

Please distribute to Board members and appropriate staff

ISSUE 81, March 2013

Update Memo

PRESS

Policy Reference Education Subscription Service

Contents

Bring Your Own Technology Materials, p. 1
School Board, p. 2
Operational Services, p. 2
Personnel, p. 4
Instruction, p. 5
Students, p. 6
Community Relations, p. 7
Progress Report, p. 9
Contents Table Showing Revisions, p. 10-11
Contents Table for Five Year Review, p. 12

Instructions

You are encouraged to share this **PRESS** Update Memo with all board members and appropriate staff. It may be viewed and downloaded from **PRESS Online**: iasb.com/policy/login.cfm. Subscribers are mailed the current password with each **PRESS** issue.

Two other important components of **PRESS** may be viewed and downloaded from **PRESS Online** – the committee worksheets and the updated Policy Reference Manual pages. The committee worksheets show suggested changes to **PRESS** material (including administrative procedures and exhibits) by striking-out deleted words and underscoring new words. The updated Policy Reference Manual pages contain all of the material in this **PRESS** issue; you can use them to update your district manuals.

Be sure to view the update videos in which the **PRESS editors highlight this Issue – they are available at **PRESS Online**.**

This publication is designed to provide information only and is not a substitute for legal advice from the school board's legal counsel. If you have any questions, please contact Melinda Selbee, IASB General Counsel and **PRESS** Editor, 630/629-3776, ext. 1231, or Kimberly Small, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1226.

Please note: Unless otherwise stated, all public acts are currently effective.

Bring Your Own Technology Materials

Technology is the pen and paper of our time. Mobile devices are now in the hands of most students, and they are the window through which most of them experience their world. Yet students are still analog during school hours. Some school leaders around the country are trying to change that. They are beginning to use the abundance of technology available to everyone's instructional-advantage by incorporating student-owned mobile devices in the curriculum. This is generally called a "bring your own technology (BYOT) program" or sometimes "bring your own device (BYOD)." The reality that technology is almost an appendage to most students and educators underscores the major reason fueling demand from our **PRESS** subscribers for a "BYOT policy."

Before adopting a BYOT policy and implementing a BYOT program, school officials should consider how a BYOT policy and program fits into the district's mission statement for instruction. Many experts in the technology field agree that implementation of these programs requires time and careful planning (see *5 Ways to Prepare Your School for Bring Your Own Device*, by Tanya Roscorla; Center for Digital Education, available at: www.centerdigitaled.com/news/5-Ways-to-Prepare-Schools-for-Bring-Your-Own-Device.html). A BYOT policy's purpose will be different for each board and its community, because each community has different philosophies and needs. Our **PRESS** policy adds mobile devices to the curriculum only as another available instructional tool, and it stresses the importance of focusing on responsible use and conduct. It incorporates already-existing policies and procedures into the program, and all other policies, rules and conduct for students and staff that apply to mobile device use during non-instructional time remain unchanged.

► **6:220, Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct.** NEW. The policy is optional. This policy lists the major components for the program and incorporates existing policies. The footnotes contain options and explain that BYOT programs are unprecedented areas of the law. Issues addressed in the footnotes include, but are not limited to: (1) the Children’s Internet Protection Act (CIPA), (2) protection of the district’s electronic network from viruses, malware and other harmful programs, (3) searches of student and staff-owned devices, (4) discipline of students and staff for violating the policy, (5) digital equity for students, and (6) collective bargaining. This policy and its implementation may trigger several legal responsibilities under these and other issues - consult the board attorney before adoption or implementation.

► **6:220-E1, Exhibit - Authorization to Participate in Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct Agreement.** NEW. The exhibit is a form that explains the BYOT program and its purpose to parents/guardians and students. It asks parents/guardians and students to authorize participation in the program and agree to responsible use of BYOT devices.

► **6:220-E2, Bring Your Own Technology (BYOT) Program Student Guidelines.** NEW. The exhibit informs parents/guardians and students about BYOT guidelines. It may be an addition to the student handbook, and it should be modified to reflect a district’s and any building-specific guidelines.

