

Students

Student and Family Privacy Rights ¹

Surveys ²

All surveys requesting personal information from students, as well as any other instrument used to collect personal information from students, must advance or relate to the District's educational objectives as identified in [School Board](#) policy 6:10, *Educational Philosophy and Objectives*, or assist students' career choices. This applies to all surveys, regardless of whether the student answering the questions can be identified ~~and regardless of~~ who created the survey.

Surveys Created by a Third Party ³

Before a school official or staff member administers or distributes a survey or evaluation created by a third party to a student, the student's parent(s)/guardian(s) may inspect the survey or evaluation, upon their request and within a reasonable time of their request.

This section applies to every survey: (1) that is created by a person or entity other than a District official, staff member, or student, (2) regardless of whether the student answering the questions can be identified, and (3) regardless of the subject matter of the questions.

Surveys Requesting Personal Information ⁴

School officials and staff members shall not request, nor disclose, the identity of any student who completes any survey or evaluation (created by any person or entity, including the District) containing one or more of the following items:

1. Political affiliations or beliefs of the student or the student's parent/guardian.

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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. The Protection of Pupil Rights Act ([PPRA](#)) requires any school district, "that receives funds under any applicable program [to] develop and adopt policies, in consultation with parents, regarding [statutory privacy rights]." 20 U.S.C. §1232h(c)(1). *Any applicable program* generally refers to any federal program administered by the U.S. Dept. of Education. 20 U.S.C. §1221(c). *Consultation with parents* is not defined; boards are advised, at minimum, to publicize the issue and request public comment during the policy's adoption.

² This paragraph is not dictated by law. It, however, contains the principles to guide staff and should be carefully considered and re-crafted by each board. Note that [IASB-sample-board](#) policy 6:10, *Educational Philosophy and Objectives*, is very broad and will thus justify surveys covering many subjects. However, it would prohibit the collection of information for marketing or selling (see f/n 13 of this policy); delete reference if the board wants the option of selling personal information that is collected from students, such as in the following:

A survey requesting personal information from students, as well as any other instrument used to collect personal information from students, must have a business, educational, or marketing justification.

Another alternative is to strictly restrict the subjects on which students may be surveyed, as in the following:

All surveys requesting information from students, as well as any other instrument used to collect personal information from students, must be for the purpose of monitoring the quality of the District's educational programs or assisting students' career choices.

³ Required by 20 U.S.C. §§1232h(c)(1)(A)(i) and 1232h(c)(2)(A)(ii).

⁴ Required by 20 U.S.C. §1232h(c)(1)(B). Consult the board attorney to review the survey or questions before administering it. Given the current political climate, attorneys in the field are voicing concern about the increase in schools and staff requesting inappropriate information from a student, e.g., the number of people and/or families living in his or her home and/or whether firearms are present in the student's home.

2. Mental or psychological problems of the student or the student's family.
3. Behavior or attitudes about sex.
4. Illegal, anti-social, self-incriminating, or demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian.
8. Income other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

The student's parent(s)/guardian(s) may:

1. Inspect the survey or evaluation upon, and within a reasonable time of, their request,⁵ and/or
2. Refuse to allow their child to participate in the activity described above.⁶ The school shall not penalize any student whose parent(s)/guardian(s) exercised this option.

Instructional Material ⁷

A student's parent(s)/guardian(s) may inspect, upon their request, any instructional material used as part of their child's educational curriculum within a reasonable time of their request.

The term "instructional material" means instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments. ⁸

Physical Exams or Screenings ⁹

No school official or staff member shall subject a student to a non-emergency, invasive physical examination or screening as a condition of school attendance. The term *invasive physical examination* means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

The above paragraph does not apply to any physical examination or screening that:

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⁵ 20 U.S.C. §1232h(c)(1)(C)(i).

⁶ 20 U.S.C. §1232h(c)(2)(A)(ii).

⁷ Required by 20 U.S.C. §1232h(c)(1)(C)(i).

⁸ 20 U.S.C. §1232h(c)(6)(A).

⁹ The ~~PPRA~~Protection of Pupil Rights Act states that student's parent(s)/guardian(s) may refuse to allow the student to participate in "non-emergency, invasive physical examination or screening." 20 U.S.C. §1232h(c)(2)(A)(ii). This does not necessarily mean, however, that schools have authority to conduct invasive physical examinations or screenings of students. In order to avoid misunderstandings, the sample policy prohibits physical examinations and screenings of students as those terms are defined in the policy (and federal law).

A board that wants to retain this option must strike the first sentence and replace it with the following:

A student's parent(s)/guardian(s) may refuse to allow the student to participate in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered by the school and scheduled by the school in advance; and (c) not necessary to protect the immediate health and safety of the student, or of other students.

1. Is permitted or required by an applicable State law, including physical examinations or screenings that are permitted without parental notification.¹⁰
2. Is administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.).¹¹
3. Is administered pursuant to the District's extracurricular drug and alcohol testing program (see [pPolicy 7:240, Conduct Code for Participants in Extracurricular Activities](#)).¹²
4. Is otherwise authorized by Board policy.

