that is completely separate from the application for free lunches cannot ask whether a student lives in a household that meets free lunch eligibility guidelines and request income verification with reference to *free lunch* eligibility guidelines. In the completely separate fee waiver application, the district should supply its own income guidelines with the same limits based on household size that are used for the federal meals program and have the parents indicate if they meet the income guidelines used to determine eligibility for *fee waivers*. The independent fee waiver income guidelines should not be any higher than those for eligibility for free lunch (or reduced-price, if the district voluntarily provides fee waivers for those students who qualify), but the district should not reference or indicate that the guidelines are for the free meals program. In this completely separate application process for fee waivers, the district may ask for verification, but cannot use any information it receives for fee waiver verification though this process for determining eligibility for free or reduced meals.

Alternatively, a board should replace both paragraphs in this section with the following alternative if it wants to use eligibility guidelines for free meals as the basis for waiving school fees:

The Superintendent or designee must follow the verification requirements of 7 C.F.R. 245.6a when using the free lunch or breakfast eligibility guidelines pursuant to The National School Lunch Act as the basis for waiver of the student's fee(s).

Determination and Appeal **8**

Within 30 calendar days after the receipt of a waiver request, the Superintendent or designee shall mail a notice to the parent/guardian whenever a waiver request is denied. The denial notice shall include: (1) the reason for the denial, (2) the process and timelines for making an appeal, and (3) a statement that the parent/guardian may reapply for a waiver any time during the school year if circumstances change. If the denial is appealed, the District shall follow the procedures for the resolution of appeals as provided in the Illinois State Board of Education rule on waiver of fees.

LEGAL REF.: 105 ILCS 5/10-20.13, 5/10-22.25, 5/27-24.2, and 5/28-19.2.
23 Ill.Admin.Code §1.245 [may contain unenforceable provisions].

CROSS REF.: 4:130 (Free and Reduced-Price Food Services), 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct)

8 An ISBE rule requires that the policy state that the district will mail a copy of a denial notice within 30 calendar days after the receipt of the waiver request (23 Ill.Admin.Code §1.245(c)(3)). This rule also specifies timelines and procedures, including a requirement that “the person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person.” Thus, a board may be required to hear an appeal if the superintendent made the initial decision to deny a fee waiver. The board’s participation is avoided by the principal making initial fee waiver decisions and the superintendent or other main office administrator deciding the appeals.

Operational Services

Safety 1

Safety Program

All District operations, including the education program, shall be conducted in a manner that will promote the safety of everyone on District property or at a District event. ²

The Superintendent or designee shall develop and implement a comprehensive safety and crisis plan incorporating both avoidance and management guidelines. ³ The comprehensive safety and crisis plan shall specifically include provisions for: injury prevention; bomb threats, weapons, and explosives on campus; school safety drill program; ⁴ tornado protection; instruction in safe bus riding practices;⁵ emergency aid; post-crisis management; and, responding to medical emergencies at an indoor and outdoor physical fitness facility. ⁶ During each academic year, each school building that houses school children must conduct a minimum of: ⁷

1. Three school evacuation drills,
2. One bus evacuation drill,
3. One severe weather and shelter-in-place drill, and
4. One law enforcement drill.

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

² This simple end statement should be discussed (what effect or impact will this district statement have on the students and the community?) and altered accordingly before board adoption.

³ See administrative procedure 4:170-API, *Comprehensive Safety and Crisis Program*.

⁴ See the School Safety Drill Act, 105 ILCS 128/.

⁵ Required by 105 ILCS 128/20(b) and 105 ILCS 5/10-20.14 for all students.

⁶ The Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/, broadened the definition of physical fitness facility to include outdoor facilities. Entities operating a "physical fitness facility must adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public." Administrative procedures, consistent with the Ill. Dept. of Public Health rules (77 Ill.Admin.Code Part 527), must support this policy in order to comply with the law.

A school with a physical fitness facility must ensure that there is a trained AED user on staff during staffed business hours (210 ILCS 74/15 (b)). "During staffed business hours" is not well defined and may change based upon the school's various circumstances. *Physical fitness facility* excludes any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the school (210 ILCS 74/5.25). Schools with an outdoor physical fitness facility must have an AED on site and a trained AED user available only during activities or events sponsored and conducted or supervised by a person or persons employed by the school (210 ILCS 74/15(b-15)). There is no longer a requirement for a person supervising an activity at an outdoor physical fitness facility to bring an AED along if there is no building within 300 feet of the outdoor physical fitness facility (*Id.* at (b-10), amended by P.A. 96-1268). However, when there is a building within 300 feet of the outdoor facility where an event or activity is being conducted, an AED must still be housed within that building and the building must provide unimpeded and open access to the housed AED along with marked directions to it (*Id.*). Consult the board attorney about AED issues and how to manage compliance with the Act and its implementing rules.

Insert the following language if a board wants to define *physical fitness facility* in the policy:

The term *physical fitness facility* excludes any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the school.

⁷ Required by the School Safety Drill Act, 105 ILCS 128/. 105 ILCS 5/2-3.12 authorizes fire officials to conduct routine fire safety checks, provided written notice is given to the principal requesting to schedule a mutually agreed upon time. No more than 2 routine inspections may be made in a calendar year. For information about documenting minimum compliance with the School Safety Drill Act, see www.isbe.net/safety/guide.htm.

The law enforcement drill must be conducted according to the District's comprehensive safety and crisis plan, with the participation of the appropriate law enforcement agency. This drill may be conducted on days and times that students are not present in the building. **8**

In the event of an emergency that threatens the safety of any person or property, students and staff are encouraged to use any available cellular telephone. **9**

The Superintendent or designee shall implement the Movable Soccer Goal Safety Act in accordance with the guidance published by the Illinois Department of Public Health. Implementation of the Act shall be directed toward improving the safety of moveable soccer goals by requiring that they be properly anchored. **10**

Convicted Child Sex Offender and Notification Laws 11

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender meets either of the following two exceptions:

1. The offender is a parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a

8 Required by 105 ILCS 128/20(c). Schools must conduct a law enforcement drill to address incidents, including without limitation reverse evacuation, lock-downs, shooting, bomb threat, or hazardous materials. See f/n #3 *supra*.

9 Cell phone use is addressed in 105 ILCS 5/10-20.28 (allows boards to regulate student use of cell phones; also see 7:190, *Student Discipline*) and 625 ILCS 5/12-610.1(e), amended by P.A. 97-830, eff. 1-1-13, (prohibits wireless telephone use at any time while operating a motor vehicle on a roadway in a school speed zone except for (1) highway construction or maintenance workers within their work zones, (2) any use for emergency purposes, (3) law enforcement officers or emergency responders performing their duties, (4) a person using a wireless telephone in voice-operated mode with or without use of a headset, and (5) a person with technology that uses a single button to initiate or terminate a voice communication, e.g., HandsFreeLink®).

625 ILCS 5/12-813.1 provides four exceptions that allow a bus driver to use a cell phone while operating a bus: (1) in an emergency situation to communicate with an emergency response operator; a hospital; a physician's office or health clinic; an ambulance service; a fire department, fire district, or fire company; or a police department; (2) in the event of a "mechanical breakdown or other mechanical problem;" (3) to communicate with school authorities about bus operation or the safety of a passenger on the bus; and (4) when the bus is parked. However, under no circumstances may the cell phone be used for anything else including personal use. See policy 4:110, *Transportation*, for a more detailed discussion of two-way radios and cellular telephone use.

10 The Movable Soccer Goal Safety Act, a/k/a *Zach's Law*, 430 ILCS 145/, added by P.A. 97-234. This paragraph is required only if the school district owns and controls a movable soccer goal, and it should be included in this policy only by those districts. The Act requires: (1) organizations that own and control a movable soccer goal to create a soccer goal safety and education policy that outlines how the organization will specifically address the safety issues associated with movable soccer goals, and (2) the Ill. Department of Public Health to provide technical assistance materials, which are available at: www.cpssc.gov/CPSCPUB/PUBS/soccer.pdf.

11 Four laws are relevant to this section:

Paragraphs 1-3 contain the requirements in the Criminal Code, 720 ILCS 5/11-9.3, regulating a child sex offender's presence on school property;

Paragraph 4 concerns the Sex Offender Community Notification Law, 730 ILCS 152/101 *et seq.*, and Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105, amended by P.A. 97-154;

Paragraph 5 contains the requirements in the School Code concerning mandatory criminal history records checks on those contractors' employees who have a "direct, daily contact with students," (105 ILCS 5/10-21.9(f). Sample policy 5:30, *Hiring Process and Criteria*, and administrative procedure 5:30-AP2, *Investigations*, address the criminal offenses listed at 105 ILCS 5/21B-80, added by P.A. 97-607. Being convicted of one will disqualify an individual from work at the school district (105 ILCS 5/10-21.9, amended by P.A. 97-607). If the board president or district (see f/n #17 *infra*) receives information concerning the record of conviction as a sex offender of any contractor's employee, the district must provide the information to another school, school district, community college district, or private school that requests it (105 ILCS 5/10-21.9(h), amended by P.A. 97-248).

An Illinois federal court denied a father's request to enjoin a school's policy that prohibited him, as a child sex offender, from attending his children's school activities in *Doe v. Paris Union School Dist.*, No. 05-2249, 2006 WL 44304 (C.D.Ill., 2006).

conference with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or

2. The offender received permission to be present from the School Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Superintendent, or designee who is a certified employee shall supervise a child sex offender whenever the offender is in a child's vicinity. **12**

If a student is a sex offender, the Superintendent or designee shall develop guidelines for managing his or her presence in school. **13**

The Superintendent shall develop procedures for the distribution and use of information from law enforcement officials under the Sex Offender Community Notification Law and the Murderer and Violent Offender Against Youth Community Notification Law. The Superintendent or designee shall serve as the District contact person for purposes of these laws. **14** The Superintendent and Building Principal shall manage a process for schools to notify the parents/guardians during school registration that information about sex offenders is available to the public as provided in the Sex Offender

12 720 ILCS 5/11-9.3. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child's vicinity. See also policy 8:30, *Visitors to and Conduct on School Property*.

13 Aside from rumor and notoriety, there are 3 ways that school officials may learn that an enrolled student is a sex offender or a violent offender against youth, that is:

1. By being informed by the student or the student's parent/guardian.
2. Through the Illinois State Police Sex Offender Registry, www.isp.state.il.us/sor. A juvenile sex offender is listed there after the juvenile becomes 17 years old and will be listed for the remaining registration period (730 ILCS 150/2). The database is updated daily and allows searching by name, city, county, zip code, compliance status, or any combination thereof.
3. By receiving notification from a law enforcement agency that a juvenile sex offender or juvenile violent offender against youth is enrolled in a school. The law enforcement agency having jurisdiction to register the juvenile must provide a copy of the offender registration form to the building principal and guidance counselor designated by the principal; the school must keep the registration form separately from the student's school records (730 ILCS 152/121).

If a sex offender is enrolled in a school, guidelines for managing the sex offender's presence in school should be prepared. The components will depend on the situation but generally should include asking the parent/guardian of a sex offender below the age of 17 years for permission to share the information with certain staff for the protection of both the student and other students. In addition, the guidelines should include a supervision plan providing supervision for the student during all aspects of his or her school day. Finally, the guidelines must respect the privacy of juvenile records and comply with the Ill. School Student Records Act, 105 ILCS 10/. The board attorney should be consulted.

14 Law enforcement officials must notify school districts of the names, addresses, and offenses of registered offenders residing in their respective jurisdictions who have committed sex offenses and violent offenses against youth (see footnote 9). These laws are silent with regard to what, if anything, districts do with the information. The Sex Offender Community Notification Law, however, provides immunity for "any person who provides, or fails to provide, information relevant to the procedures set forth in this Law," (730 ILCS 152/130).

Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person and boards may wish to have a contact person from each building. See administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*, for sample implementing procedures.

Community Notification Law. **15** This notification must occur during school registration and at other times as the Superintendent or Building Principal determines advisable.

All contracts with the School District that may involve an employee or agent of the contractor having any contact, direct or indirect, with a student, shall contain the following: **16**

The contractor shall not send to any school building or school property any employee or agent who would be prohibited from being employed by the District due to a conviction of a crime listed in 105 ILCS 5/10-21.9, amended by P.A.s 97-248 and 97-607, or who is listed in the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry. The contractor shall make every employee who will be sent to any school building or school property available to the District for the purpose of submitting to a fingerprint-based criminal history records check pursuant to 105 ILCS 5/10-21.9. The check shall occur before any employee or agent is sent to any school building or school property. The contractor will reimburse the District for the costs of the checks. The District must also provide a copy of the report to the individual employee, but is not authorized to release it to the contractor. Additionally, at least quarterly, the contractor shall check if an employee or agent is listed on the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry.

If another school district requests a copy of a criminal history records check that the District conducted on any contractor's employee within the last year, the District will provide it. Requestors

15 State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/101 et seq. In an effort to keep this policy aligned with good governance practices, the responsibility is given to the superintendent and building principal to manage. While State law allows the notification to be made during registration or parent-teacher conferences, the sample policy makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

16 105 ILCS 5/10-21.9, amended by P.A.s 97-248 and 97-607. Section 5/10-21.9(f) requires a criminal history records check, i.e., *background investigation* or *background check*, to be performed on those contractors' employees who have a *direct, daily contact with students*. State law places the same restrictions on contractors' employees that it does on district employees. The sample policy is more comprehensive by requiring checks for any contractor's employee who may work in any school building or on school property. Its purpose is to eliminate any uncertainty about the safety of students.

For districts that want their policy language to mirror the language in State law, replace: "any contact, direct or indirect" with "direct, daily contact." Board policy should address these issues:

- Who performs the background checks? For legal and practical reasons, ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, places the responsibility on the district to (a) perform the background checks (20 ILCS 2635/) and (b) provide the contractor's employee with a copy with the results of his or her background check (20 ILCS 2635/7(A)(1)).
- On whom are the background checks performed? State law requires the checks on those who have a *direct, daily contact with students*. It may be impossible to screen all contractors' employees. However, a contractor should warrant that none of its employees who may have contact with a student at school has committed an offense that would prohibit district employment.
- See the discussion in the first paragraph of this f/n addressing this sample policy's more comprehensive language.
- How is compliance assured? This sample policy requires the inclusion of a clause in district contracts prohibiting the use of any employee with a conviction listed under Section 21B-80 of the School Code on school property. The inclusion of a contract clause in district contracts ensures the background check is performed pursuant to State and federal law and outlines each party's responsibilities for accomplishing it.

See administrative procedure 5:30-AP2, *Investigations*. For more information on managing background checks for contractor's employees, see ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf.

of this information may include another school, school district, community college district, or private school. **17**

Unsafe School Choice Option **18**

The unsafe school choice option allows students to transfer to another District school or to a public charter school within the District. The unsafe school choice option is available to:

1. All students attending a persistently dangerous school, as defined by State law and identified by the Illinois State Board of Education.
2. Any student who is a victim of a violent criminal offense, as defined by 725 ILCS 120/3, that occurred on school grounds during regular school hours or during a school-sponsored event.

The Superintendent or designee shall develop procedures to implement the unsafe school choice option.

Student Insurance **19**

The Board shall annually designate a company to offer student accident insurance coverage. The Board does not endorse the plan nor recommend that parents/guardians secure the coverage, and any contract is between the parents/guardians and the company. Students participating in athletics, cheerleading, or pompons must have school accident insurance unless the parents/guardians state in writing that the student is covered under a family health insurance plan.

Emergency Closing

The Superintendent is authorized to close the schools in the event of hazardous weather or other emergencies that threaten the safety of students, staff members, or school property. **20**

17 *Id.* at 5/10-21.9(h), amended by P.A. 97-248. The School Code defines the board president's role in conducting criminal background investigations and receiving the results of these investigations. Many districts delegate this task to a human resource department. However, because the report involves a contractor's employee, the immunity provisions in the Employment Record Disclosure Act (745 ILCS 46/10) may not apply. Conversely, the immunity may apply through the Uniform Conviction Information Act (20 ILCS 2635/7(A)(3)). Consult the board attorney based upon this and all relevant employment record disclosure laws. See policy 5:150, *Personnel Records*, f/n #4 for more discussion about employment record disclosure laws. See also f/n #16's citation to ISBE's non-regulatory guidance document.

18 A policy provision is required on this topic (105 ILCS 5/10-21.3a). See also 20 U.S.C. §7912. ISBE maintains a list of persistently dangerous schools. Districts having only one school may substitute the following provision for this paragraph:

The unsafe school choice option provided in State law permits students to transfer to another school within the District in certain situations. This transfer option is unavailable in this District because the District has only one school or attendance center. A student, who would otherwise have qualified for the choice option, or such a student's parent/guardian, may request special accommodations from the Superintendent or designee.

Districts with each grade in only one attendance center may substitute the following provision for this paragraph:

The unsafe school choice option provided in State law permits students to transfer to another school within the District in certain situations. This transfer option is unavailable in this District because each grade is in only one attendance center. A student, who would otherwise have qualified for the choice option, or such a student's parent/guardian, may request special accommodations from the Superintendent or designee.

19 This subhead is optional. 105 ILCS 5/22-15 allows districts to purchase insurance on athletes. A form on which parents/guardians check-off whether they want school accident insurance or already have the student covered by other health insurance will suffice for purposes of this policy. Requiring students participating in athletics to have accident insurance is a best practice because: (1) waivers of liability do not prevent a student from bringing suit, and (2) waivers of liability are not favored by Illinois courts.

20 When adverse weather conditions force a school's closing or a delayed start, the district may count a partial day of attendance as a full day for State aid purposes, provided: (1) at least one hour of instruction was provided, and (2) the superintendent provides the Regional Superintendent or the Suburban Cook County Intermediate Service Center, whichever is appropriate, with a written report in support of the partial day within 30 days (105 ILCS 5/18-12). P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to the Intermediate Service Center for the area.

- LEGAL REF.: Adam Walsh Child Protection and Safety Act, P.L. 109-248.
Uniform Conviction Information Act, 20 ILCS 2635/
105 ILCS 5/10-20.28, 5/21B-80, 5/10-21.9, and 128/
Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/
Ill. Vehicle Code, 625 ILCS 5/12-813.1.
Criminal Code of 2012, 720 ILCS 5/11-9.3.,
Unified Code of Corrections, 730 ILCS 152/101 et seq.
- CROSS REF.: 5:30 (Hiring Process and Criteria), 6:190 (Extracurricular and Co-Curricular Activities), 6:250 (Community Resource Persons and Volunteers), 7:220 (Bus Conduct), 7:300 (Extracurricular Athletics), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)
- ADMIN. PROC.: 4:170-AP2 (Criminal Offender Notification Laws), 4:170-AP3 (School Bus Safety Rules), 4:170-AP6 (Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED), 5:30-AP2 (Investigations)

Operational Services

Administrative Procedure - Criminal Offender Notification Laws

The following list describes laws protecting students on school grounds from individuals convicted of serious crimes:

1. A child sex offender is prohibited from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present unless specifically permitted by statute (720 ILCS 5/11-9.3). See School Board policies 4:170, *Safety*; 8:30, *Visitors to and Conduct on School Property*; and administrative procedure 8:30-AP, *Definition of Child Sex Offender*.
2. Law enforcement must notify schools of offenders who reside or are employed in the county. See: (a) Sex Offender Community Notification Law, 730 ILCS 152/101 *et seq.*, and (b) Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105, amended by P.A. 97-154. These laws are hereafter referred to as “offender notification laws.” See also policy 4:170, *Safety*.
3. The School Code (105 ILCS 5/10-21.9, amended by P.A. 97-607) lists criminal offenses that disqualify an individual from District employment if the individual was convicted. It requires any person hired by the District to submit to a fingerprint-based criminal history records check through (a) the Illinois State Police (ISP) for an individual’s *Criminal History Records Information* (CHRI) and (b) the FBI’s national crime information databases. The law also requires a school district to check two Illinois offender databases for each applicant, which are (a) the Statewide Sex Offender Registry, www.isp.state.il.us/sor/ and (b) the Statewide Murderer and Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/. Obtaining the results of the fingerprint-based criminal history records check and review of the database registries is a *complete criminal history records check* as required by the School Code. See Board policy 5:30, *Hiring Process and Criteria*; administrative procedure 5:30-AP2, *Investigations*, and ISBE’s non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf.
Note: A District may also check the National Sex Offender Public Registry, www.nsopr.gov; however, the same information will likely appear in the information furnished by the FBI.
4. The provisions in the School Code described above also apply to employees of persons or firms holding contracts with a school district who have direct, daily contact with students. See Board policy 4:170, *Safety*.
5. Conviction of an offense listed in 105 ILCS 5/10-21.9, amended by P.A. 97-607, results in the automatic revocation of the individual’s certificate (105 ILCS 5/21-23a, repealed by P.A. 97-607 and moved to 105 ILCS 5/21B-80).
6. The offender notification laws require law enforcement to ascertain whether a juvenile sex offender or violent offender against youth is enrolled in a school and, if so, to provide a copy of the registration form to the Building Principal and any guidance counselor designated by him or her. This registration form must be kept separately from any and all school records maintained on behalf of the juvenile sex offender. See Board policy 4:170, *Safety*.

Receipt of the Information from Law Enforcement ¹

The Superintendent or designee shall notify the local law enforcement official or county sheriff that he or she is the District's official contact person for purposes of the offender notification laws. ² The Superintendent and/or Building Principal may at any time request information from law enforcement officials regarding sex offenders or violent offenders against youth.

The Superintendent will provide Building Principals and other supervisors with a copy of all lists received from law enforcement officials containing the names and addresses of sex offenders and violent offenders against youth.

The Building Principal or designee shall provide the lists to staff members in his or her building on a need-to-know basis, but in any event:

- A teacher will be told if one of his or her students, or a student's parent/guardian, is on a list.
- The school counselor, nurse, social worker, or other school service personnel will be told if a student or the parent/guardian of a student for whom he or she provides services is on a list.