► **7:190-AP5, Student Handbook - Electronic Devices.** The procedure is updated throughout to align with the BYOT materials and clarify that its rules remain unchanged when students use mobile devices for a purpose other than a study aid. It contains the following statement:

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

School Board

► **2:250-AP2, Administrative Procedure - Protocols for Record Preservation and Development of Retention Schedules.** This procedure contains an *actor-action* table for record preservation and retention. The first section contains overarching rules applicable to all staff mem-

bers and school board members. A new requirement is added to this section as follows:

Whenever disposing of materials containing personal information, render the personal information unreadable, unusable, and undecipherable. The Personal Information Protection Act (815 ILCS 530/) contains mandates for disposing of materials containing personal information (defined as an individual’s name combined with social security number, driver’s license number or State identification card number, or financial account information, including without limitation, credit or debit card numbers). The Attorney General is authorized to impose a fine for noncompliance. 815 ILCS 530/40.

Operational Services

► **4:15, Identity Protection.** This policy implements the Identity Protection Act. All boards must have a policy on this topic. The edits to the policy, however, are a result of the Personal Information Protection Act, 815 ILCS 530/.

The Personal Information Protection Act directs its mandates to government agencies and local government. Attorneys disagree whether it applies to school districts. We included compliance measures in the sample **PRESS** policy because: (1) they are consistent with public policy, and (2) if the Act applies to school districts, so will its section allowing the Attorney General to fine any person up to \$100 for each violation of the disposal requirements for materials containing personal information (815 ILCS 530/40). The following components are added to the policy’s list of identity protection measures:

5. Notification to an individual whenever his or her personal information was acquired by an unauthorized person; *personal information* is an individual’s name in combination with his or her social security number, driver’s license number or State identification card number, or financial account information.
6. Disposal of materials containing personal information in a manner that renders the personal information unreadable, unusable, and undecipherable; *personal information* has the meaning stated in #5, above.

We did not include the Personal Information Protection Act in the Legal References to retain the argument that it does not apply to school districts.

The following disclaimer is also added:

This policy shall not be interpreted as a guarantee of the confidentiality of social security numbers and/or other personal information. The District will use best efforts to comply with this policy, but this policy should not be construed to convey any rights to protection of information not otherwise afforded by law.

The usefulness of the disclaimer is untested and unproven.

► **4:110-AP2, Administrative Procedure - Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments.** This procedure is updated to reference the Ill. Dept. of Transportation's pre-trip inspection rule and School Bus Driver Pre-Trip Inspection Form (92 Ill.Admin.Code §§458.1030 & 458.Illustration A, School Bus Driver's Pre-Trip Inspection Form).

► **4:140, Waiver of Student Fees.** The policy is unchanged. A footnote describes the statutory options for charging driver education fees, i.e., districts may charge up to \$50 or charge up to \$250 if they comply with 105 ILCS 5/27-24.2. The Legal References and Cross References are updated.

Criminal history records checks pursuant to 105 ILCS 5/10-21.9, i.e., background checks or background investigations

ISBE issued non-regulatory guidance for districts about logistical issues that districts face when performing background checks. Specifically, contractors and higher educational institutions are not authorized under any State or federal law to conduct background checks or see the results of them, yet the School Code requires them to do it. The unanswered legal logistics of performing background checks on student teachers, contractors' employees, volunteers, and staff are discussed in the guidance, along with a list of vendors who perform background checks on LiveScan equipment. It is titled *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, and it is available at: www.isbe.net/pdf/guidance_chr.pdf. We refer to it as *ISBE's non-regulatory guidance document* in the remainder of this *PRESS Update Memo*. Several pieces of material in this issue were amended in response to the best practices discussed within the document.

► **4:170, Safety.** The policy is updated in the text, footnotes and Legal References in response to ISBE's non-regulatory guidance document. The policy text is updated as follows:

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

The contractor shall not send to any school building or school property any employee or agent who would be prohibited from being employed by the District due to a conviction of a crime listed in 105

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

If another school district requests a copy of a criminal history records check that the District conducted on any contractor's employee within the last year, the District will provide it. Requestors of this information may include another school, school district, community college district, or private school.

