Instruction

<u>Administrative Procedure - Special Education Procedures Assuring the</u> <u>Implementation of Comprehensive Programming for Children with Disabilities 1</u>

In its continuing commitment to help school districts and special education cooperatives comply with Ill. State Board of Education (ISBE) requirements for procedures, the special education committee of the Ill. Council of School Attorneys (ICSA) prepared modelsample special education procedures. ISBE rules at 23 Ill.Admin.Code Part 226 contain the requirements for special education procedures that must be implemented adopted-by each school district and cooperative entity. The IASB/ICSA modelsample procedures are approximately 80 pages and are available on the IASB website: iasb.com/law/icsaspeced.cfm.



The footnotes should be removed before the material is used.

¹ Check with your district's special education administrator to ensure that this procedure accurately reflects the title and location of the special education procedures implemented by your district.

<u>Instruction</u>

Accelerated Placement Program 1

The District provides an Accelerated Placement Program (APP). The APP advances the District's goal of providing educational programs with opportunities for each student to develop to his or her maximum potential.² The APP provides an educational setting with curriculum options usually reserved for students who are older or in higher grades than the student participating in the APP.³ APP options include, but may not be limited to: (a) accelerating a student in a single subject; (b) other grade-level acceleration; and (c) early entrance to kindergarten or first grade.⁴ Participation in the APP is open to all students who demonstrate high ability and who may benefit from accelerated placement. It is not limited to students who have been identified as gifted and talented.⁵ Eligibility to participate in the District's APP shall not be conditioned upon the protected classifications identified in School Board policy 7:10, *Equal Educational Opportunities*, or any factor other than the student's identification as an accelerated learner. ⁶

The Superintendent or designee shall implement an APP that includes:

- Decision-making processes that are fair, equitable, and involve multiple individuals, e.g.
 District administrators, teachers, and school support personnel, and a student's
 parent(s)/guardian(s); 7
- Notification processes that notify a student's parent(s)/guardian(s) of a decision affecting a student's participation in the APP; and 8
- 3. Assessment processes that include multiple valid, reliable indicators. 9

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¹ State law requires this subject matter be covered by policy and controls its content. 105 ILCS 5/14A, amended by P.A. 100-421, eff. 7-1-18 (the Accelerated Placement Act (APA)); 23 III.Admin.Code Part 227. III. State Board of Education (ISBE) rules require this policy to be posted on the district website, if available. 23 III.Admin.Code §227.60(a). ISBE rules also require districts to annually report, by July 31, demographic information regarding students participating in accelerated placement. 23 III.Admin.Code §227.60(c).

² Optional. Ensure this statement matches the board's current educational philosophy and objectives. See sample policy 6:10, *Educational Philosophy and Objectives*.

^{3 105} ILCS 5/14A-17, added by P.A. 100-421; 23 III. Admin. Code §227.5, eff. 7-1-18.

⁴ Id. For high school districts, delete "; and (e) early entrance to kindergarten or first grade" and insert the word "and" between (a) and (b).

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (School year – School age.). The APA requires accelerated placement to include "early entrance to kindergarten and early entrance toor first grade." 105 ILCS 5/14A-17. 105 ILCS 5/10-20.12 permits districts to offer early entrance to kindergarten or first grade "based upon an assessment of the student's readiness to attend school." 105 ILCS 5/10-20.12 also states that students may enter first grade early when they: (1) are assessed for readiness; (2) have attended a non-public preschool and continued their education at that school through kindergarten; (3) were taught in kindergarten by an appropriately certified teacher; and (4) will attain the age of 6 years on or before December 31. Id. See sample policy 7:50, School Admissions and Student Transfers To and From Non-District Schools. Consult the board attorney for guidance.

^{5 105} ILCS 5/14A-32(a)(1), added by P.A. 100-421; 23 III.Admin.Code §227.5, eff. 7-1-18.

^{6 105} ILCS 5/14A-25, amended by P.A. 100-421, eff. 7 1-18.

^{7 105} ILCS 5/14A-32(a)(2), added by P.A. 100-421, eff. 7-1-18, requires that the accelerated placement policy include "a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians" but does not specify what individuals are to be involved or limit those individuals to district employees. Amend this listing to align with the local board's preference.

^{8 105} ILCS 5/14A-32(a)(3), added by P.A. 100-421, eff. 7 1-18.

