

## Operational Services

### Administrative Procedure - Insufficient Fund Checks

The following will occur whenever any individual writes a check to the District that is not honored upon presentation to the respective bank or other depository institution for any reason:

1. The Superintendent or designee will contact the individual by telephone as soon as the check is returned to the District. The individual will be asked to pay the returned check and the \$25.00 returned check fee.
2. If the amount due is not paid after initial contact, the Superintendent or designee will send a letter by certified mail, return receipt requested, demanding payment within 30 days of mailing the letter, and shall include notice of liability for the costs and expenses. A written demand is necessary to become eligible for any costs and expenses in excess of the \$25.00 collection fee (810 ILCS 5/3-806).
3. If the amount due is not paid within 30 days of mailing the demand letter, the Superintendent or designee will contact the ~~school~~ Board Attorney for further collection action.

## Operational Services

### Administrative Procedure - Purchases

The Board Attorney should be consulted, as needed, regarding the legal requirements presented by this administrative procedure as well as before a contract is presented to the Board. <sup>1</sup>

#### Requirements for Purchases and Contracts

- A. Each of the following requirements describes the type of purchase and/or contract to which it applies; requirements in Sections B and C may also apply to a specific purchase or contract.
1. All purchases of goods or services must be made through the use of contracts or purchase orders, except for those purchases made from petty cash funds or the Imprest Fund, or as otherwise specifically authorized by the Superintendent.
  2. Illinois Use Tax Act compliance (105 ILCS 5/10-20.21(b) and 35 ILCS 105):
    - a. Persons bidding for and awarded a contract, and all affiliates of the person, must collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provision of the Illinois Use Tax Act.
    - b. All bids and contracts must include: (1) a certification that the bidder or contractor is not barred from bidding for or entering into a contract, and (2) an acknowledgment that the Board may declare the contract void if the certification is false.
  3. All entities seeking to enter into a contract with the District must provide written certification to the District that it will provide a drug free workplace by complying with the Illinois Drug Free Workplace Act, 30 ILCS 580. All contractors must comply with the notification mandates and other requirements in the Illinois Drug Free Workplace Act, 30 ILCS 580. "Contractor" is defined in the Drug Free Workplace Act as "a corporation, partnership, or other entity with 25 or more employees at the time of letting the contract, or a department, division, or unit thereof, directly responsible for the specific performance under a contract of \$5,000 or more."
  4. Before soliciting bids or awarding a contract for supplies, materials, equipment, or services, a certified education purchasing contract that is already available through a State education purchasing entity (as defined in the Education Purchasing Program, Article 28A of the School Code), may be considered as a bid. 105 ILCS 5/10-20.21(d).
  5. All contracts must include provisions required by State or federal law, as applicable. Topics commonly requiring a provision include equal opportunity employment, prevailing wage, minimum wage, and performance bond.
  6. The procurement of architectural, engineering, and land surveying services is governed by the Local Government Professional Services Selection Act, 50 ILCS 510/, implemented by 2:170-AP, *Administrative Procedure - Qualified Based Selection*.
  7. A list must be posted on the District's website, if any, of all contracts in excess of \$25,000 and any contract with an exclusive bargaining representative. 105 ILCS 5/10-20.44.

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The footnotes should be removed before the material is used.

<sup>1</sup> Many legal problems will be avoided by early and frequent consultation with the board attorney.