No person receiving a list shall provide it to any other person, except as provided in these procedures, State law,³ or as authorized by the Superintendent. Requests for information should be referred to the local law enforcement officials or State Police.

Screening Individuals Who Are Likely to Have Contact with Students at School or School Events ⁴

Upon receiving a list of sex offenders or violent offenders against youth from law enforcement, the Superintendent or Building Principal, or designees, shall determine if anyone is listed who is currently a District employee, student teacher, or school volunteer.

In addition, the Superintendent and/or Building Principal(s) shall screen individuals who are likely to come in contact with students at school or school events as follows:

Volunteers

Each staff member shall submit to the Building Principal the name and address of each volunteer the staff member is supervising or whose services are being used as soon as that person is identified. The Building Principal or designee shall immediately screen the volunteer's name and address against the: (1) Dru Sjodin National Sex Offender Public Website (NSOPW), www.nsopr.gov, (2) Illinois Sex Offender Registry, www.isp.state.il.us/sor/, and (3) the Illinois Murderer and Violent Offenders Against Youth Registry maintained by the State Police, www.isp.state.il.us/cmvo/. If a match is found, the Building Principal shall notify the Superintendent, who shall contact the local law enforcement officials to confirm or disprove the match.

If a match is confirmed, the Superintendent shall inform the individual, by mail and telephone call, that he or she may not be used as a volunteer. The Superintendent also shall inform relevant staff members and the Building Principal that the individual may not be used as a volunteer.

While volunteers are not subject to a criminal history records check requirement like District employees, the District may require the same fingerprint-based criminal history records check required of student teachers. See ISBE's non-regulatory guidance document, *Criminal*

¹ The law is silent with regard to what, if anything, districts do with the information. It does, however, provide that "any person who provides, or fails to provide, information relevant to the procedures set forth in this Law shall not be liable in any civil or criminal action," (730 ILCS 152/130).

² Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person and the superintendent may wish to have a contact person from each building.

³ The list of child sex offenders may be a *public record* subject to disclosure under the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.). Consult the district counsel when a request is made using this Act.

⁴ The law is silent with regard to screening volunteers and individuals in the proximity of a school.

History Records Information (CHRI) Checks for Certified and Non-certified School Personnel, at: www.isbe.net/pdf/guidance_chr.pdf and **Student Teachers**, below. The law is not clear whether the volunteer or the District pays the cost of this check, but funds from any ADA School Safety and Educational Improvement Block Grant may be used to pay for fingerprint-based criminal history records checks.

Student Teachers

The District will perform a fingerprint-based criminal history records check pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1) (ISP) and the Adam Walsh Child Protection and Safety Act (P.L. 109-248) (FBI). The Superintendent will receive the records of convictions (unless expunged) from the fingerprint-based criminal history records check. See 105 ILCS 5/10-21.9(g) and ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf. See also 5:30-AP2, *Administrative Procedure- Investigations*. Prior to participating in any field experiences in the District, each student teacher must provide written authorization for, and pay the costs of, his or her fingerprint-based criminal history records check. (*Id.* and 20 ILCS 2635 (7)(A)). Each student teacher will be provided with a copy of the report (*Id.*) Every new student teaching experience will require a new background check.

In addition, the Superintendent shall also screen the student teacher's name and address against the: (1) Illinois Sex Offender Registry, www.isp.state.il.us/sor/, and (2) the Violent Offender Against Youth Registry maintained by the State Police, www.isp.state.il.us/cmvo/.

Students Doing Field or Clinical Experience other than Student Teaching

The Building Principal shall screen the name and address of each student seeking to do any field or clinical experience other than student teaching in the school as described above for volunteers. If a match is found, the Building Principal and Superintendent shall proceed as above for volunteers.

The District may also require the same fingerprint-based criminal history records check required of student teachers prior to a student beginning any field or clinical experiences other than student teaching in the District. See **Student Teachers**, above. The cost of this check will be paid for by the student seeking the experience.

Contractors' Employees⁵

The Superintendent shall include the following in all District contracts that may involve an employee of the contractor having any contact, direct or indirect, with a student:

The contractor shall not send to any school building or school property any employee or agent who would be prohibited from being employed by the District due to a conviction of a crime listed in 105 ILCS 5/10-21.9, amended by P.A.s 97-248 and 97-607, or who is listed in the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry. The contractor shall make every employee who will be sent to any school building or school property available to the District for the purpose of submitting to a fingerprint-based criminal history records check pursuant to 105 ILCS

⁵ A contractor must provide its employees to the district for a background check. The last sentence of this contract clause will help districts comply with 105 ILCS 5/10-21.9, amended by P.A.s 97-248 and 97-607. That law requires a criminal history records check to be performed on only those contractors' employees who have *direct, daily contact with students*. In order to be comprehensive and to eliminate uncertainty, this contract clause requires background checks for *any* contractor's employee who may work in any school building or on school property. For more information on managing background checks for contractor's employees, see ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf.

The last sentence of the last paragraph in this section is a new duty required by 105 ILCS 5/10-21.9(h), amended by P.A. 97-248. See f/n #17 in policy 4:170, *Safety*, for more discussion about this requirement.

5/10-21.9. The check shall occur before any employee or agent is sent to any school building or school property. The contractor will reimburse the District for the costs of the checks. The District must also provide a copy of the report to the individual employee, but is not authorized to release it to the contractor. Additionally, at least quarterly, the contractor shall check if an employee or agent is listed on the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry.

If a staff member at any time becomes aware or suspicious that a contractor's employee is a sex offender or violent offender against youth, the employee shall immediately notify the Superintendent. The Superintendent shall screen the name of the individual as described in **Volunteers**, above and/or contact the contractor.

If another school district requests a copy of a criminal history records check that the District conducted on a contractor's employee within the last year, the District will share it with the requesting school district. P.A. 97-248 requires the District to share the information and allows a school district to rely on the checks done by another district that are less than one year old. **Note:** Unless notified by the individual whose criminal history records are being checked or by the ISP that the information furnished in its criminal history records information (CHRI) report is inaccurate or incomplete, the District cannot be liable for damages to any person to whom the CHRI pertains for actions that the District reasonably took in reliance on the accuracy and completeness of CHRI report (20 ILCS 2635/7(A)(3).

Individuals in the Proximity of a District's School

Each time a list of sex offenders and/or violent offenders against youth is received from a law enforcement official, the Building Principal shall review it to determine if anyone listed lives in the proximity of his or her school. The Building Principal shall attempt to alter school bus stops and the route students travel to and from school in order to avoid contact with an individual on such a list.

Employees

All applicants considered for District employment shall submit to a fingerprint-based criminal history records check, according to State law and Board policy 5:30, *Hiring Process and Criteria*, and administrative procedure 5:30-AP2, *Investigations*. See 105 ILCS 5/10-21.9, amended by P.A. 97-607.

Each time a list of sex offenders or violent offenders against youth is received from a law enforcement official, the Superintendent shall review the list to determine if an employee is on the list. If a match is found, the Superintendent shall immediately contact the local police officials to confirm or disprove the match. The Superintendent shall immediately notify the Board if a match is confirmed. The Board President will contact the Board Attorney and the Board will take the appropriate action to comply with State law that may include terminating the individual's employment.

Informing Staff Members and Parents/Guardians About the Law ⁶

Building Principals or their designees shall inform parents/guardians about the availability of information concerning sex offenders during school registration and, if feasible, during parent-teacher conferences. Information should be distributed about the Statewide Sex Offender Registry, www.isp.state.il.us/sor/, and the Statewide Murderer and Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/. Information may also be included in the Student Handbook. See the Sex

⁶ State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/101 et seq. While State law allows the notification to be made during registration or parent-teacher conferences, the sample procedure makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

Offender Community Notification Law, 730 ILCS 152/101 et seq., and exhibit 4:170-AP2, E1, *Informing Parents About Offender Community Notification Laws*.

Requests for additional information shall be referred to local law enforcement officials.

CROSS REF.: 5:30 (Hiring Process and Criteria), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property)

ADMIN. PROC.: 4:170-AP2, E1 (Informing Parents About Offender Community Notification Laws), 5:30-AP2 (Investigations), 6:250-AP (Securing and Screening Resource Persons and Volunteers), 6:250-E (Resource Person and Volunteer Information Form and Waiver of Liability), 8:30-AP (Definition of Child Sex Offender), 8:30-E1 (Letter to Parent Regarding Visits to School by Child Sex Offenders), 8:30-E2 (Child Sex Offender's Request for Permission to Visit School Property)

Operational Services

Exhibit - Informing Parents About Offender Community Notification Laws

On District letterhead, website, and/or in student handbook

Date:

To: Parents/Guardians

Re: Offender Community Notification Laws

State law requires schools to notify parents/guardians during school registration or parent-teacher conferences that information about sex offenders and violent offenders against youth is available to the public on the Illinois State Police's website. The Illinois State Police website contains the following:

Illinois Sex Offender Registry, www.isp.state.il.us/sor/

Illinois Murderer and Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/

Frequently Asked Questions Concerning Sex Offenders, www.isp.state.il.us/sor/faq.cfm

Operational Services

Administrative Procedure - Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED

The following operations implement School Board policy 4:170, *Safety*, requiring a plan for responding to medical emergencies at a physical fitness facility. These operations shall be completed consistent with the Physical Fitness Facility Medical Emergency Procedures Act, 210 ILCS 74/, and the Illinois Department of Public Health Rules, Part 527, Physical Fitness Medical Emergency Preparedness Code. Any definitions of terms found in this Act and IDPH implementing Rules are used as the definitions of those terms in this procedure. ¹

Actor	Action								
<p>Superintendent or designee</p>	<p>Appoints a staff member to coordinate the operations in this Procedure who will be known as the “Plan Coordinator.” ²</p> <p>Plan Coordinator:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">_____</td> <td style="width: 50%; border: none;">_____</td> </tr> <tr> <td style="border: none;">Name</td> <td style="border: none;">Position</td> </tr> </table> <p>Files this plan with the Dept. of Public Health, Division of EMS & Highway Safety, 500 E. Monroe - 8th Floor, Springfield, IL 62701. 77 Ill.Admin.Code §527.400(a). Files an updated plan with the IDPH after a change in the facility that affects the ability to comply with a medical emergency, such as the facility was closed for more than 45 days. 77 Ill.Admin.Code §527.400(c).</p> <p>Dates plan submitted:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">_____</td> <td style="width: 50%; border: none;">_____</td> </tr> <tr> <td style="width: 50%; border: none;">_____</td> <td style="width: 50%; border: none;">_____</td> </tr> </table> <p>Decides, with input from the Plan Coordinator, the schedule for purchasing AEDs. 210 ILCS 74/50.</p> <p>Indoor Facility - Every district must have all applicable facilities equipped with an AED.</p> <p>Outdoor Facility - A district with 4 or fewer physical fitness facilities must have at least two such facilities in compliance; its third facility by July 1, 2011; and its fourth facility by July 1, 2012. A district with more than 4 physical fitness facilities must have 50% of those facilities in compliance; 75% by July 1, 2011; and 100% by July 1, 2012.</p> <p>If the AED becomes inoperable, the district must replace or repair it within 30 days. Persons using the facility must be notified if an operable AED is not on the premises. 77 Ill.Admin.Code §527.600.</p> <p>Designates each Building Principal as the individual who must be notified in</p>	_____	_____	Name	Position	_____	_____	_____	_____
_____	_____								
Name	Position								
_____	_____								
_____	_____								

¹ 77 Ill.Admin.Code Part 527, amended by 33 Ill.Reg. 10947. The amendments provide direction regarding outdoor physical fitness facilities.

² According to sample procedure 4:170-AP1, *Comprehensive Safety and Crisis Program*, the Superintendent appoints a district “Safety Program Coordinator.” If a district uses 4:170-AP1, consider giving that person the responsibilities of the “Plan Coordinator” and substituting “Safety Program Coordinator” for “Plan Coordinator” throughout this procedure.

Actor	Action																
	<p>the event of a medical emergency. ³ 77 Ill.Admin.Code §527.400(a).</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Building</td> <td style="width: 50%; text-align: center;">Office Contact</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </table> <p>Follows the requirements of 77 Ill.Admin.Code §525.500 upon receiving a completed report that an AED was used (4:170-AP6, E2, <i>Automated External Defibrillator Incident Report</i>).</p>	Building	Office Contact	_____	_____	_____	_____	_____	_____								
Building	Office Contact																
_____	_____																
_____	_____																
_____	_____																
Plan Coordinator	<p>Responsibilities Concerning Emergency Responders</p> <p>With the Building Principal, identifies all staff members who, through their education or training, are appropriate emergency responders for specific facilities. If possible, train all emergency responders in CPR and AED use.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Facility</td> <td style="width: 50%; text-align: center;">Emergency Response Providers</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </table> <p>Responsibilities Concerning AED Users</p> <p>Determines the appropriate number of trained AED users and anticipated rescuers or users needed for each facility equipped with an AED. Each facility with an AED must have at least one trained AED user on staff during staffed business hours (210 ILCS 74/15 and 77 Ill.Admin.Code §527.600) and take reasonable measures to ensure that anticipated rescuers or users are trained pursuant to 410 ILCS 4/15 and 77 Ill.Admin.Code §527.800.</p> <p>Working with the Building Principal, identifies trained AED users and requests that other appropriate staff members and anticipated rescuers or users become trained.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Facility</td> <td style="width: 50%; text-align: center;">Trained AED Users</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </table> <p>Responsibilities Concerning AED Registration</p> <p>Coordinates with local emergency medical services systems. 77 Ill.Admin.Code §527.500.</p> <p>Notifies an agent of the local emergency communications or vehicle dispatch center of the existence, location, and type of the automated external defibrillator (410 ILCS 4/20(b); 77 Ill.Admin.Code §527.500).</p> <p>Cooperates and provides any information requested by the local emergency communications or vehicle dispatch, so they can complete the Data Collection and Submission report about the use of the AED (77 Ill.Admin.Code § 515.350). 77 Ill.Admin.Code §525.500.</p>	Facility	Emergency Response Providers	_____	_____	_____	_____	_____	_____	Facility	Trained AED Users	_____	_____	_____	_____	_____	_____
Facility	Emergency Response Providers																
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Facility	Trained AED Users																
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³ The IDPH Rules only require that an “office contact” for a specific facility be designated to receive notification of a medical emergency; the Rules do not assign any responsibilities to this individual. Someone other than the building principal could be named.

Actor	Action						
	<p>Responsibilities Concerning Location of AED and Other First Aid Equipment</p> <p>Indoor Facility - Decides, with input from the Building Principal or designee, where to place the AED and other first aid equipment so that their location will be conspicuous, easily accessible, and convenient; the AED must be mobile and accessible at all times. 77 Ill.Admin.Code §527.600.</p> <p>Outdoor Facility – Ensures that the AED is placed within 300 feet of the outdoor facility in an open building with unimpeded access that has marked directions to the location of the AED at its entrances. 77 Ill.Admin.Code §527.600 (c). 4</p> <table data-bbox="560 630 1421 787" style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 50%;">Facility</td> <td style="text-align: center; width: 50%;">First Aid & AED Location</td> </tr> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black;"></td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;"></td> </tr> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black;"></td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;"></td> </tr> </table> <p>Keeps a copy of the AED’s manual with the AED. 77 Ill.Admin.Code §527.700(b).</p> <p>Responsibilities Concerning Notification and Posting</p> <p>Along with the Building Principal, notifies all staff members of the location of any AEDs as well as the instructions for responding to medical emergencies. 77 Ill.Admin.Code §527.800(b).</p> <p>Responsibilities Concerning Training</p> <p>Coordinates, with input from the Building Principal, the training of: (1) all staff members who regularly supervise students in physical fitness facilities in the use of CPR and, if appropriate, AEDs, and (2) any non-employee coaches, instructors or other similarly situated anticipated rescuers or users. 77 Ill.Admin.Code §527.800 and 210 ILCS 74/15(b-5) and (b-10).</p> <p>Responsibilities Concerning Instructions for Responding to Medical Emergencies</p> <p>Along with the Building Principal, notifies all facility staff of the location of any AEDs and the <i>Step-by-Step Emergency Response Plan</i> described below. 77 Ill.Admin.Code §527.800(b).</p> <p>Coordinates, along with the Building Principal, the posting of the <i>Step-by-Step Emergency Response Plan</i> described below. 77 Ill.Admin.Code §527.800(b).</p> <p>Responsibilities Concerning Maintenance and Testing of AEDs</p> <p>Ensures that all AEDs are maintained and tested according to manufacturer’s guidelines. 77 Ill.Admin.Code §527.700(a).</p> <p>Keeps a copy of the maintenance and testing manual at the facility and keeps a copy of the manual with each AED. 77 Ill.Admin.Code §527.700(b).</p>	Facility	First Aid & AED Location				
Facility	First Aid & AED Location						
Building Principal	In a conspicuous place in the physical fitness facility, posts: (1) the list of all staff members who are emergency responders, and (2) the <i>Step-by-Step</i>						

⁴ 210 ILCS 74/15. AED legislation and rules have been amended several times in as many years. Rule-making by administrative agencies always lags behind legislation.

Actor	Action
	<p><i>Emergency Response Plan</i> described below. 77 Ill.Admin.Code §527.400(a).</p> <p>Posts a notice at the facility’s main entrance stating that an AED is located on the premises.</p> <p>Receives notice in the event of a medical emergency. 77 Ill.Admin.Code §527.400(a).</p>
School Nurse(s)	<p>Along with the Plan Coordinator, helps staff members understand the instructions for responding to medical emergencies.</p> <p>These instructions must provide that the AED should be operated only by trained AED users, unless the circumstances do not allow time to be spent waiting for a trained AED user to arrive. 77 Ill.Admin.Code §527.800(c).</p>
Trained AED User(s) and/or Other Emergency Responder(s)	<p>According to their training, uses appropriate emergency responses upon the occurrence of any sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person required urgent or unscheduled medical care. 77 Ill.Admin.Code §527.400(a).</p> <p>According to their training, uses the AED to help restore a normal heart rhythm when a person’s heart is not beating properly. 77 Ill.Admin.Code §527.400(a).</p> <p>Calls 9-1-1 for medical emergencies and whenever an AED is used. 77 Ill.Admin.Code §527.400(b).</p> <p>Informs the Building Principal whenever the AED or other emergency response is used. 77 Ill.Admin.Code §527.400(b).</p> <p>Whenever an AED is used, cooperates and provides any information requested by the local emergency communications or vehicle dispatch, so they can complete a Data Collection and Submission report about the use of the AED (77 Ill.Admin.Code §515.350). 77 Ill.Admin.Code §525.500.</p>
All Facility Staff Members and Users	<p>Follow the <i>Step-by-Step Emergency Response Plan</i> described below:</p> <ol style="list-style-type: none"> 1. Immediately notify the building’s emergency responder(s) whose contact information is posted in the facility. Under life and death circumstances call 9-1-1 without delay. 2. Bring the first aid equipment and AED to the emergency scene. The AED should be operated only by trained AED users for the intended purpose of the AED, unless the circumstances do not allow time for a trained AED user to arrive. 3. Immediately inform the Building Principal or designee of the emergency. 4. The emergency responder will take charge of the emergency. This person will apply first aid, CPR, and/or the AED, as appropriate. 5. If necessary, the emergency responder instructs someone to call 9-1-1, providing the location in the building and which entrance to use. This person should make sure someone is sent to open the door for paramedics and guide them to the scene. 6. When paramedics arrive and assume care of the victim, the emergency responder or other staff person notifies the victim’s parent/guardian or relative.

Actor	Action
	<ol style="list-style-type: none"><li data-bbox="565 247 1446 415">7. If an AED was used, the person using it cooperates and provides any information requested by the local emergency communications or vehicle dispatch, so they can complete the Data Collection and Submission report about the use of the AED. If appropriate, a supervising staff member completes an accident report.<li data-bbox="565 415 1446 510">8. If an adult refuses treatment, the emergency responder documents the refusal and, if possible, asks the adult to sign a statement stating that he or she refused treatment.

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General Personnel

Administrative Procedure - Investigations

Immigration Investigation

All newly hired employees must complete section one of the Immigration and Naturalization Service Form I-9 no later than 3 business days following their first working day (Immigration Reform and Control Act, 8 U.S.C. §1324a, 8 C.F.R. §274a.2). If an individual is unable to provide the required documents to complete it, the individual may present a receipt for the application of the required documents within 3 days of the hire. The individual must then present the required documents within 90 days of the hire. The Superintendent or designee completes section two of the Form I-9 and confirms the employee's information.

If the Employment Eligibility Verification System (E-Verify) is used to complete Form I-9, the Superintendent or designee will review the Ill. Dept. of Labor's website and its E-Verify factsheet, available at: www.state.il.us/Agency/idol/Forms/PDFs/everify.pdf. See the Ill. Dept. of Labor Right to Privacy in the Workplace Act, 820 ILCS 55/12.

The completed Form I-9 shall be maintained in a file separate from other personnel records in order to prevent unauthorized review of personnel files. The Form I-9 shall be retained for a period of 3 years after the date of hire or one year after individual employment is terminated, whichever is later.

Criminal History Records Check

A criminal history records check must be initiated prior to employment, but the District may permit the individual to be hired and begin employment pending its outcome. See *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf.

A complete criminal history records check pursuant to 105 ILCS 5/10-21.9 (amended by P.A. 97-607) and 105 ILCS 5/21-9 (amended by P.A. 97-607 and scheduled to repeal on June 30, 2013 by P.A. 97-607) consists of:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248),
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.), and
3. A check of the Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105, amended by 97-154).

