

School Board

Ethics and Gift Ban 1

Prohibited Political Activity

The following precepts govern political activities being conducted by District employees and School Board members:

1. No employee shall intentionally perform any *political activity* during any *compensated time*, as those terms are defined herein. ²
2. No Board member or employee shall intentionally use any District property or resources in connection with any political activity. ³
3. At no time shall any Board member or employee intentionally require any other Board member or employee to perform any political activity: (a) as part of that Board member's or employee's duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.
4. No Board member or employee shall be required at any time to participate in any political activity in consideration for that Board member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise; nor shall any Board member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

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

¹ The State Officials and Employees Ethics Act (SOEEA) (5 ILCS 430/) requires a policy on this subject matter and controls its content (5 ILCS 430/70-5). This policy contains items on which collective bargaining may be required. Any policy that impacts wages, hours, or terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. This policy concerns an area in which the law is unsettled.

The Ill. Attorney General developed a model ethics ordinance to assist units of local government and school districts. See www.ag.state.il.us/government/ethics_ordinance.html. The model ordinance provides that the local governmental entity will enforce the policy through quasi-criminal proceedings or through hiring an attorney to prosecute violators. These penal enforcement provisions present an obvious difficulty for school districts – the legislature has **not** granted school districts the power to adopt penal ordinances and penalties. This sample policy, while based on the Attorney General's model ordinance, does **not** contain penal provisions and penalties and it does **not** contemplate the hiring of an attorney to prosecute violators.

² In addition to constitutional free speech rights, two State laws must be considered when enforcing the SOEEA ~~State Officials and Employees Ethics Act~~. The first law, the Local Governmental Employees Political Rights Act (50 ILCS 135/), prohibits: (1) districts from inhibiting or prohibiting employees in the exercise their political rights, and (2) employees from using their employment to coerce or inhibit others in the free exercise of their political rights and from engaging in political activities while at work (~~50 ILCS 135/~~). The other law, the Personnel Record Review Act (820 ILCS 40/9), prohibits districts from gathering records about an employee's political activities unless the activities interfere with the performance of work duties or could cause the district financial liability (~~820 ILCS 40/9~~).

³ The Election Interference Prohibition Act prohibits the use of public funds to "urge any elector to vote for or against any candidate or proposition;" (10 ILCS 5/9-25.1). Spending within the statutory definition of public funds to disseminate facts to the public is permitted under section 9-25.1 and is not *electioneering*. Consequently, a district should not become a political committee by spending funds to disseminate facts. (10 ILCS 5/9-1.14, legislatively overturning Citizens Organized to Save the Tax Cap v. State Bd. of Elections, Northfield Township High Sch. Dist., - 392 Ill.App.3d 392 (1st Dist. 910 N.E.2d 605 (Ill.App.3d., 2009)). Consult the board attorney for advice.

A Board member or employee may engage in any activity that: (1) is otherwise appropriate as part of his or her official duties, or (2) is undertaken by the individual on a voluntary basis that is not prohibited by this policy.

Limitations on Receiving Gifts 4

Except as permitted by this policy, no Board member or employee, and no spouse of or immediate family member living with a Board member or employee, shall intentionally solicit or accept any *gift* from any *prohibited source*, as those terms are defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy.

The following are exceptions to the ban on accepting gifts from a prohibited source:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Board member or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) activities associated with a fundraising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the

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4 5 ILCS 430/10-10 through 10-30 (Gift Ban); 30 ILCS 708/ (Grant Accountability Transparency Act (GATA)); and 2 C.F.R. §200.318(c)(1)(uniform federal procurement standards prohibit board members from soliciting or accepting gratuities, favors, or anything of monetary value from contractor performing work under a contract supported by a federal grant award). GATA adopts the uniform federal rules for State agencies' administration of eligible State and federal grants.

Generally, 2 C.F.R. §200.318(c)(1) prohibits employees, officers, or agents of a school district from participating in the selection, award, or administration of a contract supported by a federal award if they have a real or apparent *conflict of interest*. For more discussion on conflict of interest, see sample policy 2:100, *Board Member Conflict of Interest*. Specifically, 2 C.F.R. §200.318(c)(1) requires school districts to "set standards for situations in which the gift is an unsolicited item of nominal value (*standards*)," along with "disciplinary actions to be applied for violations (*disciplinary actions*)" without defining *nominal value*.

To avoid confusion and because 2 C.F.R. §200.318(c)(1) provides flexibility to school boards regarding setting *standards* and *disciplinary actions*, sample policy 2:100, *Board Member Conflict of Interest*, refers to this sample policy's subheads: **Limitations on Receiving Gifts** in the Ethics Act at 5 ILCS 430/10-10 – 10-30 (for the federal regulation's *standards*), and **Enforcement** at 5 ILCS 430/50-5 (discussing the specific penalties available under the Ill. Ethics Act for the federal regulation's *disciplinary actions*).

If a board wishes to develop further *standards* and *disciplinary actions* than the Gift Ban section of the SOEEA requires, consult the board attorney.

For further discussion, see the *Grant Accountability and Conflicts of Interest* section in the Ill. Council of School Attorneys' publication, **Answers to FAQs, Conflict of Interest and Incompatible Offices** at: www.iasb.com/law/COI_FAQ.pdf.

official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Board members or employees, or their spouses or immediate family members.

8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. *Catered* means food or refreshments that are purchased ready to consume, which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Board member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the Board member or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. *Intra-governmental gift* means any gift given to a Board member or employee from another Board member or employee, and *inter-governmental gift* means any gift given to a Board member or employee from an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the listed exceptions is mutually exclusive and independent of every other.

A Board member or employee, his or her spouse or an immediate family member living with the Board member or employee, does not violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code.

Enforcement

The Board President and Superintendent shall seek guidance from the Board attorney concerning compliance with and enforcement of this policy and State ethics laws. ⁵ The Board may, as necessary or prudent, appoint an Ethics Advisor for this task.

Written complaints alleging a violation of this policy shall be filed with the Superintendent or Board President. If attempts to correct any misunderstanding or problem do not resolve the matter, the Superintendent or Board President shall, after consulting with the Board Attorney, either place the alleged violation on a Board meeting agenda for the Board's disposition or refer the complainant to Board policy 2:260, *Uniform Grievance Procedure*. A Board member who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint, shall

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⁵ This provision is consistent with ~~IASB~~ sample policy 2:160, *Board Attorney*.

not participate in any decision-making capacity for the Board. If the Board finds it more likely than not that the allegations in a complaint are true, it shall notify the State's Attorney and/or consider disciplinary action for the employee. ⁶

Definitions ⁷

Unless otherwise stated, all terms used in this policy have the definitions given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

Political activity means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.

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⁶ The III. Attorney General's model ethics ordinance includes the specific penalties from the Ethics Act, ~~(5 ILCS 430/50-5).~~ Elsewhere the Act states that a "governmental entity **may** provide in [its] ordinance or resolution ... for penalties similar to those provided in this Act for similar conduct." ~~(5 ILCS 430/70-10).~~ Thus, school boards do not need to enact policy containing criminal sanctions. Rather, as provided in this sample policy, violations can be referred to the State's Attorney.

The III. Attorney General's guidance document provides for the unit of local government to use an Ethics Commission to manage complaints. A board that wants to use an Ethics Commission should replace this paragraph, after the first sentence, with the following:

As soon as possible after a complaint is filed, the Superintendent shall appoint a 3-member Ethics Commission. If the Superintendent is the subject of the complaint, the Board President shall perform this duty. Commission members may be any District resident, except that no person shall be appointed who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint. If the Commission finds it more likely than not that the allegations in a complaint are true, it shall notify the State's Attorney and/or recommend disciplinary action for the employee.

⁷ The definitions contained in this policy are all from 5 ILCS 430/5-15 with minor adaptations.

11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

With respect to an employee whose hours are not fixed, *compensated time* includes any period of time when the employee is on premises under the control of the District and any other time when the employee is executing his or her official duties, regardless of location. **8**

Prohibited source means any person or entity who:

1. Is seeking official action by: (a) a Board member, or (b) an employee, or by the Board member or another employee directing that employee;
2. Does business or seeks to do business with: (a) a Board member, or (b) an employee, or with the Board member or another employee directing that employee;
3. Conducts activities regulated by: (a) a Board member, or (b) an employee or by the Board member or another employee directing that employee;
4. Has an interest that may be substantially affected by the performance or non-performance of the official duties of the Board member or employee;
5. Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or
6. Is an agent of, a spouse of, or an immediate family member living with a prohibited source.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of a Board member or employee.

LEGAL REF.: 5 ILCS 430/, State Officials and Employees Ethics Act.
10 ILCS 5/9-25.1, Election Interference Prohibition Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:60 (Purchases and Contracts),
5:120 (Employee Ethics; Conduct; and Conflict of Interest)

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8 The Ethics Act prohibits employees from engaging in political activities on *compensated time* but does not define the term. *Compensated time* is easy to determine for employees with fixed working hours. Determining *compensated time* for a salaried employee who does not have obligatory hours of attendance is more difficult. For this reason, the term *compensated time* should include both the time when the employee is physically present on district premises as well as any other time when the employee is engaged in official duties.

School Board

Procurement of Architectural, Engineering, and Land Surveying Services ¹

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

LEGAL REF.: 40 U.S.C. §541.
50 ILCS 510/, Local Government Professional Services Selection Act.
105 ILCS 5/10-20.21.
Shively v. Belleville Twp. High Sch. Dist. 201, 329 Ill.App.3d 1156 (5th Dist. 2002), *appeal denied*.

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

Construction-manager services, unlike general contractor services, are significantly different from construction work because they involve a professional activity (i.e., assisting the owner with the project's planning, costing, and management). As such, a construction-management contract is exempt from mandatory bidding by virtue of the professional services exemption. Shively v. Belleville Township Twp. High Sch. Dist. 201, 329 Ill.App.3d 1156 769 N.E.2d 1062 (5th Dist. Ill.App.5, 2002).

School Board

Administrative Procedure - Qualification Based Selection

These procedures describe how the District will procure architectural, engineering, and land surveying services; the Local Government Professional Services Selection Act will control in the event of a conflict, ~~(50 ILCS 510/7)~~. The Superintendent will modify these procedures whenever the School Board determines by resolution that an emergency exists and a firm must be selected in an expeditious manner, or the cost of architectural, engineering, and land surveying services for the project is expected to be less than \$25,000, ~~-(50 ILCS 510/8)~~.

Actor	Action
Architectural, engineering, or land surveying firms	May annually file a statement of qualifications and performance data with the District. 50 ILCS 510/4.
Superintendent and/or Designee	<p>Store statements of qualifications and performance data received from firms engaged in architectural, engineering, or land surveying services.</p> <p>Unless the District has a satisfactory relationship for services with one or more firms, <u>request a statement of interest in the specific project utilizing one or more of the following methods:</u></p> <ol style="list-style-type: none"> 1. <u>Mmail or email</u> notices of the proposed project to those firms that have current statements of qualifications and performance data on file. In addition, or alternatively, the project may be advertised in the local and area newspapers. 2. <u>Advertise in a daily newspaper of general circulation in the District. The advertisement must request a statement of qualifications and performance data from those firms which do not have a statement on file with the District, and must state the day, hour, and location that the statements of interest and qualifications and performance data are due.</u> 3. <u>Advertise on the District's website. The ad must include a description of the project and state the time and place for interested firms to submit their letters of interest and statements of qualifications and performance data, as required.</u> <p>-50 ILCS 510/4.</p> <p>Unless the District has a satisfactory relationship for services with one or more firms, evaluate the firms that submitted interest letters, according to criteria for ranking described in the last section of this procedure. The Superintendent and/or designee may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project, and ability to furnish the required services. 50 ILCS 510/5.</p> <p>Do not, prior to selecting a firm for contract negotiation, seek formal or</p>

Actor	Action
	<p>informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation. 50 ILCS 510/5.</p> <p>Select no less than three3 firms, who would be most qualified to provide services, and rank them in order of their qualifications. If fewer than three3 firms submit interest letters and the Board determines that one or both of those firms are so qualified, negotiate a contract as provided herein. 50 ILCS 510/6.</p> <p>Attempt to negotiate a contract at a fair and reasonable compensation, taking into account the estimated value, scope, complexity, and professional nature of the services to be rendered. 50 ILCS 510/5.</p>
	<p>If unable to reach agreement on a satisfactory contract, terminate negotiations and proceed to negotiate with the firm ranked next in qualifications. 50 ILCS 510/5.</p> <p>If unable to negotiate a satisfactory contract with any of the three3 originally-selected firms, inform the Board. The District will re-evaluate the services requested and compile a second list of not less than three3 qualified firms and continue the process. 50 ILCS 510/5.</p>

Criteria for Ranking Firms

Unless the District has a satisfactory relationship for services with one or more firms, the criteria for evaluating the firms submitting letters of interest may include, but are not limited to:

Required Criteria for Consideration (50 ILCS 510/5)

Qualifications and ability of professional personnel
Past record and experience
Performance data
Acceptance of District's time and budget requirements
Location of firm's administrative offices
Workload

Permissive Criteria for Consideration

Firm's credit rating
Firm's financial stability
Reputation
Technological resources

LEGAL REF.: 40 U.S.C. §541.
50 ILCS 510/, Local Government Professional Services Selection Act.
105 ILCS 5/10-20.21.

Operational Services

Fund Balances ¹

The Superintendent or designee shall maintain fund balances adequate to ensure the District's ability to maintain levels of service and pay its obligations in a prompt manner in spite of unforeseen events or unexpected expenses. The Superintendent or designee shall inform the Board whenever it should discuss drawing upon its reserves or borrowing money.

The School District seeks to maintain year-end fund balances no less than the range of 15-20 percent of the annual expenditures in each fund. ²

CROSS REF.: 4:10 (Fiscal and Business Management), 4:80 (Accounting and Audits)

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¹ This optional policy is at the local board's discretion. Its intent is to help the board monitor the district's financial health and allows a board to clarify its expectations for maintaining fund balances. A board must modify the policy to reflect realistic targets after considering important financial and operational issues, such as current financial practices, long term projects, standards of fiscal health, and the current budget. A board facing a doubting and demanding employee union may want to obtain an objective opinion from an outside auditor before adopting this policy.

² A target of 25% or higher would result in a school district receiving the highest category of financial recognition from ISBE. The following alternative is for a district with fund balances deemed not currently adequate:

The School District will seek to establish year-end fund balances representing _____ percent of the annual expenditures for each fund by budgeting a surplus in each fund.

The board should ask the administration to prepare a multi-year cash flow projection to validate the sufficiency of the target figure. This figure is one of two components used to compile the ISBE's School District Financial Profile, which includes a category called "Days Cash on Hand," among others. For more information, see www.isbe.net/Documents/profile.pdf and www.isbe.net/Pages/School-District-Financial-Profile.aspx.

Note: If the board maintains a fund balance at the start of a fiscal year that is two or more times the average expenditures of that fund (over the past three fiscal years), it may face a tax rate objection based on excess accumulation of funds. See e.g., *Central Ill. Public Service Co. v. Miller*, 42 Ill.2d 542 (1969); *Allegis Realty Investors v. Novak*, 379 Ill.App.3d 636 (2nd Dist. 2008). Whether such an objection has merit depends on a number of factors, including the type of fund at issue and/or reason(s) for the excess accumulation. Consult the board attorney for further guidance regarding fund balances and related tax rate objections.

Operational Services

Exhibit - School District Payment Order

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

Order Date: _____

The Treasurer, _____, of _____ School

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

_____ the sum of \$ _____, for _____

_____.

By order of the _____ School Board.

Board President

Date

Secretary

Date

Operational Services

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

Cardholder's name

Cardholder's address

Position

Name of individual who authorized issuance of card.

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

Cardholder's signature

Date

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

Office personnel

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 (such as, but not limited to, custodial services, student transportation, and school meal services). However, these conditions are not mandatory for the Board to enter into a contract, of no longer than three 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-III. 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 three-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, Ill. 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 three3 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

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

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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, but a board’s authority under 105 ILCS 5/10-20.13 to charge for textbooks and towel fees does not violate the Ill.inois Constitution’s provision guaranteeing free public education through the secondary level. Hamer v. Board of Education, Sch.ool Dist.riet No. 109, 9 Ill.App.3d 663 (2nd Dist. 1973), 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~~ two sentences of this paragraph:

All school student fees as defined by the Ill.inois 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.

Notification

The Superintendent shall ensure that applications for fee waivers are widely available and distributed according to State law and [Ill. State Board of Education \(ISBE\)](#) rule and that provisions for assisting parents/guardians in completing the application are available.

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.

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

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. [See www.isbe.net/Pages/School-Fee-Waivers.aspx for further explanation.](http://www.isbe.net/Pages/School-Fee-Waivers.aspx) 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-f/n~~ 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).

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.

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~~ ISBE 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)

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

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.

General Personnel

Administrative Resource Procedure - Sample Questions and Considerations for Conducting the Internal Sexual Harassment in the Workplace Investigation

State and federal law prohibit ~~sexual~~ harassment on the basis of an individual's race, religion, national origin, sex (including pregnancy), sexual orientation, age, citizenship status, disability, or other protected status, as identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. For the purpose of this procedure, sexual harassment includes harassment on the basis of sexual orientation, which means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity.

The person charged with conducting the internal ~~sexual~~ harassment investigation must ascertain ~~whether~~: (1) ~~the sexual~~ if the alleged conduct occurred; (2) if the conduct ~~is~~ was unwelcome; (3) if the harassing conduct was based on any protected status of the complainant; and (4) ~~and~~ whether the harassment created a *hostile environment* in that it was so severe or pervasive as to ~~it~~ affects a term or condition of the complainant's employment (~~29 C.F.R. §1604.11(a)~~). The questions that follow are designed to help the investigator uncover this evidence. *The questions below serve as a general sample; they are not all-inclusive and the exact questions must be designed for the specific allegations in each case.*

Did the alleged conduct occur?

Investigators should consider a number of factors in evaluating whether the complained of conduct occurred, such as:

1. The level of detail provided by the complainant/witness;
2. The consistency within and between the witness' statement(s)
3. The consistency between the witness' statements and those of other witnesses;
4. Corroborating witnesses and other evidence;
5. Body language/eye contact of the witness (**Note:** the manner of a complainant's body language/eye contact during an interview may be attributable to the complainant's discomfort, rather than a lack of truthfulness);
6. The existence of a pattern of similar past behavior/harassment complaints involving the ~~accused~~ alleged harasser;
7. Does the witness have reason to be untruthful, such as a personal stake in the outcome?

Is the conduct complained of unwelcome ~~sexual~~ conduct?

Unwelcome sexual conduct is that verbal or physical ~~sexual~~ conduct which the employee did not solicit or incite and that which the employee regarded as undesirable or offensive. ~~It is difficult to discern because the line between welcome and unwelcome sexual conduct is often quite fuzzy.~~ The Equal Employment Opportunity Commission (EEOC) evaluates the issue of welcomeness ~~in sexual harassment cases~~ on a case-by-case basis. ~~It looks at the record as a whole~~, considering the totality of the circumstances. The wise investigator will do the same.

Below are sample questions that can be used to formulate actual questions for this part of the investigation.

Commented [DJ1]: Credibility is an issue in any investigation, including workplace harassment investigations.

1. Who is the alleged ~~sexual~~ harasser? What is his/her name? Is he/she a co-worker or a supervisor?
2. Is the ~~sexual~~ conduct complained of physical, verbal, and/or committed using an electronic device, such as, through email, text message, or a social networking website? Obtain relevant details for each incident (the Five W's: Who, What, Where, When, and Why).
3. If physical, describe with specificity the nature of the physical conduct. Describe all locations on the complainant's body that were touched and indicate when, how often, how ~~he/she~~ the complainant was approached, who witnessed the physical conduct, and where was the complainant when the conduct took place? Did the physical conduct involve an injury to or destruction of the complainant's possession(s) and, if so, what was the property, what was the nature of the injury, when did it happen, and where is the property now?
4. If the unwelcome conduct was verbal, what was stated, when, how often, where were the parties when the statements were made, and who witnessed the statements being made?
5. If the conduct was committed using an electronic device, (e.g., through email, text message, or social networking website,) what was stated, where, when, how often, who saw it?
6. Did the complainant or any of the witnesses retain any evidence of the offensive conduct such as a picture, email message, text message, or video or audio recording?
- ~~7. Was medical treatment required? If so, when was he/she treated, how often, by whom, where was he/she treated, and what was the diagnosis?~~
- ~~8-7. If medical treatment was not required, -W~~ was a complaint or protest made to anyone employed by the District or to anyone else? If so, to whom did ~~he/she~~ the complainant complain, when was the complaint made, what was stated therein, and were there any witnesses to this or these complaints?
- ~~9-8.~~ What was the complainant's response to the conduct? Did ~~he/she~~ the complainant tell ~~him/her~~ the alleged harasser to stop? Did ~~he/she~~ the complainant complain to others about ~~his/her~~ the alleged harasser's behavior? Did ~~he/she~~ the complainant ask co-workers, supervisors or managers to make the harassment stop? If so, obtain all relevant details (the Five W's).
- ~~10-9.~~ Did the complainant engage in any conduct with the alleged harasser that could have encouraged his/her behavior? If so, what was the conduct, when and where did it occur, how often and who witnessed it?
- ~~11. Did the complainant and the alleged harasser have a prior consensual relationship? If so, how long did it last and when did that relationship end?~~
- ~~12-10.~~ Did the complainant make the alleged harasser aware at the point when the ~~sexual advances~~ conduct became unwelcome? If so, when, how was this done, what was communicated to the alleged harasser, and were there any witnesses?
- ~~13-11.~~ Did the complainant complain about the harassment to the alleged harasser, his/her supervisors, other managers or others? If so, when were the complaints made, what was said, who was present, and what was the response to each complaint?
- ~~14-12.~~ If no prior complaints about the alleged harassment were made, why not?
- ~~15-13.~~ What other actions, if any, did the complainant take to indicate to the alleged harasser that his/her conduct was unwelcome?

~~16. Did the complainant engage in any conduct which elicited the unwelcome conduct of the alleged harasser? For example, how did he/she demean him or herself in the workplace, how did he/she dress, did he/she use sexual and provocative language, did he/she engage in sexually provocative conduct, and was this conduct directed towards the alleged harasser?~~

~~17.14.~~ If they lack knowledge about the harassment, did co-workers, supervisors or managers notice any changes in charging party's behavior at work or in the alleged harasser's treatment of the charging party?

~~18.15.~~ Has the alleged harasser been accused of ~~sexual~~ harassment by other employees? If so, when, and were the allegations investigated? If so, what was the result of the investigation, and what was management's response, i.e., what remedy was imposed?

Did the work environment become hostile?

To ascertain whether unwelcome ~~sexual~~ conduct creates an unlawful *hostile environment*, the major inquiry is whether the conduct "unreasonably interferes with an individual's performance" or creates "an intimidating, hostile, or offensive working environment." (29 C.F.R. §1601.11(a)(3)). ~~Thus, in the sexual harassment context,~~ trivial or annoying conduct such as sexual flirtation or innuendo or vulgar language would probably not establish a hostile environment. The challenged conduct must substantially affect the work environment of a reasonable person for a violation to be found.

Consider the following additional questions for this part of the inquiry:

1. What effect, if any, did the alleged harassment have upon the complainant's ability to perform ~~his/her~~ the complainant's job?
2. What effect, if any, did the alleged harassment have upon the complainant's mental or physical health or well-being? Was medical treatment/therapy sought?
3. Additional question for sexual harassment complaints: What was the sexual character of the work environment before the complainant entered the environment? Were sexual comments and actions common? If so, what types, when did they occur? Who was involved? ~~Were Supervisors?~~ involved or just Co-workers?
4. Did the character of the workplace change after complainant joined the workplace? If so, how? What was complainant's behavior? How did the ~~accused-alleged harasser~~ and other co-workers or supervisors respond to complainant's behavior?
5. Was the complaint of verbal or physical behavior directed at persons other than complainant? If so, who were they? What conduct was directed towards them, when, how frequently, who was present, where did it occur and who witnessed it? How did these persons react to the physical or verbal conduct?
6. Did the alleged harasser single out the charging party? If so, how, when, where, and why?
7. Did others join in perpetrating the harassment? If so, who? What was done; when, where, who witnessed the conduct, and were others harassed too?
8. If the complained of conduct was verbal, what were the remarks? Were they hostile and derogatory? What was the frequency and context of the comments? Were the parties inside or outside of the workplace when the comments were made?
9. Was the alleged harassment observed by supervisors, managers, or other co-workers? If so, by whom, when, where, and what was observed?
10. Was the alleged harassment observed by former employees or others outside the workplace? If so, by whom, when, where, and what was seen?

Was the harassment committed by a supervisor?

The employer will ~~always~~ be held responsible for acts of ~~sexual~~ harassment committed by the employee's supervisor, meaning someone who was authorized by the employer to have authority over the complainant's terms and conditions of employment. To investigate ~~sexual~~ harassment committed by the complainant's supervisor, include questions such as the following:

1. What ~~sexual~~ conduct is the supervisor accused of? When, where, how often did it occur, and who observed?
2. Was the supervisor authorized to grant or deny tangible job benefits to the complainant? If so, what was the scope of that authority and what documents evidence it? If not, were ~~his/her~~ the supervisor's recommendations concerning the complainant's terms and conditions of employment typically or routinely followed?

Was the harassment *quid pro quo* (do this for that)?

An employer will ~~always~~ be held responsible for acts of *quid pro quo* sexual harassment, meaning that tangible job benefits were either (1) conditioned on submitting to sexual favors, or (2) denied because of the complainant's rejection of a sexual advance or request for sexual favors. *Quid pro quo-type harassment can also occur in other contexts, such as religious discrimination, for example, if a person is required to abandon or alter his or her religious practice as a condition of employment.*

1. How was the complainant's employment affected by the alleged harassment? Was he/she denied a salary increase, a promotion, a job transfer, etc.? If so, when?
2. Was the complainant treated differently from similarly situated employees in regard to the denied salary increase, promotion, job transfer, etc.? If so, who was treated differently by this same supervisor?
3. What other management employees were involved in decisions to grant or deny the tangible job benefit(s) to the complainant? Did they have knowledge of the sexual conduct?

Instruction

Educational Philosophy and Objectives 1

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

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

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

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

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

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

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

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

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

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

DRAFT

Instruction

Organization of Instruction 1

The School District has instructional levels for grades _____ through _____. The Superintendent shall annually present to the School Board a plan for organizing instructional levels and assigning them to school facilities in order to:

1. Support the District's educational program,
2. Maximize facility usage without undue overcrowding, and
3. Provide substantially comparable instructional programs across the District.

Students, for instructional purposes, may be placed in groups within a school that do not necessarily follow grade level designations. For purposes of attendance reporting and other records, however, each student is assigned a grade-level placement.

Kindergarten 2

The District maintains a full-day kindergarten with an instructional program that fulfills the District's curriculum goals and objectives and the requirements of the State law. The District also offers a half-day kindergarten for those parents/guardians who request a half-day program.

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1 The contents of this policy, except the kindergarten section, are discretionary with each board. The first section serves to inform interested people that instructional levels are organized and assigned to school facilities according to a plan, developed by the superintendent, that meets standards adopted by the board. If a board does not want to include specific standards for the plan, it may substitute this sentence for the second sentence:

The grouping and housing of instructional levels in school facilities shall be according to plans developed by the Superintendent and approved by the Board.

Optional additional sentences for unit districts; insert after the first sentence.

The elementary schools enroll students in kindergarten through grade _____. The junior high school offers grades _____ through _____. The high school offers grades _____ through 12.

2 This section is for only those districts having a kindergarten. A board may establish a full-day or half-day kindergarten program. ~~(105 ILCS 5/10-22.18).~~ If a full-day program is established, the district must also establish a half-day program. ~~(105 ILCS 5/10-22.18Id.; 23 Ill.Admin.Code §1.420(h)(1)).~~ The district must offer a distinctive curriculum for full- and half-day kindergartens when 20 or more students' parents/guardians request a half-day program. ~~(23 Ill.Admin.Code §1.420(h)(2)).~~ A board should consider adding a description of pre-kindergarten programs whether they are for all students or only those who qualify due to special needs.

105 ILCS 5/10-20.37, 5/10-20.19a, and 5/10-22.18 authorize a board to establish a program as described in the following optional provision:

To the extent State or federal funds are available and in accordance with State law, the Superintendent or designee shall establish, maintain, and operate a summer kindergarten program that: (1) begins two months before the beginning of the regular school year, and/or (2) continues for two months after the regular school year for grade one readiness for those students making unsatisfactory progress during the regular kindergarten session. The District shall provide transportation.

LEGAL REF.: 105 ILCS 5/10-20.19a, 5/10-20.37, and 5/10-22.18.
23 Ill.Admin.Code §1.420.

CROSS REF.: 6:40 (Curriculum Development), 6:170 (Title I Programs), 7:30 (Student Assignment), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students)

DRAFT

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

Exhibit - Notice to Parents/Guardians of Students Enrolled in Family Life and Sex Education Classes ¹

Date _____

Class and Time _____

Teacher _____

Classes or Courses on Sex Education, Family Life Instruction, Instruction on Diseases, Recognizing and Avoiding Sexual Abuse, or Donor Programs for Organ/Tissue, Blood Donor, and Transplantation

For your information, State law requires that all sex education instruction ~~must be~~ developmentally and age appropriate, evidence-based, and medically accurate, and complete. Courses that discuss sexual intercourse place substantial emphasis on both abstinence and contraception for the prevention of pregnancy and sexually transmitted diseases. Courses will emphasize that abstinence is a responsible and positive decision and the only 100% effective prevention of pregnancy and sexually transmitted diseases, including HIV/AIDS. Family life courses are designed to promote a wholesome and comprehensive understanding of the emotional, psychological, physiological, hygienic and social responsibility aspects of family life, and for grades 6 through 12, the prevention of AIDS.

Commented [MB1]: Language added to more accurately reflect statutory requirements of 105 ILCS 5/27-9.1(c)(1)-(1.5).

Request to Examine Instructional Material

A sample of the District's instructional materials and course outline for these classes or courses are available from the classroom teacher for your inspection. If you are requesting to examine this material, please complete the following statement and return it to your child's classroom teacher within five days. ²

☐ **I request to examine the instructional materials and course outline for this class.**

Class Attendance Waiver Request

According to State law, no student is required to take or participate in these classes or courses. There is no penalty for refusing to take or participate in such a course or program.

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

¹ Schools are not required to notify parents/guardians of their rights as explained in this form. A district must modify this form to match its curriculum. Students may not be required to take or participate in classes or courses on:

1. Comprehensive sex education, including in grades 6-12, instruction on both abstinence and contraception for the prevention of pregnancy and sexually transmitted diseases, including HIV/AIDS, ~~(105 ILCS 5/27-9.1; amended by P.A. 98-441, eff. 1-1-14).~~
2. Family life instruction, including in grades 6-12, instruction on the prevention, transmission, and spread of AIDS, ~~(105 ILCS 5/27-9.2).~~
3. Instruction on diseases, ~~(105 ILCS 5/27-11).~~
4. Recognizing and avoiding sexual abuse, ~~(105 ILCS 5/27-13.2).~~
5. Instruction on donor programs for organ/tissue, blood donor, and transplantation, ~~(105 ILCS 5/27-23.5).~~

² Schools are ~~not~~ required to afford individuals, including parents/guardians, an opportunity to examine the instructional materials (105 ILCS 5/27-9.1(d)) but are not required to provide a means for parents/guardians to request to examine the instructional material. ~~This sentence and the following check box may be omitted.~~

If you do not want your child to participate in these classes or courses, please complete the following **class attendance waiver** statement and return it to your child's classroom teacher within five school days. ³

I request that the District waive the class attendance of my child in a class or courses on:

- ☐ Comprehensive sex education, including in grades 6-12, instruction on both abstinence and contraception for the prevention of pregnancy and sexually transmitted diseases, including HIV/AIDS
- ☐ Family life instruction, including in grades 6-12, instruction on the prevention, transmission, and spread of AIDS
- ☐ Instruction on diseases
- ☐ Recognizing and avoiding sexual abuse
- ☐ Instruction on donor programs for organ/tissue, blood donor, and transplantation

Student (please print)

Parent/Guardian (please print)

Parent/Guardian Signature

Date

³ The footnotes should be removed before the material is used.

³ Schools cannot require students to enroll or participate in classes about comprehensive sex education, family life, diseases, recognizing and avoiding sexual abuse, or organ/tissue and blood donor and transplantation programs. 105 ILCS 5/27-9.1(a-5), 5/27-9.2, 5/27-11, 5/27-13.2, and 5/27-23.5. However, schools are not required to provide a means for parents/guardians to request a class attendance waiver; this sentence and the following check box may be omitted. If kept, the check boxes should be modified to match the curriculum.

Instruction

Education of Children with Disabilities ¹

The School District shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the District, as required by the Individuals With Disabilities Education Act (IDEA) and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act.² The term *children with disabilities*, as used in this policy, means children between ages 3 and 21 (inclusive) for whom it is determined, through definitions and procedures described in the ~~Illinois~~ State Board of Education's ~~ISBE~~ *Special Education* rules, that special education services are needed.³

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the ~~Illinois State Board of Education's~~ *ISBE Special Education* rules. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s) to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardian(s), representation by counsel, and a review procedure.³

The District may maintain membership in one or more cooperative associations of school districts that shall assist the District in fulfilling its obligations to the District's disabled students.

If necessary, students may also be placed in nonpublic special education programs or education facilities.⁴

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

¹ State or federal law controls this policy's content. Each school district and special education cooperative must develop written special education policies and procedures in conformance with ~~ISBE's~~ rules, ~~(23 Ill.Admin.Code §226.710)~~. In its continuing commitment to help school districts and special education cooperatives comply with ~~ISBE's~~ requirements for policy and procedure, the Ill. Council of School Attorneys, special education committee, reviewed this policy and prepared extensive procedures, *Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities*, ~~that are available gratis on at:~~ www.iasb.com/law/.

² Opinions vary regarding the extent of a district's responsibility for providing FAPE to dually enrolled students, i.e., whether the responsibility is limited to the extent necessary to access the public portion of their education. Contact the board attorney for advice.