8. Each contractor with the District must comply with 105 ILCS 5/10-21.9(f) and agree to: (a) not allow any of its employees to have direct, daily contact with one or more students if the employee was found guilty of any offense in that law; (b) require each of its employees who will have direct, daily contact with one or more student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her; and (c) reimburse the District for the cost of the fingerprint-based criminal history records check that the District obtains on each employee of a contractor who will have direct, daily contact with a student(s). See 4:60-AP3, *Criminal History Records Check of Contractor Employees*.
  9. Each contractor with the District must comply with 105 ILCS 5/24-5, amended by P.A. 98-716 (eff. 7-16-2014) and agree: (a) concerning each employee who begins providing services in the District after June 16, 2014 who will have direct, daily contact with one or more student(s), to provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease; and (b) to require any new or existing employee who has and will have direct, daily contact with one or more student(s) to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Illinois Department of Public Health rules or order of a local health official.
- B. To the extent feasible, the following govern all purchases and/or the award of contracts for supplies, materials, or work, and/or contracts with private ~~carrier~~ carriers for transporting students, involving: (a) an expenditure of \$25,000 or less, or (b) in an emergency, an expenditure in excess of \$25,000, provided such expenditure is approved by three-quarters of the Board. ~~105 ILCS 5/10-20.44.~~ See 105 ILCS 5/10-20.21 (3/4s of the Board must approve an emergency expenditure in excess of \$25,000 when the bidding process is not used) and 5/29-6.1 (time limitations for transportation contracts).
1. Telephone quotations, verbal quotations, or catalog prices are used to purchase materials that are needed urgently, or small quantity orders.
  2. Written quotations are used to purchase materials or services when time requirements allow. Whenever possible, quotations should be received from at least 2 competitors. The Superintendent or designee may negotiate with vendors at any time, including after receiving quotations.
- C. The following govern all purchases and/or the award of contracts involving an expenditure in excess of \$25,000 for supplies and materials or work. 105 ILCS 5/10-20.21(a). ~~, amended by P.A. 97-951.~~
1. Contracts are awarded to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, except contracts or purchases for:
    - a. Services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;
    - b. Printing of finance committee reports and departmental reports;
    - c. Printing or engraving of bonds, tax warrants, and other evidences of indebtedness;
    - d. Purchase of perishable foods and perishable beverages;
    - e. Materials and work that have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price;

- f. Maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent;
  - g. Use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services;
  - h. Duplicating machines and supplies;
  - i. Natural gas when the cost is less than that offered by a public utility;
  - j. Equipment previously owned by some entity other than the District itself;
  - k. Repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$50,000 and not involving a change or increase in the size, type, or extent of an existing facility;
  - l. Goods or services procured from another governmental agency;
  - m. Goods or services that are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone, or telegraph; <sup>2</sup>
  - n. Emergency expenditures when such an emergency expenditure is approved by three-quarters of the members of the Board;
  - o. Goods procured through an education master contract, as defined in the Education Purchasing Program, Article 28A of the School Code; and
  - p. Providing for the transportation of students, which contracts must be advertised in the same manner as competitive bids and awarded by first considering the bidder(s) most able to provide safety and comfort for the students, stability of service, and any other factors set forth in the request for proposal regarding quality of service, and then price.
2. Competitive bidding process:
- a. An invitation for bids is advertised, where possible, by public notice at least 10 days before the bid date in a newspaper published in the District, or if no newspaper is published in the District, in a newspaper of general circulation in the area of the District. 105 ILCS 5/10-20.21(a).
  - b. The following information should be included in the advertisement for bids:
    - 1) A description of the materials, supplies, or work involved;
    - 2) Completion or delivery date requirements;
    - 3) Requirements for bids, bonds, and/or deposits;
    - 4) Requirements for performance, labor, and material payment bonds;
    - 5) Date, time, and place of the bid opening;
    - 6) The approximate time period between the opening of bids and the award of the contract; and
    - 7) Any other useful information.

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<sup>2</sup> See Tarsitano v. Tsp. H.S. Dist. No. 211, 896 N.E.2d 359 (Ill.App.1.,2008)(holding that school districts may enter into contracts for utility services, such as “water, light, heat, telephone or telegraph,” without using the competitive bidding process).

