

## School Board

### Organizational School Board Meeting <sup>1</sup>

During a March meeting in odd-numbered years, the School Board establishes a date for its organizational meeting to be held sometime after the election authority canvasses the vote, but within 28 days after the consolidated election. The consolidated election is held on the first Tuesday in April of odd-numbered years. At the organizational meeting the following shall occur:

1. Each successful candidate, before taking his or her seat on the Board, shall take the oath of office as provided in Board policy 2:80, *Board Member Oath and Conduct*. <sup>2</sup>
2. The new Board members shall be seated.
3. The Board shall elect its officers, who assume office immediately upon their election. <sup>3</sup>
4. The Board shall fix a time and date for its regular meetings. <sup>4 5</sup>

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

<sup>1</sup> State law controls this policy's content. Local canvassing boards were abolished in 2006,<sup>3</sup> and the statute requiring school boards to canvass the vote was repealed. The appropriate *election authority* (county clerk or election commission) canvasses the vote for school district elections, ~~(10 ILCS 5/1-8)~~. The election authority must canvass the vote within 21 days after the election, ~~(10 ILCS 5/22-17 and 5/22-18)~~. Sometime between receiving the results from the election authority, but within 28 days after the consolidated election, boards must hold an organizational meeting to elect officers and fix a time and place for the regular meetings, ~~(105 ILCS 5/10-16)~~. State law contains the schedule for consolidated elections, ~~(10 ILCS 5/2A-1.1)~~. See policy 2:30, *School District Elections*.

The following option may be added after the second sentence of the first paragraph. It allows a board to recognize that the consolidated election will be postponed for Passover (10 ILCS 5/2A-1.1a); the exact provision is already in 2:30, *School District Elections*:

If, however, that date conflicts with the celebration of Passover, the consolidated election is postponed to the first Tuesday following the last day of Passover.

<sup>2</sup> The oath required by 105 ILCS 5/10-16.5 is "administered as determined by the board." There are lots of variations on how to accomplish this task. One alternative follows:

The meeting is called to order by the Board President, provided he or she is still in office and, if not, by the Vice President. This individual also serves as the meeting's presiding officer. The presiding officer administers the oath of office.

<sup>3</sup> Id. A secret vote for officer elections is not permitted, ~~(5 ILCS 120/1)~~.

<sup>4</sup> The Open Meetings Act and the School Code have different provisions regarding the establishment of a regular meeting schedule. The Open Meetings Act requires each public body to prepare and make available a regular meeting schedule at the beginning of each calendar or fiscal year, ~~(5 ILCS 120/2.03)~~. The School Code states that this task is accomplished during the organizational meeting. By *announcing* the schedule at the beginning of each calendar or fiscal year and by *fixing* the schedule at the organizational meeting, a board can implement both laws.

<sup>5</sup> For districts that elect board officers for one-year terms, a An optional provision follows:

During an April Board meeting in even-numbered years, the Board considers organizational matters, such as, selecting individual members to fill offices with terms that expire this or the next month and fixing a time and date for its regular meetings.

LEGAL REF.: 10 ILCS 5/2A-1 et seq.  
105 ILCS 5/10-5, 5/10-16, and 5/10-16.5.

CROSS REF.: 2:30 (School District Elections), 2:110 (Qualifications, Term, and Duties of Board Officers), 2:200 (Types of School Board Meetings), 2:220 (School Board Meeting Procedure), 2:230 (Public Participation at School Board Meetings and Petitions to the Board)

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## Operational Services

### Resource Conservation 1

The Superintendent or designee shall manage a program of energy and resource conservation for the District that includes:

1. Periodic review of procurement procedures and specifications to ensure that purchased products and supplies are reusable, durable, or made from recycled materials, if economically and practically feasible. <sup>2</sup>
2. Purchasing recycled paper and paper products in amounts that will, at a minimum, meet the specifications in the School Code, if economically and practically feasible. <sup>3</sup>
3. Periodic review of procedures on the reduction of solid waste generated by academic, administrative, and other institutional functions. These procedures shall: (a) require recycling the District's waste stream, including landscape waste, computer paper, and white office paper, if economically and practically feasible; (b) include investigation of the feasibility of potential markets for other recyclable materials that are present in the District's waste stream; and (c) be designed to achieve, before July 1, 2020, at least a 50% reduction in the amount of solid waste that is generated by the District. <sup>4</sup>
4. Adherence to energy conservation measures. <sup>5</sup>

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

<sup>1</sup> State or federal law controls this policy's content. ~~(105 ILCS 5/10-20.19c).~~

<sup>2</sup> Required by 105 ILCS 5/10-20.19c(a-5).

