

course, and a student's parent/guardian may opt the student out of NSES by submitting the request in writing or using 6:60-AP1, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs*. Refusal to take or participate in an NSES course or program may not be a reason for disciplinary action, academic penalty, suspension, or expulsion or any other sanction of a student.¹⁷ Active parental consent for their child to participate in NSES is not required;¹⁸ however, because NSES mandates instruction about sexual violence (defined to include sexual abuse)¹⁹ and instruction in recognizing and avoiding sexual abuse required by 105 ILCS 5/27-13.2 requires a minimum of **five days' notice** to parents/guardians of students in grades K through 8, the District will notify students in grades K through 8 using the **Notice of Sexual Abuse and Assault Awareness and Prevention Education** subhead of 6:60-AP1, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs*.²⁰ See also 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.

13. Course materials and instruction to advise students about the Abandoned Newborn Infant Protection Act, 325 ILCS 2/; ²¹
14. The prevention and control of disease;
15. In grades 7 through 12, teen dating violence awareness; ²²
16. In grades 7 through 12, instruction about the prevention of abuse of anabolic steroids in science, health, drug abuse, physical education, or other appropriate courses of study. Instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development. In addition, coaches and sponsors of interscholastic athletic programs shall provide instruction on steroid abuse prevention to students participating in these programs. ²³
17. In grade 9 or 10, one unit of instruction in either grade about donations and transplants of organs/tissue and blood, except if a student's parent/guardian files written objection on

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For districts that will implement NSES, ensure that the district implements 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.

¹⁷ 105 ILCS 5/27-9.1a(d), added by P.A. 102-522.

¹⁸ *Id.*

¹⁹ 105 ILCS 5/27-9a(a) and (b)(6), (8), (9), and (12), added by P.A. 102-522.

²⁰ 105 ILCS 5/27-13.2.

²¹ The law does not specify which grades must receive this information.

²² See also board policy 7:185, *Teen Dating Violence Prohibited*. A toolkit about teenage dating abuse is available online. It is titled Preventing, Assessing, and Intervening in Teenage Dating Abuse: A Training for Specialized Instructional Support Personnel. Materials include a PowerPoint and handouts. See www.safesupportivelearning.ed.gov/get-smart-get-help-get-safe-teenage-dating-abuse-training-specialized-instructional-support.

²³ Required by 105 ILCS 5/27-23.3. ISBE may assist in the development of instructional materials and teacher training in relation to steroid abuse prevention. For ease of administration, this procedure puts the duty on coaches and sponsors of interscholastic athletic programs; if the district uses individuals other than those listed insert that fact.

constitutional grounds, but refusal to take or participate in the instruction shall not be reason for suspension or expulsion of a student or result in any academic penalty. ²⁴

18. Public and environmental health;
19. Consumer health;
20. Safety education and disaster survival;
21. Mental health and illness²⁵ that evaluates the multiple dimensions of health by reviewing the relationship between physical and mental health to enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity and must include how and where to find mental health resources and specialized treatment in the State. ²⁶
22. Personal health habits;
23. Nutrition;
24. Dental health;
25. Cancer, including, without limitation, types of cancer, signs and symptoms, risk factors, the importance of early prevention and detection, and information on where to go for help;
26. Basic first aid including, but not limited to:
 - a. Cardiopulmonary resuscitation (CPR) and the Heimlich maneuver, including training on how to properly administer CPR in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization, except if a student's parent/guardian submits written objection, but refusal to participate in the training shall not be a reason for suspension or expulsion of the student; and
 - b. In secondary schools, how to use an automated external defibrillator (AED) shall be included, except if a student's parent/guardian submits written objection, but refusal to participate in the training shall not be a reason for suspension or expulsion of the student.
27. Heart disease;
28. Diabetes;
29. Stroke;
30. The prevention of child abuse and neglect;
31. Suicide prevention pursuant to policy 7:290, *Suicide and Depression Awareness and Prevention*;

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²⁴ Optional according to 105 ILCS 5/27-23.5. The law requires the regional superintendent of schools to obtain and distribute information and data, including instructional materials provided at no cost by America's Blood Centers, the American Red Cross, and Gift of Hope to schools in their regions for use in developing a unit of instruction to comply with this law. It also allows each board to determine the minimum amount of instructional time that qualifies as a unit of instruction to satisfy this law.

²⁵ Mental health and illness instruction must evaluate the multiple dimensions of health by reviewing the relationship between physical and mental health. Amended by P.As. 101-305, 102-464, and 102-1034.

²⁶ For ease of administration, this topic combines two major education topics listed in 105 ILCS 110/3.