Updated footnotes explain that:

1. For both legal and practical reasons, ISBE's non-regulatory guidance document places the responsibility on a district to perform background checks on contractors' employees.
2. To eliminate any uncertainty about the safety of students, the sample policy is more comprehensive than State law by requiring background checks for a contractor's employee who may have contact, *direct or indirect*, with a student in any school building or on school property. State law only requires background checks for contractors' employees who have *direct, daily contact* with students; an option to use this language is provided.

Legal References are updated to cite State and federal background check laws.

► **4:170-AP2, Administrative Procedure - Criminal Offender Notification Laws.** The following updates to the procedure reflect ISBE's non-regulatory guidance document:

1. The subhead, **Contractors' Employees**, includes the changes discussed above in 4:170, *Safety*. Further clarification explains that P.A. 97-248 allows a school district to rely on the background checks of contractors' employees that are done by another district if the checks are less than one year old.
2. A renamed subhead, ~~Other Students Doing Field or~~

Clinical Experience other than Student Teaching, clarifies that the “field experience” discussed in the School Code that is associated with student teaching is different than “field or clinical experience other than student teaching.” Subhead text explains that a building principal may (a) screen these higher education students as outlined in the procedure for volunteers, and/or (b) require the same fingerprint-based background check that the School Code requires of student teachers. It then refers to the **Student Teacher** subhead for the process to obtain the same background check as a student teacher. It also places the cost of the background check on the student seeking the experience.

3. The subhead **Student Teacher** was aligned with the edits discussed below in policy 5:260, *Student Teachers*.
4. A discussion of the laws governing background checks is updated to clarify the exact components of a *complete criminal history records check* pursuant to the School Code (105 ILCS 5/10-21.9, amended by P.A. 97-607).
5. The Administrative Procedure Cross References are updated.

- **4:170-AP6, Administrative Procedure - Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED.** The procedure is updated to reference the most recent amendment to the Physical Fitness Facility Medical Emergency Preparedness Code (Code) at 77 Ill.Admin.Code §527.600. The following sentence is added: “Persons using the facility must be notified if an operable AED is not on the premises.” Other out-of-date explanations that the Code now covers were deleted.

Personnel

- **5:30-AP2, Administrative Procedure - Investigations.** The procedure is updated in response to ISBE’s non-reg-

ulatory guidance document. The subhead **Criminal History Records Check** lists the components of a *complete criminal history records check* pursuant to the School Code (105 ILCS 5/10-21.9, amended by P.A. 97-607). The list of each individual’s responsibilities pertaining to background checks was updated to reflect numerous legal and practical clarifications.

- **5:50, Drug- and Alcohol-Free Workplace; Tobacco Prohibition.** This paragraph is added to a new section on **Tobacco Prohibition**:

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

Employees, along with everyone else on school property, were already prohibited from using tobacco products “on school property or at a school event” by policy 8:30, *Visitors to and Conduct on School Property*. Policy 5:50 applies only to employees. It adds the clarification “while ...performing work for the District at a school event” in order to align with this policy’s other prohibitions.

Other edits are made to enhance clarity. A statute is added to the Legal References and a policy is added to the Cross References.

- **5:260, Student Teachers.** The policy is updated in the text, footnotes, and Legal References in response to ISBE’s non-regulatory guidance document. It lists the exact components of a *complete criminal history records check* pursuant to the School Code (105 ILCS 5/10-21.9, amended by P.A. 97-607). Text in the policy is amended as follows:

Policies on Social Media

We were recently asked for a copy of our policy on social media. In response, we explained that we have seven! Our policies cover social media and Facebook according to context and legal issues. Regarding:

- The legal protection covering employees’ and applicants’ passwords to their social media accounts, see policy 5:30, *Hiring Process and Criteria*.
- Employee personal technology and social media, see policy 5:125, *Personal Technology and Social Media; Usage and Conduct*.
- BYOT and CIPA, see policy 6:220, *Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct*.

- Access to district networks and CIPA, see policy 6:235, *Access to Electronic Networks*.
- Obtaining student social media passwords, see policies 6:220, *Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct*; and 7:140, *Search and Seizure*.
- Bullying, see policy 7:180, *Preventing Bullying, Intimidation, and Harassment*.
- Student misconduct, see policy 7:190, *Student Discipline*.

Implementing procedures and exhibits follow their relevant policies.