<sup>3</sup> Required by 105 ILCS 5/10-20.19c(b) - (e). ~~As of 1992, all paper purchased for publishing student newspapers must be recycled newsprint (105 ILCS 5/10-20.19c(b)(5)).~~

<sup>4</sup> Required by 105 ILCS 5/10-20.19c(e-5). Everything in this paragraph is mandatory except that the statute only "encourages" districts to investigate "potential markets for other recyclable materials that are present in the school district's waste stream." 105 ILCS 5/10-20.19c(e-5) is unclear about what year or baseline number or year that a district must use to determine whether it has achieved at least a 50% reduction in the amount of solid waste that it generates by 7-1-20. One option for a baseline may be to use the date this law became effective, which was 7-18-08, or the year closest to it where the district still retains relevant records; however, consult the board attorney for assistance in determining these baselines.

<sup>5</sup> Districts are authorized to enter into "guaranteed energy savings contracts" to implement *energy conservation measures*, including any improvement, repair, or alteration of any school district building, or any equipment or fixture to be added to a district building, that is designed to reduce energy consumption or operation costs. ~~(105 ILCS 5/19b).~~ The guaranteed energy savings contract must provide that all payments are to be made over time, and energy cost savings must be specified and guaranteed to the extent necessary to pay the costs of the energy conservation measures. State law provides the process for requesting proposals and entering into contracts. Any contract is valid whether or not funding has been appropriated in any budget adopted by the board.

Consult the board attorney about whether an energy conservation measure qualifies for funding as an energy conservation project under the Ill. Finance Authority Act. ~~(20 ILCS 3501/).~~ The Ill. Finance Authority Act now specifically includes energy conservation projects in school districts. The Act's definition of energy conservation project is almost identical to the School Code's definition of energy conservation measure; it also includes measures that reduce the amount of electricity or natural gas required to achieve a given end use, consistent with Section 1-10 of the Ill. Power Agency Act. ~~(20 ILCS 3501/820-10, amended by P.A. 97-760).~~ Funding under the Ill. Finance Authority Act requires a certification that the project will be a cost-effective energy-related project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility, and will achieve energy cost savings sufficient to cover bond debt service and other project costs within 10 years from the date of project installation.

LEGAL REF.: 105 ILCS 5/10-20.19c.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building Programs)

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## **Instruction**

### **Teaching About Controversial Issues <sup>1</sup>**

The Superintendent shall ensure that all school-sponsored presentations and discussions of controversial or sensitive topics in the instructional program, including those made by guest speakers, are:

- Age-appropriate. Proper decorum, considering the students' ages, should be followed.
- Consistent with the curriculum and serve an educational purpose. <sup>2</sup>
- Informative and present a balanced view.
- Respectful of the rights and opinions of everyone. Emotional criticisms and hurtful sarcasm should be avoided.
- Not tolerant of profanity or slander. ~~Disruptive conduct is prohibited and may subject a student to discipline.~~

The District specifically reserves its right to stop any school-sponsored activity that it determines violates this policy, is harmful to the District or the students, or violates State or federal law.

CROSS REF.: 6:40 (Curriculum Development), 6:255 (Assemblies and Ceremonies)

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

<sup>1</sup> 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. Before adopting this policy, a school board should review the scope of any clause on academic freedom contained in a collective bargaining agreement.

While this sample policy and its contents are discretionary with each board, its implementation should respect the constitutional rights of students and teachers to free speech and free association. The intent of this policy is to inform students, staff members, and the community that the board has established standards for the teaching and discussion of controversial topics in order to avoid culture wars from being fought in school.