32. All students shall receive age-appropriate instruction on motor vehicle safety and litter control.²⁷

Notice to Parent/Guardian; Requirements; Written Objection(s) and/or Opt-outs²⁸

Refusal to take or participate in any course or program that allows parents/guardians to object in writing and/or opt their children out shall not be reason for disciplinary action or academic penalty to the student. The District will provide 6:60-AP1, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs* to parents/guardians wishing to provide written objection or opt out of content in CHEP.

LEGAL REF.: 105 ILCS 110/, Comprehensive Critical Health Problems and Comprehensive Health Education Act.

ADMIN PROC.: 6:60-AP2 (Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))); 6:60-AP3 (Developmentally Appropriate Consent Education)

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²⁷ Optional. Formerly required by repealed 105 ILCS 5/27-23. Delete this sentence if the district no longer provides this education.

²⁸ Required by 105 ILCS 5/10-23.13, amended by P.A. 102-610; 5/27-9.1a(d), added by P.A. 102-522, 5/27-13.2, 5/27-23.5; and 110/3, amended by P.A. 102-1034.

Instruction

Student Social and Emotional Development¹

Social and emotional learning (SEL) is defined as the process through which students enhance their ability to integrate thinking, feeling, and behaving to achieve important life tasks. Students competent in SEL are able to recognize and manage their emotions, establish healthy relationships, set positive goals, meet personal and social needs, and make responsible and ethical decisions.²

The Superintendent shall incorporate SEL into the District's curriculum and other educational programs consistent with the District's mission and the goals and benchmarks of the III. Learning Standards.³ The III. Learning Standards include three goals for students:⁴

1. Develop self-awareness and self-management skills to achieve school and life success.
2. Use social-awareness and interpersonal skills to establish and maintain positive relationships.
3. Demonstrate decision-making skills and responsible behaviors in personal, school, and community contexts.

The incorporation of SEL objectives into the District's curriculum and other educational programs may include but is not limited to:⁵

1. Classroom and school-wide programming to foster a safe, supportive learning environment where students feel respected and valued. This may include incorporating scientifically based, age-and-culturally appropriate classroom instruction, District-wide, and school-wide

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¹ State law requires this subject matter be covered by policy, and it required districts to submit it to the III. State Board of Education (ISBE) once by 8-31-04. 405 ILCS 49/15(b).

² This text paraphrases the definition in the III. Children's Mental Health Partnership's *Strategic Plan for Building a Comprehensive Children's Mental Health System* in Illinois, pg. 73, Appendix C, starting at pg. 69 at: www.nashp.org/wp-content/uploads/sites/default/files/abcd/abcd.il.icmhpstrategic20050908.pdf

³ Required by the Children's Mental Health Act, 405 ILCS 49/, amended by P.A. 102-899, eff. 1-1-23. ISBE incorporated social and emotional development standards into the III. Learning Standards. For more information see: www.isbe.net/sel. School social workers may implement a continuum of social and emotional education programs and services in accordance with students' needs. 405 ILCS 49/15(b).

⁴ 105 ILCS 5/2-3.147, added by P.A. 95-558 and repealed by P.A. 99-30, created the Ensuring Success in School Task Force. Supervised by ISBE, this task force developed policies, procedures, and protocols for school boards to adopt to address the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence; the goal is to encourage these students to stay in school, stay safe while in school, and successfully complete their education. School boards and superintendents may want to create their own study group to prepare for implementing of the task force's policies, procedures, and protocols. A report of the task force's findings was made to the General Assembly and is available here: www.isbe.net/Documents/ess-task-force-final-report0610.pdf.

⁴ The goals, along with their benchmarks, performance descriptors and indicators are available at the link in f/n 3, above.

⁵ The objectives are a matter of local school board discretion. A board may replace the sample objectives with its own local objectives. This sample policy lists the ISBE's SEL goals found on ISBE's website cited in f/n 3, above.

strategies that teach SEL skills, promote optimal mental health, and prevent risk behaviors for all students.⁶

2. Staff development and training to promote students' SEL development. This may include providing all personnel with age-appropriate academic and SEL and how to promote it.⁷
3. Parent/Guardian and family involvement to promote students' SEL development. This may include providing parents/guardians and families with learning opportunities related to the importance of their children's optimal SEL development and ways to enhance it.⁸
4. Community partnerships to promote students' SEL development. This may include establishing partnerships with diverse community agencies and organizations to assure a coordinated approach to addressing children's mental health and SEL development.
5. Early identification and intervention to enhance students' school readiness, academic success, and use of good citizenship skills. This may include development of a system and procedures for periodic and universal screening, assessment, and early intervention for students who have significant risk factors for social, emotional, or mental health conditions that impact learning.⁹
6. Treatment to prevent or minimize mental health conditions in students. This may include building and strengthening referral and follow-up procedures for providing effective clinical services for students with social, emotional, and mental health conditions¹⁰ that impact learning. This may include student and family support services, school-based behavioral health services, and school-community linked services and supports.
7. Assessment and accountability for teaching SEL skills to all students. This may include implementation of a process to assess and report baseline information and ongoing progress about school climate, students' social and emotional development, and academic performance.¹¹