The Superintendent or designee shall annually notify the community, parent(s)/guardian(s), students, and school personnel about the APP, the process for referring a student for possible evaluation for accelerated placement, and the methods used to determine whether a student is eligible for accelerated placement. Notification may: (a) include varied communication methods, such as student handbooks and District or school websites; and (b) be provided in multiple languages, as appropriate.

LEGAL REF.: 105 ILCS 5/14A.

23 Ill.Admin.Code Part 227, Gifted Education.

CROSS REF.:

6:10 (Educational Philosophy and Objectives), 6:130 (Program for the Gifted), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student

Transfers To and From Non-District Schools)



6:135

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

^{9 105} ILCS 5/14A-32(a)(4), added by P.A. 100-421, eff. 7-1-18.

¹⁰ Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require "procedures for annually informing the community at-large, including parents or guardians, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement."

¹¹ Optional. 105 ILCS 5/14A does not require this but it is a recommended best practice and aligns with sample policy 7:10, Equal Educational Opportunities.

Instruction

Administrative Procedure - Accelerated Placement Program Procedures 1

The District's Accelerated Placement Program (APP) places qualified students in an educational setting that includes curriculum usually reserved for students who are older or in higher grades than the student, and is implemented by the Superintendent or designee. 105 ILCS 5/14A.

This administrative procedure contains five sections as follows:

- 1. Definitions
- 2. Annual Notification
- 3. Referral Process
- 4. Evaluation Process
- 5. Eligibility Determination

Definitions 2

Accelerated placement is the placement of a student in an educational setting with curriculum that is usually reserved for students who are older or in higher grades than the student.³ Accelerated placement includes, but may not be limited to: early entrance to kindergarten or first grade, accelerating a student in a single subject, and grade acceleration. ⁴

Early entrance to kindergarten is the admission to kindergarten of a student who: (a) is assessed for and meets the District's readiness standards to attend school; and (b) will not be five years of age on or before September 1 of that school term; or (b) is admitted prior to the dates established in the School Code based upon an assessment of his or her readiness to attend school. 5

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I Customize this procedure to meet the district's needs. It is written in general terms with regard to 105 ILCS 5/14A, amended by P.A. 100-421, eff. 7-1-18 (the Accelerated Placement Act (APA)). Districts may wish to utilize different procedures for different types of accelerated placement. For example, many districts that permit early entrance to kindergarten or first grade require that early entrance requests be submitted by a certain calendar date, often months in advance of the start of a school term, to allow sufficient time for evaluation and the determination of incoming class sizes and staffing needs. The law is silent regarding whether these deadlines may be waived or adjusted for students who move into the district after the deadline; consult the board attorney for further guidance. Districts should also consider implementing specific and objective criteria for early entrance and address such issues as who pays the costs for assessments, etc.

To provide school administrators and personnel with a familiar procedural framework, the **Referral Process**, **Evaluation Process**, and **Eligibility Determination** sections of this sample administrative procedure are loosely modeled on the Illainois Council of School Attorneys' *Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities*. See www.iasb.com/law/icsaspeced.cfm.

2 105 ILCS 5/14A-17, added by P.A. 100-421, eff. 7 1-18 (APA), requires districts to have an accelerated placement program that includes, but need not be limited to, the following types of acceleration: early entrance to kindergarten or first grade, accelerating a child in a single subject, and grade acceleration. The APA does not define these types of acceleration; however, they are defined in III. State Board of Education (ISBE) regulations at 23 III.Admin.Code §227.5; consult the board attorney for guidance.

For high school districts, delete the definitions of *early entrance to kindergarten* and *early entrance to first grade*. If the district offers additional types of acceleration, such as curriculum compacting or telescoping curriculum, then the definitions of such additional types should be added to this section.

- 3 105 ILCS 5/14A-17, added by P.A. 100-421; 23 III.Admin.Code §227.5, eff. 7-1-18,
- 4 Id. For high school districts, delete "early entrance to kindergarten or first grade." For districts that offer additional types of acceleration, amend this sentence to include those types in the list of accelerated placement offerings.
 - 5 23 III. Admin. Code §227.5. Use the following alternative in a district operating on a year-round basis:

Early entrance to first grade is the admission to first grade of a student who: (a) is assessed for and meets the District's readiness standards to attend school. A student may, but is not required to, have attended a non-public preschool and continued his or her education at that school through kindergarten, was and been taught in kindergarten by an appropriately certified teacher, and will attain the age of six years on or before December 31; or (b) is admitted prior to the dates established in the School Code based upon an assessment of his or her readiness to attend school A student who is younger than six upon starting first grade but who was admitted early to kindergarten does not need to be reevaluated prior to admission to first grade. 6

<u>SingleIndividual</u> subject acceleration is the practice of assigning a student to a <u>specific content area at a higher subjectinstructional</u> level than is typical, given the student's <u>age,grade</u> for the purpose of providing access to appropriately challenging learning opportunities in one or more subject areas. It may be accomplished by either: (a) physically moving the student to a higher level class for instruction; or (b) using higher level curricular or study materials in the student's current classroom.