See also policy 4:170, *Safety*, and administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*. **Important:** 20 ILCS 2630/5(h)(2)(A) outlines how an individual may petition to have an arrest record expunged by the arresting authority and the records of the arrest sealed by the circuit court clerk. It also details offenses for which an individual cannot have his or her conviction sealed.

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

1. *Guide to Understanding Criminal Background Check Information* is available at: www.isp.state.il.us/docs/5-727.pdf.
2. ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf.

The following individuals are responsible for the actions listed:

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

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

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

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

1. Fingerprint-Based Criminal History Records Check:

For all applicants, the Superintendent or designee completes the required forms to request the criminal history records checks from an appropriate police or LiveScan vendor. This may include submitting the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers to the ISP and FBI on the forms prescribed by each agency.

The Superintendent or designee will provide the applicant with a copy of the ISP and FBI reports. Required by 105 ILCS 5/10-21.9(b).

Note: For substitute teachers, superintendents will need to ensure that their districts perform these checks. Contact the board attorney and/or ISBE regarding the validity of a *certificate of authorization*, if a substitute teacher presents one. From Jan. 1, 2011 through July 1, 2011, the Regional Superintendent of Schools or Suburban Cook County Intermediate Service Center, whichever is appropriate, was allowed to issue *certificates of authorization* to substitute teachers (105 ILCS 5/21-9(c), amended by P.A. 96-1489 and deleted by P.A. 97-607). Issuance of a *certificate of authorization* was proof that the substitute teacher applicant had met all of the requirements to substitute teach in the educational service region; i.e., a fingerprint-based criminal history records check, a physical examination, and a negative tuberculin test. Because P.A. 97-607 deleted *certificates of authorization*, substitute teachers will no longer receive them because they no longer exist. For those substitute teachers who did receive them, there is not an answer to the question of whether their *certificates of authorization* are still valid. Attorneys in the field suggest looking for an expiration date on the *certificate of authorization*. If the document has no expiration date, it is likely invalid because the document no longer exists. If there is an expiration date, then the document is likely valid until the date listed.

For student teachers, the Superintendent or designee ensures that the student teacher completes the required forms, authorizations, and provides payment to the District for the costs of completing a complete criminal history records check prior to student teaching (105 ILCS 5/10-21.9(g), amended by P.A. 97-154 and policy 5:260, *Student Teachers*). For more information, see also ISBE's non-regulatory guidance document, *Criminal History Records*

Information (CHRI) Checks for Certified and Non-certified School Personnel, available at: www.isbe.net/pdf/guidance_chr.pdf.

2. Check of the Statewide offender databases. The Superintendent or designee performs a check for each applicant of:
 - a. The Statewide Sex Offender Registry, www.isp.state.il.us/sor, as authorized by the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*), and
 - b. The Statewide Murderer and Violent Offender Against Youth Registry www.isp.state.il.us/cmvo/, as authorized by the Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105, amended by P.A. 97-154).

The Superintendent or designee notifies an applicant if the applicant is identified in the database as a sex offender. Required by 105 ILCS 5/10-21.9 (a-5), (a-6) (amended by P.A. 97-154), and (b).

State Police and FBI – The ISP and FBI furnish records of convictions (until expunged), pursuant to the District’s request, to the School Board President. **Note:** The ISP and FBI must “furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board...”. See 105 ILCS 5/10-21.9(a) and (g), amended by P.A. 97-154. For a student teacher, the report shall be returned to the Superintendent or designee (see ISBE’s non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf).

Board President - The School Code requires the Board President to keep a conviction record confidential. The information may only be shared between the Board President, the Superintendent or designee, Regional Superintendent (if the check was requested by the District), State Superintendent of Schools, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for clarification purposes, the Department of State Police and/or Statewide Sex Offender Registry. See 105 ILCS 5/10-21.9(b) and 105 ILCS 5/21B-10 (added by P.A. 97-607).

Regional Superintendent/Suburban Cook County Intermediate Service Center - The Superintendent or designee may require the applicant to authorize the Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is appropriate, to conduct the check when an applicant is (1) seeking employment in more than one District simultaneously as (a) a substitute teacher, (b) a concurrent part-time employee, and/or (c) educational support personnel, or (2) the employee works for a contractor holding contracts with more than one district. The Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is appropriate, also performs a check of the Statewide Sex Offender Registry, www.isp.state.il.us/sor, as authorized by the Sex Offender Community Notification Law (730 ILCS 152/115) and the Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/, as authorized by the Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105, amended by P.A. 97-154). See 105 ILCS 5/10-21.9 (a-5), (a-6)(amended by P.A. 97-154), and (b).

Contractors - The above requirements for a complete criminal history records check apply to every employee or agent of any contractor if the employee or agent has any contact, direct or indirect, with students (105 ILCS 5/10-21.9(f) and (g) (amended by P.A.s 97-607 and 97-154). Every contractor with the District shall: (1) make every employee or agent available to the District to submit to a complete criminal history records check, (2) agree to a contract provision that it will make its employees available to the District for the criminal history records check, and (3) submit payment for the costs of the check(s) to the District.

Note: The provisions in 105 ILCS 5/10-21.9(f) and (g) (amended by P.A.s 97-607 and 97-154) apply to employees of contractors who have “direct, daily contact with students.” To be comprehensive and to eliminate uncertainty, this procedure and policy 4:170, *Safety*, requires criminal history records checks on *all* contractor’s employees who may work in any school building or on school property.

Whether the District uses the comprehensive language or the direct language from the School Code, the District, not the contractor, must perform the background checks. Contractors are not authorized under any State or federal law to: (1) conduct the required criminal history background checks, or (2) see the employee's criminal history furnished by the ISP and the FBI. All contracts should also require the contractor to purchase insurance to cover misconduct by their employees and/or an indemnification clause. Additionally, the Superintendent or designee should check insurance coverage to determine whether employees of contractors are covered. See also policy 4:170, *Safety*, for the responsibilities of contractors. Last, if the District has received, within the last year, information that concerns the record of conviction and identification as a sex offender of any contractors' employees, the District must provide the information to another school, school district, community college district, or private school that requests it (105 ILCS 5/10-21.9(h), amended by P.A. 97-248. For more information, see ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/pdf/guidance_chr.pdf. Unless notified by the individual named in a criminal history records information (CHRI) request or by the ISP that the information furnished in a CHRI report is inaccurate or incomplete, the District cannot be liable for damages to any person to whom the CHRI pertains for actions it reasonably took in reliance on the accuracy and completeness of CHRI report (20 ILCS 2635/7(A)(3).

District - The School District complies with 105 ILCS 5/10-21.9 (amended by P.A.s 97-154, 97-248, and 97-607) and 5/21B-80 (added by P.A. 97-607). It will not knowingly employ a person, or allow a person to work or student teach on school grounds, who:

1. Has been convicted of committing or attempting to commit any one or more of the following offenses:
 - a. Attempting to commit, conspiring to commit, soliciting, or committing first-degree murder or any Class X felony.
 - b. Sex offenses as defined in Sections 11-6 and 11-9 through 11-9.5, inclusive, Sections 11-14 through 11-21, inclusive, Sections 11-23 (if punished as a Class 3 felony), 11-24, 11-25, and 11-26, and Sections 12-4.9, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal Code of 1961.
 - c. Those defined in the Cannabis Control Act, 720 ILCS 550/, except 720 ILCS 550/4(a), 550/4(b), and 550/5(a).
 - d. Those defined in the Illinois Controlled Substances Act, 720 ILCS 570/100 *et seq.*
 - e. Those defined in the Methamphetamine Control and Community Protection Act, 720 ILCS 646/.
 - f. Any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in Illinois, would have been punishable as one or more of the foregoing offenses.
2. Has been found to be the perpetrator of sexual or physical abuse of any minor less than 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

Reporting New Hires

The Superintendent or designee shall timely file an IRS Form W-4 or IDES New Hire Reporting Form for each newly hired employee with the Illinois Department of Employment Security. See 820 ILCS 405/1801.1.

General Personnel

Drug- and Alcohol-Free Workplace; Tobacco Prohibition ¹

All District workplaces are drug- and alcohol-free workplaces. All employees are prohibited from engaging in any of the following activities while on District premises or while performing work for the District:

1. Unlawful manufacture, dispensing,² distribution, possession, use, or being under the influence ³ of a controlled substance.
2. Distribution, consumption, use, possession, or being under the influence⁴ of alcohol. ⁵

For purposes of this policy a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

As a condition of employment, each employee shall: ⁶

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than 5 calendar days after such a conviction.

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following: ⁷

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted. ⁸
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations. ⁹

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

The federal Drug-Free Workplace Act applies only to the specific programs receiving federal funds (41 U.S.C. §701 *et seq.*). This policy, however, makes its requirements applicable to all employees in order to avoid confusion during implementation and to avoid complications when obtaining federal funds.

The federal Safe and Drug-Free Schools and Communities Act provides funds, upon application, for drug and violence prevention programs; it does not contain policy mandates. Illinois also has a Drug Free Workplace Act (30 ILCS 580/). It applies to districts with 25 or more employees working under a state contract or a grant of \$5,000 or more.

² *Manufacture* and *dispensing* are prohibited by the federal and State Workplace Acts.

³ *Being under the influence* is not required by law; *use* may cover this. *Being under the influence of* is more difficult to prove and implies the use of testing; it may be omitted.

⁴ *Id.*

⁵ Optional; alcohol is not addressed in either the federal or State Drug-Free Workplace Acts.

⁶ Required by the State and federal Drug-Free Workplace Acts.

⁷ Required by the State and federal Drug-Free Workplace Acts (30 ILCS 580/3).

⁸ As an alternative, replace the phrase "in a place where other information for employees is posted" with the district's local method (e.g., staff intranet, Internet, etc.).

⁹ Grants may be available from the State Board of Education for developing a drug-free awareness program (105 ILCS 5/2-3.93). The drug-free awareness program requirement can be met by developing a brochure on drug abuse or by contacting local, State, or national anti-drug abuse organizations for materials. The materials should be distributed to employees along with a list of places employees may call for assistance.

4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.`
5. Establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace,
 - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
 - c. The penalties that the District may impose upon employees for violations of this policy.

Tobacco Prohibition 10

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of tobacco products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event’s location. *Tobacco* shall have the meaning provided in section 10-20.5b of the School Code.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. **11** Alternatively, the School Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction. **12**

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee’s conviction within 10 days after receiving notice of the conviction. **13**

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12114.
 Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.
 Drug-Free Workplace Act of 1988, 41 U.S.C. §701 et seq.
 Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.
 Drug-Free Workplace Act, 30 ILCS 580/
 105 ILCS 5/10-20.5b.

CROSS REF.: 8:30 (Visitors to and Conduct on School Property)

10 105 ILCS 5/10-20.5b and 410 ILCS 82/. Federal law prohibits smoking inside schools (20 U.S.C. §6081). The prohibition in 8:30, *Visitors to and Conduct on School Property*, referred to here, applies “on school property or at a school event.” Here, “at a school event” is clarified with the phrase “while ... performing work for the District” in order to align with this policy’s other prohibitions.

11 An employee who currently uses illegal drugs is not protected under the Americans With Disabilities Act (ADA) when the district acts on the basis of such use (42 U.S.C. §12114). Drug abusers and alcoholics may still be protected as *handicapped* under the Rehabilitation Act of 1973 (29 U.S.C. §706 et seq.) or the Illinois Human Rights Act (775 ILCS 5/1-101 et seq.; 56 Ill.Admin.Code §2500.20). The Rehabilitation Act, however, excludes from protection “an alcohol or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment ... would constitute a direct threat to the property or the safety of others,” (29 U.S.C. §706 (7)(B)).

The ADA neither authorizes nor prohibits drug testing; it allows the results of such tests to be used as the basis for disciplinary action (42 U.S.C. §12114; 29 C.F.R. §1630.16 (c)). Drug tests may still violate other laws, e.g., Title VI and the Rehabilitation Act (42 U.S.C. §2000e et seq.; and 29 U.S.C. §706 et seq.).

12 Required by both the federal and State Drug-Free Workplace Acts.

13 Id.

Professional Personnel

Exhibit - Notice to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications

On District letterhead

Date

Re: You May Request Your Child's Classroom Teachers' Qualifications

Dear Parents/Guardians:

As a parent/guardian of a student at a school receiving funds under Title I of the Elementary and Secondary Education Act, you have the right to request the professional qualifications of the teachers who instruct your child and the paraprofessionals, if any, who assist them. You may request the following information about each of your child's classroom teachers and their paraprofessional assistants, if any:

- Whether the teacher has met State certification requirements;
- Whether the teacher is teaching under an emergency permit or other provisional status by which State licensing criteria have been waived;
- The teacher's college major;
- Whether the teacher has any advanced degrees and, if so, the subject of the degrees; and
- Whether any instructional aides or paraprofessionals provide services to your child and, if so, their qualifications.

If you would like to receive any of this information, please contact the school office.

Sincerely,

Superintendent

Professional Personnel

Exhibit - Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Is Not *Highly Qualified*

On District letterhead

Date

Re: Your Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Is Not *Highly Qualified* as Defined by Federal Law

Dear Parents/Guardians:

All teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) must be *highly qualified* for those assignments as determined by State and federal law.

The teacher listed below has taught your student’s class for the last four consecutive weeks. While the District is unable to verify that the teacher meets the federal law’s definition of *highly qualified*, our observations of his/her classroom indicate that he/she is providing a satisfactory educational program and experience.

If you have any questions concerning this notice, please contact the school office.

Teacher: _____

Subject: _____

Sincerely,

Superintendent

Professional Personnel

Exhibit - Letter to Teacher Who Is Not *Highly Qualified*

On District letterhead

Date

Re: Your Roadmap for Becoming a *Highly Qualified* Teacher

Dear *[insert teacher's name]*:

Teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) are required to be *highly qualified* for those assignments. The criteria contained in 23 Ill.Admin.Code Part 25, Appendix D determine if a teacher is highly qualified. See www.ilga.gov/commission/jcar/admincode/023/02300025ZZ9996dR.html.

Our records indicate you are teaching without being *highly qualified*. Please contact your Building Principal as soon as possible to cooperatively develop the ISBE-required *Roadmap for Each Not Highly Qualified Teacher*. If you believe this letter was sent to you by mistake, please contact your Building Principal as soon as possible so that we may correct our records if appropriate.

Sincerely,

Superintendent

Professional Personnel

Student Teachers ¹

The Superintendent is authorized to accept students from university-approved teacher-training programs to do student teaching in the District. Prior to a student teacher beginning any field experiences in the District, the Superintendent or designee will ensure that the District performs a complete criminal history records check pursuant to 105 ILCS 5/10-21.9; i.e. *background check* or *background investigation*.

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

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105, amended by 97-154).

Each student teacher must provide written authorization for, and pay the costs of, his or her criminal history records check (including any applicable vendor's fees), and the Superintendent or designee will provide each student teacher with a copy of his or her report. ²

Assignment

The Superintendent or designee shall be responsible for coordinating placements of all student teachers within the District. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and the students' respective colleges or universities. A

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

This sample policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions which exceed these requirements. When a policy's subject matter is superseded by a bargaining agreement, the school board policy may state, "Please refer to the current Professional Agreement between the Classroom Teachers' Association and the Board of Education."

² 105 ILCS 5/10-21.9(g), amended by P.A.s 97-154 and 97-607, require a student teacher to undergo a fingerprint-based State and national criminal history records check and checks of the Statewide Sex Offender Registry and Statewide Murderer and Violent Offender Against Youth Registry prior to participating in any field experiences in the school. The statutory phrase "...prior to participating in any field experiences" involves student teaching only. For information about criminal history records checks for students doing field or clinical experience other than student teaching, see the subhead **Students Doing Field or Clinical Experience other than Student Teaching** in 4:170-AP2, *Criminal Offender Notification Laws*.

20 ILCS 2635/7(A) requires the student teacher's written authorization and a district to provide a copy of the reports, and 105 ILCS 5/10-21.9 requires the student teacher to pay for the costs of the criminal history records check. *LiveScan* is the recommended equipment for criminal history records checks. The language in this policy does not distinguish whether the district uses an authorized LiveScan vendor or owns or leases its own LiveScan equipment. Delete "(including applicable vendor's fees)" if the district owns or leases its own LiveScan equipment.

For more guidance and information on navigating the records laws surrounding criminal history records checks, along with a LiveScan vendor directory, see ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/pdf/guidance_chr.pdf.

teacher may be eligible for Continuing Professional Development Units (CPDU) for supervising a student teacher or teacher education candidate in clinical supervision. **3**

LEGAL REF.: Adam Walsh Child Protection and Safety Act, P.L. 109-248.
Uniform Conviction Information Act, 20 ILCS 2635/1.
105 ILCS 5/21-14(e)(3)(E)(viii) and 5/10-22.34.
23 Ill.Admin.Code § 25.875.

CROSS REF.: 5:190 (Teacher Qualifications)

3 105 ILCS 5/21-14(e)(3)(E)(viii); 23 Ill.Admin.Code § 25.875.

Educational Support Personnel

Sick Days, Vacation, Holidays, and Leaves ¹

Each of the provisions in this policy applies to all educational support personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Sick and Bereavement Leave ²

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year. Part-time employees will receive sick leave pay equivalent to their regular workday. Unused sick leave shall accumulate to a maximum of 180 days, including the leave of the current year. ³

Sick leave is defined in State law as personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption. The Superintendent and/or designee shall monitor the use of sick leave.

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical

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

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. The introductory paragraph recognizes that an applicable collective bargaining agreement or individual employment contract will supersede a conflicting provision of the policy. Alternatively, if the policy's subject matter is superseded by a bargaining agreement, the board policy may state, "Please refer to the current [*insert name of educational support CBA*]."

Districts must coordinate leaves provided by State law and the local bargaining agreement with the leave granted by the Family and Medical Leave Act (FMLA), 29 U.S.C. §2612, amended by Sec. 565 of the National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-84). The FMLA grants eligible employees 12 weeks unpaid leave each year for: (1) the birth and first-year care of a child, (2) the adoption or foster placement of a child, (3) the serious health condition of an employee's spouse, parent, or child, (4) the employee's own serious health condition, (5) the existence of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on (or has been notified of an impending call to) *covered active duty* in the Armed Forces, and (6) to care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness. The definition of *covered servicemember* includes a veteran "who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness" if the veteran was a member of the Armed Forces "at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy." Districts are permitted to count paid leave (granted by State law or board policy) taken for an FMLA purpose against an employee's FMLA entitlement (29 C.F.R. §825.207). See policy 5:185, *Family and Medical Leave*.

A plethora of State laws grant leaves to employees of the State and municipalities, but are not applicable to school districts, including the Employee Blood Donation Leave Act (820 ILCS 149/), Local Government Disaster Service Volunteer Act (50 ILCS 122/), Organ Donor Leave Act (5 ILCS 327/), and Civil Air Patrol Leave Act (820 ILCS 148/).

² This section contains the minimum benefits provided by 105 ILCS 5/24-6. Each specified number of days in this section is the statutory minimum. Before adopting this policy or applying its provisions, the district should examine any applicable bargaining agreements. Strict accounting of unused sick days is important to avoid inconsistent treatment and to ensure accurate reporting to IMRF (credit is given for full day unused sick days upon retirement).

³ As this policy is consistent with the minimum requirements of State law, this provision on the maximum number of sick days that may be accumulated is based on the minimum number required as stated in 105 ILCS 5/24-6. The number may be increased to meet or exceed the number IMRF will recognize for retirement credit purposes. The following alternative does this: "Unused sick leave shall accumulate to the maximum number of days that IMRF will recognize for retirement credit purposes."

Practice Act, (3) an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, (4) a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee’s faith. If the Board or Superintendent requires a certificate during a leave of less than 3 days for personal illness, the District shall pay the expenses incurred by the employee.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway. ⁴

Vacation ⁵

Twelve-month employees shall be eligible for paid vacation days according to the following schedule:

<u>Length of Employment</u>		<u>Monthly Accumulation</u>	<u>Maximum Vacation Leave Earned Per Year</u>
<u>From:</u>	<u>To:</u>		
Beginning of year 2	End of year 5	0.83 Days	10 Days per year
Beginning of year 6	End of year 15	1.25 Days	15 Days per year
Beginning of year 16	End of year	1.67 Days	20 Days per year

Part-time employees who work at least half-time are entitled to vacation days on the same basis as full-time employees, but the pay will be based on the employee’s average number of part-time hours per week during the last vacation accrual year. The Superintendent will determine the procedure for requesting vacation.

Vacation days earned in one fiscal year must be used by the end of the following fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation. ⁶

⁴ 105 ILCS 5/24-6.

⁵ State law does not require districts to give employees vacations.

⁶ Required by 820 ILCS 115/5.

Holidays ⁷

Unless the District has a waiver or modification of the School Code pursuant to Section 2-3.25g or 24-2(b) allowing it to schedule school on a holiday listed below, District employees will not be required to work on:

New Year's Day	Labor Day
Martin Luther King Jr.'s Birthday	Columbus Day
Abraham Lincoln's Birthday	Veteran's Day
Casimir Pulaski's Birthday	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

A holiday will not cause a deduction from an employee's time or compensation. The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

Personal Leave ⁸

Full-time educational support personnel have one paid personal leave day per year. The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal 3 days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last 5 days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day and/or institute training days.
6. Personal leave may not be used when the employee's absence would create an undue hardship.

Leave to Serve as a Trustee of the Illinois Municipal Retirement Fund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Illinois Municipal Retirement Fund in accordance with 105 ILCS 5/24-6.3. ⁹

Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in Board policy 5:250, *Leaves of Absence*:

1. Leaves for Service in the Military and General Assembly. ¹⁰

⁷ Holidays are listed in 105 ILCS 5/24-2. For information on the waiver process, see 2:20-E, *Waiver and Modification Request Resource Guide*.