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⁶ 20 ILCS 1705/76, added by P.A. 101-45, requires the Ill. Dept. of Public Health to create and maintain an online *Mental Health Database and Resource* page on its website with mental health resources to: (1) assist school social workers, school counselors, parents, teachers, and school support personnel with the goal of connecting them with mental health resources related to bullying and school shootings; and (2) encourage information sharing among educational administrators, school security personnel, and school resource officers. See the database at: www.dhs.state.il.us/page.aspx?item=118331.

⁷ See SEL resources to support instruction of the Ill. Learning Standards at: <https://ilclassroomtech.weebly.com/social-emotional-learning.html>.

⁸ The Ill. Children's Mental Health Partnership provides family resources at: www.icmhp.org/resources/media-library/.

⁹ Information about Early Childhood Mental Health Consultation is available at: www.iecmhc.org/.

¹⁰ 305 ILCS 5/5-5.23(g), added by P.A. 101-461, created the *Family Support Program* (FSP) in the Dept. of Healthcare and Family Services. FSP is a restructure of the former Individual Care Grant program. Its purpose is to enable early treatment of youth, emerging adults, and transition-age adults with a serious mental illness or serious emotional disturbance. Eligibility criterion for FSP are established at 89 Ill. Adm. Code Part 139.

¹¹ For information on this objective, see ISBE's Comprehensive System of Learning Supports at:

www.isbe.net/Pages/Learning-Supports.aspx.

Information about school climate is available from ISBE at: www.isbe.net/Pages/School-Climate.aspx.

LEGAL REF.: Children's Mental Health Act, 405 ILCS 49/.

CROSS REF.: 1:30 (School District Philosophy), 6:10 (Educational Philosophy and Objectives), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:270 (Guidance and Counseling Program), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:250 (Student Support Services)

Instruction

English Learners ¹

The District offers opportunities for resident English Learners to achieve at high levels in academic subjects and to meet the same challenging State academic standards that all children are expected to meet. The Superintendent or designee shall develop and maintain a program for English Learners that will:

1. Assist all English Learners to achieve English proficiency, facilitate effective communication in English, and encourage their full participation in school activities and programs as well as promote participation by the parents/guardians of English Learners. ²
2. Appropriately identify students with limited English language proficiency. ³

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¹ State or federal law controls this policy's content. The assessment and accountability provisions in the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act, and State law include English Learners. 20 U.S.C. §§6312, 6314, 6315, and 6318; 34 C.F.R. Part 200.

ESEA Title III, Part A, also known as the English Language Acquisition, Language Enhancement, and Academic Achievement Act, provides funding to support schools' efforts to help children who are English learners "achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet." 20 U.S.C. §6812(2). Reimbursement for programs is contingent on the submission and approval of a program plan and request for reimbursement in accordance with the requirements in 105 ILCS 5/14C-12 and 23 III.Admin.Code Part 228. This policy uses *English Learners* (EL) rather than *English Language Learners* (ELL) or *Limited English Proficient* (LEP). LEP and ELL are no longer terms used generally among educators and researchers in the field of English language acquisition. 37 III. Reg. 16804. The III. State Board of Education (ISBE) now uses the term *English learners*, which are synonymous with LEP and ELL. P.A. 99-30 also deleted *language* from "English language learner."

For purposes of this policy, *English Learners* is synonymous with the School Code definition, which means: (1) all students in grades Pre-K through 12 who were not born in the United States, whose native tongue is a language other than English, and who are incapable of performing ordinary classwork in English; and (2) all students in grades Pre-K through 12 who were born in the United States of parents possessing no or limited English-speaking ability and who are incapable of performing ordinary classwork in English. 105 ILCS 5/14C-2. **Note:** The III. Administrative Code definition of *English Learner* still provides that *English Learner* means any student in preschool, kindergarten or any of grades 1 through 12, whose home language background is a language other than English and whose proficiency in speaking, reading, writing, or understanding English is not yet sufficient to provide the student with: (1) the ability to meet the State's proficient level of achievement on State assessments; (2) the ability to successfully achieve in classrooms where the language of instruction is English, or (3) the opportunity to participate fully in the school setting. 23 III.Admin.Code §228.10.