<sup>2</sup> Public employee First Amendment issues involve the balance between the importance of the speech and the district's interest in maintaining order and effective school operations. The First Amendment "does not entitle primary and secondary teachers, when conducting the education of captive audiences, to cover topics, or advocate viewpoints, that depart from the curriculum adopted by the school system." See Mayer v. Monroe County Community School Corp., 474 F.3d 477, 480 (7th Cir. 2007). Nor is the First Amendment likely to entitle a teacher to protection for purely personal speech that does not touch on a matter of public concern. See Pickering v. High School Dist. 205, 391 U.S. 563 (1968). However, when public employees speak as private citizens on their own time about matters of public concern, they may face only those speech restrictions that are necessary for their employers to operate efficiently and effectively. Garcetti v. Ceballos, 547 U.S. 410 (2006).

## Instruction

### Extended Instructional Programs <sup>1</sup>

The District may offer the following programs in accordance with State law and the District's educational philosophy:

1. Nursery schools for children between the ages of 2 and 6 years. <sup>2</sup>
2. Before-and after-school programs for students in grades K-6. <sup>3</sup>
3. Child care and training center for pre-school children and for students whose parents work. <sup>4</sup>
4. Model day care ~~services~~ program in cooperation with the State Board of Education. <sup>5</sup>
5. Tutorial program. <sup>6</sup>
6. Adult education program. <sup>7</sup>
7. Outdoor education program. <sup>8</sup>
8. Summer school, whether for credit or not. <sup>9</sup>
9. Independent study, whether for credit or not. <sup>10</sup>
10. ~~Chemically dependent prevention program~~ Support services and instruction for students who are, or whose parents/guardians are, chemically dependent. <sup>11</sup>
11. Activities to address intergroup conflict. <sup>12</sup>
12. Volunteer service credit program. <sup>13</sup>
13. Vocational academy. <sup>14</sup>

**Commented [MB1]:** Added to more accurately reflect language of 105 ILCS 10-22.18c.

**Commented [MB2]:** Changed to more accurately reflect language of 105 ILCS 110/3.

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<sup>1</sup> State or federal law controls this policy's content. However, all programs listed in this policy are optional. The district may charge a fee for programs numbered 1-4, 6, 8, 9, and 914.

<sup>2</sup> 105 ILCS 5/10-23.2.

<sup>3</sup> 105 ILCS 5/10-22.18b.

<sup>4</sup> 105 ILCS 5/10-22.18a.

<sup>5</sup> 105 ILCS 5/10-22.18c. Student parents cannot be charged a fee for such day care services, however school personnel who use the services may be charged a fee. Id.

<sup>6</sup> 105 ILCS 5/10-22.20c.

<sup>7</sup> 105 ILCS 5/10-22.20. A school board may appoint a director of adult education. ~~(105 ILCS 5/10-22.20b).~~

<sup>8</sup> 105 ILCS 5/10-22.29.

<sup>9</sup> 105 ILCS 5/10-22.33A and 5/10-22.33B. Each course offered for high school graduation must provide at least 60 hours of classroom instruction for the equivalent of one semester of high school course credit. ~~{105 ILCS 5/27-22.1}. 105 ILCS 5/10-22.33B authorizes districts to conduct a high-quality summer school program. Students at risk in language arts or mathematics may be required to attend such programs. Section 10-22.33A permits districts "to fix and collect a charge for attendance at such courses in an amount not to exceed the per capita cost of the operation" or to waive such charges if the family of a pupil is indigent or if the pupil is required to attend such courses.~~

<sup>10</sup> Independent study allows students to expand their knowledge in curricular areas not offered as part of the district's basic program.

<sup>11</sup> 105 ILCS 110/3. Such services and instruction may be offered as part of existing curricula during the school day or as part of an after school program. Id.

<sup>12</sup> 105 ILCS 5/27-23.6. The statutory objectives of such a program are to "improve intergroup relations on and beyond the school campus, defusing intergroup tensions, and promoting peaceful resolution of conflict." A board that adopts a policy to incorporate activities to address intergroup conflict shall ~~inform~~ make certain information available to the public and shall disseminate it as specified in the statute. 105 ILCS 5/27-23.6(c). Requirements for disseminating information about these activities are in 105 ILCS 5/27-23.6.