A State-mandated school holiday on *Good Friday* is unconstitutional according to *Metz v. Leininger*, 57 F.3d 618 (7th Cir. 1995). Closing school on religious holidays may be permissible for those districts able to demonstrate that remaining open would be a waste of educational resources because of widespread absenteeism. Also, districts may be able to close school on Good Friday by adopting a *spring holiday* rationale or ensuring that it falls within spring break. School districts should discuss their options, including the collective bargaining implications, with their board attorney.

⁸ State law does not address personal leave.

⁹ Required by 105 ILCS 5/24-6.3. A similar leave exists for an elected trustee for the Ill. Teachers' Retirement System. See 5:250, *Professional Personnel - Leaves of Absence*.

¹⁰ Military leave is governed by: The School Code (105 ILCS 5/10-20.7b, 5/24-13, and 5/24-13.1); the Military Leave of Absence Act (5 ILCS 325/ added mandatory leave for "other training or duty required by the United States Armed Forces" and to require the public employer to make-up the difference between military pay and regular compensation); Service Member's Employment Tenure Act (330 ILCS 60/4); Public Employee Armed Services Rights Act (5 ILCS 330/4); National Guard Employment Rights (20 ILCS 1805/30.20); and Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §4301).

2. School Visitation Leave. **11**
3. Leaves for Victims of Domestic or Sexual Violence. **12**

LEGAL REF.: 20 ILCS 1805/30.1 et seq.
105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.
820 ILCS 147 and 180/1 et seq.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:250 (Professional Personnel - Leaves of Absence)

Granting General Assembly leave to ESPs is optional.

11 820 ILCS 147/. See policy 5:250, *Leaves of Absence*, and administrative procedure 5:250-AP, *School Visitation Leave*.

12 Required by Victims' Economic Security and Safety Act, 820 ILCS 180/, and 56 Ill.Admin.Code §280. Important information about this leave is discussed in the footnotes in policy 5:250, *Professional Personnel - Leaves of Absence*.

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Instruction

Administrative Procedure - Curriculum Development

Faculty Curriculum Committee

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

The Faculty Curriculum Committee will:

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

The Superintendent or designee appoints Committee members and directs the Committee providing specific tasks and time-frames.

Curriculum Guides and Course Outlines

Development of guides:

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

Use of guides:

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

Instruction

Administrative Procedure - Comprehensive Health Education Program

The major educational areas of the District's comprehensive health education program are described below:

1. In all elementary and secondary schools the health program shall include human ecology and health; human growth and development; the emotional, psychological, physiological, hygienic, and social responsibilities of family life (including sexual abstinence until marriage); prevention and control of disease, and course material and instruction to advise students of the Abandoned Newborn Infant Protection Act. The program shall include information about cancer, including without limitation, types of cancer, signs and symptoms, risk factors, the importance of early prevention and detection, and information on where to go for help. ¹
2. In grades pre-K through 12, age appropriate sexual abuse and assault awareness and prevention education shall be included. ² The grades 6-12 health program shall include the prevention, transmission and spread of AIDS; public and environmental health; consumer health; safety education and disaster survival; mental health and illness; personal health habits; alcohol and drug use and abuse (including the medical and legal ramifications of alcohol, drug, and tobacco use and abuse during pregnancy); sexual abstinence until marriage; tobacco; nutrition; and dental health. ³
3. The following areas may also be included in the curricula: basic first aid (including cardiopulmonary resuscitation and the Heimlich maneuver); in grades 6-8, video training on cardiopulmonary resuscitation and how to use an automated external defibrillator; heart disease; diabetes; stroke; the prevention of child abuse, neglect, and suicide; and teen dating violence in grades 8-12. ⁴
4. In grades 5-12, the health program shall include instruction on alcohol and drug use and abuse, including the consequences of drug and substance abuse. ⁵
5. In grades K-8, students should be provided with age-appropriate information about the dangers of drug abuse. The District's educational program shall offer drug education units that are integrated into the curricula and are designed to promote effective methods for the prevention and avoidance of drug and substance abuse. ⁶
6. In grades 7-12, the program shall include the prevention of abuse of anabolic steroids. In addition, coaches and sponsors of interscholastic athletic programs shall provide instruction on steroid abuse prevention to students participating in these programs. ⁷
7. The family life and sex education program shall be developed in a sequential pattern and related in depth and scope to the students' physical, emotional, and intellectual maturity level.

¹ Required by 105 ILCS 110/3, amended by P.A. 97-1147, eff. 1-24-2013.

² *Id.* Sexual assault awareness in *secondary schools* was repealed by P.A. 97-1147 and replaced by "grades pre-K through 12." Knowing how the School Code defines secondary education may still be helpful for other listed curriculum requirements (105 ILCS 5/22-22 defines *secondary education* as the curriculum offered by a school district or an attendance center or centers serving grades 9 through 12 or grades 10 through 12).

³ *Id.*

⁴ 105 ILCS 5/27-17, amended by P.A. 97-714; and 110/3. A toolkit about teenage dating abuse is available online. It is titled *Preventing, Assessing, and Intervening in Teenage Dating Abuse: A Training for Specialized Instructional Support Personnel*. Materials include a PowerPoint and handouts. See safesupportivelearning.ed.gov/index.php?id=1511.

⁵ *Id.*

⁶ 105 ILCS 5/27-13.2.

⁷ Required by 105 ILCS 5/27-23.3, as implemented by 23 Ill.Admin.Code §1.420(u).

Family life courses offered in grades 6-12, shall include information regarding the alternatives to abortion and information regarding the prevention, transmission, and spread of AIDS. Course content shall be age-appropriate. **8**

Class sessions which deal exclusively with human sexuality may be conducted separately for males and females.

8. The health program in grades K-8 shall include annual instruction on the danger of and how to avoid abduction as part of the District's regular curriculum. Students shall be given, as appropriate, information on child sexual abuse. **9**
9. Students shall be provided parenting education in grades 6-12. **10**
10. Students shall be provided safety education in all grades. **11**
11. All students shall receive age-appropriate instruction on motor vehicle safety and litter control. **12**
12. Students in grades 9 or 10 shall receive instruction on donations and transplants of organs/tissue and blood. **13**

No student shall be required to take or participate in any class or course on AIDS, family life instruction, sex abuse, or organ/tissue transplantation, if his or her parent/guardian submits a written objection to the Building Principal. Parents/guardians of students in grades kindergarten through 8 shall be given at least 5 days written notice before instruction on avoiding sex abuse begins. Refusal to take or participate in any such course or program shall not be reason for disciplinary action or academic penalty. **14**

Parents/guardians shall be provided the opportunity to preview all print and non-print materials used for instructional purposes. **15**

LEGAL REF.: 105 ILCS 5/27-9.1, 5/27-9.2, 5/27-13.2, 5/27-17, 5/27-23.1, 5/27-23.3, 5/27-23.5, 5/27-26, and 110/3.

8 Course requirements are mandated by 105 ILCS 5/27-9.1 and 5/27-9.2, but offering the course is optional. 105 ILCS 5/27-9.1 lists several requirements for sex education courses that discuss sexual intercourse. The law also requires instruction about the dangers of drug and alcohol consumption during pregnancy.

9 The first sentence is required by 105 ILCS 5/27-13.2 and 23 Ill.Admin.Code §1.420(t). The second sentence is optional according to 105 ILCS 5/27-13.2.

10 Course requirements are mandated by 105 ILCS 5/27-23.1, but offering the course is optional.

11 Optional according to 105 ILCS 5/27-17.

A repealed statute required ISBE to develop a model program for "reduction of self-destructive behavior" and invited districts to include such instruction in their curriculum (105 ILCS 5/27-23.2). ISBE never developed the program but any district that includes such instruction may add this provision, amending it to reflect its program: "Students in grades 6-12 shall receive instruction for decreasing self-destructive behavior, including methods for increasing life-coping skills, self-esteem, and parenting skills of adolescents and teenagers as a deterrent to their acceptance or practice of self-destructive actions."

12 Optional. Formerly required by 105 ILCS 5/27-23 and now repealed by P.A. 96-734. Delete this sentence if the district no longer provides this education.

13 Optional according to 105 ILCS 5/27-23.5.

14 Required by 105 ILCS 5/27-9.1, 5/27-13.2, and 5/27-23.5.

15 Id.

Instruction

Title I Programs 1

The Superintendent or designee shall pursue funding under Title I, Improving the Academic Achievement of the Disadvantaged, of the Elementary and Secondary Education Act, to supplement instructional services and activities in order to improve the educational opportunities of educationally disadvantaged or deprived children.

All District schools, regardless of whether they receive Title I funds, shall provide services that, taken as a whole, are substantially comparable. Teachers, administrators, and other staff shall be assigned to schools in a manner that ensures equivalency among the District's schools. Curriculum materials and instructional supplies shall be provided in a manner that ensures equivalency among the District's schools. ²

Title I Parental Involvement

The District maintains programs, activities, and procedures for the involvement of parents/guardians of students receiving services, or enrolled in programs, under Title I. These programs, activities, and procedures are described in District-level and School-level compacts.

District-Level Parental Involvement Compact 3

The Superintendent or designee shall develop a *District-Level Parental Involvement Compact* according to Title I requirements. The *District-Level Parental Involvement Compact* shall contain: (1) the District's expectations for parental involvement, (2) specific strategies for effective parent involvement activities to improve student academic achievement and school performance, and (3) other provisions as required by federal law. The Superintendent or designee shall ensure that the *Compact* is distributed to parents/guardians of students receiving services, or enrolled in programs, under Title I.

School-Level Parental Involvement Compact 4

Each Building Principal or designee shall develop a *School-Level Parental Involvement Compact* according to Title I requirements. This *School-Level Parental Involvement Compact* shall

¹ State or federal law controls this policy's content. **This policy is mandatory for any district that receives or desires to receive Title I funds.** Title I is part of the Elementary and Secondary Education Act (20 U.S.C. §6301 *et seq.*). It was amended by the No Child Left Behind Act (NCLB). NCLB was signed on 1-8-02 and officially expired on 9-30-07. NCLB remains in effect due to a continuing resolution but must be reauthorized. The U.S. Dept. of Education invited each State educational agency (ISBE in Illinois) to request flexibility regarding NCLB requirements in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes, close achievement gaps, increase equity, and improve instructional quality. See www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html.

ISBE's focus on NCLB flexibility is reported at www.isbe.state.il.us/nclb_waivers/default.htm.

² This paragraph, or similar language, is mandatory for each district receiving Title I funds (20 U.S.C. §6321).

³ 20 U.S.C. §6318(a) requires each district receiving Title I funds to "develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy." This requirement is accomplished in this sample policy by mandating the superintendent or designee to develop a *District-Level Parental Involvement Compact*, according to Title I requirements. A sample *District-Level Parental Involvement Compact* is contained in 6:170-AP1, E1, *District-Level Parental Involvement Compact*. A sample process for developing a parental involvement compact is contained in 6:170-AP1, *Checklist for Development, Implementation, and Maintenance of Parent Involvement Compacts for Title I Programs*.

⁴ 20 U.S.C. §6318(b) requires each school served under Title I to "jointly develop with, and distribute to, parents of participating children a written parent involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f)." This requirement is accomplished in this sample policy by mandating the building principal or designee to develop a *School-Level Parental Involvement Compact*, according to Title I requirements. A sample *School-Level Parental Involvement Compact* is contained in 6:170-AP1, E2, *School-Level Parental Involvement Compact*. A sample process for developing a parental involvement compact is contained in 6:170-AP1, *Checklist for Development, Implementation, and Maintenance of Parent Involvement Compacts for Title I Programs*

contain: (1) a process for continually involving parents/guardians in its development and implementation, (2) how parents/guardians, the entire school staff, and students share the responsibility for improved student academic achievement, (3) the means by which the school and parents/guardians build and develop a partnership to help children achieve the State's high standards, and (4) other provisions as required by federal law. Each Building Principal or designee shall ensure that the *Compact* is distributed to parents/guardians of students receiving services, or enrolled in programs, under Title I.

Incorporated
by Reference

6:170-AP1, E1 (District-Level Parental Involvement Compact) and 6:170-AP1, E2 (School-Level Parental Involvement Compact)

LEGAL REF.:

Title I of the Elementary and Secondary Education Act, 20 U.S.C. §6301-6514.

CROSS REF.:

2:260 (Uniform Grievance Procedure), 4:110 (Transportation), 5:190 (Teacher Qualifications), 5:280 (Duties and Qualifications), 6:15 (School Accountability), 6:140 (Education of Homeless Children), 6:145 (Migrant Students), 6:160 (English Language Learners), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment), 7:60 (Residence), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 8:95 (Parental Involvement)

Instruction

Administrative Procedure - Checklist for Development, Implementation, and Maintenance of Parent Involvement Compacts for Title I Programs 1

The development, implementation, and maintenance of parent/guardian involvement compacts must be accomplished with meaningful consultation with parents/guardians of children participating in Title I programs. The Superintendent designates a person to be responsible for the process of obtaining meaningful consultation. This checklist includes some measures designed to encourage meaningful consultation.

This is an annual checklist. *Check steps as completed.*

- Plan regular meetings throughout the school year with parents/guardians to discuss the District and/or school compacts; identify dates and convenient times, places, and persons whose attendance is desired. Offer meetings in the morning or evening, and, if funds are available under Title I for this purpose, provide transportation, childcare, or home visits, as such services relate to parent/guardian involvement.
- Plan an agenda for meetings to be held to discuss District and/or school compacts.
 - Always begin with “introducing where we are now” and end with “next steps.”
 - Agendas should provide for 2-way communication between District and parents/guardians of children participating in Title I programs.
 - Agendas can be built around the federal compliance requirements as stated in the IASB sample district- and school-level compacts.
 - Agendas should also include a section to inform parents/guardians of their school’s participation under Title I and to explain Title I’s requirements regarding parent/guardian involvement, including the right of the parents/guardians to be involved.
 - Agendas should also include a section to describe and explain the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.
 - If requested by a parent/guardian, agendas should also include a section for parents/guardians to formulate suggestions and to participate, as appropriate, in decisions relating to their children’s education.
 - Agendas should also include a section to involve parents/guardians in the planning, review, and improvement of Title I programs, including the joint development of the schoolwide program plan under 20 U.S.C. §6314(b)(2).
 - Another agenda topic is how funds are allotted for parent/guardian involvement in activities; parents/guardians of children receiving services must be involved in these decisions.
- Notify interested persons of meeting dates to discuss the District and/or school compacts, including:
 - Parents/guardians of students’ participating in Title I programs
 - Staff members
 - Students participating in Title I programs
 - School Board members
 - Media

¹ NCLB §1118 (20 U.S.C. §6318). This administrative procedure should be used along with 6:170-AP1, E1, *District-Level Parental Involvement Compact*, and 6:170-AP1, E2, *School-Level Parental Involvement Compact*, but only by those districts receiving Title I funds.

- Coordinators for other school programs, e.g., Head Start and preschool programs
- Other _____
- Publicize the meeting dates, times, and locations to discuss District and/or school compacts.
- Make all Open Meetings Act notifications and postings for meetings to be held to discuss District and/or school compacts. Note: it is wise to assume these meetings will be in open session if Board members are expected to attend.
- Appoint a recording secretary to keep meeting minutes.
- Provide copies of working drafts to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand.
- Determine *success* indicators to measure the effectiveness of the parental involvement compacts in improving the academic achievement.
- Review the *success* indicators in order to evaluate the effectiveness of the parental involvement compacts in improving the academic achievement.
- Identify barriers to greater participation by parents/guardians, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background. Use the findings of such evaluation to design strategies for more effective parent/guardian involvement.
- If the schoolwide program plan under 20 U.S.C. §6314(b)(2) is not satisfactory to the parents/guardians of participating children, submit any parents/guardians comments on the plan when the school makes the plan available to the Board.
- Provide status reports to the Board and, periodically, submit updated parental involvement compacts to the Board.
- Revise the applicable parental involvement compacts as necessary.

Instruction

Exhibit - District-Level Parental Involvement Compact 1

This District-level *Compact* provides an understanding of the joint responsibility of the District and parents/guardians to improve students' academic achievement and school performance. To that end, the District provides opportunities for parents/guardians involvement at the District level by:

1. The District involves parents/guardians in the joint development of the District's plan to help low-achieving children meet challenging achievement and academic standards (20 U.S.C. §6312), and the process of school review and improvement (20 U.S.C. §6316) by:
 - Establishing a District-level committee with parents/guardians liaisons from each building as well as representatives from other impacted programs, including Head Start.
 - Establishing meaningful, ongoing two-way communication between the District, staff and parents/guardians.
 - Developing a District newsletter to communicate to parents/guardians about the plan and seek their input and participation.
 - Training personnel on how to collaborate effectively with families with diverse backgrounds that may impede parents/guardians participation, e.g., illiteracy or language difficulty.
2. The District provides the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parents/guardians involvement activities to improve student academic achievement and school performance by:
 - Providing ongoing District-level workshops to assist buildings in planning and implementing improvement strategies.
 - Establishing training programs for building liaisons to bring the communication and facilitation skills to the buildings they represent.
 - Providing information to parents/guardians about the various assessment tools and instruments that will be developed to monitor progress.
 - Seeking input from parents/guardians in developing workshops.
3. The District builds the capacity of schools and parents/guardians for strong parental involvement by:
 - Providing ongoing communication about the District-wide committee through District newsletters or other written or electronically communicated means.
 - Engaging the building PTO's to actively seek out and involve parents/guardians through regular communication updates and information sessions.
 - Utilizing PTO's to assist in identifying effective communication strategies based on their members' needs.
 - Providing a master calendar of District meetings to discuss pertinent topics.
4. The District coordinates and integrates parents/guardians involvement strategies under this *Compact* with parents/guardians involvement strategies under other programs, such as, the Head Start program, Reading First program, Early Reading First program, Even Start program, Parents as Teachers program, and Home Instruction Program for Preschool Youngsters, and State-run preschool programs by:

¹ This exhibit should be used along with 6:170-E2, *School-Level Parental Involvement Compact* but only by those districts receiving Title I funds. Everything in this *Compact* is required; the numbered paragraphs correspond to requirements in NCLB §1118(a)(2)(A)-(F) which is codified 20 U.S.C. §6318(a)(2)(A)-(F). The bulleted items are merely ideas; each district must, with parents, develop its own process for accomplishing everything listed.

- Involving District and program representatives to assist in identifying specific population needs.
 - Sharing data from other programs to assist in developing new initiatives to improve academic achievement and school improvement.
5. The District conducts, with the involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parents/guardians involvement policy in improving the academic quality of the schools served under Title I, including identifying barriers to greater participation by parents/guardians in activities authorized by this section (with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background), and use the findings of such evaluation to design strategies for more effective parents/guardians involvement, and to revise, if necessary, the parents/guardians involvement policies described in this section by:
- Evaluating the effectiveness of the content and communication methods through a variety of methods, including: focus groups, surveys, workshops, and informal coffees with District and building administrative staff, parents/guardians, and teachers.
 - Identifying barriers to effective evaluation by language support or other assistance as needed.
 - Identifying potential policy and compact changes to revise and improve program(s).
6. The District involves parents/guardians in the activities of the schools served under Title I by:
- Providing communication and calendar information to parents/guardians of upcoming meetings, discussions or events and encouraging their participation.
 - Providing Building Principal and PTO coordination of events.

Instruction

Exhibit - School-Level Parental Involvement Compact 1

This school-level parent involvement compact provides an understanding of the joint responsibility of the District and parents/guardians for improving student academic achievement and school performance. The District provides opportunities for parent/guardian involvement at the school level by:

Parent/Guardian Involvement 2

1. Convening an annual meeting, at a convenient time, to which all parents/guardians of participating children are invited and encouraged to attend, to inform parents/guardians of their school's participation under Title I and to explain the requirements of Title I, and the right of the parents/guardians to be involved. The Building Principal or designee shall:
 - Invite all parents/guardians of participating children to the annual meeting at school.
 - Explain the rights of parents/guardians to be involved in establishing this compact.
 - Introduce and involve the building representatives on the District-level committee.
 - Provide an overview of Title I and give parents/guardians an opportunity to express questions and concerns.
 - Indicate the mechanisms by which the committee work will be communicated.
 - Seek the involvement and input of parents/guardians.
 - Provide child care so that all parents/guardians who would otherwise be unable to attend may attend.
2. Offering a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided by the relevant provision in Title I, transportation, child care, or home visits, as such services relate to parental involvement. The Building Principal or designee shall:
 - Provide parents/guardians with opportunities to ask questions and dialogue informally about student academic achievement and school performance.
 - Engage building-based parent organizations to assist with communication and implementation needs.
 - Develop and use outreach programs to involve community groups and organizations.
3. Involving parents/guardians in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under Title I, including the planning, review, and improvement of the school parental involvement policy and the joint development of the school-wide program plan (under 20 U.S.C. §6314(b)(2), except that if a school has in place a process for involving parents/guardians in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents/guardians of participating children. The Building Principal or designee shall:
 - Identify and establish a process by which an adequate representation of parents/guardians of participating children can occur.
 - Establish a schedule for the building-based committee to plan, review, and recommend improvements to the District parent involvement policy.
4. The Building Principal or designee shall:

¹ The numbered paragraphs correspond to requirements in NCLB §1118(b)-(f) and are all mandatory inclusions (20 U.S.C. §6318(b)-(f)). The items bulleted are merely ideas; each district must, with parents, develop its own process for accomplishing the respective numbered paragraph. This exhibit should be used along with 6:170-AP1, E1, *District-Level Parental Involvement Compact*, but only by those districts receiving Title I funds.

² NCLB §1118(c), 20 U.S.C. §6318(c).