Whole grade acceleration is the practice of assigning a student to a higher grade level than is typical, given the student's age, on a full-time basis for the purpose of providing access to appropriately challenging learning opportunities in all subject areas. 8 Commonly referred to as skipping a grade, grade acceleration may be done at the beginning of or during the school term.

Annual Notification 2

Actor	Action
Superintendent or designee	Annually notifies the community, including parent(s)/guardian(s), students, and school personnel, about the: 1. APP
	2. Process for referring a student for possible evaluation for accelerated placement, including:
	 a. Steps to be taken to make a referral; b. Individual(s) to whom a referral may be submitted; c. Deadlines by which a referral must be made; and d. Information that must be provided in the referral.
	3. Methods used to determine whether a student is eligible for accelerated placement.
	Provides such notification:
	By varied communication methods, such as student handbooks and District/school websites; and
	2. In multiple languages.

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Early entrance to kindergarten is the admission to kindergarten of a student who: (a) is assessed for and meets the District's readiness standards to attend school; and (b) will not be five years of age within 30 days after the commencement of that school term; or (b) is admitted prior to the dates established in the School Code based upon an assessment of his or her readiness to attend school.

^{6 23} III. Admin. Code §227.5.

⁷ Id.

⁸ Id

⁹ Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require "procedures for annually informing the community at-large, including parents or guardians, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement." Delete if the board has not included annual notification language it is adopted policy 6:135, Accelerated Placement Program.

Referral Process

Actor	Action
Parent(s)/Guardian(s), Licensed Educational Professionals, Student (with written consent of a parent/guardian), or Peer (through a licensed educational professional who has knowledge of the student's abilities).	Refers a student for possible evaluation for accelerated placement using the process set forth in this procedure.
In addition to the above-noted individuals, referrals for possible early entrance to kindergarten or first grade may also come from: Preschool Educator, Non-public Kindergarten Teacher, Pediatrician, or Psychologist who knows the student. 10	
Student Services Director, Building Principal, or designee	Within [insert number] school days after receiving a referral, determines whether an evaluation for accelerated placement is warranted.
	To determine whether an evaluation is warranted, may review existing data about the student, utilize screening data, and conduct preliminary procedures such as observation of the student, consultation with the teacher or other individual making the request, and a conference with the student.
	Provides the student's parent(s)/guardian(s) with written notice of the referral determination. For cases not warranting an evaluation, the process ends here. For cases warranting an evaluation, proceed to Evaluation Process, below.

Evaluation Process

Actor	Action
Student Services Director, Building Principal, or designee	Convenes an Evaluation Team (consisting of District teacher(s) and school support personnel, as appropriate) having the knowledge and skills necessary to:

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^{10 105} ILCS 5/14A-32(b)(2), added by P.A. 100-421, eff. 7-1-18, recommends that the referral process allow for multiple referrers, and specifically notes that referrers for possible early entrance may include "a preschool educator, pediatrician, or psychologist who knows the child." High school districts should delete the list of additional referrers for possible early entrance. ISBE regulations define multiple referrers as including, but not being limited to, "the student's parents or guardian, current teachers, district gifted coordinator or gifted education specialist, guidance counselor, principal, and school psychologist." 23 Ill.Admin.Code §227.5.

Actor	Action
	Identify multiple valid, reliable indicators 11 to use during the evaluation;
	2. Identify appropriate assessment instruments;
	3. Administer said assessments; and
	4. Interpret evaluation results.
	The composition of the team may vary depending upon the type of acceleration requested and other relevant factors.
Evaluation Team	Identifies multiple valid, reliable indicators and any assessment instruments appropriate to use during the evaluation.
	Prepares a written document identifying the evaluation components. This may occur without a meeting.
Student Services Director, Building Principal, or designee	Provides parent(s)/guardian(s) with written notification of the Evaluation Team's conclusions regarding the evaluation components and requests parent(s)'/guardian(s)' written consent to conduct the evaluation.
Parent/Guardian	Provides written consent to conduct the evaluation.
Evaluation Team	Completes the evaluation within [insert number] school days following the date of receipt of parent(s)'/guardian(s)' written consent to conduct the evaluation.
	Ensures the evaluation is nondiscriminatory and follows policy 7:10, <i>Equal Educational Opportunities</i> .

