

Students

Equal Educational Opportunities 1

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,² status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy.³ 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, except that the District remains viewpoint neutral when granting access to school facilities under School Board policy 8:20, *Community Use of School*

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 requires this subject matter be covered by policy and controls this policy's content.

² 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. Executive Order (EO) 2019-11, titled "Strengthening Our Commitment to Affirming and Inclusive Schools" established the Affirming and Inclusive Schools Task Force (Task Force) to identify strategies and best practices for ensuring welcoming, safe, supportive, and inclusive school environments for transgender, nonbinary, and gender nonconforming students. The Task Force delivered a report that served as the basis for two non-regulatory guidance documents entitled *Supporting Transgender, Nonbinary and Gender Nonconforming Students* and *Sample District Policy and Administrative Procedures* at www.isbe.net/supportallstudents. The Ill. State Board of Education (ISBE) hosts these documents on its website.

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

For boards that want to incorporate ISBE's *Sample District Policy and Administrative Procedures* policy recommendation into this policy, insert the following in place of "gender identity,": gender, gender identity (whether or not traditionally associated with the student's sex assigned at birth), gender expression.

If the board inserts this option, it must also insert the options in f/n 7, below and in f/n 2 of sample policy 7:20, *Harassment of Students Prohibited*, BUT NOTE THE PROTECTED STATUSES LIST IN THIS POLICY IS DIFFERENT AND SHOULD NOT BE COPIED FROM HERE INTO 7:20, *HARASSMENT OF STUDENTS PROHIBITED*.

See 7:10-AP1, *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*.

³ Many civil rights laws guarantee equal education opportunities; see citations in the Legal References.

In 23 Ill.Admin.Code §1.240, 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))."

The Ill. Human Rights Act (IHRA) and an ISBE rule prohibit schools from discriminating against students on the basis of *sexual orientation* and *gender identity*. 775 ILCS 5/5-101(11); 23 Ill.Admin.Code §1.240. *Sexual orientation* is defined as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth." 775 ILCS 5/1-103(O-1). *Gender identity* is included in the definition of sexual orientation in the Act. The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms. 775 ILCS 5/5-103. 775 ILCS 5/1-102(A) makes *order of protection status* a protected category.

The IHRA's jurisdiction is specifically limited to: (1) failing to enroll an individual, (2) denying access to facilities, goods, or services, or (3) failing to take corrective action to stop severe or pervasive harassment of an individual. 775 ILCS 5/5-102.2.

*Facilities.*⁴ Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure.*⁵

Sex Equity⁶

No student shall, based on sex, sexual orientation, or gender identity⁷ 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 Regional

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⁴ 23 Ill.Admin.Code §200.40(b) prohibits entering into agreements with entities that discriminate against students on the basis on sex. Section 200.80(a)(4) contains an exception for single sex youth organizations, e.g., Boy and Girl Scouts. Note that the U.S. Supreme Court refused to apply N.J.'s public accommodation law to the Boy Scouts because forcing the Scouts to accept a homosexual as a member would violate the Scouts' freedom of expressive association. *Boy Scouts of America v. Dale*, 530 U.S. 640 (2002). When deciding whether to allow non-school groups to use its facilities, a public school district may not engage in viewpoint discrimination. *Good News Club v. Milford Central Sch.*, 533 U.S. 98 (2001).

⁵ Districts must have a grievance procedure. See Legal References following policy. Absent a specific statute or rule, there is no consensus on whether students have the right to appeal a board's decision to the Regional Superintendent and thereafter to the State Superintendent pursuant to 105 ILCS 5/2-3.8.

⁶ Every district must have a policy on sex equity. 23 Ill.Admin.Code §200.40(b). The IHRA, Public Accommodation section, prohibits schools from: (1) failing to enroll an individual, (2) denying a individual access to its facilities, goods, or services, or (3) failing take corrective action to stop severe or pervasive harassment of an individual (775 ILCS 5/5-102.2), on the basis of the individual's sex or sexual orientation, among other classifications (775 ILCS 5/5-101). Districts must periodically evaluate their policies and practices to identify and eliminate sex discrimination as well as evaluate course enrollment data to identify disproportionate enrollment based on sex. In-service training for all staff members is required. 23 Ill.Admin.Code §1.420.

With some exceptions, Title IX of the Education Amendments of 1972 (Title IX) guarantees that "[n]o person in the United States shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..." 20 U.S.C. §§1681(a). Equal participation and equal opportunity in athletics is addressed in the U.S. Dept. of Education's implementing rules. 34 C.F.R. §106.41. Generally, when a school district offers a team for one gender but not for the other, a member of the excluded gender is allowed to try out for the team unless the sport is a *contact sport*. Contact sports are boxing, wrestling, rugby, ice hockey, football, basketball, and other sports involving bodily contact. The rules also list the factors that determine whether equal opportunities are available to both genders. These include: whether the selection of athletics accommodates the interests and abilities of both genders; equipment and supplies; scheduling; opportunity to receive coaching and academic tutoring; locker rooms, practice facilities, and fields; and publicity. Title IX prohibits any person from sexually harassing a student. See sample policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, for further discussion.

105 ILCS 5/10-20.60 (final citation pending), added by P.A. 100-29, requires public schools to provide reasonable accommodations to breastfeeding students. See sample administrative procedure 7:10-AP-2, *Accommodating Breastfeeding Students*, for specific *reasonable accommodations* under Illinois law.

105 ILCS 5/10-20.60 (final citation pending), added by P.A. 100-163, requires school districts to make feminine hygiene products (defined as tampons and sanitary napkins for use in connection with the menstrual cycle) available, at no cost to students, in the bathrooms of school buildings serving students in grades 6 through 12. **Note:** The statute does not delineate between types of bathrooms (student, staff, girls, boys, unisex, etc.). Consult with the board attorney about implementing this law.

⁷ For boards that want to incorporate ISBE's *Sample District Policy and Administrative Procedures* policy recommendations into this policy (see *f/n* 2 above), insert:

1. In place of "or gender identity" as follows: "~~or~~ gender identity, or gender expression".
2. The following sentence as the second sentence of this subhead: "Students shall be supported in a manner consistent with their gender identity. This will include, but not be limited to, use of restrooms, locker rooms, and other facilities that correspond with the student's gender identity."

Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8). ⁸

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator, who also serves as the District's Title IX Coordinator.⁹ The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and related grievance procedures. ¹⁰

- LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106.
29 U.S.C. §791 et seq., Rehabilitation Act of 1973.
42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
Good News Club v. Milford Central Sch., 533 U.S. 98 (2001).
Ill. Constitution, Art. I, §18.
105 ILCS 5/3.25b, 5/3.25d(b), 5/10-20.12, 5/10-20.60 (P.A.s 100-29 and 100-163, final citations pending), 5/10-22.5, and 5/27-1.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
775 ILCS 35/5, Religious Freedom Restoration Act.
23 Ill.Admin.Code §1.240 and Part 200.
- CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:130 (Student Rights and Responsibilities), 7:160 (Student Appearance), 7:165 (Student Uniforms), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:250 (Student Support Services), 7:330 (Student Use of Buildings - Equal Access), 7:340 (Student Records), 8:20 (Community Use of School Facilities)

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⁸ Districts must have a grievance procedure and must tell students that they may appeal a board's resolution of a sex equity complaint to the Regional Superintendent and, thereafter, to the State Superintendent. 23 Ill.Admin.Code §200.40. Student complaints regarding breastfeeding accommodations must also be processed in accordance with these procedures. See sample policy 2:260, *Uniform Grievance Procedure*, at f/n 8.

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

⁹ Required by regulations implementing Title IX. 34 C.F.R. Part 106.8(a). See f/n 19 in sample policy 2:260, Uniform Grievance Procedure. If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, amend this sentence to state: "The Superintendent shall appoint a Nondiscrimination Coordinator and a Title IX Coordinator."

¹⁰ Required by regulations implementing Title IX. 34 C.F.R. Part 106; 23 Ill.Admin.Code §200.40. 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. Faculty handbooks may contain working conditions and be subject to mandatory collective bargaining. The Illinois Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/resources/model-student-handbook.

Students

Administrative Procedure - Accommodating Transgender Students or Gender Non-Conforming Students 1

This procedure's accommodation and support guidelines advance the District's goals of: (1) providing all students equal access to a safe, non-hostile learning environment, and (2) implementing risk management controls in a developing and unsettled area of the law in which the federal Office of Civil Rights and Dept. of Justice have issued guidance.

While there is no mandate requiring procedures for accommodating transgender students or gender non-conforming students, this procedure guides school officials through the: (1) application of State and federal anti-discrimination laws to this student population, and (2) common needs in which transgender or gender non-conforming students may request accommodations and support at school. This procedure applies to all school activities, school-provided transportation, and school-sponsored events regardless of where they occur.

The Building Principal, Nondiscrimination Coordinator,² and/or Complaint Manager, with input from others as appropriate, will implement this procedure. They will work with each transgender or gender non-conforming student, and as appropriate with the student's parent(s)/guardian(s), to manage a student's accommodations and supports on a case-by-case basis. The Board Attorney will be consulted concerning legal compliance.

Gender-Based Discrimination Is Prohibited

School districts must provide equal educational opportunities to transgender students and gender non-conforming students. Under State law, *sex discrimination* extends to claims of discrimination based on *sexual orientation* and *gender identity*. 775 ILCS 5/5-101(11); 23 Ill.Admin.Code §1.240. The Ill. Human Rights Act defines *sexual orientation* as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth." 775 ILCS 5/1-103(O-1). The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms. 775 ILCS 5/5-103.

Federal law prohibits exclusion and discrimination on the basis of *sex*. 20 U.S.C. §1681(a), Title IX of the Education Amendments of 1972. The U.S. Dept. of Education has taken varying positions on the application of Title IX to transgender or gender non-conforming students depending upon the administration in power. However, the Seventh Circuit U.S. Court of Appeals (which has jurisdiction over the State of Illinois) has ruled that a school's practice of denying a transgender student access to the bathroom that aligned with his gender identify violated Title IX because it was a sex-based

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¹ Administrative procedures guide the implementation of board policy. Policies are often implemented by district administrators through specifically-tailored administrative procedures. To implement a policy, the purpose and function of 7:10, *Equal Educational Opportunities* is three-fold:

- (1) to ensure legal compliance with equal educational opportunity (EEO) laws,
- (2) to direct or authorize the superintendent or staff members to implement EEO laws, and
- (3) to establish board processes, and/or provide information about EEO laws to staff members and students.

This administrative procedure provides considerations for supports and accommodations that transgender students or gender non-conforming students may need as required by policy 7:10, *Equal Educational Opportunities*.

² If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, insert "Title IX Coordinator," here.

classification. See Whitaker by Whitaker v. Kenosha Unified School District No. 1 Board of Education, 858 F.3d 1034 (7th Cir. 2017).

School Board policy 7:10, *Equal Educational Opportunities*, recognizes the legal requirements described above. This procedure's guidance on accommodating transgender students or gender non-conforming students is based on the Ill. State Board of Education's (ISBE) non-regulatory guidance and OCR pronouncements. See the last section, **Resources**.