The Office for Civil Rights (OCR) at the U.S. Dept. of Education (DOE) and the Civil Rights Division at the U.S. Dept. of Justice (DOJ) have issued joint guidance to assist school districts and all public schools in meeting their legal obligations to ensure that English Learners can participate meaningfully and equally in educational programs and services. The guidance is available at: www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf (copy and paste link into browser if clicking doesn't work). In support of this guidance, the Office of English Language Acquisition released an *English Learner (EL) Tool Kit* to assist school districts in providing EL students with the support necessary to achieve their full academic potential. The *Tool Kit* is available at: www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html.

² This policy's first sentence and the first numbered paragraph both allow a school board to consider the goals for its English Learners programs; a board should amend the sample policy accordingly.

³ 23 III.Admin.Code §228.15. Districts must administer a home language survey to each student entering the district's schools for the first time within 30 days after the student's enrollment. The survey's purpose is to identify students of non-English background. ISBE's website contains useful information about communicating with parents/guardians of English Learners (www.isbe.net/Pages/Resources-for-Families-of-English-Learners.aspx), including sample Home Language Surveys and program letters in many languages (www.isbe.net/Pages/Screening-for-English-Language-Proficiency.aspx).

3. Comply with State law regarding the Transitional Bilingual Educational Program (TBE) or Transitional Program of Instruction (TPI), whichever is applicable. ⁴
4. Comply with any applicable State and federal requirements for the receipt of grant money for English Learners and programs to serve them. ⁵
5. Determine the appropriate instructional program and environment for English Learners. ⁶
6. Annually assess the English proficiency of English Learners and monitor their progress in order to determine their readiness for a mainstream classroom environment. ⁷
7. Include English Learners, to the extent required by State and federal law, in the District's student assessment program to measure their achievement in reading/language arts and mathematics. ⁸
8. Provide information to the parents/guardians of English Learners about: (a) the reasons for their **child's** identification, (b) their **child's** level of English proficiency, (c) the method of instruction to be used, (d) how the program will meet their **child's** needs, (e) how the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation, (f) specific exit requirements of the program, (g) how the program will meet their **child's** individualized education program, if applicable, and (h) information on parent/guardian rights. Parents/guardians will be regularly apprised of their child's progress and involvement will be encouraged. ⁹

Parent Involvement ¹⁰

Parents/guardians of English Learners will be informed how they can: (1) be involved in the education of their children; (2) be active participants in assisting their children to attain English proficiency, achieve at high levels within a well-rounded education, and meet the challenging State academic standards expected of all students; and (3) participate and serve on the District's Transitional Bilingual Education Programs Parent Advisory Committee.

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For purposes of identifying students eligible to receive special education, districts must administer non-discriminatory procedures to English Learners coming from homes in which a language other than English is used. 105 ILCS 5/14-8.02.

⁴ 105 ILCS 5/14C-3, and 23 Ill.Admin.Code §§228.25, and 228.30.

⁵ 20 U.S.C. §§6312, 6314, 6315, 6318, and 6801 *et seq.*; 34 C.F.R. Part 200; 105 ILCS 5/14C-1 *et seq.*; and 23 Ill.Admin.Code Part 228.

⁶ 23 Ill.Admin.Code §228.25.

⁷ 23 Ill.Admin.Code §228.25(b). Districts must annually assess the English language proficiency of all English learners using the assessment prescribed by the State Superintendent of Education. This assessment is the Assessing Comprehension and Communication in English State to State for English Language Learners (ACCESS for ELLs) test. See www.isbe.net/Pages/AccessforELL.aspx

⁸ 34 C.F.R. Part 200.

⁹ 20 U.S.C. §6312(e)(3)(A) and 23 Ill.Admin.Code §228.40.

¹⁰ 20 U.S.C. §6312(e)(3)(C) and 23 Ill.Admin.Code Part 228. 105 ILCS 5/14C-10 requires school districts to establish parental advisory committees for transitional bilingual education programs. See 2:150-AP, *Superintendent Committees*.

LEGAL REF.: 20 U.S.C. §§6312, 6314, 6315, and 6318.
20 U.S.C. §6801 et seq.
34 C.F.R. Part 200.
105 ILCS 5/14C-1 et seq.
23 Ill.Admin.Code Part 228.

CROSS REF.: 6:15 (School Accountability), 6:170 (Title I Programs), 6:340 (Student Testing and Assessment Program)

Instruction

Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct¹

The Superintendent or designee shall establish a *Bring Your Own Technology (BYOT) Program*. The program will:²

1. Promote educational excellence by facilitating resource sharing, innovation, and communication to enhance (a) technology use skills; (b) web-literacy and critical thinking skills about Internet resources and materials, including making wise choices; and (c) habits for responsible digital citizenship required in the 21st century.³
2. Provide sufficient wireless infrastructure within budget parameters.⁴
3. Provide access to the Internet only through the District's electronic networks.⁵
4. Identify approved BYOT devices and what District-owned technology devices may be available; e.g., laptops, tablet devices, E-readers, and/or smartphones.
5. Align with Board policies 4:140, *Waiver of Student Fees*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; 5:125, *Personal Technology and Social Media; Usage and Conduct*; 5:170, *Copyright*; 6:120, *Education of Children with*

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¹ This policy is optional. It concerns an area in which the law is unsettled. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Consult the board attorney and the district's information technology professional(s) for advice to create a legally sound program that fits your district's mission statement for instruction.