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¹¹ Required by 105 ILCS 5/14A-32(a)(4), added by P.A. 100-421, eff. 7-1-18. Multiple valid, reliable indicators are not defined in the APA or ISBE regulations; some attorneys prefer using "standardized and norm-referenced indicators" instead.

Eligibility Determination

Actor	Action
Evaluation Team	Convenes a meeting 12 with parent(s)/guardian(s) to review evaluation results and determine eligibility for the APP. Provides parent(s)/guardian(s) with written notice of eligibility determination.
	1. If the student is found eligible for the APP, prepares and provides parent(s)/guardian(s) with a written plan detailing the type of acceleration the student will receive and strategies to support the student. 13
	2. If the student is not found eligible for the APP, provides parent(s)/guardian(s) with written notice of their right to appeal the eligibility determination, within five calendar days after receiving the determination, by submitting a written request to the Superintendent. 14
Parent/guardian	If desired, within [insert number] calendar days after receiving written notice that student is not eligible for the APP, submits written appeal to the Superintendent.
Superintendent	Within [insert number] calendar days after receiving the written appeal request, reviews the case, and provides parent(s)/guardian(s) with written notice of his/her decision. The Superintendent's decision is final.



¹² Convening a meeting with parents/guardians is not required, however, 105 ILCS 5/14A-32(a)(2), added by P.A. 100-421, eff. 7-1-18, requires "a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians." A meeting logically allows the Evaluation Team to explain evaluation results, parent(s)/guardian(s) to ask questions and be heard, and all stakeholders to be involved in the eligibility determination. Delete this sentence if the district will not offer a meeting.

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ISBE regulations define *multiple persons* as including, but not being limited to, "the student's parent or guardian, current teachers, district gifted coordinator or gifted education specialist, guidance counselor, principal, and school psychologist. 23 III.Admin.Code §227.60.

¹³ Optional. The APA permits but does not require this written plan. 105 ILCS 5/14A-32(b)(3), added by P.A. 100-421, eff. 7-1-18.

¹⁴ Optional.

Instruction

Access to Electronic Networks 1

Electronic networks, including the Internet, are a part of the District's instructional program and serve to promote educational excellence by facilitating resource sharing, innovation, and communication.2 The Superintendent shall develop an implementation plan for this policy and appoint system administrator(s). 3

The School District is not responsible for any information that may be lost or damaged, or become unavailable when using the network, or for any information that is retrieved or transmitted via the Internet.4 Furthermore, the District will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

Curriculum and Appropriate Online Behavior

The use of the District's electronic networks shall: (1) be consistent with the curriculum adopted by the District as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library resource center materials. As required by federal law and Board policy 6:60, *Curriculum Content*, students will be educated about appropriate online behavior, including but not limited to: (1) interacting with other individuals on social networking websites and in chat rooms, and (2) cyberbullying awareness and response.5 Staff members may, consistent with the Superintendent's implementation plan, use the Internet throughout the curriculum.

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¹ State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content. 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. This policy concerns an area in which the law is unsettled.

A policy on Internet safety is necessary to receive *E-rate* funds under the Elementary and Secondary Education Act, Student Support and Academic Enrichment Grants Enhancing Education Through Technology (20 U.S.C. §6751 et seq7131.) and to qualify for universal service benefits under the Children's Internet Protection Act (47 U.S.C. §254(h) and (l)).

² This goal is repeated in exhibits 6:235-AP1, E1, Student Authorization for Access to the District's Electronic Networks, and 6:235-AP1, E2, Staff Authorization for Access to the District's Electronic Networks.

³ Topics for the implementation plan include integration of the Internet in the curriculum, staff training, and safety issues. The implementation plan can also include technical information regarding service providers, establishing Internet accounts, distributing passwords, software filters, menu creation, managing resources and storage capacity, and the number of dial-up lines or access points for users to connect to their accounts. Another topic is investigation of inappropriate use.