Gender-Based Bullying and/or Harassment Is Prohibited

The laws prohibiting gender discrimination require the District to protect transgender students and gender non-conforming students from bullying and harassment by other students. Under Title IX of the Education Amendments of 1972 (Title IX), a school district is responsible for damages suffered by a student who was the victim of protected sex-based harassment: unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's educational program or activity. 34 C.F.R. §106.30(a). Board policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, and its accompanying procedures are used to address sex-based harassment as defined in Title IX. The School Code prohibits bullying on the basis of actual or perceived sexual orientation, gender-related identity or expression, and/or association with a person or group with one of the aforementioned actual or perceived characteristics. 105 ILCS 5/27-23.7(a). The Board policy on bullying and the District's suite of bullying prevention materials are used to address and resolve peer bullying and harassment of transgender or gender non-conforming students. See 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

Terminology and Definitions

The District uses the following terms and definitions when discussing accommodations for a transgender student or gender non-conforming student (from the *Arcadia Resolution Agreement*, 7-24-13, at: www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf and *ISBE Non-Regulatory Guidance, Supporting Transgender, Nonbinary and Gender Nonconforming Students*, at: www.isbe.net/supportallstudents). **Note:** Definitions are not intended to label students, but rather to assist with understanding. *Gender identity*, *sex assigned at birth*, *transgender*, and *gender transition* are defined slightly differently in a *Dear Colleague Letter* issued jointly by the U.S. Depts. of Education and Justice on 5-13-16 (see **Resources** below).

Gender-based discrimination – a form of sex discrimination, refers to differential treatment or harassment of a student based on the student's sex, including gender identity, gender expression, and non-conformity with gender stereotypes, that results in the denial or limitation of education services, benefits, or opportunities. Conduct may constitute gender-based discrimination regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.

Sex assigned at birth and assigned sex – a label a person is given at birth, often based on a medical professional's interpretation of the newborn's physical characteristics. Common examples may be *male* or *female*. This is typically the sex reflected on one's original birth certificate.

Gender expression – an individual's characteristics and behaviors such as appearance, dress, grooming, mannerisms, voice or speech patterns, activities, and social interactions that are perceived as masculine, feminine, both, or neither.

Gender identity – a person's internal, deeply held sense or psychological knowledge of their own gender that can include being female, male, another gender, nonbinary, gender non-conforming, or no gender, and is unrelated to the person's sex assigned at birth. Gender identity is an innate part of a

person's identity, and the responsibility for determining an individual's gender identity rests with the individual. Unlike gender expression, gender identity is not visible to others.

Transgender – an individual whose gender identity is different from the individual's assigned sex at birth. Being transgender is not dependent on appearance, body parts, or medical procedures. Transgender can also be used as an umbrella term that encompasses diversity of gender identities and expressions. For purposes of this procedure, a *transgender student* is a student who consistently and uniformly asserts a gender identity different from the student's assigned sex, or for whom there is documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity.

Gender transition – the process whereby people may change their gender expression, bodies, and/or identity documents to match their gender identity. Transition can be social (changing gender expression, using facilities, using a different name/pronouns), medical (hormones and/or surgeries), and/or legal (changing name/gender marker on identity documents), and is different for every individual. It is common for gender transition to be an ongoing process and is unique to each person. *Gender stereotypes* – stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

Gender non-conforming or gender expansive – one's gender expression or gender identity that does not conform to traditional, societal, or stereotyped expectations based on the sex assigned at birth. Gender expansive individuals may identify as male, female, some combination of both, or neither.

Gender pronouns – The set of words used to refer to someone without using their name. Common examples include, but are not limited to, "she/her/hers," "he/him/his," "they/them/theirs," and "ze/zir/zirs."

Gender support plan – a document that may be used to create a shared understanding about the way in which a student's gender identity will be accounted for and supported at school.

Facilities refers to facilities and accommodations used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

Relevant Board Policies for Accommodations, Supports, and Inclusion of Transgender or Gender Non-Conforming Students

- 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 District Complaint Manager shall address the complaint promptly and equitably.
- 2:265, *Title IX Sexual Harassment Grievance Procedure*, contains the process for an individual to report or complain of sexual harassment in violation of Title IX. The District Nondiscrimination Coordinator³ shall address the report or complaint promptly and equitably.
- 6:60, *Curriculum Content*, requires the history curriculum to include a study of the roles and contributions of lesbian, gay, bisexual, and transgender (LGBT) people in the history of the U.S. and Illinois.
- 6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into the District's curriculum and other educational programs.

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³ If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, replace "Nondiscrimination Coordinator" with "Title IX Coordinator."

- 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.
- 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.
- 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.
- 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.
- 7:165, *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.
- 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for the District's bullying prevention program.
- 7:185, *Teen Dating Violence Prohibited*, prohibits students 13-19 years of age from using or threatening to use physical, mental, or emotional abuse to control an individual in the dating relationship, and from using or threatening to use sexual violence in the dating relationship.
- 7:250, *Student Support Services*, directs the Superintendent to develop protocols for responding to students' social, emotional, or mental health needs that impact learning.
- 7:330, *Student Use of Buildings - Equal Access*, grants student-initiated groups or clubs the free use of school premises for their meetings, under specified conditions.
- 7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

Common Needs for Transgender or Gender Non-Conforming Students; Accommodations and Supports

The goal of an accommodation is to allow a transgender or gender non-conforming student to equally participate in educational and extracurricular opportunities. The right of transgender students to accommodations is generally found in legislation (Illinois Human Rights Act and Title IX) but has not been fully interpreted by the courts. Determining appropriate accommodations must be made on a case-by-case basis depending upon the needs expressed by the student.

The Superintendent may establish a gender support team that will identify accommodations for a specific student. Those accommodations may be documented in a gender support plan or other written document. The Board Attorney should be consulted and may be invited to be a member of the team.

This following list of possible accommodation considerations is not exhaustive, and each student's request must be managed on a case-by-case basis. A particular student may not be interested in an accommodation for each item listed. Seek the Board Attorney's advice concerning the scope and extent of accommodations.

1. Gender transition
2. Names and gender pronouns
3. School student records
4. For managing demographic information in the ISBE Student Information System, see www.isbe.net/Documents/student_demographics.pdf.

5. Student privacy and confidentiality
6. Access to gender-segregated areas, e.g. locker rooms and restrooms
7. Sports and physical education classes - participation in competitive athletic activities and contact sports is resolved pursuant to IHSA policy #34, *Policy and School Recommendations for Transgender Participation* at:
 8. www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx
9. Dress codes
10. Gender segregation in other activities, e.g., class discussions and field trips (including any overnight school trips)
11. Communication with a new school about gender-specific accommodations upon transfer or graduation

Training for School Staff Members

Professional development for staff members should include regular opportunities to gain a better understanding of equal educational opportunity laws, gender identity, gender expression, and gender diversity; the development of gender identity in children and adolescents; developmentally appropriate strategies for communicating with students and parents/guardians about issues related to gender identity; gender-affirming approaches to ensuring the safety and support of transgender students and gender non-conforming students; developmentally appropriate strategies for preventing and intervening in bullying incidents; and Board policies regarding equal educational opportunities, bullying, discrimination, and student privacy.

Resources

Ill. State Board of Education, *Supporting Transgender, Nonbinary, and Gender Nonconforming Students* (March 1, 2020), at www.isbe.net/supportallstudents.

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, published by the National School Board Association and other participating organizations, April 2013, at: www.nsba.org/sites/default/files/reports/Dealing%20with%20Legal%20Matters%20Surrounding%20Students%E2%80%99%20Sexual%20Orientation%20and%20Gender%20Identity.pdf.

Gender Spectrum, an organization whose mission is to help create gender sensitive and inclusive environments for all children and teens, at: www.genderspectrum.org.

Mass. Dept. of Elementary and Secondary Education, *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment Nondiscrimination on the Basis of Gender Identity* (undated), at: www.doe.mass.edu/sfs/lgbtq/GenderIdentity.html.

OCR *Dear Colleague Letter*, harassment and bullying (2010), at: www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html.

OCR *Guidance on Responsibilities of Schools to Address Sexual Violence, Other Forms of Sex Discrimination* (2014) at: www.ed.gov/news/press-releases/guidance-issued-responsibilities-schools-address-sexual-violence-other-forms-sex.

OCR and DOJ Consent Decrees and Resolution Agreements at:
www2.ed.gov/about/offices/list/ocr/docs/investigations/05115901.html (Anoka-Hennepin School District, MN, 3-5-2012).
www2.ed.gov/about/offices/list/ocr/docs/investigations/09111031.html (Tehachapi Unified School District, CA, 7-7-2011).

www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf (Arcadia Unified School District, CA, 7-24-2013).

OCR Resources for LGBTQ Students, at:

www2.ed.gov/about/offices/list/ocr/lgbt.html

Executive Order No. 11,246, 30 FR 12319, 12935, 3 CFR, 1964-1965 Comp., p. 339, (1965), as amended on 7-21-14, prohibits discrimination by the federal government or federal contractors on the basis of sexual orientation or gender identity. The Secretary of Labor was directed to prepare implementing regulations within 90 days (or by 10-19-14).

The School Leaders Risk Management Association. *District Transgender and Gender Non-conforming Student Practice and Policy*, May 2014 (Copyright - Chicago: Brokers Risk Placement Service, Inc., 2014).

Transgender Students in Schools: Frequently Asked Questions and Answers for Public School Boards and Staff. April 2016 (Copyright – National School Boards Association), at:

cdn-files.nsba.org/s3fs-public/reports/2016_Transgender_Guide.pdf?fr8tsknQRT6y2_Cy.WC6K2y2KEH.ewZg.

Which Way to the Restroom? Respecting the Rights of Transgender Youth in the School System. April 2012 (Copyright - National School Boards Association), Grant Bowers and Wendy Lopez, at:

www.nsba.org/sites/default/files/reports/Respecting%20the%20Rights%20of%20Transgender%20Youth%20and%20appendices.pdf.

Students

Harassment of Students Prohibited 1

No person, including a School District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national origin; military status; unfavorable discharge status from military service; sex; sexual orientation; gender identity²; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of

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¹ State or federal law requires this subject matter be covered by policy, controls this policy's content, and 105 ILCS 5/10-20.69 (final citation pending), added by P.A. 101-531, requires that every two years, each district within an Illinois county served by an accredited Children's Advocacy Center review all its existing sexual abuse investigation policies and procedures to ensure consistency with 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531. Each district must also have a policy on bullying. 105 ILCS 5/27-23.7, amended by P.A. 100-137; see sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

This policy's list of protected classifications is identical to the list in 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. The protected classifications are found in 105 ILCS 5/27-23.7(a); 775 ILCS 5/1-103, amended by P.A. 101-221; and 23 Ill.Admin.Code §1.240.

The list of protected classifications in sample policy 7:10, *Equal Educational Opportunities*, is different – it does not contain the classifications that are exclusively identified in the bullying statute. 105 ILCS 5/27-23.7.