² Customize paragraphs 1-8 to reflect the how the program will align with the board's mission statement for instruction and goals for its program.

³ 105 ILCS 5/27-13.3 and 47 C.F.R. §54.520(c)(1)(i) require Internet safety instruction. See f/n 24 in 6:60, *Curriculum Content* for more discussion.

⁴ Districts may want to consider a *guest network*, similar to what hotels and other service industry hosts provide to their customers. This can protect a district's network from malicious software, which is discussed in f/n 5 below.

⁵ Care must be taken to comply with the Children's Internet Protection Act (CIPA) (47 U.S.C. §254). CIPA requires the district to provide content filters, blocking lists, or district monitoring of Internet website traffic for patterns of usage that could indicate inappropriate network usage. While a program using district-owned technology devices is always subject to the district's electronic network rules, a BYOT program creates the possibility for students to bypass the district's electronic network and access the Internet through their own wireless providers' signals. This *bypass* complicates a district's duty under CIPA because it cannot guarantee students use its electronic network; preventing bypassing is hard for school officials to control.

Consult the board attorney about managing CIPA compliance issues in the context of a BYOT program. This sample policy is conservative, and it requires that CIPA govern the use of any BYOT device's Internet access capability while the device is at school. If the board will allow a student to bypass the district's electronic network and access his or her wireless providers' signals, consult the board attorney.

Care must also be taken to reduce the electronic network's vulnerability to malicious viruses and malware. Malicious viruses and malware are increasingly being targeted to smartphone users. This is evidenced by the Federal Trade Commission (FTC) filing lawsuits around the country accusing companies of ordering or engineering the sending of hundreds of millions of spam text messages to mobile phone users. The district may want to require students to ensure their BYOT devices contain an anti-virus and/or anti-malware software product. While many of these software products are free, some are not. Requiring all BYOT devices to have this type of software presents equity issues between students because it may require parents/guardians to spend funds to participate (see the discussion in f/n 6 below).

Disabilities; 6:235, *Access to Electronic Networks*; 7:140, *Search and Seizure*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; 7:190, *Student Behavior*; 7:340, *Student Records*; and 7:345, *Use of Educational Technologies; Student Data Privacy and Security*.⁶

6. Provide relevant staff members with BYOT professional development opportunities, including the provision of:⁷
 - a. Classroom management information about issues associated with the program, e.g., technical support, responsible use, etc.;

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⁶ A BYOT program must continue to follow established policies. Boards may use this alternative, “Align with established Board policies.”

Managing the following issues may require a consultation with the board attorney:

1. 4:140, *Waiver of Student Fees*, needs examination because most BYOT programs require parents/guardians to spend funds to participate. 105 ILCS 5/10-20.13, amended by P.A.s 102-1032 and 102-805, eff. 1-1-23, requires districts, at a minimum, to waive charges for textbooks and other fees for children whose families are unable to afford them. See also policy 6:210, *Instructional Materials*, stating that district classrooms and learning centers should be equipped with an evenly-proportioned, wide assortment of instructional materials, including textbooks, workbooks, audio-visual materials, and electronic materials.
2. Management issues concerning 5:125, *Personal Technology and Social Media; Usage and Conduct*, and 5:170, *Copyright* are discussed in f/n 7 and 8 below.
3. 6:120, *Education of Children with Disabilities*, requires consideration for students with disabilities when integrating any technology programs into the educational environment. As with district-provided devices (often referred to as *1:1 technology programs*), devices must be accessible to students with disabilities, including those who are blind, have low vision or have a disability that affects their ability to access print information. The use of mobile devices that do not allow a student with a disability to access the instructional materials would be a violation of the student’s right under the Individuals With Disabilities Education Act (IDEA) (20 U.S.C. §1400 *et seq.*).
4. 6:235, *Access to Electronic Networks*, is discussed in f/n 5 above.
5. 7:140, *Search and Seizure*, still applies in a BYOT program. The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. However, 105 ILCS 5/10-22.6(e) allows school officials to inspect the personal effects left by a student on property owned or controlled by the school, e.g., lockers, desks, and parking lots. Many cases suggest that to search a student’s possessions left in the locker, school officials need individualized suspicion of wrongdoing. Many of the issues re: the search of electronic devices that are discussed in 7:190-AP6, *Guidelines for Investigating Sexting Allegations*, will apply to investigations involving BYOT devices. To minimize mediating with law enforcement for parents/guardians about confiscated devices, districts should distinguish whether they are acting upon their own initiative or need to contact law enforcement. See f/n in policy 7:140, *Search and Seizure*, and the policy’s **Seizure of Property** subhead.
6. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, and 7:190, *Student Behavior*, present similar issues to #3 and #4 above. Students must be aware that traditional expectations for appropriate behavior, and the consequences for inappropriate behavior, apply to a BYOT program.
7. See 7:340, *Student Records*. The law is not clear whether materials created by students participating in a BYOT program through a district’s network access are school student records.
8. 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, requires districts to comply with the Student Online Personal Protection Act (SOPPA), 105 ILCS 85/, amended by P.A. 101-516; see also 23 Ill.Admin.Code Part 380. Implementation of a BYOT program does not exempt a district from complying with SOPPA’s contractual and security mandates, including implementation and maintenance of reasonable security procedures and practices designed to protect student’s covered information. Reasonable security practice guidance adopted by ISBE recommends, in part, that districts create a separate wireless network for personal or untrusted devices. See 7:345 at f/n 11 for more information.