³ Districts must use ISBE's procedural safeguards for students who qualify for services under IDEA. For students who qualify for services exclusively under Section 504, the district must establish a system of procedural safeguards or use the ones provided by ~~ISBE's~~ *Special Education* rules, ~~(23 Ill.Admin.Code §§226.500-570)~~. ~~ISBE's~~ rules are more ~~extensive/burdensome~~ than is required by Section 504 and districts may, as the policy provides, develop their own procedures. See 6:120-E, ~~Exhibit~~, *Notice to Parents/Guardians Regarding Section 504*.

⁴ The district may be eligible to receive reimbursement from the State for the student's expenses, ~~(105 ILCS 5/14-7.02)~~.

LEGAL REF.: 20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act of 2004.
29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.
42 U.S.C. §12101 et seq., Americans With Disabilities Act.
34 C.F.R. §300.
105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b.
23 Ill.Admin.Code Part 226.

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

DRAFT

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.

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

¹ Each school board in a district that maintains any of grades 9-12 must have a *no pass-no play* policy. ~~105 ILCS 5/10-20.30~~. State or federal law controls some aspects of this policy's content. The criteria for determining whether to sponsor a specific activity is a local board decision, except that an ISBE rule requires that 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 (~~EAA~~); (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 Bd. of Education Ed. of Westside Community School Sch. Dist. v. Mergens~~, 496 U.S. 226 ~~10 S.Ct. 2356~~ (1990).

³ High school districts should omit this paragraph.

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 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)

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

⁴ Elementary districts should omit this paragraph.

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 25 credit hours of high school work per week].

⁶ Alternatives include:

Alternative 1: ...shall be suspended from the activity for ____ calendar days. ~~[omitting-Delete 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,

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

¹ This policy is optional. 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 1⁶⁴ in 6:60, *Curriculum Content* for more discussion.

⁴ Districts 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 because it cannot guarantee students use its electronic network; preventing bypassing is hard for school officials to control.

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).

Prevention of and Response to Bullying, Intimidation, and Harassment; 7:190, *Student Behavior*; 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, *Employee Ethics; Conduct; and Conflict of Interest*. ⁸
7. Provide a method to inform parents/guardians and students about this policy.

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

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/ns 7 ~~&and~~ 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) (20 U.S.C. §1400 et seq.).
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, *Prevention of and Response to Bullying, Intimidation, and Harassment*, and 7:190, *Student Behavior*, present similar issues to #3 ~~&and~~ #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, *Employee Ethics; Conduct; and Conflict of Interest*. 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, amended by P.A. 99-456 by P.A. 97-607.~~

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.

Responsible Use ⁹

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 Behavior*, 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 Behavior*; 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.

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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 7 ~~&and~~ 8 above re: teachers' guidelines. See f/n 1, above discussing how the aApplication of additional guidelines for teachers may have collective bargaining implications ~~(see f/n 4).~~

LEGAL REF.: 15 U.S.C. §§6501-6508, Children's Online Privacy Protection Act, implemented by 16 C.F.R. Part 312, Children's Online Privacy Protection Rule.
20 U.S.C §6751 et seq., Enhancing Education Through Technology Act.
47 U.S.C. §254(h) and (l), Children's Internet Protection Act.
47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.
105 ILCS 5/10-20.28.

CROSS REF.: 1:30 (School District Philosophy), 4:140 (Waiver of Student Fees), 5:120 (Employee Ethics; Conduct; and Conflict of Interest), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:170 (Copyright), 6:10 (Educational Philosophy and Objectives), 6:40 (Curriculum Development), 6:120 (Education of Children with Disabilities), 6:210 (Instructional Materials), 6:235 (Access to Electronic Networks), 7:140 (Search and Seizure), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:340 (Student Records)

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 ~~the~~ them with your child, including using the Internet through the District's electronic network during instructional time (Children's Internet Protection Act (CIPA) (47 U.S.C. §254)). This authorization and agreement needs to be signed only once while your child is enrolled in the District.

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

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

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

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

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

☐

I have read this *BYOT Participation Authorization and Responsible Use* agreement. I understand the program is designed for educational purposes and that during instructional

times, my child may access the District's Internet only through its electronic networksgateway 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 (including, but not limited to CIPA)~~ requirements).
- ☐ I have previously signed the *Student Authorization for Electronic Network Access* form. I have also read and discussed with my child the following documents: (1) the Responsible Use 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.
- ☐ 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 Behavior*. ~~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, *Prevention of and Response to 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

Library Media Program 1

The Superintendent or designee shall manage the District's library media program to comply with (1) State law and Ill.~~inois~~ State Board of Education ([ISBE](#)) rule and (2) the following standards:

1. The program includes an organized collection of resources available to students and staff to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served.
2. Financial resources for the program's resources and supplies are allocated to meet students' needs.
3. Students in all grades served have equitable access to library media resources.
4. The advice of an individual who is qualified according to ISBE rule is sought regarding the overall direction of the program, including the selection and organization of materials, provision of instruction in information and technology literacy, and structuring the work of library paraprofessionals.
5. Staff members are invited to recommend additions to the collection.
6. Students may freely select resource center materials as well as receive guided selection of materials appropriate to specific, planned learning experiences.

LEGAL REF.: 23 Ill.Admin.Code §1.420(o).

CROSS REF.: 6:60 (Curriculum Content), 6:170 (Title I Programs), 6:210 (Instructional Materials)

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

¹ ISBE rule controls some aspects of this policy's content; however, districts are not required to adopt a policy on any subject matter covered in it. Standards #1-4 restate requirements in 23 Ill.Admin.Code §1.420(o). Standard #2 implements the rule's requirement that each "district's annual budget shall include an identifiable allocation for resources and supplies for the program." However, the rule allows a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students to forego the allocation requirement; thus, they may use the following alternative to standard #2: "Resources are sufficient to meet students' needs." Standards #5 and #6 may be customized or deleted, and other standards may be added.

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;⁶ and (2) are responsible for all entrance fees, food, lodging, or other costs, except that the District will pay such costs for students who qualify for a fee waiver under Board policy 4:140, Waiver of Student Fees~~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.: 4:140 (Waiver of Student Fees), 6:10 (Educational Philosophy and Objectives), 7:10 (Equal Educational Opportunities), 7:270 (Administering Medicines to Students)

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

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

Recreational Class Trips

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

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

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

105 ILCS 5/29-6.3 allows districts to transport students in multi-function school activity busses (MFSABs)~~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 <u>2-two</u> 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

The footnotes should be removed before the material is used.

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
	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 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

Community Resource Persons and Volunteers 1

The School Board encourages the use of resource persons and volunteers to: (1) increase students' educational attainment;¹ (2) provide enrichment experiences for students;² (3) increase the effective utilization of staff time and skills;³ (4) give more individual attention to students;⁴ and (5) promote greater community involvement.

Resource persons and volunteers may be used: 2

1. For non-teaching duties not requiring instructional judgment or evaluation of students; 3
2. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (such as computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities; 4
3. To assist with academic programs under a certificated teacher's immediate supervision; 5
- ~~3.4. To assist in times of violence or other traumatic incidents within the District by providing crisis intervention services to lessen the effects of emotional trauma on staff, students, and the community, provided the volunteer meets the qualifications established by the Ill. School Crisis Assistance Team Steering Committee; 6~~
- ~~4.5. As a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval; or 7~~
- ~~5.6. As supervisors, chaperones, or sponsors for non-academic school activities. 8~~

The Superintendent shall follow Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, to establish procedures for securing and screening resource persons and volunteers.⁹ A person who is a "*sex offender*," as defined by the Sex Offender Registration Act, or a "*violent offender against youth*," as defined in the ~~Child~~ Murderer and Violent Offender Against Youth Registration Act, is prohibited from being a resource person or volunteer.¹⁰ All volunteer coaches

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¹ State or federal law controls this policy's content.

² How volunteers are used should be determined locally.

³ 105 ILCS 5/10-22.34(a)(1).

⁴ 105 ILCS 5/10-22.34(a)(2).

⁵ 105 ILCS 5/10-22.34(b).

⁶ Id.

⁷ 105 ILCS 5/10-22.34b, last paragraph.

⁸ 105 ILCS 5/10-22.34a.

⁹ The law is silent with regard to screening volunteers and individuals in the proximity of a school. *Screening and fingerprint-based criminal history records checks* are different. See procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*, for further distinctions.

¹⁰ Sex Offender Registration Act, 730 ILCS 150/; Sex Offender Community Notification Law, 730 ILCS 152/; Child Murderer and Violent Offender Against Youth Registration Act, 730 ILCS 154/; Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75.

must comply with the requirement to report hazing in policy 5:90, *Abused and Neglected Child Reporting*. 11

LEGAL REF.: 105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
720 ILCS 5/12C-50.1, Failure to Report Hazing.
730 ILCS 150/1 et seq., Sex Offender Registration Act.
730 ILCS 152/101 et seq., Sex Offender Community Notification Law, ~~and~~
730 ILCS 154/75 et seq., 105, Murderer and Violent Offender Against Youth
Community Notification Law.
730 ILCS 154/101 et seq., Murderer and Violent Offender Against Youth
Registration Act.

CROSS REF.: 4:170 (Safety), 4:175 (Convicted Child Sex Offender; Screening; Notifications),
5:90 (Abused and Neglected Child Reporting), 5:280 (Duties and Qualifications),
8:30 (Visitors to and Conduct on School Property), 8:95 (Parental Involvement)

This paragraph exceeds the requirements in State law but reflects best practice. There is no statutory screening requirement and the only legal restriction is the statute prohibiting 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 specifically permitted by statute, ~~720 ILCS 5/11-9.3~~. However, two databases provide an easy way for schools to screen for sex offenders and violent offenders against youth, i.e.: the ~~Illinois III~~ Sex Offender Registry, www.isp.state.il.us/sor and the Violent Offenders Against Youth Database maintained by the State Police, www.isp.state.il.us/cmvo/. See ~~Child-Murderer~~ and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75--105; Sex Offender Community Notification Law, 730 ILCS 152/101 et seq. The sample administrative procedures 4:170-AP1, *Comprehensive Safety and Security Plan*, and 6:250-AP, *Securing and Screening Resource Persons and Volunteers*, provide guidance for fulfill the ~~requirement for the~~ superintendent to develop a screening process as required by this policy. This alternative paragraph goes further by forbidding the use of any convicted felon:

The Superintendent shall establish procedures for securing and screening resource persons and volunteers. A person who is a "sex offender," as defined by the Sex Offender Registration Act, or a "violent offender against youth," as defined in the ~~Child-Murderer~~ and Violent Offender Against Youth Registration Act, or has otherwise been convicted of a felony, is prohibited from being a resource person or volunteer.

The following alternative paragraph reflects the minimum requirement of State law:

A person who is a "child sex offender," as defined by the Criminal Code of 2012, is prohibited from being a resource person or volunteer.

11 720 ILCS 5/12C-50.1, ~~added by P.A. 98-393~~.

Students

Exhibit - Notification to Parents of Family Privacy Rights¹

Date _____

Re: Student Survey Participation

Dear Parents:

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

Survey description: _____

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

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

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

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

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

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

Request to Review

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

Building Principal contact information: _____

The footnotes should be removed before the material is used.

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

Students

Administrative Procedure - 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—Education (DOE) pamphlet, *Sexual Harassment: It's Not Academic*, at: 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<u>regular</u> harassment awareness training for all school staff, including administrators, teachers, and guidance counselors, <u>and ensures all new employees are trained.</u>¹ 2. Conducts periodic<u>regular</u>² 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<u>regular</u>³ 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

The footnotes should be removed before the material is used.

¹ The term *regular* and phrase “ensuring all new employees are trained” is a best practice. Amend these terms to reflect the district’s practice.

² Id.

³ Id.

Actor	Action
	<p>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.</p> <p>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 takes extra steps to make them safe.</p> <p>11. Immediately notifies the police and relevant parents/guardians when an assault or attempted assault has occurred.</p>
<p>Nondiscrimination Coordinator and/or Grievance Complaint Manager(s)</p>	<p>Thoroughly and promptly investigates allegations of harassment by:</p> <ol style="list-style-type: none"> 1. Distributing Board policies 2:260, <i>Uniform Grievance Procedure</i>, and <u>7:20, <i>Harassment of Students Prohibited</i></u>, to any person upon request; 2. Following Board policies 2:260, <i>Uniform Grievance Procedure</i>, and <u>7:20, <i>Harassment of Students Prohibited</i></u>; 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, <u>unless the Superintendent is the subject of the complaint. If a complaint contains allegations involving the Superintendent, the Board President shall be kept informed of an investigation's progress.</u>
<p>All District Staff Members</p>	<p>Immediately report to the <u>Illinois Department</u> 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. <u>If a report contains allegations involving the Superintendent, only notify the Building Principal who shall contact the Board President. If a report contains allegations involving the Building Principal, only notify the Superintendent.</u></p>

Students

School Uniforms ¹

Students are encouraged to wear school uniforms to school on all school attendance days, in order to maintain and promote orderly school functions, student safety, and a positive learning environment.² The Building Principal is authorized to designate days on which this uniform policy is relaxed.³

The Superintendent or designee shall designate a school-wide uniform after receiving input from school staff members, parents, and interested community members.⁴ Students may:⁵

1. Display religious messages on items of clothing to the same extent they are permitted to display other messages;
2. Wear attire that is part of the student's religious practice;
3. Wear or display expressive items, such as a button, as long as such items do not contribute to disruption by substantially interfering with discipline or with the rights of others;⁶ and

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

¹ State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled. Boards may adopt a school uniform policy, provided it is "necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety;" (105 ILCS 5/10-22.25b).

² Alternatively, the board may designate certain individual attendance centers.

A voluntary school uniform policy permits students to freely choose whether and under what circumstances they will wear the uniform. A voluntary policy allows the district to gauge parental support—something that is vital to the policy's success. In addition, a voluntary policy does not implicate the First Amendment.

Boards may adopt a mandatory uniform policy, with or without an *opt-out* provision. An opt-out provision allows a student to be excused from the policy because of an objection from a parent/guardian based on cultural, religious, or other reasons. While the constitutionality of a mandatory uniform policy is disputed, the inclusion of an opt-out provision reduces vulnerability to constitutional attack. For districts desiring a mandatory uniform policy, substitute this provision for the first sentence (eliminate the 2nd sentence if no opt-out provision is wanted):

Students are required to wear school uniforms to school on all attendance days, unless otherwise indicated by the Building Principal, in order to maintain and promote orderly school functions, student safety, and a positive learning environment. This policy will be waived for any student whose parent/guardian provides the Board with a signed statement detailing the grounds for their objection.

³ Optional; eliminate this sentence if the board wants to enforce the policy every day.

⁴ Boards may allow each school to designate its own uniform or designate a district-wide uniform, as the following alternative provides:

The Superintendent or designee shall designate a district-wide uniform after receiving input from school staff members, parents, and interested community members.

⁵ A uniform policy must accommodate students whose religious beliefs are substantially burdened by a uniform requirement. Religious messages may not be singled out for suppression; they must be subject to the same rules as generally apply to other messages. For more information, see U.S. Dept. of Education's publication:

www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html.

4. Wear the uniform of a nationally recognized youth organization such as Boy Scouts or Girl Scouts on regular meeting days.

No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform because of:

1. Personal choice; ⁷
2. Insufficient time in which to comply with this policy; ⁸
3. Financial hardship; ⁹ or
4. Religious objection by the student's parent/guardian to the student's compliance with this policy or the applicable uniform, if they have provided the Superintendent with a signed statement detailing their objection. ¹⁰

Any student eligible for reduced or free lunches, or for a waiver of student fees, is eligible for financial assistance toward the purchase of school uniforms. The Superintendent or designee shall develop a process for informing parents/guardians of the availability of financial assistance and a method to process financial requests. ¹¹

No student shall be suspended or expelled from school, or receive a lowered academic grade, because of failing to comply with this policy. ¹²

The Superintendent or designee shall develop incentives and positive reinforcement measures to encourage full compliance. ¹³

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

⁶ In 1969, the U.S. Supreme Court recognized that students enjoy First Amendment free speech rights in school but that schools have the authority to limit student speech that might reasonably be predicted to cause a material and substantial disruption or invasion of the rights of others. Tinker v. Des Moines Independent Sch. Dist., 394 U.S. 503 (1969). The manner in which this ruling applies to uniform policies is still unsettled. See DePinto v. Bayonne Bd. of Educ., 514 F.Supp.2d 633 (D. N.J., 2007) (a school district was enjoined from disciplining elementary students who wore a button protesting the district's mandatory uniform policy). However, many decisions have upheld a compulsory uniform policy. See Blau v. Ft. Thomas Public Sch. Dist., 401 F.3d 381 (6th Cir. 2005); Canady v. Bossier Parish Sch. Board, 240 F. 3d 437 (5th Cir 2001); Littlefield v. Forney Sch. Dist., 268 F.3d 275 (5th Cir. 2001); Jacobs v. Clark County Sch. Dist., 373 F.Supp.2d 1162 (D. Nev., 2005); Phoenix Elementary Sch. Dist. v. Green, 943 P. 2d 836 (Az.Ct. App. 1997); Vines v. Zion Sch. Dist., 2002 WL 58815 (N.D.Ill. 2002); Alwood v. Clark, 2005 WL 2001317 (S.D.Ill. 2005); Bear v. Fleming, 714 F.Supp.2d 972 (W.D. S.D. 2010) (requiring students to wear a cap and gown while receiving their diplomas is reasonably related to the school board's legitimate interest in maintaining order). **Before adopting a uniform policy, a board should discuss this issue with its attorney.**

⁷ Omit *personal choice* if the district has a mandatory uniform policy.

⁸ 105 ILCS 5/10-22.25b.

⁹ Id.

¹⁰ Id. Remove this provision if a mandatory uniform policy is adopted with a provision allowing the parents/guardians to obtain an opt-out (see f/n 2).

¹¹ Id. State law requires the board to establish "criteria and procedures under which the board will accommodate the needs of or otherwise provide appropriate resources to assist a student from an indigent family."

¹² For those boards choosing a mandatory uniform policy with no opt-out provision, replace this sentence with the following:

Disciplinary action may be taken for failure to comply with this policy. Before initiating disciplinary action, a conference with the parent(s)/guardian(s) shall be requested to solicit cooperation and support.

¹³ The following alternative takes the board into operational matters but it ensures that the nuts and bolts issues will be covered by administration:

The Superintendent or designee shall develop incentives and positive reinforcement measures to encourage full compliance and shall communicate information to students and parents/guardians concerning:

1. The uniform's description and its availability;
2. The requirements for jackets and outer garments;
3. Optional articles of attire, if any;
4. Compliance measures;

LEGAL REF: 105 ILCS 5/10-22.25b.

CROSS REF: 4:140 (Waiver of Student Fees), 7:160 (Student Appearance), 7:190 (Student Behavior)

DRAFT

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

5. Methods to facilitate recycling of uniforms within the school community; and
6. Notice of uniform sales and lists of competitive prices from vendors of uniform articles.

Students

Administrative Procedure - Prevention, Identification, Investigation, and Response to Bullying ~~and School Violence~~¹

The strategic components for integrating an anti-bullying program into the District's existing policies and procedures are listed below. Each component lists specific implementation steps along with resources and accompanying exhibits. The Superintendent or designee, at the District-level, or the Building Principal or designee, at the Building-level, is responsible for the integration of these components. Use the local conditions of the community and other available resources to determine the best implementation methods. At times, support from the School Violence Prevention Team (see 4:170-AP7, *Targeted School Violence Prevention Program*) may be appropriate as bullying and threats of school violence often arise from the same behavior pattern(s), i.e., interpersonal aggression.

²

Preventing Bullying ~~and School Violence~~

1. Review 7:180-AP1, E1, *Resource Guide for Bullying ~~and School Violence~~ Prevention*.
2. Assess the District's Conditions for Development and Learning. Below are resources that discuss and provide information about how to implement school climate measurement instruments:

School Bullying Prevention Task Force Report, *Selection of School Climate Measures*, p. 19 at: www.isbe.net/Documents/sbptf_report_030111.pdf.

Safe Supportive Learning's School Climate Measurement compendium at: safesupportiveschools.ed.gov/index.php?id=133.

Identifying Bullying ~~and School Violence~~

1. Post 7:180-AP1, E2, *Be a Hero by Reporting Bullying ~~and School Violence~~*, in school buildings, student handbooks, online, etc.
2. Train staff to recognize and accept reports of bullying ~~and school violence~~, 7:180-AP1, E3, *Memo to Staff Regarding Bullying ~~and School Violence~~*.
3. Inform parents about the District's anti-bullying program, 7:180-AP1, E4, *Memo to Parents/Guardians Regarding Bullying ~~and School Violence~~*.
4. Inform students how to make a report, including an anonymous report, i.e., complete and submit 7:180-AP1, E5, *Report Form for Bullying ~~and School Violence~~*.

Investigating Reports of Bullying ~~and School Violence~~

1. Conduct a prompt, thorough and impartial investigation upon receiving a report.
2. Review the report, i.e., 7:180-AP1, E5, *Report Form for Bullying ~~and School Violence~~*.

The footnotes should be removed before the material is used.

¹ A section of the Prevent School Violence Act (PSVA) directed Ill. State Board of Education (ISBE) to create a School Bullying Prevention Task Force to explore and report about all aspects of bullying in Ill. schools. (105 ILCS 5/27-23.9, added by P.A. 96-952 and repealed on 3-2-11). A link to the ISBE Task Force's report is cited above and throughout the exhibits to this procedure.

² See the School Bullying Prevention Task Force Report, p. 22 at: www.isbe.net/Documents/sbptf_report_030111.pdf.

Commented [MB1]: "School Violence" was deleted from 7:180-AP1 and its exhibits to more accurately reflect this materials' focus on bullying, and to avoid confusion between violence related to school bullying versus other types of school violence referenced in the Policy Reference Manual (such as gun violence).

3. Interview the listed aggressor(s), target(s) and witnesses using 7:180-AP1, E6, *Interview Form for Bullying~~and School Violence~~ Investigation*.

Responding to Bullying~~and School Violence~~

1. Complete 7:180-AP1, E7, *Response to Bullying~~and School Violence~~*.
2. Notify the District's Non-Discrimination Coordinator if the findings indicate that the behavior was based upon the protected statuses listed in 7:20, *Harassment of Students Prohibited*.
3. Communicate and partner with the parents/guardians of the students involved. Ask parents/guardians, "How can we help you and your child?"
4. Stop the behavior(s).
5. Eliminate any hostile environment(s) and its effects (see **Preventing Bullying~~and School Violence~~** #2, above). ⁴
6. Prevent the bullying from happening again.
7. Implement appropriate interventions for the target, aggressor, and District.
8. Address any findings of repeated inaccurate accusations against an alleged-aggressor that are beginning to impede his or her education, e.g., reverse bullying.
9. Follow-up with target, aggressor and their parent(s)/guardian(s) to ensure subsequent bullying has not occurred and no new concerns have arisen.

The footnotes should be removed before the material is used.

³ See the *School Bullying Prevention Task Force Report*, at: www.isbe.net/Documents/sbptf_report_030111.pdf, for assistance in identifying responses to and appropriate interventions for bullying.

⁴ *Zeno v. Pine Plains Central School Dist.*, 702 F.3d 655 (2nd Cir., 2012) (holding district liable for taking little action to address systemic discriminatory issues in the school environment, i.e., school climate); *Doe v. Galster*, 768 F.3d 611 (7th Cir. 2014) (finding that even though alleged acts could have constituted harassment causing a systemic effect on Doe's education, the district was not liable because its response to the alleged acts was not deliberately indifferent).

Students

Exhibit - Resource Guide for Bullying and School Violence Prevention

General Resources

ISBE's *School Bullying Prevention Task Force Report*:

www.isbe.net/Documents/sbptf_report_030111.pdf;

Resources section of the website managed by the U.S. Department of Health & Human Services:

www.stopbullying.gov/index.html;

Bullying in Schools - Cops – U.S. Department of Justice:

https://cops.usdoj.gov/html/cd_rom/solution_gang_crime/pubs/BullyinginSchools.pdf

Restorative Discipline Resources

Positive Behavior Intervention & Supports (PBIS):

www.pbis.org/school/default.aspx;

Social and Emotional Learning Standards:

www.isbe.net/Pages/Social-Emotional-Learning-Standards.aspx;

Dignity in Schools:

<http://dignityinschools.org/take-action/model-school-code/>

Illinois Balanced and Restorative Justice:

www.ibarj.org

Conditions for Development and Learning; Data Collection Resources

Centers for Disease Control and Prevention (CDC)'s *Measuring Bullying Victimization, Perpetration, and Bystander Experiences: A Compendium of Assessment Tools*:

<https://www.cdc.gov/violenceprevention/pdf/bullycompendium-a.pdf>;

Safe Supportive Learning's School Climate Measurement Compendium:

<https://safesupportivelearningschools.ed.gov/index.php?id=133>;

~~Positive Behavior Intervention & Supports (PBIS):~~

www.pbis.org/school/default.aspx;

CDC's *Youth Violence: Measuring Violence-Related Attitudes, Behaviors, and Influences Among Youths: A Compendium of Assessment Tools - Second Edition*:

https://www.cdc.gov/violenceprevention/pdf/yv_compendium.pdf

CDC's *Intimate Partner Violence and Sexual Violence Victimization Assessment Instruments for Use in Healthcare Settings, Version 1*:

<https://www.cdc.gov/violenceprevention/pdf/ipv/ipvandsvscreening.pdf>

World Health Organization-(WHO) Information Series on School Health's *Document 10, Creating an Environment for Emotional and Social Well-Being*:

www.who.int/school_youth_health/media/en/sch_childfriendly_03_v2.pdf;

Rachel's Challenge:

<https://rachelschallenge.org>

Students**Exhibit - Be a Hero by Reporting Bullying and School Violence**

Who reports?	YOU, if you have information about bullying, harassment, school violence , and/or a threat of one of these actions. It doesn't matter whether you are the target of bullying or think someone is being bullied, please report it!
What do I report?	<p>Any activity that targets someone to be hurt. Bullying, harassment, school violence, and threats take many forms. One thing they have in common – someone is targeted to be hurt. Examples of these hurtful behaviors include unwanted teasing, intimidation, physical violence, humiliation, spreading false rumors, social exclusion, or theft or destruction of property.</p> <p>Bullying, harassment, school violence, and threats may occur almost anywhere students go – in school buildings, on school grounds or busses, at bus stops, for example. Bullying or harassing may also occur using social networking sites or cell phones.</p>
When should I report?	As soon as possible.
Where or how do I report?	<p>Tell any school staff member. You may do this in person, by phone, or by email. You may be asked to complete 7:180-AP1, E5, <i>Report Form for Bullying and School Violence</i>.</p> <p>You may make an anonymous tip.</p>
Why should I report?	Fear and abuse have no place in our school. -Be a hero and report bullying. If you are being bullied, a report will help you and other students who may also be targeted for bullying.
What will happen after I report?	<p>An Administrator will:</p> <ol style="list-style-type: none"> 1. Acknowledge and review your report. 2. Treat your report with privacy and respect <u>its sensitive nature</u>. 3. Investigate your report. The school will not bring students who bully and those they bully into the same room to confront each other. All interviews will be private. 4. Take appropriate action that may include increased monitoring and supervision, restructuring schedules, additional resources, and disciplinary action for conduct code violations, among others. 5. Provide you with feedback, if appropriate.

Students**Exhibit - Memo to Staff Regarding Bullying~~and School Violence~~***On District Letterhead*

Date

Re: Bullying

All staff members:

Please join me in stopping and preventing student bullying in our school. The purpose of this letter is to introduce you to our three-pronged approach that will help accomplish this goal.

First - If a student reports bullying~~or school violence~~ to you, respond immediately and with compassion. Ask for the basic facts (who-what-when-where). ~~You will need to evaluate the situation to determine if an immediate referral the report to my office is needed.~~ Give the student our form for reporting bullying, 7:180-AP1, E5, *Report Form for Bullying~~and School Violence~~*.

Second - Provide me your feedback and concerns. Do you know of any bullying *hot spots* that need additional supervision or monitoring? Are there known bullies or targets of bullying?

Third - Intervene immediately to stop a bullying incident. When teachers or adults ignore bullying, students interpret it as acceptable behavior. Immediately contact administration and building security ~~and~~ or law enforcement if the incident involves a weapon or other illegal activity.

Bullying is defined in ~~the~~ School Board policy 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment, as follows:

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student in reasonable fear of harm to the student's person or property.
2. Causing a substantially detrimental effect on the student's physical or mental health.
3. Substantially interfering with the student's academic performance.
4. Substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, intimidation, and/or harassment may take various forms, including without limitation: threats, stalking, physical violence, sexual harassment, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.

The Board's entire policy ~~7:180, Prevention of and Response to Bullying, Intimidation, and Harassment~~, may be found on the District's website. Please let me know if you have any questions or concerns.

Sincerely,

Building Principal

Students

Exhibit - Memo to Parents/Guardians Regarding Bullying and School Violence

On District Letterhead

Date

Re: Bullying

Dear Parents/Guardians:

At our school, bullying of any kind, by any person, is unacceptable. All students should be free from worries about being bullied. Students who bully others must be taught other, appropriate ways of interacting with peers. The purpose of this letter is to provide you with information concerning the School District's anti-bullying program and to encourage you to help us identify students who are being bullied.

The School Board policy on bullying begins with this goals statement:

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors is an important District goal.

Bullying is defined as follows:

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student in reasonable fear of harm to the student's person or property.
2. Causing a substantially detrimental effect on the student's physical or mental health.
3. Substantially interfering with the student's academic performance.
4. Substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, intimidation, and/or harassment may take various forms, including without limitation: threats, stalking, physical violence, sexual harassment, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.

I asked our school staff members to respond immediately and with compassion to a student who reports bullying or school violence. After evaluating the situation to determine if an immediate referral to my office is needed, a staff member will give the student our form for reporting bullying, 7:180-AP1, E5, *Report Form for Bullying and School Violence*. I will inform you whenever your child is involved in a bullying report.

I also asked our staff members for their feedback and concerns specifically regarding locations that may be bullying *hot spots* needing additional supervision or monitoring or if there are any known bullies or targets of bullying in our building. I want to ask you to do the same thing. Please inform me if you know of any bullying *hot spots* in or around our school, or if you are aware of a known bully or target of bullying.

Finally, I requested our staff members to intervene immediately to stop a bullying incident. They will immediately contact building security and or law enforcement if the incident involves a weapon or other illegal activity.

Below are some of the signs that a young person is being bullied:

- Does not want to go to school and refuses to explain the reason
- Talks about not having any friends
- Has unexplained bruises, cuts, scratches, or abrasions
- Has unexplained damage to clothing, possessions, books, etc.
- Frequently loses money or possessions
- Loses interest in school and/or has declining grades
- Becomes withdrawn and/or has stress or depression symptoms

These signs do not necessarily mean your child is being bullied, but if present, ask your child whether he or she is being bullied.

Please let me know if you have any questions or concerns.

Sincerely,

Building Principal

Students**Exhibit - Report Form for Bullying ~~and School Violence~~**

To be completed by the bullying target, witness, or person with information about an incident of bullying ~~or school violence~~ and submitted to the Building Principal's office. Make readily accessible via website(s) and other publicized designated areas in schools.

Please print and check appropriate boxes.

Name: _____ Date: _____
☐ Student ☐ Parent ☐ Staff ☐ Other _____

Indicate here if you prefer to remain anonymous. ☐ Yes ☐ No

Are you the target of the bullying ~~or school violence~~ that you are reporting? ☐ Yes ☐ No

Date of incident: _____ Time of incident: _____

Person(s) being reported as targets of bullying ~~or school violence~~:

Name: _____ ☐ Student ☐ Staff
 Name: _____ ☐ Student ☐ Staff
 Name: _____ ☐ Student ☐ Staff

Person(s) being reported as aggressors engaged in bullying ~~or school violence~~:

Name: _____ ☐ Student ☐ Staff ☐ Other
 Name: _____ ☐ Student ☐ Staff ☐ Other
 Name: _____ ☐ Student ☐ Staff ☐ Other

Person(s) who witnessed the bullying ~~or school violence~~:

Name: _____ ☐ Student ☐ Staff ☐ Other
 Name: _____ ☐ Student ☐ Staff ☐ Other
 Name: _____ ☐ Student ☐ Staff ☐ Other

Was the incident based on any of these characteristics? (Check all that apply.)

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> Nationality
<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Gender identity
<input type="checkbox"/> Pregnancy Gender-related identity	<input type="checkbox"/> Gender-related expression	<input type="checkbox"/> Ancestry
<input type="checkbox"/> Age	<input type="checkbox"/> Religion	<input type="checkbox"/> Physical disability
<input type="checkbox"/> Mental disability	<input type="checkbox"/> Order of protection status	<input type="checkbox"/> Homeless status
<input type="checkbox"/> Marital status	<input type="checkbox"/> Parental status	<input type="checkbox"/> Pregnancy
<input type="checkbox"/> Associated with person/group with one or more of the above actual or perceived characteristics		
<input type="checkbox"/> Other _____		

Commented [MB1]: Duplicative of "Gender identity".

☐ I do not know.

Student(s) were targeted for bullying in the following way(s): (Check all that apply.)

- ☐ Electronic devices (e.g., internet, ~~S~~social media platforms, text, email, cyberbullying, etc.)
☐ Written communication (e.g., handwritten notes, other written documents, email, etc.)
☐ Physical act or conduct (e.g., pushing, hitting, destruction of property, stalking, etc.)
☐ Verbal act or conduct (e.g., rumors, lies, name-calling, using derogatory slurs, etc.)
☐ Social (e.g., purposeful exclusion, causing psychological harm, etc.)
☐ Items depicting implied hatred or prejudice were worn, possessed or displayed
☐ Other (please explain): _____

Student(s) were targeted for bullying in the following place(s): (Check all that apply.)

- | | |
|--------------------------------------|--|
| <input type="checkbox"/> Classroom | <input type="checkbox"/> Locker room |
| <input type="checkbox"/> Hallway | <input type="checkbox"/> Extracurricular activity |
| <input type="checkbox"/> Cafeteria | <input type="checkbox"/> Bus |
| <input type="checkbox"/> Restroom | <input type="checkbox"/> Bus stop |
| <input type="checkbox"/> Gym | <input type="checkbox"/> School or related activity or event |
| <input type="checkbox"/> Other _____ | |

Please tell us about the incident in your own words. Use as much detail as possible - what time did the incident(s) take place, who witnessed it, what was said, what types of interactions occurred (physical, written, social, electronic, etc.)

☐ The above information is true and accurate to the best of my knowledge.