The Ill. Human Rights Act (IHRA) and an ISBE rule prohibit schools from discriminating against students on the basis of *sexual orientation* and *gender identity*. 775 ILCS 5/5-101(11); 23 Ill.Admin.Code §1.240. *Sexual orientation* is defined as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth." 775 ILCS 5/1-103(O-1). *Gender identity* is included in the definition of sexual orientation in the Act. The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms. 775 ILCS 5/5-103. 775 ILCS 5/1-102(A), added *order of protection status* to its list of protected categories. The IHRA's jurisdiction is specifically limited to: (1) failing to enroll an individual, (2) denying access to facilities, goods, or services, or (3) failing to take corrective action to stop severe or pervasive harassment of an individual. 775 ILCS 5/5-102.2.

² See fn 2 in sample policy 7:10, *Equal Educational Opportunities*, for a discussion about Executive Order (EO) 2019-11 establishing the Affirming and Inclusive Schools Task Force (Task Force) that made policy and administrative procedure recommendations to the Ill. State Board of Education (ISBE) that are discussed in its publication *Sample District Policy and Administrative Procedures* at www.isbe.net/supportallstudents.

For boards that want to incorporate ISBE's sample policy recommendation, insert the following in place of "gender identity": gender; gender identity (whether or not traditionally associated with the student's sex assigned at birth);

If the board inserts this option, it must also insert the options in f/n 2 and 7 of policy 7:10, *Equal Educational Opportunities*, BUT NOTE THE PROTECTED STATUSES LIST IN THIS POLICY IS DIFFERENT AND SHOULD NOT BE COPIED FROM HERE INTO 7:10, *EQUAL EDUCATIONAL OPPORTUNITIES*.

property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above. ³

Sexual Harassment Prohibited

The District shall provide an educational environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law.⁴ See policies 2:265, *Title IX Sexual Harassment Grievance Procedure*, and 2:260, *Uniform Grievance Procedure*.

Making a Report or Complaint

Students are encouraged to promptly report claims or incidences of bullying, intimidation, harassment, sexual harassment, or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any employee with whom the student is comfortable speaking.⁵ A student may choose to report to an employee of the student's same gender.

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

³ This list of examples of prohibited conduct is optional. While hate speech is not specifically mentioned in this paragraph, any hate speech used to harass or intimidate is banned. Hate speech without accompanying misconduct may be prohibited in response to actual incidences when hate speech interfered with the educational environment. West v. Derby Unified Sch. Dist., 206 F.3d 1358 (10th Cir. 2000).

⁴ Two laws apply to sexual harassment of students in Illinois. Title IX of the Education Amendments of 1972 (Title IX) and the IHRA prohibit discrimination on the basis of sex and sexual harassment in any educational program or activity receiving federal financial assistance. 20 U.S.C. §1681. Title IX defines sexual harassment as conduct on the basis of sex that meets one or more of the following: (1) a district employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it denies a person equal access to the District's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in federal law. 34 C.F.R. §106.30. See sample policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, and sample exhibit 2:265-E, *Title IX Sexual Harassment Glossary of Terms*. Consult the board attorney to ensure the nondiscrimination coordinator and complaint managers are trained to appropriately respond to allegations of Title IX sexual harassment. See sample procedures 2:265-API, *Title IX Sexual Harassment Response*, and 2:265-AP2, *Formal Title IX Sexual Harassment Complaint Grievance Process*.

The IHRA prohibits any district employee or agent from sexually harassing a student, and defines sexual harassment as any unwelcome sexual advances or requests for sexual favors made to a student, or any conduct of a sexual nature toward a student, when: (1) such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment; or (2) the district employee or agent either explicitly or implicitly makes the student's submission to or rejection of such conduct as a basis for making various enumerated education-related determinations. 775 ILCS 5/5A-201(E).

School districts are liable for damage awards for an employee's sexual harassment of a student in limited situations. Liability occurs only when a district official who, at a minimum, has authority to institute corrective action, has actual notice of and is deliberately indifferent to the employee's misconduct. Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998). Schools are liable in student-to-student sexual harassment cases when school agents are deliberately indifferent to sexual harassment, of which they have actual knowledge that is so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school. Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999). The Ill. Dept. of Human Rights investigates charges of sexual harassment in violation of the IHRA, and it is a civil rights violation when a district fails to take remedial or disciplinary action against an employee the district knows engaged in sexual harassment. 775 ILCS 5/5A-102.

⁵ Using "or any employee with whom the student is comfortable speaking" ensures compliance with Title IX regulations providing that "any employee" of an elementary or secondary school who has notice of sexual harassment or allegations of sexual harassment is deemed to have *actual knowledge* which triggers a district's duty to respond. 34 C.F.R. §106.30. By including "any employee" in this list, 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.

Reports under this policy will be considered a report under Board policy 2:260, *Uniform Grievance Procedure*, and/or Board policy 2:265, *Title IX Sexual Harassment Grievance Procedure*. The Nondiscrimination Coordinator and/or Complaint Manager shall process and review the report according to the appropriate grievance procedure.⁶ The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. ⁷ The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator. ⁸

Nondiscrimination Coordinator:

Name

Address

Email

Telephone

Complaint Managers:

| | |
|-----------|-----------|
| _____ | _____ |
| Name | Name |
| _____ | _____ |
| Address | Address |
| _____ | _____ |
| Email | Email |
| _____ | _____ |
| Telephone | Telephone |

The Superintendent shall use reasonable measures to inform staff members and students of this policy by including:

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

⁶ If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, supplement this sentence to state "The Nondiscrimination Coordinator, Title IX Coordinator, and/or Complaint Manager shall process and review the report according to the appropriate grievance procedure."

⁷ While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

Each district must communicate its bullying policy to students and their parents/guardians. 105 ILCS 5/27-23.7, amended by P.A. 100-137; see sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

⁸ Title IX regulations require districts to identify the name, office address, email address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, delete "~~The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.~~," supplement the previous sentence to state "The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers." Then, list the Title IX and Nondiscrimination Coordinators' names and contact information separately in this policy.

1. For students, age-appropriate information about the contents of this policy in the District's student handbook(s), on the District's website, and, if applicable, in any other areas where policies, rules, and standards of conduct are otherwise posted in each school.⁹
2. For staff members, this policy in the appropriate employee handbook(s), if applicable, and/or in any other areas where policies, rules, and standards of conduct are otherwise made available to staff.

Investigation Process

Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager.¹⁰ Any employee who fails to promptly comply may be disciplined, up to and including discharge.

Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an educational environment that is productive, respectful, and free of unlawful discrimination, including harassment.

For any report or complaint alleging sexual harassment that, if true, would implicate Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), the Nondiscrimination Coordinator or designee¹¹ shall consider whether action under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, should be initiated.

For any other alleged student harassment that does not require action under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under policies 2:260, *Uniform Grievance Procedure*, and/or 7:190, *Student Behavior*, should be initiated, regardless of whether a written report or complaint is filed.

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

⁹ In addition to notifying students of policies 2:260, *Uniform Grievance Procedure*, and 2:265, *Title IX Sexual Harassment Grievance Procedure*, a district must notify them of the name, office address, email address, and telephone number of district's Title IX Coordinator. 34 C.F.R. §106.8(a). 105 ILCS 5/10-20.69 (final citation pending), added by P.A. 101-418, requires districts to maintain and implement an *age-appropriate* policy on sexual harassment that is included in the school district's student handbook, as well as on a district's website and, if applicable, other areas where such information is posted in each school. The law does not expressly state that the age-appropriate policy is for students; however, that is the most logical interpretation. In practice, most districts maintain a student handbook for each building. Because the law only requires one policy, this policy manages the age-appropriate requirement by directing age-appropriate explanations of the policy be included in the building-level student handbook(s). Student handbooks can be developed by the building principals, but should be reviewed and approved by the superintendent and school board.

The Illinois Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/resources/model-student-handbook.

¹⁰ If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, supplement this sentence to state "Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator, Title IX Coordinator, or a Complaint Manager."

¹¹ "Nondiscrimination Coordinator or designee" is used where Title IX is potentially implicated. In contrast, if Title IX is likely not implicated then "Nondiscrimination Coordinator or a Complaint Manager or designee" is used (see next paragraph in policy text). If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, delete "~~Nondiscrimination~~" and insert "Title IX" in its place.

Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel ¹²

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A(b), that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to policy 5:90, *Abused and Neglected Child Reporting*. In addition to reporting the suspected abuse, the complaint shall also be processed under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, or policy 2:260, *Uniform Grievance Procedure*.

Enforcement

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any third party who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the behavior policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action.

Retaliation Prohibited

Retaliation against any person for bringing complaints or providing information about harassment is prohibited (see policies 2:260, *Uniform Grievance Procedure*, and 2:265, *Title IX Sexual Harassment Grievance Procedure*).

Students should report allegations of retaliation to the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

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¹² Required for districts located within a county served by an accredited Children's Advocacy Center (CAC). Delete this subhead if your school district is within a county not served by an accredited CAC. 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531 (governing the investigation of an *alleged incident of sexual abuse* of any child within any Illinois counties served by a CAC). For a map of accredited CACs, and to identify a CAC that may serve your district, see www.childrensadvocacycentersofillinois.org/about/map. For further discussion see f/n 14 in policy 5:90, *Abused and Neglected Child Reporting*.

- LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.
105 ILCS 5/10-20.12, 10-22.5, 5/27-1, and 5/27-23.7.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
23 Ill.Admin.Code §1.240 and Part 200.
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
Franklin v. Gwinnett Co. Public Schs., 503 U.S. 60 (1992).
Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).
West v. Derby Unified Sch. Dist. No. 260, 206 F.3d 1358 (10th Cir. 2000).
- CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:240 (Conduct Code for Participants in Extracurricular Activities)

Students

Administrative Procedure - Harassment of Students Prohibited

This procedure informs: (1) the Building Principal of specific steps to prevent harassment of students, and (2) staff members of the appropriate response to allegations of harassment.

| 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 2:260, <i>Uniform Grievance Procedure</i>; 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i>; and 7:20, <i>Harassment of Students Prohibited</i>, using various methods. Takes measures to prevent harassment of students, which may include:</p> <ol style="list-style-type: none"> 1. Conducts regular harassment awareness training for all school staff, including administrators, teachers, and guidance counselors, and ensures all new employees are trained.¹ 2. Conducts regular² 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 regular³ harassment awareness training for parents/guardians. 6. Works with parents/guardians and students to develop and implement age-appropriate, effective measures for addressing harassment. 7. Determines when extra supervision and precaution should be taken, such as when: two or more students seem to be in conflict with each other; there have been previous incidents of harassment, sexual assaults, threats, or bullying around perceived sexual orientation; or a specific student has had multiple disciplinary violations. 8. Has a process in place to: (1) inform a staff member when a student that he or she supervises has a history of violent or sexually inappropriate behavior, and (2) keep such a student constantly supervised. 9. Regularly trains staff members regarding: (1) their classroom and non-classroom supervisory responsibilities, e.g., during a school-sponsored event, before and after school, while students wait for the school bus, between classes, during lunch, and at recess, (2) behaviors that may be |

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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>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 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>; 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i>; and 7:20, <i>Harassment of Students Prohibited</i>, to any person upon request; 2. Following Board policies 2:260, <i>Uniform Grievance Procedure</i>; 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i>; and 7:20, <i>Harassment of Students Prohibited</i>; 3. Notifying a student’s parents/guardians that they may attend any investigatory meetings in which their child is present; 4. Keeping the complaining parents/guardians informed of any investigation’s progress; and 5. Keeping confidential all information about an investigation and the statements of students and other witnesses. The Superintendent shall be kept informed of an investigation’s progress, 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. |
| <p>All District Staff Members</p> | <p>Immediately reports to the Ill. Dept. 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. See Board policy 5:90, <i>Abused and Neglected Child Reporting</i>.</p> <p>Promptly notifies the Superintendent or Building Principal that you made a report. If a report contains allegations involving the Superintendent, only notifies the Building Principal who shall contact the Board President. If a report contains allegations involving the Building Principal, only notifies the Superintendent.</p> |

Students

Prevention of and Response to Bullying, Intimidation, and Harassment 1

1. 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 and providing all students equal access to a safe, non-hostile learning environment are important District goals.

Bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is **prohibited** in each of the following situations: ²

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the School District or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This paragraph (item #4) applies only when a school administrator or teacher receives a report that bullying through this means has occurred; it does not require staff members to monitor any nonschool-related activity, function, or program.

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

¹ All districts must have a policy on bullying. 105 ILCS 5/27-23.7, amended by P.A. 100-137. Every two years, each district must review and re-evaluate this policy, make necessary and appropriate revisions, and file the updated policy with ISBE. This sample policy's first paragraph allows a school board to consider its goals for preventing bullying and remedying its consequences; it may be amended.

In addition to a bullying prevention policy, all districts must have a policy on student behavior. 105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280. Boards must, in consultation with their parent-teacher advisory committees and other community-based organizations, address aggressive behavior, including bullying, in their student behavior policy. See 7:190, *Student Behavior*; 7:190-E1, *Aggressive Behavior Reporting Letter and Form*.

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. See ¶n 7, below.

² This paragraph and its subparts 1-4 are from the bullying prevention statute. 105 ILCS 5/27-23.7(a); see also 775 ILCS 5/1-103 and 23 Ill.Admin.Code §1.240. The protected statuses are mandated by the bullying prevention statute; the list of protected statuses is identical to the list in 7:20, *Harassment of Students Prohibited*.

Definitions from 105 ILCS 5/27-23.7³

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

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

Cyberbullying means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

Restorative measures means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.

School personnel means persons employed by, on contract with, or who volunteer in a school district, including without limitation school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

Bullying Prevention and Response Plan

The Superintendent or designee shall develop and maintain a bullying prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below; each numbered requirement, 1-12, corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12.⁴

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

³ All definitions are directly from 105 ILCS 5/27-23.7, amended by P.A. 100-137.

⁴ As each numbered requirement, 1-12, corresponds with the same number in 5/27-23.7(b)1-12, there are no reference citations in footnotes. All non-statutory requirements, plus alternatives and optional provisions, are described in footnotes.

1. The District uses the definition of *bullying* as provided in this policy. ⁵
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District’s bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking.⁶ Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District named officials or any staff member. The District named officials and all staff members are available for help with a bully or to make a report about bullying.⁷ Anonymous reports are also accepted.

Nondiscrimination Coordinator: ⁸

Name

Address

Email

Telephone

Complaint Managers:

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

⁵ A board may augment the School Code requirement by using this alternative:

Using the definition of *bullying* as provided in this policy, the Superintendent or designee shall emphasize to the school community that: (a) the District prohibits bullying, and (b) all students should conduct themselves with a proper regard for the rights and welfare of other students. This may include a process for commending or acknowledging students for demonstrating appropriate behavior.

⁶ The statute requires that the policy contain the email address and telephone number for the staff person(s) responsible for receiving bullying reports. Using the district Nondiscrimination Coordinator and Complaint Managers is consistent with 2:260, *Uniform Grievance Procedure*. While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored. A telephone number for making anonymous reports may also be added.

⁷ 105 ILCS 5/27-23.7(d), amended by P.A. 100-137, requires that “[s]chool personnel available for help with a bully or to make a report about bullying” be made known to parents/guardians, students, and school personnel.

⁸ Sample policy 2:260, *Uniform Grievance Procedure*, states that a district’s Nondiscrimination Coordinator also serves as its Title IX Coordinator. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, list the Title IX and Nondiscrimination Coordinators’ names separately in this policy. Best practice is that throughout the district’s board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.

| | |
|-----------|-----------|
| Name | Name |
| Address | Address |
| Email | Email |
| Telephone | Telephone |

4. Consistent with federal and State laws and rules governing student privacy rights, the Superintendent or designee shall promptly inform the parent(s)/guardian(s) of every student involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures. ⁹
5. The Superintendent or designee shall promptly investigate and address reports of bullying, by, among other things:
 - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.
 - b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
 - c. Notifying the Building Principal or school administrator or designee of the reported incident of bullying as soon as possible after the report is received.
 - d. Consistent with federal and State laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building Principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.
 - a. The Superintendent or designee shall investigate whether a reported incident of bullying is within the permissible scope of the District's jurisdiction and shall require that the District provide the victim with information regarding services that are available within the District and community, such as counseling, support services, and other programs. ¹⁰
6. The Superintendent or designee shall use interventions to address bullying, that may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services. ¹¹

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

⁹ 105 ILCS 5/10-20.14 contains a similar requirement. See 7:190-E1, *Aggressive Behavior Reporting Letter and Form*.

¹⁰ This sentence contains requirements found in 105 ILCS 5/27-23.7(d).

¹¹ A grant may be available from the Ill. State Board of Education for the promotion of a safe and healthy learning environment. 105 ILCS 5/2-3.176, added by P.A. 101-438. A list of grant funding opportunities is available at: www.isbe.net/Pages/Grants.aspx.

7. A reprisal or retaliation against any person who reports an act of bullying is **prohibited**. A student's act of reprisal or retaliation will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
8. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, knowingly making a false accusation or providing knowingly false information will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
9. The District's bullying prevention and response plan must be based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. The Superintendent or designee shall post this policy on the District's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty. ¹²
11. The Superintendent or designee shall assist the Board with its evaluation and assessment of this policy's outcomes and effectiveness. This process shall include, without limitation:
 - a. The frequency of victimization;
 - b. Student, staff, and family observations of safety at a school;
 - c. Identification of areas of a school where bullying occurs;
 - d. The types of bullying utilized; and
 - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. The Superintendent or designee must post the information developed as a result of the policy evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students.

12. The Superintendent or designee shall fully implement the Board policies, including without limitation, the following: ¹³

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

¹² 105 ILCS 5/27-23.7(b)(10), amended by P.A. 100-137.

¹³ The statute requires that the bullying policy *be consistent with* other board policies. The list of policies may be deleted and the following alternative used: "12. The District's bullying prevention plan must be consistent with other Board policies." If a policy list is included, be sure the referenced policies were adopted locally and amend the list accordingly.

The bullying statute does not identify staff member duties regarding the prevention of or response to student bullying. The following optional provision addresses staff member responsibilities and may be added as a new paragraph 13:

13. The Superintendent or designee shall fully inform staff members of the District's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes each of the following:
 - a. Communicating the District's expectation and State law requirement that teachers and other certificated or licensed employees maintain discipline.

- a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
- b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
- c. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
- d. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
- e. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
- f. 7:20, *Harassment of Students Prohibited*. This policy prohibits *any* person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
- g. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
- h. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
- i. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members. ¹⁴

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

- b. Establishing the expectation that staff members: (1) intervene immediately to stop a bullying incident that they witness or immediately contact building security and/or law enforcement if the incident involves a weapon or other illegal activity, (2) report bullying, whether they witness it or not, to an administrator, and (3) inform the administration of locations on school grounds where additional supervision or monitoring may be needed to prevent bullying.
- c. Where appropriate in the staff development program, providing strategies to staff members to effectively prevent bullying and intervene when it occurs.
- d. Establishing a process for staff members to fulfill their obligation to report alleged acts of bullying.

¹⁴ For elementary districts, delete: ~~and 7:315, *Restrictions on Publications; High Schools*~~ and delete the Cross Reference to 7:315, *Restrictions on Publications; High Schools*. For high school districts, delete ~~7:310, *Restrictions on Publications; Elementary Schools*~~ and delete the Cross Reference to 7:310, *Restrictions on Publications; Elementary Schools*. In both cases, revise the beginning of the sentence to read: "These policies prohibit students from and provide:"

LEGAL REF.: 405 ILCS 49/, Children's Mental Health Act.
105 ILCS 5/10-20.14, 5/24-24, and 5/27-23.7.
23 Ill.Admin.Code §1.240 and §1.280.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Food Allergy Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

Students

Teen Dating Violence Prohibited ¹

Engaging in teen dating violence that takes place at school, on school property, at school-sponsored activities, or in vehicles used for school-provided transportation is prohibited.² For purposes of this policy, the term *teen dating violence* occurs whenever a student who is 13 to 19 years of age 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.³

The Superintendent or designee shall develop and maintain a program to respond to incidents of teen dating violence that:⁴

1. Fully implements and enforces each of the following Board policies:⁵
 - a. 2:260, *Uniform Grievance Procedure*. This policy provides a method for any student, parent/guardian, employee, or community member to file a complaint if he or she believes that the School Board, its employees, or its agents have violated his or her rights under the State or federal Constitution, State or federal statute, Board policy, or various enumerated bases.
 - b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. This policy prohibits any person from engaging in sexual harassment in violation of Title IX of the Education Amendments of 1972. Prohibited conduct includes but is not limited to sexual assault, dating violence, domestic violence, and stalking.
 - c. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on the student's actual or perceived characteristics of sex; sexual orientation; gender identity; and gender-related identity or expression (this policy includes more protected statuses).

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

¹ All school boards must have a policy on teen dating violence. 105 ILCS 110/3.10. This sample policy is designed to align with a district's already-existing procedures for reporting bullying and school violence. See *f/n* 7. The curriculum components for teen dating violence education, which apply to districts with students enrolled in grades 7 through 12, are listed in 6:60-AP, *Comprehensive Health Education Program*.

² 105 ILCS 110/3.10(b)(1). School officials must proceed carefully before disciplining a student for out-of-school conduct. A school's authority over off-campus conduct is much more limited than incidents that occur on school grounds. However, school officials may generally: (1) remove a student from extracurricular activities when the conduct code for participation requires students to conduct themselves at all times as good citizens and exemplars of the school (see sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities*); and (2) suspend or expel a student from school attendance when the student's expression causes substantial disruption to school operations.

³ 105 ILCS 110/3.10(a). For districts that wish to broaden the ages (e.g., perhaps include 11-12 year olds in a middle school setting), delete the following phrase from the first sentence: "~~who is 13 to 19 years of age~~". The law defines *dating* or *dating relationship* as an "ongoing social relationship of a romantic or intimate nature between two persons." The terms do not include "a casual relationship or ordinary fraternization between two persons in a business or social context."