⁷ See f/n 1 above re: collective bargaining. Moving forward without properly training educators to manage BYOT issues may create pedagogical problems. One option for this training is to incorporate it into the training required during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*. Many issues involved in BYOT programs intersect with maintenance of appropriate behavior and policy 5:125, *Personal Technology and Social Media; Usage and Conduct*.

- b. A copy of or access to this policy and any building-specific rules for the program;
 - c. Additional training, if necessary, about 5:170, *Copyright*; and
 - d. Information concerning appropriate behavior of staff members as required by State law and policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*.⁸
7. Provide a method to inform parents/guardians and students about this policy.
 8. Include the program in the annual report to the Board as required under policy 6:10, *Education Philosophy and Objectives*.

The District reserves the right to discontinue its BYOT program at any time. The District does not provide liability protection for BYOT devices, and it is not responsible for any damages to them.

Responsible Use⁹

The District recognizes students participating in the program as responsible young adults and holds high expectations of their conduct in connection with their participation in the program. Teachers may encourage students to bring their own devices as supplemental in-class materials when: (a) using the devices will appropriately enhance, or otherwise illustrate, the subjects being taught; (b) the Building Principal has approved their use and found that their use is age-appropriate; and (c) the student's parent/guardian has signed the *Bring Your Own Technology (BYOT) Program Participation Authorization and Responsible Use Agreement Form*. A student's right to privacy in his or her device is limited; any reasonable suspicion of activities that violate law or Board policies will be treated according to policy 7:140, *Search and Seizure*.

Responsible use in the program incorporates into this policy the individual's *Acceptable Use of Electronic Networks* agreement pursuant to policy 6:235, *Access to Electronic Networks*. Responsible use also incorporates the established usage and conduct rules in policy 5:125, *Personal Technology and Social Media; Usage and Conduct*, for staff and 7:190, *Student Behavior*, for students. Failure to follow these rules and the specific BYOT program student guidelines may result in: (a) the loss of access to the District's electronic network and/or student's BYOT privileges; (b) disciplinary action pursuant to 7:190, *Student Behavior*; 7:200, *Suspension Procedures*; or 7:210, *Expulsion Procedures*; and/or (c) appropriate legal action, including referrals of suspected or alleged criminal acts to appropriate law enforcement agencies.

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⁸ 23 Ill.Admin.Code §22.20 and 105 ILCS 5/21B-75, amended by P.A. 102-552.

⁹ This section provides general guidelines. A BYOT program will require a parent/guardian authorization to participate in it and specific guidelines for students. See 6:220-E1, *Authorization to Participate in the Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct Agreement*; 6:220-E2, *Bring Your Own Technology (BYOT) Program Student Guidelines*; and 6:235-E5, *Children's Online Privacy Protection Act*. See f/ns 7 and 8 above re: teachers' guidelines. See f/n 1, above discussing how the application of additional guidelines for teachers may have collective bargaining implications.

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

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

Instruction

Community Resource Persons and Volunteers ¹

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

Resource persons and volunteers may be used: ²

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

The Superintendent shall follow Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, to establish procedures for securing and screening resource persons and volunteers.⁹ A person who is a *sex offender*, as defined by the Sex Offender Registration Act, or a *violent offender against youth*, as defined in the Murderer and Violent Offender Against Youth Registration Act, is prohibited from being a resource person or volunteer.¹⁰ All volunteer coaches must comply with the requirement to report hazing in policy 5:90, *Abused and Neglected Child Reporting*. ¹¹

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

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

² How volunteers are used should be determined locally.

³ 105 ILCS 5/10-22.34(a)(1).