- c. If specifications are available, the advertisement for bids describes where they may be obtained and/or inspected.
  - d. All bids must be sealed by the bidder. 105 ILCS 5/10-20.21(a).
  - e. A Board member or District employee opens the bids at a public bid opening at which time the contents are announced. 105 ILCS 5/10-20.21(a). With the exception of bids for construction purposes, bids may be communicated, accepted, and opened electronically. The following safeguards apply to an electronic bid opening (105 ILCS 5/10-20.21):
    - 1) On the date and time of a bid opening, the primary person conducting the electronic bid process shall log onto a specified database using a unique username and password previously assigned to the bidder to allow access to the bidder's specific bid project number.
    - 2) The specified electronic database must be on a network that: (i) is in a secure environment behind a firewall; (ii) has specific encryption tools; (iii) maintains specific intrusion detection systems; (iv) has redundant systems architecture with data storage back-up, whether by compact disc or tape; and (v) maintains a disaster recovery plan.
  - f. Each bidder is given at least 3 days' notice of the time and place of the bid opening. 105 ILCS 5/10-20.21(a).
  - g. Conduct that promotes deception and collusion during the bidding process is prohibited and may violate the Ill. Criminal Code, 720 ILCS 5/33E-1 et seq. Examples include interference with public contracting, bid-rigging, and acquisition or disclosure of bidding information by a public official.
3. Following the opening of bids, the Superintendent (and Board Attorney, if needed) determines the lowest responsible bidder and verifies the bidders' qualifications. Contracts are awarded at a properly called open meeting of the Board. If the Superintendent recommends a bidder other than the lowest bidder, the Superintendent must provide the Board with the factual basis for the recommendation in writing. The Board, if it accepts a bid from a bidder other than the lowest, records the factual basis for its decision in its minutes. A contract arises only when the Board votes to accept a bid, although written notice of the award will later be given to the successful bidder.
  4. Notwithstanding the foregoing, the District is relieved from bidding when making joint purchases with other public entities in compliance with the Governmental Joint Purchasing Act (30 ILCS 525/0.01).

LEGAL REF.: 30 ILCS 580/, Ill. Drug Free Workplace Act.  
 50 ILCS 510/, Local Government Professional Services Selection Act.  
 105 ILCS 5/10-20.21 and 5/10-20.44.

## General Personnel

### Administrative Procedure - Employee Conduct Standards 1

Professional and ethical behavior is expected of all District staff members. The standards listed below serve as a notice of expected conduct. The standards are intended to protect the health, safety, and general welfare of students and employees, ensure the community a degree of accountability within the School District, and define misconduct justifying disciplinary action- . up to and including dismissal. The listed standards are not a complete list of expectations, and depending on the factual context, an employee may be disciplined for conduct that is not specifically listed. The conduct standards apply to all District employees to the extent they do not conflict with an applicable collective bargaining agreement; in the event of a conflict, the provision is severable and the applicable bargaining agreement will control. In addition, each educator must comply with 5:120-E, *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education (23 Ill.Admin.Code Part 22).

All school employees shall:

1. Exhibit positive examples of preparedness, punctuality, attendance, self-control, language, and appearance.
2. Exemplify honesty and integrity. Violations of this standard include, but are not limited to, falsifying, misrepresenting, omitting, or erroneously reporting the professional qualifications of oneself or another individual or information submitted in connection with job duties or during the course of an official inquiry/investigation.
3. Maintain a professional relationship with all students, both in and outside the school and attend all in-service trainings on educator ethics, teacher-student conduct, and school, employee-student conduct for all personnel (105 ILCS 5/10-22.39). Violations of this standard, include but are not limited to: (a) committing any act of child abuse or cruelty to children; (b) engaging in harassing behavior; (c) soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student; and (d) furnishing tobacco, alcohol, or illegal/unauthorized substance to any student or allowing a student under his or her supervision to consume alcohol or an illegal/unauthorized substance.

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<sup>1</sup> This procedure is a tool to assist local consideration of employee conduct standards and should not be automatically added to the district's procedure or personnel manual. Many districts already have collective bargaining agreements and/or personnel manuals addressing conduct and misconduct. These items are subjects of mandatory collective bargaining. Moreover, an employee conduct code is most effective when it reflects local conditions and circumstances. As employee conduct rules are frequently litigated, obtaining legal advice is a necessary part of their development.

The introductory paragraph recognizes that an applicable collective bargaining agreement will supersede a conflicting provision of the procedure. It also provides coverage for those employees who are not included in a bargaining unit. **This language, however, does not relieve a district from its collective bargaining mandate because the district would still be adopting conduct rules without bargaining.** Use the following alternative when the district intends to use the conduct rules for only those employees who are not represented by an exclusive bargaining agent:

The employee conduct standards apply to only those District employees who are not represented by an exclusive bargaining representative.