Signature: _____ Date: _____

Students**Exhibit - Interview Form for Bullying and School Violence Investigation**

To be completed by the Building Principal or designee to obtain information about a bullying report. Use this form as a coversheet for each person interviewed during the investigation.

Name of person interviewed: _____ Date: _____

Name of interviewer: _____ Title: _____

Instructions for Interviewer

1. Protect the identity of the student who reports. Begin a prompt, thorough and impartial investigation by interviewing witnesses separately in a private location with a school colleague present (not the school resource officer). Use the **Questions** section below to guide your notes while you interview the person listed above. Attach to 7:180-AP1, E7, *Response to Bullying and School Violence*.
2. Make your notes on a separate document and attach them to this form.
3. Review and preserve any videos, photos, screenshots or other physical evidence and label it.
4. File this form, notes, and any other evidence provided in a designated investigation and response folder.
5. Use this form to complete 7:180-AP1, E7, *Response to Bullying and School Violence*.
6. Create a *Basic Facts* section, i.e., who, what, where, when, why and how.
7. Record the actions and behavior that were experienced or observed (follow-up with leading questions to complete the description of what happened and its consequences, if necessary).
8. Include open-ended questions. For example, ask "How are you feeling?" "How has what happened affected you?"

Questions

1. Has this happened before?
2. Do you fear for your safety? How? Where (~~just~~ at school, home, or both places)?
3. Do you fear that harm would come to any of your personal property? How?
4. Age appropriately ask whether the target's health (physical, emotional, and/or mental) has been affected. How (seen by a doctor, missing school)?
5. Has your academic performance been affected? How (increase in tardiness/absences, grades going down, missed assignments)?
6. Have you quit or modified attendance in any extracurricular activities?
7. Have you changed any of your usual routines at school (using different hallway, skipping lunch in lunchroom or using different lunch period, taking different route to school, etc.)?
8. Why do you think this behavior is happening?
9. What will help make you feel safe?

Students

Exhibit - Response to Bullying and School Violence

To be completed by the Building Principal and attached as a coversheet for the school office's designated bullying report investigation and response folder. Place a copy of the completed coversheet only (not attachments) in each listed student's temporary school student record. Redact all student names other than the student's name for which the record pertains.

Investigator: _____ Title: _____

Investigation

File an interview form for each party interviewed in the designated investigation and response folder.

☐ Check here to indicate that all interview forms have been properly completed and filed.

Target: _____ Date: _____

Aggressor: _____ Date: _____

Witnesses: _____ Date: _____

_____ Date: _____

_____ Date: _____

Are there any prior documented incidents by the aggressor identified above? ☐ Yes ☐ No (Attach information)

If yes, have incidents involved target or target group previously? ☐ Yes ☐ No

Findings

☐ Bullying ☐ Other: _____

☐ Aggressor motivated by protected characteristics listed in policy 7:20, *Harassment of Students Prohibited*.

Bullying and School Violence Investigation Response

Response and Plan for Target (Check all that apply and include descriptions.)

☐ Contact parent/guardian: _____ Date: _____

Circle contact method: Phone Email Letter In-person Other: _____

☐ Safety plan: _____

☐ Increase staff supervision: _____

☐ Education: _____

☐ Minimize contact with aggressor: _____

☐ District resources: (Student Services/IDEA/504) _____

☐ Other: _____

Target follow-up scheduled date: _____ Date and initial completed: _____

Parent/guardian follow-up date: _____ Date and initial completed: _____

Circle contact method: Phone Email Letter In-person Other: _____

☐ Provide parent/guardian with copies of Board policy 2:260 and 7:180. Date: _____

Response and Plan for Aggressor (Check all that apply and include descriptions.)

- ☐ Contact parent/guardian: _____ Date: _____
Circle contact method: Phone Email Letter In-person Other: _____
- ☐ 7:190-E1, *Aggressive Behavior Reporting Letter and Form* sent Date: _____
- ☐ Provide parent/guardian with copies of Board policy 2:260 and 7:180 Date: _____

Restorative Responses

- ☐ Safety plan: _____
- ☐ Increase staff supervision: _____
- ☐ Education: _____
- ☐ Non-District affiliated psychological services: _____
- ☐ Alternative school assignment: _____
- ☐ Minimize contact with target: _____
- ☐ District resources (Student Services/IDEA/504): _____
- ☐ Other: _____

Punitive Responses

- ☐ Loss of privileges: _____
- ☐ Detention: _____
- ☐ Suspension: _____
- ☐ Expulsion: _____
- ☐ Community agency service: _____
- ☐ Reciprocal Reporting Act utilized: ☐ Yes ☐ No _____
- ☐ Report to School Resource Officer/Law Enforcement: _____
- ☐ Other: _____

Aggressor follow-up date: _____ Date and initial completed: _____
Circle contact method: Phone Email Letter In-person Other: _____

Parent/guardian follow-up date: _____ Date and initial completed: _____
Circle contact method: Phone Email Letter In-person Other: _____

- ☐ Contact District complaint manager: _____ Date: _____
- ☐ Target response implementation: _____
- ☐ Aggressor response implementation: _____
- ☐ Systemic culture/climate intervention: _____
- ☐ Referral to address needs for ideal conditions for developmental learning: _____
- ☐ Other: _____

Submit reports to: ☐ Building Principal (if not the investigator) Date: _____
☐ Superintendent Date: _____

Signature of investigator: _____ Date: _____

Students

Exhibit - Memo to Parents/Guardians Regarding Teen Dating Violence

On District letterhead

Date

Re: Teen Dating Violence

Dear Parents/Guardians:

At our school, teen dating violence is unacceptable. We are committed to providing our students with a school environment where they can learn free from worries about school violence. The purpose of this letter is to inform you of School Board policy, 7:185, *Teen Dating Violence Prohibited*, which is a component of the District's anti-bullying program.

Research has shown that teen dating violence can form lifelong, unhealthy habits during young adults' formative years. Educating parents/guardians, students, and staff about teen dating violence can help us identify incidents of teen dating violence at school or school-related activities. The Board's policy states that *teen dating violence* occurs whenever a student uses or threatens to use physical, mental, or emotional abuse to control an individual in the dating relationship; or uses or threatens to use sexual violence in the dating relationship.

Students in grades 7 through 12 will receive age-appropriate instruction on teen dating violence including its warning signs and prevention. School staff will also receive training on handling the signs and incidents of teen dating violence. I have asked our school staff members to respond immediately and with compassion to a student who reports teen dating violence. After evaluating the situation to determine if an immediate referral to my office is needed, a staff member will give the student our form for reporting bullying, 7:180-AP1, E5, *Report Form for Bullying—and School Violence*.

Finally, I have ~~requested-directed~~ staff members to intervene immediately to stop incidents of teen dating violence occurring at school. They will proceed under our District's procedures for responding to incidences of bullying and school violence.

Below are some warning signs that your child may be involved in teen dating violence:

- Name-calling and *put-downs*. Does one individual in the relationship call the other person names? Does he or she use insults to put the other person down?
- Extreme Jealousy. Does one individual in the relationship act ~~incredibly-overly~~ jealous when the other talks to peers? Does one person accuse the other of flirting even when it's innocent conversation?
- Making Excuses. Does one individual in the relationship make excuses for the other? Does he or she have to apologize for the other person's behavior?
- Canceling or changing plans. Does one individual cancel plans often, and at the last minute? Do the reasons make sense or sound untrue?
- Monitoring. Does one person call, text message, or check up on the other constantly? Does he or she demand to know the other person's plans or with whom the other person was with?
- Uncontrolled Anger. Have you seen one individual lose his or her temper? Does he or she throw things – or break things – when angry? Does one person in the relationship worry a lot about upsetting the other?

- Isolation. Has one individual in the relationship given up spending time with friends? Has that individual stopped doing activities that used to be important?
- Dramatic Changes. Have either of the individuals in the relationship had appearance changes? Has he or she lost or gained weight? Have his or her grades dropped? Does he or she seem depressed?
- Injuries. Does one person in the relationship have unexplained injuries, or does he or she give explanations that don't make sense?
- Quick Progression. Did the relationship get serious very quickly?

These signs do not necessarily mean that your child is involved in teen dating violence, but, if present, talk to your child about teen dating violence.

For more information about this issue, please see the Centers for Disease Control and Prevention's educational materials at:

www.cdc.gov/ViolencePrevention/intimatepartnerviolence/teen_dating_violence.html.

Please let me know if you have any questions or concerns.

Sincerely,

Building Principal

Students

Student Handbook - Hazing Prohibited ¹

Soliciting, encouraging, aiding, or engaging in hazing, no matter when or where it occurs, is prohibited. *Hazing* means any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students. ²

Students engaging in hazing will be subject to one or more of the following disciplinary actions:

1. Removal from the extracurricular activities,
2. Conference with parents/guardians, and/or
3. Referral to appropriate law enforcement agency.

Students engaging in hazing that endangers the mental or physical health or safety of another person may also be subject to:

1. Suspension for up to 10 days, and/or 3
2. Expulsion for the remainder of the school term. 4

The footnotes should be removed before the material is used.

¹ State or federal law controls this student handbook provision's content. This provision concerns an area in which the law is unsettled in that a school's authority to discipline a student for off-campus hazing is unclear and highly fact-sensitive.

The district itself may be liable for a civil rights violation when school officials participate in hazing rituals. Hilton v. Lincoln-Way High Sch., 1998 WL 26174 (N.D. Ill. 1998) (female band member, who was hazed during a required retreat, stated a cause of action under §1983).

A district must identify a connection between a student's off-campus misconduct and the school before it may suspend or expel a student. In a case involving an off-campus *powder puff* football game that evolved into senior girls physically hazing junior girls, the federal judge upheld a school's authority to discipline students, saying: "When one set of students sets to prey upon another set of students in a ritualistic exercise, the consequences of which will necessarily effect the students' relationships while they are all in attendance at the same school, the ability of school officials to act in the area and discipline those who went beyond the pale of tolerable student behavior is manifest." Gendelman v. Glenbrook North High Sch. and Northfield Township Twp. Sch. Dist. v. Sch., 2003 WL 21209880 (N.D. Ill., 5/21/2003). In that case, the school handbook expressly prohibited hazing and harassment; this prohibition was not limited to school sponsored events.

Schools have greater latitude to remove students from extracurricular participation than to suspend or expel them from school. See sample policy 7:240, *Conduct Code for Participation in Extracurricular Activities*.

School employees who observe hazing that results in bodily injury to a student must report it to the building principal or superintendent; see 5:90, *Abused and Neglected Child Reporting*.

² According to Illinois criminal law, a person commits hazing who knowingly requires the performance of any act by a student or other person in a school, college, university, or other educational institution of this State, for the purpose of induction or admission into any group, organization, or society associated or connected with that institution if: (a) the act is not sanctioned or authorized by that educational institution; and (b) the act results in bodily harm to any person (720 ILCS 5/12C-50(a), amended by P.A. 97-1109). Hazing is a Class A misdemeanor, except hazing that results in death or great bodily harm is a Class 4 felony. 720 ILCS 5/12C-50(b). People v. Rokita, 591 N.E.2d 461, 148 Ill.2d 15 (Ill., 1992) (hazing statute was not overbroad by punishing constitutionally protected speech because it reached only conduct that recklessly, knowing, or intentionally results in bodily injury).

³ See 7:200, *Suspension Procedures*, for further information concerning student suspension.

⁴ See 7:210, *Expulsion Procedures*, for further information concerning student expulsion.

Students

Exhibit - Placement of Students with AIDS

The following are excerpts from "Placement of School Children with Acquired Immune Deficiency Syndrome (AIDS)," U.S. Department of Education, Office of Civil Rights, www.ed.gov/about/offices/list/ocr/section504/504faq.html

OCR Policy on the School Placement of Children with AIDS

Children with AIDS are disabled persons. Section 504 prohibits discrimination against persons with disabilities in federally assisted programs such as elementary and secondary schools.

Where Should Children with AIDS Be Educated

Most children with AIDS can attend school in the regular classroom without restrictions. There has been no medical evidence disclosed to show that AIDS is contagious in the school setting. According to the latest medical information, there have been no reported cases of the transmission of the AIDS virus in schools. The Surgeon General and other health authorities, such as the Centers for Disease Control and the American Medical Association, have reinforced this position stating that there is no significant risk of contracting AIDS in the classroom.

If a parent or school official believes that a child with AIDS needs related services or placement outside the regular classroom, Section 504 requires an evaluation and placement process to determine the appropriate educational setting for a child with AIDS. However, a full educational evaluation is not required when neither the school officials nor parents believe that a child is in need of special education or related services.

If an evaluation is necessary, Section 504 requires the following procedures. Placement determinations are to be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options available. The group may include the child's physician, public health personnel, the child's parent or guardian, and personnel familiar with all possible educational services. The group would draw upon information from a variety of sources, such as tests, teacher recommendations, and assessments of the child's physical condition.

In making placement decisions, the information needed by the placement team varies with the disabling condition. In the case of children with AIDS, the placement group must have the benefit of the latest reliable public health information with regard to the risks that the disease entails. This information would be considered along with information on the child's medical condition, behavior, and so forth. In each case, risks and benefits to both the infected child and others in the setting should be weighed.

A Child with AIDS Has a Right to Section 504 Procedural Safeguards

Section 504 requires elementary and secondary school districts to provide a free appropriate public education for disabled students that includes evaluation and placement procedures, and a system of procedural safeguards that includes notice to parents or guardians of their rights under the law, an opportunity for the child's parents or guardians to examine relevant records, an impartial hearing with

Students

Exhibit - Reporting and Exclusion Requirements for Common Communicable Diseases 1

The following chart contains requirements from rules adopted March 3, 2008 by the ~~Illinois Ill.~~ ~~Department Dept.~~ of Public Health (IDPH), as amended. They provide routine measures for the control of communicable diseases by establishing progressive initiatives for implementing disease-reporting and exclusions measures.

Diseases and Conditions, 77 Ill.Admin.Code §690.100

The following are declared to be contagious, infectious, or communicable and may be dangerous to the public health. The Section number associated with the listed diseases indicates the Section of the rules explaining the reportable disease. Diseases and conditions are listed alphabetically by class. Every class has a different timeframe for mandatory reporting to ~~the Department~~ the IDPH.

Class I(a) Diseases

The following diseases shall be reported by telephone immediately (within ~~3-three~~ hours) upon initial clinical suspicion of the disease to the local health authority, who shall then report to the ~~Department~~ IDPH immediately (within ~~3-three~~ hours).

Disease	Exclusion <u>Mandatory Rules</u>
Any Unusual Case or Cluster of Cases That May Indicate a Public Health Hazard, Including unusual case of a <u>disease or condition caused by an infectious agent not listed in IDPH regulations that is of urgent public health significance (including, bBut nNot</u> limited to, cowpox, Reye's syndrome, glanders, amoebic meningoencephalitis, orf, monkeypox, viral hemorrhagic fever viruses, infection from a laboratory-acquired recombinant organism, or any disease non-indigenous to the United States), §690.295	Contacts shall be evaluated to determine the need for quarantine. The local health authority shall implement appropriate control measures.
Anthrax, §690.320	No restrictions <u>if exposure is from infected animals or animal products.</u>

The footnotes should be retained.

1 ~~These are included in the Illinois Department of Public Health's new rules available at: www.idph.state.il.us/rulesregs/2008_Rules/Adopted/77_IAS_690_3-14.pdf. Previously, this exhibit contained the IDPH publication, *Communicable Disease Guide 2002*; that publication has not been updated to reflect the current rules. Therefore, this table reflects all of the current rules' reporting requirements and deletions and additions of reportable diseases.~~ School and day care personnel, nurses, nurse aides, health care practitioners, and parents, among others, must notify the local health authority if they have knowledge of a known or suspected case or carrier of communicable disease. ~~(77 Ill.Admin.Code §690.200).~~ The time frames are contained in the IDPH rules. The reports may be by telephone or in writing and must be kept confidential.

Disease	Exclusion Mandatory Rules
	<u>If there is a suspected bioterrorist threat or event, contacts will be evaluated to determine need for quarantine.</u>
Botulism, Foodborne, Intestinal, §690.327	No restrictions-
Brucellosis (if suspected to be a bioterrorist event or part of an outbreak), §690.330	Standard precautions ² shall be followed. -Contact precautions ³ shall be followed when dressing does not adequately contain drainage.
<u>Diphtheria, §690.380</u>	<u>Standard precautions shall be followed until two successive cultures from both throat and nose (and skin lesions in cutaneous diphtheria) are negative for diphtheria bacilli or when a virulence test proves the bacilli to be avirulent. The first culture shall be taken not less than 24 hours after completion of antibiotic therapy and the second culture shall be taken not less than 24 hours after the first.</u>
Influenza A, Novel Virus, §690.469	Standard precautions, including routine use of eye protection, and contact precautions shall be followed for patients in health care settings, e.g., hospitals, long-term care facilities, outpatient offices, emergency transport vehicles. <u>Control of contacts is based on transmissibility and severity of the illness that caused the influenza strain. Cohorting in specific areas or wards may be considered.</u>
Plague, §690.570	Standard precautions shall be followed. For all patients, droplet precautions ⁴ shall be followed until pneumonia has been determined not to be present. For patients with pneumonic plague, droplet precautions shall be followed until 48 ⁷² hours after initiation of effective antimicrobial therapy and the patient has a favorable clinical response. Antimicrobial susceptibility testing is recommended. <u>A strict, seven day quarantine is required for contacts to pneumonic plague who refuse chemoprophylaxis.</u>
<u>Poliomyelitis, §690.580</u>	<u>Occurrence of a single case of poliomyelitis due to wild polio virus shall be recognized as a public health emergency, prompting immediate investigation and response.</u>
Q-fever (if suspected to be a bioterrorist event or part of an outbreak), §690.595	<u>Standard precautions shall be followed. No restrictions on contacts.</u>
Severe Acute Respiratory Syndrome (SARS), §690.635	Observation and monitoring, isolation and quarantine procedures shall comply with <i>Public Health Guidance for Community-Level Preparedness and Response to Severe Acute Respiratory Syndrome (SARS) Version 2</i> , U.S. Department of Health and Human Services, Public Health Service, Centers for

The footnotes should be retained.

² Standard precautions refers to infection prevention and control measures for healthcare settings that apply to all patients regardless of diagnosis or presumed infection status. 77 Ill.Admin.Code §690.10.

³ Contact precautions refers to infection control measures for healthcare settings designed to reduce the risk of transmission of infectious agents that can be spread through direct contact with the patient or indirect contact with potentially infectious items or surfaces. 77 Ill.Admin.Code §690.10.

⁴ Droplet precautions refers to infection control measures for healthcare settings designed to reduce the risk of transmission of infectious agents via large particle droplets that do not remain suspended in the air and are usually generated by coughing, sneezing, or talking. 77 Ill.Admin.Code §690.10.

Disease	Exclusion <u>Mandatory Rules</u>
	Disease Control and Prevention, Atlanta, Georgia 30333 (January 8, 2004). Contacts may be quarantined and/or shall be placed under surveillance, with close observation for fever and respiratory symptoms for the 10 days following the last exposure.
Smallpox, §690.650	Post-exposure immunization, within three ³ to four ⁴ days after exposure, provides some protection against disease and significant protection against a fatal outcome. Any person with significant exposure to a person with probable or confirmed smallpox during the infectious stage of illness requires immunization as soon after exposure as possible, but within the first four ⁴ days after exposure.
Tularemia (if suspected to be a bioterrorist event or part of an outbreak), §690.725	Standard precautions shall be followed.
Any suspected bioterrorist threat or event, §690.800	Cases and contacts shall be evaluated to determine need for quarantine.

Class I(b) Diseases

The following diseases shall be reported as soon as possible during normal business hours by telephone (some rules state that facsimile or electronic reporting are also acceptable, the Disease column indicates “F” for facsimile or “E” for electronic in those instances), but within 24 hours, i.e., within ~~eight~~⁸ regularly scheduled business hours after identifying the case, to the local health authority, who shall then report to ~~the Department~~^{IDPH} as soon as possible, but within 24 hours.

Disease	Exclusion <u>Mandatory Rules</u>
Botulism (intestinal, wound and other), §690.327	No restrictions.
<u>Brucellosis (not part of suspected bioterrorist event or part of an outbreak), §690.330</u>	<u>Standard precautions shall be followed. No restrictions on contacts.</u>
Chickenpox (Varicella), §690.350 (F or E)	Children shall be excluded from school or child care facilities for a minimum of five ⁵ days after the appearance of eruption or until vesicles become dry.
Cholera, §690.360 (F)	Standard precautions shall be followed. Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until absence of diarrhea for 24 hours.
Diphtheria, §690.380	Standard precautions shall be followed until 2 successive cultures from both throat and nose (and skin lesions in cutaneous diphtheria) are negative for diphtheria bacilli or when a virulence test proves the bacilli to be avirulent. The first culture shall be taken not less than 24 hours after completion of antibiotic therapy and the second culture shall be taken not less than 24 hours after the first.
Escherichia coli infections (E. coli O157:H7 and other Shiga toxin-producing E. coli, enterotoxigenic E. coli,	Standard precautions shall be followed. Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until absence of diarrhea for 24 hours.

Disease	Exclusion Mandatory Rules
enteropathogenic E. coli and enteroinvasive E. coli), §690.400 (F)	
Foodborne or waterborne illness, §690.410 (F)	Standard precautions shall be followed. Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until absence of diarrhea for 24 hours.
Haemophilus influenzae, meningitis and other invasive disease, §690.441 (F)	Standard precautions and droplet precautions shall be followed. Droplet precautions shall be followed until 24 hours after initiation of effective antimicrobial therapy.
Hantavirus pulmonary syndrome, §690.442 (F)	Standard precautions shall be followed. <u>No restrictions on contacts.</u>
Hemolytic uremic syndrome, post-diarrheal, §690.444 (F)	See requirements for the applicable disease that preceded the HUS (when preceding cases are either E.Coli (Section §690.400) or Shigellosis (Section §690.640) standard precautions shall be followed and contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until absence of diarrhea for 24 hours).
Hepatitis A, §690.450 (F)	Standard precautions shall be followed. In diapered or incontinent persons, the following contact precautions shall be followed: <ul style="list-style-type: none"> • Infants and children less than three3 years of age for duration of hospitalization; • Children 3 to 14 years of age, until two2 weeks after onset of symptoms; and • Those greater than 14 years of age, for one week after onset of symptoms.
<u>Influenza admissions into intensive care unit, §690.468 (F or E)</u>	<u>Standard and droplet precautions shall be followed. IDPH may distribute additional recommendations in conjunction with CDC guidance.</u>
Measles, §690.520	Children with measles shall be kept out of school or child care facilities for at least four 4 days after appearance of the rash.
Mumps, §690.550 (F or E)	Cases shall be excluded from school, child care facilities or workplace until five 5 days after onset of symptoms (parotitis). Susceptible contacts should be excluded from school or the workplace from days 12 through 25 after exposure.
Neisseria meningitidis, meningitis and invasive disease, §690.555 (F)	Standard and droplet precautions shall be followed. <u>Droplet precautions shall be followed</u> until 24 hours after initiation of effective antimicrobial therapy.
<u>Outbreaks for public health significance (including but not limited to, foodborne and waterborne outbreaks), §690.565 (E)</u>	<u>Make a report to local health authority within 24 hours for investigation for investigation. If outbreak has occurred, the local health authority makes a final report to IDPH. Cases are evaluated to determine need for isolation.</u>
Pertussis (whooping cough), §690.750	Standard and droplet precautions shall be followed for known cases until the patient has received at least five 5 days of a course of appropriate antibiotics. <u>Case shall be excluded from school until five days of appropriate antibiotic therapy is complete.</u> Suspected cases who

Disease	Exclusion Mandatory Rules
	do not receive antibiotics should be isolated for three 3 weeks after onset of paroxysmal cough or until the end of the cough, whichever comes first.
Poliomyelitis, §690.580	Occurrence of a single case of poliomyelitis due to wild polio virus shall be recognized as a public health emergency, prompting immediate investigation and response.
<u>Q-fever (not suspected in bioterrorist attack or part of an outbreak), §690.595</u>	<u>Standard precautions shall be followed. No restrictions for contacts.</u>
Rabies, human, §690.600 (F)	Standard precautions shall be followed.
Rabies, potential human exposure, §690.601 (F) Definition of exposed person to be reported is lengthy and available in §690.601.	<u>The local health authority determines whether rabies post-exposure prophylaxis for the exposed person is needed.</u> N/A until human contracts rabies (See above §690.600.)
Rubella, §690.620 (F or E)	Cases shall be excluded from school, child care facilities or the workplace for seven 7 days after rash onset. <u>Susceptible contacts should be excluded from school from days seven through 23 following rash onset after last exposure.</u>
Smallpox vaccination, complications of §690.655 (E)	Precautions for individuals with vaccination complications vary depending upon the type of complication. See Smallpox, §690.650 above.
Staphylococcus aureus, Methicillin resistant (MRSA) clusters of 2 or more cases in a community setting, §690.658 (F)	The local health authority shall be consulted regarding any identified cluster of two 2 or more cases for recommendations specific to the setting where the cluster is identified.
Staphylococcus aureus, Methicillin resistant (MRSA), occurring in infants under 61 days of age, §690.660 (F)	Contact precautions shall be followed
Staphylococcus aureus infections with intermediate or high level resistance to Vancomycin, §690.661 (F)	The Department will issue specific recommendations on a case-by-case basis.
Streptococcal infections, Group A, invasive and sequelae to Group A streptococcal infections, §690.670 (F)	Standard Precautions shall be followed. Droplet Precautions shall be followed for persons with necrotizing fasciitis or toxic shock syndrome until 24 hours after initiation of effective antimicrobial therapy. <u>In cases of necrotizing fasciitis, when dressing does not adequately contain drainage, c</u> contact precautions shall be followed until 24 hours after initiation of effective antimicrobial therapy.
Streptococcal Sore Throat and Scarlet Fever (with complications)	Exclude case from school until 24 hours after treatment begins; readmit provided fever is absent.
<u>Tularemia (not suspected to be bioterrorist event or part of an outbreak), §690.725</u>	<u>Standard precautions shall be followed. No restrictions on contacts.</u>
Typhoid fever, §690.730 (F)	All persons living in the household of a newly identified chronic carrier and other contacts living outside the home must submit 2

Disease	Exclusion Mandatory Rules
	two consecutive negative specimens of feces. If persons required to be tested refuse to comply within one week after notification, they shall be restricted from their occupations, school attendance or day care (adult or child) attendance until compliance is achieved.
Typhus, §690.740 (F)	Standard precautions shall be followed. Proper delousing for louseborne typhus is required. The local health authority shall monitor all immediate contacts for clinical signs for two 2 weeks.

Class II Diseases

The following diseases shall be reported as soon as possible by mail, telephone, facsimile or electronically during normal business hours, but within ~~7~~seven days, to the local health authority which shall then report to the ~~Department~~ IDPH within ~~seven~~7 days.

Disease	Exclusion Mandatory Rules
Arboviral Infection (including, but not limited to, California encephalitis, St. Louis encephalitis and West Nile virus), §690.322	<u>Standard precautions shall be followed.</u> No restrictions <u>on contacts.</u>
<u>Campylobacteriosis, §690.335</u>	<u>Standard precautions shall be followed. Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until diarrhea is absent for 24 hours.</u>
Brucellosis (not part of suspected bioterrorist event or part of an outbreak), §690.330	No restrictions. Contact precautions shall be followed when dressing does not adequately contain drainage.
Chaneroid, §693.20	Case by case analysis required.
Chlamydia, §693.20	None
Creutzfeldt-Jakob Disease (laboratory confirmed and probable cases), §690.362	Standard precautions shall be followed. <u>No restrictions on contacts.</u>
Cryptosporidiosis, §690.365	Standard precautions shall be followed until absence of diarrhea for 24 hours. Cases shall avoid swimming in public recreational water venues (e.g., swimming pools, whirlpool spas, wading pools, water parks, interactive fountains, lakes) while symptomatic and for 2 weeks after cessation of diarrhea.
Cyclosporiasis, §690.368	Standard precautions shall be followed. <u>Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until absence of diarrhea for 24 hours. Cases shall avoid swimming in public recreational water venues while symptomatic and for two weeks after cessation of diarrhea.</u> No restrictions.
Gonorrhea, §693.20	None
Giardiasis, §690.420	Standard precautions shall be followed until absence of diarrhea for 24 hours.
Hepatitis B and Hepatitis D, §690.451	Standard precautions shall be followed. No restrictions <u>on</u>

Disease	Exclusion Mandatory Rules
	contacts. Quarantine is not indicated.
Hepatitis C, §690.452	Standard precautions shall be followed. No restrictions <u>on contacts.</u>
Histoplasmosis, §690.460	Standard precautions shall be followed. No restrictions <u>on contacts.</u>
Human Immunodeficiency Virus (HIV) or (AIDS) (infection), §693.20	None
Influenza, Deaths in persons less than 18 years of age (<u>lab confirmed and</u> no recovery between illness and death), §690.465	N/A
Legionellosis, §690.475	Standard precautions shall be followed. No restrictions <u>on contacts.</u> Isolation is not required.
<u>Leprosy (Hansen's Disease), §690.480</u>	<u>Standard precautions shall be followed. No restrictions at school facilities.</u>
Leptospirosis, §690.490	Standard precautions shall be followed. <u>No restrictions on contacts.</u>
Listeriosis (<u>when both mother and newborn are positive, report mother only</u>), §690.495	Standard precautions shall be followed. No restrictions <u>on contacts.</u>
Malaria, §690.510	Standard precautions shall be followed. No restrictions <u>on contacts.</u>
Ophthalmia neonatorum, §693.20	None
Psittacosis <u>due to chlamydia psittaci</u> , §690.590	Standard precautions shall be followed. No restrictions <u>on contacts.</u>
Q fever (not suspected in bioterrorist attack or part of an outbreak), §690.595	Standard precautions shall be followed. No restrictions.
Salmonellosis (other than typhoid fever), §690.630	Standard precautions shall be followed. <u>Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until absence of diarrhea for 24 hours.</u> until absence of diarrhea for 24 hours.
Shigellosis, §690.640	Standard precautions shall be followed. <u>Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until diarrhea is absent for 24 hours.</u>
Toxic shock syndrome due to Staphylococcus aureus infection, §690.695	Standard precautions shall be followed. No restrictions <u>on contacts.</u>
Streptococcus pneumoniae, invasive disease in children less than <u>five</u> years, §690.678	Standard precautions shall be followed. No restrictions <u>on contacts.</u>
Syphilis, §693.20	None
Tetanus, §690.690	Standard precautions shall be followed and post-injury patients at risk should receive human tetanus immune globulin and/or

Disease	Exclusion Mandatory Rules
	toxoid. No restrictions <u>on contacts</u> .
Tickborne Disease, including ehrlichiosis, anaplasmosis, Lyme disease, and Rocky Mountain spotted fever, §690.698	Standard precautions shall be followed. No restrictions <u>on contacts</u> .
Trichinosis, §690.710	Standard precautions shall be followed. No restrictions <u>on contacts</u> .
Tuberculosis, §696.170	<u>Reporting requirement is limited to health care professionals (includes nurses and health coordinators or health care settings). Report electronically or by facsimile, followed up with a phone call to local TB authority, or if none, to IDPH.</u> Exclude case if considered to be infectious according to IDPH's rules and regulations for the control of TB <u>or as recommended by the local health authority</u> .
Tularemia (not suspected to be bioterrorist event or part of an outbreak), §690.725	Standard precautions shall be followed. No restrictions.
Vibriosis (Non-cholera Vibrio infections), §690.745	Standard precautions shall be followed. <u>Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until diarrhea ceases.</u> until diarrhea ceases. No restrictions.
Yersiniosis, §690.752	Standard precautions shall be followed <u>followed</u> . <u>Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until diarrhea ceases.</u> until absence of diarrhea for 24 hours. No restrictions.

Reporting of Sexually Transmissible Infections, 77 Ill.Admin.Code 693.30

The following sexually transmitted infections are reportable by health care professionals only (which includes advanced practice nurses, licensed nurses (including school nurses), or other persons licensed or certified to provide health care services of any kind to the local health department, or if none exists, to IDPH: Reports are strictly confidential and must be made within seven days after the diagnosis or treatment.

<u>Infection</u>	<u>Exclusion Rules</u>
<u>Acquired Immunodeficiency Syndrome (AIDS)</u>	<u>A person may only be isolated with that person's consent or upon order of a court in those cases where the public's health and welfare are significantly endangered and where all other reasonable means have been exhausted and no less restrictive alternative exists. 77 Ill.Admin.Code §693.60.</u>
<u>HIV Infection</u>	<u>See above.</u>
<u>Syphilis</u>	<u>See above.</u>
<u>Gonorrhea</u>	<u>See above.</u>
<u>Chlamydia</u>	<u>See above.</u>
<u>Chancroid</u>	<u>See above.</u>

~~Diseases Repealed from Reportable Diseases and Conditions and Exclusion Criteria for Non-Reportable Diseases and Conditions~~
~~Illnesses, §690.110~~

There are a number of diseases and illnesses that have either never been reportable or no longer need to be reported under IDPH rules. However, some of these conditions may still pose a health risk and require exclusion from school. IDPH has published a chart which includes diseases and illnesses that do not require reporting of individual cases (as well as more common diseases those that do need to be reported), but may still require exclusion from school. Please refer to the following link for further guidance at:

<http://dph.illinois.gov/sites/default/files/publications/commchartschool-032817.pdf>.

The following diseases do not need to be reported. Some are no longer reportable diseases and conditions, but may still require exclusion from school. Exclusions still rely upon 2002 Illinois Department of Public Health publication, *Communicable Disease Guide 2002*, see footnote 1.

Disease	Exclusion Mandatory
Amebiasis	None
Animal Bites	None
AIDS related complex	None
Bacterial Vaginosis	None
Blastomycosis	None
Campylobacteriosis	None
Common Cold	None
Cytomegalovirus (CMV)	None
Diarrhea of the newborn	None
Fever	None
Fifth Disease/Erythema Infectiosum (Parvovirus B19)	Exclude case if fever is present or if child does not feel well enough to participate in usual activities.
Gastroenteritis (Viral)	Exclude case from school until clinical recovery, i.e., absence of diarrhea and fever.
Genital Candidiasis (Yeast)	None
Genital Warts (Human Papillomavirus, HPV)	None
Hand, Foot and Mouth Disease (Coxsackievirus A16)	None
Head Lice	Exclude case from school until the day after the first shampoo, lotion, or cream rinse pediculicide is properly applied.
Herpes Simplex Virus	Case should be excluded from contact sports, e.g., wrestling, if active lesions are present on the body (outside the genital area) until lesions have resolved.
Granuloma inguinale	None
Impetigo	Exclude case from school until 24 hours after treatment begins.
Infectious Mononucleosis	Case by case analysis required.