<sup>13</sup> 105 ILCS 5/27-22.3. For secondary school students only. Id.

~~13.~~14. Advanced vocational training and/or career education program. 15

LEGAL REF.: 105 ILCS 5/10-22.18a, 5/10-22.18b, 5/10-22.18c, 5/10-22.20, 5/10-22.20a, 5/10-22.20b, 5/10-22.20c, 5/10-22.29, 5/10-22.33A, 5/10-22.33B, 5/10-23.2, 5/27-22.1, 5/27-22.3, 5/27-23.6, 110/3, and 433/.

CROSS REF.: 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:320 (High School Credit for Proficiency)

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**14** Vocational Academies Act, ~~(105 ILCS 433/).~~ The Act's purpose is to "integrate workplace competencies and career and technical education with core academic subjects." School districts are permitted to partner with community colleges, local employers, and community-based organizations to establish a vocational academy that functions as a 2-year school within a school for grades 10 through 12. Grant funds may be available from ISBE ~~(at: [www.isbe.net/Pages/Grants.aspx](http://www.isbe.net/Pages/Grants.aspx)).~~

**15** ~~105 ILCS 5/10-22.20a-P, permits districts to enter joint agreements with community college districts and other school districts to provide career education or advanced vocational training to students in grade 11 and higher to prepare for a trade. The duration of such program may not exceed two years for any district pupil. Participating community colleges may bill participating districts, but payments may not exceed actual operating costs. Participating high schools may use State aid monies to pay the charges. Id.~~

## Instruction

### Instructional Materials 1

All 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. These materials should provide quality learning experiences for students and:<sup>2</sup>

1. Enrich and support the curriculum;
2. Stimulate growth in knowledge, literary appreciation, aesthetic values, and ethical standards;
3. Provide background information to enable students to make informed judgments and promote critical reading and thinking;
4. Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society; and
5. Contribute to a sense of the worth of all people regardless of sex, race, religion, nationality, ethnic origin, sexual orientation, disability, or any other differences that may exist.

The Superintendent or designee shall annually provide a list or description of textbooks and instructional materials used in the District to the School Board. Anyone may inspect any textbook or instructional material.<sup>3</sup>

Teachers are encouraged to use [age-appropriate](#) supplemental material only when it will enhance, or otherwise illustrate, the subjects being taught ~~and to ensure it is age appropriate~~. No R-rated movie shall be shown to students unless prior approval is received from the Superintendent or designee, and no movie rated NC-17 (no one 17 and under admitted) shall be shown under any circumstances. These restrictions apply to television programs and other media with equivalent ratings. The Superintendent or designee shall give parents/guardians an opportunity to request that their child not participate in a class showing a movie, television program, or other media with an R or equivalent rating.<sup>4</sup>

### Instructional Materials Selection and Adoption

The Superintendent shall approve the selection of all textbooks and instructional materials according to the standards described in this policy.<sup>5</sup> The School Code governs the adoption and purchase of textbooks and instructional materials.<sup>6</sup>

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<sup>1</sup> State or federal law controls some of this policy's content.

<sup>2</sup> A local board may customize these standards to be consistent with the board's mission, vision, and goals.

<sup>3</sup> This paragraph is optional; either or both sentences may be struck although the second sentence describes a right granted by statute. [105 ILCS 5/28-19.1](#). The requirement to provide the board with a list or description of texts and instructional material allows the board to monitor this policy's implementation. Moreover, as 105 ILCS 5/28-19.1 grants anyone the right to inspect texts and instructional materials, having an annual list of texts and instructional materials facilitates compliance with such a request. Because some instructional materials, e.g., Internet sites, are difficult to list, the sample policy permits a list or *description*. Federal law grants parents/guardians the right to inspect all instructional material that will be used for a survey, analysis, or evaluation. ~~20 U.S.C. §1232h); s~~ See 7:15, *Student and Family Privacy Rights*.