⁴ Required by 105 ILCS 110/3.10(b)(3).

⁵ Be sure the referenced board policies, as adopted locally, contain the language paraphrased in this policy. If not, either substitute similar language from the locally adopted board policies on the same topics, or just insert the titles from relevant locally adopted policies.

The statutory content requirements for a teen dating policy include "establish[ing] procedures for the manner in which employees of a school are to respond to incidents of teen dating violence." This policy fulfills this requirement by incorporating by reference the following administrative procedure: 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying*. This means that 7:180-AP1 should be considered to be part of this policy.

- d. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. This policy prohibits students from engaging in bullying, intimidation, and harassment at school, school-related events and electronically. Prohibited conduct includes threats, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.
2. Encourages anyone with information about incidents of teen dating violence to report them to any of the following individuals: ⁶
 - a. Any school staff member. School staff shall respond to incidents of teen dating violence by following the District's established procedures for the prevention, identification, investigation, and response to bullying and school violence. ⁷
 - b. The Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager identified in policy 7:20, *Harassment of Students Prohibited*. ⁸
 3. Incorporates age-appropriate instruction in grades 7 through 12, in accordance with the District's comprehensive health education program in Board policy 6:60, *Curriculum Content*. This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*. ⁹
 4. Incorporates education for school staff, as recommended by the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager. ¹⁰
 5. Notifies students and parents/guardians of this policy. ¹¹

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⁶ 105 ILCS 110/3.10(b)(4), requires the policy to identify by job title which school officials are responsible for receiving reports related to teen dating violence.

⁷ *Id.* at f/ns 5 and 6. Sexual violence is one listed component of teen dating violence. 105 ILCS 110/3.10(a). Sexual violence has also been found by the Ill. Gen. Assembly to be a component of bullying and school violence. 105 ILCS 5/27-23.7. Thus, identifying *any school staff member* is consistent with 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying*, which uses the student-friendly reporting system outlined in 7:180-AP1, E2, *Be a Hero by Reporting Bullying*.

⁸ *Id.* Under any reporting system, a report involving bullying and school violence that is based upon a protected status (often teen dating violence will involve conduct based upon the target's sex) must be referred to the district's Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager (7:20, *Harassment of Students Prohibited*). Customize this list to reflect local conditions. These individuals may also take reports directly from students.

⁹ Required by 105 ILCS 110/3.10(b)(2). The curriculum-specific components for teen dating violence education are listed in 6:60-AP, *Comprehensive Health Education Program*.

¹⁰ *Id.* For boards that add the optional paragraphs in policy 5:100, *Staff Development Program*, add the phrase "and policy 5:100, *Staff Development Program*."

¹¹ Required by 105 ILCS 110/3.10(b)(5). Boards must communicate this policy to students and their parents/guardians. This may be accomplished, in part, by (1) sending 7:185-E, *Memo to Parents/Guardians Regarding Teen Dating Violence*, and (2) amending the district's anti-bullying campaign statement(s), such as the following, in the student handbook and school website:

Bullying, teen dating violence, intimidation, and harassment are not acceptable in any form and will not be tolerated at school or any school-related activity. The School District will take disciplinary action against any student who participates in such conduct or who retaliates against someone for reporting incidents of bullying, teen dating violence, intimidation, or harassment.

Incorporated
by Reference: 7:180-AP1, (Prevention, Identification, Investigation, and Response to Bullying)

LEGAL REF.: 105 ILCS 110/3.10.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 5:100 (Staff Development Program), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities)

Students

Exhibit - Student Handbook Checklist

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

Mandatory Notices

Student Services

| Mandatory Topics | IASB PRM | IPA MSH |
|--|--|--|
| Transportation | 4:110, <i>Transportation</i> | 4.10, <i>Bus Transportation</i> |
| Transportation reimbursement eligibility and dispute resolution Note: this program has been withdrawn due to lack of funding | 4:110, <i>Transportation</i> | 4.10, <i>Bus Transportation</i> |
| Eligibility criteria for free and reduced lunch | 4:130, <i>Free and Reduced-Price Food Services</i> 4:130-E, <i>Free and Reduced-Price Food Services; Meal Charge Notifications</i> | 3.10, <i>Fees, Fines & Charges; Waiver of Student Fees</i> |
| Waiver of school fees along with the fee waiver application form | 4:140, <i>Waiver of Student Fees</i> 4:140-AP, <i>Fines, Fees, and Charges - Waiver of Student Fees</i> 4:140-E1, <i>Application for Fee Waiver</i> 4:140-E2, <i>Response to Application for Fee Waiver, Appeal, and Response to Appeal</i> | 3.10, <i>Fees, Fines & Charges; Waiver of Student Fees</i> 3.10-E1, <i>Application for Fee Waiver</i> |
| School Wellness | 6:50, <i>School Wellness</i> | |

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

| Mandatory Topics | IASB PRM | IPA MSH |
|---|---|---|
| (required if the District participates in the National School Lunch Program or Breakfast Program) | | |
| Alternative learning opportunities | 6:110, <i>Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program</i> | 2.90, <i>Credit for Proficiency, Non-District Experiences, Course Substitutions and Accelerated Placement</i> |
| Notification to parents/guardians of English Learners regarding their child's placement in, and information about, the District's English Learners programs | 6:160, <i>English Learners</i> | 12.60, <i>English Learners</i> |
| Parental involvement under Title I (only when the district receives Title I funds) | 6:170, <i>Title I Programs</i> 6:170-AP1, <i>Checklist of Development, Implementation, and Maintenance of Parent and Family Engagement Compacts for Title I Programs</i> 6:170-AP1, E1, <i>District-Level Parent and Family Engagement Compact</i> 6:170-AP1, E2, <i>School-Level Parent and Family Engagement Compact</i> 6:170-AP2, <i>Notice to Parents Required by Elementary and Secondary Education Act, McKinney-Vento Homeless Assistance Act, and Protection of Pupil Rights Act</i> | 12.130, <i>Parent Notices Required by the Every Student Succeeds Act</i> |
| Notice to parents required by the Elementary and Secondary Education Act | 6:170-AP2, <i>Notice to Parents Required by Elementary and Secondary Education Act, McKinney-Vento Homeless Assistance Act, and Protection of Pupil Rights Act</i> | |
| Surveys that request personal information from students | 7:15, <i>Student and Family Privacy Rights</i> | 11.10, <i>Student Privacy Protections</i> |
| Birth certificate requirements for enrollment | 7:50, <i>School Admissions and Student Transfers To and From Non-District Schools</i> | |

| Mandatory Topics | IASB PRM | IPA MSH |
|--|---|--|
| | <i>7:50-AP, School Admissions and Student Transfers To and From Non-District Schools</i> | |
| Dental examinations | <i>7:100, Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students</i> | |
| Eye examinations (K and students enrolling in public school for the first time only) | <i>7:100, Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students</i> | |
| Vaccinations (influenza and meningococcal) | <i>7:100, Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students</i> | |
| Administration of medications (includes asthma inhalers and epinephrine injectors, opioid antagonists, and glucagon) | <i>7:270, Administering Medicines to Students 7:270-AP1, Dispensing Medication 7:270-E1, School Medication Authorization Form</i> | <i>5.20, Student Medication 5.20-E1, Student Medication Authorization Form</i> |

Student Programs

| Mandatory Topics | IASB PRM | IPA MSH |
|--|--|--|
| Notice of instruction in recognizing and avoiding sexual abuse (K-8 only) | <i>6:60-AP, Comprehensive Health Education Program 6:60-AP, E1, Notice to Parents/Guardians of Students Enrolled in Family Life and Sex Education Classes</i> | <i>12.40, Sex Education Instruction 12.40-E1, Notice to Parents on Sex Education Instruction</i> |
| Free appropriate public education to students with disabilities Special education services to eligible children whether or not enrolled in the District | <i>6:120, Education of Children with Disabilities 6:120-AP1, Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities (downloadable from IASB website, www.iasb.com) 6:120-AP1, E1, Notice to Parents/Guardians Regarding Section 504 Rights</i> | <i>10.10, Education of Children with Disabilities</i> |

Student Responsibilities

| Mandatory Topics | IASB PRM | IPA MSH |
|---|--|---|
| IHSA policy on banned substances (required only for IHSA schools) | <i>6:190, Extracurricular and Co-Curricular Activities</i> | <i>9.10, Extracurricular and Athletic</i> |

| Mandatory Topics | IASB PRM | IPA MSH |
|---|--|---|
| | 6:190-AP, <i>Academic Eligibility for Participation in Extracurricular Activities</i> 7:240, <i>Conduct Code for Participants in Extracurricular Activities</i> 7:240-API, <i>Code of Conduct for Extracurricular Activities</i> | <i>Activities Code of Conduct</i> |
| Absenteeism and truancy | 7:70, <i>Attendance and Truancy</i> | 2.10, <i>Attendance</i> 2.50, <i>Truancy</i> |
| Statement of district ownership of and right to search student lockers | 7:140, <i>Search and Seizure</i> | 8.10, <i>Search and Seizure</i> |
| Search procedures for school grounds and lockers | 7:140, <i>Search and Seizure</i> | 8.10, <i>Search and Seizure</i> |
| Notification regarding access to student accounts or profiles on social networking websites | 7:140, <i>Search and Seizure</i> 7:140-E, <i>Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act</i> | 8.10, <i>Search and Seizure</i> |
| Bullying prohibited and reporting encouraged | 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i> | 6.40, <i>Prevention of and Response to Bullying, Intimidation, & Harassment</i> 6.40-E1, <i>Aggressive Behavior Reporting Form</i> |
| Teen dating violence prohibited and reporting encouraged | 7:185, <i>Teen Dating Violence Prohibited</i> | |
| Prohibition of electronic paging devices and making threat by Internet | 7:190, <i>Student Behavior</i> | 6.30, <i>Student Behavior</i> |
| All prohibited conduct in the school discipline code, including, but not limited to: 1. Controlled substances 2. Firearms and other weapons 3. E-cigarettes 4. Gangs and gang-related activity 5. Sexting prohibited | 4:170-AP2, E4, <i>Letter to Parents/Guardians About Preventing and Reducing Incidences of Sexting</i> 7:190, <i>Student Behavior</i> 7:190-AP5, <i>Student Handbook - Electronic Devices</i> 7:190-AP6, <i>Guidelines for Investigating Sexting Allegations</i> | 6.30, <i>Student Behavior</i> |

| Mandatory Topics | IASB PRM | IPA MSH |
|--|---|---|
| Inform parents/guardians when their child engaged in aggressive behavior along with the school's early intervention procedures | 7:190-E1, <i>Aggressive Behavior Reporting Letter and Form</i> | 6.40-E1, <i>Aggressive Behavior Reporting Form</i> |
| Suspension and expulsion, and due process requirements | 7:200, <i>Suspension Procedures</i> 7:210, <i>Expulsion Procedures</i> | |
| School bus safety | 7:220, <i>Bus Conduct</i> 4:110-AP3, <i>School Bus Safety Rules</i> | 4.10, <i>Bus Transportation</i> |
| Videotape surveillance of buses (if applicable) | 7:220, <i>Bus Conduct</i> 7:220-AP, <i>Electronic Recordings on School Buses</i> | 4.10, <i>Bus Transportation</i> |
| Behavior interventions (these may be developed through the Spec. Ed. Coop if the district belongs to one) | 7:230, <i>Misconduct by Students With Disabilities</i> | |
| Dress code | 7:160, <i>Student Appearance</i> | 6.20, <i>School Dress Code & Student Appearance</i> |
| All other conduct prohibited by Board policy - school discipline code | 7:190, <i>Student Behavior</i> | 6.30, <i>Student Behavior</i> |