Disease	Exclusion Mandatory
Influenza	Exclude case from day care or school until clinical recovery, i.e., absence of fever.
Intestinal worms	None
Lymphogranuloma venereum	None
Non-Gonococcal Urethritis/Non-specific Vaginitis	None
Pink Eye	Exclude case from school until 24 hours after the treatment begins or child is examined by a physician and approved for readmission to school.
Pinworms	Exclude case from school until 24 hours after treatment begins.
Pubic Lice ("Crabs")	None
Rash	Case-by-case analysis required.
Respiratory Syncytial Virus (RSV)	Exclude case from school if child has a fever of 100° F or greater or is not well
Ringworm (body and scalp)	Exclude case from school until 24 hours after treatment begins and the lesion begins to shrink, unless lesion can be covered; child need not be excluded if lesion can be covered.
Scabies	Exclude case from school until the day after the first scabicide treatment.
Shingles	If shingles lesions cannot be covered, the case should be excluded until all lesions are crusted.
Streptococcal infections, group B, invasive disease, of the newborn	None
Streptococcal Sore Throat and Scarlet Fever (cases without complications)	Exclude case from school until 24 hours after treatment begins; readmit provided fever is absent.
Trachoma	None
Trichomoniasis	None

Instruction

Exhibit - Prevention of Staphylococcal Infections for Schools

The following ~~are~~ includes excerpts from *Recommendations for the Prevention of Staphylococcal Infections for Schools*, ~~and~~ *Basic Hygiene Guidelines for the Prevention of Staphylococcal Infections in Schools*, and *Guidance for School and Student Athletes About Community-Associated Staphylococcus Aureus (CA-MRSA) Infections*, Ill. Dept. of Public Health (IDPH):

www.idph.state.il.us/health/infect/schoolstaphrecs.htm.

www.idph.state.il.us/health/infect/hygiene.htm.

www.idph.state.il.us/health/infect/MRSA_School_Recs.htm.

This exhibit may be reformatted and distributed to students and their parents/guardians, faculty, and staff to inform them about what staphylococcus aureus is, how it spreads, and how staph infections can be prevented.

Education/Increased Awareness

Staphylococcus aureus, often referred to as *staph*, are bacteria commonly found on the skin or in the noses of healthy people. On occasion, staph bacteria can cause much more serious skin infections, such as bloodstream infections or pneumonia.

Treatment of some staph infections has become more problematic in recent years because the bacteria have become resistant to various antibiotics. Methicillin-resistant Staphylococcus aureus (MRSA) is a type of staph that is resistant to some antibiotics, including the antibiotic methicillin. CA-MRSA can be transmitted from person to person through close contact. Recently, the IDPH has received increasing reports of both outbreaks and sporadic cases of CA-MRSA infections.

Knowledge regarding precautions and preventive measures related to CA-MRSA is prudent practice. Transmission of MRSA skin and soft tissue infections among students and those who participate in competitive sports is a significant concern. All persons, especially coaches, athletic trainers, parents/guardians, and teammates, associated with the school's competitive sport activities and sport teams should engage in initiatives to increase adherence to Board policy, 7:280, *Communicable and Chronic Infectious Disease*, and procedures designed to prevent transmission of MRSA skin infections, and awareness of risk factors for infections.

All students, athletes, and their parents/guardians should also be aware of the possible risk factors for MRSA skin and soft tissue infection especially occurring among athletes:

- Physical contact/skin trauma
- Turf burns (football players)
- Contact with teammates' uncovered skin lesions
- Sharing protective equipment, clothing, or towels
- Sharing sports equipment
- Sharing personal hygiene items
- Reuse of unlaundered towels, clothing, uniforms, etc.
- Inadequate supply of dispensable or individual-use soap
- Cosmetic body shaving
- Poor personal hygiene practices, including infrequent hand washing

- Poor cleaning of locker rooms/sport rooms

In addition, since staph infections start when staph bacteria enter the body through a break in the skin, keeping skin healthy and intact is a good preventive measure. Good skin care should be encouraged among students and athletes.

Basic Hygiene Guidelines

Hand Hygiene

Students, faculty, and staff should be instructed about the correct technique for hand washing, including the importance of washing hands before eating or preparing food, after touching any skin lesions (sores) and wounds or clothing contaminated by drainage from lesions and wounds, and after using the toilet. Instructions should include the following:

- Turn on faucet and wet hands with running water.
- Apply soap and spread across all surfaces of hands.
- Scrub all surfaces of hands, including between each finger, for at least 20 seconds (saying the alphabet slowly will take at least 20 seconds).
- Rinse hands under running water.
- Dry hands with paper towels or air dryers.
- If available, use a paper towel to turn off faucet handles.

Hygiene

Students, faculty, and staff should be provided information about general hygienic measures, including the following:

- Keep your hands clean by washing thoroughly with soap and water. Use an alcohol hand gel when soap and water are not available.
- Avoid sharing eating and drinking utensils.
- Avoid sharing unwashed towels, washcloths, clothing, or uniforms.
- Avoid sharing personal items, e.g., deodorant, razors.
- Change socks and underwear daily.
- Wash bed linens and pajamas regularly, at least once a week if feasible.
- Wash soiled bed linens and clothes with hot water and laundry detergent. Drying clothes in a hot dryer, rather than air-drying, also helps kill bacteria in clothes.
- Bathe or shower with soap each day.
- Bathe or shower with soap after every sports practice or competition.
- Keep cuts and abrasions clean and covered with clean, dry bandages until healed.
- Follow your health care provider's instructions on proper care of wounds.
- Avoid contact with other people's wounds or material contaminated by wounds.

Hygiene for Sports Participants

In addition to the previously mentioned recommendations, sports participants should be provided these recommendations:

- Do not share towels, clothing, or uniforms.
- Do not store wet, dirty clothing in lockers.
- Avoid sharing personal equipment.
- Keep equipment clean. Follow coach's directions about cleaning the equipment.
- Keep cuts, abrasions, and wounds covered with clean, dry bandages. Persons with draining wounds or infections are not allowed to participate in practices or games until the wound has stopped draining.

- Report any cuts, abrasions, or wounds to the coach and school nurse.

See also: <http://www.cdc.gov/mrsa>.

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

DRAFT

Students

Exhibit - Certificate of Physical Fitness for Participation in Athletics 1

To be submitted to the Building Principal. (please print)

Student	Sport/Activity
Parent/Guardian	Home phone
Home address	Cell phone
Emergency contact (<i>relationship to student</i>)	Contact phone
Physician	Physician phone

Medical History: Date of Birth: _____ Height: _____ Weight: _____

☐ Heart condition ☐ Diabetes ☐ Asthma: ☐ Requires child to self-administer medication
☐ Epilepsy ☐ Allergies: ☐ Requires student to carry EpiPen®
☐ Other _____

List all medications (*prescribed and over the counter*)

Injuries (*brief description and dates*)

Surgeries (*brief description and dates*)

Physical activity restrictions (*brief description and duration*)

I certify that:

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

Parent/Guardian signature

Date

The footnotes should be removed before the material is used.

1 Secondary schools should substitute the IHSA and IESA's Pre-Participation Examination Form for this form when the sport is IHSA regulated. It is available at: www.ihsa.org/documents/sportsMedicine/Pre-participation%20Examination.pdf.

Students

Student Use of Buildings - Equal Access 1

[For high school and unit districts]

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

1. The meeting is held during those non-instructional times identified by the Superintendent or designee for noncurricular student groups, clubs, or organizations to meet. “Non-instructional time” means time set aside by the school before actual classroom instruction begins or after

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

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

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

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

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

A student group is *non-curriculum related* if it does not directly relate to the body of courses offered by the school. Board of Education of Westside Community School Dist. v. Mergens, 110 S.Ct. 2356-496 U.S. 226 (1990). School officials cannot avoid triggering the EAA’s equal access requirements by tying the purposes of the student clubs it wants to allow to some broadly defined educational goal. Likewise, it does not matter whether the school sponsors, recognizes, or supports the student group – the Act’s equal access requirements will be triggered whenever any student group is allowed to meet that is unrelated to the curriculum. The Mergens Court said that a student group directly relates to a school’s curriculum only if:

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

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

A school violates the EAA by allowing some student groups to meet on campus but refusing similar access to gay-lesbian clubs. Colin v. Orange Unified School Dist., 83 F.Supp.2d 1135 (C.D. Cal. 2000); White County High School Peers Rising In Diverse Education v. White County School Dist., 2006 WL 1991990, (D. Ga. 2006); SAGE v. Osseo Area School Dist. No. 279, 2007 WL 2885810 (D. Minn. 2007). But see Caudillo v. Lubbock Independent School Dist., 311 F.Supp.2d 550 (N.D.Tex. 2004)(school did not violate the EAA when it denied a gay student club’s request for access because the “maintain order and discipline” exception applied). Note the U.S. Supreme Court refused to apply N.J.’s public accommodation law to the Boy Scouts because forcing the Boy Scouts to accept a homosexual as a member would violate the Scouts’ freedom of expressive association. Boy Scouts of America v. Dale, 120 S.Ct. 2093-530 U.S. 120 (2000).

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

actual classroom instruction ends. ~~“Non-curricular student groups”~~ are those student groups, clubs, or organizations that do not directly relate to the curriculum. ³

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

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

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

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

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

³ 20 U.S.C. §4072.

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

⁵ In response to a school’s invitation for all student groups to paint murals in the school hallway, a Bible club sought to include a large cross. The school principal forbade the cross in order to avoid conflicts among students – there was evidence the student body contained Satanic and neo-Nazi adherents. The principal’s decision was insulated from liability under the EAA by the Act’s provision that “nothing in [the Act] shall be construed to limit the authority of the school ... to maintain order and discipline on school premises.” – Gernetzke v. Kenosha Unified Sch. Dist. No. 1, 274 F.3d 464 (7th Cir. 2001), *cert. denied*, ~~422 S.Ct. 1606~~ 535 U.S. 1017 (2002).

Students

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

[For high school and unit districts]

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

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

Materials to be brought into facility, if any

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

1. The meeting(s) must be student-initiated, meaning that a request to use school premises is being made by a student.
2. The meeting(s) must occur during non-instructional time identified by the Building Principal~~Superintendent~~. This time is typically before classroom instruction begins or after it ends.
3. In scheduling the use of school premises, activities associated with the District's educational program have priority over the activities of any other organization. Otherwise, school premises will be available on a first come first served basis.
4. The assigned room and its contents must be restored to its original condition and configuration after each use. Only modular furniture may be moved. Nothing shall be adhered or affixed to walls that will leave marks. Any decorations used shall be removed after the meeting. The contents of any assigned room are the property of the School District or teacher and shall not be handled or removed.
5. Before any meeting, a member of the non-school-sponsored student group must give the office the names of anyone attending the meeting who is neither a student nor a school staff member. All visitors must register at the school office before proceeding to any scheduled student meeting. Non-school individuals may not regularly attend meetings.
6. The following mediums are available on request to announce group meetings:
 - Office bulletin board containing announcements
 - Public address system
 - Student newspaper
 - School or District Website
7. No activity is allowed on school grounds that would violate the student disciplinary policy. Any student who engages in misconduct is subject to disciplinary action, including suspension and expulsion.
8. A school staff member or other responsible adult must be present in a supervisory capacity.
9. The Equal Access Act, 20 U.S.C. §4071 et seq., controls the free use of school premises by non-school sponsored student groups. The use of school facilities by non-school-sponsored groups is governed by Board policy 8:20,

I agree to abide by the conditions stated in this application and to adhere to all Board policies and administrative procedures.

Student applicant signature

Date

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

☐ **Approved**

☐ **Denied**

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

Location

Time

Building Principal or designee

Date

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

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

¹ State or federal law controls this policy's content but the area of law is unsettled. Schools are *nonpublic forums*, meaning they need not open their doors to private speakers but may not discriminate against disfavored viewpoints or subjects, e.g., religion. *Id.*, *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, ~~113 S.Ct. 2141~~ 508 U.S. 384 (1993). This policy establishes a limited public forum, i.e., non-school entities may only distribute material concerning events pertinent to students' interests or involvement. Alternatively, boards may refuse to allow the distribution or posting of any material requested by non-school related organizations. *Hedges v. Wauconda Community Unit Sch. Dist.*, No. 18, 9 F.3d 1295 (7th Cir. 1993); *Muller v. Jefferson Lighthouse Sch. Dist.*, 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 Sch. Dist.*, 196 F.3d 958 (9th Cir. 1999).

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

The distribution of flyers from religious youth organizations will survive scrutiny under the First Amendment's Establishment Clause if the organization's religious message is sufficiently separated from the school to prevent students from confusing the two. *Sherman v. CCSD* 21, 8 F.3d 1160 (7th Cir. 1993); *Rusk v. Crestview Local Schools*, 379 F.3d 418 (6th Cir. 2004). However, a policy allowing viewpoint discrimination will be set aside. *Hills v. Scottsdale Unified Sch. Dist.*, No. 48, 329 F.3d 1044 (9th Cir. 2003)(refusal to distribute summer camp brochures offering Bible classes because of their religious content violated the First Amendment); *Child Evangelism Fellowship of NJ v. Stafford Twp. Sch. Dist.*, 386 F.3d 514 (3rd Cir. 2004)(struck a policy prohibiting classroom distribution of religious fliers because it discriminated on basis of viewpoint); *Child Evangelism Fellowship v. Montgomery Co. Public Schools*, 457 F.3d 376 (4th Cir. 2006)(policy limiting classroom distribution of materials from outside groups based on *type of group*, rather than content of the materials, violates religious group's free speech rights; because ~~off~~ *inadequately* ~~protections~~ 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~~ 565 U.S. 1036 (2011)(policy limiting the volume of promotional materials sent home with elementary students did not violate the First Amendment rights of a nonprofit Ministry Foundation).

Commercial Companies and Political Candidates or Parties 4

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

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

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

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

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

⁴ Commercial advertising may be accepted without making the school a forum for all types of expressive activity. See 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.

This 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~~ may use the following 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~~ may use the following alternative:

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

⁵ Consult the board attorney when commercial advertising companies seek to purchase space for their advertisements within the school's available technology platforms. The Student Online Personal Protection Act (SOPPA), 105 ILCS 85/ added by P.A. 100-315, provides safeguards to protect the privacy and security of data about students when it is collected by educational technology companies and specifies that the use of such data may only be for *beneficial purposes* such as providing personalized learning and innovative educational technologies. It specifically prohibits *targeted advertising* (presenting advertisements to students where they are selected based on information obtained or inferred over time from that students' online behaviors, usage of applications, or *covered information* (as defined by SOPPA)). But students may be targeted for online advertisements when they visit an online location based upon their own response to or request for information or feedback, e.g., using Google brand products, where ads are an inherent part of the search engine, or other types of search engines or Internet-based resources to do assignments.

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

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

DRAFT

General School Administration

Exhibit - Checklist for the Superintendent Employment Contract Negotiation Process ¹

The School Board hires and employs the Superintendent. The Superintendent shall be in charge of the administration of the schools under the direction of the Board, through its policies. See 105 ILCS 5/10-21.4 and 105 ILCS 5/10-16.7. As an effective employer, the Board must develop and maintain a productive relationship with the Superintendent. See IASB's *Foundational Principles of Effective Governance*, **Principle 3. The board employs a superintendent**, at: www.iasb.com/pdf/found_prin.pdf.

The foundation for a productive employment relationship begins when the Board identifies the most qualified superintendent candidate (*successful superintendent candidate*) after an established interview process. The Board then extends an offer of employment to the successful superintendent candidate. The employment search process and resulting relationship should consist of mutual respect and a clear understanding of respective roles, responsibilities, and expectations. This relationship should begin with the Board's policy, a thoughtfully crafted employment contract and job description, and procedures for communications and ongoing assessment. See *Principles* at: www.iasb.com/pdf/found_prin.pdf.

Below, the *Checklist for the Superintendent Employment Contract Negotiation Process (Checklist)* provides a column entitled **Superintendent Contract Term Considerations for the Board**. It lists common superintendent employment contract terms and points of consideration for boards to prepare for during the contract formation process. Another column entitled **Explanation, Special Considerations, and Resources** provides extra information about these common superintendent employment contract terms.

The *Checklist* is intended to serve as a resource to educate and guide the Board through the employment contract negotiation process with its successful superintendent candidate. Board members who are educated about the content within the *Checklist* are crucial to successful negotiation processes. An educated contract formation and negotiation process, along with a well-written contract and job description for the Superintendent, all set the foundation for mutual respect and a clear understanding of the Board and Superintendent's respective roles, responsibilities, and expectations.

Prior to providing the successful superintendent candidate an offer for employment and contract for review, consideration, and negotiation, consult the Board Attorney about the *Checklist* and the scope of the terms the Board wishes to offer the successful superintendent candidate. The Board and the successful superintendent candidate should expect and encourage the other to seek the advice of their respective attorneys during the employment contract formation process.

Many attorneys agree and best practices suggest that boards and successful superintendent candidates work with their own separate attorneys in an amicable and cooperative manner to complete the employment contract negotiation process.

- ☐ **Board Attorney.** Prior to providing any successful superintendent candidate with an offer for employment and a contract for review, consideration, and negotiation, best practices suggest

The footnotes should be removed before the material is used.

¹ The General Counsels of the Ill. Association of School Administrators (IASA) and Ill. Association of School Boards (IASB) collaborated on the content of this document.

consulting the Board Attorney about the *Checklist*. **Note:** Boards should view a successful superintendent candidate retraining his or her own attorney as a best practice (as opposed to a warning sign). Each party is beginning the employment relationship in a cooperative manner to set an appropriate foundation to the future working relationship.

☐ **Power and Duties of the Superintendent**

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Duties	<p>Does the Board enumerate the duties of the Superintendent in the employment contract?</p> <ol style="list-style-type: none"> 1. Are the statutory duties of the Superintendent listed? 2. Has the Board incorporated policy references to the other duties related to the Superintendent's employment? <p>See 105 ILCS 5/10-21.4 and 105 ILCS 5/10-16.7.</p>
Full-time, Attention and Energy Clause	<p>How will the Board address outside activities of the Superintendent?</p> <ol style="list-style-type: none"> 1. How will the Board define <i>outside activities</i>? 2. Will the Board restrict the Superintendent from engaging in outside activities during the term of the employment contract? 3. Will the Board require approval/notification before the Superintendent engages in outside activities?

☐ **Employment and Compensation**

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Duration of Contract	<p>A superintendent's employment contract may not exceed five years. If its duration is two to five years, the contract must reference goals and suspension of tenure.</p> <p>No performance-based contract shall be extended or rolled over prior to its scheduled expiration unless all the performance and improvement goals contained in the contract have been met. See 105 ILCS 5/10-23.8.</p> <p>If the duration is one year or less, then the contract need not reference goals or suspension of tenure.</p>
Salary	<p>Special Considerations for the Board may include:</p> <ol style="list-style-type: none"> 1. What is the estimated Board contribution to the Teachers' Retirement System (TRS) for any raises above six percent prior to retirement?

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
	<p>2. What is the <i>cost shift</i> implication for the District if the Board offers or later agrees to a salary that is equal to or greater than the governor's statutory salary of \$177,412 (P.A. 100-23 now makes school districts responsible for paying the actuarial cost of the pension benefits earned on the portion of a TRS member's salary that exceeds \$177,412)?</p> <p>3. Do any administrative cost cap triggers exist (105 ILCS 5/17-1.5)?</p> <p>Items the Board may see the successful superintendent candidate request of it:</p> <ol style="list-style-type: none"> 1. A fixed salary for each year of the contract. 2. A guaranteed minimum salary. 3. Compensation increases.
Teachers Retirement System (TRS) & Teacher Health Insurance (THIS)	<p>How does the Board want to address:</p> <ol style="list-style-type: none"> 1. Pension contributions (TRS-THIS)? 2. Inclusion of salary and other compensation in the payment of TRS and THIS? Or, will TRS and THIS be in addition to salary and other compensation? 3. Unforeseen pension reform issues?

☐ **Conditions of Employment**

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Administrative License	Does the Board want to require the successful superintendent candidate to guarantee that as the future Superintendent of the District, he or she has and will maintain the appropriate licensure throughout the employment contract?
Criminal Background Check Law	105 ILCS 5/10-21.9. See also PRESS sample policy 5:30, <i>Hiring Process and Criteria</i> and the subhead entitled Fingerprint-based Criminal History Records Information Check in administrative procedure 5:30-AP2, <i>Investigations</i> .
Other Background Check Laws	Does the Board want to require additional background inquiries beyond the fingerprint-based criminal history records information check required by 105 ILCS 5/10-21.9 and discussed above? If yes, consult the Board Attorney and consider the following laws:

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
	<p>15 U.S.C. § 1681 <u>et seq.</u>, Federal Fair Credit Reporting Act (FCRA), is a federal law that regulates the gathering and use of information about consumers by third party <i>consumer reporting agencies</i>, including credit information, criminal background, driving record, personal characteristics/reputation, etc. The law requires consumer reporting agencies to comply with certain procedural notice requirements when gathering information from a consumer.</p> <p>820 ILCS 75/, Ill. Job Opportunities for Qualified Applicants Act, prohibits employers from inquiring about an applicant's criminal history until the application has been determined qualified and notified that he/she has been selected for an interview (a/k/a <i>ban the box</i> law).</p> <p>820 ILCS 55/, Ill. Right to Privacy in the Workplace Act, prohibits employers from:</p> <ol style="list-style-type: none"> 1. Requesting, coercing, or requiring any employee or prospective employee to provide a user name and password for any personal online account; 2. Requesting, coercing, or requiring an employee or applicant to invite the employer to have access to that individual's personal online account; and 3. Taking an adverse employment action against an individual (including refusal to hire) based on that individual's use of a lawful product off District property during nonworking hours, i.e., tobacco or alcohol. <p>820 ILCS 70/, Ill. Employee Credit Privacy Act, prohibits employers from inquiring into an individual's credit history or taking action against an employee based such history unless a satisfactory credit history is a <i>bona fide occupational requirement</i>, which is further defined in the statute. The job descriptions of superintendents generally meet this standard because they: (1) describe a managerial position that involves direction of school districts; (2) include signatory power over more than \$100; and (3) involve having access to confidential and financial information. Note: Any one of these grounds alone is sufficient.</p>

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Medical Examination	<p>105 ILCS 5/24-5 requires new employees to submit evidence of physical fitness to perform assigned duties and freedom from communicable diseases.</p> <p>The ADA allows medical inquiries of current employees only when they are job-related and consistent with business necessity or part of a voluntary employee wellness program. 42 U.S.C. §12112(d)(4). Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would not either eliminate the risk or reduce it to an acceptable level. 42 U.S.C. §12113; 29 C.F.R. Part 1630.2(r).</p> <p>See also PRESS sample policy 5:30, <i>Hiring Process and Criteria</i>, specifically f/ns 16 and 17.</p>
Tenure	<p><u>Suspension of Tenure</u></p> <p>With multi-year contracts and multi-year extensions, superintendents waive their rights to tenure in a school district, but no previously acquired tenure may be lost.</p> <p><u>Continued Tenure</u></p> <p>Superintendents serving multiple one year contracts may still accrue service toward and acquire tenure.</p> <p>See 105 ILCS 5/10-23.8 and the <i>Duration of Contract</i> row in the Employment and Compensation checkbox, above.</p>

☐ **Evaluations and Goals**

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Board Goals and Indicators of Student Performance and Academic Achievement for the Superintendent	<p>105 ILCS 5/10-23.8 requires each performance-based contract to include the goals and indicators of student performance and academic improvement determined and used by the Board to measure the performance and effectiveness of the Superintendent and other information as the Board may determine.</p> <p>Regarding its goals and indicators, has the Board:</p> <ol style="list-style-type: none"> 1. At minimum, addressed student performance and academic achievement (105 ILCS 5/10-23.8 states “and other information as the Board may determine”)? 2. Included them in the body of the employment

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
	<p>contract? Or as an exhibit to it?</p> <ol style="list-style-type: none"> 3. Set them to be: <ol style="list-style-type: none"> a. Measurable and achievable, i.e., are they within the Superintendent's control? b. Objective, subjective or a combination of both? 4. Set a timeline for achievement, and if so is it on an: <ol style="list-style-type: none"> a. Annual basis? b. Prior to completion of the employment contract? 5. Set them as procedural, substantive, or a combination of both? <p>For more information about setting goals and indicators for superintendents regarding student performance and academic achievement, see:</p> <p>IASB's <i>Field Services Catalog</i> at: www.iasb.com/pdf/fieldservicecatalog.pdf.</p> <p>Contact a Field Services Director regarding the following IASB workshops and/or offerings that may set the stage for school boards to hold their superintendents accountable for district performance, including academic achievement:</p> <p><i>Setting District Goals and Direction</i> (leads a board and superintendent to develop their own district-language for specific measurable, and attainable goals and indicators)</p> <p><i>The Superintendent Evaluation Process</i> (describes an effective method of holding the superintendent accountable)</p> <p><i>The Board and its Superintendent</i> (workshop assisting a board in developing an effective relationship with its superintendent).</p>
Superintendent Evaluation	<p>Once the Board has developed its goals and indicators (as discussed immediately above), 105 ILCS 5/10-20, 5/10-23, and 5/10-23.8 require the Board to:</p> <ol style="list-style-type: none"> 1. "Direct, through policy, its superintendent in his or her charge of the administration of the school district;" and 2. Evaluate the superintendent in his or her "administration of school board policies and his or her stewardship of the assets of the district." <p>How will the Board evaluate the successful</p>

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
	<p>superintendent candidate upon its outlined goals and indicators?</p> <p>Does the Board state when it will evaluate the successful superintendent candidate upon the goals and indicators that it set? Note: Some districts do not consider the superintendent evaluation to be a <i>one-time event</i> and put an on-going process into place. Contrast other districts, which depending upon their preferences, generally find the best time of year to evaluate is in the winter or early springtime.</p> <p>Is the Board or the successful superintendent candidate responsible to trigger the components of the Superintendent's evaluation process?</p> <p>What evaluation instrument will be used? How will the evaluation be documented?</p> <p>Will an evaluation instrument be outlined by the Board in its employment contract with the successful superintendent candidate?</p> <p>Is the evaluation instrument the Board will use tied to its goals and indicators of student performance and academic improvement and other information as the Board may determine?</p> <p>For more information about best practices when planning for and evaluating the Superintendent, see: <i>The Superintendent Evaluation Process</i> at: www.iasb.com/training/superintendent-evaluation-process.pdf;</p> <p>IASB's <i>Foundational Principles of Effective Governance</i>, Principle 3. The board employs a superintendent, at: www.iasb.com/principles.cfm; stating "the board employs and evaluates one person — the superintendent — and holds that person accountable for district performance and compliance with written board policy".</p>

☐ **Expenses and Benefits**

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Expenses	<p>How will the Board address expenses in its employment contract negotiations with the successful superintendent candidate?</p> <p><u>Business</u></p>

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
	<ol style="list-style-type: none"> 1. What standard will the Board use, e.g., reasonable, itemized, etc.? 2. Will the Board designate the Board President or another individual to review and/or approve the Superintendent's expenses? <p><u>Transportation</u></p> <p>Will the Board reimburse travel? If yes, what types of travel will the board reimburse? Some transportation topics that successful superintendent candidates request discussion about include:</p> <ol style="list-style-type: none"> 1. Vehicle insurance reimbursement(s) 2. Vehicle repair reimbursement(s) 3. A travel allowance only at either a set amount or the District's per mile rate 4. A vehicle 5. Out-of-district travel
Insurance	<p>Will the Board address insurance in its employment contract negotiations with the successful superintendent candidate?</p> <p>Some items successful superintendent candidates request include:</p> <ol style="list-style-type: none"> 1. Insurance contributions as part of a Cafeteria Plan, or in the alternative, the Board paying the premiums. 2. Specific insurance coverages from the Board, such as health, dental, vision, life, disability, etc.
Vacation	<p>Will the Board address vacation days in its employment contract negotiations with the successful superintendent candidate? If yes, then:</p> <ol style="list-style-type: none"> 1. How many days? 2. Will vacation days accumulate? And, if so, how? 3. Will the Board designate itself, the Board President, or a Board officer to approve or receive notification from the Superintendent prior to taking a vacation? If yes, describe the process. 4. Will the Board address reimbursement for unused days?
Sick Leave/Days	Will the Board address sick days in its employment

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
	<p>contract negotiations with the successful superintendent candidate? If yes, then:</p> <ol style="list-style-type: none"> 1. Will sick leave be limited to annual sick leave days in the District's teachers' contract? 2. How will sick day accumulation be addressed? 3. Will the Board designate itself, the Board President, or a Board officer to approve or receive notification from the Superintendent prior to taking or upon returning from a sick day? If yes, describe the process.
Professional Activities and Organizations Memberships in Community Organizations	<p>Will the Board address memberships in professional activities/organizations and/or community organizations its employment contract negotiations with the successful superintendent candidate? If yes, then:</p> <ol style="list-style-type: none"> 1. How many organizations will the Board allow the Superintendent to join? 2. Which organizations will be allowed? 3. What is the Board's limit for the cost of dues to professional organizations?
Retirement	<p>Will the Board address any type of payment(s) upon the Superintendent's retirement? If yes, then:</p> <ol style="list-style-type: none"> 1. Has the Board thoroughly examined and addressed: <ol style="list-style-type: none"> a. Any consequences or other penalties to it? b. The impact of any prior salary increases? c. Potential pension reform issues? 2. Often, a successful superintendent candidate's attorney has interest in the following issues: <ol style="list-style-type: none"> a. Available post-retirement options available, e.g., payments for sick/vacation days, post-retirement insurance, longevity annuity payment, etc. b. Whether a potential retirement payment will be properly creditable for TRS purposes. Note: Ultimately, only TRS has the authority to determine creditability.
Annuities and Other Deferred Compensation	<p>Will the Board address any type of annuities and other deferred compensation issues? If yes, then:</p> <ol style="list-style-type: none"> 1. Will it offer such compensation in addition to the Superintendent's agreed-upon salary? 2. Will it contribute creditable earnings for TRS

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
	purposes?

☐ **Changes to the Superintendent's Employment Contract**

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Non-Renewal at End of Contract	<p>How will the Board and successful superintendent candidate agree to address orderly end to the employment contract when the Board chooses not to renew it?</p> <ol style="list-style-type: none"> 1. Will there be a non-renewal notification date? Do both parties' attorneys find it reasonable? 2. Will the Board require the Superintendent to remind it of the non-renewal date? 3. Will there be any agreement to a clause for an automatic one-year renewal if the Board fails to provide end-of-contract non-renewal notification? 4. Will the Board agree to language in the employment contract that would provide the Superintendent with a hearing upon non-renewal?
Renewal at End of Contract	<p>Will the Board agree to a procedure for renewing the employment contract at its end? If yes, then:</p> <ol style="list-style-type: none"> 1. What date would be the earliest that the Board could renew its employment contract with the Superintendent? 2. What criteria will the Board base its renewal upon? For example, some boards base renewal upon superintendents achieving their stated goals and indicators of student performance and academic improvement and other information they required.
Contract Extensions	<p>Will the Board agree to allow for an extension of its employment contract during its term? If yes, then:</p> <ol style="list-style-type: none"> 1. Will the Board agree to extend it during its term if the Board determines that the Superintendent successfully met all of the Board's stated goals and indicators of student performance and academic improvement and other information it required? 2. Will the Board agree to extend a one-year contract when the Superintendent is not required to meet any goals? <p>See 105 ILCS 5/10-23.8.</p>

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Terminations	<p>If the successful superintendent candidate accepts employment with the Board and becomes the Superintendent, how will the Board outline the grounds and procedures for terminating the Superintendent's employment during the contract's term?</p> <ol style="list-style-type: none"> 1. Will the Board and the successful superintendent candidate agree to terminate it upon mutual agreement? 2. Will the Board allow retirement to be an appropriate reason for terminating its employment contract with the Superintendent? And if so, will the Board require reasonable notice from its Superintendent? 3. Could either the Board or Superintendent terminate the employment contract without cause by providing notice to the other? 4. Will the Board terminate the employment contract for permanent disability of the Superintendent? <ol style="list-style-type: none"> a. How will the Board define permanent disability in the contract? b. Will the Board require the Superintendent to obtain a permanent disability determination through physician certification, and/or c. Will the Board consider duration of absence; e.g., 90-days or exhaustion of sick leave, whichever is greater? <p>See PRESS sample policy 5:180, <i>Temporary Illness or Temporary Incapacity</i>.</p> 5. What standard will the Board use to terminate the employment contract for cause? Items to consider include: <ol style="list-style-type: none"> a. Any conduct detrimental/prejudicial to the District; b. Just cause; c. Sufficient to dismiss a tenured teacher; d. Material breach of contract; or e. Not arbitrary and capricious. 6. Will the Board agree to provisions for hearing and due process for the Superintendent? 7. How will the Board address death of its Superintendent during the duration of the employment contract?

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Liquidated Damages	<p>Will the Board agree to liquidate damages with its Superintendent if one or the other terminates the employment contract?</p> <ol style="list-style-type: none"> 1. Have both the Board and the successful superintendent candidate discussed the practical consequences of a liquidated damages clause with their respective attorneys? 2. If the Board terminates the contract, has it discussed with the Board Attorney how it can avoid litigation with its former Superintendent?
Amendments	How will the Board and Superintendent agree to allow for amendments to the employment contract?

☐ **What technical clauses need to be in the Superintendent's employment contract?**

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Technical clauses (common in contracts)	<p>If the employment contract contains any of the following technical provisions, have the Board Attorney and Superintendent's attorney reviewed them?</p> <ol style="list-style-type: none"> 1. Notice 2. Applicable law 3. Headings and numbers 4. Complete understanding, i.e., do the Board members and Superintendent share the same understanding of the various provisions written in the employment contract? 5. Counterparts 6. Effect of Policy Amendments 7. Severability 8. Advice of Counsel

☐ **Miscellaneous Issues**

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
Board Obligations Under the Employment Contract	<p>Do all members of the Board understand the District's obligations under the employment contract and what not complying with them will mean to the District?</p> <p>Specifically, are Board members aware of the Board's specific obligations regarding:</p> <ol style="list-style-type: none"> 1. The Superintendent Evaluation 2. Goal setting 3. Required notifications/actions by each party prior

Superintendent Contract Term Considerations for the Board	Explanation, Special Considerations, and Resources
	to termination of the employment contract
Ongoing Monitoring of Each Party's Compliance with the Contract	Are the Board and Superintendent actually complying with the terms of the employment contract? Has the Board Attorney explained how the Board should monitor compliance with the employment contract?
Legislative Issues	How might pending pension reform legislation or other trending legislation affect the employment contract?