Prohibition on Selling or Marketing Students' Personal Information Is Prohibited¹³

No school official or staff member shall market or sell personal information concerning students (or otherwise provide that information to others for that purpose). The term *personal information* means individually identifiable information including: (1) a student or parent's first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) a telephone number, (4) a Social Security identification number or (5) driver's license number or State identification card.¹⁴

Unless otherwise prohibited by law, ~~t~~The above paragraph does not apply: (1) if the student's parent(s)/guardian(s) have consented; or (2) to the collection, disclosure or, use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following:¹⁵

1. College or other postsecondary education recruitment, or military recruitment.
2. Book clubs, magazines, and programs providing access to low-cost literary products.
3. Curriculum and instructional materials used by elementary schools and secondary schools.
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the

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¹⁰ 20 U.S.C. §1232h(c)(4)(B)(ii).

¹¹ 20 U.S.C. §1232h(c)(5)(A)(ii).

¹² Delete if the board has not adopted a drug and alcohol testing program for extracurricular participants in 7:240, *Conduct Code for Participants in Extracurricular Activities*. Also delete reference to 7:240, *Conduct Code for Participants in Extracurricular Activities* in this policy's cross references.

¹³ The Children's Privacy Protection and Parental Empowerment Act ([CPPPEA](#)), 325 ILCS 17/, prohibits the sale of *personal information* concerning a child under the age of 16, with a few exceptions, unless the parent(s)/guardian(s) have consented. Federal law is similar but not identical. Compare 20 USC. §1232h(c)(1)(E). In order to effectuate both laws, the sample policy prohibits the sale or marketing of *personal information* unless the parents/guardians have consented.

Compare *personal information* under the PPRa and CPPPEA with *covered information* under the Student Online Personal Protection Act (SOPPA) (105 ILCS 85/), which districts are always prohibited from selling, renting, leasing, or trading. 105 ILCS 85/26. *Covered information* is broadly defined as personally identifiable information of students (or linked to students) that is shared with an *operator* of a website, online service or application that is used primarily for K-12 purposes and is designed and marketed for K-12 purposes. Therefore, in cases where the *covered information* is collected, disclosed, or used that also meets the definition of *personal information* under this policy, the PPRa and CPPPEA exceptions to the prohibition on selling students' personal information may not be available. Consult the board attorney for further guidance in these situations, and see sample policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, for more information about SOPPA requirements.

¹⁴ 20 U.S.C. §1232h(c)(6)(E); [Children's Privacy Protection and Parental Empowerment Act](#) CPPPEA, 325 ILCS 17/. See f/n 7 in 7:340, *Student Records*, for a discussion about managing FOIA requests for items (1)-(3) under *personal information* in this paragraph.

¹⁵ 20 U.S.C. §1232h(c)(4)(A); 325 ILCS 17/10.

purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.

5. The sale by students of products or services to raise funds for school-related or education-related activities.
6. Student recognition programs.

Under no circumstances may a school official or staff member provide a student's *personal information* to a business organization or financial institution that issues credit or debit cards. ¹⁶

Notification of Rights and Procedures ¹⁷

The Superintendent or designee shall notify students' parents/guardians of:

1. This policy as well as its availability upon request from the general administration office.
2. How to opt their child out of participation in activities as provided in this policy.
3. The approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled. ¹⁸
4. How to request access to any survey or other material described in this policy.

This notification shall be given to parents/guardians at least annually, at the beginning of the school year, and within a reasonable period after any substantive change in this policy.

Transfer of Rights

The rights provided to parents/guardians in this policy transfer to the student when the student turns 18 years old, or is an emancipated minor. ¹⁹

LEGAL REF.: 20 U.S.C. §1232h, Protection of Pupil Rights Act.
105 ILCS 5/10-20.38.
325 ILCS 17/, Children's Privacy Protection and Parental Empowerment Act.
~~105 ILCS 5/10-20.38.~~

CROSS REF.: 2:260 (Uniform Grievance Procedure), 6:210 (Instructional Materials), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:300 (Extracurricular Athletics)

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¹⁶ 105 ILCS 5/10-20.38.

¹⁷ The details in this section are specified in and required by 20 U.S.C. §1232h(c)(2). This information should be in the student handbook.

¹⁸ If the board chose to keep the option of marketing personal information received from students and/or conducting physical exams, add the following to this list as appropriate: "collection of personal information from students for marketing and physical examinations or screenings."

¹⁹ 20 U.S.C. §1232h(c)(5)(B).

Students

Anaphylaxis Prevention, Response, and Food Allergy Management Program¹

School attendance may increase a student's risk of exposure to allergens that could trigger anaphylaxis food-allergic reaction. Students at risk for anaphylaxis benefit from a School Board policy that coordinates a planned response in the event of an anaphylactic emergency. Anaphylaxis food-allergy is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Common allergens include animal dander, fish, latex, milk, shellfish, tree nuts, eggs, insect venom, medications, peanuts, soy, and wheat. A severe allergic reaction usually occurs quickly; death has been reported to occur within minutes. An anaphylactic reaction can also occur up to one to two hours after exposure to the allergen, an adverse reaction to a food protein mediated by the immune system which immediately reacts causing the release of histamine and other inflammatory chemicals and mediators.