Prior to a student teacher beginning any field experiences in the District, the Superintendent or designee shall coordinate with each student teacher's higher education institution a fingerprint-based will ensure that the District performs a complete criminal history records check and pursuant to 105 ILCS 5/10-21.9; i.e., background check or background investigation. A complete criminal history records check pursuant to 105 ILCS 5/10-21.9 shall include:

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

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

Footnotes are also amended to:

1. Distinguish students doing field or clinical experience other than student teaching,
2. Discuss why a student teacher's written authorization is necessary,
3. Provide citations for why the district must provide student teachers with a copy of their background investigation reports, and
4. Explain that the School Code requires student teachers to pay for the costs of their own background checks.

Legal References now cite the Uniform Conviction Information Act (20 ILCS 2635/1) and the Adam Walsh Child Protection and Safety Act (P.L. 109-248).

- ▶ **5:330, Sick Days, Vacation, Holidays, and Leaves.** The section on **Holidays** is amended to cite the new process for obtaining a waiver of a school holiday. The amendment follows: "Unless the District ~~receives~~ has a waiver

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

Instruction

- ▶ **6:60-AP, Administrative Procedure - Comprehensive Health Education Program.** The procedure is updated to reflect 105 ILCS 110/3, amended by P.A. 97-1147. It requires sexual assault awareness to be taught in "grades pre-K through 12." Formerly, it was to be taught in the secondary schools only. A footnote is updated to provide information about a toolkit available for education about teenage dating abuse. It is titled *Preventing, Assessing, and Intervening in Teenage Dating Abuse: A Training for Specialized Instructional Support Personnel*.

- ▶ **6:190, Extracurricular and Co-Curricular Activities.** The policy is unchanged. An additional policy is added to the Cross References. A footnote now references the Jan. 2013 *Dear Colleague Letter* from the U.S. Dept. of Education, Office for Civil Rights. The letter addresses the participation of students with disabilities in extracurricular athletic activities and clarifies the types of accommodations and services that districts must provide pursuant to Section 504.

- ▶ **6:235-E5, Exhibit - Children's Online Privacy Protection Act. NEW.** The exhibit is a letter to parents/guardians explaining the Children's Online Privacy Protection Act. The letter's purpose is to educate parents and students about privacy protection when using applications on a smartphone or computer. It provides (1) suggestions to prevent children from being bombarded by unwanted advertising, making unwanted purchases, and disclosing personal information and location, and (2) links to additional information on the Federal Trade Commission's website.

- ▶ **6:240, Field Trips.** To provide a distinction between privately arranged trips and trips that are sponsored by the district, we added this disclaimer to the policy:

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

- ▶ **6:250-E, Exhibit - Resource Person and Volunteer Information Form and Waiver of Liability.** The exhibit is updated as part of the criminal history background check materials. Links to the Statewide Sex Offender and Child Murderer and Violent Offender Against Youth Registries are amended. The Dru Sjodin National Sex

Offender Public Website (NSOPW) was added. The Sex Offender Registration Notification Act (SORNA), also known as Title 1 of the Adam Walsh Child Protection and Safety Act of 2006, renamed the National Sex Offender Registry to the NSOPW.

NSOPW is not the same as the FBI's National Sex Offender Registry (a database available only to law enforcement for background checks). NSOPW is a public resource that searches the public sex offender registries from all 50 states, the District of Columbia, the five principal U.S. territories, and federally recognized Indian tribes. When *substantial implementation* of SORNA is reached by all jurisdictions, the NSOPW will be an even more reliable resource for school officials to screen volunteers and others who are not mandated to undergo background checks for crimes committed in other jurisdictions. Illinois has still not reached substantial implementation of SORNA (see Progress Report tables from prior **PRESS** issues for SORNA discussions).

Students

► **7:190, Student Discipline.** This policy is reviewed annually. Two changes are made:

1. A footnote now contains information about electronic cigarettes and alternative policy language to ban them. It states:

State and federal law have not yet addressed electronic cigarettes. An electronic or e-cigarette resembles a regular cigarette. It contains a battery-operated heating element that turns a liquid into a mist for inhaling. The liquid may contain nicotine. Information, albeit limited, is posted on the U.S. Food and Drug Administration website at:

www.fda.gov/tobaccoproducts/default.htm, and

www.fda.gov/newsevents/publichealthfocus/ucm252360.htm.