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Operational Services

Administrative Procedure - Checklist for Internal Controls ¹

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

1. All financial transactions must be properly authorized and documented. This includes:
 - ☐ No check is issued without pre-approved documentation for the expenditure pursuant to the Local Government Travel Expense Control Act, 50 ILCS 150/10, added by P.A. 99-604, ~~eff. 1-1-17~~, e.g., 2:125-E1, *Board Member Expense Reimbursement Form*; 2:125-E2, *Board Member Estimated Expense Approval Form*; 5:60-E1, *Employee Expense Reimbursement Form*; and 5:60-E2, *Employee Estimated Expense Approval Form*.
 - ☐ No bank account is opened or established in the District's or a District school's name or with the District's Federal Employer Identification Number without pre-approved documentation.
 - ☐ No credit or procurement card is assigned to an individual without pre-approved documentation. All use of a credit or procurement card must be in compliance with Board policy 4:55, *Use of Credit and Procurement Cards*, and administrative procedure 4:55-AP, *Controls for the Use of District Credit and Procurement Cards*.
 - ☐ Every receipt to and expenditure from a revolving fund and a petty cash fund are supported with clear documentation and otherwise comply with Board policies 4:50, *Payment Procedures*, and 4:80, *Accounting and Audits*.
 - ☐ A record is made of all checks issued and all payments made by credit or procurement cards that includes descriptive information sufficient to allow assignment of the appropriate code.
2. Financial records and data must be accurate and complete. This includes:
 - ☐ Data entries are timely made.
 - ☐ Cash handling is properly recorded.
 - ☐ Checks are sequentially numbered and missing checks are accounted for.
 - ☐ Financial reporting deadlines are followed.
3. Accounts payable must be accurate and punctual. This includes:
 - ☐ Payments are made on a timely basis.
 - ☐ A thorough explanation is provided for any over/underpayments.
 - ☐ Payroll and benefits are reviewed and continually updated.
4. District ~~assets property~~ must be protected from loss or misuse.
 - ☐ The District implements a Fraud, Waste, and Abuse Awareness Program. See 4:80-AP2, *Fraud, Waste and Abuse Awareness Program*.

The footnotes should be removed before the material is used.

¹ This administrative procedure ~~can serve to~~ is intended to generate discussion concerning internal controls among relevant district staff members and the district's auditor. **It must be customized to reflect conditions in each district.** Its effectiveness will be greatly enhanced if the employee responsible for each control is identified. A board that wants to take a significant oversight role regarding internal controls may want to list the numbered sentences in its policy 4:80, *Accounting and Audits*, as required inclusions in the superintendent's program for internal controls.

- ☐ Valuable technology assets are safeguarded from theft or loss.
- ☐ A backup and recovery system is developed for electronic systems.
- ☐ Only authorized individuals have access to various systems.
- ☐ Passwords are kept secure and frequently changed.
- ☐ Keys are kept secure and accounted for.
- ☐ District property is not *borrowed* or otherwise used for private purposes.
- ☐ District personal property having a monetary value (excluding, for example, trash, out-dated equipment, consumed consumables, and spoilage) is discarded only with the Board's prior approval.

4-5. Incompatible duties should be segregated, if possible. This includes:

- ☐ Transaction approval is separated from disbursement approval duties, as well as record-keeping duties so that no single individual or two individuals controls all phases of the claim payment process.
- ☐ Reconciliation of checking accounts and credit cards is performed by an individual who does not have check-writing authority, and if possible, by someone who does not record checks and credit card payments in the District's books.
- ☐ Other controls are used if segregation of duties is impossible.

Commented [DJ1]: Additional segregation of duty elements have been added here per ISBE's recommendation.

5-6. Accounting records are periodically reconciled. This includes:

- ☐ All accounts are balanced monthly.
- ☐ All statements from checking accounts and credit cards are reconciled monthly.
- ☐ Expenses are verified against receipts.
- ☐ Out-of-balance conditions are investigated.

6-7. Equipment and supplies must be safeguarded. This includes:

- ☐ Inventories are periodically taken and inspections are frequently made.
- ☐ A reliable record is kept identifying what technology assets have been provided to specific employees.
- ☐ Access to supplies is limited and controlled.

7-8. Staff members with financial or business responsibilities must be properly trained and supervised, and must perform their responsibilities with utmost care and competence.

- ☐ Responsibilities match job descriptions.
- ☐ If required by State law, staff members are appropriately bonded.
- ☐ Staff members are held accountable for complying with Board policies and administrative processes or procedures that have been established to safeguard the District's financial condition.
- ☐ Staff members are appropriately trained and evaluated.
- ☐ Staff members are encouraged to notify their supervisors or the Superintendent of risks, losses, and/or concerns.

8-9. Any unnecessary weaknesses or financial risks must be promptly corrected. This includes:

- ☐ Internal control concerns raised by the District's independent auditor in connection with the annual financial audit or by the Ill. State Board of Education in connection with its administration of the Grant Accountability and Transparency Act or a monitoring visit are properly addressed.

- ☐ Internal or external auditors are annually engaged to assess risk and/or test existing internal controls for those areas not included within the scope of the annual financial audit; concerns are promptly addressed.

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Operational Services

Administrative Procedure - Fraud, Waste, and Abuse Awareness Program

The Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) and federal regulations (2 CFR 200.113) require grant fund recipients to timely disclose, in writing, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal awarding agency or pass-through entity, e.g., Ill. State Board of Education (ISBE).

In alignment with best practices contained in ISBE's *Fiscal Procedures Handbook*, the District has a Fraud, Waste, and Abuse Awareness Program, which includes employee reporting procedures for suspected fraud, waste, or abuse. The District will take all appropriate measures to deter fraud, waste, and abuse.

Reporting

The District encourages all District employees to be vigilant and report suspicions of fraud, waste, or abuse. Employees who make good faith reports of suspected violations of law, public corruption or wrongdoing are protected from retaliation by the provisions of the Ill. Whistleblower Act (740 ILCS 174/). See the chart below for details on how to make a report.

Enforcement

Staff members found to have engaged in fraud, waste, or abuse will be disciplined, up to and including discharge. The District will also seek to recover any wrongfully obtained assets from the employee.

Definitions 1

Fraud is defined as: (1) fraudulent financial reporting, (2) misappropriation of assets, and/or (3) corruption (bribery and other illegal acts). Examples of *fraud* include:

- Embezzlement, e.g., theft of cash, use of entity credit card or accounts payable systems to purchase personal items
- Collusion with others to circumvent internal controls
- Forgery or alteration of documents, e.g., checks, time cards, receipts, contracts, purchase orders, expense reimbursement paperwork, student bills, electronic files, bids, or other financial documents
- Fraudulent reporting of expenditures or other District financial information
- Misappropriation or misuse of resources, e.g., cash, securities, inventory, facilities, equipment, services, supplies, or other assets
- Impropriety in the handling or reporting of cash or financial transactions
- Unless properly authorized, accepting or seeking anything of material value from contractors, vendors, or persons providing services or materials.

The footnotes should be removed before the material is used.

¹ The definitions of *fraud*, *waste*, and *abuse* in this exhibit are based on those in the *Standards for Internal Control in the Federal Government* issued by the Comptroller General of the United States (September 2014). See sample policy 4:80, *Accounting and Audits*, at f/n 9 for further discussion of these standards, which have been endorsed by ISBE in its own GATA guidance.

- Authorization or receipt of payment for goods not received or services not performed, e.g., payments to fictitious employees or vendors
- Submitting multiple vouchers for the same expense reimbursement
- Using the District's tax exempt status for purchase of personal items
- Authorization or receipt of unearned wages or benefits
- Personal use of District property in commercial business activities
- Identity theft
- Conflict of interest or other ethics violations
- Destruction, removal, or inappropriate use of records, buildings, furniture, fixtures, or equipment
- Any similar or related irregularity to those listed

Waste is the act of using or expending resources carelessly, extravagantly, or to no purpose.

Abuse is behavior that is deficient or improper compared to the behavior that a prudent person would consider reasonable and necessary operational practice given the facts and circumstances.

The terms *fraud*, *waste*, and *abuse* are not mutually exclusive; certain conduct may constitute fraud, waste, and/or abuse.

Roles, Responsibilities, and Reporting Procedures

Actor	Action
Any Staff Member	<p>Staff members who suspect fraud, waste, and/or abuse should do the following:</p> <ol style="list-style-type: none"> 1. Make an oral or written report to the Superintendent that describes the factual basis of the suspicion, including any employees involved, a description of the alleged misconduct, and any supporting evidence. Oral reports shall be followed up in writing by the staff member or Superintendent. 2. If the staff member does not feel comfortable identifying himself/herself in making a report, the employee may deliver the report anonymously to the attention of the Superintendent or make an anonymous call to the Superintendent.² 3. If the report concerns alleged misconduct by the Superintendent, the report may be either be made to a Complaint Manager identified in Board Policy 2:260, <i>Uniform Grievance Procedure</i>, who will notify the Board President of the report, or directly to the Board President. 4. If the reporting staff member has evidence of fraud, waste, and/or abuse, he/she must preserve the evidence and provide it to the Superintendent or designee (or designated Complaint Manager or Board President, if the report concerns the Superintendent) charged with investigating the suspected fraud, waste, or abuse.

The footnotes should be removed before the material is used.

² Other options for anonymous reporting may include setting up a separate *fraud hotline* at the District or allowing for anonymous reports to be submitted through the District's website.

Actor	Action
Superintendent and/or Designee (or Complaint Manager/Board President, for cases concerning the Superintendent)	<p>Manages actual or suspected fraud, waste, or abuse in the District. With respect to any investigation, the Superintendent and/or designee (or Complaint Manager/Board President, for cases concerning the Superintendent) shall:</p> <ol style="list-style-type: none"> 1. Ensure all reported instances of fraud, waste, or abuse are investigated by the District, and, if appropriate, reported to the proper authorities for further investigation and potential prosecution. 2. Consult with the board attorney as needed regarding any investigation. 3. Keep the Board informed of any ongoing investigations. 4. Ensure the District cooperates with law enforcement in any criminal fraud investigations. 5. Make all reasonable efforts to ensure the preservation of evidence relevant to an investigation. 6. Effectuate (or recommend to the Board) discipline of employees who engage in fraud, waste, or abuse in accordance with Board policies and any applicable collective bargaining agreement(s). 7. Manage communications with the media regarding investigations, as needed. 8. Manage District efforts to seek recovery of wrongfully obtained assets, as appropriate.
Superintendent and/or Designee	<ol style="list-style-type: none"> 1. Manage annual communication of the District's Fraud, Waste, and Abuse Awareness Program to staff and grant sub-recipients/subcontractors, including how employees should report suspected fraud, waste, or abuse. 2. Manage ethics and standards of conduct training for all District employees.³ 3. Periodically review the District's Fraud, Waste, and Abuse Awareness Program and related reporting procedures.

The footnotes should be removed before the material is used.

³ See sample policy 5:120, *Employee Ethics; Conduct; and Conflict of Interest* and sample administrative procedure 5:120-AP2, *Employee Conduct Standards*, for guidance regarding the possible content of such training. The School Code requires in-service training for all school personnel on educator ethics, teacher-student conduct, and school employee-student conduct all school personnel at least once every two years. 105 ILCS 5/10-22.39(f). However, the GATA *Fiscal and Administrative Internal Controls Questionnaire* (ICQ), which is annually administered to grantees statewide, asks if ethics and standards of conduct training is conducted at employee orientation, annually, or both. Districts should consult with their auditors and/or board attorneys for further guidance regarding such training.

Instruction

Administrative Procedure - Accelerated Placement Program Procedures ¹

The District's Accelerated Placement Program (APP) places qualified students in an educational setting that includes curriculum usually reserved for students who are older or in higher grades than the student, and is implemented by the Superintendent or designee. 105 ILCS 5/14A.

This administrative procedure contains five sections as follows:

1. Definitions
2. Annual Notification
3. Referral Process
4. Evaluation Process
5. Eligibility Determination

Definitions ²

Accelerated placement is the placement of a student in an educational setting with curriculum that is usually reserved for students who are older or in higher grades than the student.³ Accelerated placement includes, but may not be limited to: early entrance to kindergarten or first grade, accelerating a student in a single subject, and grade acceleration.⁴

Early entrance to kindergarten is the admission to kindergarten of a student who: (a) will not be five years of age on or before September 1 of that school term; or (b) is admitted prior to the dates established in the School Code based upon an assessment of his or her readiness to attend school.⁵

Early entrance to first grade is the admission to first grade of a student who: (a) is assessed for readiness, attended a non-public preschool and continued his or her education at that school through

The footnotes should be removed before the material is used.

¹ Customize this procedure to meet the district's needs. It is written in general terms with regard to 105 ILCS 5/14A, amended by P.A. 100-421, eff. 7-1-18 (the Accelerated Placement Act (APA)). Districts may wish to utilize different procedures for different types of accelerated placement. For example, many districts that permit early entrance to kindergarten require that early entrance requests be submitted by a certain calendar date, often months in advance of the start of a school term, to allow sufficient time for evaluation and the determination of incoming class sizes and staffing needs. Districts should also consider implementing specific and objective criteria for early entrance and address such issues as who pays the costs for assessments, etc.

To provide school administrators and personnel with a familiar procedural framework, the **Referral Process**, **Evaluation Process**, and **Eligibility Determination** sections of this sample administrative procedure are loosely modeled on the Illinois Council of School Attorneys' *Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities*. See www.iasb.com/law/icsaspedcd.cfm.

² 105 ILCS 5/14A-17, added by P.A. 100-421, eff. 7-1-18 (APA), requires districts to have an accelerated placement program that includes, but need not be limited to, the following types of acceleration: early entrance to kindergarten or first grade, accelerating a child in a single subject, and grade acceleration. The APA does not define these types of acceleration; **consult the board attorney for guidance**.

For high school districts, delete the definitions of *early entrance to kindergarten* and *early entrance to first grade*. If the district offers additional types of acceleration, such as curriculum compacting or telescoping curriculum, then the definitions of such additional types should be added to this section.

³ 105 ILCS 5/14A-17, added by P.A. 100-421, eff. 7-1-18.

⁴ Id. For high school districts, delete "early entrance to kindergarten or first grade." For districts that offer additional types of acceleration, amend this sentence to include those types in the list of accelerated placement offerings.

⁵ Use the following alternative in a district operating on a year-round basis:

Early entrance to kindergarten is the admission to kindergarten of a student who: (a) will not be five years of age within 30 days after the commencement of that school term; or (b) is admitted prior to the dates established in the School Code based upon an assessment of his or her readiness to attend school.

kindergarten, was taught in kindergarten by an appropriately certified teacher, and will attain the age of six years on or before December 31; or (b) is admitted prior to the dates established in the School Code based upon an assessment of his or her readiness to attend school.⁶

Single subject acceleration is the practice of assigning a student to a higher subject level than is typical, given the student's age, for the purpose of providing access to appropriately challenging learning opportunities in one or more subject areas. It may be accomplished by either: (a) physically moving the student to a higher level class for instruction; or (b) using higher level curricular or study materials in the student's current classroom.

Grade acceleration is the practice of assigning a student to a higher grade level than is typical, given the student's age, for the purpose of providing access to appropriately challenging learning opportunities in all subject areas. Commonly referred to as *skipping* a grade, grade acceleration may be done at the beginning of or during the school term.

Annual Notification

Actor	Action
Superintendent or designee	<p>Annually notifies the community, including parent(s)/guardian(s), students, and school personnel, about the:</p> <ol style="list-style-type: none"> 1. APP 2. Process for referring a student for possible evaluation for accelerated placement, including: <ol style="list-style-type: none"> a. Steps to be taken to make a referral; b. Individual(s) to whom a referral may be submitted; c. Deadlines by which a referral must be made; and d. Information that must be provided in the referral. 3. Methods used to determine whether a student is eligible for accelerated placement. <p>Provides such notification:</p> <ol style="list-style-type: none"> 1. By varied communication methods, such as student handbooks and District/school websites; and 2. In multiple languages.

Referral Process

Actor	Action
Parent(s)/Guardian(s), Licensed Educational Professionals,	Refers a student for possible evaluation for accelerated placement using the process set forth in this procedure.

The footnotes should be removed before the material is used.

⁶ *Early entrance to first grade* is not defined in the APA. See f/n 2. This definition aligns with 105 ILCS 5/10-20.12 and limits the scope of early entrance to first grade permitted by sample policy 7:50, *Student Admissions and Student Transfers To and From Non-District Schools*. Use the following alternative in a district operating on a year-round basis:

Early entrance to first grade is the admission to first grade of a student who: (a) is assessed for readiness, attended a non-public preschool and continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately certified teacher, and will attain the age of six years within four months after the commencement of the school term; or (b) is admitted prior to the dates established in the School Code based upon an assessment of his or her readiness to attend school.

Boards wishing to expand the scope of *early entrance to first grade* beyond the confines of 105 ILCS 5/10-20.12 should **consult the board attorney**.

Actor	Action
<p>Student (with written consent of a parent/guardian), or Peer (through a licensed educational professional who has knowledge of the student's abilities).</p> <p>In addition to the above-noted individuals, referrals for possible early entrance to kindergarten or first grade may also come from: Preschool Educator, Non-public Kindergarten Teacher, Pediatrician, or Psychologist who knows the student.⁷</p>	
<p>Student Services Director, Building Principal, or designee</p>	<p>Within <i>[insert number]</i> school days after receiving a referral, determines whether an evaluation for accelerated placement is warranted.</p> <p>To determine whether an evaluation is warranted, may review existing data about the student, utilize screening data, and conduct preliminary procedures such as observation of the student, consultation with the teacher or other individual making the request, and a conference with the student.</p> <p>Provides the student's parent(s)/guardian(s) with written notice of the referral determination. For cases not warranting an evaluation, the process ends here. For cases warranting an evaluation, proceed to Evaluation Process, below.</p>

Evaluation Process

Actor	Action
<p>Student Services Director, Building Principal, or designee</p>	<p>Convenes an Evaluation Team (consisting of District teacher(s) and school support personnel, as appropriate) having the knowledge and skills necessary to:</p> <ol style="list-style-type: none"> 1. Identify multiple valid, reliable indicators⁸ to use during the evaluation; 2. Identify appropriate assessment instruments; 3. Administer said assessments; and 4. Interpret evaluation results.

The footnotes should be removed before the material is used.

⁷ 105 ILCS 5/14A-32(b)(2), added by P.A. 100-421, eff. 7-1-18, recommends that the referral process allow for multiple referrers, and specifically notes that referrers for possible early entrance may include "a preschool educator, pediatrician, or psychologist who knows the child." High school districts should delete the list of additional referrers for possible early entrance.

⁸ Required by 105 ILCS 5/14A-32(a)(4), added by P.A. 100-421, eff. 7-1-18. *Multiple valid, reliable indicators* are not defined in the APA; some attorneys prefer using "standardized and norm-referenced indicators" instead.

Actor	Action
	The composition of the team may vary depending upon the type of acceleration requested and other relevant factors.
Evaluation Team	Identifies multiple valid, reliable indicators and any assessment instruments appropriate to use during the evaluation. Prepares a written document identifying the evaluation components. This may occur without a meeting.
Student Services Director, Building Principal, or designee	Provides parent(s)/guardian(s) with written notification of the Evaluation Team's conclusions regarding the evaluation components and requests parent(s)/guardian(s)' written consent to conduct the evaluation.
Parent/Guardian	Provides written consent to conduct the evaluation.
Evaluation Team	Completes the evaluation within <i>[insert number]</i> school days following the date of receipt of parent(s)/guardian(s)' written consent to conduct the evaluation. Ensures the evaluation is nondiscriminatory and follows policy 7:10, <i>Equal Educational Opportunities</i> .

Eligibility Determination

Actor	Action
Evaluation Team	Convenes a meeting ⁹ with parent(s)/guardian(s) to review evaluation results and determine eligibility for the APP. Provides parent(s)/guardian(s) with written notice of eligibility determination. 1. If the student is found eligible for the APP, prepares and provides parent(s)/guardian(s) with a written plan detailing the type of acceleration the student will receive and strategies to support the student. ¹⁰ 2. If the student is not found eligible for the APP, provides parent(s)/guardian(s) with written notice of their right to appeal the eligibility determination, within five calendar days after receiving the determination, by submitting a written request to the Superintendent. ¹¹
Parent/guardian	If desired, within <i>[insert number]</i> calendar days after receiving written notice that student is not eligible for the APP, submits written appeal to the Superintendent.

The footnotes should be removed before the material is used.

⁹ Convening a meeting with parents/guardians is not required, however, 105 ILCS 5/14A-32(a)(2), added by P.A. 100-421, eff. 7-1-18, requires "a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians." A meeting logically allows the Evaluation Team to explain evaluation results, parent(s)/guardian(s) to ask questions and be heard, and all stakeholders to be involved in the eligibility determination. Delete this sentence if the district will not offer a meeting.

¹⁰ Optional. The APA permits but does not require this written plan. 105 ILCS 5/14A-32(b)(3), added by P.A. 100-421, eff. 7-1-18.

¹¹ Optional.

Actor	Action
Superintendent	<p>Within <i>[insert number]</i> calendar days after receiving the written appeal request, reviews the case, and provides parent(s)/guardian(s) with written notice of his/her decision.</p> <p>The Superintendent's decision is final.</p>

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Students

Administrative Procedure - Guidelines for Student Distribution of Non-School Sponsored Publications; Elementary Schools

A student or group of students seeking to distribute more than ~~10~~^{ten} copies of the same material on one or more days to students must comply with the following guidelines:

1. The student(s) must notify the Building Principal of the intent to distribute, in writing, at least 24 hours before distributing the material. No prior approval of the material is required.
2. The material may be distributed at times and locations selected by the Building Principal, such as, before the beginning or ending of classes at a central location inside the building.
3. The Building Principal may impose additional requirements whenever necessary to prevent disruption, congestion, or the perception that the material is school-endorsed.
4. Distribution must be done in an orderly and peaceful manner, and may not be coercive.
5. The distribution must be conducted in a manner that does not cause additional work for school personnel. Students who distribute material are responsible for cleaning up any materials left on school grounds.
6. Students must not distribute material that:
 - a. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities;
 - b. Violates the rights of others, including but not limited to, material that is libelous, slanderous or obscene, or invades the privacy of others, or infringes on a copyright;
 - c. Is socially inappropriate or inappropriate due to the students' maturity level, including but not limited to, material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy and/or Student Handbooks; ¹
 - d. Is reasonably viewed as promoting illegal drug use;
 - e. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, material from outside sources or the citation to such sources may be allowed, as long as the material to be distributed or accessed is primarily prepared by students; or
 - f. Incites students to violate any Board policy.

The footnotes should be removed before the material is used.

¹ This ~~procedure is number 7:310-AP works~~ for elementary and unit districts only. ~~Unit districts should also use the procedure for high school districts, renumber the procedure to 7:315-AP~~^{7:315-AP, Guidelines for Student Distribution of Non-School Sponsored Publications; High Schools, for their high school students.}

Be sure that the definition for *sexting* in this procedure aligns with other definitions used throughout the board's policy manual. For an example of a definition, see ~~sample administrative procedure 7:190-AP5, Student Handbook - Electronic Devices~~. There, sexting encompasses the term *indecent visual depiction* as defined by 705 ILCS 405/3-40 ~~and non-consensual dissemination of private sexual images as defined by 720 ILCS 5/11-23.5~~. ~~705 ILCS 405/3-40~~^{705 ILCS 405/3-40} defines ~~an~~ *indecent visual depiction* as 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 a female, a fully or partially developed breast of the person. A district may create or have another definition of sexting that may or may not encompass ~~the~~ statutory term ~~s~~^{the} *indecent visual depiction*.

7. A student may use School Board policy 2:260, *Uniform Grievance Procedure*, to resolve a complaint.
8. Whenever these guidelines require written notification, the appropriate administrator may assist the student in preparing such notification.

A student or group of students seeking to distribute 10 or fewer copies of the same publication on one or more days to students must distribute such material at times and places and in a manner that will not cause substantial disruption of the proper and orderly operation and discipline of the school or school activities and in compliance with paragraphs 4, 5, 6, and 7.

LEGAL REF.: 105 ILCS 80/, Speech Rights of Student Journalists Act.
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988).
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
Hedges v. Wauconda Community Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

Students

Administrative Procedure - Guidelines for Student Distribution of Non-School Sponsored Publications; High Schools

A student or group of students seeking to distribute more than 10 copies of the same material on one or more days to students must comply with the following guidelines:

1. The student(s) must notify the Building Principal of the intent to distribute, in writing, at least 24 hours before distributing the material. No prior approval of the material is required.
2. The material may be distributed at times and locations selected by the Building Principal, such as, before the beginning or ending of classes at a central location inside the building.
3. The Building Principal may impose additional requirements whenever necessary to prevent disruption, congestion, or the perception that the material is school-endorsed.
4. Distribution must be done in an orderly and peaceful manner, and may not be coercive.
5. The distribution must be conducted in a manner that does not cause additional work for school personnel. Students who distribute material are responsible for cleaning up any materials left on school grounds.
6. Students must not distribute material that:
 - a. Will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities;
 - b. Violates the rights of others, including but not limited to, material that is libelous, slanderous or obscene, or invades the privacy of others, or infringes on a copyright;
 - c. Is socially inappropriate or inappropriate due to the students' maturity level, including but not limited to, material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy and/or Student Handbooks; ¹
 - d. Is reasonably viewed as promoting illegal drug use;
 - e. Incites students to violate any Board policy.
7. A student may use School Board policy 2:260, *Uniform Grievance Procedure*, to resolve a complaint.
8. Whenever these guidelines require written notification, the appropriate administrator may assist the student in preparing such notification.

A student or group of students seeking to distribute 10 or fewer copies of the same publication on one or more days to students must distribute such material at times and places and in a manner that will

The footnotes should be removed before the material is used.

¹ This procedure is for high school and unit districts only. Unit districts should also use 7:310-AP, *Guidelines for Student Distribution of Non-School Sponsored Publications; Elementary Schools*, for their elementary students.

Be sure that the definition for *sexting* in this procedure aligns with other definitions used throughout the board's policy manual. For an example of a definition, see 7:190-AP5, *Student Handbook - Electronic Devices*. There, sexting encompasses the term *indecent visual depiction* as defined by 705 ILCS 405/3-40 and *non-consensual dissemination of private sexual images* as defined by 720 ILCS 5/11-23.5. 705 ILCS 405/3-40 defines an *indecent visual depiction* as 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 a female, a fully or partially developed breast of the person. A district may create or have another definition of sexting that may or may not encompass statutory terms.

not cause substantial disruption of the proper and orderly operation and discipline of the school or school activities and in compliance with paragraphs 4, 5, 6, and 7.

LEGAL REF.: 105 ILCS 80/, Speech Rights of Student Journalists Act.
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988).
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
Hedges v. Wauconda Community Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

DRAFT

Students

Administrative Procedure - School Student Records ¹

This procedure implements policy 7:340, *Student Records*. It contains a **Table of Contents** and lettered **Sections**.

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Sections

A. Legal Citations and Definitions

The legal requirements contained in this procedure are 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.

Definitions are found in the Ill.~~inois~~ School Student Records Act and the Ill.~~inois~~ State Board of Education (~~ISBE~~) rules. 105 ILCS 10/2; 23 Ill.Admin.Code §375.10. For easy reference, some definitions are re-printed in this procedure.

The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is not included in these procedures but is governed by the Mental Health and Developmental Disabilities Confidentiality Act (~~MHDDCA~~). 740 ILCS 110/.

B. School Student Records Defined

School Student Record means any writing or other recorded information concerning a student and by which a student may be individually identified that is maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. 105 ILCS 10/2(d).

Special Education Records means school records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. §1400 *et seq.*) and Article 14 of the School Code. These records include the report of the multidisciplinary staffing conference on which placement or

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¹ Modify this procedure to align it with board policy. Customize it to reflect the district's practice, particularly to specify the district's treatment of records that the law: (1) says may be kept as either permanent records or temporary records; and (2) allows to be kept as directory information.

nonplacement was based and all records and audio recordings in any format relating to special education placement hearings and appeals. 23 Ill.Admin.Code §375.10.

A school student record does not include any of the following:

1. Writings or other recorded information kept in a school staff member's sole possession that is destroyed not later than the student's graduation or permanent withdrawal, and is not accessible or revealed to any other person except a temporary substitute teacher. 105 ILCS 10/2(d).
2. Information maintained by law enforcement professionals working in the school. 105 ILCS 10/2(d).
3. Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes. This includes, without limitation, electronic recordings made on school buses, as defined in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials for disciplinary or special education purposes regarding a particular student. 23 Ill.Admin.Code §375.10. **Note:** For districts and schools that do not have a designated law enforcement unit, consult the Board Attorney regarding designating an employee to serve as the *law enforcement unit* in order to maintain the security camera and determine the appropriate circumstances in which the school would disclose recorded images.
4. Any information, either written or oral, received from law enforcement officials pursuant to 105 ILCS 5/22-20 concerning a student less than the age of 17 years who has been arrested or taken into custody. 23 Ill.Admin.Code §375.10. ²

C. Eligible Students Accorded the Rights of Parent/Guardian

All rights and privileges concerning school student records that are accorded to parents/guardians become exclusively those of the student when the student reaches 18 years of age, graduates from high school, marries, or enters military service, whichever occurs first. 105 ILCS 10/2(g). Such students are called *eligible students* in this procedure.

D. Official Records Custodians

Each Building Principal is designated the Official Records Custodian for his or her respective school and has the duties, without limitation, listed below.

1. Is responsible for the maintenance, care, and security of all school student records, whether or not the records are in his or her personal custody or control, and shall take all reasonable measures to protect school student records through administrative, technical, and security safeguards against risks, such as unauthorized access, release, or use. 105 ILCS 10/4(a) ~~and~~ (b); 23 Ill.Admin.Code §375.40(g).
2. Reviews student temporary records at least every four years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and correct inaccurate information. The records review is required in any given school year at the time a student first changes attendance centers within the District, but it does not need to be conducted if

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

² Many lawyers believe that once these records are received by a school, they are protected as education records under the federal Family Educational Rights and Privacy Act ([FERPA](#), 20 U.S.C. §1232g). Consult the board attorney for advice.

the student enrolls in a different attendance center later in that same school year. 23 Ill.Admin.Code §375.40(b).

3. When notified by the Ill. Dept. of Children and Family Services (DCFS), purges DCFS's final finding report from the student's record and returns the report to DCFS. If a school has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of the DCFS's request to the receiving school. 325 ILCS 5/8.6.
4. Manages requests to access school student records.
5. Transfers a certified copy of the records of students transferring to another school and retains the original records.
6. Provides all required notices to parents/guardians and students, including without limitation, each of the following:
 - a. Upon initial enrollment or transfer to the school, notification of rights concerning school student records; the notification may be delivered by any means likely to reach parents, including direct mail or email, delivery by the student to the parent, or incorporation into a student handbook. 23 Ill.Admin.Code §375.30.
 - b. Annual notification of information that is considered to be *directory information* and of the procedures to be used by parents/guardians to request that specific information not be released. 23 Ill.Admin.Code §375.80.
 - c. Notification to secondary students and their parents/guardians that they may opt out of the disclosure of students' names, addresses, and telephone listings to military recruiters and institutions of higher learning by submitting a written request that such information not be released without the prior written consent of the parent/guardian. 20 U.S.C. §7908.
 - d. Notification of their right to a hearing to challenge any entry in the school student records (except for academic grades) and Official Records Custodian's name and contact information. 23 Ill.Admin.Code §375.90.
 - e. Upon a student's graduation, transfer, or permanent withdrawal, notification of the destruction schedule for the student's permanent and temporary school student records and of their right to request a copy. 105 ILCS 10/4(h); 23 Ill.Admin.Code §375.40(c).
7. Takes all action necessary to assure that school personnel are informed of the provisions of the School Student Records Act. 105 ILCS 10/3(c).
8. Performs all actions required of the District described in this procedure and the laws governing school student records.

The Building Principal may delegate any of these duties to an appropriate staff member but shall remain responsible for the duty's execution.

E. Maintenance of School Student Records 105 ILCS 10/2; 23 Ill.Admin.Code §375.10.

The District maintains two types of school records for each student: a *permanent* record and a *temporary* record.

The *student permanent record* shall consist of the following:

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s).
2. Evidence required by the Missing Children's Records Act, ~~(325 ILCS 50/5(b)(1))~~.

3. Academic transcripts, including: grades, ~~class rank~~, graduation date, and grade level achieved; as applicable, and if allowed by District policy, scores received on college entrance examinations if that inclusion is requested in writing by an eligible student or the student's parent/guardian (except that a parent/guardian or eligible student may request, in writing, the removal from the academic transcript of any score received on college entrance examinations)³; the unique student identifier assigned and used by ISBE's Student Information System (23 Ill.Admin.Code §1.75); as applicable, designation of an ~~a~~Advanced ~~p~~Placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in 105 ILCS 5/27-22; as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with 105 ILCS 5/2-3.157 and 23 Ill.Admin.Code §1.442; ~~and~~ as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy, awarded in accordance with 23 Ill.Admin.Code §1.442(c); and as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance with 105 ILCS 5/2-3.167 and 23 Ill.Admin.Code §1.443.
4. Attendance record.
5. Health record, defined by ISBE rule as "medical documentation necessary for enrollment and proof of having certain examinations, as may be required under Section 27-8.1 of the School Code."
6. Record of release of permanent record information that contains the information listed in Section I, **Record of Release**, below.
7. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12). 105 ILCS 5/2-3.64a-5. ~~Note: During years in which the Ill. State Board of Education designates a college entrance exam, e.g., the SAT, as the State assessment test administered at the high school level, this requirement may conflict with the right of a parent/guardian or eligible student to request the removal from the academic transcript of any score received on college entrance exams. 105 ILCS 5/2-3.64a-5(d), amended by P.A. 100-222, deletes the requirement that scores received on such State assessment tests be entered on the student's transcript; however, the scores are still required to be placed in the student's permanent record.~~

ISBE rule provides that if not maintained in the temporary record, the *permanent record* may include:

1. Honors and awards received.
2. Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the permanent record.

The *student temporary record* contains all information not required to be kept in the student permanent record and must include:

Commented [MB1]: The right to request removal of a college entrance exam score from an academic transcript was deleted when 23 Ill.Admin.Code 375.10 was amended at 45 Ill. Reg. 5899 to no longer require that such scores be placed on academic transcripts.