⁴ No system can guarantee to operate perfectly or to prevent access to inappropriate material; this policy statement attempts to absolve the district of any liability.

⁵ Required by 47 U.S.C. §254(h)(5)(B)(iii) and 47 C.F.R. §54.520(c)(i) only for districts that receive *E-rate* discounts for Internet access or plan to become participants in the *E-rate* discount program. All boards receiving an *E-rate* funding for Internet access must certify that they have updated their Internet safety policies. See, *FCC Report and Order 11-125* (August 11, 2011). This sentence is optional if the district only receives discounts for telecommunications, such as telephone service, unless the district plans to participate in the *E-rate* discount program.

The District's electronic network is part of the curriculum and is not a public forum for general use. 6

Acceptable Use 7

All use of the District's electronic networks must be: (1) in support of education and/or research, and be in furtherance of the goals stated herein, or (2) for a legitimate school business purpose. Use is a privilege, not a right.8 Students and staff members have no expectation of privacy in any material that is stored, transmitted, or received via the District's electronic networks or District computers. General rules for behavior and communications apply when using electronic networks. The District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, contains the appropriate uses, ethics, and protocol.9 Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials. 10

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6 School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. <u>Hazelwood School. District Dist. v. Kuhlmeier, 108 S.Ct. 562484 U.S. 260</u> (1988). This policy allows such control by clearly stating that school-sponsored network information resources are not a "public forum" open for general student use but are, instead, part of the curriculum.

It is an unfair labor practice (ULP) under the III. Educational Labor Relations Act (IELRA) for an employer to discourage employees from becoming or remaining members of a union. 115 ILCS 5/14(a)(10), added by P.A. 101-620. In connection with that potential penalty, the IELRA requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources. 115 ILCS 5/14 (c-5), added by P.A. 101-620. This policy aligns with IELRA requirements by clarifying the District's electronic network is not a public forum for general use by outside parties and by limiting use of the network to the purposes stated under the Acceptable Use subhead. However, districts are still prohibited under the First Amendment to the U.S. Constitution from suppressing messages based on viewpoint and may be subject to liability if they affirmatively block individual senders. See Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983); Columbia Univ. v. Trump, 302 F.Supp.3d 541 (S.D.N.Y. 2018). Consult the board attorney if the board wants to amend this policy to prohibit access by specific parties and/or before taking steps to "block" any specific party from the district's email system based on the content of the party's message.

7 This paragraph provides general guidelines for acceptable use regardless of whether Internet use is supervised. The specific rules are provided in exhibits 6:235-AP1, E1, Student Authorization for Access to the District's Electronic Networks, and 6:235-AP1, E2, Staff Authorization for Access to the District's Electronic Networks (see also f/n 1). This paragraph's application to faculty may have collective bargaining implications.

8 The "privilege, not a right" dichotomy is borrowed from cases holding that a student's removal from a team does not require due process because such participation is a privilege rather than a right. The deprivation of a privilege typically does not trigger the Constitution's due process provision. Clements v. Board. of Educ.ation of Decatur Public School. District Dist. No. 61, 478 N.E.2d 1209133 Ill.App.3d 531 (Ill.App.4,4th Dist. 1985). Nevertheless, before access privileges are revoked, the user should be allowed to give an explanation.

9 If students are allowed only supervised access and are not required to sign the Authorization for Access to the District's Electronic Networks, the provisions from the Authorization should be used as administrative procedures for covering student Internet use. See 6:235-AP1, Acceptable Use of the District's Electronic Networks. This is an optional sentence:

The Superintendent shall establish administrative procedures containing the appropriate uses, ethics, and protocol for Internet use.

The Harassing and Obscene Communications Act criminalizes harassing and obscene electronic communication._-(720 ILCS 5/26.5).

10 The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. This provision attempts to avoid Fourth Amendment protection for communications and downloaded material by forewarning users that their material may be read or searched, thus negating any expectation of privacy.