Boards may use the following alternative to prohibit electronic cigarettes: "Using, possessing, distrib-

Warning Concerning Student Directory Information

For over 20 years, districts have wanted to release directory information for students so the school or PTA could publish a student directory and/or identify students in a school newspaper, graduation program, team program, etc. Federal and State laws allow schools to release students' directory information, provided they follow specified requirements.

Recently, parents in one community were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following have occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child.

An opinion from the Illinois Public Access Counselor (PAC) supports that a district may not rely on the FOIA exemption for home addresses. The opinion concerned whether a university had to provide students' names pursuant to a FOIA request (PAO 12-3). The university's policy stated that students' names are directory information which may be released to inquirers. Thus, according to the PAC, the university could not rely on the federal student records law to

deny the FOIA request. Citing an Illinois Supreme Court decision, the PAC also concluded that students' names were not "private information" and must be disclosed.

You need to take steps now if your district wants to avoid releasing students' addresses and other types of directory information – there are about 18 possible types of information concerning a student that a district may designate as directory information. Realize however, that by limiting the definition of *directory information*, you will also limit your district's ability to publish information about specific students. The **PRESS** policy does not define *directory information*, leaving that task to implementing material. Focusing on that material, you can narrow the information about students that would be subject to a FOIA request by:

- Deleting the specific types of information that your district does not want released, such as an *address*, from the definition of *directory information* in 7:340-AP1, *School Student Records*.
- Using your district's new, limited definition of *directory information* in 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*.

Of course, the school board can decide to discontinue releasing all directory information by stating in its policy that it will not release student directory information. Legal opinions differ on these issues, so be sure to consult with your board attorney.

uting, purchasing, or selling tobacco materials or electronic cigarettes.”

2. The policy provision on transfer to an alternative program is clarified. 105 ILCS 5/10-22.6(a) and (b) state that a student who is suspended in excess of 20 school days or is expelled may be immediately transferred to an alternative program. The phrase “is suspended in excess of 20 school days” is inconsistent with the 10 day limit for a suspension. A separation from school attendance for over 10 days is automatically an expulsion and, thus, would qualify a student for the transfer. The policy now states: “A student ~~who is subject to a suspension in excess of 20 school days or an expulsion~~ may be immediately transferred to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code.”

► **7:305, Student Athlete Concussions and Head Injuries.**

The policy is unchanged. The statute requiring all boards to adopt a policy regarding student athlete concussions is now cited in the Legal References and footnotes as 105 ILCS 5/10-20.53 ~~54~~, renumbered by P.A. 97-813. The footnotes now also:

1. Include a web link to the Ill. Elementary School Association’s concussion protocol at www.iesa.org/activities/concussion.asp, and
2. Mention a pending ISBE rule change concerning student school records. This rule change makes the acknowledgement of the concussion policy, executed by a student athlete and his/her parent/guardian, a temporary school student record by including it in the definition of *health-related information*.

Community Relations

► **8:20, Community Use of School Facilities.** The policy and footnotes are updated as follows:

1. A sentence is added to reserve the right for the district to cancel a previously scheduled use of school facilities.
2. The provision concerning the free use of school facilities by student groups, school-related organizations, government agencies, and non-profit organizations is edited. It now states that fees and costs apply during non-regularly staffed hours.
3. This optional provision is added to a footnote: “Facilities and grounds will not be made available to individuals for personal or social reasons or to business enterprises for commercial gain.”
4. This optional provision, added to a footnote, recognizes that districts should require bodily injury liability insurance and property damage liability in speci-

fied amounts as recommended by the district’s own insurance carrier: “All non-school sponsored groups, before using the facilities during non-regularly staffed hours, must provide a certificate of insurance naming the District as an *additional insured* or otherwise show proof of insurance.”