While it is not possible for the District to completely eliminate the risks of an anaphylactic emergency² exposure to allergens when a student is at school, an Anaphylaxis Prevention, Response, and Food Allergy Management Program using a cooperative effort among students' families, staff members, and students, health care providers, emergency medical services, and the community helps

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¹ 105 ILCS 5/2-3.182(d)49, added by P.A. 102-413, requires school boards to update or implement an anaphylactic policy by 8-17-22 (six months after the Ill. State Board of Education (ISBE) distributed its model on 2-17-22) in accordance with the model policy developed by that is based upon the joint State Board of Education (ISBE), and Ill. Dept. of Public Health (IDPH) publication titled *Guidelines for Managing Life-Threatening Food Allergies in Schools Anaphylaxis Response Policy for Illinois Schools*, (ISBE Model/IDPH Guidelines), available at: www.isbe.net/Documents/Anaphylactic-policy.pdf. Administrative procedures referencing the ISBE Model/IDPH Guidelines must support this policy in order to comply with the law. See the discussion in f/n 43 below and 7:285-AP1, *Administrative Procedure Implementing an Anaphylaxis Prevention, Response, and Management Food Allergy Management Program* for a sample implementation procedure.

The law requires the ISBE Model, and in turn a district's policy based on the ISBE Model, to include: (a) a procedure and treatment plan, including emergency protocols and responsibilities for school nurses and other appropriate school personnel, for responding to anaphylaxis, (b) requirements for a training course for appropriate school personnel on prevention and responding to anaphylaxis, (c) a procedure and appropriate guidelines for the development of an individualized emergency health care plan for children with a food or other allergy that could result in anaphylaxis, (d) a communication plan for intake and dissemination of information provided by Illinois regarding children with a food or other allergy that could result in anaphylaxis, including a discussion of methods, treatments, and therapies to reduce the risk of allergic reactions, including anaphylaxis, (e) strategies for reducing the risk of exposure to anaphylactic causative agents, including food and other allergens, and (f) a communication plan for discussion with children who have developed adequate verbal communication and comprehension skills and with the parents or guardians of all children about foods that are safe and unsafe and about strategies to avoid exposure to unsafe food. 105 ILCS 5/2-3.182(b).

The ISBE Model is primarily focused on item (a). Little to no guidance for schools regarding items (b) – (f) exists in it other than to generally cite to voluminous resources made available by the Centers for Disease Control and Prevention (CDC) and National Association of School Nurses (NASN). See f/n 3, below. This policy and its implementing procedures are designed to supplement the ISBE Model and further lead school officials to resources regarding items (b) – (f). 105 ILCS 5/2-3.182(b)(1-6).

This legislation stemmed from data showing that the number of children being diagnosed with food allergies is increasing. Every food-allergic reaction can develop into a life-threatening reaction and, even with proper treatment, can be fatal. See the ISBE/IDPH Guidelines, pages 7 and 8, citing Sampson, H.A., *Food Allergy, from Biology Toward Therapy*, Hospital Practice, available at: www.isbe.net/Documents/food-allergy_guidelines.pdf.

² The ISBE Model does not provide a specific definition for anaphylactic emergency, but it appears to use that term and anaphylaxis interchangeably.

the District reduce these risks and provide accommodations and proper treatment for anaphylacticallergic reactions.³

The Superintendent or designee shall develop and implement an Anaphylaxis Prevention, Response, and Food Allergy Management Program for the prevention and treatment of anaphylaxis that:⁴

1. Fully implements the Ill. State Board of Education (ISBE)'s model policy required by following goals established in the School Code that: (a) relates to the care and response to a person having an anaphylaxis reaction identifying students with food allergies, (b) addresses the use of epinephrine in a school setting preventing exposure to known allergens, (c) provides a full food allergy and prevention of allergen exposure plan responding to allergic reactions with prompt recognition of symptoms and treatment, and (d) aligns with 105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540. Educating and training all staff about management of students with food allergies, including administration of medication with an injector, and providing an in-service training program for staff who work with students that is conducted by a person with expertise in anaphylactic reactions and management.
2. Ensures staff members receive appropriate training, including: (a) an in-service training program for staff who work with students that is conducted by a person with expertise in anaphylactic reactions and management, and (b) training required by law for those staff

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³ This ends statement requires board work and should be discussed (what effect or impact will this district statement have on the students and the community?) and altered accordingly before board adoption. ~~A food allergy management program should promote prevention and management of life threatening allergic reactions~~The *ISBE Model* provides that students at risk for anaphylaxis benefit from a policy that coordinates a planned response in the event of an anaphylactic emergency, and it emphasizes that an emergency plan should include all stakeholders. ~~(See 105 ILCS 5/2-3.149(b) and ISBE/IDPH Guidelines, on p. 7).~~ For more information on ends statements and governance, see IASB's *Foundational Principles of Effective Governance* at: www.iasb.com/principles_popup.cfm.

The clause "using a cooperative effort among students' families, staff members, ~~and students~~, health care providers and emergency medical services, and the community" is optional and can be removed. The purpose of the clause is to share responsibility for management among ~~the district, staff, and food allergy students and their families~~all stakeholders.