<sup>4</sup> This paragraph ~~is optional~~. Its content is at the board's discretion. While allowing parents/guardians to opt their child out of viewing such material is not a legal requirement, it is a best practice. An optional provision follows:

The Superintendent or designee shall give parents/guardians an opportunity to request that their child not participate in a class showing a movie, television program, or other media with an R or equivalent rating.

<sup>5</sup> An alternative provision:



LEGAL REF.: 105 ILCS 5/10-20.8, ~~5/10-20.9~~, and 5/28-19.1.

CROSS REF.: 6:30 (Organization of Instruction), 6:40 (Curriculum Development), 6:80 (Teaching About Controversial Issues), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 8:110 (Public Suggestions and Concerns)

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The Superintendent shall recommend to the Board for consideration and adoption all textbooks and instructional materials and shall include the following information: (1) title, publisher, copyright dates, number of copies desired, and cost; (2) any texts being replaced; and (3) rationale for recommendation.

<sup>6</sup> 105 ILCS 5/28. The term *textbook* includes electronic or digital textbooks used for educational purposes. ~~105 ILCS 5/28-20.~~ The term *instructional materials* means both print and non-print materials, including electronic textbooks being used in the educational process. ~~Id.~~

## **Instruction**

### **Homework**

Homework is part of the District's instructional program and has the overarching goal of increasing student achievement. Homework is assigned to further a student's educational development and is an application or adaptation of a classroom experience.<sup>1</sup> The Superintendent shall provide guidance to ensure that homework:

1. Is used to reinforce and apply previously covered concepts, principles, and skills;
2. Is not assigned for disciplinary purposes;
3. Serves as a communication link between the school and parents/guardians;
4. Encourages independent thought, self-direction, and self-discipline; and
5. Is of appropriate frequency and length, and does not become excessive, according to the teacher's best professional judgment.

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

<sup>1</sup> This policy's contents are at the local school board's discretion; a board should customize the list of standards for homework to reflect the district's practices. Below are two optional provisions ~~to~~that can be added at the end of the sample policy:

- Option 1:** Recognizing the importance of parental involvement in homework, the Superintendent or designee shall ensure that parents/guardians are informed of ~~the~~ (1) whom to contact with questions or concerns about homework assignments, and (2) methods to facilitate homework completion.
- Option 2:** The Superintendent or designee shall annually report to the Board on the effectiveness of homework assignments on increasing student achievement.

## **Instruction**

### **Achievement and Awards <sup>1</sup>**

*[High school and unit districts only]*

#### **Grade Point Average, Class Rank, and Class Honor Roll**

The Superintendent shall maintain a uniform process for secondary schools to calculate, on at least a yearly basis, each student's grade point average and class rank, as well as an honor roll for each class.

*[All districts]*

#### **Awards and Honors**

The Superintendent shall maintain a uniform process for presenting awards and honors for outstanding scholarship, achievement, and/or distinguished service in school activities in such a way as to minimize bias and promote fairness.<sup>2</sup> The Superintendent shall supervise the selection of the recipient(s).

All donations for awards, honors, and scholarships must receive the School Board's prior approval.

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<sup>1</sup> This policy's contents are at the local board's discretion; a board should customize it to reflect the district's practices.

<sup>2</sup> As an alternative, a board may want to list the awards and honors, such as in the following:

The School District annually presents the following awards and honors to students for outstanding scholarship and distinguished service in District activities: *[insert list]*

For high school or unit districts, a board may want to recognize a valedictorian and salutatorian, such as by inserting the following:

In addition to other awards, the Superintendent shall maintain a uniform process for identifying ~~a~~one high school senior as a valedictorian and one as a salutatorian.

## **Students**

### **Release Time for Religious Instruction/Observance <sup>1</sup>**

A student shall be released from school, as an excused absence, to observe a religious holiday or for religious instruction. The student's parent/guardian must give written notice to the Building Principal at least ~~5~~five calendar days before the student's anticipated absence(s).<sup>2</sup> This notice shall satisfy the District's requirement for a written excuse when the student returns to school.