Our sample policies contain many personnel conduct rules. The following policies authorize the superintendent or designee to develop and implement procedures, e.g., conduct standards: 5:120, *General Personnel - Ethics and Conduct*, and 3:40, *Superintendent*.

4. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, hazing, substance abuse, and violence, and free from bias and discrimination. Violations of this standard include, but are not limited to: (a) using alcohol or illegal or unauthorized substances when on school property or at school-sponsored events, or whenever engaged in job responsibilities; (b) using or possessing medical cannabis in a school bus or on school grounds; <sup>2</sup> (c) unless specifically permitted by the Firearm Concealed Carry Act, carrying a firearm on or into any District controlled building, real property, or parking area, or any transportation vehicle paid for in whole or in part with public funds; <sup>3</sup> (d) failing to report suspected cases of child abuse or neglect or of gender harassment; (e) knowingly failing to report hazing to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement; <sup>4</sup> and (f) ~~tolerating~~ failing to appropriately respond to a witnessed or reported incident of student-on-student bullying, harassment, hazing, or teen dating violence.
5. Comply with the Professional Testing Practices for Educators, prepared and published by the Illinois State Board of Education for educators who administer any standardized test (at [www.isbe.net/assessment/pdfs/2014/isat/prof-test-prac14.pdf](http://www.isbe.net/assessment/pdfs/2014/isat/prof-test-prac14.pdf)). This document contains numerous examples of actions that violate test security; actions that must not be part of test preparation; actions that must not occur during test administration; and actions that must be avoided when reporting test results.
- ~~5-6.~~ Honor the public trust when entrusted with public funds and property by acting with a high level of honesty, accuracy, and responsibility. Violations of this standard include, but are not limited to: (a) misusing public or school-related funds; (b) failing to account for funds collected from students or parents/guardians; (c) submitting fraudulent requests for reimbursement of expenses or for pay; (d) co-mingling District or school funds with personal funds or checking accounts; and (e) using school property without the approval of the supervising school official.
- ~~6-7.~~ Maintain integrity with students, colleagues, parents/guardians, community members, and businesses concerning business dealings and when accepting gifts and favors. Violations of this standard, include but are not limited to, soliciting students or parents/guardians to purchase supplies or services from the employee or to participate in activities that financially benefit the employee without fully disclosing the interest.
- ~~7-8.~~ Respect the confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements. Violations of this standard include, but are not limited to: (a) disclosing confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results, unless disclosure is required or permitted by law; and (b) disclosing confidential information restricted by State or federal law.
- ~~8-9.~~ Demonstrate conduct that follows generally recognized professional standards and attend all in-service trainings on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39). Unethical conduct is any conduct that impairs the employee's ability to function professionally in his or her employment position or

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<sup>2</sup> Compassionate Use of Medical Cannabis Pilot Program, 410 ILCS 130/30(a)(2) (3), & (4), added by P.A. 98-122).

<sup>3</sup> Firearm Concealed Carry Act, 430 ILCS 66/65(a)(1), (2), & (8).

<sup>4</sup> 720 ILCS 5/12C-50.1, added by P.A. 98-393.

a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

~~9-10~~ Comply with all State and federal laws and rules regulating public schools and School Board policies, including but not limited to: 2:105 (Ethics and Gift Ban), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:50 (Drug- and Alcohol-Free Workplace; Tobacco Prohibition), 5:60 (Expenses), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Ethics and Conduct), 5:130 (Responsibilities Concerning Internal Information), 5:140 (Solicitations By or From Staff), 5:170 (Copyright), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:230 (Maintaining Student Discipline), 5:280 (Duties and Qualifications), 5:290 (Employment Termination and Suspensions), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Discipline), 7:340 (Student Records), and 8:30 (Visitors to and Conduct on School Property).

Conviction of any employment disqualifying criminal offense listed in Section 5/10-21-23a.9 or 5/21B-80 of the School Code will result in dismissal.

