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SUMMARY OF NEW AND POLICY UPDATES

- 6:100 Using Animals in the Educational Program – Policy updated
- 7:10 Equal Educational Opportunities – New footnote added
- 7:270 Administering Medicines to Students - Updated
- 8:110 Public Suggestions and Concerns – Amended for clarity

July, 2016

DRAFT UPDATE

SPEED - SEJA #802

6:100

Instruction

Using Animals in the Educational Program

Animals may be brought into school facilities for educational purposes according to procedures developed by the Superintendent assuring: (a) the animal is appropriately housed, humanely cared for, and properly handled, and (b) students will not be exposed to a dangerous animal or an unhealthy environment.

Animal Experiments

Experiments on living animals are prohibited; however, behavior studies that do not impair an animal's health or safety are permissible.

LEGAL REF.: 105 ILCS 5/2-3,122, 5/27-14, and 112/1 et seq.

CROSS REF.: 6:40 (Program and Curriculum Development)

ADOPTED: ~~September 3, 2009~~

Comment [APowell1]:

The policy is updated to add a subhead title for Animal Experiments.

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DRAFT UPDATE

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7:10

Students

Equal Educational Opportunities

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy. Further, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status. Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure*.

Sex Equity

No student shall, based on sex, sexual orientation, or gender identity be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance Procedure*. A student may appeal the Board's resolution of the complaint to the appropriate Intermediate Service Center (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8).

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator. The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and grievance procedure.

LEGAL REF.: 42 U.S.C. §11431 et seq., McKinney Homeless Assistance Act.
20 U.S.C. §1681 et seq., 34 C.F.R. Part 106, Title IX of the Educational Education Amendments implemented by 34 C.F.R. Part 106.
29 U.S.C. §791 et seq., Rehabilitation Act of 1973.
775 ILCS 35/5, Religious Freedom Restoration Act.
Ill. Constitution, Art. I, §18.
Good News Club v. Milford Central School, 121 S.Ct. 2093 (2001).
105 ILCS 5/3.25b, 3.25d(b), 10-20.12, 10-22.5, and 27-1.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
23 Ill.Admin.Code §1.240 and Part 200.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 6:10 (Educational Goals), 6:220 (Instructional Materials Selection and Adoption), 7:20 (Harassment of Students Prohibited), 7:130 (Student Rights and Responsibilities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:20 (Community Use of School Facilities)

ADOPTED: August 25, 2014

Comment [APowell1]:

A new footnote has been added to this policy in response to inquiries from school board members for additional language to consider in their policies due to the spotlight on transgender issues. Please see the Update Memo for more information.

The new footnote is provided here for informational purposes.

New Footnote Information:

Adopting separate policies or inserting policy statements about accommodations and inclusion of transgender students in the educational program are unsettled areas of the law. Some lawyers believe doing so may open boards to equal protection challenges for not creating separate policies for other protected statuses, e.g., race, nationality, religion, etc.

Consult the board attorney if your board wishes to adopt a separate policy or insert policy statements about accommodations and inclusion of transgender students.

See 7:10-AP, *Accommodating Transgender Students or Gender Non-Conforming Students* for a case-by-case procedure that school officials may use when a student requests an accommodation based upon his or her gender identity.

For a list of policies that address the equal educational opportunities, health, safety, and general welfare of students within the District, see 7:10-E, *Equal Educational Opportunities Within the School Community*.