The Superintendent shall develop and distribute to teachers appropriate procedures regarding student absences for religious reasons and include a list of religious holidays on which a student shall be excused from school attendance, how teachers are notified of a student's impending absence, and the State law requirement that teachers provide the student with an equivalent opportunity to make up any examination, study, or work requirement. <sup>3</sup>

LEGAL REF.: Religious Freedom Restoration Act, 775 ILCS 35/  
105 ILCS 5/26-1 and 5/26-2b.

CROSS REF.: 7:70 (Attendance and Truancy)

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

<sup>1</sup> State and federal laws controls this policy's content. 105 ILCS 5/26-1(5) requires school boards to adopt a policy on student absences for religious holidays. See also 105 ILCS 5/26-2b. 105 ILCS 5/26-1(4) allows a child over 12 and less than 14 years of age to be absent from school while in attendance at confirmation classes. The sample policy does not contain these age or specific religious rite limitations in order to be consistent with First Amendment jurisprudence. According to the United States Supreme Court, a release time policy does not violate the Establishment Clause; it only accommodates a program of outside religious instruction. Zorach v. Clauson, 72 S.Ct. 679 (1952).

<sup>2</sup> Five days is the most prior notice that can be required. ~~1~~105 ILCS 5/26-1(5).

<sup>3</sup> 105 ILCS 5/26-2b.

## Students

### Student Appearance <sup>1</sup>

A student's appearance, including dress and grooming, must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. Procedures for handling students who dress or groom inappropriately will be developed by the Superintendent and included in the *Student Handbook*([s](#)). <sup>2</sup>

LEGAL REF.: 105 ILCS 5/10-22.25b.  
Tinker v. Des Moines Independent School Dist., 89 S.Ct. 733 (1969).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:165 (School Uniform), 7:190 (Student Behavior)

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

<sup>1</sup> State or federal law controls this policy's content. 105 ILCS 5/10-22.25b specifically authorizes a school board to adopt a school uniform or dress code policy. **There are hundreds of decisions on dress codes and uniform policies, making it imperative that a board contact its attorney for assistance in applying the law to specific fact situations.**

Generally, if a student's dress has sufficient communicative content, it will warrant First Amendment protection. If protected, a school's ability to regulate the dress will be analyzed according to Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969) – it may be regulated only if it would substantially disrupt school operations or interfere with the right of others. In Brandt v. Board of Educ. of City of Chicago, 2006 WL 623651 (N.D.Ill., 2006), *earlier decision*, 326 F.Supp.2d 916 (N.D.Ill., 2004), an Illinois federal court upheld a school's authority to punish students for wearing t-shirts portraying a one-handed boy; the court said: "A school need not tolerate student speech that is inconsistent with the school's basic educational mission even though the First Amendment would protect similar speech or expressive conduct outside of the school setting. This holding is suspect after the Seventh Circuit decision in Brandt v. Zamecnik v. Indian Prairie School Dist. #204, 636 F.3d 874 (7th Cir. 2011). There the court held that the school district violated students' free speech rights by forbidding them from wearing during school hours a T-shirt saying "Be Happy, Not Gay."

A school may regulate student dress that does not have sufficient communicative content to receive free speech protection, provided the regulation is not arbitrary or excessive. Although many courts have ruled similarly with respect to grooming, (e.g., hair length, and non-earring piercings), the Seventh Circuit, the federal appellate court that governs Illinois, has struck down school regulations governing hair length and earrings (See Breeden v. Kahl, 419 F.2d 1034 (7th Cir., 1969); Crews v. Clones, 432 F.2d 1259 (7th Cir., 1970) (exclusion of long-haired student from class constituted denial of equal protection to male students); Arnold v. Carpenter, 459 F.2d 939 (7th Cir., 1972); Holsapple v. Woods, 500 F.2d 49 (7th Cir., 1974) (*limitation of ruling recognized by Hayden ex rel. v. Greensburg Community School Corp.*, 743 F.3d 569 (7th Cir., 2014) (*recognizing school's right to set policy*); Olesen by Olesen v. Board of Educ. ation Dist. 228, 676 F.Supp. 820, 822 (N.D.Ill.1987) (male students have a liberty interest in wearing an earring to school). But see Blau v. Fort Thomas Public Sch. Dist., 401 F.3d 381 (6th Cir. 2005) (upheld a Kentucky middle school's student dress code that prohibited visible body piercing other than ears). A school's uniform policy was upheld in Alwood v. Clark and Belleville Township High School Dist. 201, 2005 WL 2001317 (S.D.Ill., 2005).