Email and computer files are "public records" as defined in the Ill. Freedom of Information Act_(FOIA) if they are, as in this policy, "under control" of the school board__(5 ILCS 140/2). They may be exempt from disclosure, however, when they contain information that, if disclosed, "would constitute a clearly unwarranted invasion of personal privacy_" (5 ILCS 140/7). Alternatively, a school board may believe that making email semi-private enhances its educational value. The following grants limited privacy to email communications and can be substituted for the sample policy's sentence preceding this footnote:

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Internet Safety 11

Technology protection measures shall be used on each District computer with Internet access. They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by federal law and as determined by the Superintendent or designee. 12 The Superintendent or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent or system administrator. 13 The Superintendent or designee shall include measures in this policy's implementation plan to address the following: 14

- 1. Ensure staff supervision of student access to online electronic networks, 15
- 2. Restrict student access to inappropriate matter as well as restricting access to harmful materials,
- 3. Ensure student and staff privacy, safety, and security when using electronic communications,
- 4. Restrict unauthorized access, including "hacking" and other unlawful activities, and
- 5. Restrict unauthorized disclosure, use, and dissemination of personal identification information, such as, names and addresses.

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School officials will not intentionally inspect the contents of email without the consent of the sender or an intended recipient, unless as required to investigate complaints regarding email that is alleged to contain material in violation of this policy or the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*.

11 See f/n 1.

12 This sample policy language is broader than the requirements in federal law (20 U.S.C. §67777131, 47 U.S.C. §254, and 47 C.F.R. §54.520(c)(i)). It does not distinguish between minors (children younger than 17) and non-minors. The terms, minor, obscene, child pornography, and harmful to minors have not changed, but are now explicitly referred to in the regulations at 47 C.F.R. §54.520(a). Federal law defines harmful to minors as:

...any picture, image, graphic image file, or other visual depiction that—(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The Federal Communications Commission specifically declined to find that access to *Facebook* or *MySpace* are per se *harmful to minors*. School officials have discretion about whether or not to block access to these and similar sites. See <u>supra</u> f/n 3.

13 Permitted by 20 U.S.C. §67777131(c). The policy's provision for prior approval is not in the law and may be omitted. The entire sentence may be eliminated if a board does not want the filtering device to be disabled.

14 In order to qualify for universal service benefits under the federal Children's Internet Protection Act (CIPA), the district's Internet safety policy must address the items listed in the sample policy. (47 U.S.C. §254(I)). The sample policy accomplishes this task by requiring these items be addressed in the policy's implementation plan or administrative procedure.

Note that federal law requires the school board to hold at least one hearing or meeting to address the *initial* adoption of the Internet safety policy. Later revisions of the existing policy need not follow the public notice rule of CIPA, though a board will still need to follow its policy regarding revisions and the mandates of the III. Freedom of Information ActFOIA.

CIPA also requires this policy and its documentation to be retained for at least five5 years after the last day of service delivered in a particular funding year. This means the five5 year retention requirement begins on the last day of service delivered under E-rate, not from the day the policy was initially adopted. Consult the board attorney about this requirement and the best practices for your individual board.

15 Monitoring the online activities of *students* is broader than the requirement in federal law to monitor *minors*. The definition of minor for this purpose is "any individual who has not attained the age of 17 years." See 47 C.F.R. 54.520(a)(4)(i). The use of the word *students* is a best practice.

Authorization for Electronic Network Access 16

Each staff member must sign the *Authorization for Access to the District's Electronic Networks* as a condition for using the District's electronic network. Each student and his or her parent(s)/guardian(s) must sign the *Authorization* before being granted unsupervised use. 17

All users of the District's computers to access the Internet shall maintain the confidentiality of student records. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network.

The failure of any student or staff member to follow the terms of the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

LEGAL REF.:

No Child Left Behind Act, 20 U.S.C. §6777.

Children's Internet Protection Act, 47 U.S.C. §254(h) and (l).

Enhancing Education Through Technology Act, 20 U.S.C §6751 et seq.

47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.

720 ILCS 5/26.5.

CROSS REF .:

5:100 (Staff Development Program), 5:170 (Copyright), 6:40 (Curriculum

Development), 6:60 (Curriculum Content), 6:210 (Instructional Materials), 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct),

6:230 (Library Media Program), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and

Responsibilities), 7:190 (Student Behavior), 7:310 (Restrictions on Publications;

Elementary Schools)

ADMIN. PROC.:

6:235-AP1 (Administrative Procedure - Acceptable Use of the District's

Electronic Networks), 6:235-AP1, E1 (Student Authorization for Access to the District's Electronic Networks), 6:235-AP1, E2 (Exhibit - Staff Authorization for

Access to the District's Electronic Networks)

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

¹⁶ The District's administrative procedure, 6:235-API, Acceptable Use of the District's Electronic Networks, (6:235-API), rather than this board policy, specifies appropriate conduct, ethics, and protocol for Internet use. This is consistent with the principle that detailed requirements are not appropriate for board policy; instead, they should be contained in separate district documents that are authorized by board policy. Keeping technical rules specifying acceptable use out of board policy will allow for greater flexibility, fewer changes to the policy manual, and adherence to the belief that board policy should be confined to governance issues and the provision of guidance on significant district issues.