Before disciplinary action is taken, the supervisor will conduct a fair and objective investigation to determine whether the employee violated a standard or other work rule and the extent that any violation impacts educational or operational activities, effectiveness, or efficiency. Discipline must be appropriate and reasonably related to the seriousness of the misconduct and the employee's record. Any applicable provision in a contract, bargaining agreement, or State law will control the disciplinary process.

## Students

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

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

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

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

### Gender-Based Discrimination Is Prohibited

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

Federal law prohibits exclusion and discrimination on the basis of *sex*. 20 U.S.C. §1681(a), Title IX of the Education Amendments of 1972. According to the U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice, Title IX protects lesbian, gay, bisexual, and transgender students, from gender discrimination.

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

### Gender-Based Bullying and/or Harassment Is Prohibited

The laws prohibiting gender discrimination require the District to protect transgender students and gender non-conforming students from bullying and harassment by other students. According to the federal Office of Civil Rights, a school district is responsible for damages suffered by a student who was the victim of protected-class harassment: (1) that is severe, pervasive, or persistent; (2) about which school officials knew or should have known; and (3) that interferes with or limits a student's participation in or benefit from services, activities, or opportunities offered by the school.

The School Code prohibits bullying on the basis of actual or perceived sexual orientation, gender-related identity or expression, and/or association with a person or group with one of the aforementioned actual or perceived characteristics. 105 ILCS 5/27-23.7(a). The Board policy on bullying and the District's suite of bullying prevention materials must be used to address and resolve peer bullying and harassment of transgender or gender non-conforming students. See 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

### Terminology and Definitions

The District uses the following terms and definitions when discussing accommodations for a transgender student or gender non-conforming student (from the *Arcadia Resolution Agreement*, 7-24-2013, [www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf](http://www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf)). NOTE: Definitions are not intended to label students, but rather to assist with understanding.

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

*Sex assigned at birth and assigned sex* refers to the gender designation listed on one's original birth certificate.

*Gender expression* refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

*Gender identity* refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity.

*Transgender* describes an individual whose gender identity is different from the individual's assigned sex. *Transgender boy* and *transgender male* refer to an individual assigned the female sex at birth who has a male gender identity. An individual can express or assert a transgender gender identity in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one's recognition as transgender. For purposes of this procedure, a *transgender student* is a student who consistently and uniformly asserts a gender identity different from the student's assigned sex, or for whom there is documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity.

*Gender transition* refers to the experience by which a transgender person goes from living and identifying as one's assigned sex to living and identifying as the sex consistent with one's gender identity. A gender transition often includes a *social transition*, during which an individual begins to live and identify as the sex consistent with the individual's gender identity, with or without certain medical treatments or procedures.

*Gender stereotypes* refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

*Gender non-conformity* refers to one's gender expression, gender characteristics, or gender identity that does not conform to gender stereotypes.

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

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

- 2:260, *Uniform Grievance Procedure*, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The District Complaint Manager shall address the complaint promptly and equitably.
- 6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into the District's curriculum and other educational programs.
- 7:10, *Equal Educational Opportunities*, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.
- 7:20, *Harassment of Students Prohibited*, prohibits *any* person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy including, among other protected statuses, sex, sexual orientation, and gender identity.
- 7:130, *Student Rights and Responsibilities*, recognizes that all students are entitled to rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.
- 7:160, *Student Appearance*, prohibits students from dressing or grooming in such a way as to disrupt the educational process, interfere with a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency.
- 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for the District's bullying prevention program.
- 7:250, *Student Support Services*, directs the Superintendent to develop protocols for responding to students' social, emotional, or mental health problems that impact learning.
- 7:330, *Student Use of Buildings - Equal Access*, grants student-initiated groups or clubs the free use of school premises for their meetings, under specified conditions.
- 7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

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

The goal of an accommodation is to allow a transgender or gender non-conforming student to equally participate in educational and extracurricular opportunities. The right of transgender students to accommodations is generally found in legislation (Illinois Human Rights Act and Title IX) but has not been fully interpreted by the courts. Determining appropriate accommodations is difficult because school officials must balance the rights of transgender or gender non-conforming students to freedom from discrimination and freedom of expression with the rights of other students to freedoms of religion and expression. The Board Attorney is an indispensable member of the team that will identify accommodations for a specific student.