► **8:25, Advertising and Distributing Materials in Schools Provided by Non-School Related Entities.** The policy, footnotes, and Legal References are changed as follows:

1. This sentence is added to the first paragraph that contains the overarching requirements: “No material, literature, or advertisement shall be posted or distributed without advance approval as described in this policy.”
2. The section controlling non-commercial ads is clarified. Non-commercial ads are those from community, educational, charitable, and recreational organizations. The superintendent or designee is authorized to approve non-commercial ads. Their frequency and volume make it difficult for many boards to perform this act. An alternative is, however, provided in a footnote for the board to approve these ads. The list of display locations and distribution opportunities are deleted and this sentence is added: “The District reserves the right to decide where and when any advertisement or flyer is distributed, displayed or posted.”
3. Requirements are added to the section controlling commercial advertisements as follows:

Commercial companies may purchase space for their advertisements in or on: (1) athletic field fences; (2) athletic, theater, or music programs; (3) student newspapers or yearbooks; (4) scoreboards; or (5) other appropriate locations. The advertisements must be consistent with this policy and its implementing procedures and ~~must be approved by the School Board. No Board~~ be appropriate for display in a school context. Prior approval from the Board is needed for advertisements on athletic fields, scoreboards, or other building locations. Prior approval is needed from the Superintendent or designee for advertisements on athletic, theater, or music programs; student newspapers and yearbooks; and any commercial material related to graduation, class pictures, or class rings.

Alternatives are given in a footnote for all approvals to be made by the board or to be made by the superintendent or designee.

4. A footnote discusses, and the Legal References include, Victory Through Jesus Sports Ministry v. Lee’s Summit R-7 Sch. Dist., 640 F.3d 329 (8th Cir. 2011), *cert. denied*, 132 S.Ct. 592 (2011). This decision upheld a policy that limited the volume of promo-

tional materials sent home with elementary students. It supports the legal principle that a school's limitations on distributing material to students are permissible if they are not based on the material's viewpoint.

▶ **8:95-AP, Administrative Procedure - Parental Involvement.** The contents in this procedure are reorganized to add clarity. This reorganization makes it impossible to produce a committee worksheet showing the changes. The procedure lists specific opportunities for parental involvement, organized in four parts as follows:

1. "The District or school provides notices to parents/guardians on the following topics:" [topics listed]
2. "State laws have created parental involvement opportunities on the following topics:" [topics listed]
3. "The following Board policies provide opportunities for parental involvement:" [policies listed]
4. "School-level parental involvement programs include:" [programs listed]

Progress Report: The contents of this table frequently change.

Topics	Our Response
<p>P.A. 97-1109 is a rewrite of the Criminal Code of 1961. It will affect numerous PRESS materials.</p>	<p>The rewrite is massive; updating all PRESS materials immediately would be disruptive. We will update materials when they are updated for other reasons. NOTE: It is possible that a Criminal Code citation may appear to be <i>repealed</i>. While many citations are repealed, their content remains the same with a simple recodification. Contact PRESS editors for immediate assistance with this issue.</p>
<p>Certified School Nurse rules are expected to be set for repeal. ISBE amended its regulations last year to require schools to utilize certified school nurses in certain aspects of the medical review and IEP process and, just in December, issued an extensive "Guidance" regarding interpretation of the new regulation, which is to go into effect on July 1, 2013.</p> <p>See <i>Message</i> from State Superintendent Christopher A. Koch dated Feb. 11, 2013 at www.isbe.net/board/archivemessages/2013/message_021113.pdf.</p>	<p>ISBE intends to withdraw its regulations requiring schools to use certified school nurses as part of the medical review process for students with disabilities.</p>
<p>P.A. 97-607 contains a new system for professional educator licensure (as opposed to teacher certification). It will affect many pieces of PRESS material over the next two years. To complicate further, this legislation also affects many sections of the School Code that were recently amended in PERA (P.A. 96-861) and the Education Reform Act (P.A. 97-8).</p>	<p>We will update the PRESS materials that this law affects in several stages.</p> <p>We will need to amend PRESS material multiple times as P.A. 97-607 is implemented.</p>
<p>P.A. 97-1102 created the Enhance Physical Education Task Force (EPETF). Its purpose is to:</p> <ol style="list-style-type: none"> 1. Make recommendations to the Governor and the General Assembly for the Illinois Learning Standards for Physical Development and Health based upon research in neuroscience that impacts the relationship between physical activity and learning; and 2. Promote and recommend enhanced physical education programs that districts can integrate with a broader wellness strategy and health curriculum in elementary and secondary schools. <p>Topics the task force will address include educating and promoting leadership on enhanced physical education among school district and school officials; developing and utilizing metrics to assess the impact of enhanced physical education; promoting training and professional development in enhanced physical education for teachers and other school and community stakeholders; identifying and seeking local, State, and national resources to support enhanced physical education; and other strategies that are identified by the task force.</p> <p>To track EPETF's progress, see www.isbe.net/EPE/html/EPETF.htm.</p>	<p>The EPETF last met in Dec. 2012. It must report to the Governor and the General Assembly on or before August 31, 2013. This law will sunset on September 1, 2013.</p> <p>We will amend PRESS materials if the General Assembly enacts laws based upon this report's recommendations.</p>
<p>ISBE finalized its rules that incorporate by reference the: <i>Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects</i>, and <i>Common Core State Standards for Mathematics</i>, both published by the Common Core State Standards Initiative. They are referred to as <i>common core standards</i> and are posted at: www.corestandards.org/the-standards/english-language-standards, and www.corestandards.org/the-standards/mathematics.</p> <p>Both replace State goals and standards for English and math in Appendix D to Part 1.</p>	<p>We are amending references to State goals and standards by referring to the common core standards in applicable footnotes and policies as they are reviewed.</p>