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Comment [AKL2]: The list of protected classifications now includes immigration status. The change is for clarification purposes. *Nationality* was and continues to be listed as a protected classification; it was intended to protect children from discrimination based on their immigration status. ISBE states that "no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (*Plyler v. Doe*, 457 U.S. 202 (1982))."
Issue 89, August 2015

Students

Exhibit - Equal Educational Opportunities Within the School Community

The Cooperative welcomes diversity in its schools. Policy 7:10, *Equal Educational Opportunities* cites the many civil rights laws that guarantee equal education opportunities to all students. In addition, the policies below address the equal educational opportunities, health, safety, and general welfare of students within the Cooperative. These policies are not a complete list, and depending on the factual context, another policy not specifically listed may apply:

1. 2:260, *Uniform Grievance Procedure*, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The Cooperative Complaint Manager shall address the complaint promptly and equitably.
2. 6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into the Cooperative's curriculum and other educational programs.
3. 7:10, *Equal Educational Opportunities*, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.
4. 7:20, *Harassment of Students Prohibited*, prohibits any person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy including, among other protected statuses, sex, sexual orientation, and gender identity.
5. 7:130, *Student Rights and Responsibilities*, recognizes that all students are entitled to rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.
6. 7:160, *Student Appearance*, prohibits students from dressing or grooming in such a way as to disrupt the educational process, interfere with a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency.
7. 7:165, *Student Uniforms*, encourages students to wear school uniforms in order to maintain and promote orderly school functions, school safety, and a positive learning environment, if adopted.
8. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for the Cooperative's bullying prevention program.
9. 7:250, *Student Support Services*, directs the Superintendent to develop protocols for responding to students' social, emotional, or mental health problems that impact learning.
10. 7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

Comment [AKL1]: This exhibit is developed for boards that want to highlight which of their policies address equal educational opportunities, health, safety, and general welfare of students within their Cooperative. The exhibit states that the list is not complete and that other policies may apply depending upon the factual context.

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DRAFT UPDATE

SPEED - SEJA #802

7:270

Students

Administering Medicines to Students

Students should not take medication during school hours or during school-related activities unless it is necessary for a student's health and well-being. When a student's licensed health care provider and parent/guardian believe that it is necessary for the student to take a medication during school hours or school-related activities, the parent/guardian must request that the school dispense the medication to the child and otherwise follow the District's procedures on dispensing medication.

No District employee shall administer to any student, or supervise a student's self-administration of, any prescription or non-prescription medication until a completed and signed "School Medication Authorization Form" is submitted by the student's parent/guardian. No student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures.

Nothing in this policy shall prohibit any school employee from providing emergency assistance to students, including administering medication.

The Building Principal shall include this policy in the Student Handbook and shall provide a copy to the parents/guardians of students.

Self-Administration of Medication

A student may possess an epinephrine auto-injector (EpiPen®) and/or asthma medication prescribed for use at the student's discretion, provided the student's parent/guardian has completed and signed a *School Medication Authorization Form*. The School District shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication or epinephrine auto-injector or the storage of any medication by school personnel. A student's parent/guardian must indemnify and hold harmless the District and its employees and agents, against any claims, except a claim based on willful and wanton conduct, arising out of a student's self-administration of an epinephrine auto-injector and/or medication, or the storage of any medication by school personnel.

District Supply of Undesignated Epinephrine Auto-Injectors

The Superintendent or designee shall implement Section 22-30(f) of the School Code and maintain a supply of undesignated epinephrine auto-injectors in the name of the District and provide or administer them as necessary according to State law. *Undesignated epinephrine auto-injector* means an epinephrine auto-injector prescribed in the name of the District or one of its schools. A school nurse or trained personnel, as defined in State law, may administer an undesignated epinephrine auto-injector to a person when they, in good faith, believe a person is having an anaphylactic reaction. Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law.

District Supply of Undesignated Opioid Antagonists

The Superintendent or designee shall implement Section 22-30(f) of the School Code and maintain a supply of undesignated opioid antagonists in the name of the District and provide or administer them as necessary according to State law. Opioid antagonist means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug

Comment [APowell1]: 23 Ill Admin Code §1.540(e)(7)&(8).

Issue 92, July 2016

Comment [APowell2]:

Updated in response to 105 ILCS 5/22-30, amended by P.A. 99-480. The law permits school boards to maintain a supply of undesignated opioid antagonists in the name of a district and allows a school nurse or trained person to administer them to a person believed to be having an opioid overdose.