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

1. Gender transition
2. Names and pronouns
3. School student records

4. Student privacy and confidentiality
5. Access to gender-segregated areas (e.g. locker rooms and restrooms)
6. Sports and physical education classes - participation in competitive athletic activities and contact sports is resolved pursuant to IHSA policy #34, *Policy and School Recommendations for Transgender Participation*,  
[www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx](http://www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx)
7. Dress codes
8. Gender segregation in other areas (e.g., class discussions and field trips)

#### Training for School Staff Members

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

#### Resources

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

Massachusetts Department of Elementary and Secondary Education, *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment Nondiscrimination on the Basis of Gender Identity* (undated), at [www.doe.mass.edu/ssce/GenderIdentity.pdf](http://www.doe.mass.edu/ssce/GenderIdentity.pdf).

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

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

OCR and DOJ Consent Decrees and Resolution Agreements:  
[www2.ed.gov/about/offices/list/ocr/docs/investigations/05115901.html](http://www2.ed.gov/about/offices/list/ocr/docs/investigations/05115901.html) (Anoka-Hennepin School District, MN, 3-5-2012).  
[www2.ed.gov/about/offices/list/ocr/docs/investigations/09111031.html](http://www2.ed.gov/about/offices/list/ocr/docs/investigations/09111031.html) (Tehachapi Unified School District, CA, 7-7-2011).  
[www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf](http://www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf) (Arcadia Unified School District, CA, 7-24-2013).

Executive Order No. 11,246, 30 FR 12319, 12935, 3 CFR, 1964-1965 Comp., p. 339, (1965), as amended on July 21, 2014, prohibits discrimination by the federal government or federal contractors on the basis of sexual orientation or gender identity. The Secretary of Labor was directed to prepare implementing regulations within 90 days (or by 10-19-2014).

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

*Which Way to the Restroom? Respecting the Rights of Transgender Youth in the School System*. April 2012 (Copyright - National School Boards Association), Grant Bowers and Wendy Lopez, at [www.nsba.org/sites/default/files/reports/Respecting%20the%20Rights%20of%20Transgender%20Youth%20and%20appendices.pdf](http://www.nsba.org/sites/default/files/reports/Respecting%20the%20Rights%20of%20Transgender%20Youth%20and%20appendices.pdf).

## Students

### Administrative Procedure - Code of Conduct for Extracurricular Activities

This Code of Conduct applies to all school-sponsored activities that are neither part of an academic class nor otherwise carry credit or a grade. Sponsors shall create a roster of students who are members or participants in an extracurricular activity and maintain attendance records.

The goal of the extracurricular program is to provide opportunities for students to pursue interests and develop life skills beyond the classroom. An additional goal of the athletic program is to develop the physical skills of student athletes, which will allow them to compete to the best of their ability within the School Board policies and the by-laws of any association of which the school is a member.

Members must conduct themselves at all times, including after school and on days school is not in session, as good citizens and exemplars of their school - they must behave in ways that are consistent with good sportsmanship, leadership, and appropriate moral conduct. They are expected to demonstrate good citizenship and exemplary conduct in the classroom, in the community, and during all facets of the activity.

The Code of Conduct below describes the expectations and goals of the extracurricular and athletic programs. This Code does not contain a complete list of inappropriate behaviors for students in extracurricular activities and athletics. This Code of Conduct will be enforced 365 days a year, 24 hours a day. A student may be excluded from activities or competition while the school is conducting an investigation regarding that student's conduct.

Students and their parents/guardians are encouraged to seek assistance from the student assistance program regarding alcohol or other drug problems. Family-referrals or self-referrals will be taken into consideration in determining consequences for Code of Conduct violations.

#### Code of Conduct

A student participating in an activity or athletic program will be subject to disciplinary action if he or she violates this Code of Conduct for Extracurricular Activities. Violations will be treated cumulatively, with disciplinary penalties increasing with subsequent violations.