⁴ 105 ILCS 5/10-20. To balance the requirement to implement a policy based upon the *ISBE/IDPH Guidelines*~~ISBE Model~~ (105 ILCS 5/2-3.182(d)49(b)) with the practicalities of managing a district, this paragraph delegates the board's implementation duty to the superintendent.

Number one outlines the goals that the legislature directed ISBE and IDPH to include in the *ISBE/IDPH Guidelines*, (105 ILCS 5/2-3.149(a)-(c)). ~~The in-service training program is required by 105 ILCS 5/10-22.39(e).~~ Boards may add further expectations and include additional goals that reflect those expectations here.

Number two balances the requirements of the law with the practicalities of managing a district by referencing *ISBE/IDPH Guidelines*, (105 ILCS 5/2-3.149(b)). ~~The publication is 78 pages and adopting the entire document as policy is not practical. Further, not every portion of the publication applies to every district's needs.~~

⁵ Number one outlines the goals that the legislature directed ISBE to include in the topics covered by the *ISBE Model*, 105 ILCS 5/2-3.149(a)-(c). The *ISBE Model* is based on the *Virginia Dept. of Education Anaphylaxis Policy*, available at: www.doe.virginia.gov/support/health_medical/anaphylaxis_epinephrine/, and it incorporates NASN recommendations for a comprehensive anaphylaxis school policy. See the *NASN Sample Anaphylaxis Policy*, at: www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis. Boards may add further expectations and include additional goals that reflect those expectations here. Ensure that any additional expectations or goals align with policy 7:270, *Administering Medicines to Students*.

members acting as *trained personnel*, as provided in 105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540. ⁶

- ~~1.3.~~ Implements and maintains a supply of undesignated epinephrine in the name of the District, in accordance with policy 7:270, *Administering Medicines to Students*. ⁷
- ~~2.~~ Follows and references the applicable best practices specific to the District's needs in the Centers for Disease Control and Prevention's *Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs* and the *National Association of School Nurses Allergies and Anaphylaxis Resources/Checklists*. ⁸ ~~joint State Board of Education and Ill. Dept. of Public Health publication *Guidelines for Managing Life-Threatening Food Allergies in Schools*, available at:~~
- ~~4.~~
- ~~3.5.~~ www.isbe.net/Documents/food_allergy_guidelines.pdf. Provides annual notice to the parents/guardians of all students to make them aware of this policy. ⁹
- ~~4.6.~~ Complies with State and federal law and is in alignment with Board policies~~s~~.

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⁶ Number two includes the biennial in-service training program required by 105 ILCS 5/10-22.39(e) and training required by 105 ILCS 5/22-30(g) for those staff members who will be *trained personnel*, authorized by 105 ILCS 5/22-30(b-10), to provide or administer undesignated epinephrine in specific situations. The law authorizes *school nurses and trained personnel* to administer undesignated epinephrine. See sample policy 5:100, *Staff Development Program* (at f/n 5 if the board does not list all training in the policy), and 7:270-AP2, *Checklist for District Supply of Undesignated Asthma Medication, Epinephrine Injectors, Opioid Antagonists, and/or Glucagon*. 105 ILCS 5/22-30(b-5) does not specifically state that staff members authorized to administer (student-specific) epinephrine under a student's specific individual plan must also complete the more rigorous training required for *trained personnel*. However, the *ISBE Model* is clear that "[o]nly trained personnel should administer epinephrine to a student believed to be having an anaphylactic reaction," and it requires each building-level administrator to identify at least two employees, in addition to the school nurse (if any), to be *trained personnel*. The more in-depth training for staff members who may administer epinephrine (whether student-specific or undesignated) is also a best practice emphasized in the *CDC Guidelines*, which is referenced in the *ISBE Model* (see f/n 8, below).

⁷ Optional. Delete number three if a board has not adopted the *School District Supply of Undesignated Epinephrine Injectors* subhead in policy 7:270, *Administering Medicine to Students*.

⁸ Number four refers to the CDC's *Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs*, at: www.cdc.gov/healthyschools/foodallergies/pdf/20_316712-A_FA_guide_508tag.pdf (*CDC Guidelines*), which is cited in the *ISBE Model* as a resource for a "full food allergy and prevention of allergen exposure plan." Adopting the entire, voluminous *CDC Guidelines* document as policy is not practical. The *CDC Guidelines* also state that not every recommendation will be appropriate or feasible for every district's needs. The *National Association of School Nurses Allergies and Anaphylaxis Resources/Checklists*, at: www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis, are also linked as a resource in the *ISBE Model*. The *ISBE Model* acknowledges that not all schools have access to school nurses or other health staff on a regular basis, and it encourages districts to take this into consideration when developing building-level plans.

⁹ Number five is required by 105 ILCS 5/2-3.182(c), added by P.A. 102-413. The notification must include contact information for parents/guardians to engage further with the district to learn more about individualized aspects of the policy. For ease of administration, districts may want to include this notification in student handbook(s). The Ill. Principal's Association (IPA) maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/resources/model-student-handbook.

Monitoring ¹⁰

Pursuant to State law and policy 2:240, Board Policy Development, the Board monitors this policy at least once every three years by conducting a review and reevaluation of this policy to make any necessary and appropriate revisions. The Superintendent or designee shall assist the Board with its reevaluation and assessment of this policy's outcomes and effectiveness. Any updates will reflect any necessary and appropriate revisions.