- Provide parents/guardians of participating children timely information about programs.
 - Communicate updates through use of school newsletters, the District website, email and telephone contact, and home visits if needed.
5. The Building Principal or designee will provide a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.
 6. The Building Principal or designee shall:
 - Provide parents/guardians, upon request, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any suggestions as soon as practicably possible.
 - Develop a feedback loop for parents/guardians to ask questions and receive follow-up.
 7. If the school-wide plan under 20 U.S.C. §6314(b)(2) is not satisfactory to the parents/guardians of participating children, the Building Principal or designee shall:
 - Submit any comments when the school makes the plan available to the School Board.
 - Provide a process for parents/guardians to express concerns and complaints.

Shared Responsibilities for High Student Academic Achievement ³

1. The School is responsible for providing a high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under Title I to meet the State's student academic achievement standards. Each parent/guardian is responsible for supporting their children's learning by:
 - Monitoring attendance, homework, and television viewing.
 - Volunteering in their child's classroom and participating, as appropriate, in decisions relating to their children's education and extracurricular activities.
2. Communication between teachers and parents/guardians occurs on an ongoing basis through:
 - Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievements.
 - Frequent reports to parents/guardians on their child's progress.
 - Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

Building Capacity for Involvement ⁴

To ensure effective involvement of parents/guardians and to support a partnership among the school's involved, each school shall:

- Provide assistance to parents/guardians in understanding the State's academic content standards and State student academic achievement standards, State and local academic assessments, and how to monitor a child's progress and work with educators to improve the achievement of their children.
- Provide materials and training, such as, literacy, technology, etc., to help parents/guardians work with their children to improve their children's achievement.
- Educate teachers and other staff in the value and utility of contributions of parents/guardians and how to effectively communicate and work with parents/guardians as equal partners.
- Implement and coordinate parent/guardian programs that will build ties between them and the school.
- To the extent feasible and appropriate, coordinate and integrate parent/guardian involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program and

³ NCLB §1118(d), 20 U.S.C. §6318(d).

⁴ NCLB §1118(e), 20 U.S.C. §6318(e).

public preschool and other programs and conduct other activities, such as parent/guardian resource centers, that encourage and support parents/guardians in more fully participating in their children's education.

- Ensure that information is sent to the parents/guardians of participating children in a format and language that parents/guardians can understand.
- Involve parents/guardians in the development of training for teachers, Building Principals, and other educators to improve the effectiveness of such training.
- Provide necessary literacy training from funds provided by the relevant provision in Title I if the District has exhausted all other reasonably available sources of funding for such training.
- Pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs to enable parents/guardians to participate in school-related meetings and training sessions.
- Train parents/guardians to encourage and enhance the involvement of other parents/guardians.
- Use outreach programs to involve community groups and organizations.
- Arrange school meetings at a variety of times, or conduct in-home conferences between teachers and other educators, in order to maximize parental involvement and participation.
- Adopt and implement model approaches to improving parental involvement.
- Establish a District-wide parent advisory council to provide advice on all matters related to parental involvement in supported programs.
- Develop appropriate roles for community-based organizations and businesses in parent/guardian involvement activities.
- Provide such other reasonable support for parental involvement activities under this section as parents/guardians may request.

In carrying out the parental involvement requirements of this compact, the school, to the extent practicable, will provide full opportunities for the participation of parents/guardians with limited English proficiency or disabilities, including providing information and school reports in a format and, to the extent practicable, in a language such parents/guardians understand. ⁵

⁵ NCLB §1118(f), 20 U.S.C. §6318(f).

Instruction

Administrative Procedure - Notice to Parents Required by No Child Left Behind Act of 2001

The No Child Left Behind Act (NCLB) mandates that schools receiving federal funds provide parents/guardians with information and notices, and to the extent practicable, in a language that the parents can understand. This procedure contains the key notifications that districts and schools must provide to the parents/guardians of Title I served students. The legal references are provided at the end of the procedure. The only notices applying to districts that do not receive Title I funds are those regarding student privacy. In addition, see:

- ISBE's description of parent notices in its October 2008 Bulletin, Title I Parent Involvement Notification Requirements, www.isbe.state.il.us/e-bulletins/pdf/03-08.pdf.
- U.S. Department of Education's non-regulatory guidance document, Parental Involvement Title I, Part A, www.ed.gov/programs/titleiparta/parentinvguid.doc.

I. Improving Basic Programs Operated by Local Educational Agencies

1. **Annual report cards.** Districts must disseminate an annual report card with aggregate information, including student achievement (designated by category), graduation rates, district performance, teacher qualifications, and other required information.
2. **Progress review.** Districts must disseminate the results for its yearly progress review of each school.
3. **Teacher and paraprofessional qualifications.** At the beginning of each school year, a school district that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the district will provide the parents on request, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:
 - a. Whether the teacher has met the State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
 - b. Whether the teacher is teaching under emergency or other provisional status.
 - c. The teacher's baccalaureate degree major and any other graduate certifications or degrees.
 - d. Whether paraprofessionals provide services to the student and, if so, their qualifications.
2. **Student achievement.** Districts must provide to parents information on the level of achievement of the parent's child in each of the State academic assessments.
3. **Non-highly qualified teachers.** Districts must provide parents timely notice that the parent's child has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who is not highly qualified.

II. English Language Learners

1. **Language instruction educational programs.** Districts must inform a parent of a limited English proficient child identified for participation, or participating in, such a program of the reasons for their child being identified, their child's level of English proficiency, instructional method, how their child's program will meet their child's needs, how the program will help the child to learn English, exit requirements for the program to meet the objectives of any limited English proficiency, and information regarding parental rights.
2. **Insufficient language instruction educational programs.** Each district using funds provided under this part to provide a language instruction educational program that has failed

to make progress on the annual measurable achievement objectives described in Section 3122 for any fiscal year for which Part A is in effect, shall separately inform the parents of a child identified for participation in such a program, or participating in such program, of such failure not later than 30 days after such failure occurs.

3. **Outreach.** Each district shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how they can be involved in their children's education, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging State academic achievement standards and State academic content standards expected of all students. In addition, the outreach shall include holding, and sending notice of opportunities for, regular meetings for formulating and responding to parent recommendations.

III. Academic Assessment and Local Education Agency and School Improvement

1. **Schools identified for school improvement, corrective action, or re-structuring.** Districts shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under §6316(b)(1)(E)(i), for corrective action under §6316(b)(7)(C)(i), or for restructuring under §6316(b)(8)(A)(i).
 - a. An explanation of what the identification means, and how the school compares in terms of academic achievement to other district schools and the State educational agency;
 - b. The reasons for the identification;
 - c. An explanation of what the school identified for school improvement is doing to address the problem;
 - d. An explanation of what the district or State educational agency is doing to help the school address the achievement problem;
 - e. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
 - f. An explanation of the parents' option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child, in accordance with subsection (e).
2. **Schools identified for restructuring.** Whenever the school fails to make adequate yearly progress and/or is restructured, the district shall provide the teachers and parents with an adequate opportunity to comment and participate in developing a plan.
3. **Schools identified for corrective action - supplemental services notice.** The district shall provide annual notice to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under §6316(b)(1)(E)(i), for corrective action under §6316(b)(7)(C)(i), or for restructuring under §6316(b)(8)(A)(i).
 - a. The availability of supplemental education services;
 - b. The identity of approved providers that are within the district or whose services are reasonably available in neighboring districts; and
 - c. A brief description of those services, qualifications, and demonstrated effectiveness of each such provider.

IV. Parental Involvement

1. **Parental involvement policies.** Parents shall be notified of the parental involvement policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

2. **Meeting and information.** Each school shall:
 - a. Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation, and to explain the requirements of this part, and the right of the parents to be involved;
 - b. Offer a flexible number of meetings;
 - c. Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs including the planning, review, and improvements of the school parental involvement policy and the joint development of the schoolwide program plan under §1114(b)(2);
 - d. Provide parents of participating children:
 - Timely information about programs under this part;
 - A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and
 - If requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

V. Voluntary Public School Choice Program

The district shall provide to parents of students in the area to be served by the Voluntary Public School Choice program with prompt notice of:

- a. The existence of the program;
- b. The program's availability; and
- c. A clear explanation of how the program will operate.

VI. Education of Homeless Children and Youths

1. **Notice of rights.** The district shall provide written notice, at the time any homeless child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent/guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that:
 - a. Shall be signed by the parent/guardian;
 - b. Sets the general rights provided under this subtitle;
 - c. Specifically states:
 - The choice of schools homeless children and youths are eligible to attend,
 - That no homeless child or youth is required to attend a separate school for homeless children or youths,
 - That homeless children and youths shall be provided comparable services including transportation services, educational services, and meals through school meals programs;
 - That homeless children and youths should not be stigmatized by school personnel; and
 - Includes contact information for the local liaison for homeless children and youths.
2. **Assistance to unaccompanied youth.** In the case of an unaccompanied homeless youth, the district shall ensure that the homeless liaison assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.
3. **Public notice of rights.** Each district shall ensure that public notice of the educational rights of homeless children is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens.

VII. Student Privacy

1. **Notice of privacy policy.** The student privacy policies developed by a district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by that district. At a minimum, the district shall:
 - a. Provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in such policies; and
 - b. Offer an opportunity for the parent to opt the student out of the activity.
2. **Notification of specific events.** Each district shall directly notify parents/guardians, at least annually at the beginning of the school year, of the specific or approximate dates when activities described in 20 U.S.C. §1232h(c)(2)(C) are scheduled.
3. **Notice of existing policy.** All districts shall provide reasonable notice of such existing policies to parents and guardians of students, e.g., “The School Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. Copies of those policies are available on request.”

- LEGAL REF.:
- I.
 1. NCLB §6311(h)(2); 20 U.S.C. §6311(h)(2).
 2. NCLB §6316 (a)(1)(C); 20 U.S.C. §6316(a)(1)(C).
 3. NCLB §6311(h)(6)(A); 20 U.S.C. §6311(h)(6)(A).
 4. NCLB §6311(h)(6)(B)(i); 20 U.S.C. §6311(h)(6)(B)(i).
 5. NCLB §6311(h)(6)(B)(ii); 20 U.S.C. §6311(h)(6)(B)(ii).
 - II.
 1. NCLB §1112(g)(l)(A) and (g)(2), and §3302(a); 20 U.S.C. §6312(g)(1)(A) and (g)(2); 20 U.S.C. §7012(a).
 2. NCLB §1112(g)(l)(B), and §3302(b); 20 U.S.C. §6312(g)(1)(A) and (g)(2); 20 U.S.C. §7012(a).
 3. NCLB §1112(g)(4) and §3302(e); 20 U.S.C §6312(g)(4); 20 U.S.C. §7012(e)(1).
 - III.
 1. NCLB §6316(b)(6); 20 U.S.C. §6316(b)(6).
 2. NCLB §6316(b)(8)(C); 20 U.S.C. §6316(b)(8)(C).
 3. NCLB §6316(e)(2)(A); 20 U.S.C. §6316(e)(2)(A).
 - IV.
 1. NCLB §1118(b); 20 U.S.C. §6318(b).
 2. NCLB §1118(c); 20 U.S.C. §6318(c).
 - V. NCLB §5245(a); 20 U.S.C. §7225d(a).
 - VI.
 1. NCLB §722(e)(3)(C); 42 U.S.C. §11432(e)(3)(C).
 2. NCLB §722(g)(2)(B)(iii); 42 U.S.C. §11432(g)(3)(B)(iii).
 3. NCLB §722(g)(6)(A)(v); 42 U.S.C. §1432(g)(6)(A)(v).
 - VII.
 1. NCLB §1061(c)(2)(A); 20 U.S.C. §1232h(c)(2)(A).
 2. NCLB §1061; 20 U.S.C. §1232h(c)(2)(B).
 3. NCLB §1061(c)(3); 20 U.S.C. §1232h(c)(3).

Instruction

Administrative Procedure - No Child Left Behind Checklist

The tables below are organized by NCLB topic and list sample policies, procedures, and exhibits.

School Accountability

1:20-AP	Administrative Procedure - Checklist for Handling Intergovernmental Agreement Requests	Contains issues to consider when requested to enter into an intergovernmental agreement for receiving school choice transferees. August 2002; August 2007
6:15	School Accountability	Includes a section on school choice and supplemental services. August 2002; February 2004; June 2009
6:15-AP	Administrative Procedure - School Choice and Supplemental Educational Services	Contains web links to resources including sample parental notices. June 2009
6:15-AP1	Administrative Procedure - Consequences for a SCHOOL Missing Adequate Yearly Progress	February 2004; February 2005; October 2006; Deleted June 2009
6:15-AP2	Administrative Procedure - Consequences for a DISTRICT Missing Adequate yearly Progress	February 2004; February 2005, October 2006; Deleted June 2009
6:15-AP3	Administrative Procedure - School Choice for Students Enrolled in a School Identified for Improvement, Corrective Action, or Restructuring	March 2004; Deleted June 2009 ; see 6:15-AP, <i>Administrative Procedure - School Choice and Supplemental Educational Services</i> , for web links to ISBE resources and sample parent notices
6:15-AP4	Administrative Procedure - Compliance Steps for Providing Supplemental Educational Services	March 2004; Deleted June 2009 ; see 6:15-AP, <i>Administrative Procedure - School Choice and Supplemental Educational Services</i> , for web-web links to ISBE resources and sample parent notices
6:15-E	Exhibit - Resolution Declining Requests to Accept Non-Resident Choice Students	March 2004; June 2009
6:15-E2	Exhibit - Notice to Parents of Children Enrolled in a School that Missed AYP for Two or More Consecutive Years	July 2004; Deleted June 2009 ; see 6:15-AP, <i>Administrative Procedure - School Choice and Supplemental Educational Services</i> , for web links to ISBE resources and sample parent notices
6:15-E3	Exhibit - Application for School Choice Transfer Option	July 2004; Deleted June 2009 ; see 6:15-AP, <i>Administrative Procedure - School Choice and Supplemental Educational Services</i> , for web links to ISBE resources and sample parent notices

School Accountability

6:15-E4	Exhibit - Application for Supplemental Educational Services	July 2004; Deleted June 2009 ; see 6:15-AP, <i>Administrative Procedure - School Choice and Supplemental Educational Services</i> , for web links to ISBE resources and sample parent notices
7:30	Student Assignment and Intra-District Transfer	August 2003; February 2008

Teachers and Paraprofessionals

5:190	Professional Personnel - Teacher Qualifications	Includes <i>highly qualified</i> as employment criteria; refers to ISBE's "Illinois Criteria for Meeting the NCLB Requirements for Highly Qualified Teachers." May 2003; March 2004; February 2008; January 2012
5:190-AP	Administrative Procedure - Plan to Ensure That All Teachers Who Teach Core Academic Subjects Are <i>Highly Qualified</i>	May 2003; February 2008
5:190-E1	Exhibit - Notice to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications	Informs parents of their right to receive certain information regarding their children's teachers. May 2003; February 2008; March 2013
5:190-E2	Exhibit - Notice to Parent When Their Child Is Assigned To, or Has Been Taught for at Least Four Straight Weeks By a Teacher Who is Not <i>Highly Qualified</i>	May 2003; February 2008; March 2013
5:190-E3	Letter to Teacher Who is Not <i>Highly Qualified</i>	August 2003; February 2008; March 2013
5:280	Educational Support Personnel - Duties and Qualifications	Requires paraprofessionals to have the "duties and qualifications" as described in Title I of the Elementary and Secondary Education Act. May 2003; July 2004; February 2006; May 2012
5:280-AP	Administrative Procedure - Paraprofessionals Working in a Program Supported With Title I Funds	Quotes NCLB; provides sample language to inform paraprofessionals of the requirements. June 2002; Deleted August 2007

Parental Involvement

6:170	Title I Programs	Complies with NCLB; includes a section on parental involvement. August 2002; February 2008; March 2013
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Parental Involvement

6:170-AP1	Administrative Procedure - Checklist for Development, Implementation, and Maintenance of Parental Involvement Compacts in Title I Programs	August 2002; August 2007; March 2013
6:170-AP2	Administrative Procedure - Notice to Parents Required by No Child Left Behind Act of 2001	Gives districts a reference guide to notice requirements for districts that receive Title I funds. August 2002; August 2007; March 2013
6:170-AP1, E1	Exhibit - District-Level Parental Involvement Compact	August 2002; August 2007; March 2013
6:170-AP1, E2	Exhibit - School-Level Parental Involvement Compact	Incorporated by reference in 6:170 and may be used as a template. August 2002; August 2007; March 2013

McKinney Homeless Assistance Act

2:260	Uniform Grievance Procedure	Provides complaint procedure for Title I as well as the McKinney Homeless Assistance Act. January 2003; October 2003; July 2006, October 2007; June 2009; January 2012
4:110	Transportation	January 2003; March 2004; February 2008; December 2009; February 2010; August 2010; January 2012; October 2012
6:140	Education of Homeless Children	Contains the basic requirements of State law as well as the McKinney Homeless Assistance Act. January 2003; October 2005; July 2010; October 2010
6:140-AP	Administrative Procedure - Education of Homeless Children	Contains procedures in actor-action format regarding educating homeless children. January 2003; October 2005; July 2010
7:10	Equal Educational Opportunities	Specifically includes “status as a homeless youth” as a protected classification. January 2003; October 2008; December 2009; October 2010
7:50	School Admissions and Student Transfers To and From Non-District Schools	Requires immediate admission of homeless children pursuant to the McKinney Homeless Assistance Act. January 2003; October 2004; June 2005; October 2008; February 2010; October 2010; May 2012
7:60	Residence	Requires immediate admission of homeless children pursuant to the McKinney Homeless Assistance Act. January 2003; October 2004; October 2005; February 2009; October 2010

McKinney Homeless Assistance Act

7:100	Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students	Requires immediate admission of homeless children pursuant to the McKinney Homeless Assistance Act. June 2002; October 2005; October 2008; September 2009; October 2010; January 2012
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Migrant Student

6:145	Migrant Students	Addresses NCLB, 20 U.S.C. §6391 <i>et seq.</i> and requires the superintendent to develop a program addressing the needs of migratory children. August 2002; March 2007; May 2012
6:145-E	Exhibit - Programs for Migrant Students - Family Interview Form	August 2002; Deleted July 2006

Persistently Dangerous School and Choice for Victim of Violent Crime

4:170	Safety	Contains provisions on Unsafe School Choice Option. March 2004; October 2006; February 2009; February 2010; October 2010; January 2012; October 2012
4:170-AP5	Administrative Procedure - Unsafe School Choice Option	Complies with §9532 of NCLB, 20 U.S.C. §7912. August 2003; March 2004; June 2009
7:30	Student Assignment and Intra-District Transfer	Refers to district policy on the Unsafe School Choice Option contained in 4:170 and 4:170-AP5. August 2003; February 2008

Limited English Proficiency Students

6:160	English Language Learners	Implements NCLB, §§3001-3004, 20 U.S.C. §§6312-19; 6801 <i>et seq.</i> and requires the superintendent to develop and implement a program to address the needs of children with limited English language proficiency. August 2002; March 2007; October 2008; February 2011
6:160-E1	Exhibit - Student Home Language Survey	May 2003; Deleted March 2007
6:160-E2	Exhibit - Notice to Parents of Student's Identified as Limited English Proficient	Complies with the NCLB's requirement that schools notify parents of their student's placement in a LEP program. May 2003; Deleted March 2007

Protection of Pupil Rights Act

7:15	Student and Family Privacy Rights	Complies with the Protection of Pupil Rights Act [20 U.S.C. §1232h(c)(1)(E)] as well as 2 state laws. June 2002; March 2004; February 2008
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Protection of Pupil Rights Act

7:15-E	Exhibit - Notification to Parents of Family Privacy Rights	Notifies parents/guardians of privacy rights policy. June 2002; March 2004; March 2007
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Military Recruiter Access to Students

7:340	Student Records	June 2002; March 2004; July 2006; October 2008; May 2012
7:340-AP1	Administrative Procedure - School Student Records	Contains provision on access rights of military recruiters and institutions of higher learning. June 2002; June 2005; May 2012
7:340-AP1, E1	Exhibit - Notification to Parents/Guardians and Students of Their Rights Concerning a Student's School Records	Includes right to refuse all release of directory information to military recruiters. May 2003; February 2006; May 2012
7:340-AP1, E3	Exhibit - Letter to Parents Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information	Contains a form for parents to complete if they do not want military recruiters and/or institutions of higher learning to be given their secondary school student's name, address, and telephone numbers. May 2003; June 2008; May 2012
7:340-AP1, E4	Exhibit - FAQ's Regarding Military Recruiter Access to Students and Student Information	Answers many questions for school staff members and may be distributed at will. May 2003; June 2008; May 2012

No Policy Prohibiting Student Prayer

7:130	Student Rights and Responsibilities	States that student rights include the right to pray. September 2002; March 2007; May 2012
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Boy Scouts Access to School Facilities

8:20	Community Use of School Facilities	Footnotes discuss NCLB, 20 U.S.C. §7905. Schools are prohibited from denying equal access to school facilities to the Boy Scouts or any other youth group "for reasons based on membership or leadership criteria or oath of allegiance to God and country." August 2002; March 2004; October 2007
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Instruction

Extracurricular and Co-Curricular Activities ¹

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

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

Non-school sponsored student groups are governed by School Board policy, 7:330, *Student Use of Buildings - Equal Access*. ²

Academic Criteria for Participation

For students in kindergarten through 8th grade, ³ selection of members or participants is at the discretion of the teachers, sponsors, or coaches, provided that the selection criteria conform to the District's policies. Students must satisfy all academic standards and must comply with the activity's rules and the student conduct code.

For high school students, ⁴ selection of members or participants is at the discretion of the teachers, sponsors, or coaches, provided that the selection criteria conform to the District's policies. Participation in co-curricular activities is dependent upon course selection and successful progress in those courses. In order to be eligible to participate in any school-sponsored or school-supported

¹ Each school board in a district that maintains any of grades 9-12 must have a *no pass-no play* policy (105 ILCS 5/10-20.30). State or federal law controls some aspects of this policy's content. The criteria for determining whether to sponsor a specific activity is a local board decision, except that an ISBE rule requires that the desires of the student body be considered (23 Ill.Admin.Code §1.420).