Student Rights

| Mandatory Topics | IASB PRM | IPA MSH |
|--|---|--|
| Notice of contact information for nondiscrimination and Title IX coordinator(s) and making reports or complaint of discrimination or sexual harassment | 2:260, <i>Uniform Grievance Procedure</i> 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> | 6.40, <i>Prevention of and Response to Bullying, Intimidation & Harassment</i> |
| Prohibition of discrimination on the basis of race, color, national origin, sex, sexual orientation, ancestry, age, religious beliefs, physical or mental disability, status as homeless, or actual or potential marital or parental status, including pregnancy | 7:10, <i>Equal Educational Opportunities</i> 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> | 1.50, <i>Equal Opportunity & Sex Equity</i> |
| Sex equity and grievance procedures | 2:260, <i>Uniform Grievance Procedure</i> 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> 7:10, <i>Equal Educational Opportunities</i> | 1.50, <i>Equal Opportunity & Sex Equity</i> |

| Mandatory Topics | IASB PRM | IPA MSH |
|--|---|---|
| | 7:20, <i>Harassment of Students Prohibited</i> | |
| Sexual harassment prohibited and grievance procedures and age-appropriate information about the sexual harassment policy | 2:260, <i>Uniform Grievance Procedure</i> 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> 7:20, <i>Harassment of Students Prohibited</i> 7:185, <i>Teen Dating Violence Prohibited</i> | 6.45, <i>Sexual Harassment & Teen Dating Violence Prohibited</i> |
| Notify parents of their right to request their child's classroom teachers' qualifications | 5:190-E1, <i>Notice to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications</i> | 12.130, <i>Parent Notices Required by the Every Student Succeeds Act</i> |
| Educational rights of homeless students in the location where homeless children receive services | 6:140, <i>Education of Homeless Children</i> 6:140-AP, <i>Education of Homeless Children</i> | 12.30, <i>Homeless Child's Right to Education</i> |
| Notice of parent and student rights under the Children's Privacy Protection and Parental Empowerment Act | 7:15, <i>Student and Family Privacy Rights</i> 7:15-E, <i>Notification to Parents of Family Privacy Rights</i> | 11.10, <i>Student Privacy Protections</i> |
| Notice to parents/guardians about social network passwords | 7:140, <i>Search and Seizure</i> 7:140- E, <i>Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act</i> | 6.70, <i>Access to Student Social Networking Passwords & Websites</i> |
| Notice concerning privacy and access rights to school student records | 7:340, <i>Student Records</i> 7:340-API, E1, <i>Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records</i> 7:340-API, E2, <i>Using a Photograph or Video Recording of a Student</i> | 11.20, <i>Student Records</i> |
| Disclosure of directory information | 7:340-API, E1, <i>Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records</i> 7:340-API, E2, <i>Using a Photograph or Video Recording of a Student</i> | 11.20, <i>Student Records</i> |
| Information classified as directory information and for objecting to disclosure of information | 7:340-API, E1, <i>Notice to Parents/Guardians and Students of Their Rights Concerning a</i> | 11.20, <i>Student Records</i> |

| Mandatory Topics | IASB PRM | IPA MSH |
|---|---|---|
| | <i>Student's School Records</i> | |
| Military recruiting | 7:340-AP1, E3, <i>Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information</i> 7:340-AP1, E4, <i>Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information</i> | 11.20, <i>Student Records</i> |
| Student biometric information (when applicable) | 7:340, <i>Student Records</i> 7:340-AP1, E5, <i>Biometric Information Collection Authorization</i> | 11.30, <i>Student Biometric Information</i> |
| Notice to parents/guardians concerning student data collected by schools and operators under the Student Online Personal Protection Act | 7:345-AP, E2, <i>Student Data Privacy; Notice to Parents About Educational Technology Vendors</i> | |
| Notice of disability accommodation | 8:70, <i>Accommodating Individuals with Disabilities</i> | 1.110, <i>Accommodating Individuals with Disabilities</i> |

General Information

| Mandatory Topics | IASB PRM | IPA MSH |
|--|--|--|
| Notice before a pesticide application | 4:160, <i>Environmental Quality of Buildings and Grounds</i> 4:160-AP, <i>Environmental Quality of Buildings and Grounds</i> | 12.80, <i>Pesticide Application Notice</i> |
| Availability of information concerning sex offenders | 4:175-AP1, <i>Criminal Offender Notification Laws; Screening</i> 4:175-AP1, E1, <i>Informing Parents/Guardians About Offender Community Notification Laws</i> | 12.120, <i>Violent Offender Community Notification</i> |
| School bus safety | 4:110-AP3, <i>School Bus Safety Rules</i> | 4.10, <i>Bus Transportation</i> |
| Asbestos management plan, notice of availability | | |
| Notice to parents/guardians and | 4:170, <i>Safety</i> | |

| Mandatory Topics | IASB PRM | IPA MSH |
|--|--|--|
| staff of IHSA's online training video about hands-only CPR and AED | 4:170-AP6, E1, <i>School Staff AED Notification Letter</i> | |
| Notice that a student athlete and his/her parent must sign acknowledgement of receiving the concussion policy (required only for IHSA schools) | 7:305, <i>Student Athlete Concussions and Head Injuries</i> 7:305-AP, <i>Program for Managing Student Athlete Concussions and Head Injuries</i> | 9.30, <i>Student Athlete Concussions and Head Injuries</i> |
| School visitation rights notice | 8:95-E1, <i>Letter Notifying Parents/Guardians of School Visitation Rights</i> 8:95-E2, <i>Verification of School Visitation</i> | 12.70, <i>School Visitation Rights</i> |

Recommended Notices

Student Services

| Recommended Topics | IASB PRM | IPA MSH |
|--|--|--|
| Information regarding waiver of student fees | 4:140, <i>Waiver of Student Fees</i> | |
| Fire drill program, building specific plan | 4:170, <i>Safety</i> 4:170-AP1, <i>Comprehensive Safety and Security Plan</i> | 5.40, <i>Safety Drill Procedures and Conduct</i> |
| School safety plans, including severe weather and injury or sudden illness | 4:170, <i>Safety</i> 4:170-AP1, <i>Comprehensive Safety and Security Plan</i> 4:170-AP1, E1, <i>Accident or Injury Form</i> | 2.100, <i>Home and Hospital Instruction</i> |
| Targeted school violence prevention program, including threat assessment teams | 4:190, <i>Targeted School Violence Prevention Program</i> 4:190-AP2, <i>Threat Assessment Team (TAT)</i> | |
| Home and hospital instruction | 6:150, <i>Home and Hospital Instruction</i> | 2.100, <i>Home and Hospital Instruction</i> |
| Student residency and tuition | 7:60, <i>Residence</i> 7:60-AP1, <i>Challenging a Student's Residence Status</i> 7:60-AP2, <i>Establishing Student Residency</i> 7:60-AP2, E1, <i>Letter of Residence from Landlord in Lieu of Lease</i> 7:60-AP2, E2, <i>Letter of Residence to</i> | |

| Recommended Topics | IASB PRM | IPA MSH |
|--|---|---|
| | <i>be Used When the Person Seeking to Enroll a Student is Living with a District Resident</i> 7:60-AP2, E3, <i>Evidence of Non-Parent's Custody, Control and Responsibility of a Student</i> | |
| Parking, building specific | 7:140, <i>Search and Seizure</i> | 4.20, <i>Parking</i> |
| Health and guidance counselor and social work access | 7:250, <i>Student Support Services</i> | 5.30, <i>Guidance & Counseling</i> |
| Communicable and infectious disease | 7:280, <i>Communicable and Chronic Infectious Disease</i> 7:280-AP, <i>Managing Students with Communicable and Infectious Diseases</i> | 5.50, <i>Communicable Disease</i> 5.60, <i>Head Lice</i> |
| Students with diabetes | 6:120-AP4, <i>Care of Students with Diabetes</i> | 1.130, <i>Care of Students with Diabetes</i> 1.130-E1, <i>Authorization to Provide Diabetic Care</i> |
| Medical cannabis administration | 7:270-E2, <i>School Medication Authorization Form - Medical Cannabis</i> | |
| Food allergy management program | 7:285, <i>Food Allergy Management Program</i> 7:285-AP, <i>Implementing a Food Allergy Management Program</i> | 1.120, <i>Students with Food Allergies</i> |
| Telephone use, building specific | | |

Student Programs

| Recommended Topics | IASB PRM | IPA MSH |
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| Weighted grades | 6:280-AP, <i>Evaluating and Reporting Student Achievement</i> | |
| District philosophy and goals | 1:30, <i>School District Philosophy</i> 3:10, <i>Goals and Objectives</i> 6:10, <i>Educational Philosophy and Objectives</i> | |
| Remote Learning and/or e-learning program(s) | 6:20, <i>School Year Calendar and Day</i> 6:20-AP, <i>Remote and/or Blended Remote Learning Day Plan(s)</i> | |

| Recommended Topics | IASB PRM | IPA MSH |
|--|---|---|
| Anti-bias curriculum | 6:60, <i>Curriculum Content</i> | |
| Driver education eligibility and requirements (high schools only) | 6:60, <i>Curriculum Content</i> | |
| Parental objections to sex education, family life instruction, and sexually transmitted diseases | 6:60-AP, E1, <i>Notice to Parents/Guardians of Students Enrolled in Family Life and Sex Education Classes</i> | 12.40, <i>Sex Education Instruction</i> 12.40-E1, <i>Notice to Parents on Sex Education Instruction</i> |
| Biking and Walking Safety Education | 6:60-AP, E2, <i>Resources for Biking and Walking Safety Education</i> | |
| Accelerated placement availability | 6:135, <i>Accelerated Placement Program</i> | 2:90, <i>Credit for Proficiency, Non-District Experiences, Course Substitutions and Accelerated Placement</i> |
| Adaptive physical education program exemption | 6:310, <i>High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students</i> | 2.80, <i>Exemption from PE Requirement (Regular Education)</i> |
| Bilingual education availability | 6:160, <i>English Learners</i> | 12.60, <i>English Learners</i> |
| Co-curricular activities | 6:190, <i>Extracurricular and Co-Curricular Activities</i> | 9.10, <i>Extracurricular and Athletic Activities Code of Conduct</i> |
| “No Pass, No Play” | 6:190, <i>Extracurricular and Co-Curricular Activities</i> 6:190-AP, <i>Academic Eligibility for Participation in Extracurricular Activities</i> | 9.10, <i>Extracurricular and Athletic Activities Code of Conduct</i> |
| Parental right to review instructional materials | 6:210, <i>Instructional Materials</i> | 11.10, <i>Student Privacy Protections</i> |
| Acceptable use and Internet safety | 6:235, <i>Access to Electronic Networks</i> 6:235-AP1, <i>Acceptable Use of the District’s Electronic Networks</i> 6:235-AP1, E1, <i>Student Authorization for Access to the District’s Electronic Networks</i> | 7.10, <i>Internet Acceptable Use</i> 7.10-E1, <i>Internet Acceptable Use Sign-Off</i> |