Revisions to Policies, Administrative Procedures and Exhibits

Immediate Action Suggested	Number and Title	Action The memo describes the revisions.
	2:250-AP2, Administrative Procedure - Protocols for Record Preservation and Development of Retention Schedules	Procedure updated to add a requirement.
	4:15, Identity Protection	Policy and footnotes updated to add requirements; a disclaimer is also added.
	4:110-AP2, Administrative Procedure - Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments	Procedure updated to add a reference.
	4:140, Waiver of Student Fees	Policy is unchanged; footnotes, Legal References and Cross References are updated.
	4:170, Safety	Policy text, footnotes, and Legal References updated in response to ISBE's non-regulatory guidance document.
	4:170-AP2, Administrative Procedure - Criminal Offender Notification Laws	Procedure updated in response to ISBE's non-regulatory guidance document.
	4:170-AP6, Administrative Procedure - Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED	Procedure updated to amend a citation.
	5:30-AP2, Administrative Procedure - Investigations	Procedure updated in response to ISBE's non-regulatory guidance document.
	5:50, Drug- and Alcohol-Free Workplace; <u>Tobacco Prohibition</u>	The policy's title is changed. The policy, Legal References, and Cross References are updated.
	5:260, Student Teachers	Policy text, footnotes, and Legal References updated in response to ISBE's non-regulatory guidance document.
	5:330, Sick Days, Vacation, Holidays, and Leaves	Policy and footnotes are updated.
	6:60-AP, Administrative Procedure - Comprehensive Health Education Program	Procedure updated to reflect P.A. 97-1147; footnotes are also updated.
	6:190, Extracurricular and Co-Curricular Activities	Policy is unchanged; a footnote and the Cross References are updated in response to a publication from the U.S. Dept. of Education.
	6:220, Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct	NEW.
	6:220-E1, Exhibit - Authorization to Participate in Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct Agreement	NEW.
	6:220-E2, Exhibit - Bring Your Own Technology (BYOT) Program Student Guidelines	NEW.

Revisions to Policies, Administrative Procedures and Exhibits *continued*

Immediate Action Suggested	Number and Title	Action The memo describes the revisions.
	6:235-E5, Exhibit - Children’s Online Privacy Protection Act	NEW.
	6:240, Field Trips	Policy and a footnote are updated.
	6:250-E, Exhibit - Resource Person and Volunteer Information Form and Waiver of Liability	Exhibit updated in response to ISBE’s non-regulatory guidance document.
	7:190, Student Discipline	Policy updated and a provision clarified.
	7:190-AP5, Student Handbook - Electronic Devices	Procedure updated throughout to align with the BYOT materials.
	7:305, Student Athlete Concussions and Head Injuries	The policy is unchanged. The Legal References and footnotes are updated.
	8:20, Community Use of School Facilities	Policy and footnotes are updated.
	8:25, Advertising and Distributing Materials in Schools Provided by Non-School Related Entities	Policy, Legal References, and footnotes are updated.
	8:95-AP, Administrative Procedure - Parental Involvement	Materials in the procedure are significantly reorganized.