⁴ 105 ILCS 5/10-22.34(a)(2).

⁵ 105 ILCS 5/10-22.34(b), amended by P.A. 102-894.

⁶ *Id.*

⁷ 105 ILCS 5/10-22.34b, amended by P.A. 102-894, last paragraph.

⁸ 105 ILCS 5/10-22.34a, amended by P.A. 102-894.

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

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

- LEGAL REF.: 105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
 720 ILCS 5/12C-50.1, Failure to Report Hazing.
 730 ILCS 150/1 et seq., Sex Offender Registration Act.
 730 ILCS 152/101 et seq., Sex Offender Community Notification Law.
 730 ILCS 154/75 et seq., Murderer and Violent Offender Against Youth
 Community Notification Law.
 730 ILCS 154/101 et seq., Murderer and Violent Offender Against Youth
 Registration Act.
- CROSS REF.: 4:170 (Safety), 4:175 (Convicted Child Sex Offender; Screening; Notifications),
 5:90 (Abused and Neglected Child Reporting), 5:280 (Duties and Qualifications),
 8:30 (Visitors to and Conduct on School Property), 8:95 (Parental Involvement)

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This paragraph exceeds the requirements in State law but reflects best practice. There is no statutory screening requirement, and the only legal restriction is the statute prohibiting a child sex offender from being present on school property, or loitering within 500 feet of school property, when persons under the age of 18 are present unless specifically permitted by statute. 720 ILCS 5/11-9.3. However, two databases provide an easy way for schools to screen for sex offenders and violent offenders against youth, i.e.: the Ill. Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer> and the Violent Offenders Against Youth Database maintained by the State Police, <https://isp.illinois.gov/MVOAY/Disclaimer>. See Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105; Sex Offender Community Notification Law, 730 ILCS 152/101 et seq. The sample administrative procedures 4:170-AP1, *Comprehensive Safety and Security Plan*, and 6:250-AP, *Securing and Screening Resource Persons and Volunteers*, provide guidance for the superintendent to develop a screening process as required by this policy. This alternative paragraph goes further by forbidding the use of any convicted felon:

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

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

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

11 720 ILCS 5/12C-50.1.

Instruction

Assemblies and Ceremonies ¹

Assemblies must be approved by the Superintendent or designee and be consistent with the District's educational objectives.

While the District respects an individual's brief, quiet, personal religious observance(s), it shall not endorse or otherwise promote invocations, benedictions, and group prayers at any school assembly, ceremony, or other school-sponsored activity. ²

LEGAL REF.: Lee v. Weisman, 505 U.S. 577 (1992).
Santa Fe Independent Sch. Dist. v. Doe, 530 U.S. 290 (2000).
Kennedy v. Bremerton Sch. Dist., 142 S.Ct. 2407 (2022).
Jones v. Clear Creek Independent Sch. Dist., 930 F.2d 416 (5th Cir. 1991), *cert. granted, judgement vacated*, 505 U.S. 1215 (1992), *remand*, 977 F.2d 963, *reh'g denied*, 983 F.2d 234 (5th Cir. 1992), and *cert. denied*, 508 U.S. 967 (1993).

CROSS REF.: 6:70 (Teaching About Religion), 6:80 (Teaching About Controversial Issues)

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

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

² School-sponsored prayers or invocations at athletic events, graduation, and performances violate the First Amendment to the U.S. Constitution. Lee v. Weisman, 505 U.S. 577 (1992). Even permitting students to deliver a "brief invocation and/or message" as part of pre-game ceremonies at football games is unconstitutional when the district retains control of the message's content. Santa Fe Independent Sch. Dist. v. Doe, 530 U.S. 290 (2000), and Workman v. Greenwood Cmty. Sch. Corp., 2010 WL 1780043 (S.D.Ind. 2010). Compare with Kennedy v. Bremerton Sch. Dist., 142 S.Ct. 2407 (2022), where the Supreme Court held that a football coach had a right to pray on the 50-yard line after games, even though still on duty, because he was engaged in a "brief, quiet, personal religious observance doubly protected by the Free Exercise and Free Speech Clauses of the First Amendment." *Id.* at 2433. Consult the board attorney if considering a policy or practice of prohibiting employees from engaging in private prayer in the presence of students.

Using a student-led message to solemnize a school event is problematic, especially when the student-led message was historically a prayer or when the purpose is to solemnize an athletic event as opposed to an event like graduation. However, the Supreme Court denied review of the Fifth Circuit Court of Appeals decision affirming a school board's policy that allowed nonsectarian and nonproselytizing student-led prayer during graduation ceremonies. Jones v. Clear Creek Independent Sch. Dist., 508 U.S. 967 (1993), *cert. denied*. In that case, high school seniors were permitted to choose student volunteers to deliver nonsectarian, nonproselytizing invocation at graduation ceremonies. The following is the policy upheld in that case:

1. The use of an invocation and/or benediction at the high school graduation exercise shall rest within the discretion of the graduating senior class, with the advice and counsel of the senior class principal [class sponsor];
2. The invocation and benediction, if used, shall be given by a student volunteer; and
3. Consistent with the principle of equal liberty of conscience, the invocation and benediction shall be nonsectarian and nonproselytizing in nature.