#### **The student shall not:**

1. Violate the District's policies or procedures on student discipline;
2. Use a beverage containing alcohol (except for religious purposes);
3. Use tobacco in any form;
4. Use, possess, buy, sell, barter, or distribute any illegal substance (including mood-altering and performance enhancing drugs or chemicals) or paraphernalia;
5. Use, possess, buy, sell, barter, or distribute any object that is or could be considered a weapon or any item that is a "*look alike*" weapon. This prohibition does not prohibit legal use of weapons in cooking and in sports, such as archery, martial arts practice, target shooting, hunting, and skeet;
6. Attend a party or other gathering and/or ride in a vehicle where alcoholic beverages and/or controlled substances are being consumed by minors;

7. Act in an unsportsmanlike manner;
8. Vandalize or steal;
9. Haze or bully other students;
10. Violate the written rules for the activity or sport;
11. Behave in a manner that is detrimental to the good of the group or school;
12. Be insubordinate or disrespectful toward the activity's sponsors or team's coaching staff;
13. Falsify any information contained on any permit or permission form required by the activity or sport.

Hazing and bullying activities are strictly forbidden at any time and in any location. Hazing is any humiliating or dangerous activity expected of a student to belong to a team or group, regardless of his or her willingness to participate. (Adapted from the definition of hazing adopted by the National Federation of State High School Associations.) Bullying is any physical or verbal act or conduct that has or can be reasonably predicted to place a student in reasonable fear of harm; cause a detrimental effect on a student's physical or mental health; interfere with a student's academic performance; or interfere with a student's ability to participate in or benefit from school activities. (Adapted from the definition of bullying included in the Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment.*)

#### Due Process Procedures

Students who are accused of violating the Code of Conduct for Extracurricular Activities are entitled to the following due process:

1. The student should be advised of the disciplinary infraction with which he or she is being charged.
2. The student shall be entitled to a hearing before an appropriate administrator.
3. The student will be able to respond to any charges leveled against him or her.
4. The student may provide any additional information he or she wishes for the administrator to consider.
5. The administrator, with the help of other staff members if needed, may interview material witnesses or others with evidence concerning the case.
6. If the administrator finds, after reviewing the evidence, that the violation occurred, he or she will impose sanctions on the student, as follows:
  - a. Sanctions for violations other than drug and alcohol will be based on the nature of the offense and the number of offenses, and may include suspension from all activities or sports for one of the time periods described below:
    - A specified period of time or percentage of events, competitions, or practices
    - The remainder of the season or for the next season
    - The remainder of the student's high school career
  - b. Sanctions for alcohol and other drug violations will be based on the following:

#### First violation

- Use, possession, buying, selling, bartering, or distributing: A suspension of one third of the total number of performances, activities, or competitions or the remainder of

the season, whichever is shorter. This penalty will be reduced if the student successfully completes a school-approved chemical awareness program.

- Attendance at a party or riding in a vehicle where alcoholic beverages and/or controlled substances are being consumed: A suspension of one sixth of the total number of performances, activities or competitions, or the remainder of the season, whichever is shorter.
- The student will be required to practice with the group, regardless of the violation (unless suspended or expelled from school).

#### Second violation

- Use, possession, buying, selling, bartering, or distributing: A suspension of 12 weeks or 1 season, including suspension from all performances, activities, or competitions during this period. To participate again in any activities, the student must successfully participate in and complete a school-approved alcohol and other drug abuse assessment and follow all recommendations from that assessment.
- Attendance at a party or riding in a vehicle where alcoholic beverages and/or controlled substances are being consumed: A suspension of one third of the season and all extracurricular group performances, activities, or competitions during this period.
- The student may be required to practice with the group (unless suspended or expelled from school).

#### Third violation

- Use, possession, buying, selling, bartering, or distributing: A suspension from extracurricular activities for the remainder of the student's high school career.
- Attendance at a party or riding in a vehicle where alcoholic beverages and/or controlled substances are being consumed: A suspension of one calendar year from the date of the suspension, including all extracurricular activities during this period.

7. The administrator will make a written report of his or her decision and rationale. The student may appeal the decision to the Building Principal.

All students remain subject to the Board's student discipline policy and/or the school's student handbook and the disciplinary measures listed in them.