LEGAL REF.: 105 ILCS 5/2-3.182~~149~~, ~~and 5/10-22.39(e), and 5/22-30.~~
23 Ill.Admin.Code §1.540.
~~Guidelines for Managing Life Threatening Food Allergies in Schools~~
~~(Guidelines) Anaphylaxis Response Policy for Illinois Schools, jointly published by the~~
~~Ill. State Board of Education ISBE and Ill. Dept. of Public Health.~~

CROSS REF.: 4:110 (Transportation), 4:120 (Food Services), 4:170 (Safety), 5:100 (Staff Development Program), 6:120 (Education of Children with Disabilities), 6:240 (Field Trips), 7:180 (Prevention of and Response to Bullying, Intimidation and Harassment), 7:250 (Student Support Services), 7:180 (Prevention of and Response to Bullying, Intimidation and Harassment), 7:270 (Administering Medicines to Students), 8:100 (Relations with Other Organizations and Agencies)

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¹⁰ 105 ILCS 5/2-3.182(e) provides that ISBE shall review and update its model policy at least once every three years. Although this section does not expressly state that boards must also conduct a review within this time frame, that is the logical conclusion based on a board's duty in 105 ILCS 5/10-16.7 to direct the superintendent through policy.

Students

Administering Medicines to Students ¹

Students should not take medication during school hours or during school-related activities unless it is necessary for a student's health and well-being. When a student's licensed health care provider and parent/guardian believe that it is necessary for the student to take a medication during school hours or school-related activities, the parent/guardian must request that the school dispense the medication to the child and otherwise follow the District's procedures on dispensing medication.

No School District employee shall administer to any student, or supervise a student's self-administration of, any prescription or non-prescription medication until a completed and signed *School Medication Authorization Form (SMA Form)* is submitted by the student's parent/guardian.

No student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures.

Nothing in this policy shall prohibit any school employee from providing emergency assistance to students, including administering medication.

The Building Principal shall include this policy in the Student Handbook and shall provide a copy to the parents/guardians of students. ²

Self-Administration of Medication

A student may possess and self-administer an epinephrine injector, e.g., EpiPen®, and/or asthma medication prescribed for use at the student's discretion, provided the student's parent/guardian has

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¹ All ~~boards~~~~districts~~ must have a policy for administering medication. 105 ILCS 5/10-20.14b. State law prohibits school boards from requiring that teachers and other non-administrative school employees administer medication to students; exceptions are certificated school nurses and non-certificated registered professional nurses. 105 ILCS 5/10-22.21b, amended by P.A. 101-205, eff. 1-1-20. For a sample medication authorization form, see 7:270-E1, *School Medication Authorization Form*.

Separate from this policy, boards must also adopt a policy that addresses the prevention of anaphylaxis and a district's response to medical emergencies resulting from anaphylaxis. See sample policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, and its accompanying administrative procedure, 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, for more information. Due to the structure of the School Code and the IASB Policy Reference Manual, policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, does not address the administration of epinephrine and instead refers to this policy 7:270, *Administering Medicine to Students*.

² Each district must inform students, e.g., through homeroom discussion or loudspeaker announcement, about, and distribute to their parents/guardians, the district's policy, guidelines, and forms on administering medicines within 15 days after the beginning of each school year, or within 15 days after starting classes for a student who transfers into the district. 105 ILCS 5/10-20.14b. A comprehensive ~~s~~Student ~~h~~Handbook can provide notice to parents and students of the school's rules, extracurricular and athletic participation requirements, and other important information. The ~~h~~Handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Illinois Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/resources/model-student-handbook.

completed and signed an *SMA Form*.³ The Superintendent or designee will ensure an Emergency Action Plan is developed for each self-administering student.⁴

A student may self-administer medication required under a *qualifying plan*, provided the student's parent/guardian has completed and signed an *SMA Form*.⁵ A qualifying plan means: (1) an asthma action plan, (2) an Individual Health Care Action Plan, (3) an Ill. Food Allergy Emergency Action Plan and Treatment Authorization Form, (4) a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or (5) a plan pursuant to the federal Individuals with Disabilities Education Act.

The District shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication, including asthma medication or epinephrine injectors, or medication required under a qualifying plan.⁶ A student's parent/guardian must indemnify and hold harmless the District and its employees and agents, against any claims,

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³ 105 ILCS 5/22-30, amended by P.A. ~~102-413, s 100-726 and 100-799~~, requires school districts to allow students to self-administer their prescribed asthma medication and an epinephrine injector as described. *Self-carry* means a student's ability to carry his or her prescribed asthma medication or epinephrine injector. *Self-administer* and *self-administration* mean that a student may use these two medications at his or her discretion: (1) while in school; (2) while at a school sponsored activity; (3) while under the supervision of school personnel; or (4) before or after normal school activities, such as while in before-school or after-school care on school-operated property.

⁴ 105 ILCS 5/10-22.21b(d), added by P.A. 101-205, ~~eff. 1-1-20~~. The plan must address actions to be taken if the student is unable to self-administer medication and the situations in which the school must call 911. *Id.* For plan guidance, see 7:270-AP1, *Dispensing Medication*.