Five Year Review

To further our commitment to continuous improvement, we attempt to review each policy and administrative tool that was not updated during the previous five years. This process keeps our material aligned with good governance principles and keeps the footnotes and Legal References current. Moreover, this process provides an occasion for school board members and administrators to review their materials to ensure that they are fulfilling their purpose.

Number and Title	Action
4:50-E, Exhibit - School District Payment Order	Nonsubstantive information is added, based upon subscriber feedback, that a bundle of bills may be attached to the form. The form is statutory.
4:60-AP2, Administrative procedure - Third Party Non-Instructional Contracts	This procedure is edited to make a minor clarification.
4:170- E6 AP2, E1, Exhibit - Informing Parents About Offender Community Notification Laws	The exhibit is renumbered and edited to make minor clarifications; new web links are added.
5:190-E1, Exhibit - Notice to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications	No changes are made.
5:190-E2, Exhibit - Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Is Not <i>Highly Qualified</i>	No changes are made.
5:190-E3, Exhibit - Letter to Teacher Who Is Not <i>Highly Qualified</i>	A minor change to a web link was made.
6:40-AP, Administrative Procedure - Curriculum Development	No changes are made.
6:170, Title I Programs	The policy is unchanged. The code numbers for material incorporated by reference are updated. The footnotes now include a discussion of NCLB flexibility.
6:170-AP1, Administrative Procedure - Checklist for Development, Implementation, and Maintenance of Parental Involvement Compacts for Title I Programs	No changes are made.
6:170- AP1 , E1, Exhibit - District-Level Parental Involvement Compact	This exhibit is renumbered; no other substantive changes are made.
6:170- AP1 , E2, Exhibit - School-Level Parental Involvement Compact	This exhibit is renumbered; no other changes substantive changes are made.
6:170-AP2, Administrative Procedure - Notice To Parents Required by No Child Left Behind Act of 2001	An introductory paragraph is added describing notice requirements and providing web links.
6:170-AP3, Administrative Procedure - No Child Left Behind Checklist	The procedure is updated to provide the dates that the PRESS materials implementing NCLB were most recently reviewed and/or updated.
6:240-AP, Administrative Procedure - Field Trip Guidelines	A short introduction is added and minor clarifications are made.
7:20-AP, Administrative Procedure - Harassment of Students Prohibited	Minor clarifications made.

Acknowledgement to PRESS Advisory Board

Before each **PRESS** issue is published, a group of distinguished individuals provides input and suggestions. We appreciate their contributions and thank them sincerely.

Melinda Selbee, **PRESS** Editor and IASB General Counsel

Kimberly Small, Assistant **PRESS** Editor
and IASB Assistant General Counsel

Sara Boucek, Attorney
Associate Director/Legal Services/IASA

Heather K. Brickman, Attorney
Hodges, Loizzi, Eisenhammer, Rodick & Kohn, LLP

Marcy Dutton, Deputy General Counsel
Illinois State Board of Education

Dr. James Gay, Superintendent
Community High School District 230

Dr. Michael Kiser, Attorney
Law Office of Michael L. Kiser, Esq.

Larry D. Kuster, Attorney
Rammelkamp Bradney, Attorneys at Law

Fred Mundinger, Assistant Superintendent
DuPage County Regional Office of Education

Mr. Gregg Murphy, Assistant Regional Superintendent
Iroquois-Kankakee Regional Office of Education

Merry Rhoades, Attorney
Tueth, Keeney, Cooper, Mohan & Jackstadt P.C.

Nanci N. Rogers, Attorney
Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd.

Brian Schwartz, Attorney
Illinois Principals Association

Dr. John VanPelt, Superintendent
Lake Villa Community Consolidated School District 41

IASB Staff Members, especially Policy Consultants and
Field Services Directors



2921 Baker Drive
Springfield, Illinois 62703-5929
217/528-9688

One Imperial Place
1 East 22nd Street, Suite 20
Lombard, Illinois 60148-6120
630/629-3776

www.iasb.com