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

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

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

² *Non-curriculum related* extracurricular activities that meet during non-instruction time in secondary schools trigger the Equal Access Act, 20 U.S.C. §4071 *et seq.* The Equal Access Act prohibits the school from denying fair opportunity or *equal access* to any students who wish to conduct a meeting within a limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such a meeting. The U.S. Supreme Court interpreted "non-curriculum related student group" as any student group that does not directly relate to the body of courses offered by the school. Board of Education of Westside Community School Dist. v. Mergens, 110 S.Ct. 2356 (1990).

³ High school districts should omit this paragraph.

⁴ Elementary districts should omit this paragraph.

athletic or extracurricular activity, a student must maintain an overall ____ grade point average. ⁵ Any student-participant failing to meet these academic criteria shall be suspended from the activity for ____ calendar days or until the specified academic criteria are met, whichever is longer. ⁶

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

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

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

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

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

Alternative 3: ...a student must satisfy the Illinois High School Association’s scholastic standing requirements [doing passing work in at least 20 credit hours of high school work per week].

⁶ Alternatives include:

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

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

Instruction

Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct ¹

The Superintendent or designee shall establish a *Bring Your Own Technology (BYOT) Program*. The program will: ²

1. Promote educational excellence by facilitating resource sharing, innovation, and communication to enhance (a) technology use skills; (b) web-literacy and critical thinking skills about Internet resources and materials, including making wise choices; and (c) habits for responsible digital citizenship required in the 21st century. ³
2. Provide sufficient wireless infrastructure within budget parameters. ⁴
3. Provide access to the Internet only through the District's electronic networks. ⁵
4. Identify approved BYOT devices and what District-owned technology devices may be available; e.g., laptops, tablet devices, E-readers, and/or smartphones.
5. Align with Board policies 4:140, *Waiver of Student Fees*; 5:125 *Personal Technology and Social Media; Usage and Conduct*; 5:170, *Copyright*; 6:120, *Education of Children with Disabilities*; 6:235, *Access to Electronic Networks*; 7:140, *Search and Seizure*; 7:180,

¹ This policy is optional. It concerns an area in which the law is unsettled. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Consult the board attorney and the district's information technology professional(s) for advice to create a legally sound program that fits your district's mission statement for instruction.

² Customize paragraphs 1-8 to reflect the how the program will align with the board's mission statement for instruction and goals for its program.

³ 105 ILCS 5/27-13.3 and 47 C.F.R. § 54.520(c)(1)(i) require Internet safety instruction. See f/n #14 in 6:60, *Curriculum Content* for more discussion.

⁴ District may want to consider a *guest network*, similar to what hotels and other service industry hosts provide to their customers. This can protect a district's network from malicious software, which is discussed in f/n #5 below.

⁵ Care must be taken to comply with the Children's Internet Protection Act (CIPA), 47 U.S.C. §254. CIPA requires the district to provide content filters, blocking lists, or district monitoring of Internet website traffic for patterns of usage that could indicate inappropriate network usage. While a program using district-owned technology devices is always subject to the district's electronic network rules, a BYOT program creates the possibility for students to bypass the district's electronic network and access the Internet through their own wireless providers' signals. This *bypass* complicates a district's duty under CIPA.

Consult the board attorney about managing CIPA compliance issues in the context of a BYOT program. This sample policy is conservative, and it requires that CIPA govern the use of any BYOT device's Internet access capability while the device is at school. If the board will allow a student to bypass the district's electronic network and access his or her wireless providers' signals, consult the board attorney.

Care must also be taken to reduce the electronic network's vulnerability to malicious viruses and malware. Malicious viruses and malware are increasingly being targeted to smartphone users. This is evidenced by the Federal Trade Commission's (FTC) recent filings of lawsuits around the country accusing companies of ordering or engineering the sending of hundreds of millions of spam text messages to mobile phone users. The district may want to require students to ensure their BYOT devices contain an anti-virus and/or anti-malware software product. While many of these software products are free, some are not. Requiring all BYOT devices to have this type of software presents equity issues between students because it may require parents/guardians to spend funds to participate (see the discussion in f/n #6 below).

Preventing Bullying, Intimidation, and Harassment; 7:190, *Student Discipline*; and 7:340, *Student Records*. **6**

6. Provide relevant staff members with BYOT professional development opportunities, including the provision of: **7**
 - a. Classroom management information about issues associated with the program, e.g., technical support, responsible use, etc.;
 - b. A copy of or access to this policy and any building-specific rules for the program;
 - c. Additional training, if necessary, about 5:170, *Copyright*; and
 - d. Information concerning appropriate behavior of staff members as required by State law and policy 5:120, *Ethics and Conduct*. **8**
7. Provide a method to inform parents/guardians and students about this policy.
8. Include the program in the annual report to the Board as required under policy 6:10, *Education Philosophy and Objectives*.

The District reserves the right to discontinue its BYOT program at any time. The District does not provide liability protection for BYOT devices, and it is not responsible for any damages to them.

6 A BYOT program must continue to follow established policies. Boards may use this alternative, “Align with established Board policies.”

Managing the following issues may require a consultation with the board attorney:

1. 4:140, *Waiver of Student Fees*, needs examination because most BYOT programs require parents/guardians to spend funds to participate. 105 ILCS 5/10-20.13 requires districts, at a minimum, to waive charges for textbooks and other fees for children whose families are unable to afford them. See also policy 6:210, *Instructional Materials*, stating that district classrooms and learning centers should be equipped with an evenly-proportioned, wide assortment of instructional materials, including textbooks, workbooks, audio-visual materials, and electronic materials.
2. Management issues concerning 5:125, *Personal Technology and Social Media; Usage and Conduct*, and 5:170, *Copyright* are discussed in f/n #s 7 & 8 below.
3. 6:120, *Education of Children with Disabilities*, requires consideration for students with disabilities when integrating any technology programs into the educational environment. As with district-provided devices (often referred to as *1:1 technology programs*), devices must be accessible to students with disabilities, including those who are blind, have low vision or have a disability that affects their ability to access print information. The use of mobile devices that do not allow a student with a disability to access the instructional materials would be a violation of the student’s right under the Individuals With Disabilities Education Act (IDEA).
4. 6:235, *Access to Electronic Networks*, is discussed in f/n #5 above.
5. 7:140, *Search and Seizure*, still applies in a BYOT program. The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. However, 105 ILCS 5/10-22.6(e) allows school officials to inspect the personal effects left by a student on property owned or controlled by the school, e.g., lockers, desks, and parking lots. Many cases suggest that to search a student’s possessions left in the locker, school officials need individualized suspicion of wrongdoing. Many of the issues re: the search of electronic devices that are discussed in 7:190-AP6, *Guidelines for Investigating Sexting Allegations*, will apply to investigations involving BYOT devices. To minimize mediating with law enforcement for parents/guardians about confiscated devices, districts should distinguish whether they are acting upon their own initiative or need to contact law enforcement. See f/ns in policy 7:140, *Search and Seizure*, and the policy’s **Seizure of Property** subhead.
6. 7:180, *Preventing Bullying, Intimidation, and Harassment*, and 7:190, *Student Discipline*, present similar issues to # 3 & 4 above. Students must be aware that traditional expectations for appropriate behavior, and the consequences for inappropriate behavior, apply to a BYOT program.
7. See 7:340, *Student Records*. The law is not clear whether materials created by students participating in a BYOT program through a district’s network access are *school student records*.

7 See f/n # 1 above re: collective bargaining. Moving forward without properly training educators to manage BYOT issues may create pedagogical problems. One option for this training is to incorporate it into the training required during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by board policy 5:120, *Ethics and Conduct*. Many issues involved in BYOT programs intersect with maintenance of appropriate behavior and policy 5:125, *Personal Technology and Social Media; Usage and Conduct*.

8 23 Ill.Admin.Code §22.20 and 105 ILCS 5/21-23, amended by P.A. 97-8, repealed, added and renumbered at 105 ILCS 5/21B-75 by P.A. 97-607.

Responsible Use⁹

The District recognizes students participating in the program as responsible young adults and holds high expectations of their conduct in connection with their participation in the program. Teachers may encourage students to bring their own devices as supplemental in-class materials when: (a) using the devices will appropriately enhance, or otherwise illustrate, the subjects being taught; (b) the Building Principal has approved their use and found that their use is age-appropriate; and (c) the student's parent/guardian has signed the *Bring Your Own Technology (BYOT) Program Participation Authorization and Responsible Use Agreement Form*. A student's right to privacy in his or her device is limited; any reasonable suspicion of activities that violate law or Board policies will be treated according to policy 7:140, *Search and Seizure*.

Responsible use in the program incorporates into this policy the individual's *Acceptable Use of Electronic Networks* agreement pursuant to policy 6:235, *Access to Electronic Networks*. Responsible use also incorporates the established usage and conduct rules in policy 5:125, *Social Media and Personal Technology; Usage and Conduct* for staff and 7:190, *Student Discipline* for students. Failure to follow these rules and the specific BYOT program student guidelines may result in: (a) the loss of access to the District's electronic network and/or student's BYOT privileges; (b) disciplinary action pursuant to 7:190 *Student Discipline*, 7:200, *Suspension Procedures*, or 7:210, *Expulsion Procedures*; and/or (c) appropriate legal action, including referrals of suspected or alleged criminal acts to appropriate law enforcement agencies.

LEGAL REF.: Children's Internet Protection Act (CIPA), 47 U.S.C. §254(h) and (l).
Enhancing Education Through Technology Act, 20 U.S.C §6751 et seq.
47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.
Children's Online Privacy Protection Act (COPPA), 15 U.S.C. §§6501-6508.
16 C.F.R. Part 312, Children's Online Privacy Protection Rule.
105 ILCS 5/28.

CROSS REF.: 1:30 (School District Philosophy), 4:140 (Waiver of Student Fees), 5:120 (Ethics and Conduct), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:170 (Copyright), 6:120 (Education of Children with Disabilities), 7:140 (Search and Seizure), 7:180 (Preventing Bullying, Intimidation, and Harassment), 6:10 (Educational Philosophy and Objectives), 6:40 (Curriculum Development), 6:210 (Instructional Materials), 6:235 (Access to Electronic Networks), 7:190 (Student Discipline)

⁹ This section provides general guidelines. A BYOT program will require a parent/guardian authorization to participate in it and specific guidelines for students. See 6:220-E1, *Authorization to Participate in Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct*; 6:220-E2, *Bring Your Own Technology (BYOT) Program Student Guidelines*; and 6:235-E5, *Children's Online Privacy Protection Act*. See f/n #s 7 & 8 above re: teachers' guidelines. Application of additional guidelines for teachers may have collective bargaining implications (see f/n #1).

Instruction

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

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

Student _____

School year _____

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

Dear Parents/Guardians:

Our School District allows students to participate in a curriculum-based Bring Your Own Technology (BYOT) Program. You must authorize your child's participation in the program by agreeing to the following terms and discussing them with your child. This authorization and agreement needs to be signed only once while your child is enrolled in the District.

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

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

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

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

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

- I have read this *BYOT Participation Authorization and Responsible Use* agreement. I understand the program is designed for educational purposes and that the District's Internet gateway must be accessed to minimize access to inappropriate material.
- I will hold harmless the District, its employees, agents, and Board members, for any harm caused by materials or software obtained via the District's network and compliance with federal law(s) (the Children's Internet Protection Act (CIPA) requirements).
- I have previously signed the *Student Authorization for Electronic Network Access* form. I have also read and discussed with my child the following documents: (1) the Responsible Use and Conduct portion of policy 6:220, *Bring Your Own Technology (BYOT) Programs*;

Responsible Use and Conduct; (2) 6:220-E2, Bring Your Own Technology (BYOT) Program Student Guidelines; and (3) 6:235-E5, Children's Online Privacy Protection Act.

- I understand that my child and I share the responsibility for technical support, providing a properly charged BYOT device, and keeping the BYOT device free from viruses, malware and/or any other harmful programs that could infect or harm the District's electronic network.
- I understand that the District does not provide liability protection for BYOT devices, and it is not responsible for any damages to them.
- I understand that my child's privacy rights in his/her BYOT device while on any school property are limited as outlined in Board policy.
- I consent that my child may share another student's BYOT device, or in the alternative, be asked to share his/her BYOT device with another student, from time to time as directed by the classroom teacher.

Parent/Guardian (*please print*)

Date

Parent/Guardian signature

Student signature

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

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

Parent/Guardian (*please print*)

Date

Parent/Guardian signature

Student signature

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

Instruction

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

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

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

- Access only the District's Internet gateway. The District filters access to materials that may be defamatory, inaccurate, offensive, or otherwise inappropriate at school pursuant to policy 6:235, *Access to Electronic Networks*. Make no attempts to bypass the District's Internet gateway. Similar to when a filter is disabled or malfunctions, it is impossible to control all Internet material, and a BYOT participant may discover inappropriate material. It may also be discovered if and/or when sharing a BYOT device with another student. Report inappropriate content and conduct to your classroom teacher.
- Follow the standards of your parents/guardians. The District respects each family's right to decide whether or not to participate. District-provided technology may be an alternative.
- Access only authorized data or files on the computer or Internet sites that are relevant to the classroom curriculum and suggested by a teacher. Students are strictly prohibited from infecting the District's network(s) with a virus or malware program designed to damage, alter, or destroy the network, and hacking, altering, or bypassing security policies. Using anti-virus and anti-malware software on BYOT devices is encouraged. The District may examine any BYOT device that it suspects is causing network problems or may be the source of an attack or virus infection.
- Use of a BYOT device is subject to policy 7:190, *Student Discipline*. That means BYOT devices are for curriculum-based instruction only. Devices are still prohibited during non-instructional times, e.g., the cafeteria, gymnasium, locker rooms, hallways, and bathrooms, etc.
- Transmit only appropriate content while using the District's electronic network. At no time, may a photographic image or video of any person on campus be made, posted, or shared. Any reasonable suspicion of an activity that violates law or Board policies will be treated according to policy 7:140, *Search and Seizure*. Bullying or sexual material will not be tolerated and will be managed pursuant to policy 7:180, *Preventing Bullying, Intimidation, and Harassment*. Retrieval of devices that become involved in a law enforcement investigation is the student and parent/guardian's responsibility.
- Charge all BYOT devices prior to school every day. Turn off and keep BYOT devices in the sight of the teacher during assessments, unless otherwise directed by a teacher. Immediately follow any teacher's instruction to shut down BYOT devices or close the screen. All BYOT devices must be in silent mode and put away when directed by teachers.
- Sharing BYOT devices with other students is allowed only when a parent/guardian has approved this in writing through the *Bring Your Own Technology (BYOT) Program Participation Authorization and Responsible Use Agreement Form* and the teacher has directed it.

Instruction

Exhibit - Children's Online Privacy Protection Act

On District letterhead:

RE: Children's Online Privacy Protection Act

Dear Parent(s)/Guardian(s):

This letter is being sent as part of the District's continuing effort to educate parents and students about privacy protection and Internet use.

The Children's Online Privacy Protection Act gives parents control over what information websites can collect from their children. Many companies, however, are not providing information about what data a mobile app collects, who will have access to that data, and how it will be used. Allowing your child access to games and other seemingly harmless applications on a smartphone or computer risks his or her exposure to intrusive marketing and access to personal information.

A recent survey of apps for children by the Federal Trade Commission found that 10 percent of apps with social networking services did not disclose their presence; 17 percent of the apps allowed children to make purchases without parent/guardian consent; and 58 percent contained constant advertising, while less than 20 percent disclosed that advertising would appear.

The following suggestions may help keep children from being bombarded by unwanted advertising, from making unwanted purchases and from disclosing personal information and location:

- Be choosy about the applications that you let your child use. Try the app yourself to check for advertising messages and/or social networking and purchase options before allowing your child access.
- Select activities that do not require access to the Internet or an application, such as looking at family pictures or listening to preselected music, screened and approved by you.
- Make certain that the ability to make purchases is password protected.
- Set up family rules and consequences explaining that all purchases made via a smartphone or computer must have parent/guardian consent.
- Caution children about the use of social networking and other sites and/or apps that can pinpoint locations.
- Monitor computer and smartphone use whenever and wherever possible.

For more information on the Children's Online Privacy Protection Act, please see the following links:

www.ftc.gov/opa/2012/12/kidsapp.shtm

www.ftc.gov/opa/reporter/privacy/coppa.shtml

Sincerely,

Instruction

Field Trips ¹

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

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

Parents/guardians of students: (1) shall be given the opportunity to consent to their child's participation in any field trip, and (2) are responsible for all entrance fees, food, lodging, or other costs, except that the District will pay such costs for students who qualify for free or reduced school lunches. All non-participating students shall be provided an alternative experience. Any field trip may be cancelled without notice due to an unforeseen event or condition.

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

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

CROSS REF.: 6:10 (Educational Philosophy and Objectives), 7:270 (Administering Medicines to Students)

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

Recreational Class Trips

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

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

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

105 ILCS 5/29-6.3 allows districts to transport students in vans for school sponsored activities "provided that the van is operated by or for the district under a rental or for hire arrangement entered into by the district."

⁴ These are at the local board's discretion.

⁵ Transportation fees are permitted by 105 ILCS 5/29-3.1.

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

Instruction

Administrative Procedure - Field Trip Guidelines 1

Actor	Action
Teacher(s) or administrator who seeks consent for a school-sponsored trip with students	<p>Submits a trip proposal to the Building Principal. The proposal must specifically describe each of the following:</p> <ol style="list-style-type: none"> 1. The trip, including possible dates, location, and experience 2. The trip’s educational value 3. Transportation requirements 4. Supervision plans that include, among other things, plans for at least 2 adult supervisors to be present with every grouping of students 5. The students who will be involved 6. The alternative experience that will be provided non-participating students 7. A summary and evaluation of any previous similar trip
Building Principal	<p>Prepares a recommendation for the Superintendent or Board, as appropriate, using the following factors to analyze the trip proposal:</p> <ul style="list-style-type: none"> Educational value Distance to be traveled Location Travel arrangements Fees Parent concerns Insurance carrier’s liability feedback Safety considerations Heightened security alerts Whether trip is an annual event
Appropriate teacher(s) and Building Principal	<p>Makes final transportation arrangements.</p> <p>Recruits parents/guardians for supervisory roles, as appropriate.</p> <p>Collects signed consent forms and fees from all participating students’ parents/guardians.</p> <p>Makes sure all supervisors have a list of the following:</p> <ol style="list-style-type: none"> 1. Names of all student participants and supervisors 2. Names and specifics of students with special needs 3. Name/phone number of emergency contacts for all students and supervisors 4. Date/time and specific destination of trip 5. Departure/arrival times both to and from destination 6. Name and phone number of transportation company and primary contact in case of emergency 7. Name/phone number of contact at destination

1 Be sure these procedures are consistent with the board policy (see IASB sample policy 6:240, *Field Trips*). In addition, make adjustments to include recreational class trips if the board’s policy includes them. If class trips are included, add to the title, “and Recreational Class Trips.”

Actor	Action
	8. Once at destination, where to go in case of an emergency 9. Make final supervisor assignments and inform all supervisors of their individual assignments
Parent(s)/guardian(s)	Decides whether to consent to their student's participation. If the student is participating, pays all applicable fees for entry, food, lodging, transportation, or other costs. The District will pay such costs for students who qualify for free and reduced school lunches.
Teacher(s) or administrator proposing the trip	After a trip, evaluates the trip and provides the Building Principal with the evaluation.

Instruction

Exhibit - Resource Person and Volunteer Information Form and Waiver of Liability

Volunteers must complete this form one time each school year. Please print clearly in ink:

Name _____
Last First Middle Telephone

Address _____
Street City Zip code

Personal physician _____ Telephone _____

Emergency adult contact _____ Telephone _____

Are you now or have you ever been a school volunteer? Yes No

If yes, at which school? _____ Year? _____

The name of any child or ward attending this school _____

Criminal Conviction Information: Are you a child sex offender? Yes No

Have you ever been convicted of a felony? Yes No If Yes, list all offenses.

Offense	Date	Location
_____	_____	_____
_____	_____	_____

If requested, are you willing to consent to a criminal history records check? Yes No

Waiver of Liability

The School District does not provide insurance coverage to non-District personnel serving as volunteers for the School District. The purpose of this waiver is to provide notice to prospective volunteers that they do not have insurance coverage by the School District and to document the volunteer's acknowledgment that they are providing volunteer service at their own risk.

By your signature below:

You acknowledge that the School District does not provide insurance coverage for the volunteer for any loss, injuries, illness, or death resulting from the volunteer's unpaid service to the School District.

You agree to assume all risk for death or any loss, injury, illness, or damage of any nature or kind, arising out of the volunteer's supervised or unsupervised service to the School District. You also agree to waive any and all claims against the School District, or its officers, School Board Members, employees, agents or assigns, for loss due to death, injury, illness or damage of any kind arising out of the volunteer's supervised or unsupervised service to the School District.