⁵ 105 ILCS 5/10-22.21b, amended by P.A. 101-205, ~~eff. 1-1-20~~. A student with an asthma action plan, an Individual Health Care Action Plan, an *Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form (Ill. EAP Form)*, a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or a plan pursuant to the federal Individuals with Disabilities Education Act may self-administer medication if the student's parent/guardian provides the school with: (1) written permission for the student's self-administration of medication, (2) written authorization from the student's physician, physician assistant, or advanced practice registered nurse for the student to self-administer the medication, and (3) the prescription label containing the name of the medication, the prescribed dosage, and the time(s) or circumstances under which the medication is to be administered. *Id.* At 5/10-22.21(c), added by P.A. 101-205, ~~eff. 1-1-20~~. This does not allow a student to self-carry unless otherwise permitted. Contact the board attorney for further guidance.

~~105 ILCS 5/2-3.149, repealed and replaced by 105 ILCS 5/2-3.182, added by P.A. 102-413, led ISBE to retire the 2010 publication, *Procedures for Managing Life-Threatening Food Allergies in Schools*, which included the Ill. EAP Form in an appendix. ISBE replaced the 2010 publication with the *Anaphylaxis Response Policy (2022)*, which does not include or refer to the now-retired Ill. EAP Form. 105 ILCS 5/10-22.21b, 5/22-30(b-5), and 5/22-30(b-10) have not been amended to remove or replace the Ill. EAP Form reference. It is unknown if that form will continue to be accessible on the ISBE website. See 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, f/n 1, for more information, and consult the board attorney for guidance on the continued use of the Ill. EAP Form or use of another form to document the emergency action plan for a student at risk for anaphylaxis.~~

⁶ 105 ILCS 5/22-30, amended by P.A. 102-413 (asthma medication and epinephrine injectors) and 105 ILCS 5/10-22.21b, amended by P.A. 101-205, ~~eff. 1-1-20~~ (medications required by a plan listed in 105 ILCS 5/10-22.21b(c), added by P.A. 101-205, ~~eff. 1-1-20~~). 105 ILCS 5/22-30(c) requires this information to be in a notification to parents/guardians. 105 ILCS 5/10-22.21b, amended by P.A. 101-205, ~~eff. 1-1-20~~, does not specifically require this information to be in a notification to parents/guardians. However, 105 ILCS 5/10-22.21b requires parents/guardians to sign a statement that includes the district's protections from liability under 105 ILCS 5/10-22.21b; the signed acknowledgment (see f/n 7) is the notice. This policy includes the liability protection information under 105 ILCS 5/10-22.21b to also inform the community.

The storage of medication is not addressed in the applicable statutes and may not be covered as part of the district's protections from liability and hold harmless provisions. Contact the board attorney and the board's liability insurance carrier for further discussion about the district's liability and coverage in this area.

except a claim based on willful and wanton conduct, arising out of a student's self-administration of an epinephrine injector, asthma medication, and/or a medication required under a qualifying plan.⁷

School District Supply of Undesignated Asthma Medication⁸

The Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated asthma medication in the name of the District and provide or administer them as necessary according to State law. *Undesignated asthma medication* means an asthma medication prescribed in the name of the District or one of its schools. A school nurse or trained personnel, as defined in State law,⁹ may administer an undesignated asthma medication to a person when they, in good faith, believe a person is having *respiratory distress*. Respiratory distress may be characterized as *mild-to-moderate* or *severe*.¹⁰ Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law.¹¹

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

⁷ 105 ILCS 5/22-30(c) and 105 ILCS 5/10-22.21b, amended by P.A. 101-205, ~~eff. 1-1-20~~. Both statutes require parents/guardians to sign a statement: (1) acknowledging the statement from f/n ~~65~~ above; and (2) that they must indemnify and hold harmless the school district and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the self-administration of medication by the student. There are several methods to obtain a parent/guardian's signature for this purpose, e.g., receipt of handbook signature, or see 7:270-E1, *School Medication Authorization Form*. Discuss with the board attorney the method that works best for the district.

⁸ Optional. A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement 105 ILCS 5/22-30, amended by P.A. ~~102-413-100-726~~. The law permits a district to maintain a supply of undesignated asthma medication in any secure location that is accessible before, during, and after school where a person is most at risk, including, but not limited to a classroom or the nurse's office, and use them when necessary. The P.A. 100-726 amendment requiring accessibility before, during, and after school ~~does~~ not address the logistical issues that classrooms are typically locked before and after school. Consult the board attorney about implementation issues with this phrase in the law.

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated asthma medication, implement a plan for its use, and then not doing it, as doing so may be fraught with legal liabilities. Also fraught with legal liabilities is when the district provides them, but does not have them accessible before, during, and after school where an asthmatic person is most at risk as required by 105 ILCS 5/22-30, amended by P.A. ~~102-413-100-726~~. See *In re Estate of Stewart*, 406 Ill.Dec. 345 (2nd Dist. 2016)(denying tort immunity to district, finding its response to a student's asthma attack was *willful and wanton* (which district disputed as a possible heart attack)) and *In re Estate of Stewart*, 412 Ill.Dec. 914 (Ill. 2017)(school district's appeal denied).