¹⁷ The Superintendent's implementation plan should describe appropriate supervision for students on the Internet who are not required, or refuse, to sign the *Authorization*.

The use of personal electronic communication devices owned by students but used to gain Internet access that has been funded by *E-rate* is not addressed yet. The FCC has indicated that it does plan to address the issues associated with the application of CIPA requirements to this situation.

<u>Instruction</u>

Grading and Promotion 1

The Superintendent or designee shall establish a system of grading and reporting academic achievement to students and their parents/guardians.² The system shall also determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be based on successful completion of the curriculum, attendance, and performance on the standardized tests required by the Ill.inois State Board of Education (ISBE) —Partnership for Assessment of Readiness for College and Careers (PARCC)—and/or other assessments.³ A student shall not be promoted based upon age or any other social reason not related to academic performance.⁴ The administration shall determine remedial assistance for a student who is not promoted. ⁵

Every teacher shall maintain an evaluation record for each student in the teacher's classroom. A District administrator cannot change the final grade assigned by the teacher without notifying the teacher. 6 Reasons for changing a student's final grade include:

- A miscalculation of test scores,
- A technical error in assigning a particular grade or score,
- The teacher agrees to allow the student to do extra work that may impact the grade,
- · An inappropriate grading system used to determine the grade, or
- An inappropriate grade based on an appropriate grading system.

Should a grade change be made, the administrator making the change must sign the changed record.

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

1 State law requires districts to have a school board policy containing the reasons for which a grade may be changed and prohibiting social promotion. 105 ILCS 5/10-20.9a. State law controls this policy's content.

If a district uses weighted grades for classes by degree of difficulty, it must be reflected in the affected students' class ranking and permanent records. 105 ILCS 5/27-27.

2 Absent a court order to the contrary, upon the request of either parent of a student whose parents are divorced, copies of report cards, along with other notices and records, must be furnished to both parents by the district. 105 ILCS 5/10-21.8.

3 105 ILCS 5/10-20.9a. Each board may determine its own promotion criteria and augment the statute's criteria. Until July 1, 2014, 105 ILCS 5/2-3.64 contained the State assessment program; until it was repealed by P.A. 98-972.

105 ILCS 5/2-3.64a-5(b) requires ISBE to "establish the academic standards that are to be applicable to students who are subject to State assessments." It contains the schedule for assessing students by calendar year and grade. ISBE selects standardized tests for the Partnership for Assessment of Readiness for College and Careers (PARCC) as the State assessment and accountability measure. In House Joint Resolution 54 (2015), members of the Ill. House and Senate encouraged school districts to not use results of the Partnership for Assessment of Readiness for College and Careers (PARCC) test for the 2014-2015 through the 2017-2018 school years "as a determining factor for making decisions about a student's educational opportunities, the evaluation of educators, and the allocation of resources based on educational achievement on this assessment." Starting in 2019, PARCC was no longer used by ISBE.

105 ILCS 5/2-3.64a-5(c), amended by P.A. 100-7, requires that the assessment administered by ISBE for the purpose of student application to or admissions consideration by institutions of higher education be administered on a school day during regular student attendance hours.

105 ILCS 5/2-3.64a-5(e), amended by P.A. 100-222, no longer requires that the scores attained by a student on an assessment that includes a college and career readiness determination be entered on the student's transcript; however, the scores must still be placed in the student's permanent record. See also 23 Ill.Admin.Code §375.10.

- 4 105 ILCS 5/10-20.9a(b).
- 5 Id.

6 The specific reasons and procedure for changing a grade are at the local board's discretion; however, State law provides that no grade may be changed without notification to the teacher concerning the nature and reason for the change. 105 ILCS 5/10-20.9a(a). The person making the change must assume all responsibility and must initial the change. <u>Id</u>.

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LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/10-20.9a, 5/10-21.8, and 5/27-27.

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out

of School and Graduation Incentives Program), 6:300 (Graduation

Requirements), 6:340 (Student Testing and Assessment Program), 7:50 (School

Admissions and Student Transfers To and From Non-District Schools)