The footnotes should be removed before the material is used.

³ 23 Ill.Admin.Code §375.10, amended at 45 Ill. Reg. 5899, provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If board policy allows for the inclusion of such scores on academic transcripts, then the district's notification to parents/guardians and students of their school student records rights must include the process for requesting the inclusion. 23 Ill.Admin.Code §375.30(d)(5), amended at 45 Ill. Reg. 5899.

Note: Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and FERPA attach to eligible students and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

1. Record of release of temporary record information that contains the information listed in Section I, **Record of Release**, below.
2. Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8).
3. Completed home language survey. 23 Ill.Admin.Code §228.15(d).
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction.
5. Any final finding report received from a Child Protective Service Unit provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act shall be placed in the student record. 23 Ill.Admin.Code §375.40(f).
6. Health-related information, defined by ISBE rule as “current documentation of a student’s health information, not otherwise governed by the ~~Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110)~~MHDDCA or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs, e.g., glucose readings, long-term medications administered during school hours, documentation regarding a student athlete’s and his or her parents’ acknowledgment of the District’s concussion policy adopted pursuant to 105 ILCS 5/10-20.53, and other health-related information that is relevant to school participation, e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports.
7. Accident report, defined by ISBE rule as “documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth ... has followed through on that request.”
8. Any documentation of a student’s transfer, including records indicating the school or school district to which the student transferred. 23 Ill.Admin.Code §375.75(e).
9. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement. 105 ILCS 10/4; 23 Ill.Admin.Code §1.445.

The *temporary record* may also consist of:

1. Family background information
2. Intelligence test scores, group and individual
3. Aptitude test scores
4. Reports of psychological evaluations, including information on intelligence, personality, and academic information obtained through test administration, observation, or interviews
5. Elementary and secondary achievement level test results
6. Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations
7. Honors and awards received

8. Teacher anecdotal records
9. Other disciplinary information
10. Special education records
11. Records associated with plans developed under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §701 et seq.)
12. Verified reports or information from non-educational persons, agencies, or organizations of clear relevance to the student's education

F. Retention and Destruction of School Student Records

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(e). The temporary record is maintained for at least five years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(f). Individuals adding information to a student's temporary record must include their name, signature, and position and the date the information was added. 105 ILCS 10/4(d). Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after five years, be transferred to the parent(s)/guardian(s) or to the eligible student. 23 Ill.Admin.Code §375.40(d).

G. Social Security Numbers

School officials, with limited exceptions, may not require students or their parents/guardians to provide social security numbers. 5 ILCS 179/, Identity Protection Act. The collection and retention of social security numbers shall be in accordance with Board policy 4:15, *Identity Protection*.

H. Access to School Student Records

The phrase "access to a school student record" means any release or disclosure of information from a student's school record, whether or not any record is copied, and should be broadly interpreted. Access in all cases is limited to the designated portion of the record to which the consent or statutory authority applies.

Neither the District nor any of its employees shall release, disclose, or grant access to information found in any school student record except under the conditions set forth in the ~~Illinois~~ School Student Records Act. 105 ILCS 10/6. Absent a court order, school officials do not provide educational records to the Immigration Customs Enforcement.

The Building Principal shall grant access to school student records as detailed below. The Building Principal shall consult with the Superintendent and, if authorized, the Board Attorney concerning any questions.

Access to Parent/Guardian or Eligible Student

1. A student's parent(s)/guardian(s) or eligible student, or designee, are entitled to inspect and copy information in the student's school record; a student less than 18 years old may inspect or copy information in his or her permanent school record. 105 ILCS 10/5. A request to inspect or copy school student records shall be made in writing and directed to the Building Principal. Access to the records shall be granted within 10 business days after the receipt of such a request. 105 ILCS 10/5(c), amended by P.A. 100-532. The District may extend this timeline by up to five additional business days if one or more of these six reasons applies:
 - a. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
 - b. The request required the collection of a substantial number of specified records;
 - c. The request is couched in categorical terms and requires an extensive search for the records responsive to it;

- d. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- e. The request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) without unduly burdening or interfering with the operations of the school district; or
- f. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district among two or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

105 ILCS 10/5(c-5), amended by P.A. 100-532.

The District and the person making the request may also agree in writing to extend the timeline for response. *Id.* The response to an access request for a special education student's records shall include those school student records located in the special education office.

- 2. The parent(s)/guardian(s) or the District may request a qualified professional to be present to interpret the student's records. 105 ILCS 10/5(b). If the District makes the request, it is responsible for securing and bearing the cost of the professional's presence.
- 3. Unless the District has actual notice of a court order or a notice of a *parenting plan* under the Ill.~~inois~~ Marriage and Dissolution of Marriage Act, indicating otherwise:
 - a. Divorced or separated parents/guardians with and without *parental responsibility* (formerly custody) are both permitted to inspect and copy the student's school student records. 750 ILCS 5/602.11, amended by P.A. 99-~~94763~~.
 - b. The Building Principal shall send copies of the documents listed below to both divorced or separated parents/guardians at either's request. 105 ILCS 5/10-21.8.
 - 1) Academic progress reports or records
 - 2) ~~Emotional and physical H~~health reports
 - 3) Notices of ~~school-initiated~~ parent-teacher conferences
 - 4) School calendar regarding the student
 - 5) Notices about open houses, graduations, and other major school-sponsored events including student-parent/guardian interaction
- 4. The school will deny access to a student's school records to a parent against whom an *order of protection* (OP) was issued if ~~the~~ OP prohibits the parent from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. See the Ill.~~inois~~ Marriage and Dissolution of Marriage Act, 750 ILCS 5/602.11(a), amended by P.A. 99-763, and 750 ILCS 60/214(b)(15), and 222(f). Also see **Orders of Protection**, below. ⁴

Commented [MB2]: Amended to more accurately reflect 105 ILCS 5/10-21.8.

- 5. ~~The school will deny access to a student's school records to a parent/guardian who is not allocated parenting time (formerly visitation), unless the parent/guardian presents a court order with a finding that it is in the child's best interests to provide those records to the parent.~~

The footnotes should be removed before the material is used.

⁴ This may conflict with FERPA in that it restricts a parent/guardian's right to access his or her child's school records more than is expressly permitted by FERPA. 20 U.S.C. 1232g(a)(1)(A), (B); 34 C.F.R. 99.10(a). Contact the board attorney for guidance.

~~Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/602.11, amended by P.A. 99-90. 5~~

- ~~6.5.~~ Parent(s)/guardian(s) or the student shall not be granted access to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment or the receipt of an honor or award which were placed in the records prior to 1-1-75, provided such letters and statements are not used for purposes other than those for which they were specifically intended. Access shall not be granted to such letters and statements entered into the record at any time if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters and statements. 105 ILCS 10/5(e).

Access With Consent of Parent/Guardian or Eligible Student

1. Access will be granted to any person possessing a written, dated consent, signed by the parent(s)/guardian(s) or eligible student, stating to whom the records may be released, the information or record to be released, and the reason for the release. 105 ILCS 10/6(a)(8); 23 Ill.Admin.Code §375.70(e). Whenever the District requests the consent to release records, the Building Principal shall inform the parent(s)/guardian(s) or eligible student in writing of the right to inspect, copy, and challenge their contents and to limit such consent to designated portions of the records. 105 ILCS 10/6(a)(8).
2. Access to any record that is protected by the ~~Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA, 740 ILCS 110/)~~, specifically that of a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services to a student, will be granted according to the consent requirements contained in MHDDCA. 740 ILCS 110/4 ~~&and~~ 5.

Access Without Notification to or Consent of Parent/Guardian or Eligible Student

1. District employees or officials of the ~~Illinois State Board of Education~~ISBE will be granted access, without parental/guardian consent or notification, when a current, demonstrable, educational or administrative need is shown. Access in such cases is limited to the satisfaction of that need. 105 ILCS 10/6(a)(2). Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest. 105 ILCS 10/6(a)(2).
2. Access will be granted, without parental/guardian consent or notification, to the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled, or intends to enroll, upon the request of such official or student. 105 ILCS 10/6(a)(3).
3. Access will be granted, without parental/guardian consent or notification, to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent/guardian can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. 105 ILCS 10/6(a)(4).
4. The District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or the consent of the student's parent(s)/guardian(s). 20 U.S.C. §1232(g)(j), as added by

Commented [MB3]: Repealed by PA 99-763. 750 ILCS 5/602.11(a) states that access to school records shall not be denied to a parent for the reason that such parent has not been allocated parental responsibility. This is noted in item 3(a), above.

The footnotes should be removed before the material is used.

~~5 See fn 3 above.~~

the Sec. 507 of the U.S.A. Patriot Act of 2001. An *ex parte* order is an order issued by a court of competent jurisdiction without notice to an adverse party.

5. A Serious Habitual Offender Comprehensive Action Program (SHOCAP) committee member will be granted access, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act (FERPA). 105 ILCS 10/6(a)(10) allows disclosure to SHOCAP committee members who are “state and local officials and authorities” as those terms are used in ~~the federal Family Educational Rights and Privacy Act~~ FERPA. This federal law does not define “state and local officials and authorities;” rather, it limits when disclosure may be made to such officials and authorities.
6. Juvenile authorities will be granted access when necessary for the discharge of their official duties upon their request before the student’s adjudication, provided they certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. *Juvenile authorities* means: (a) a circuit court judge and court staff members designated by the judge; (b) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (c) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (d) any individual, public or private agency having court-ordered custody of the child; (e) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (f) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (g) law enforcement officers and prosecutors; (h) adult and juvenile prisoner review boards; (i) authorized military personnel; and (j) individuals authorized by court. 105 ILCS 10/6(a)(6.5).
7. Military recruiters and institutions of higher learning will be granted access to secondary students’ names, addresses, and telephone listings, unless the student’s parent/guardian submits a written request that such information not be released without the prior written consent of the parent/guardian or eligible student. Only this written consent process may be used, no other processes, such as an opt-in process, etc., may be used. Military recruiters and institutions of higher learning have access to students’ names, addresses, and phone numbers even if the District does not release directory information. 20 U.S.C. §7908. For more information, see 7:340-API, E3, *Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information*; 7:340-API, E4, *Frequently Asked Questions Regarding Military Recruiters Access to Students and Student Information*. The requirements in this paragraph apply only if the District receives funds under the Elementary and Secondary Education Act. Id.

Access Without Consent of, but With Notification to, Parent/Guardian or Eligible Student

1. Access will be granted pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice of such order’s terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. 105 ILCS 10/6(a)(5). Parents of students who are named in a court order or parenting plan shall be deemed to have received the required written notice. The Building Principal shall respond to the order no earlier than five school days after its receipt in order to afford parents/guardians the opportunity to review, inspect, and challenge the records if the parents choose to do so. 23 Ill.Admin.Code §375.70(d).
For the purposes of these procedures, a court order is a document signed by a judge. A subpoena signed by a court clerk, an attorney, or an administrative agency official shall not be considered a court order unless signed by a judge. 23 Ill.Admin.Code §375.40(a).

2. Information may be released without parental consent, in connection with an articulable and significant threat to the health or safety of a student or other individuals, to appropriate persons if the knowledge of the requested information is necessary to protect the health or safety of the student or other individuals. The Building Principal shall make this decision taking into consideration the seriousness of the threat, the need for such records to meet the emergency, whether the persons to whom such records are released are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency. 105 ILCS 10/6(a)(7); 23 Ill.Admin.Code §375.60. The Building Principal shall notify the parent(s)/guardian(s) or eligible student, no later than the next school day after the date that the information is released, of the date of the release, the person, agency or organization to whom the release was made, and the purpose of the release.
3. The District will grant access as specifically required by federal or State statute, provided the individual complies with the requirements in 23 Ill.Admin.Code §375.70(b). 105 ILCS 10/6(a)(6). Prior to granting access, the Building Principal shall provide prompt written notice to the parent(s)/guardian(s) or eligible student of this intended action. 105 ILCS 10/6(b); 23 Ill.Admin.Code §375.70. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents. If the release relates to more than 25 students, a notice published in the newspaper is sufficient.

The District charges \$.35 per page for copying information from a student's records. 6 No parent/guardian or student shall be precluded from copying information because of financial hardship. 23 Ill.Admin.Code §375.50. **Note:** The ISBE rule allows a school to "charge the actual cost for providing a copy of school student records or any portion of such records to parents and students upon request for such copies, provided that such costs shall not exceed \$.35 per page." 23 Ill.Admin.Code §375.50.

I. Record of Release

Except as provided below, a record of all releases of information from school student records (including all instances of access granted whether or not records were copied) shall be kept and maintained as part of such records. 105 ILCS 10/6(c). This record shall be maintained for the life of the school student record and shall be accessible only to the parent(s)/guardian(s) or eligible student, Building Principal, or other authorized person. The record of release shall include each of the following:

1. ~~The nature and substance of the information released;~~ ~~or made accessible~~
2. The name and signature of the ~~Building Principal~~ official records custodian releasing such information;
3. The name and ~~position~~ capacity of the requesting person ~~obtaining the release or access and the purpose for the request;~~
4. The date of ~~the release or grant of access;~~ and
5. A copy of any consent to ~~such a~~ release.

No record of a disclosure is maintained when records are disclosed according to the terms of an *ex parte* court order. 20 U.S.C. §1232(g)(j)(4).

J. Orders of Protection

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

6 Districts may substitute the following alternative: "The District charges a fee for copying school student records that corresponds to the fee schedule for copies of records requested under the Freedom of Information Act."

Commented [MB4]: Amended to match 7:340-AP1, E1.

Upon receipt of a court ~~order of protection~~OP that prohibits a Respondent's access to records, the Building Principal shall file it in the temporary record of a student who is the *protected person* under the ~~order of protection~~OP. No information or records shall be released to the Respondent named in the ~~order of protection~~OP. 750 ILCS 60/222(f). ⁷

K. Parenting Plans

Upon receipt of a parenting plan under the Ill.~~inois~~ Marriage and Dissolution of Marriage Act (750 ILCS 5/, amended by P.A.s 99-90 ~~and 99-763~~), the Building Principal shall file it in the temporary record of a student who is the subject of the parenting plan.

L. Transmission of Records for Transfer Students 105 ILCS 10/6(a)(3); 23 Ill.Admin.Code §§375.70 ~~&and~~ 375.75.

The Building Principal shall:

1. Upon the student's request or that of the official records custodian of another school in which the student has enrolled or intends to enroll, transfer a certified copy of the student's record (that is, the student's permanent and temporary record) to the official records custodian of the appropriate school and retain the original records. See policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.
2. Determine if the school or special education office has any record that is protected by the ~~Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA, 740 ILCS 110/4)~~ concerning the transferring student, specifically a record or report made by a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services. If so, ask the appropriate person as identified in 740 ILCS 110/4 whether to send the record protected by MHDDCA to the new school and, if yes, obtain a written consent for disclosure as provided in 740 ILCS 110/5.

This requirement does not apply to special education records and reports that are related to the identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities. 23 Ill.Admin.Code §375.10.

3. Provide the parent/guardian or eligible student prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge it. If the parent's/guardian's address is unknown, notice may be served upon the official records custodian of the requesting school for transmittal to the parent/guardian. This service is deemed conclusive, and ~~ten~~10 calendar days after this service, if the parents/guardians make no objection, the records may be transferred to the requesting school.
4. Destroy any biometric information collected and do not transfer it to another school district.
5. Retain the original records in accordance with the requirements of 105 ILCS 10/4.
6. Maintain any documentation of the student's transfer, including records indicating the school or school district to which the student transferred, in that student's temporary record.

If the student has unpaid fines, fees, or tuition charged pursuant to 105 ILCS 5/10-20.12a and is transferring to a public school located in Illinois or any other state, the Building Principal shall: 23 Ill.Admin.Code §375.75(i)⁸

1. Transfer the student's *unofficial record of student grades* in lieu of the student's official transcript of scholastic records. The *unofficial record of student grades* means written

The footnotes should be removed before the material is used.

⁷ See f/n 34 above.

⁸ This practice is ~~o~~Optional. See also 23 Ill.Admin.Code §§375.75(i).

information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. These records shall also include the school's name and address, the student's name, the name and title of the school official transmitting the records, and the transmittal date.

2. Within ~~ten~~10 calendar days after the student has paid all of his or her unpaid fines or fees and at this District's own expense, forward the student's official transcript of scholastic records to the student's new school.

The Principal shall include the following information with the transferred records if the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for any reason: 105 ILCS 5/2-3.13a; 23 Ill.Admin.Code 375.75(j).

1. The date and duration of the period of any current suspension or expulsion; and
2. Whether the suspension or expulsion is for: (a) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. §8921 et seq.); (b) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (c) battering a school staff member.

M. Directory Information⁹ 23 Ill.Admin.Code §375.80

The School may release certain directory information regarding students, except that a student's parent(s)/guardian(s) may prohibit the release of the student's directory information. Directory information is limited to: 10

1. Name
2. Address
3. Grade level
4. Birth date and place

The footnotes should be removed before the material is used.

⁹ Districts are not required to identify and release directory information. **Be sure that the board policy provides for the release of directory information before including this section.** See sample policy 7:340, *Student Records*. There has been at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor (PAC) supports that a district may not rely on the FOIA exemption for home addresses. PAO 12-3.

Delete the specific types of information that the district does not want released, such as *address*, from the list of information designated as *directory information*. Realize, however, that if the information identified as directory information is too limited, the district may be prohibited from publishing information about specific students.

10 23 Ill.Admin.Code 375.80(a)(1) , amended at 42 Ill. Reg. 5899, no longer includes *gender* as information which may be designated as directory information; This is consistent with attorneys' views that however Illinois' past practice of including gender within directory information may have violated the federal Family Educational Rights and Privacy Act (FERPA). FERPA regulations provide that directory information "means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed" and it "includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status, e.g., undergraduate or graduate, full-time or part-time; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended." 34 C.F.R. 99.3. Though FERPA regulations do not explicitly preclude the designation of *gender* as directory information, U.S. Dept. of Educ. (~~ED~~DOE) guidance has consistently advised schools not to disclose a student's sex as directory information because it would be considered harmful or an invasion of privacy. See *Letter to Institutions of Postsecondary Education*, ~~ED~~-DOE Family Policy Compliance Office (September 2009). Consult the board attorney about the practical implementation of this issue. Some attorneys, for example, believe photos of the "Girls Volleyball Team" may contradict ~~ED~~-DOE guidance.

5. Parent(s)/guardian(s)' names, addresses, electronic mail addresses, and telephone numbers
6. Photographs, videos, or digital images used for informational or news-related purposes (whether by a media outlet or by the school) of a student participating in school or school-sponsored activities, organizations, and athletics that have appeared in school publications, such as yearbooks, newspapers, or sporting or fine arts programs
7. Academic awards, degrees, and honors
8. Information in relation to school-sponsored activities, organizations, and athletics
9. Major field of study
10. Period of attendance in school

No photograph highlighting individual faces shall be used for commercial purposes, including solicitation, advertising, promotion, or fundraising, without the prior, specific, dated, and written consent of the parent or eligible student (see 765 ILCS 1075/30). 23 Ill.Admin.Code §375.80. The following shall not be designated as directory information: (a) an image on a school security video, or (b) student social security number or student identification or unique student identifier. *Id.*

The notification to parents/guardians and students concerning school student records will inform them of their right to object to the release of directory information. See 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*.

N. Student Record Challenges

Parents/guardians have the right to a hearing to challenge the accuracy, relevancy, or propriety of any entry in their student's school records, exclusive of academic grades and references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring. 105 ILCS 10/7; 23 Ill.Admin.Code §375.90. A request for a hearing should be submitted to the Superintendent and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge.

The following procedures apply to a challenge: ~~Id. 105 ILCS 10/7; 23 Ill.Admin.Code §375.90.~~

1. The Superintendent or designee will invite the parent(s)/guardian(s) to an initial informal conference, within 15 school days of receipt of the request for a hearing.
2. If the challenge is not resolved by the informal conference, formal procedures shall be initiated. The Superintendent will appoint a hearing officer, who is not employed in the attendance center in which the student is enrolled.
3. The hearing officer will conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parent(s)/guardian(s) and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
4. At the hearing each party shall have the right to:
 - a. Present evidence and to call witnesses;
 - b. Cross-examine witnesses;
 - c. Counsel;
 - d. A written statement of any decision and the reasons therefore; and
 - e. Appeal an adverse decision to an administrative tribunal or official to be established or designated by the State Board.
5. A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.
6. The written decision of the hearing officer shall, no later than ten school days after the conclusion of the hearing, be transmitted to the parent(s)/guardian(s) and the School

District. It shall be based solely on the information presented at the hearing and shall be one of the following:

- a. To retain the challenged contents of the school student record;
 - b. To remove the challenged contents of the school student record; or
 - c. To change, clarify, or add to the challenged contents of the school student record.
7. Any party has the right to appeal the decision of the local hearing officer to the Regional Superintendent or appropriate Intermediate Service Center, within 20 school days after the decision is transmitted. The parent(s)/guardian(s), if they appeal, shall so inform the school and within ~~ten~~ 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question, and any other pertinent materials to the Regional Superintendent or appropriate Intermediate Service Center. The school may initiate an appeal by the same procedures.
 8. The final decision of the Regional Superintendent or appropriate Intermediate Service Center may be appealed to the circuit court of the county in which the school is located.
 9. The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. The school will include a copy of the statement in any release of the information in dispute. 105 ILCS 10/7(d).

LEGAL REF.: 20 U.S.C. §1232g, Family Education Rights and Privacy Act, implemented by 34 C.F.R. Part 99.
105 ILCS 10/2, Illinois School Student Records Act, implemented by 23 Ill.Admin.Code Part 375.
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.
750 ILCS 5/, Illinois Marriage and Dissolution of Marriage Act.

Students

Exhibit - Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records¹

Upon the initial enrollment or transfer of a student to the school, the school must notify the student and the student's parent(s)/guardian(s) of their rights concerning school student records. This notification may be distributed by any means likely to reach parents/guardians.

The contact information for each School's Official Records Custodian follows:

This notice contains a description of your and your child's rights concerning school student records.

A *school student record* is any writing or other recorded information concerning a student and by which a student may be individually identified ~~individually~~ that is maintained by a school or at its direction or by a school employee, regardless of how or where the information is stored, except for certain records kept in a staff member's sole possession; records maintained by law enforcement officers working in the school; video and other electronic recordings that are created in part for law enforcement, security, or safety reasons or purposes; and electronic recordings made on school buses. The District maintains two types of school records for each student: *permanent* record and *temporary* record.

The *permanent record* includes:

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s).
2. Evidence required under the Missing Children's Records Act. 325 ILCS 50/5(b)(1).
3. Academic transcripts, including: grades, ~~class rank~~, graduation date, ~~and grade level achieved~~; ~~2 scores on college entrance examinations (except that a parent/guardian or eligible student may request, in writing, the removal from the academic transcript of any score received on college entrance examinations)~~; the unique student identifier assigned and used

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

¹ This notification is based on the *Model Notification* published by the U.S. Dept. of Education. Changes were made to comply with the Ill. School Student Records Act (ISSRA, 105 ILCS 10/) and the ISBE rule mandating this notification (23 Ill.Admin.Code §375.30(d)). To obtain the legal citations for this exhibit's provisions, see 7:340-AP1, *School Student Records*, which is annotated with citations to controlling rules and statutes.

Customize this notice to reflect the district's practice, particularly to specify the district's treatment of records that the law: (1) permits to be kept as either permanent records or temporary records; and (2) allows to be kept as directory information.

² 23 Ill.Admin.Code §375.10, amended at 45 Ill. Reg. 5899, provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If the board allows written requests to include college entrance examination scores on students' transcripts, insert the following phrase into #3:

scores received on college entrance examinations if that inclusion is requested in writing by an eligible student or the student's parent/guardian;

Note: Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and the federal Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. 1232g) attach to eligible students and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

Commented [MB1]: Moved to more accurately reflect 105 ILCS 10/2(d) and to match 7:340-AP1.

by the ~~Illinois~~Ill. State Board of Education's Student Information System (SIS); as applicable, designation of an Advanced Placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in School Code Section 5/27-22; as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with ~~the~~School Code Section 5/2-3.157; ~~and~~as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy; and as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance with School Code Section 5/2-3.167.

4. Attendance record.
5. Health record defined by the ~~Illinois~~Ill. State Board of Education (ISBE) as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code."
6. Record of release of permanent record information that includes each of the following:
 - a. The nature and substance of the information released;
 - b. The name and signature of the official records custodian releasing such information;
 - c. The name and capacity of the requesting person and the purpose for the request;
 - d. The date of release; and
 - e. A copy of any consent to a release.
7. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12). 105 ILCS 5/2-3.64a-5. ³

If not maintained in the temporary record, the permanent record may include:

1. Honors and awards received.
2. Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

All information not required to be kept in the student permanent record is kept in the student temporary record and must include:

1. Record of release of temporary record information that includes the same information as listed above for the record of release of permanent records.
2. Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8).
3. Completed home language survey.
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction.
5. Any final finding report received from a Child Protective Service Unit provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act shall be placed in the student record.
6. Health-related information, defined by the ~~Illinois State Board of Education~~ISBE as "current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings,

Commented [MB2]: The right to request removal of a college entrance exam score from an academic transcript was deleted when 23 Ill. Admin. Code §375.10 was amended at 45 Ill. Reg. 5899 to no longer require that such scores be placed on academic transcripts.

Commented [MB3]: Amended to more accurately reflect 23 Ill. Admin. Code §375.10 and to match 7:340-AP1.

The footnotes should be removed before the material is used.

³ During years in which the Ill. State Board of Education designates a college entrance exam, e.g., the SAT, as the State assessment test administered at the high school level, this requirement may conflict with the right of a parent/guardian or eligible student to request the removal from the academic transcript of any score received on college entrance exams. 105 ILCS 5/2-3.64a-5(d), amended by P.A. 100-222, deletes the requirement that scores received on such State assessment tests be entered on the student's transcript, however the scores are still required to be placed in the student's permanent record.

medication dispensation records and logs, e.g., glucose readings, long-term medications administered during school hours, and other health-related information that is relevant to school participation, e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports.”

7. Accident report, defined by the ~~Illinois State Board of Education~~ ISBE as “documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth ... has followed through on that request.”
8. Any documentation of a student’s transfer, including records indicating the school or school district to which the student transferred.
9. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement.

The temporary record may include:

1. Family background information
2. Intelligence test scores, group and individual
3. Aptitude test scores
4. Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews
5. Elementary and secondary achievement level test results
6. Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations
7. Honors and awards received
8. Teacher anecdotal records
9. Other disciplinary information
10. Special education records
11. Records associated with plans developed under section 504 of the Rehabilitation Act of 1973
12. Verified reports or information from non-educational persons, agencies, or organizations of clear relevance to the student’s education

The Family Educational Rights and Privacy Act (FERPA) and the ~~Illinois~~ School Student Records Act (ISSRA) afford parents/guardians and students over 18 years of age (*eligible students*) certain rights with respect to the student’s school records. They are:

1. **The right to inspect and copy the student’s education records within 10 business days ~~of~~ after the date the District receives a request for access.**

The degree of access a student has to his or her records depends on the student’s age. Students less than 18 years of age have the right to inspect and copy only their permanent record. Students 18 years of age or older have access and copy rights to both permanent and temporary records. Parents/guardians or students should submit to the Building Principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent(s)/guardian(s) or student of the time and place where the records may be inspected. The District may extend the response timeline to 15

business days in accordance with ISSRA. The District charges \$.35 per page for copying but no one will be denied their right to copies of their records for inability to pay this cost.

These rights are denied to any person against whom an order of protection has been entered concerning a student. 105 ILCS 5/10-22.3c and 10/5a; 750 ILCS 60/214(b)(15).⁴

~~2. The right to have one or more scores received on college entrance examinations removed from the student's academic transcript.~~

~~Parents/guardians or eligible students may have one or more scores on college entrance exams deleted from their student's academic transcript. Students often take college entrance examinations multiple times to improve their results. Test publishers provide the results from each examination taken to the student's high school. Schools must include each of these scores on the student's transcript, which may result in the academic transcript having multiple scores from a single college entrance exam. A parent/guardian or eligible student may not want certain scores to be sent to postsecondary institutions to which the student applies. The District will remove scores on college entrance examinations upon the written request of the parent/guardian or eligible student stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be removed.~~

~~3.2. The right to request the amendment of the student's education records that the parent(s)/guardian(s) or eligible student believes are inaccurate, irrelevant, or improper.~~

Parents/guardians or eligible students may ask the District to amend a record that they believe is inaccurate, irrelevant, or improper. They should write the Building Principal or the Official Records Custodian, clearly identify the record they want changed, and specify the reason.

If the District decides not to amend the record as requested by the parents/guardians or eligible student, the District will notify the parents/guardians or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

~~4.3. The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that the FERPA or ISSRA authorizes disclosure without consent.~~

Disclosure without consent is permitted to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff

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⁴ 23 Ill.Admin.Code §375.10, amended at 45 Ill. Reg. 5899, provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If the board allows written requests to include college entrance examination scores on students' transcripts, insert the following as right #2:

2. The right to have one or more scores received on college entrance examinations included on the student's academic transcript.

Parents/guardians or eligible students may have one or more scores on college entrance exams included on their student's academic transcript. Students often take college entrance examinations multiple times to improve their results. Test publishers provide the results from each examination taken to the student's high school. A parent/guardian or eligible student may want certain scores to be included on academic transcripts sent to postsecondary institutions to which the student applies. The District will include scores on college entrance examinations upon the written request of the parent/guardian or eligible student stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be included.

Note: Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and FERPA attach to *eligible students* and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or any parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by State or federal law. Before information is released to these individuals, the parents/guardians will receive prior written notice of the nature and substance of the information, and an opportunity to inspect, copy, and challenge such records.

When a challenge is made at the time the student's records are being forwarded to another school to which the student is transferring, there is no right to challenge: (1) academic grades, or (2) references to expulsions or out-of-school suspensions.

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and juvenile authorities when necessary for the discharge of their official duties who request information before adjudication of the student.

5.4 The right to a copy of any school student record proposed to be destroyed or deleted.

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. The temporary record is maintained for at least five years after the student transfers, graduates, or permanently withdraws. Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after five years, be transferred to the parent(s)/guardian(s) or to the student, if the student has succeeded to the rights of the parent(s)/guardian(s). Student temporary records are reviewed every four years or upon a student's change in attendance centers, whichever occurs first.

6.5 The right to prohibit the release of directory information concerning the parent's/guardian's child.⁵

Throughout the school year, the District may release directory information regarding its students, limited to:

- Name
- Address
- Grade level
- Birth date and place
- Parent(s)/guardian(s)' names, addresses, electronic mail addresses, and telephone numbers
- Photographs, videos, or digital images used for informational or news-related purposes (whether by a media outlet or by the school) of a student participating in school or school-sponsored activities, organizations, and athletics that have appeared in school publications, such as yearbooks, newspapers, or sporting or fine arts programs

The footnotes should be removed before the material is used.

⁵ Districts are not required to identify and release directory information. Be sure that the board policy provides for the release of directory information before including this right. See 7:340, *Student Records*.

Academic awards, degrees, and honors
Information in relation to school-sponsored activities, organizations, and athletics
Major field of study
Period of attendance in school

Any parent/guardian or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the Building Principal within 30 days of the date of this notice. No directory information will be released within this time period, unless the parent/guardian or eligible student is specifically informed otherwise.

No photograph highlighting individual faces is allowed for commercial purposes, including solicitation, advertising, promotion or fundraising without the prior, specific, dated and written consent of the parent or student, as applicable; and no image on a school security video recording shall be designated as directory information.

7.6. The right to request that military recruiters or institutions of higher learning not be granted access to your secondary school student's name, address, and telephone numbers without your prior written consent.

Federal law requires a secondary school to grant military recruiters and institutions of higher learning, upon their request, access to secondary school students' names, addresses, and telephone numbers, unless the student's parent/guardian, or a student who is 18 years of age or older, submits a written request that the information not be released without the prior written consent of the parent/guardian or eligible student. If you wish to exercise this option, notify the Building Principal where your student is enrolled for further instructions.

8.7. The right contained in this statement: No person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit, or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the exercise of any right secured under State law.

9.8. The right to file a complaint with the U.S. Dept. of Education concerning alleged failures by the District to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington DC 20202-4605

Operational Services

Accounting and Audits 1

The School District's accounting and audit services shall comply with the *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing*, as adopted by the Illinois State Board of Education (ISBE), State and federal laws and regulations, and generally accepted accounting principles. Determination of liabilities and assets, prioritization of expenditures of governmental funds, and provisions for accounting disclosures shall be made in accordance with government accounting standards as directed by the auditor designated by the Board. The Superintendent, in addition to other assigned financial responsibilities, shall report monthly on the District's financial performance, both income and expense, in relation to the financial plan represented in the budget.

Annual Audit 2

At the close of each fiscal year, the Superintendent shall arrange an audit of the District funds, accounts, statements, and other financial matters. The audit shall be performed by an independent certified public accountant designated by the Board and be conducted in conformance with prescribed standards and legal requirements. A complete and detailed written audit report shall be provided to each Board member and to the Superintendent. The Superintendent shall annually, on or before October 15, submit an original and one copy of the audit to the Regional Superintendent of Schools.

Annual Financial Report 3

The Superintendent or designee shall annually prepare and submit the Annual Financial Report on a timely basis using the form adopted by the ISBE. The Superintendent shall review and discuss the Annual Financial Report with the Board before it is submitted.

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

1 State or federal law controls this policy's content. A board policy or resolution is required concerning revolving funds and petty cash. 23 Ill.Admin.Code §100.70. This policy is intended to facilitate the board's fiscal oversight role. The last sentence of the first paragraph should be modified to align with local conditions. The *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing* at 23 Ill.Admin.Code Part 100 replaced 23 Ill.Admin.Code Part 110, *Program Accounting Manual* and 23 Ill.Admin Code Part 125, *Student Activity Funds and Convenience Accounts*.