Volunteer name (please print)

Volunteer signature

Date

For School Use Only

General description of assignment(s):

- Supervising students as needed by a teacher
- Supervising students during a regularly scheduled activity
- Assisting with academic programs
- Assisting at the resource center or main office
- Other _____

Name of supervising staff member _____

Illinois Sex Offender Database Registry, www.isp.state.il.us/sor/

Registry checked by: _____ Date: _____ (mandatory)

Illinois Murderer and Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/

Registry checked by: _____ Date: _____ (mandatory)

Dru Sjodin National Sex Offender Public Website (NSOPW), www.nsopr.gov

NSOPW checked by: _____ Date: _____ (mandatory)

To be completed by the Building Principal:

Will the individual be working over a long period of time in direct contact with students where no staff member is continuously present or in other situations where a fingerprint-based criminal history records check would be prudent? Yes No

If *yes*, and provided the individual authorized the fingerprint-based criminal history records check, please provide the following:

Date that the background check was requested _____

Date that the background check was received and reviewed _____

Check reviewed by (*please print*) _____

Signature of reviewer

Date

Students

Administrative Procedure - Harassment of Students Prohibited

The intent of this procedure is to (1) inform the Building Principal of specific steps to prevent harassment of students, and (2) inform staff members of the appropriate response to allegations of harassment. See the U.S. Department of Education’s pamphlet, *Sexual Harassment: It’s Not Academic*, ed.gov/about/offices/list/ocr/docs/ocrshpam.html.

Actor	Action
Building Principal or Designee	<p>Informs staff members and students that the District prohibits harassment of students. Distributes or references School Board policies, 7:20, <i>Harassment of Students Prohibited</i>, and 2:260, <i>Uniform Grievance Procedure</i> using various methods. Takes measures to prevent harassment of students, which may include:</p> <ol style="list-style-type: none"> 1. Conducts periodic harassment awareness training for all school staff, including administrators, teachers, and guidance counselors. 2. Conducts periodic age-appropriate harassment awareness training for students. 3. Provides a means for students to learn and discuss what constitutes harassment and how to respond to it in the school setting. 4. Surveys students to determine if harassment is occurring at school. 5. Conducts periodic harassment awareness training for parents/guardians. 6. Works with parents/guardians and students to develop and implement age-appropriate, effective measures for addressing harassment. 7. Determines when extra supervision and precaution should be taken, such as, when: two or more students seem to be in conflict with each other; there have been previous incidents of harassment, sexual assaults, threats, or bullying around perceived sexual orientation; or a specific student has had multiple disciplinary violations. 8. Has a process in place to: (1) inform a staff member when a student that he or she supervises has a history of violent or sexually inappropriate behavior, and (2) keep such a student constantly supervised. 9. Regularly trains staff members regarding: (1) their classroom and non-classroom supervisory responsibilities, e.g., during a school-sponsored event, before and after school, while students wait for the school bus, between classes, during lunch, and at recess, (2) behaviors that may be an indicator of sexual or physical violence against another student, and (3) what to do when they observe an unusual and disruptive student. 10. Identifies areas in the school building that are isolated (e.g., restrooms, locker rooms, hallways while classes are in session, stairwells, and empty rooms) and take extra steps to make them safe. 11. Immediately notifies the police and relevant parents/guardians when an assault or attempted assault has occurred.
Nondiscrimination	Thoroughly and promptly investigates allegations of harassment by:

Actor	Action
Coordinator and/or Grievance Complaint Manager	<ol style="list-style-type: none"> 1. Distributing Board policy 2:260, <i>Uniform Grievance Procedure</i>, to any person upon request; 2. Following Board policy 2:260, <i>Uniform Grievance Procedure</i>; 3. Notifying a student’s parents/guardians that they may attend any investigatory meetings in which their child is present; 4. Keeping the complaining parents/guardians informed of any investigation’s progress; and 5. Keeping confidential all information about an investigation and the statements of students and other witnesses. The Superintendent shall be kept informed of an investigation’s progress.
All District Staff Members	Immediately report to the Illinois Department of Children and Family Services any situation that provides you with reasonable cause to believe that a child may be an abused child or a neglected child. Promptly notify the Superintendent and Building Principal that you made a report.

Students

Student Discipline 1

Prohibited Student Conduct 2

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 materials. ³
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. ⁴ 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, or selling:
 - a. Any illegal drug, controlled substance, or cannabis (including marijuana and hashish). ⁵
 - b. Any anabolic steroid unless being administered in accordance with a physician's or licensed practitioner's prescription. ⁶
 - 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. ⁷
 - 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.
 - 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

¹ All districts must have a policy on student discipline, including corporal punishment (105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280). Teachers and other certificated employees must maintain discipline (105 ILCS 5/24-24). Staff members may *not* use isolated time out or physical restraint unless authorized to do so by an administrative procedure or policy (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 f/n 35 and 7:190-AP4, *Use of Isolated Time Out and Physical Restraint*. Given the unique concerns facing school officials, school disciplinary codes are not required to be drafted as narrowly or with the same precisions as criminal statutes. Bethel School Dist. v. Fraser, 106 S.Ct. 3159 (1986).

² Boards for elementary districts may customize the items listed as *prohibited student conduct* that clearly will not apply to their students.

³ 105 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 policy 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, and
www.fda.gov/newsevents/publichealthfocus/ucm252360.htm.

Boards may use the following alternative to prohibit electronic cigarettes: "Using, possessing, distributing, purchasing, or selling tobacco materials or electronic cigarettes."

⁴ Alcoholic beverages are defined in 235 ILCS 5/1-3.01 to 3.05.

⁵ 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.

⁶ Anabolic steroid is defined in 720 ILCS 570/102.

⁷ 105 ILCS 25/2 requires IHSA to prohibit a student from participating in an IHSA-sponsored athletic competition unless the student has agreed not to use any performance-enhancing substances on IHSA's current banned drug list and to submit to performance-enhancing substance testing. See policy 7:240, *Conduct Code for Participants in Extracurricular Activities*.

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. "Look-alike" or counterfeit drugs, including a substance not containing an illegal drug or controlled substance, but one: (a) that a student believes to be, or represents to be, an illegal drug or controlled substance; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug or controlled substance. ⁸
- g. 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. ⁹

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. ¹⁰
- 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); or (c) it is needed in an emergency that threatens the safety of students, staff, or other individuals. ¹¹
- 6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.

⁸ "Look-alike" and counterfeit substances are defined in 720 ILCS 570/102. "Look-alike" drugs should be defined; an unpublished Ill. Court of Appeals decision in 2000 found a board policy prohibiting possession of "look-alikes" to have vagueness problems.

⁹ Drug paraphernalia is defined in 720 ILCS 600/2.

¹⁰ 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.

¹¹ 105 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). Camera phones are now common and their misuse could 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 for a first offense can range as high as \$11,000 for each violation or imprisonment for up to one year, and the device may also be seized by the U.S. government. 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 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, 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. **12**
10. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property. **13**
11. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants. **14**
12. 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. **15**
13. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia. **16**

12 All districts must have a policy on bullying (105 ILCS 5/27-23.7(d). Policy 7:180, *Preventing 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. Implementing procedures must include a method for informing parents/guardians when their child or ward engaged in aggressive behavior as well as early intervention procedures based upon available community and district resources. See 7:190-E, *Aggressive Behavior Reporting Letter and Form*.

A trial court's order enjoining a student's expulsion for committing aggressive behavior was overturned in Wilson ex rel. Geiger v. Hinsdale Elementary School Dist. 181, 810 N.E.2d 637 (Ill.App.2, 2004). The board expelled an 11-year-old student for bringing 2 CDs to school containing a song entitled, "Gonna Kill Mrs. Cox's Baby." Mrs. Cox was the student's pregnant science teacher. The student was expelled for the remainder of the school year for violating the district's policy prohibiting aggressive behavior. The Court of Appeals reversed the trial court's temporary restraining order (that had stopped the penalty's imposition until after a trial) finding that the student had violated school rules subjecting him to exclusion and that the penalty was not unreasonable, arbitrary, capricious, or oppressive.

See also Gendelman v. Glenbrook North High School and Northfield Township School District 225, 2003 WL 21209880 (N.D.Ill., 2003)(student suspensions for hazing were upheld).

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.

13 720 ILCS 5/26-1 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.

14 105 ILCS 5/26-2a, 5/26-9, and 5/26-12. 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*.

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

14. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, and hazing.
15. 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. **17**
16. 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. **18**

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 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. **19**

Efforts, including the use of early intervention and progressive discipline, 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. **20** 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. **21**

The grounds for disciplinary action, including those described more thoroughly later in this policy, apply whenever the student’s conduct is reasonably related to school or school activities, including, but not limited to: **22**

16 See Kelly v. Board of Educ. of McHenry Community High School 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). Significantly, the General Assembly recognized in 105 ILCS 5/27-23.7(a), that “[g]iven the higher rates of criminal offending among gang members, as well as the availability of increasingly lethal weapons, the level of criminal activity by gang members has taken on new importance for law enforcement agencies, schools, the community, and prevention efforts.”

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.

17 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.

18 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 16: “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.”

19 “Possession” should be defined to avoid vagueness problems.

20 See f/n #12.

21 Mandated by 105 ILCS 5/10-20.36.

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. ²³

²² A school's power over students does not cease when students leave the campus. Illinois statutes provide little guidance concerning off-campus jurisdiction. Board policy must provide a jurisdictional statement telling students and staff the circumstances under which the district will take disciplinary action. Rules taking jurisdiction of off-campus misconduct generally survive the test of reasonableness if they are limited to situations having a direct nexus to the school. Jurisdictional rules in board policy should generally be as broad as possible in order to give staff members authority to respond to unforeseen situations. However, 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. Two decisions issued by the same federal court of appeals are informative. Both cases involved students who created a very unflattering MySpace profile parodying their principal but there was little evidence that the profiles caused, or could cause, substantial disruption in the schools. Absent this factor, the school districts were not empowered to punish out-of-school expressive conduct, even if it is lewd, indecent, or offensive speech. J.S. v. Blue Mountain Sch. Dist., combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3d Cir. 2011), *cert. denied* 2012 WL 117558 (U.S.).

There are many other decisions on disciplining a student for off-campus misconduct; for examples, see: Morse v. Frederick, 127 S.Ct. 2618 (2007)(held school's compelling interest in stopping student drug abuse allows schools to prohibit student speech that maybe reasonably regarded as promoting illegal drug use); Boucher v. School Dist. of Greenfield, 134 F.3d 821 (7th Cir. 1998)(upheld expulsion for off-campus speech – an article explaining how to hack into the school's computers); Giles v. Brookville Area School District, 669 A.2d 1079 (Pa. Commw. 1995)(upheld expulsion for selling marijuana to another student off-campus where negotiations took place on campus); J.S. v. Bethlehem Area School District, 807 A.2d 847 (Pa. 2002)(suspension upheld for posting on a private web site derogatory, offensive, and threatening statements directed toward a teacher); Wisnieski v. Weedsport Cent. School District., 494 F.3d 34 (2nd Cir. 2007), (upheld suspension for off-campus speech - an instant message icon illustrating a pistol firing a bullet at teacher's head with words "kill Mr. Vandermolen."); Doe v. Pulaski Co. Special School, 306 F.3d 616 (8th Cir. 2002) (vacated holding in Doe v. Pulaski Co. Special School, 263 F.3d 833 (8th Cir. 2001), holding that the school board did not violate the student's First Amendment rights when it expelled him for writing a letter at home referring to killing his girlfriend).

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). The school district and will probably not be notified before a transfer order is issued. School officials should immediately seek the board attorney's advice concerning available options.

²³ Suspending or expelling a student for off-campus misconduct is problematic when the school's jurisdiction is premised on nothing more than "the student's presence at school may reasonably be considered to create an interference with school purposes or an educational function." If possible, other grounds for jurisdiction should be added. The factual context will determine jurisdiction. Even when there is no other jurisdictional ground, if the nature of the conduct is particularly troublesome, a detrimental impact on the school can be inferred. See Doe v. Superintendent of Schools of Stoughton, 767 N.E.2d 1054 (Mass., 2002)(suspension for off-campus commission of a felony was upheld).

Disciplinary Measures 24

Disciplinary measures may include: 25

1. Disciplinary conference.
2. Withholding of privileges.
3. Seizure of contraband.
4. Suspension from school and all school activities for up to 10 days, provided that appropriate procedures are followed. 26 A suspended student is prohibited from being on school grounds.
5. Suspension of bus riding privileges, provided that appropriate procedures are followed. 27
6. Expulsion from school and all school-sponsored activities and events for a definite time period not to exceed 2 calendar years, provided that the appropriate procedures are followed. 28 An expelled student is prohibited from being on school grounds. 29
7. Notifying juvenile authorities or other law enforcement whenever the conduct involves illegal drugs (controlled substances), “look-alikes,” alcohol, or weapons.
8. Notifying parents/guardians.
9. Temporary removal from the classroom.
10. In-school suspension for a period not to exceed 5 school days. The Building Principal or designee shall ensure that the student is properly supervised. 30
11. After-school study or Saturday study 31 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.

24 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.

An example of the judicial reluctance to interfere is Tun v. Whitticker, 398 F.3d 899 (7th Cir., 2005). A student named Brandon brought a substantive due process claim against the school for expelling him without evidence of wrongdoing. Brandon and three others were expelled for allowing nude pictures of themselves to be taken in the school shower. After Brandon appealed using the school’s procedures, the expulsion was rescinded and his record expunged of any reference to the incident. Brandon, however, brought a federal court action alleging that his substantive due process rights were violated. While the Court believed that school officials overacted to boys “just horsing around,” it did not believe the expulsion amounted to a substantive due process violation - it fell short of the required “shocks the conscience” standard.

25 Most school attorneys advise against using a grade reduction as a disciplinary measure. One case upheld the application of such a policy. Knight v. Board of Education, 348 N.E.2d 299 (Ill.App. 4, 1976). Another case, however, found unconstitutional, a grade reduction policy requiring 9-week grades to be reduced 4% for each day of a suspension. Smith v. School City of Hobart, 811 F.Supp. 391 (N.D.Ind., 1993).

26 105 ILCS 5/10-22.6. The next sentence is optional.

27 Id.

28 105 ILCS 5/10-22.6. The Indiana Supreme Court upheld a policy to deny semester credit to a student expelled anytime during the semester. South Gibson School Board v. Sollman, 768 N.E.2d 437 (Ind. 2002). An optional provision, such as the following, should be discussed with the board attorney before adoption:

Unless the Building Principal determines otherwise, a student expelled anytime during a semester will be denied credit for the semester regardless of whether the student had completed sufficient course work to earn a passing grade before being expelled.

29 Optional (105 ILCS 5/10-22.6).

30 State law does not cover in-school suspensions. Generally, an educational program must be included in an in-school suspension; otherwise, it may become a regular suspension with procedural requirements.

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

12. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs. ³² 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.

A student may be immediately transferred 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. ³³

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. ³⁴ ³⁵

Weapons ³⁶

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 2 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 alike” of any firearm as defined above.

³² Optional. See Herndon v. Chapel Hill-Carrboro City Bd., 89 F.3d 174 (C.A. 4, 1996)(upheld policy requiring students to complete community service in order to graduate).

³³ 105 ILCS 5/10-22.6(a) and (b). Subsection 10-22(b) uses the phrase “is suspended in excess of 20 school days” even though such a suspension should be treated as an expulsion. Most school lawyers say that a suspension over 10 days is automatically an expulsion and must be treated as such as per Goss v. Lopez, 95 S.Ct. 729 (1975). It is an open question whether an alternative program is available to a student who is suspended for 11 to 20 days because that student is technically expelled and, as such, qualifies under subsection (a) of Section 10-22.6 even though s/he would not qualify under subsection (b) of that statute. 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.

³⁴ This paragraph paraphrases 105 ILCS 5/24-24.

³⁵ School district staff may not use isolated time out or physical restraint unless the superintendent or board authorizes its use in a procedure or policy (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*. An ISBE rule states that a district must have a *policy* on isolated time out and physical restraint in order to authorize their use. As the School Code does not contain such a requirement, ISBE has found that a district procedure will suffice to authorize the use of isolated time-out and restraint. A board may, but is not required to, include both or one of the following sentences:

School District staff members shall not use isolated time out and physical restraint 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 restraint shall be used in administering discipline to individual students, i.e., as a form of punishment.

The first sentence in the above optional paragraph will require the superintendent to develop administrative procedures; the second sentence is from ISBE rule 23 Ill.Admin.Code §1.285.

³⁶ This section restates 105 ILCS 5/10-22.6. See also the Gun-Free Schools Act, 20 U.S.C. §7151 *et seq.* This section contains the statutorily required punishment for bringing a weapon to school along with the statutory definition of *weapon* (105 ILCS 5/10-22.6). 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.

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. 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, 618 N.E.2d 561 (Ill.App., 1993).

The expulsion requirement under either paragraph 1 or 2 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. ³⁷

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. ³⁸ Upon receiving such a report, the Building Principal or designee shall immediately notify the local law enforcement agency, State Police, and any involved student's parent/guardian. ³⁹ "School grounds" 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 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 defense of property. ⁴⁰ Teachers may temporarily remove students from a classroom for disruptive behavior. ⁴¹

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 10 consecutive school days, provided the appropriate procedures are followed. ⁴² The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons. ⁴³

³⁷ Optional.

³⁸ 105 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.

³⁹ 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, State Police, and, if a student is reportedly in possession of a firearm, also the student's parents/guardians.

⁴⁰ Required by 105 ILCS 5/24-24 and 23 Ill.Admin.Code §1.280.

⁴¹ Id.

⁴² Required by 105 ILCS 5/10-22.6.

⁴³ Id.

Student Handbook

The Superintendent, with input from the parent-teacher advisory committee, **44** 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.

LEGAL REF.: Gun-Free Schools Act, 20 U.S.C. §7151 et seq.
Pro-Children Act of 1994, 20 U.S.C. §6081.
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, and 5/31-3.
23 Ill.Admin.Code §1.280.

CROSS REF.: 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 (Preventing Bullying, Intimidation, and Harassment), 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), 8:30 (Visitors to and Conduct on
School Property)

44 The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline. See policy 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.

Students

Student Handbook - Electronic Devices 1

Electronic Signaling Devices 2

Students may not use or possess electronic signaling (paging) devices or two-way radios on school property at any time, unless the Building Principal specifically grants permission.

Cell Phones and Other Electronic Devices 3

The possession and use of smartphones, cell phones, and other electronic devices, other than paging devices and two-way radios, are subject to the following rules:

1. They must be kept out of sight and in an inconspicuous location, such as a backpack, purse, or locker.
2. They must be turned **off** during the regular school day unless the supervising teacher grants permission for them to be used or if needed during an emergency.
3. They may not be used in any manner that will cause disruption to the educational environment or will otherwise violate student conduct rules.
4. They may not be used for creating, sending, sharing, viewing, receiving, or possessing *indecent visual depictions* as defined in State law, i.e., *sexting*.⁴ Possession is prohibited regardless of whether the depiction violates State law. Any cellular phone or electronic device may be searched upon reasonable suspicion of sexting or other violations of policy. All sexting violations will require school administrators to follow student discipline policies in addition to contacting the police and reporting suspected child abuse or neglect when appropriate.

Electronic study aids may be used during the school day if:

1. Use of the device is provided in the student's IEP, or
2. Permission is received from the student's teacher; e.g., BYOT programs.

¹ 105 ILCS 5/10-20.28, grants school boards the authority to “establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time.” The statute contains no mandates. School boards that adopted policies prohibiting students from using or possessing any cell phones on school property must amend those policies before using this sample student handbook language about cell phones and electronic devices.

Some boards may prefer to maintain their ban on cell phone and pager use and possession on school grounds. With the advent of sexting, bans on cell phone and electronic device usage during school hours is a viable sexting prevention option. If so, the administration should not change the student handbook's language with the use this sample language.

² State law still prohibits student possession of electronic paging devices (105 ILCS 5/10-21.10) unless the school board has expressly authorized use or possession of the device or similar electronic paging device by a student when in a school building or on school property.

³ The School Code does not define *electronic device* but 705 ILCS 405/3-40(a) provides guidance in its definition of an *electronic communication device*. Electronic communication device includes, but is not limited to, electronic devices, wireless telephones, personal digital assistants, or portable or mobile computers, that are capable of transmitting images or pictures. *Wireless telephone* is synonymous with *cellular telephone* (see www.thesaurus.com, listing cellular and wireless telephones as synonyms). Because the terms are synonyms, an electronic communication device also includes a cellular telephone. While the definition of electronic communication device at 705 ILCS 405/3-40(a) appears to make using both *cell phone* and *electronic device* redundant, this sample will continue to use both terms for simplicity. Change the subhead to *electronic communication devices* if the district wants to use one term.

⁴ 705 ILCS 405/3-40(a). *Sexting* is a portmanteau word of sex and texting with no clear definition. It is commonly explained as the act of sending sexually explicit photos, images, or messages electronically, primarily by mobile phone or the internet. It includes *indecent visual depiction*, which means a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the person.

Examples of electronic devices that are used as study aids include devices with audio or video recording, iPods®, some cellular telephones, smartphones, laptop computers, and tablet computers or devices, e.g., iPads®.

Examples of electronic devices that are **not** used as study aids include: hand-held electronic games, CD players, MP3 players/iPods® used for a purpose other than a study aid, global positioning systems (GPS), radios, and cellular telephones (with or without cameras) used for a purpose other than a study aid.

The use of technology as educational material in a curriculum-based program is not a necessity but a privilege, and a student does not have an absolute right to use his or her electronic device while at school. Using technology as a study aid must always follow the established rules for the BYOT program. Using technology at all other times must always follow the established rules for cell phones and other electronic devices at school.

The School District is not responsible for the loss or theft of any electronic device brought to school.