<sup>2</sup> A comprehensive Student Handbook can provide notice to parents and students 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.

Members of the Ill. Principals Assoc. may subscribe to the IPA's Model Student Handbook Service. While this service is not a handbook per se, it provides principals with quick, user-friendly access to model student handbook provisions that are attorney drafted and fully aligned with IASB's policy services. For more information, see: [www.ilprincipals.org/resources/model-student-handbook](http://www.ilprincipals.org/resources/model-student-handbook). See also 7:190-E2, *Student Handbook Checklist*.

## Students

### Orders to Forgo Life-Sustaining Treatment <sup>1</sup>

Written orders from parent(s)/guardian(s) to forgo life-sustaining treatment for their child or ward must be signed by the child's physician and given to the Superintendent. This policy shall be interpreted in accordance with the Illinois Health Care Surrogate Act, (755 ILCS 40/). <sup>2</sup>

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

1. The child, when appropriate;
2. The child's parent(s)/guardian(s); and
3. Other medical professionals, e.g., licensed physician, physician's assistant, or nurse practitioner;
4. Local first responders for the building in which the child is assigned to attend school;<sup>3</sup>
5. The school nurse;
6. Clergy, if requested by the child or his or her parent(s)/guardians(s);
7. Other individuals to provide support to the child or his or her parent(s)/guardian(s); and as well as
8. School personnel designated by the Superintendent.<sup>4 5</sup>

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

<sup>1</sup> This policy is optional. State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled in that there is no statute or binding decision resolving competing interests and providing direction to schools for handling "do not resuscitate" (DNR) orders.

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

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

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

<sup>4</sup> Consult the board attorney regarding the establishment of a multi-disciplinary team and whether attendance at meetings is necessary. Implementing orders to forgo life-sustaining care implicates the laws prohibiting discrimination on the basis of a disability. IDEA, 20 U.S.C. §1401; Section 504, 29 U.S.C. §794; ADA, 42 U.S.C. §12101 et seq., amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325 and modified by the Lilly Ledbetter Fair Act, Pub. L. 111-2. A school agreeing to abide by such an order does so because of the disability's severity; a less severely disabled or non-disabled student would be treated differently. The U.S. Dept. of Education's Office ~~of~~ for Civil Rights approved a policy that provided for a multi-disciplinary team to develop individually designed interventions. School staff members must use these interventions that might require honoring an order to forgo life-sustaining care. (21 IDELR 83, (3-31-94). This sample policy balances the interests of the parents with the district's obligation under federal law by using such a team. However, liability may exist when a district determines specific interventions and then does not provide them. See In re: Estate of Stewart v. Oswego Comm. Unit. Sch. Dist. No. 308, 60 N.E.3d 896 (Ill. App. 2, 2016)(denying tort immunity to district, finding its response to a student's asthma attack was willful and wanton (which district disputed as a possible heart attack)); In re Estate of Stewart, 2017 WL 603354 (Ill., 2017) (school district's appeal denied).

The team shall determine ~~guidelines~~specific interventions to be used by school staff members in the event the child suffers a life-threatening episode at school or a school event.<sup>6</sup>

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

LEGAL REF.: Health Care Surrogate Act, 755 ILCS 40/  
Cruzan v. Director, Missouri Dept. of Health, 497 U.S. 261 (1990).  
In re: C.A., a minor, 603 N.E.2d 1171 (Ill.App.1, 1992).

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

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

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

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

**Option 2:** The Superintendent or designee will monitor the effectiveness of the guidelines established during the multi-disciplinary meetings at times the multi-disciplinary team determines are necessary.

Boards may choose either or both options.