If the board chooses to implement an undesignated opioid antagonist program, and the district employs law enforcement, **consult the board attorney** about whether this subhead becomes required.

For boards that choose to implement an undesignated opioid antagonists program, **consult the board attorney** regarding the Safe and Drug-Free School and Communities Act of 1994 (20 U.S.C. §7101(b)). See the footnotes of this policy, available by logging into PRESS Online, for more information.

OPTION:

A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement 105 ILCS 5/22-30, amended by P.A. 99-480. The consequences of informing the community that the district will obtain a prescription for a supply of opioid antagonists and implement a plan for their use, and then not doing it may be fraught with legal liabilities.

To remove this section, check the appropriate "yes" box on your PRESS Plus Response Form. Removing this section will also remove the **Void Policy: Disclaimer** section regarding Undesignated Opioid Antagonists, below.

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Administration. Undesignated opioid antagonist is not defined by the School Code; for purposes of this policy it means an opioid antagonist prescribed in the name of the District or one of its schools. A school nurse or trained personnel, as defined in State law, may administer an undesignated opioid antagonist to a person when they, in good faith, believe a person is having an opioid overdose. Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law.

Void Policy; Disclaimer

The District Supply of Undesignated Epinephrine Auto-Injectors This section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for undesignated epinephrine auto-injectors from a physician or advanced practice nurse licensed to practice medicine in all its branches, or (2) fill the District's prescription for undesignated school epinephrine auto-injectors.

The District Supply of Undesignated Opioid Antagonists section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for opioid antagonists from a health care professional who has been delegated prescriptive authority for opioid antagonists in accordance with Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act, or (2) fill the District's prescription for undesignated school opioid antagonists.

Upon any administration of an undesignated epinephrine auto-injector or an opioid antagonist, the Superintendent or designee(s) must ensure all notifications required by State law and administrative procedures occur.

Upon implementation of this policy, the protections from liability and hold harmless provisions as explained in Section 22-30(c) of the School Code apply.

No one, including without limitation parents/guardians of students, should rely on the District for the availability of an epinephrine auto-injector and/or opioid antagonist. This policy does not guarantee the availability of an epinephrine auto-injector and/or opioid antagonist; students and their parents/guardians should consult their own physician regarding such this medication(s).

LEGAL REF.: 105 ILCS 5/10-20.14b, 5/10-22.21b, and 5/22-30,
23 Ill.Admin.Code §1.540.

CROSS REF.: 7:285 (Food Allergy Management Program)

ADOPTED: January 29, 2015

DRAFT UPDATE

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8:110

Community Relations

Public Suggestions and Concerns

The Governing Board is interested in receiving suggestions and concerns from members of the community. Any individual may make a suggestion or express a concern at any District office. All suggestions and/or concerns will be referred to the appropriate level staff member or District administrator who is most able to respond in a timely manner. Each concern or suggestion shall be considered on its merit.

An individual who is not satisfied after following the channels of authority, may file a grievance under the Board policy 2:260, *Uniform Grievance Procedure*. ~~The Board encourages, but does not require, individuals to follow the channels of authority prior to filing a grievance. Neither this policy nor the *Uniform Grievance Procedure* creates an independent right to a hearing before the Board.~~

CROSS REF.: 2:140 (Communications To and From the Board), 2:230 (Public Participation at Board Meetings and Petitions to the Board), 2:260 (Uniform Grievance Procedure), 3:30 (Chain of Command), 6:260 (Complaints About Curriculum, Instructional Materials and Programs), 8:10 (Connection with the Community)

ADOPTED: ~~August 25, 2011~~

Comment [APowell1]:

The policy is amended to clarify that while individuals may file a grievance under 2:260, *Uniform Grievance Procedure*, "the Board encourages, but does not require, individuals to follow the channels of authority prior to filing a grievance."

Issue 92, July 2016