2 Audit requirements are found in 105 ILCS 5/3-7 and 5/3-15.1, and 23 Ill.Admin.Code §100.110. The federal Single Audit Act adds audit requirements for federal programs. 31 U.S.C. §7501 et seq.

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

The following optional sentence establishes an audit committee: "The Board will annually establish an audit committee to help the Board select an external auditor, confer with the auditor regarding the audit's scope, and oversee the audit process." **Note:** All board committees are subject to the Open Meetings Act.

The following optional sentence establishes a competitive process for selecting the external auditor; it prevents a long-term relationship with an auditor and reduces the possibility of audits being too routine or friendly: "The Board will annually advertise a request for proposals to perform the external audit." Substitute "periodically" for "annually" if desired.

3 Requirements for the annual financial report are found in 105 ILCS 5/2-3.27 and 5/3-15.1; 23 Ill.Admin.Code §100.100. The last sentence of this section should be modified to align with local conditions.

Inventories 4

The Superintendent or designee is responsible for establishing and maintaining accurate inventory records. The inventory record of supplies and equipment shall include a description of each item, quantity, location, purchase date, and cost or estimated replacement cost.

Disposition of District Property 5

The Superintendent or designee shall notify the Board, as necessary, of the following so that the Board may consider its disposition: (1) District personal property (property other than buildings and land) that is no longer needed for school purposes, and (2) school site, building, or other real estate that is unnecessary, unsuitable, or inconvenient. Notwithstanding the above, the Superintendent or designee may unilaterally dispose of personal property of a diminutive value.

Taxable Fringe Benefits 6

The Superintendent or designee shall: (1) require that all use of District property or equipment by employees is for the District's convenience and best interests unless it is a Board-approved fringe benefit, and (2) ensure compliance with the Internal Revenue Service regulations regarding when to report an employee's personal use of District property or equipment as taxable compensation.

Controls for Revolving Funds and Petty Cash 7

Revolving funds and the petty cash system are established in Board policy 4:50, *Payment Procedures*. The Superintendent shall: (1) designate a custodian for each revolving fund and petty cash fund, (2) obtain a bond for each fund custodian, and (3) maintain the funds in compliance with this policy,

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4 The Ill.~~inois~~ Program Accounting Manual (IPAM) was repealed and replaced with the *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing*. While these rules contain much of the IPAM information, the information about inventories was not included. That information is still useful and may be found at www.isbe.net/Documents/ipam.pdf. The last sentence of this section should be modified to align with local conditions.

5 The requirements in this section are specified in 105 ILCS 5/5-22, amended by P.A. 99-794 (allowing property constructed or renovated by students as part of a curricular program to be sold through the services of a licensed real estate broker subject to certain requirements),² and 5/10-22.8. A board that desires to act on the disposition of property having *any* value should use the following alternative to this section's last sentence: "Notwithstanding the above, the Superintendent or designee may unilaterally dispose of worthless personal property."

The recipient (through either sale or donation) of any discarded school bus must immediately: (1) remove, cover, or conceal the "SCHOOL BUS" signs and any other insignia or words indicating the vehicle is a school bus; (2) render inoperable or remove entirely the stop signal arm and flashing signal system; and (3) paint the school bus a different color from those under Sec.~~tion~~ 12-801 of the Ill.~~inois~~ Vehicle Code. 625 ILCS 5/12-806(b), added by P.A. 100-277, ~~eff. 1-1-18~~.

6 The intent of this optional section is twofold: (1) to control personal use of district property and equipment; and (2) to ensure compliance with IRS rules. As to the first point, allowing personal use of district property or equipment is arguably prohibited by the Ill. Constitution, Art. VIII, Sec. 1 which states: "Public funds, property or credit shall be used only for public purposes." As to the second point, any fringe benefit an employer provides is taxable and must be included in the recipient's pay unless the law specifically excludes it. See Publication 15-B (2017~~08~~), *Employer's Tax Guide to Fringe Benefits*, www.irs.gov/pub/irs-pdf/p15b.pdf.

7 105 ILCS 5/10-20.19~~(2)~~; 23 Ill.Admin.Code §100.70. This paragraph's contents are mandatory, except for the \$500 cap on the maximum balance of revolving funds. The cap amount may be changed or the following alternative used: "Each revolving fund shall be maintained in a bank that has been approved by the Board and established in an amount approved by the Superintendent consistent with the annual budget."

The School Code defines petty cash as a type of revolving fund. Id. It and other revolving funds carry a standard balance and are regularly reimbursed to maintain the standard balance amount (generally referred to as an *imprest system of financial accounting*). In practice, petty cash is paid out of a de minimis cash amount maintained by a fund custodian. Disbursement from a revolving fund other than petty cash is typically made against an imprest checking account, by an authorized signor who is readily available in the district, e.g., a superintendent or building principal. The authorized signor manages the revolving fund and requests the board to reimburse the fund for expenses incurred to bring the imprest account back to its standard balance.

State law, and ISBE rules. A check for the petty cash fund may be drawn payable to the designated petty cash custodian. Bank accounts for revolving funds are limited to a maximum balance of \$500.00. All expenditures from these bank accounts must be directly related to the purpose for which the account was established and supported with documentation, including signed invoices or receipts. All deposits into these bank accounts must be accompanied with a clear description of their intended purpose. The Superintendent or designee shall include checks written to reimburse revolving funds on the Board's monthly listing of bills indicating the recipient and including an explanation.

Control Requirements for Checks 8

The Board must approve all bank accounts opened or established in the District's or a District school's name or with the District's Federal Employer Identification Number. All checks issued by the School District must be signed by either the Treasurer or Board President, except that checks from an account containing student activity funds and revolving accounts may be signed by the respective account custodian.

Internal Controls 9

The Superintendent is primarily responsible for establishing and implementing a system of internal controls for safeguarding the District's financial condition; the Board, however, will oversee these

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8 This section is largely up to the local board's discretion; additional controls may be added. The following alternative to the second sentence will mandate two signatories for checks:

Two of the following individuals: the Treasurer, Board President, and/or Board Vice-President, shall sign all checks issued by the School District, except that checks from an account containing student activity funds and revolving accounts may be signed by the respective account custodian.

A board must comply with State law requirements concerning the use of facsimile or electronic signatures on checks. The Secretary of State, Index Department, maintains certified manual signatures of officers authorized to sign checks. Uniform Facsimile Signature of Public Officials Act, 30 ILCS 320/. Electronic records and signatures are governed by the Electronic Commerce Security Act. 5 ILCS 175/5. Attorneys disagree about the applicability of these laws to school districts.

9 This section is largely up to the local board's discretion. The annual audit must include a "review and testing of the internal control structure." 23 Ill.Admin.Code §100.110. This review's limited scope means that boards should not rely on it to reveal uncontrolled financial risks. The board's responsibility is to establish policy to safeguard the district's financial condition. Indeed, the oath of office includes this promise: "I shall respect taxpayer interests by serving as a faithful protector of the school district's assets." In this sample policy, the board sets the control objectives and the superintendent is responsible for developing an internal controls system. In addition, ISBE has issued guidance on internal controls pursuant to its administration of the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/. See the *Fiscal Procedures Handbook*, at: www.isbe.net/Documents/fiscal_procedure_handbk.pdf, which states that "to establish a strong control environment, grantees must...[d]esign internal controls that are in compliance with guidance in *Standards for Internal Control in the Federal Government* issued by the Comptroller General of the United States" (a free resource, available at: www.gao.gov/assets/670/665712.pdf) or the *Internal Control Integrated Framework* issued by the Committee of Sponsoring Organizations of the Treadway Commission (a fee-based resource, available at: www.coso.org/Pages/default.aspx).

Boards that wish to take a larger oversight role regarding internal controls may list the numbered sentences in the IASB sample administrative procedure 4:80-AP, *Checklist for Internal Controls*, as required inclusions in the superintendent's program for internal controls. This alternative, for insertion at the end of this section's first paragraph, follows:

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

1. All financial transactions must be properly authorized and documented.
2. Financial records and data must be accurate and complete.
3. Accounts payable must be accurate and punctual.
4. District assets must be protected from loss or misuse.
5. Incompatible duties should be segregated, if possible.
6. Accounting records must be periodically reconciled.
7. Equipment and supplies must be safeguarded.
8. Staff members with financial or business responsibilities must be properly trained and supervised, and must perform their responsibilities with utmost care and competence.
9. Any unnecessary weaknesses or financial risks must be promptly corrected.

safeguards. The control objectives are to ensure efficient business and financial practices, reliable financial reporting, and compliance with State law and Board policies, and to prevent losses from fraud, waste, and abuse,¹⁰ as well as employee error, misrepresentation by third parties, or other imprudent employee action.

The Superintendent or designee shall annually audit the District's financial and business operations for compliance with established internal controls and provide the results to the Board. The Board may from time-to-time engage a third party to audit internal controls in addition to the annual audit.

LEGAL REF.: 2 C.F.R. §200 et seq.
30 ILCS 708/, Grant Accountability and Transparency Act, implemented by 44
Ill.Admin.Code 7000 et seq.
105 ILCS 5/2-3.27, 5/2-3.28, 5/3-7, 5/3-15.1, 5/5-22, 5/10-21.4, 5/10-20.19, 5/10-22.8, and 5/17-1 et seq.
23 Ill.Admin.Code Part 100.

CROSS REF.: 4:10 (Fiscal and Business Management), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 4:90 (Activity Funds)

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¹⁰ Unless specifically exempted, grantees receiving funds from any State agency, including ISBE, must comply with GATA and annually complete a Fiscal and Administrative Internal Controls Questionnaire (ICQ). The ICQ covers a number of different topics related to internal controls. Districts that are identified as having one or more areas of elevated risk based on their answers to the ICQ are required to develop and implement corrective action to address the area(s). Districts that fail to take necessary corrective action to address weak areas of internal control put their grant funding at risk. One of the sections of the ICQ addresses a grantee's internal controls for fraud, waste, and abuse, including whether the grantee has a fraud awareness program. See 4:80-AP1, Checklist for Internal Controls, and 4:80-AP2, Fraud, Waste, and Abuse Awareness Program, which incorporate ISBE-recommended practices related to fraud, waste, and abuse.

Instruction

Curriculum Content¹

The curriculum shall contain instruction on subjects required by State statute or regulation as follows:

1. In kindergarten through grade 8, subjects include: (a) language arts, (b) reading, (c) other communication skills, (d) science, (e) mathematics,² (f) social studies, (g) art, (h) music,³ and (i) drug and substance abuse prevention.⁴ A reading opportunity of 60 minutes per day will be promoted for all students in kindergarten through grade 3 whose reading levels are one grade level or more lower than their current grade level.⁵ Before the completion of grade 5, students will be offered at least one unit of cursive instruction.⁶
2. In grades 9 through 12, subjects include: (a) language arts, (b) writing intensive course, (c) science, (d) mathematics,⁷ (e) social studies including U.S. history, American government

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¹ Districts must have a policy on physical education (~~23 Ill.Admin.Code §1.420(p)~~), and what grade level(s) students will be offered cursive writing instruction (105 ILCS 5/27-20.7, added by P.A. 100-548, eff. 7-1-18). Policies on the remaining topics in this policy are optional. State or federal law controls this policy's content. 23 Ill.Admin.Code §1.420 recommends that activities, including student internships and observations of government in action, be a part of the instructional program where appropriate.

² 105 ILCS 5/2-3.156 requires ISBE to coordinate, adapt and develop middle and high school math curriculum models. There is no consistent definition for *middle school* or *high school* in either State or federal law. Districts are not required to use ISBE's models and may develop their own mathematics curricula.

The purpose of the math curriculum models will be to aid school districts and teachers in implementing the *Common Core Standards*. The ISBE has adopted new math and English language arts (ELA) standards for K-12 education referred to as the *New Ill. State Learning Standards Incorporating the Common Core*. The goal of incorporating the *Common Core Standards* into the *State Goals for Learning* is to better prepare Ill. students for success in college and the workforce in a competitive global economy. See <https://www.isbe.net/Documents/ccs-faq-0813.pdf>.

The terms *Common Core Standards* and the *New Ill. State Learning Standards Incorporating the Common Core* are synonymous. Referencing the *Ill. Learning Standards* includes them both. That is because they are incorporated by reference into ISBE's rules and *State Goals for Learning*. A district that wants to include the term *Common Core Standards* in its policy may do so; however, districts should understand that referring to the *Common Core Standards* only will cover only math and ELA learning standards and goals and not any other subject areas that the *Ill. Learning Standards* cover. The best practice is to continue using *Ill. Learning Standards*, which includes the *Common Core Standards*.

³ 23 Ill.Admin.Code §1.430.

⁴ 105 ILCS 5/27-13.2. House Resolution 824 (2014) urges all Illinois schools to educate youth about the dangers of using heroin and the rising numbers of accidental deaths from heroin overdoses through comprehensive drug education programs, including the *Drug Abuse Resistance Education* (DARE) program. No guidance on age appropriate instruction for heroin abuse is provided in the resolution.

⁵ 105 ILCS 5/10-20.53.

⁶ 105 ILCS 5/27-20.7, added by P.A. 100-548, eff. 7-1-18, requires districts to offer students a unit of cursive instruction before they complete grade 5. Other than before completing grade 5, the law is silent about what grade level(s) in which students must receive their unit of cursive instruction. This provides an opportunity for a board to have a conversation with the superintendent about local community expectations and direct him or her to determine the appropriate grade level(s) in which students will be offered a unit of cursive instruction.

Use the following alternative if the board wants to specify grade level(s) before the end of grade 5 in which cursive instruction will be offered:

A unit of cursive instruction will be offered in grade(s) _____.

⁷ 105 ILCS 5/2-3.156. See f/n 2.

105 ILCS 5/27-22 allows the substitution of an advanced placement computer science course for a year of mathematics. For specific requirements, see 6:300-E2, *State Law Graduation Requirements*, and 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-entering Students*.

and, for students entering the 9th grade in the fall of 2016 and each year after it, one semester of civics,⁸ (f) foreign language, (g) music, (h) art, (i) driver and safety education, and (j) vocational education.⁹

Students otherwise eligible to take a driver education course must receive a passing grade in at least eight courses during the previous two semesters before enrolling in the course. The Superintendent or designee may waive this requirement if he or she believes a waiver to be in the student's best interest.¹⁰ The course shall include: (a) classroom instruction on distracted driving as a major traffic safety issue¹¹, and (b) instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.¹² Automobile safety instruction covering traffic regulations and highway safety must include instruction on the consequences of alcohol consumption and the operation of a motor vehicle.¹³ The eligibility requirements contained in State law for the receipt of a certificate of completion from the Secretary of State shall be provided to students in writing at the time of their registration.¹⁴

3. In grades 7 through 12, as well as in interscholastic athletic programs, steroid abuse prevention must be taught.¹⁵

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⁸ 105 ILCS 5/27-22, amended by P.A. 99-434 and P.A. 99-486. The statute specifically states that school districts may utilize private funding available for offering civics education.

⁹ 23 Ill.Admin.Code §1.440, 105 ILCS 5/27-22. The General Assembly encouraged school boards to implement American Sign Language courses into the school foreign language curriculum. 105 ILCS 5/10-20.46. Senate Joint Resolution 68, 96th General Assembly, encourages school districts to explore the introduction of Arabic as a foreign language in their curriculums. The ISBE rule on driver education personnel is found at 23 Ill.Admin.Code §252.40. School districts may contract with a commercial driver training school (CDTS) for driver education. 105 ILCS 5/27-24.2, amended by P.A. 100-465. To qualify to contract with a school district, a CDTS must: (a) hold a valid license issued by the Ill. Sec. of State; and (b) provide instructors who hold a valid Ill. teaching certificate or license. Id. A district contracting with a CDTS must provide a list to ISBE of the CDTS instructors. Id. The list must include the name, personal ISBE identification number, birth date and driver's license number of each instructor who will teach driver education. Id. Although a formal waiver for outsourcing of driver's education is no longer required, districts must consider their applicable collective bargaining agreement(s), board policy, and the reduction in force (RIF) provisions of the School Code as they relate to outsourcing of instructional staff. Consult the board attorney for guidance.

¹⁰ 105 ILCS 5/27-24.2, amended by P.A. 100-465.

¹¹ Id.

¹² Id., amended by P.A. 99-720.

¹³ 105 ILCS 5/27-17.

¹⁴ The Ill. Vehicle Code, 625 ILCS 5/6-408.5, contains these requirements; they are paraphrased below and may be added to the policy or otherwise disseminated.

Before a certificate of completion will be requested from the Secretary of State, a student must receive a passing grade in at least eight courses during the two semesters last ending before requesting the certificate. A certificate of completion will not be requested for any person less than 18 years of age who has dropped out of school unless the individual provides:

1. Written verification of his or her enrollment in a high school equivalency or alternative education program or a high school equivalency certificate (formerly GED certificate);
2. Written verification that before dropping out, the individual had received passing grades in at least eight courses during the two previous semesters last ending before requesting a certificate;
3. Written consent from the individual's parent/guardian and the Regional Superintendent; or
4. Written waiver from the Superintendent of the School District in which the individual resides or resided at the time he or she dropped out of school, or from the chief school administrator with respect to a dropout who attended a non-public high school. A waiver may be given if the Superintendent or chief administrator deems it to be in the individual's best interests.

¹⁵ 105 ILCS 5/27-23.3.

4. In kindergarten through grade 12, provided it can be funded by private grants or the federal government, violence prevention and conflict resolution must be stressed, including: (a) causes of conflict, (b) consequences of violent behavior, (c) non-violent resolution, and (d) relationships between drugs, alcohol, and violence.¹⁶
5. In grades kindergarten through 12, age-appropriate Internet safety must be taught, the scope of which shall be determined by the Superintendent or designee. The curriculum must incorporate policy 6:235, *Access to Electronic Networks* and, at a minimum, include: (a) education about appropriate online behavior, (b) interacting with other individuals on social networking websites and in chat rooms, and (c) cyberbullying awareness and response.¹⁷
6. In all grades, character education must be taught including respect, responsibility, fairness, caring, trustworthiness, and citizenship in order to raise students' honesty, kindness, justice, discipline, respect for others, and moral courage.¹⁸
7. In all schools, citizenship values must be taught, including: (a) patriotism, (b) democratic principles of freedom, justice, and equality, (c) proper use and display of the American flag, (d) the Pledge of Allegiance, and (e) the voting process.¹⁹
8. In all grades, physical education must be taught including a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a

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¹⁶ 105 ILCS 5/27-23.4.

¹⁷ 47 C.F.R. § 54.520(c)(1)(i) and 105 ILCS 5/27-13.3 control this section. "Grades kindergarten through 12" is used because federal law requires school districts that receive E-rate funding to certify that they have an Internet safety education policy for all minors. 47 C.F.R. §54.520(c)(1)(i). This federal law defines *minors* as any individual who has not attained the age of 17 years. 47 C.F.R. §54.520(a)(4).

105 ILCS 5/27-13.3 requires a unit on Internet safety for students in grades 3 or above. It recommends seven topics for the unit on Internet safety and required ISBE to "make available resource materials for educating children regarding child online safety." It also invites schools to "adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12."

For boards that do not receive E-rate funds and do not want to exceed the requirements of the School Code, replace this section with the following sentence: "In grades 3 or above, the curriculum contains a unit on Internet safety, the scope of which shall be determined by the Superintendent or designee."

¹⁸ 105 ILCS 5/27-12.

Because of the negative outcomes associated with bullying in schools, the Ill. General Assembly has also found "that [school districts] should educate students, parents, and school district personnel about what behaviors constitute prohibited bullying." 105 ILCS 5/27-23.7(a). A board may want to add the following option:

Instruction in all grades should include educating students about behaviors that violate Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

The Ill. General Assembly invited boards to "make suitable provisions for instruction in gang resistance education and training in all grades and include such instruction in the courses of study regularly taught in those grades." See 105 ILCS 5/27-23.10(c). A board that shares this concern may add the following option: "In addition, in all grades gang resistance education and training must be taught."

¹⁹ 105 ILCS 5/27-3 requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. Requirements for displaying a U.S. flag at each school and in each classroom are found in 5 ILCS 465/3 and 465/3a.

Note that the Illinois statute does not require every student to recite the *Pledge* – that kind of mandatory participation would violate the U.S. Constitution. Schools may not coerce a student into saying the *Pledge*, nor may they punish students for refusing to participate in any aspect of the flag ritual, including standing, saluting the flag, and reciting the *Pledge*. West Virginia State Bd. of Educ. v. Barnett, 319 U.S. 624 (1943); Sherman v. Community Consolidated Sch. Dist. 21 of Wheeling Township, 980 F.2d 437 (7th Cir. 1992). Consider using permissive rather than mandatory language to introduce the recitation of the *Pledge*, such as, "You may now stand to recite the *Pledge*." Schools may, of course, require that non-participants maintain order and decorum appropriate to the school environment.

healthy lifestyle. Unless otherwise exempted, all students are required to engage in a physical education course with such frequency as determined by the Board after recommendation from the Superintendent,²⁰ but at a minimum of three days per five-day week. For exemptions and substitutions, see policies 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students* and 7:260, *Exemption from Physical Education*.²¹

9. In all schools, health education must be stressed, including: (a) proper nutrition, (b) physical fitness, (c) components necessary to develop a sound mind in a healthy body, (d) dangers and avoidance of abduction, and (e) age-appropriate sexual abuse and assault awareness and prevention education in all grades. The Superintendent shall implement a comprehensive health education program in accordance with State law.²²
10. In all schools, career/vocational education must be taught, including: (a) the importance of work, (b) the development of basic skills to enter the world of work and/or continue formal education, (c) good work habits and values, (d) the relationship between learning and work, and (e) if possible, a student work program that provides the student with work experience as

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²⁰ The phrase “after recommendation by the Superintendent” is optional. If a superintendent does not bring this topic to the board for discussion, the board may not have a trigger to make the determination.

²¹ 105 ILCS 5/27-5 requires school boards to provide for students’ physical education and allows the P.E. course offered in grades 5 through 10 to include the health education courses required by State law. See also 23 Ill.Admin.Code §1.425, added at 40 Ill. Reg. 2990.

105 ILCS 5/27-6, amended by P.A. 100-465, describes when students may be excused from P.E. See also 23 Ill.Admin.Code §1.425(e).

105 ILCS 5/27-6, amended by P.A. 100-465, contains an exception to the minimum of three days per five-day week P.E. requirement for schools engaged in block scheduling; if this is applicable, substitute this sentence for the second-to-last sentence in this paragraph:

Unless otherwise exempted, all students are required to engage with such frequency as determined by the Board, but at a minimum of three days per five-day week, during the school day, except on block scheduled days, in a physical education course.

105 ILCS 5/27-6.5 describes physical fitness assessments required, beginning with the 2016-17 school year and every school year thereafter, for grades 3-12 in an effort to meet State Goal 20 of the Illinois Learning Standards for Physical Development and Health at: www.isbe.net/Pages/PE-Health-Learning-Standards.aspx. See also 23 Ill.Admin.Code §1.425 (g) and (h); ISBE’s *IL Fitness Assessments and Data Reporting Requirements Questions and Answers* (Rev. 5/22/17) at: www.isbe.net/Documents/fitness-asmt-faq.pdf.

105 ILCS 5/27-7 describes the goals and requirements for P.E. courses; these are re-stated in this sample policy.

²² 105 ILCS 110/3 and 23 Ill.Admin.Code §1.420(n). Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act. More detailed health education program content is described in administrative procedure 6:60-AP, *Comprehensive Health Education Program*. It includes the requirements for the development of a family life and sex education program (105 ILCS 5/27-9.1 and 110/3), among other health education topics including *teen dating violence* (105 ILCS 110/3.1, see 7:185, *Teen Dating Violence Prohibited* for the required “teen dating violence policy”) and cardiopulmonary resuscitation and automated external defibrillator use (105 ILCS 110/3).

Citations for letters (a) - (e) in this paragraph follow:

- (a) 105 ILCS 5/2-3.139 and 105 ILCS 5/27-7 (proper nutrition) and see also policy 6:50, *School Wellness*.
- (b) *Id.* (physical fitness) and see also policy 6:50, *School Wellness*.
- (c) *Id.* (sound mind and healthy body).
- (d) 105 ILCS 5/27-13.2 (dangers and avoidance of abduction). The State Police and ISBE must develop instruction on child abduction prevention. 20 ILCS 2605/2605-480.
- (e) 105 ILCS 110/3 and 105 ILCS 5/10-23.13 a/k/a *Erin’s Law* (child sexual abuse prevention). *Erin’s Law* requires a policy addressing child sexual abuse prevention. A sentence in 6:60-AP, *Comprehensive Health Education Program* restates the basic recommendations for a child sexual abuse prevention program from page 16 of the *Erin’s Law* Taskforce Final Report (Report) to Governor Quinn at: www.isbe.net/Documents/erins-law-final0512.pdf. The professional educator training component of *Erin’s Law* is addressed in policy 5:100, *Staff Development Program*. The Report also encourages parental involvement because parents play a key role in protecting children from child sexual abuse.

an extension of the regular classroom. A career awareness and exploration program must be available at all grade levels.²³

11. In grades 9 through 12, consumer education must be taught, including: (a) financial literacy, including consumer debt and installment purchasing (including credit scoring, managing credit debt, and completing a loan application); budgeting; savings and investing; banking (including balancing a checkbook, opening a deposit account, and the use of interest rates); understanding simple contracts; State and federal income taxes; personal insurance policies; the comparison of prices; higher education student loans; identity-theft security; and homeownership (including the basic process of obtaining a mortgage and the concepts of fixed and adjustable rate mortgages, subprime loans, and predatory lending); and (b) the roles of consumers interacting with agriculture, business, labor unions and government in formulating and achieving the goals of the mixed free enterprise system.²⁴
12. In all schools, conservation of natural resources must be taught, including: (a) home ecology, (b) endangered species, (c) threats to the environment, and (d) the importance of the environment to life as we know it.²⁵
13. In all schools, United States history must be taught, including: (a) the principles of representative government, (b) the Constitutions of the U.S. and Illinois, (c) the role of the U.S. in world affairs, (d) the role of labor unions, and (e) the role and contributions of ethnic groups, including but not limited to, the African Americans, Albanians, Asian Americans, Bohemians, Czechs, French, Germans, Hispanics (including the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression), Hungarians, Irish, Italians, Lithuanians, Polish, Russians, Scots, and Slovaks in the history of this country and State.²⁶

In addition, all schools shall hold an educational program on the United States Constitution on Constitution Day, each September 17, commemorating the September 17, 1787 signing of the Constitution. However, when September 17 falls on a Saturday, Sunday, or holiday, Constitution Day shall be held during the preceding or following week.²⁷

14. In grade 7 and all high school courses concerning U.S. history or a combination of U.S. history and American government, students must view a Congressional Medal of Honor film made by the Congressional Medal of Honor Foundation, provided there is no cost for the film.²⁸

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²³ 23 Ill.Admin.Code §1.420(i). See 105 ILCS 435/ for the Vocational Education Act.

²⁴ 105 ILCS 5/27-12.1, amended by P.A. 99-284; 23 Ill.Admin.Code §1.420(k). P.A. 99-284 added these new subjects to the required consumer education course: consumer debt, higher education student loans, and identity-theft security.

²⁵ 105 ILCS 5/27-13.1; 23 Ill.Admin.Code §1.420(l).

²⁶ 105 ILCS 5/27-21; 23 Ill.Admin.Code §1.420(r).

²⁷ Section 111 of Division J of Pub.L. 108-447, the Consolidated Appropriations Act, 2005, 12-8-04; 118 Stat. 2809, 3344-45 (Section 111). Section 111(b) states: “[e]ach educational institution that receives Federal funds for a fiscal year shall hold an educational program on the U.S. Constitution on September 17 of such year”

²⁸ 105 ILCS 5/27-3.5. The Congressional Medal of Honor film is available on ISBE’s website for no cost at: www.isbe.net/Pages/Medal-of-Honor.aspx.

15. In all schools, the curriculum includes a unit of instruction on the Holocaust and crimes of genocide, including Nazi atrocities of 1933-1945, Armenian Genocide, the Famine-Genocide in Ukraine, and more recent atrocities in Cambodia, Bosnia, Rwanda, and Sudan.²⁹
16. In all schools, the curriculum includes a unit of instruction on the history, struggles, and contributions of women.³⁰
17. In all schools, the curriculum includes a unit of instruction on Black History, including the history of the African slave trade, slavery in America, and the vestiges of slavery in this country, as well as the struggles and contributions of African-Americans ³¹
18. In all schools offering a secondary agricultural education program, the curriculum includes courses as required by 105 ILCS 5/2-3.80.³²
19. In all schools, instruction during courses as determined by the Superintendent or designee on disability history, awareness, and the disability rights movement.³³

LEGAL REF.: 5 ILCS 465/3 and 465/3a.
 20 ILCS 2605/2605-480.
 105 ILCS 5/2-3.80(e) and (f), 5/27-3, 5/27-3.5, 5/27-5, 5/27-6, 5/27-6.5, 5/27-7, 5/27-12, 5/27-12.1, 5/27-13.1, 5/27-13.2, 5/27-20.3, 5/27-20.4, 5/27-20.5, 5/27-20.7, 5/27-21, 5/27-22, 5/27-23.3, 5/27-23.4, 5/27-23.7, 5/27-23.8, 5/27-23.10, 5/27-24.2, 435/, and 110/3.
 625 ILCS 5/6-408.5.
 23 Ill.Admin.Code §§1.420, 1.425, 1.430, and 1.440.
 Consolidated Appropriations Act of 2005, Pub. L. No. 108-447, Section 111 of Division J.
 Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, 122 stat. 4096 (2008).
 47 C.F.R. §54.520.

CROSS REF.: 6:20 (School Year Calendar and Day), 6:40 (Curriculum Development), 6:70 (Teaching About Religions), 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:260 (Exemption from Physical Education)

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

²⁹ 105 ILCS 5/27-20.3 requires the curriculum to include a *unit of instruction* on this subject but does not specify the amount of time that constitutes a *unit of instruction*.

³⁰ 105 ILCS 5/27-20.5 requires the curriculum to include a *unit of instruction* on this subject but does not specify the amount of time that constitutes a *unit of instruction*. House Resolution 365 (2013) and Senate Resolution 1073 (2014) both urge all Illinois educators to share with students of an appropriate age the story of *comfort women* when discussing the history of Asia or World War II, or the issue of human trafficking.

³¹ 105 ILCS 5/27-20.4 requires the curriculum to include a *unit of instruction* on this subject but does not specify the amount of time that constitutes a *unit of instruction*.

³² 105 ILCS 5/2-3.80(e) or (f).

³³ 105 ILCS 5/27-23.8. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. The statute requires that the instruction be founded on the principle that all students, including students with disabilities, have the right to exercise self-determination. It urges districts to request individuals with disabilities to assist with the development and delivery of this instruction and allows instruction to be supplemented by knowledgeable guest speakers.

Students

School Admissions and Student Transfers To and From Non-District Schools 1

Age [Elementary or Unit Districts only]

To be eligible for admission, a child must be five years old on or before September 1 of that school term.² A child entering first grade must be six years of age on or before September 1 of that school term.³ Based upon an assessment of a child's readiness to attend school, the District may permit him or her to attend school prior to these dates.⁴ A child will also be allowed to attend first grade based upon an assessment of his or her readiness if he or she attended a non-public preschool, continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately licensed teacher, and will be six years old on or before December 31.⁵ A child with exceptional needs who qualifies for special education services is eligible for admission at three years of age.⁶ Early entrance to kindergarten or first grade may also be available through Board policy 6:135, Accelerated Placement Program.^{7 8}

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

¹ State law requires some of the subject matter contained in this sample policy to be covered by policy and controls this policy's content. Boards must adopt a policy on school admissions (105 ILCS 5/10-21.2) and restricting a student from transferring from another school while under a suspension or expulsion from that school (105 ILCS 5/10-22.6). A registration guidance document, updated annually, is available from the Ill. State Board of Education (ISBE) at: www.isbe.net/Documents/guidance_reg.pdf.

² 105 ILCS 5/10-20.12. The district may, however, establish a kindergarten for children between the ages of 4 and 6 years old. ~~(105 ILCS 5/10-20.19a and 5/10-22.18).~~ Any child between the ages of 7 and 17 (unless the child has already graduated from high school) must attend public or private school, with certain exceptions allowed for physical and mental disability, lawful employment, or other reasons as specified by statute. ~~(105 ILCS 5/26-1).~~ The phrase "a child between the ages of 7 and 17" is liberally construed to fully carry out the true intent and meaning of the General Assembly (5 ILCS 70/1.01), which is to ensure that students graduate from high school (105 ILCS 5/26-1). Therefore "the ages of 7-17" means a child is 17 until his or her 18th birthday.

³ Optional sentence.

⁴ 105 ILCS 5/10-20.12.

⁵ Id. Required by 105 ILCS 5/10-20.12. Delete the first four sentences in this paragraph if the district operates a year-round school and use the following alternative in a district operating on a year-round basis:

To be eligible for admission, a child must be at least five years old within 30 days after the commencement of that school term. Based upon an assessment of the child's readiness to attend school, the District may permit him or her to attend school prior to this date. ~~A~~ child may also attend first grade based upon an assessment of his or her readiness if he or she attended a non-public preschool and continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately licensed teacher, and will attain age six within four months after the commencement of the term.

⁶ 105 ILCS 5/14-1.02 and 5/14-1.03a. An ISBE rule states: "Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 C.F.R. §300.131) who may be eligible for special education and related services." ~~(23 Ill.Admin.Code §226.100).~~ Note that after a child is determined to be eligible for special education services, the child must be placed in the appropriate program no later than the beginning of the next school semester. ~~(105 ILCS 5/14-8.02).~~

⁷ 105 ILCS 5/14A-17, added by P.A. 100-421, eff. 7-1-18 (the Accelerated Placement Act (APA)). For high school districts, delete this sentence and the cross reference to 6:135, Accelerated Placement Program. See 6:135, Accelerated Placement Program, and 6:135-AP, Accelerated Placement Program Procedures, for further detail.

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (School year – School age.). See f/n 4 in sample policy 6:135, Accelerated Placement Program for a discussion about reconciling the APA and 105 ILCS 5/10-20.12. Consult the board attorney for guidance.