| Recommended Topics | IASB PRM | IPA MSH |
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| | 6:235-API, E2, <i>Staff Authorization for Access to the District's Electronic Networks</i> | |
| Social promotion | 6:280, <i>Grading and Promotion</i> 6:280-AP, <i>Evaluating and Reporting Student Achievement</i> | 2.60, <i>Grading and Promotion</i> |
| High school graduation requirements (high schools only) | 6:300, <i>Graduation Requirements</i> | 2.120, <i>Graduation Requirements</i> |
| Right of students with IEP to participate in graduation ceremony (high schools only) | 6:300, <i>Graduation Requirements</i> | 10.40, <i>Certificate of High School Completion</i> |
| Physical education, including waiver of required classes | 6:310, <i>High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students</i> | 2.80, <i>Exemption from PE Requirement (Regular Education)</i> 10.30, <i>Exemption from PE Requirement (Special Education)</i> |
| Class schedules, building specific | | |
| Schedule of testing programs, building specific | 6:340, <i>Student Testing and Assessment Program</i> | |
| Student distribution of non-curricular material | 7:310, <i>Restrictions on Publications; Elementary Schools</i> 7:310-AP, <i>Guidelines for Student Distribution of Non-School Sponsored Publications; Elementary Schools</i> 7:315, <i>Restrictions on Publications; High Schools</i> 7:315-AP, <i>Guidelines for Student Distribution of Non-School Sponsored Publications; High Schools</i> | 7.20, <i>Guidelines for Student Distribution of Non-School Sponsored Publications</i> |

General Information

| Recommended Topics | IASB PRM | IPA MSH |
|---|---|---|
| School calendar | 6:20, <i>School Year Calendar and Day</i> | |
| Field trip | 6:240, <i>Field Trips</i> 6:240-AP, <i>Field Trip Guidelines</i> | 6.60, <i>Field Trips</i> |
| Release time for religious instruction/observance | 7:80, <i>Release Time for Religious Instruction/Observance</i> | 2.30, <i>Release Time for Religious Instruction and</i> |

| Recommended Topics | IASB PRM | IPA MSH |
|--|--|--|
| | | <i>Observance</i> |
| Release time for students voting in elections | 7:90, <i>Release During School Hours</i> | |
| Extra-curricular drug and alcohol testing (if applicable) | 7:240-AP2, <i>Extracurricular Drug and Alcohol Testing Program</i> 7:240-AP2, E1, <i>Consent to Participate in Extracurricular Drug and Alcohol Testing Program</i> | 9.10, <i>Extracurricular and Athletic Activities Code of Conduct</i> |
| Eligibility to remove college entrance exams from student transcripts | 7:340, <i>Student Records</i> | 11.20, <i>Student Records</i> |
| Equal access to school facilities | 8:20, <i>Community Use of School Facilities</i> | |
| Identification and registration of persons entering the school building | 8:30, <i>Visitors to and Conduct on School Property</i> | 1.40, <i>Visitors</i> |
| Statement that the handbook is: 1. Only a summary of board policies governing the district; board policies are available to the public at the district office 2. A document that may be amended during the year without notice 3. Is a communication tool of all policies to persons expected to execute and comply with them | 2:240, <i>Board Policy Development</i> | 1.20, <i>Student Handbook Acknowledgement</i> 1.30, <i>General School Information</i> |
| Address of District offices, list of administrators, and contact information | 2:250, <i>Access to District Public Records</i> 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i> | 1.30, <i>General School Information</i> |
| Board members' names | 2:250, <i>Access to District Public Records</i> 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i> | 1.30, <i>General School Information</i> |
| List of District school addresses | 2:250, <i>Access to District Public Records</i> 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i> | 1.30, <i>General School Information</i> |

Special Circumstance Notifications

| Special Circumstance Topics | IASB PRM | IPA MSH |
|---|---|---|
| Notification for unsafe school transfer choice | 4:170, <i>Safety</i> 4:170-AP5, <i>Unsafe School Choice Option</i> | 12.100, <i>Unsafe School - Transfer</i> |
| Notification of right to review teachers' qualifications | 5:190, <i>Teacher Qualifications</i> 5:190-E1, <i>Notice to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications</i> 5:190-E2, <i>Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements</i> 5:190-E3, <i>Letter to Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements for the Grade Level and Subject Area of Assignment</i> | 12.130, <i>Parent Notices Required by the Every Student Succeeds Act</i> |
| <p>Notice when:</p> <ol style="list-style-type: none"> 1. Student is being taught by a teacher who is not highly qualified, 2. School identified as in need of improvement, 3. Schools are identified for corrective action, 4. Schools are identified for restructuring, 5. There is eligibility for supplemental educational services, and 6. The district offers voluntary school choice, if applicable. | 5:190-E2, <i>Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements</i> 6:15, <i>School Accountability</i> | |
| Credit for proficiency | 6:110, <i>Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program</i> | 2.90, <i>Credit for Proficiency, Non-District Experiences, Course Substitutions and Accelerated Placement</i> |

Students

Administrative Procedure – Use of Educational Technologies; Student Data Privacy and Security

Use this procedure to establish a process for evaluating the use of educational technologies for student learning and/or District operations, and to facilitate compliance with the Student Online Personal Protection Act (SOPPA), amended by P.A. 101-516, eff. 7-1-21.

Definitions (105 ILCS 85/5, amended by P.A. 101-516, eff. 7-1-21)

Covered information means personally identifiable information (PII) or information linked to PII in any media or format that is not publicly available and is any of the following: (1) created by or provided to an operator by a student or the student’s parent/guardian in the course of the student’s or parent/guardian’s use of the operator’s site, service or application; (2) created by or provided to an operator by an employee or agent of the District; or (3) gathered by an operator through the operation of its site, service, or application.

Operators are entities (such as educational technology vendors) that operate Internet websites, online services, online applications, or mobile applications that are designed, marketed, and primarily used for K-12 school purposes.

K-12 school purposes means purposes that are directed by, or that customarily take place at the direction of, a teacher, school, or school district; aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents; or are otherwise for the use and benefit of a school.

Breach means the unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of covered information maintained by an operator or the District.

Parent means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student.

Educational Technologies Evaluation and SOPPA Implementation

| Actor | Action |
|---|---|
| Superintendent or Designee or Privacy Officer | 1. Establishes an Educational Technology Committee (Ed Tech Committee) to operate as a Superintendent committee for the purposes of: (1) evaluating the use of specific online applications and other educational technologies within the District, (2) establishing a list of applications or other services approved for use within the District, and (3) developing a process for the approval of online sites, applications, or services not already approved for District use which staff members may wish to use. See 2:150-AP, <i>Superintendent Committees</i> . Consider including: Head of Information Technology (IT) Other district-level administrators, such as Curriculum Director, Student Services Director, Business Manager Building Principals |

| Actor | Action |
|-------------------------------|---|
| | <p>7. As appropriate, notifies the District’s liability carrier of any third party claims made against the District regarding a data breach.</p> <p>8. Consults with the Board Attorney for guidance as needed to ensure the District complies with the provisions of SOPPA.</p> |
| Head of IT or Privacy Officer | <p>1. Implements and maintains reasonable cybersecurity practices to protect covered information, such as technical, administrative, and physical safeguards that are consistent with any guidance from the Ill. State Board of Education (ISBE)¹ and 6:235-API, <i>Acceptable use of the District’s Electronic Networks</i>. Coordinates with the Superintendent to implement any staff training on such practices. Coordinates with the Business Manager regarding any recommendations for purchases of equipment or software related to cybersecurity.</p> <p>2. Creates, maintains, and regularly updates an internal inventory of all Internet websites, online services, online applications, and mobile applications that are being used in the District for K-12 purposes. Note: The inventory does not need to include general audience websites, online services, online applications, or mobile applications, even if login credentials are required to access the general audience sites, services, or applications.</p> <p>The inventory list should include the following, and any other information deemed pertinent: ²</p> <ul style="list-style-type: none"> a. Name of Operator b. Contract term and expiration/renewal date c. K-12 purpose for which the online service, application, etc. is being used (e.g., curriculum content area and grade level(s)) d. A listing of the <i>data elements</i>³ of covered information that the District collects, maintains, or discloses to the operator. e. A layperson explanation of the data elements listed for each operator including how the district uses the information, to whom or what entities it discloses the information, and for what purpose(s) the information is used. <p>3. Ensures the following information is posted on the District’s website⁴ and updated (if needed) by Jan. 31 and July 31 each year (105 ILCS</p> |

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

¹ 105 ILCS 85/27, added by P.A. 101-516, eff. 7-1-21, requires the Ill. State Board of Education to make available on its website a guidance document for schools pertaining to reasonable security procedures and practices.

² Creating an internal inventory list as an initial step is a best practice to ensure a district complies with the posting requirements in item #3 in this row.

³ The term data elements is not defined in the Student Online Personal Protection Act (SOPPA) (105 ILCS 85/). However, compare that term with the requirement in SOPPA that operator contracts include “a listing of the categories or types of covered information to be provided to the operator,” which suggests that data elements is a term that is different than and distinguishable from categories or types. Consult the board attorney for guidance on the level of detail to include in the posting of data elements.

| Actor | Action |
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| | <p>85/27(a), added by P.A. 101-516, eff. 7-1-21) (See 7:345-AP, E1, <i>Student Covered Information Reporting Form</i>):</p> <ol style="list-style-type: none"> a. A list of operators with which the District has written contracts. 105 ILCS 85/27(a)(2). b. Copies of the District’s written contracts with operators, with redactions as permitted by State law and mutually agreed upon between the District and operators. 105 ILCS 85/27(a)(2). c. Business address of each operator. 105 ILCS 85/27(a)(2). d. For each operator, a list of any subcontractors to whom covered information may be disclosed or a link to a page on the operator’s website that clearly lists that information. 105 ILCS 85/27(a)(3). e. An explanation that is clear and understandable by a layperson, of the following (105 ILCS 85/27(a)(1)): <ol style="list-style-type: none"> i. The <i>data elements</i>⁵ of covered information that the District collects, maintains, or discloses to any person, entity, third party, or governmental agency. ii. To whom or to what entities the covered information is disclosed. iii. How the covered information is used. iv. The purpose of the disclosure of the covered information. f. For breaches involving 10% or more the District’s enrolled students, a list of any breaches of covered information maintained by the District or by an operator that includes the following information (105 ILCS 85/27(a)(5), added by P.A. 101-516, eff. 7-1-21): <ol style="list-style-type: none"> i. The number of students whose covered information was involved in the breach, unless the breach involves the <i>personal information</i> of students, as defined by the Personal Information Protection Act, 815 ILCS 530/10. Personal information means either: <ol style="list-style-type: none"> 1. A student’s first name or first initial and last name in combination with any one or more of his or her (a) social security number, (b) driver’s license number or State ID card number, (c) financial account information (with any required security codes or passwords), (d) medical information, (e) health insurance information, and/or (f) unique biometric data |

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⁴ This procedure requires a number of postings of specific information be made available on district’s website. For districts that do not maintain a website, replace that that text with “Make the following information available for inspection by the general public at the District’s administrative office or on the District’s website, if one becomes available.”