Students

Student Athlete Concussions and Head Injuries ¹

The Superintendent or designee shall develop and implement a program to manage concussions and head injuries suffered by student athletes. ² The program shall:

1. Comply with the concussion protocols, policies, and by-laws of the Illinois High School Association, including its *Protocol for NFHS Concussion Playing Rules* and its *Return to Play Policy*. ³ These specifically require that:
 - a. A student athlete who exhibits signs, symptoms, or behaviors consistent with a concussion in a practice or game shall be removed from participation or competition at that time.
 - b. A student athlete who has been removed from an interscholastic contest for a possible concussion or head injury may not return to that contest unless cleared to do so by a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer.
 - c. If not cleared to return to that contest, a student athlete may not return to play or practice until the student athlete has provided his or her school with written clearance from a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer working in conjunction with a physician licensed to practice medicine in all its branches in Illinois.
2. Inform student athletes and their parents/guardians about this policy in the *Agreement to Participate* or other written instrument that a student athlete and his or her parent/guardian must sign before the student is allowed to participate in a practice or interscholastic competition. ⁴

¹ Each school board must adopt a policy regarding student athlete concussions and head injuries that is in compliance with the protocols, policies, and by-laws of the Illinois High School Association (IHSA) (105 ILCS 5/10-20.54, re-numbered by P.A. 97-813). This requirement applies to elementary school districts even if they have no student athletes. See the Illinois Elementary School Association's concussion protocol at www.iesa.org/activities/concussion.asp.

The Center for Disease Control and Prevention explains that a concussion is a type of traumatic brain injury caused by a bump, blow, or jolt to the head that alters the way the brain normally functions. See www.cdc.gov/concussion/. The CDC website contains excellent resources for the recognition, response, and prevention of concussions, including the opportunity to order or download free educational materials on concussions that can be distributed to parents, students, and coaches.

² The IHSA's by-laws define a *student-athlete* as "[a] student who has participated in one or more practices and/or athletic contests in any sport offered by or under the auspices of a high school." See www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx. A school board for a high school or unit district may want to add the definition as follows: "A *student athlete* is a student who has participated in one or more practices and/or athletic contests in any sport offered by or under the auspices of a high school."

A sample program is provided in 7:305-AP, *Administrative Procedure - Program for Managing Student Athlete Concussions and Head Injuries*.

³ The *Protocol for NFHS Concussion Playing Rules* contains concussion information and provides instructions when a student athlete sustains an apparent concussion. The *Return to Play Policy* addresses the requirements for returning a student athlete to play after he or she exhibits signs, symptoms, or behaviors of a concussion. Available at: www.ihsa.org/Resources/SportsMedicine/ConcussionManagement/SchoolResources.aspx.

⁴ School districts must include information about concussions in the student athlete agreement, contract, code, or written instrument that a student athlete and his or her parent/guardian are required to sign before participating in a practice or interscholastic competition. IHSA drafted a sample *Concussion Information Sheet*, also known as *Sign off (DOC)*. It has been incorporated into 7:300-E1, *Agreement to Participate*. It can be used to inform student athletes and parents, and it is available at: www.ihsa.org/Resources/SportsMedicine/ConcussionManagement/ParentGuardianResources.aspx.

3. Provide coaches and student athletes and their parents/guardians with educational materials from the Illinois High School Association regarding the nature and risk of concussions and head injuries, including the risks inherent in continuing to play after a concussion or head injury. ⁵
4. Include a requirement for staff members to notify the parent/guardian of a student who exhibits symptoms consistent with that of a concussion. ⁶

LEGAL REF.: 105 ILCS 5/10-20.54.

CROSS REF.: 4:170 (Safety), 7:300 (Extracurricular Athletics)

A student athlete and his/her parent/guardian must sign an acknowledgment of having received the district's concussion policy. An ISBE rule defines *health-related information* to include a concussion policy acknowledgment. The acknowledgment, therefore, must be kept with the student's school student records as a temporary record (23 Ill.Admin.Code §375.10, adoption pending as of 3-12-2013).

⁵ IHSA has produced educational materials on concussions for coaches, parents/guardians, student athletes, and the school and health care providers on concussions that are available at: www.ihsa.org/Resources/SportsMedicine/ConcussionManagement.aspx.

⁶ This provision is optional.

Community Relations

Community Use of School Facilities ¹

School facilities are available to community organizations during non-school hours when such use does not: (1) interfere with any school function or affect the safety of students or employees, or (2) affect the property or liability of the School District. The use of school facilities for school purposes has precedence over all other uses. The District reserves the right to cancel previously scheduled use of facilities by community organizations and other groups. The use of school facilities requires the prior approval of the Superintendent or designee and is subject to applicable procedures. ²

Persons on school premises must abide by the District's conduct rules at all times. ³

Student groups, school-related organizations, government agencies, and non-profit organizations are granted the use of school facilities at no costs during regularly staffed hours. ⁴ Fees and costs shall apply during non-regularly staffed hours and to other organizations granted use of facilities at any

¹ State or federal law controls this policy's content. If a board wants to allow community organizations to use school facilities, it must adopt a policy (105 ILCS 5/10-20.40). The policy must "prohibit such use if it interferes with any school functions or the safety of students or school personnel or affects the property or liability of the school district." This policy may be implemented using 8:20-E, *Exhibit - Application and Procedures for Use of School Facilities*. A board should discuss the implications of any access to school facilities policy with its attorney.

This policy concerns an area that is frequently litigated because of its many complex legal and practical issues. The Constitution's Free Speech and Equal Protection Clauses, as well as the Equal Access Act, are triggered. As a general rule, school officials can avoid constitutional problems and still open facilities to community groups by treating requests to use school facilities according to uniform rules that do not discriminate against a group on the basis of its viewpoint.

Of course, a board may avoid constitutional controversy over community use of its facilities by refusing to permit such use by all non-school groups (thereby creating a closed forum). A board may also avoid triggering the constitutional clauses and the Equal Access Act by allowing all non-school groups to use of its facilities (thereby creating an open forum). If the board creates an open forum, it may still impose reasonable time, place, and manner restrictions on the use as long as the restrictions are the same for all groups. However, practically speaking, it is difficult for a board to either completely close its facilities to non-school groups or to open its facilities to all non-school groups. Most boards decide to create a limited open forum.

This policy creates a limited open public forum by allowing public use of school facilities provided the use is consistent with the public interest. See Widmar v. Vincent, 454 U.S. 263 (1981). A public school district may not discriminate on the basis of a group's purpose, message, or goal. Thus, any restrictions on the use by non-school groups must not discriminate against speech on the basis of viewpoint. Lamb's Chapel v. Center Moriches Union Free School District, 113 S.Ct. 2141 (1993); Good News Club v. Milford Central School, 121 S.Ct. 2093 (2001). A board must show neutrality to all viewpoints.

A board runs afoul of showing viewpoint neutrality if it prohibits single sex youth organizations, even those that discriminate against homosexuals, to use school facilities. Note the U.S. Supreme Court refused to apply the N.J.'s public accommodation law to the Boy Scouts because forcing the Scouts to accept a homosexual as a member would violate the Scout's freedom of expressive association. Boy Scouts of America v. Dale, 120 S.Ct. 2446 (2000).

This constitutional jurisprudence was codified as §9525 of the No Child Left Behind Act of 2001 (20 U.S.C. §7905). Schools are prohibited from denying equal access to school facilities to the Boy Scouts or any other youth group "for reasons based on membership or leadership criteria or oath of allegiance to God and country."

See sample policy 7:330, *Student Use of Buildings-Equal Access*, for a discussion of the Equal Access Act, 20 U.S.C. §4071 *et seq.*

² However, at the request of election officers, any publicly owned building must be made available for use as a polling place (10 ILCS 5/19-2.2). Election officers must place markers 100 horizontal feet from a polling room's voter entrance and, if the 100 feet ends within the building's interior, the markers must be placed outside of the building at each entrance used by voters. The area within where the markers are placed is a campaign free zone where electioneering is prohibited. The area on polling place property beyond the campaign free zone is a public forum for the time that the polls are open on an election day and may be used for campaigning and to place temporary signs (Id.). A child sex offender is permitted to vote early or by absentee ballot when his or her polling place is a school (10 ILCS 5/11-4.1).

³ See policy 8:30, *Visitors to and Conduct on School Property*.

⁴ The decisions concerning facility-use fees are at the local board's discretion. However, the general rule applies: school officials can avoid constitutional problems by treating requests to use school facilities according to uniform rules that do not discriminate against a group on the basis of its viewpoint.

time. ⁵ A fee schedule and other terms of use shall be prepared by the Superintendent and be subject to annual approval by the School Board.

LEGAL REF.: 20 U.S.C. §7905.
10 ILCS 5/19-2.2.
105 ILCS 5/10-20.40, 5/10-22.10, and 5/29-3.5.
Good News Club v. Milford Central School, 121 S.Ct. 2093 (2001).
Lamb’s Chapel v. Center Moriches Union Free School District, 113 S.Ct. 2141 (1993).
Rosenberger v. Rector and Visitors of Univ. of Va., 515 U.S. 819 (1995).

CROSS REF.: 7:330 (Student Use of Building - Equal Access), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities), 8:30 (Visitors to and Conduct on School Property)

⁵ This option adds an additional restriction: “Facilities and grounds will not be made available to individuals for personal or social reasons or to business enterprises for commercial gain.”

This option recognizes that districts should require bodily injury liability insurance and property damage liability in specified amounts as recommended by the district’s own insurance carrier: “All non-school sponsored groups, before using the facilities during non-regularly staffed hours, must provide a certificate of insurance naming the District as an *additional insured* or otherwise show proof of insurance.”

Community Relations

Advertising and Distributing Materials in Schools Provided by Non-School Related Entities ¹

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

Community, Educational, Charitable, or Recreational Organizations

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

¹ State or federal law controls this policy's content but the area of law is unsettled. Schools are *nonpublic forums*, meaning they need not open their doors to private speakers but may not discriminate against disfavored viewpoints or subjects, e.g., religion. *Id.*, Lamb's Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141 (1993). This policy establishes a limited public forum, i.e., non-school entities may only distribute material concerning events pertinent to students' interests or involvement. Alternatively, boards may refuse to allow the distribution or posting of any material requested by non-school related organizations. Hedges v. Wauconda Community Unit School District No. 18, 9 F.3d 1295 (7th Cir. 1993); Muller v. Jefferson Lighthouse School, 98 F.3d 1530 (7th Cir. 1996). The following language can be used to completely ban the distribution of material by non-school related organizations:

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

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

³ The distribution of flyers from religious youth organizations will survive scrutiny under the First Amendment's Establishment Clause if the organization's religious message is sufficiently separated from the school to prevent students from confusing the two. Sherman v. CCSD 21, 8 F.3d 1160 (7th Cir. 1993); Rusk v. Crestview Local Schools, 379 F.3d 418 (6th Cir. 2004). However, a policy allowing viewpoint discrimination will be set aside. Hills v. Scottsdale Unified School Dist., 329 F.3d 1044 (9th Cir. 2003)(refusal to distribute summer camp brochures offering Bible classes because of their religious content violated the First Amendment); Child Evangelism Fellowship of NJ v. Stafford Twp. School Dist., 386 F.3d 514 (3rd Cir. 2004)(struck a policy prohibiting classroom distribution of religious fliers because it discriminated on basis of viewpoint); Child Evangelism Fellowship v. Montgomery Co. Public Schools, 457 F.3d 376 (4th Cir. 2006)(policy limiting classroom distribution of materials from outside groups based on type of group, rather than content of the materials, violates religious group's free speech rights, because it inadequately protects against viewpoint discrimination, i.e., it gave school officials "unfettered discretion" to engage in viewpoint discrimination).

Limitations that are not based on the material's viewpoint are permissible. Victory Through Jesus Sports Ministry v. Lee's Summit R-7 Sch. Dist., 640 F.3d 329 (8th Cir. 2011), *cert. denied*, 132 S.Ct. 592 (2011)(policy limiting the volume of promotional materials sent home with elementary students did not violate the First Amendment rights of a nonprofit Ministry Foundation).

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

Commercial Companies and Political Candidates or Parties ⁴

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

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

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

LEGAL REF.: Berger v. Rensselaer Central School Corp., 982 F.2d 1160 (7th Cir. 1993), *cert. denied*, 113 S.Ct. 2344 (1993).
 DiLoreto v. Downey Unified School Dist., 196 F.3d 958 (9th Cir. 1999).
 Hedges v. Wauconda Community Unit School Dist., No. 118, 9 F.3d 5 (7th Cir. 1993).
 Lamb's Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141 (1993).
 Sherman v. Community Consolidated School Dist. 21, 8 F.3d 1160 (7th Cir. 1993), *cert. denied*, 114 S.Ct. 2109 (1994).
 Victory Through Jesus Sports Ministry v. Lee's Summit R-7 Sch. Dist., 640 F.3d 329 (8th Cir. 2011), *cert. denied*, 132 S.Ct. 592 (2011).

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

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

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

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

The sample policy requires board approval only for ads that alter the look of school property. A board that wants to approve all commercial and political ads should use this alternative for the final two sentences:

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

A board that wants to authorize the superintendent or designee to approve all commercial and political ads should use this alternative:

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

Community Relations

Administrative Procedure - Parental Involvement 1

Building Principals shall advocate effective, comprehensive family involvement in education that will promote parents/guardians becoming active partners in education. Building Principals shall, at least once every semester, provide a written report to the Superintendent on parental involvement programs and efforts in their buildings. This administrative procedure identifies opportunities for parental involvement.

The District or school provides notices to parents/guardians on the following topics (list may not be exhaustive):

- Public hearing on holding school or scheduling teachers’ institutes, parent-teacher conferences, or staff development on certain holidays. 105 ILCS 5/24-2(b).
 - Free and reduced-price food service. 7 C.F.R. §245.5; 23 Ill.Admin.Code §305.10(c).
 - Fee waiver. 23 Ill.Admin.Code §1.245.
 - Applications of pest control and/or lawn care products. 225 ILCS 235/10.3, 415 ILCS 65/3.
 - Instruction on recognizing and avoiding sexual abuse. 105 ILCS 5/27-13.2.
 - Parental school visitation rights. 820 ILCS 147/25.
 - Child’s placement in English language learner programs. 105 ILCS 5/14C-4.
 - Major school-sponsored events, including parent-teacher conferences, given to non-custodial parents. 105 ILCS 5/10-21.8.
 - Unexplained absence from school of a student in K-8 (within two hours). 105 ILCS 5/26-3b.
 - Graduation requirements, particularly when a student’s eligibility for graduation may be in question. 23 Ill.Admin.Code §1.440(e).
 - A student’s suspension and/or expulsion. 105 ILCS 5/10-22.6.
 - Electronic audio and/or visual recording devices if located on school buses. 720 ILCS 5/14-3(m).
 - Physician who prescribes District’s supply of epinephrine auto-injectors is protected from liability, with limited exceptions. 105 ILCS 5/22-30(c).
 - Availability of the District report card. 105 ILCS 5/10-17a.
- See also:
- 6:170-AP2, *Notice to Parents Required by No Child Left Behind Act of 2001*
 - 7:190-E2, *Student Handbook Checklist*
 - 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student’s School Records*

State laws have created parental involvement opportunities on the following topics:

Students Records

Parents/guardians have many rights concerning their student’s school records, including the right to access the records (105 ILCS 10/5); the right to challenge the content (105 ILCS 10/7); and a non-custodial parent has the right to receive copies of school correspondence and reports (105 ILCS 5/10-21.8).

¹ Sample materials on parental involvement are also covered in 6:170, *Title I Programs*, for those districts that receive Title I funds. Districts that do not receive Title I funds may use this sample procedure exclusively. Title I imposes additional requirements for parental participation programs; these requirements are covered in 6:170, *Title I Programs*; 6:170-AP1, *Checklist for Development, Implementation and Maintenance of Parental Involvement Compacts for Title I Programs*; 6:170-AP1, E1, *District-Level Parental Involvement Compact*; and 6:170-AP1, E2, *School-Level Parental Involvement Compact*.

Parent-Teacher Advisory Committees

The School Board establishes a parent-teacher advisory committee(s) on student discipline and behavior interventions for special education students. 105 ILCS 5/10-20.14 and 5/14-8.05(c).

Curriculum Involvement

The District must involve the parents/guardians of a child with disabilities in their child's education and placement. 105 ILCS 5/14-1 et seq., 23 Ill.Admin.Code §§226.500, 510 and 610.

If a parent/guardian objects, the student is not required to take sex education classes or courses. 105 ILCS 5/27-9.1, 5/27-9.2, and 110/3.

A parent/guardian has the right to examine instructional materials to be used in sex education classes or courses. 105 ILCS 5/27-9.1, 5/27-9.2, and 110/3.

The Board determines the instructional program with involvement of parents/guardians. 23 Ill.Admin.Code §1.410.

The District must consult with parent/guardian on an individual remediation plan for students demonstrating a proficiency level comparable to the average pupil performance one grade or more below current placement. 105 ILCS 5/2-3.64(b).

The District must notify parents/guardians of graduation requirements and when a student's eligibility for graduation may be in question. 23 Ill.Admin.Code §1.440(e).

The Board may use parent/guardian volunteers as: (1) assistants under the immediate supervision of a certificated teacher (105 ILCS 5/10-22.34); (2) supervisors, chaperones, or sponsors for non-academic activities (105 ILCS 5/10-22.34a); and (3) guest lecturers or resource persons under the immediate supervision of a certificated teacher (105 ILCS 5/10-22.34b).

Upon a parent/guardian's request, a student must be released for religious instruction or observance. 105 ILCS 5/26-1(5).

The District must post the school report card on its website and, upon request, send it to parents/guardians. If the District does not maintain a website, the report card must be sent to parents/guardians without request. The District must send a written notice home to parents/guardians stating: (1) that the report card is available on the website; (2) the website address; (3) that a printed copy will be sent upon request; and (4) the telephone number to call to request a printed copy. 105 ILCS 5/10-17a.

Conferences and Hearings

The District must notify parents/guardians and consult with them and keep them involved with the education and placement of their child with disabilities. 105 ILCS 5/14-1 et seq.

Parents/guardians have the right to an unpaid leave from work to attend educational or behavioral conferences. 820 ILCS 147/1.

The District may use 2 days for parent-teacher conferences and may add more days to the teacher work year subject to collective bargaining. 105 ILCS 5/3-11.

A non-custodial parent receives notices of parent-teacher conferences. 105 ILCS 5/10-21.8.

A hearing with the parents/guardians must precede a student's expulsion. 105 ILCS 5/10-22.6.

Report on Parental Involvement

Parental involvement must be included in the school report card. 105 ILCS 5/10-17a.

Training

Parents as teachers program. 105 ILCS 225/5.

The following Board policies provide opportunities for parental involvement:

School Board

2:150 Committees

2:260 Uniform Grievance Procedure

Operational Services

- 4:10 Fiscal and Business Management
- 4:110 Transportation
- 4:130 Free and Reduced-Price Food Services
- 4:140 Waiver of Student Fees
- 4:160 Hazardous and Infectious Materials
- 4:170 Safety

Personnel

- 5:230 Maintaining Student Discipline

Instruction

- 6:60 Curriculum Content
- 6:120 Education of Children with Disabilities
- 6:140 Education of Homeless Children
- 6:150 Home and Hospital Instruction
- 6:180 Extended Instructional Programs
- 6:190 Extracurricular and Co-Curricular Activities
- 6:235 Access to Electronic Networks
- 6:270 Guidance and Counseling Program
- 6:280 Grading and Promotion
- 6:300 Graduation Requirements
- 6:310 Credit for Alternative Courses and Programs, and Course Substitutions
- 6:340 Student Testing and Assessment Program

Students

- 7:15 Student and Family Privacy Rights
- 7:20 Harassment of Students Prohibited
- 7:30 Student Assignment
- 7:40 Nonpublic School Students, Including Parochial and Home-Schooled Students
- 7:50 School Admissions and Student Transfers to and from Non-District Schools
- 7:60 Resident
- 7:70 Attendance and Truancy
- 7:80 Release Time for Religious Instruction/Observance
- 7:90 Release During School Hours
- 7:100 Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students
- 7:150 Agency and Police Interviews
- 7:165 School Uniforms
- 7:170 Vandalism
- 7:190 Student Discipline
- 7:200 Suspension Procedures
- 7:210 Expulsion Procedures
- 7:230 Misconduct by Students with Disabilities
- 7:240 Conduct Code for Participants in Extracurricular Activities
- 7:250 Student Support Services
- 7:260 Exemption from Physical Activity
- 7:270 Administering Medicines to Students
- 7:275 Orders to Forgo Life-Sustaining Treatment
- 7:280 Communicable and Chronic Infectious Disease
- 7:290 Adolescent Suicide Awareness and Prevention Programs
- 7:300 Extracurricular Athletics

7:340 Student Records

Community Relations

8:30 Visitors to and Conduct on School Property

8:95 Parental Involvement

School-level parental involvement programs include:

1. Keeping parents/guardians thoroughly informed about their child's school and programs.
 - Develop and distribute a comprehensive student handbook.
 - Distribute information to parents/guardians on their school visitation rights.
 - Promote open houses.
 - Promote parent/guardian-teacher conferences.
 - Provide progress reporting and report cards, and keep parents/guardians informed when their child is not adequately progressing and there is a likelihood he or she may be retained.
 - Publish newsletters.
 - Sponsor financial information nights.
2. Encouraging involvement in their child's school and education.
 - Support and encourage parents/guardians volunteer opportunities.
 - Work with the PTO to promote parents/guardians volunteer opportunities.
 - Develop and use outreach programs to community groups and organizations.
3. Establishing effective two-way communication between all parents/guardians and District personnel.
 - Monthly Building Principal coffees.
 - Work with PTO leadership to ensure parental input.
 - Train personnel to collaborate with families of diverse backgrounds, including backgrounds that might impede parental participation, e.g., illiteracy or language difficulty.
4. Seeking the advice of parents/guardians on school governance issues and methods to fulfill the District's educational mission.
 - Work with PTO leadership to ensure parental input.
 - Establish a school-community advisory committee to identify, consider, and discuss educational problems and issues.
5. Informing parents/guardians how they can assist their children's learning
 - Provide information to parents/guardians about activities they can do at home.
 - Provide programs on how to establish a home environment that supports learning and appropriate behavior.
 - Implement a homework-hotline.