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated asthma medication in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

⁹ 105 ILCS 5/22-30(a), ~~amended by P.A. 100-726~~, defines *trained personnel* as any school employee or volunteer personnel authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of the School Code who has completed training required by 105 ILCS 5/22-30(g), ~~amended by P.A. 100-726~~, to recognize and respond to anaphylaxis, an opioid overdose, or respiratory distress. 105 ILCS 5/22-30(a), ~~amended by P.A. 100-726~~.

The Ill. State Board of Education (ISBE) must develop the training curriculum for trained personnel, and it may be conducted online or in person. *Id.* at (h), ~~amended by P.A. 102-413~~, and 23 Ill.Admin.Code §1.540(e)(3). 105 ILCS 5/22-30(h-5), 5/22-30(h), ~~amended by P.A. 102-413~~, and 5/22-30(h-10), ~~amended by P.A. 100-726~~, and 23 Ill.Admin.Code §1.540(e) list the training curriculum requirements to recognize and respond to an opioid overdose, an allergic reaction, including anaphylaxis, and respiratory distress, respectively. See training resources at: www.isbe.net/Pages/School-Nursing.aspx.

¹⁰ 105 ILCS 5/22-30(a). *Respiratory distress* means the perceived or actual presence of wheezing, coughing, shortness of breath, chest tightness, breathing difficulty, or any other symptoms consistent with asthma. *Id.*

¹¹ *Id.* at (g); 23 Ill.Admin.Code §1.540(e)(~~97~~) and (108).

School District Supply of Undesignated Epinephrine Injectors ¹²

The Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated epinephrine injectors in the name of the District and provide or administer them as necessary according to State law. *Undesignated epinephrine injector* means an epinephrine injector prescribed in the name of the District or one of its schools. A school nurse or trained personnel, as defined in State law,¹³ may administer an undesignated epinephrine injector to a person when they, in good faith, believe a person is having an anaphylactic reaction. Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law.¹⁴

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

¹² Optional. If the board adopts this subhead, the use of undesignated epinephrine injectors must align with its anaphylaxis prevention, response, and management policy. See sample policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, at f/n 7, and its administrative procedure, 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, at f/ns 4, 5, and 6. If the district does not maintain an undesignated supply of epinephrine, ensure that policy 7:285 and 7:285-AP do not state that it does maintain such a supply.

A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement 105 ILCS 5/22-30, amended by P.A. 102-413. The law permits a district to maintain a supply of undesignated epinephrine injectors in any secure location that is accessible before, during, and after school where an allergic person is most at risk, including, but not limited to, classrooms and lunchrooms, and use them when necessary. 105 ILCS 5/22-30 requires accessibility before, during, and after school does not address the logistical issues that classrooms are typically locked before and after school. Consult the board attorney about the implementation issues with this new phrase in the law.

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated epinephrine injectors, and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities. Also fraught with legal liabilities is if the district provides them, but does not have them accessible before, during, and after school where an allergic person is most at risk as required by 105 ILCS 5/22-30, amended by P.A. 102-413. See *In re Estate of Stewart*, 406 Ill.Dec. 345 (2nd Dist. 2016)(denying tort immunity to district, finding its response to a student's asthma attack was *willful and wanton* (which district disputed as a possible heart attack)); *In re Estate of Stewart*, 412 Ill.Dec. 914 (Ill. 2017)(school district's appeal denied).

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated epinephrine injectors in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

¹³ See the discussion regarding *trained personnel*, in f/n 98, above.

¹⁴ See f/n 1110, above.

School District Supply of Undesignated Opioid Antagonists ¹⁵

The Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated opioid antagonists in the name of the District and provide or administer them as necessary according to State law. *Opioid antagonist* means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration. *Undesignated opioid antagonist* is not defined by the School Code; for purposes of this policy it means an opioid antagonist prescribed in the name of the District or one of its schools. A school nurse or trained personnel,¹⁶ as defined in State law, may administer an undesignated opioid antagonist to a person when they, in good faith, believe a person is having an opioid overdose. Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law.¹⁷ See the website for the Ill. Dept. of Human Services for information about opioid prevention, abuse, public awareness, and a toll-free number to provide information and referral services for persons with questions concerning substance abuse treatment. ¹⁸

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

¹⁵ Optional. If the board chooses to implement an undesignated opioid antagonist program, and the district employs law enforcement, consult the board attorney about whether this subhead becomes required. See Substance Use Disorder Act, 20 ILCS 301/, ~~amended by P.A.s 100-201 and 100-759.~~

For boards that choose to implement an undesignated opioid antagonists program, consult the board attorney regarding the Safe and Drug-Free School and Communities Act of 1994 (20 U.S.C. §7101(b)). It prohibits funds provided under it to be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to crime or who illegally use drugs.

A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement 105 ILCS 5/22-30, ~~amended by P.A. 102-413.~~ The law permits a district to maintain a supply of undesignated opioid antagonists in any secure location where a person is at risk of an opioid overdose and use them when necessary. The consequences of informing the community that the district will obtain a prescription for a supply of opioid antagonists and implement a plan for their use, and then not doing it may be fraught with legal liabilities.

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of opioid antagonists in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

¹⁶ See the discussion regarding *trained personnel* in f/n ⁹⁷, above.