⁵ See f/n 1, above.

| Actor | Action |
|-------------------------------------|--|
| | <p>or other unique physical or digital representation of biometric data, when either the name or data elements are not encrypted or redacted or are encrypted or redacted but the keys to unencrypt or unredact or otherwise read the name or data elements have been acquired through the breach of security; or</p> <p>2. A student’s username or email address, in combination with a password or security question and answer that would permit access to an online account, when either the username or email address or password or security question and answer are not encrypted or redacted or are encrypted or redacted, but the keys to unencrypt or unredact or otherwise read the data elements have been obtained through the breach of security.</p> <p>g. A written description of the procedures a parent may use to carry out their rights to: (1) inspect and review his/her child’s covered information; (2) request electronic or paper copies of his/her child’s covered information and (3) request corrections to his/her child’s inaccurate covered information under SOPPA. 105 ILCS 85/27(4), added by P.A. 101-516, eff. 7-1-21.</p> <p>4. Posts on the District’s website any new operator contracts within 10 business days of the District entering into the contract, along with the information required in items 3.a. through 3.e. listed immediately above.⁶ 105 ILCS 85/27(c), added by P.A. 101-516, eff. 7-1-21.</p> <p>5. Promptly notifies the Superintendent of any breach of covered information or other personal information of students so that appropriate notices can be provided.</p> |
| Business Manager or Privacy Officer | <p>1. Assists Head of IT in creating, maintaining, and updating the internal inventory list referenced in the row above.</p> <p>2. Reviews operator contracts (including electronic agreements, click wrap agreements, or other terms and conditions a user must agree to before using the product or service) before approval to ensure they contain the provisions required by SOPPA (this can also be accomplished through the Business Manager’s participation in the Committee described above).</p> <p>The following provisions are required for contracts entered into, renewed, or amended on or after 7-1-21, if the operator is seeking in any manner any covered information from the District (105 ILCS 85/15(4), added by P.A. 101-516, eff. 7-1-21):</p> |

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⁶ SOPPA is silent on the manner in which a district may comply with posting requirements in items 3.a-3.e above, e.g., whether a district complies if it simply posts a contract, if the contract also contains all the required information in some form, or if a district must also separately list each piece of information on its website. Consult the Board attorney for guidance on this specific implementation issue.

| Actor | Action |
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| | <p>a. A listing of the categories or types of covered information to be provided to the operator.</p> <p>b. A statement of the product or service being provided to the District by the operator.</p> <p>c. A statement that, pursuant to the federal Family Educational Rights and Privacy Act of 1974 (FERPA), the operator (1) is acting as a school official with a legitimate educational interest, (2) is performing an institutional service or function for which the District would otherwise use employees, (3) is under the direct control of the District, with respect to the use and maintenance of covered information, (4) is using the covered information only for an authorized purpose and (5) may not re-disclose covered information to third parties without the District's permission or pursuant to a court order.</p> <p>d. A description of how, if a breach is attributed to the operator, any costs and expenses incurred by the District in investigating and remediating the breach will be allocated between the operator and District. The costs and expenses may include, but are not limited to: (1) providing notification to parent of those students whose covered information was compromised and to regulatory agencies or other entities as required by law or contract, (2) providing credit monitoring to those students whose covered information was exposed in a manner during the breach that a reasonable person would believe that it could impact his or her credit or financial security, (3) legal fees, audit costs, fines, and any other fees or damages imposed against the school as a result of the security breach; and (4) providing any other notifications or fulfilling any other requirements adopted by the Ill. State Board of Education or of any other State or federal laws</p> <p>e. A statement that the operator must delete or transfer to the school all covered information if the information is no longer needed for the purposes of the written agreement and to specify the time period in which the information must be deleted or transferred once the operator is made aware that the information is no longer needed for the purposes of the written agreement.</p> <p>f. If the District maintains a website, a statement that the District must publish the written agreement on the District's website. If the school does not maintain a website, a statement that the District will make the written agreement available for inspection by the general public at its administrative office.</p> <p>3. As permitted by State law, obtains the operator's agreement regarding what provisions, if any, of the contract will be redacted in the copy that is posted on the District's website. Items 2.a, 2.b, and 2.c in the list immediately above may NOT be redacted in the posted copy.</p> |

| Actor | Action |
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| | <ol style="list-style-type: none"> 4. Ensures that the District also has written agreements in place that include the provisions listed in #2 above whenever it shares, transfers, discloses, or provides access to a student’s covered information to an entity or individual, other than the student’s parent, school personnel, Board members, or ISBE, unless the disclosure or transfer is (1) required by court or State or federal law or (2) to ensure legal or regulatory compliance. 105 ILCS 85/26(2), added by P.A. 101-516, eff. 7-1-21. ⁷ 5. With the authorization of the Superintendent, consults with the Board Attorney as needed for contract review. 6. Provides a copy of all operator contracts to the Head of IT for posting on the District’s website. |
| Head of IT and Records Custodian or Privacy Officer | <ol style="list-style-type: none"> 1. Develops and maintains a protocol to manage parent requests to inspect and review their child’s covered information, whether it is maintained by the District, ISBE, or an operator. 105 ILCS 85/33(c)(1), added by P.A. 101-516, eff. 7-1-21. If the covered information is a <i>school student record</i>, then follow the procedures and timelines for responding to student record requests in 7:340-AP1, <i>School Student Records</i>. 2. Develops and maintains a protocol to manage parent requests for copies (electronic and paper) of students’ covered information. Align the protocol with the following requirements (105 ILCS 85/33(c)(2), added by P.A. 101-516, eff. 7-1-21): <ol style="list-style-type: none"> a. If the parent requests an electronic copy of the student’s covered information, the District must provide an electronic copy of the information, unless the District does not maintain it in an electronic format and reproducing the information in an electronic format would be unduly burdensome to the District. b. If the parent requests a paper copy of the student’s covered information, the District may charge the parent the reasonable cost of copying in an amount not to exceed the amount fixed in a schedule adopted by ISBE. However, the parent may not be denied a copy of the information due to the |

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⁷ Under the Ill. School Student Records Act’s implementing regulations, districts are required to transfer the records of a student to another school in which a student has enrolled or intends to enroll upon request of the records custodian of the other school or student, with prior written notice to the parent. 23 Ill.Admin.Code §§375.70, 375.75. It therefore appears that SOPPA does not require a written agreement in such circumstance, to the extent the covered information being shared with another school is part of a student’s records being transferred. SOPPA does not address disclosure of covered information to the board attorney. Consult with the board attorney for guidance on this issue.

| Actor | Action |
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| | <p>parent's inability to pay the cost of copying.</p> <ul style="list-style-type: none"> c. The protocol must be consistent with any regulations issued by ISBE. ⁸ d. If the covered information is a <i>school student record</i>, then follow the procedures and timelines for responding to student record requests in 7:340-AP1, <i>School Student Records</i>. <p>3. Develops and maintains a protocol to manage parent requests for corrections to factual inaccuracies contained in a student's covered information. Align the protocol with the following requirements (105 ILCS 85/33(c)(3), added by P.A. 101-516, eff. 7-1-21):</p> <ul style="list-style-type: none"> a. The District must determine whether the factual inaccuracy exists. b. If the District determines that a factual inaccuracy exists, and the District maintains or possesses the covered information, it must correct the inaccuracy and confirm the same with the parent within 90 calendar days after receiving the parent's request. c. If the District determines that a factual inaccuracy exists and an operator or ISBE maintains or possesses the information, the District must notify the operator or ISBE of the factual inaccuracy and correction to be made. The operator or ISBE must confirm the correction with the District within 90 calendar days after it receives the District's notice. The District must then confirm the correction with the parent within 10 business days after receiving confirmation of the correction from the operator or ISBE. d. If the covered information is a <i>school student record</i>, and the parent requests a hearing to challenge the accuracy of the record(s), follow the procedures and timelines in 7:340-AP1, <i>School Student Records</i>. <p>4. Develop and maintain a protocol to manage parent requests for deletion of a student's covered information maintained by an operator. Align the protocol with the following requirements:</p> <ul style="list-style-type: none"> a. Deny the request if granting it would result in a violation of the Ill. School Student Records Act or other records laws, such as the deletion of a <i>school student record</i> (temporary or permanent) that the District is required by law to maintain for a certain period of time. 105 ILCS 85/27(g), added by P.A. 101-516, eff. 7-1-21. b. Consider denying the request if granting it would effectively |

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⁸ 105 ILCS 85/33(c)(2) requires ISBE to adopt rules on the methodology and frequency of these types of parent requests. As of PRESS Issue 104, those rules had not been adopted.

| Actor | Action |
|---|---|
| | result in the student being unable to participate in all or a portion of the District’s curriculum through the site, service, or application being used. ⁹ |
| Building Principal(s) or Privacy Officer | <ol style="list-style-type: none"> 1. Ensures that parents are provided with 7:345-AP, E2, <i>Notice to Parents About Educational Technology Vendors</i>, at the beginning of each school year through distribution of school handbooks or other means generally used by the building to provide such notices to parents.¹⁰ 105 ILCS 85/28(e), added by P.A. 101-516, eff. 7-1-21. 2. Promptly communicates any parent requests for copies of, corrections to, or deletion of students’ covered information to the Records Custodian and Head of IT. |
| Staff Members | <ol style="list-style-type: none"> 1. Participate in any District-required trainings on the privacy and security of student data. 2. Refrain from using any new online sites, services, or applications that collect any student data or covered information that have not be pre-approved for use by the District. 3. Be familiar with and abide by policy 6:235, <i>Access to Electronic Networks</i>, and 6:235-AP1, <i>Acceptable Use of the District’s Electronic Networks</i>. |
| <p>K-12 Data Privacy and Cybersecurity Resources:</p> <p>www.studentprivacy.ed.gov/ www.ltcillinois.org/resources/dataprivacy/ www.ferpasherpa.org/resources/ www.k12cybersecure.com/resources/ www.cosn.org/ProtectingPrivacy Attai, Linnette. <i>Student Data Privacy: Building a School Compliance Program</i>. (Rowman & Littlefield, 2018).</p> | |

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

⁹ 105 ILCS 85/27(g) does not list this item as an exception to a parent request for deletion; however, it is included to help districts manage a potentially common scenario.

¹⁰ Members of the Ill. Principals Association (IPA) may subscribe to the IPA’s Model Student Handbook Service, which is aligned with IASB’s policy services. For more information, see: www.ilprincipals.org/resources/model-student-handbook.