A board should consult its attorney before adopting such a policy.

Instruction

Complaints About Curriculum, Instructional Materials, and Programs

Parents/guardians have the right to inspect any instructional material used as part of their child's educational curriculum pursuant to School Board policy 7:15, *Student and Family Privacy Rights*.¹

Parents/guardians, employees, and community members who believe that curriculum, instructional materials, or programs violate rights guaranteed by any law or Board policy may file a complaint using Board policy 2:260, *Uniform Grievance Procedure*.²

Parents/guardians, employees, and community members with other suggestions or complaints about curriculum, instructional materials, or programs should complete a *Curriculum Objection Form*. A parent/guardian may request that his/her child be exempt from using a particular instructional material or program by completing a *Curriculum Objection Form*. The Superintendent or designee shall establish criteria for the review of objections and inform the parent/guardian, employee, or community member, as applicable, of the District's decision.³

LEGAL REF.: 20 U.S.C. §1232h, Protection of Pupil Rights Amendment.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 7:15 (Student and Family Privacy Rights), 8:110 (Public Suggestions and Concerns)

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

¹ 20 U.S.C. §1232h(c)(1)(C)(i).

² Limiting the scope of complainants in this policy to parents/guardians, employees, and community members aligns with sample policy 2:260, *Uniform Grievance Procedure*.

³ The last sentence of this paragraph is optional. It strengthens the policy's connection to IASB's *Foundational Principles of Effective Governance*. See www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance. For criteria that can be used in reviewing curriculum objections, see sample administrative procedure, 6:260-AP, *Responding to Complaints About Curriculum, Instructional Materials, and Programs*.

A school district is not required to automatically accommodate a student's or his/her parents' religious beliefs by allowing the student to opt out of reading required materials or programs. A student is entitled to accommodation only if a district's requirement *burdens* his/her free exercise of religion and the requirement is not justified by a *compelling state interest*. *Mozert v. Hawkins Co. Bd. of Educ.*, 827 F.2d 1058 (6th Cir. 1987). A student's free exercise right would unlikely be burdened by compelling the student to be exposed to ideas with which his/her religion disagrees. See *Fleischfresser v. Directors of Sch. Dist. 200*, 15 F.3d 680 (7th Cir. 1994). On the other hand, compelling a student to perform an act that *violates the student's religious beliefs* would burden his/her free exercise right, and the school district would need to justify the requirement with a compelling state interest in order to be able to enforce it.

Students

Administrative Procedure – Responding to Complaints About Curriculum, Instructional Materials, and Programs

| Actor | Action |
|---|---|
| Parents/Guardians, Employees, and/or Community Members | Submits any feedback or complaints about the District’s curriculum, instructional materials, or programs to the Building Principal, using 6:260-AP, E, <i>Curriculum Objection Form</i> . |
| Building Principal | <p>Directs any parent/guardian, employee, or community member wishing to submit formal feedback or a complaint regarding curriculum, instructional materials, or programs to complete 6:260-AP, E, <i>Curriculum Objection Form</i>.</p> <p>If the complaint alleges a violation of law or board policy, refers the complaint to the District Complaint Manager for processing under policy 2:260, <i>Uniform Grievance Procedure</i>.</p> <p>Transmits the <i>Curriculum Objection Form</i> to the Superintendent or designee for further action.</p> |
| Superintendent or designee (such as the Assistant Superintendent of Curriculum and Instruction) | <p>Determines on a case-by-case basis what action, if any, will be taken in response to a complaint about curriculum, considering whether, as applicable:</p> <ol style="list-style-type: none"> 1. The curriculum, instructional material, or program is aligned with the criteria set forth in Board policy 6:40, <i>Curriculum Development</i>, specifically, regarding: <ol style="list-style-type: none"> a. The district’s educational philosophy and goals; b. Student needs as identified by research, demographics, and student achievement and other data; c. The knowledge, skills, and abilities required for students to become life-long learners; d. Minimum requirements of State and federal law and regulations for curriculum and graduation requirements; e. The curriculum of non-District schools that feed into or from a District school, provided that the necessary cooperation and information is available; f. Illinois State Learning Standards and any District learning standards; and g. Any required State or federal student testing. 2. The law and/or the District already provides a means for parents/guardians to opt their child out; |