⁸ 105 ILCS 5/10-20.12. Districts that wish to permit early admission may add the following optional paragraph:

Admission Procedure

All students must register for school each year on the dates and at the place designated by the Superintendent. Parents/guardians of students enrolling in the District for the first time must present:

1. A certified copy of the student's birth certificate. If a birth certificate is not presented, the Superintendent or designee shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified copy of the student's birth certificate. A student will be enrolled without a birth certificate.⁹ When a certified copy of the birth certificate is presented, the school shall promptly make a copy for its records, place the copy in the student's ~~temporary~~permanent¹⁰ record, and return the ~~original~~certified copy to the person enrolling the child. If a person enrolling a student fails to provide a certified copy of the student's birth certificate, the Superintendent or designee shall immediately notify the local law enforcement agency, and shall also notify the person enrolling the student in writing that, unless he or she complies within ten days, the case will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that ten-day period, the Superintendent or designee shall so refer the case. The Superintendent or designee shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content.¹¹
2. Proof of residence, as required by Board policy 7:60, *Residence*.

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~~Parents/guardians may request early admission for a child. The Superintendent or designee shall assess the child's readiness to attend school and make the decision accordingly.~~

Districts ~~that implement this option~~ should also consider implementing specific and objective criteria for early admissions and address such issues as who pays the costs for assessments, etc. Using this exception defeats the age requirement rules because it only relies upon a child's readiness, regardless of his or her age.

⁹ Presenting a certified copy of a student's birth certificate is a missing children's law enforcement issue **that may not be used for denying enrollment**. See **Guidance Documents** subhead in 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*, for more information about enrollment and residency issues. Consult the board attorney if a student cannot produce a certified copy of his or her birth certificate and wishes to provide a passport, visa or other governmental documentation of identity. To balance the tension between the missing children's laws reporting requirements and Plyler v. Doe (457 U.S. 202 (1982)), many attorneys advise not to report a student's failure to produce a birth certificate; however always consult the board attorney for assistance based upon the specific facts of the enrollment situation (see f/n ~~8~~¹¹ below).

¹⁰ 23 Ill.Admin.Code §375.10 states that the student permanent record shall include basic identifying information, including the student's name, birth date and place, and gender, and evidence required under 325 ILCS 50/5(b)(1).

¹¹ Two almost identical laws govern this requirement: Missing Children Records Act (325 ILCS 50/) and Missing Children Registration Law (325 ILCS 55/). We reconciled their differences as much as possible but chiefly used the language from the Registration Law because it has the clearest explanation. The statutory enforcement requirements, as nonsensical as they may seem, are quoted in the policy. **Important:** Schools cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. See Plyler v. Doe, 402 S.Ct. 2382 (1982). See also f/n ~~12~~¹⁸ below.

According to the Ill. State Police, a certified copy of the student's birth certificate is the only acceptable proof of the child's identity and age, ~~(20 Ill.Admin.Code §1290.60(a))~~. For more discussion about acceptable proof of identity, see f/n 1 in 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*. The Missing Children's Records Act requires schools to make prompt copies of these certified copies. 325 ILCS 50/5(b). Once made, schools need not request another certified copy with respect to that child for any other year in which the child is enrolled in that school or other entity. Id. While the Act does not mandate where the copy should be kept, it is appropriate for placement in the student's temporary record. See 23 Ill.Admin.Code §375.10. The school person who receives the copy of the certified birth certificate should initial and date the document. That way, if there is a question or an investigation (which can happen even years after enrollment) there will not be an issue as to who received the document and the date it was processed.

A district must also *flag* a student's record on notification by the State police of the student's disappearance and report to the State police any request for a *flagged* student record. 325 ILCS 50/3, 50/5.

3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students*.¹²

The individual enrolling a student shall be given the opportunity to voluntarily state whether the student has a parent or guardian who is a member of a branch of the U.S. Armed Forces and who is either deployed to active duty or expects to be deployed to active duty during the school year.¹³ Students who are children of active duty military personnel transferring will be allowed to enter: (a) the same grade level in which they studied at the school from which they transferred, if the transfer occurs during the District's school year, or (b) the grade level following the last grade completed.¹⁴

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required for enrollment.¹⁵ Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

Foster Care Students

The Superintendent will appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the ~~Illinois Department~~ of Children and Family Services when enrolling in or changing schools. ¹⁶

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¹² Each school must maintain records for each student that reflect compliance with the examinations and immunizations required by 105 ILCS 5/27-8.1; ~~and~~ 23 Ill.Admin.Code §1.530(a). A Tuberculosis skin test is required if the student lives in an area designated by the Ill. Dept. of Public Health as having a high incidence of Tuberculosis.

¹³ This paragraph is optional in the policy; it reflects the requirements of State and federal law. P.A. 99-30 repealed the Military Compact Act at 105 ILCS 5/22-65 because of the Educational Opportunity for Military Children Act (EOMCA, 105 ILCS 70/); this exact language is not contained in the recoded ~~EOMCA Educational Opportunity for Military Children Act, 105 ILCS 70/~~.

¹⁴ Optional. The ~~Educational Opportunity for Military Children Act, 105 ILCS 70/33, EOMCA~~ further details enrollment and entrance requirements for children of active military personnel. 105 ILCS 70/33. After enrollment, the law allows a district to perform evaluations to ensure appropriate placement of the student. Course, program, graduation, extracurricular(s), and other placement options for this student population are further discussed in 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*.

¹⁵ Required by Education for Homeless Children Act (105 ILCS 45/) and the McKinney-Vento Homeless Assistance Act; (42 U.S.C. §11431 et seq.). See §11432(g)(3)(C)(i).

¹⁶ Optional. 105 ILCS 5/10-20.58, added by P.A. 99-781, allows school boards to appoint liaisons for foster care students. These liaisons must be licensed under Article 21B of the School Code. 105 ILCS 5/10-20.58 directs how employees are prioritized for liaison appointment. Liaisons are "encouraged to build capacity and infrastructure within their school district to support students in the legal custody of the Department of Children and Family Services." Liaison responsibilities may include:

1. Streamlining the enrollment process for students in foster care;
2. Implementing student data tracking and monitoring mechanisms;
3. Ensuring that students in DCFS custody receive all school nutrition and meal programs available;
4. Coordinating student withdrawal from a school, record transfers, and credit recovery;
5. Becoming experts on the foster care system and State laws and policies in place that support students in DCFS custody;
6. Coordinating with child welfare partners;
7. Providing foster care-related information and training to the district;
8. Working with DCFS to help students maintain their school placement, if appropriate;
9. Reviewing student schedules to ensure students are on track to graduate;
10. Encouraging a successful transition into adulthood and post-secondary opportunities;
11. Encouraging involvement in extracurricular activities; and
12. Knowing what support is available within the district and community for students in DCFS custody.

Student Transfers To and From Non-District Schools¹⁷

A student may transfer into or out of the District according to State law and procedures developed by the Superintendent or designee. A student seeking to transfer into the District must serve the entire term of any suspension or expulsion, imposed for any reason by any public or private school, in this or any other state, before being admitted into the School District.

Foreign Students [High School or Unit Districts only]¹⁸

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

¹⁷ 105 ILCS 5/2-3.13a requires each transferor (original) school to keep documentation of transfers in the student's record. It also requires "notification [by the transferee (recipient) school] of the transfer on or before July 31 following the school year during which the student withdraws from the transferor school or school district or the student shall be counted in the calculation of the transferor school's or school district's annual student dropout rate." ISBE rule, 23 Ill.Admin.Code §375.75(e), is consistent with this requirement. The rule also requires the transferring school or district to maintain any documentation of the student's transfer, including records indicating the school or school district to which the student transferred, in that student's temporary record.

Out-of-state transfer students, including children of military personnel, may use unofficial transcripts for admission to a school until official transcripts are obtained from the student's last school district. ~~105 ILCS 5/10-8.1~~ ~~&and~~ 70/32). See also 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*.

A board has two basic options for students transferring into the district who are serving a suspension or expulsion. Under option one, it may comply with the minimum requirements of section 2-3.13a by refusing to allow a student transferring from any public school to attend classes until the period of any suspension or expulsion has expired when the penalty was for: (1) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act; (2) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (3) battering a staff member of the school. Under option two, a board may require a student who was suspended or expelled for any reason from any public or private school in this or any other state to complete the entire term of the suspension or expulsion before being admitted to the school district. The sample policy uses the second, more simple, more comprehensive alternative.

A board may adopt a policy providing that if a student is suspended or expelled for any reason from any school, anywhere, the student must complete the suspension's or expulsion's entire term in an alternative school program under Article 13A before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program. ~~105 ILCS 5/2-3.13a; and 5/10-22.6(g)~~. If a board wants to provide for this alternative, it may add the following to either of the above options:

The Superintendent is authorized to allow a student who was suspended or expelled from any public or private school to be placed in an alternative school program established under Article 13A of the School Code for the remainder of the suspension or expulsion.

¹⁸ Generally, a citizen of a foreign country who wishes to enter the U.S. must first obtain either: (1) a nonimmigrant visa (for temporary stay for tourism, medical treatment, business, temporary work, or study), or (2) an immigrant visa for permanent residence. Common visas presented by foreign students are:

1. J-1 nonimmigrant visas for participants in educational and cultural exchange programs designated by the U.S. Department of State (DOS), Exchange Visitor Program, and Designation Staff. These students are enrolled provided they otherwise qualify for admission. For information about J-1 visas and the Exchange Visitor Program, see j1visa.state.gov/programs.
2. F-1 nonimmigrant student visa. F-1 visas are not issued for attendance at an elementary or middle school (K-8). Before obtaining an F-1 student visa, the individual must submit evidence that the school district has been reimbursed for the unsubsidized per capita cost of the education. These students are enrolled provided they otherwise qualify for admission. However, attendance at U.S. public high schools cannot exceed a total of 12 months.
3. B-2 visitor nonimmigrant visas. There is disagreement over whether these students must be enrolled tuition free. Their visitor visa is evidence of nonresident status. Call ~~INS or~~ the district's attorney for guidance.
4. The qualified school-age child of an alien who holds another type of visa ~~(i.e., A, E, H, I, L, etc.)~~, other than a visitor visa. These students are enrolled provided they otherwise qualify for admission. Likewise, dependents of foreign nationals on long-term visas are enrolled provided they otherwise qualify for admission.
5. No immigration documentation. *Plyler v. Doe*, ~~102 S.Ct. 2382 (1982)~~. A school cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. Thus, undocumented aliens are enrolled, provided they otherwise qualify for admission.

The District accepts foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration. Exchange students on a J-1 visa are not required to pay tuition.¹⁹

Privately sponsored exchange students on an F-1 visa may be enrolled if an adult resident of the District has temporary guardianship, and the student lives in the home of that guardian. Exchange students on an F-1 visa are required to pay tuition at the established District rate.²⁰ F-1 visa student admission is limited to high schools, and attendance may not exceed 12 months.

The Board may limit the number of exchange students admitted in any given year. Exchange students must comply with District immunization requirements. Once admitted, exchange students become subject to all District policies and regulations governing students.

Re-enrollment²¹ [*High School or Unit Districts only*]

Re-enrollment shall be denied to any individual 19 years of age or above who has dropped out of school and who could not earn sufficient credits during the normal school year(s) to graduate before his or her 21st birthday. However, at the Superintendent's or designee's discretion and depending on program availability, the individual may be enrolled in a graduation incentives program established under 105 ILCS 5/26-16 or an alternative learning opportunities program established under 105 ILCS 5/13B-1 (see 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*). Before being denied re-enrollment, the District will offer the individual due process as required in cases of expulsion under policy 7:210, *Expulsion Procedures*. A person denied re-enrollment will be offered counseling and be directed to alternative educational programs, including adult education programs that lead to graduation or receipt of a GED diploma. This section does not apply to students eligible for special education under the Individuals with Disabilities Education Improvement Act or accommodation plans under the Rehabilitation Act, Section 504.

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6. Immigrant visa. These students are enrolled provided they otherwise qualify for admission.

The Student and Exchange Visitor Information System (SEVIS) is an Internet-based system that provides tracking and monitoring, with access to accurate and current information on nonimmigrant students (F and M visas) and exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). See §641, Illegal Immigration Reform and Immigrant Responsibility Act. Section 641 is an exception to the Family Educational Rights and Privacy Act. See 8 C.F.R. §214.1(h). SEVIS enables schools and program sponsors to transmit electronic information and event notifications, via the Internet, to the Dept. of Homeland Security (DHS) and the INS and Department of State-DOS throughout a student's or exchange visitor's stay. SEVIS will provide system alerts, event notifications, and reports to the end-user schools and programs, as well as for DHS/INS and DOS offices.

According to federal regulations, students who apply for F-1, M-1, F-3, or M-3 visas must pay a \$100 fee, and students who apply for J-1 visas must pay a \$35 fee, to the DH~~Department of Homeland Security~~. The regulations describe when and how the fee is to be paid, who is exempt from the fee, and the consequences for failure to pay. ~~8 C.F.R. Parts 103, 214, and 299).~~

¹⁹ State law allows, but does not require, boards to waive nonresident tuition for these students. ~~(105 ILCS 5/10-22.5a).~~

²⁰ Exchange students on F-1 visas must pay the full-unsubsidized public education costs before entering the U.S. ~~(8 U.S.C. §1101).~~ Boards may not waive the fee.

²¹ 105 ILCS 5/26-2(b). The requirements in this section are provided in State law, that is: (1) it is mandatory that a district deny re-enrollment as provided in this section; (2) it is permissive whether to enroll the individual in a district graduation incentives program or alternative learning opportunities program (although depending on circumstances, a student below the age of 20 may be entitled to enroll in a graduation incentives program); (3) it is mandatory to provide due process before denying re-enrollment; (4) it is mandatory to offer the individual who is denied re-enrollment counseling and to direct that person to alternative educational programs; and (5) it is mandatory that this section not apply to students eligible for special education.

105 ILCS 5/26-2(c) allows a district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. See sample policy 7:70, *Attendance and Truancy*.

LEGAL REF.: 8 U.S.C. §1101, Illegal Immigrant and Immigrant Responsibility Act of 1996.
 20 U.S.C. §1232, Family Educational Rights and Privacy Act.
 20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act.
 29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.
 42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
 105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-2, 5/27-8.1,
 105 ILCS 10/8.1, Ill. School Student Records Act.
 105 ILCS 45/, Education for Homeless Children Act.
 105 ILCS 70/, Educational Opportunity for Military Children Act.
 325 ILCS 50/, Missing Children Records Act.
 325 ILCS 55/, Missing Children Registration Law.
 410 ILCS 315/2e, Communicable Disease Prevention Act.
 20 Ill.Admin.Code Part 1290, Missing Person Birth Records and School Registration.
23 Ill.Admin.Code Part 226, Special Education.
 23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 4:110 (Transportation), 6:30 (Organization of Instruction), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping out of School and Graduation Incentives Program), 6:135 (Accelerated Placement Program), 6:140 (Education of Homeless Children), 6:300 (Graduation Requirements), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:340 (Student Records)

Instruction

Program for the Gifted ¹

The Superintendent or designee shall implement an education program for gifted and talented learners that will challenge and motivate academically advanced learners and engage them in appropriately differentiated learning experiences to develop their unique abilities.² If the State Superintendent of Education issues a Request for Proposals because sufficient State funding is available to support local programs of gifted education, the Superintendent or designee shall inform the Board concerning the feasibility and advisability of developing a “plan for gifted education” that would qualify for State funding.³

Eligibility to participate in the gifted program shall not be conditioned upon race, religion, sex, disability, or any factor other than the student’s identification as gifted or talented learner.⁴

The School Board will monitor this program’s performance by meeting periodically with the Superintendent or designee to determine and/or review the indicators and data that evidence whether the educational program for gifted and talented learners is accomplishing its goals and objectives and is otherwise in compliance with this policy.

LEGAL REF.: 105 ILCS 5/14A.
23 Ill.Admin.Code Part 227.

CROSS REF.: 6:135 (Accelerated Placement Program)

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

¹ State law controls this policy’s content to the extent that districts can qualify for State funding for the education of gifted and talented children, should such funding be available. (105 ILCS 5/14A). While a policy on this topic programs for gifted and talented children is not required, a policy on accelerated placement is required. 105 ILCS 5/14A-32, added by P.A. 100-421, eff. 7-1-18 (the Accelerated Placement Act). See 6:135, Accelerated Placement Program, and 6:135-AP, Accelerated Placement Program Procedures.

² The goals and objectives of this program may be modified by the board.

³ School districts have the authority and flexibility to design education programs for gifted and talented learners, but these programs must comply with 105 ILCS 5/14A-30 and 23 Ill.Admin.Code Part 227 to qualify for State funding, should such funding become available.

If a board does not wish to tie the gifted program to requirements for State funding, use this alternative:

The Superintendent or designee shall implement an education program for gifted and talented learners that is responsive to student needs and is within the budget parameters as set by the Board.

⁴ 105 ILCS 5/14A-25, amended by P.A. 100-421, eff. 7-1-18.

Instruction

Accelerated Placement Program ¹

The District provides an Accelerated Placement Program (APP). The APP advances the District's goal of providing educational programs with opportunities for each student to develop to his or her maximum potential.² The APP provides an educational setting with curriculum options usually reserved for students who are older or in higher grades than the student participating in the APP.³ APP options include, but may not be limited to: (a) accelerating a student in a single subject; (b) other grade-level acceleration; and (c) early entrance to kindergarten or first grade.⁴ Participation in the APP is open to all students who demonstrate high ability and who may benefit from accelerated placement. It is not limited to students who have been identified as gifted and talented.⁵ Eligibility to participate in the District's APP shall not be conditioned upon the protected classifications identified in School Board policy 7:10, *Equal Educational Opportunities*, or any factor other than the student's identification as an accelerated learner.⁶

The Superintendent or designee shall implement an APP that includes:

1. Decision-making processes that are fair, equitable, and involve multiple individuals, e.g. District administrators, teachers, and school support personnel, and a student's parent(s)/guardian(s);⁷
2. Notification processes that notify a student's parent(s)/guardian(s) of a decision affecting a student's participation in the APP; and⁸
3. Assessment processes that include multiple valid, reliable indicators.⁹

The Superintendent or designee shall annually notify the community, parent(s)/guardian(s), students, and school personnel about the APP, the process for referring a student for possible evaluation for

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¹ State law requires this subject matter be covered by policy and controls its content. 105 ILCS 5/14A, amended by P.A. 100-421, eff. 7-1-18 (the Accelerated Placement Act (APA)).

² Optional. Ensure this statement matches the board's current educational philosophy and objectives. See sample policy 6:10, *Educational Philosophy and Objectives*.

³ 105 ILCS 5/14A-17, added by P.A. 100-421, eff. 7-1-18.

⁴ Id. For high school districts, delete "~~and (c) early entrance to kindergarten or first grade~~" and insert the word "and" between (a) and (b).

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (*School year – School age.*). The APA requires accelerated placement to include early entrance to kindergarten and early entrance to first grade. 105 ILCS 5/10-20.12 *permits* districts to offer early entrance to kindergarten or first grade "based upon an assessment of the student's readiness to attend school." 105 ILCS 5/10-20.12 also states that students may enter first grade early when they: (1) are assessed for readiness; (2) have attended a non-public preschool and continued their education at that school through kindergarten; (3) were taught in kindergarten by an appropriately certified teacher; and (4) will attain the age of 6 years on or before December 31. Id. See sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. **Consult the board attorney for guidance.**

⁵ 105 ILCS 5/14A-32(a)(1), added by P.A. 100-421, eff. 7-1-18.

⁶ 105 ILCS 5/14A-25, amended by P.A. 100-421, eff. 7-1-18.

⁷ 105 ILCS 5/14A-32(a)(2), added by P.A. 100-421, eff. 7-1-18, requires that the accelerated placement policy include "a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians" but does not specify what individuals are to be involved or limit those individuals to district employees. Amend this listing to align with the local board's preference.

⁸ 105 ILCS 5/14A-32(a)(3), added by P.A. 100-421, eff. 7-1-18.

⁹ 105 ILCS 5/14A-32(a)(4), added by P.A. 100-421, eff. 7-1-18.

accelerated placement, and the methods used to determine whether a student is eligible for accelerated placement.¹⁰ Notification may: (a) include varied communication methods, such as student handbooks and District or school websites; and (b) be provided in multiple languages, as appropriate.¹¹

LEGAL REF.: 105 ILCS 5/14A.

CROSS REF.: 6:10 (Educational Philosophy and Objectives), 6:130 (Program for the Gifted), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

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¹⁰ Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require “procedures for annually informing the community at-large, including parents or guardians, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement.”

¹¹ Optional. 105 ILCS 5/14A does not require this but it is a recommended best practice and aligns with sample policy 7:10, *Equal Educational Opportunities*.

Students

Student Records ¹

School student records are confidential. Information from them shall not be released other than as provided by law.² A school student record is any writing or other recorded information concerning a

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¹ State law requires school boards to adopt a policy and procedures implementing the Illinois School Student Records Act (ISSRA) and specifying the content of school student records. 23 Ill.Admin.Code §§375.100 and 226.740. Both State and federal law address school student records. See the federal Family Educational Rights and Privacy Act (FERPA), (20 U.S.C. §1232g), implemented by federal rules at 34 C.F.R. Part 99) and ISSRA (105 ILCS 10/, amended by P.A. 100-532, implemented by ISBE rules at 23 Ill.Admin.Code Part 375). In addition, the U.S. Dept. of Education's *Protecting Student Privacy webpage, a service of the* Privacy Technical Assistance Center (PTAC) *and the Family Policy Compliance Office, is a one-stop* resource for education stakeholders to learn about ~~data~~ student privacy, and confidentiality, ~~and including data privacy and~~ security practices related to student-level longitudinal data systems, ~~has information available at: ptac.ed.gov/studentprivacy.ed.gov/~~. PTAC published a guide for school officials titled *Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices*, at:

~~tech.ed.gov/wp-content/uploads/2014/09/Student-Privacy-and-Online-Educational-Services-February-2014.pdf~~ studentprivacy.ed.gov/resources/protecting-student-privacy-while-using-online-educational-services-requirements-and-best. **School officials interested in cloud computing contracts should contact the board attorney.**

Confusion persists regarding the interplay between the FERPA and the Health Insurance Portability and Accountability Act of 1996 (HIPAA), (Pub.L. 104-191). The Privacy Rule implementing HIPAA, issued by the U.S. Dept. of Health and Human Services (DHS), addresses the disclosure of individuals' health information by *covered entities*. 45 C.F.R. Parts 160 and 164, Subparts A and E. Generally speaking, a school district becomes a *covered entity*, and must comply with applicable sections in the Privacy Rule, if it provides health care and transmits health information in electronic form in connection with transactions. However, *educational records* as defined by FERPA are excluded from HIPAA's definition of *protected health information*. 45 C.F.R. §160.103. In most cases this exception relieves school districts of complying with burdensome privacy notices and authorization forms. The board attorney should be consulted on all HIPAA-related questions.

² A plethora of statutory and decisional law protects student records. Aside from the laws identified in f/n 1, other laws protecting student records include:

1. Schools may not provide a student's *personal information* to a business organization or financial institution that issues credit or debit cards. 105 ILCS 5/10-20.38.
2. Schools may not sell personal information concerning a child under the age of 16, with a few exceptions, unless a parent has consented. Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/.
3. The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is governed by the Mental Health and Developmental Disabilities Confidentiality Act. 740 ILCS 110/.
4. Schools must keep a sex offender registration form received from law enforcement separately from school student records maintained on behalf of the juvenile sex offender. 730 ILCS 152/121.
5. ~~Divorced or separated parents/guardians with and without parental responsibility (formerly custody) are both permitted to inspect and copy the student's school student records. Schools may not provide a parent/guardian who is not allocated parenting time (formerly visitation) access to his or her child's school records, unless a court finds that it is in the child's best interests to provide those records to the parent.~~ The Illinois Marriage and Dissolution of Marriage Act (IMDMA), 750 ILCS 5/602.11, amended by P.A. 99-90763.
6. Schools may not provide a parent/guardian access to his or her child's school records if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. ~~The Illinois Marriage and Dissolution of Marriage Act~~ IMDMA, 750 ILCS 5/602.11, amended by P.A. 99-763.
7. The protection of student data collected by educational technology companies is governed by the Student Online Personal Protection Act, 105 ILCS 85/, added by P.A. 100-315.

Note: Nos. 5 and 6 may conflict with FERPA in that they restrict a parent/guardian's right to access his or her child's school records more than is expressly permitted by FERPA. 20 U.S.C. 1232g(a)(1)(A), (B); 34 C.F.R. 99.10(a). **Consult the board attorney for guidance.**

student and by which a student may be identified individually that is maintained by a school or at its direction by a school employee, regardless of how or where the information is stored, except as provided in State or federal law as summarized below: ³

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement officers working in the school.
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses⁴) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 17 years who has been arrested or taken into custody. ⁵

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy⁶, and challenge school student records.⁷ The information contained in school student

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Allowing students to grade each other's papers does not violate FERPA; such student work is not a *school record* until it is recorded by the teacher. *Owasso I.S.D. No. I-011 v. Falvo*, 534 U.S. 426 (2002). School student records are *per se* prohibited from disclosure; a district is under no obligation to redact them. *Chicago Tribune Co. v. Chicago Bd. of Educ.*, 332 Ill.App.3d 60 (1st Dist. 2002).

³ 20 U.S.C. §1232g(a)(4); 34 C.F.R. §99.3; 105 ILCS 10/2(d); 705 ILCS 405/1-7 and 5-905; 23 Ill.Admin.Code §375.10. Rather than listing the exceptions in the policy, a school board may choose to end the sentence after the proviso "except as provided in State or federal law."

⁴ For an explanation, see ~~footnotes in 7:220, Bus Conduct~~.

⁵ Many lawyers believe that once these records are received by a school, they are protected as *education records* under the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g FERPA. Consult the board attorney for advice.

⁶ 105 ILCS 10/5(a).

105 ILCS 10/5(c), amended by P.A. 100-532, requires that a parent's or student's request to inspect and copy records be granted no later than 10 business days (previously 15 school days) after the date of receipt of such a request by the official records custodian.

105 ILCS 10/5(c-5), added by P.A. 100-532, outlines how a school district may extend the timeline for response by not more than five business days from the original due date if one or more of these six reasons applies:

1. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
2. The request required the collection of a substantial number of specified records;
3. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
4. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
5. The request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) without unduly burdening or interfering with the operations of the school district; or
6. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district among two or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

The person making the request and the school district may also agree in writing to extend the timeline for compliance for a period to be determined by the parties. *Id.*

⁷ 23 Ill.Admin.Code §375.10, amended at 45 Ill. Reg. 5899, provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If the board of a unit or high school district wants to allow this, insert:

A student or the student's parent/guardian may request, in writing, that scores received on college entrance examinations be included on the student's academic transcript.

records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child.⁸ The District may release directory information as permitted by law, but a parent/guardian shall have the right to object to the release of information regarding his or her child.⁹ However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to, or the consent of, the student's parent/guardian.¹⁰ Upon request, the District discloses school student records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by State or federal law.

The Superintendent shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records. ¹¹

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Note: Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and FERPA attach to *eligible students* and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

If a board allows for the inclusion of college entrance examination scores on academic transcripts, amend the district's notification to parents/guardians and students of their school student records rights with the process for requesting the inclusion. 23 Ill.Admin.Code §375.30(d)(5), amended at 45 Ill. Reg. 5899. See 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, for an example.

⁸ 23 Ill.Admin.Code §226.740(a).

⁹ This sentence is required if the board allows schools to release student directory information. 20 U.S.C. §1232g; 23 Ill.Admin.Code §375.80; 34 C.F.R. §99.37. There is at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor supports that a district may not rely on the FOIA exemption for home addresses. PAO 12-3.

The **PRESS** policy does not identify the components of *directory information*, leaving that task to implementing material. Boards may want to discuss this quagmire with the superintendent knowing that there are good reasons to release directory information, e.g., to allow the district to publish information about specific students, and good reasons to not release directory information, e.g., to avoid releasing names and addresses pursuant to a FOIA request.

23 Ill.Admin.Code 375.80(a)(1), amended at 42 Ill. Reg. 5899, no longer includes *gender* as information which may be designated as directory information. This is consistent with attorneys' views that however Illinois' past practice of including *gender* within directory information may have violated the federal Family Educational Rights and Privacy Act (FERPA). FERPA regulations provide that directory information "means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed" and it "includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended." 34 C.F.R. 99.3. Though FERPA regulations do not explicitly preclude the designation of *gender* as directory information, U.S. Dept. of Education (**EDDOE**) guidance has consistently advised schools not to disclose a student's sex as directory information because it would be considered harmful or an invasion of privacy. See *Letter to Institutions of Postsecondary Education*, **EDDOE** Family Policy Compliance Office (September 2009). Consult the board attorney about the practical implementation of this issue. Some attorneys, for example, believe photos of the "Girls Volleyball Team" may contradict **EDDOE** guidance.

¹⁰ 20 U.S.C. §1232(g)(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001.

¹¹ Each school must have an *official records custodian*. 105 ILCS 10/4(a). Districts must notify students and parents/guardians of their rights concerning school student records. 105 ILCS 10/3; 23 Ill.Admin.Code §375.30; 34 C.F.R. §99.7. Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal, but should be reviewed and approved by the superintendent and board. See exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, and administrative procedure 7:340-AP1, *School Student Records*.

Student Biometric Information Collection 12

The Superintendent or designee may recommend a student biometric information collection system solely for the purposes of identification and fraud prevention.¹³ Such recommendation shall be consistent with budget requirements and in compliance with State law. Biometric information means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

Before collecting student biometric information, the District shall obtain written permission from the person having legal custody/parental responsibility¹⁴ or the student (if over the age of 18).¹⁵ Upon a student's 18th birthday, the District shall obtain written permission from the student to collect student biometric information.¹⁶ Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

All collected biometric information shall be stored and transmitted in a manner that protects it from disclosure. Sale, lease, or other disclosure of biometric information to another person or entity is strictly prohibited. ¹⁷

The District will discontinue use of a student's biometric information and destroy all collected biometric information within 30 days after: (1) the student graduates or withdraws from the School District, or (2) the District receives a written request to discontinue use of biometric information from the person having legal custody/parental responsibility of the student or the student (if over the age of

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¹² This program is optional; however, districts either wishing to implement such a program or districts that have already engaged in the collection of student biometric information must have a policy consistent with the requirements of 105 ILCS 5/10-20.40 et seq. This section restates the School Code's requirements for a student biometric information policy.

¹³ For districts already collecting biometric information, the following is an alternative:

The Superintendent or designee shall maintain a biometric screening program that is consistent with budget requirements and in compliance with State law.

¹⁴ Several statutes define legal custody and when a court may grant it; the term requires statutory construction/interpretation and school boards should discuss this issue with their attorney prior to adopting a policy on collection of student biometric information.

105 ILCS 5/10-20.40(b)(1) states the definition of legal custody is the same as the definition of legal custody for purposes of residency, payment of tuition, hearings, and criminal penalties at 105 ILCS 5/10-20.12b(2)(i)-(v).

The ~~Illinois Marriage and Dissolution of Marriage Act~~IMDMA, 750 ILCS 5/, amended by P.A.s 99-90 and 99-763, changed the terms *custody* and *visitation* to *parental responsibility* and *parenting time*, respectively. P.A. 99-90 also requires a *parenting plan* that allocates: (1) significant decision-making responsibilities; and (2) each parent's right to access his or her child's school records. The new law does not amend ISSRA or the School Code. ~~Consult the board attorney about whether the Illinois Marriage and Dissolution of Marriage Act's provisions change a noncustodial parent's ability to access a student's records.~~

¹⁵ Based upon 105 ILCS 5/10-20.40, written permission is not required annually; it is valid until a request for discontinuation of the use of biometric information is received or until the student reaches the age of 18. See 7:340-AP1, E5, *Biometric Information Collection Authorization*.

¹⁶ Districts must reissue 7:340-AP1, E5, *Biometric Information Collection Authorization* to students turning 18 years of age during the school year. This is because all rights and privileges accorded to a parent under ISSRA become exclusively those of the student upon his or her 18th birthday, graduation from secondary school, marriage, or entry into military service, whichever comes first. 105 ILCS 10/2(g).

¹⁷ State law contains two exceptions: (1) the individual who has legal custody/parental responsibility of the student or the student (if over the age of 18) consents to the disclosure; and (2) the disclosure is required by court order. 105 ILCS 10-20.40(b)(5); ~~750 ILCS 5/602.11, amended by P.A. 99-90.~~

18).¹⁸ Requests to discontinue using a student's biometric information shall be forwarded to the Superintendent or designee.

The Superintendent or designee shall develop procedures to implement this policy consistent with State and federal law. ¹⁹

- LEGAL REF.: 20 U.S.C. §1232g, Family Educational Rights and Privacy Act, implemented by 34 C.F.R. Part 99.
50 ILCS 205/7.
105 ILCS 5/10-20.21b, 5/20.37, 5/20.40, and 5/14-1.01 et seq.
105 ILCS 10/, Ill. School Student Records Act.
325 ILCS 17/, Children's Privacy Protection and Parental Empowerment Act.
750 ILCS 5/602.11, Ill. Marriage and Dissolution of Marriage Act.
23 Ill.Admin.Code Parts 226 and 375.
Owasso I.S.D. No. I-011 v. Falvo, 534 U.S. 426 (2002).
Chicago Tribune Co. v. Chicago Bd. of Ed., 332 Ill.App.3d 60 (1st Dist. 2002).
- CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights), 7:220 (Bus Conduct)
- ADMIN. PROC.: 7:15-E (Notification to Parents of Family Privacy Rights), 7:340-AP1 (School Student Records), 7:340-AP1, E1 (Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records), 7:340-AP1, E3 (Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information), 7:340-AP1, E4 (Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information, 7:340-AP1, E5 (Biometric Information Collection Authorization), 7:340-AP2 (Storage and Destruction of School Student Records), 7:340-AP2, E1 (Schedule for Destruction of School Student Records)

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¹⁸ 105 ILCS 5/10-20.40(d). No notification to or approval from the district's local records commission, pursuant to the Local Records Act, is required to destroy student biometric information. See f/n 1²⁴ for a discussion about the terms *custody* and *parental responsibility*.

¹⁹ Whether the student biometric information is an education record under FERPA, 20 U.S.C. §1232g, or falls under an exception to an education record under FERPA is an issue about which school boards should consult their board attorney. Protected Health Information under the ~~U.S. Dept. of Health and Human Service~~DHS's interpretations of ~~the~~ HIPAA excludes education records covered by FERPA, and thus HIPAA requirements are not expected to be triggered by districts collecting student biometric information. However, before implementing policies and procedures to collect student biometric information, a board should discuss these issues with the board attorney.