¹⁷ See f/n ¹¹⁰, above.

¹⁸ Optional sentence if the board chooses to implement an undesignated opioid antagonist program as discussed in f/n ¹⁵⁴, above. 20 ILCS 301/20-30, ~~added by P.A. 100-494,~~ mandates the Ill. Dept. of Human Services to create a website with these resources. The purpose of this sentence is to provide the community with information about a public health crisis affecting students.

School District Supply of Undesignated Glucagon¹⁹

The Superintendent or designee shall implement 105 ILCS 145/27 and maintain a supply of undesignated glucagon in the name of the District in accordance with manufacturer's instructions.

When a student's prescribed glucagon is not available or has expired, a school nurse or delegated care aide may administer undesignated glucagon only if he or she is authorized to do so by a student's diabetes care plan.

Administration of Medical Cannabis²⁰

The Compassionate Use of Medical Cannabis Program Act²¹ allows a *medical cannabis infused product* to be administered to a student by one or more of the following individuals:

1. A parent/guardian of a student who is a minor who registers with the Ill. Dept. of Public Health (IDPH) as a *designated caregiver* to administer medical cannabis to their child. A designated caregiver may also be another individual other than the student's parent/guardian. Any designated caregiver must be at least 21 years old²² and is allowed to administer a *medical cannabis infused product* to a child who is a student on the premises of his or her school or on his or her school bus if:

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¹⁹ Optional. 105 ILCS 145/27, added by P.A. 101-428, permits a district to maintain a supply of undesignated glucagon in any secure location that is immediately accessible to a school nurse or delegated care aide. A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement it.

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated glucagon, and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities.

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated glucagon in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

²⁰ 105 ILCS 5/22-33(g), ~~added by P.A. 100-660~~ (Ashley's Law), requires school boards to adopt a policy and implement it by:

1. Authorizing a parent/guardian and/or a *designated caregiver* of a student who is a *registered qualifying patient* to administer a medical cannabis infused product to that student at school or on the school bus (105 ILCS 5/22-33(b)).
2. Allowing a school nurse or administrator to administer a medical cannabis infused product to a student who is a *registered qualifying patient* while at school, a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care, on school-operated property, or while being transported on a school bus (105 ILCS 5/22-33(b-5), added by 101-370, ~~eff. 1-1-20~~).
3. Authorizing a student who is a *registered qualifying patient* to self-administer a medical cannabis infused product if the self-administration takes place under the direct supervision of a school nurse or school administrator (*Id.*).

Important: If a district would lose federal funding as a result of the board adopting this policy, the board may not authorize the use of a medical cannabis infused product under *Ashley's Law* and not adopt this subsection. 105 ILCS 5/22-33(f). See f/n 25, below, and paragraph two of f/n 1 in policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*, for more information about Congress interfering with a state's decision to implement laws governing the legalization of cannabis, and consult the board attorney about the issue of federal funding. [See also ISBE's Frequently Asked Questions, Ashley's Law, at: www.isbe.net/Documents/Medical-Cannabis-FAQ.pdf.](http://www.isbe.net/Documents/Medical-Cannabis-FAQ.pdf)

²¹ 410 ILCS 130/, amended by P.A. 101-363 ~~and scheduled to be repealed on 7-1-20~~.

²² *Id.* at 130/10(i), ~~added by P.A. 100-660~~, and 130/57(a) and (b), amended by P.A. 101-363 ~~and scheduled to be repealed on 7-1-20~~. A student under the age of 18 may have up to three designated caregivers as long as at least one is a biological parent or a legal guardian. *Id.* at 130/57(a). A student 18 years of age or older may appoint up to three designated caregivers who meet the requirements of the Compassionate Use of Medical Cannabis Program Act. *Id.* at 130/57(b).

- a. Both the student and the designated caregiver possess valid registry identification cards issued by IDPH;
 - b. Copies of the registry identification cards are provided to the District;²³
 - c. That student's parent/guardian completed, signed, and submitted a *School Medication Authorization Form - Medical Cannabis*; and²⁴
 - d. After administering the product to the student, the designated caregiver immediately²⁵ removes it from school premises or the school bus.
2. A properly trained school nurse or administrator, who shall be allowed to administer the *medical cannabis infused product* to the student on the premises of the child's school, at a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus.²⁶
 3. The student him or herself when the self-administration takes place under the direct supervision of a school nurse or administrator.²⁷

Medical cannabis infused product (product) includes oils, ointments, foods, and other products that contain usable cannabis but are not smoked or vaped.²⁸ Smoking and/or vaping medical cannabis is prohibited.²⁹

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²³ The laws are silent about copies of the cards being provided to the district. Requiring copies of the registry cards is a best practice. Consult the board attorney about any records laws implicated in requiring and maintaining copies of these registry cards.

²⁴ A completed and signed school medication authorization form is not required by *Ashley's Law* but is a best practice and consistent with this sample policy's language for other medications. See sample exhibit 7:270-E2, *School Medication Authorization Form - Medical Cannabis*.

²⁵ The word *immediately* is not in *Ashley's law*. It is added to ensure legal compliance with federal laws that could affect federal funding. For example, consider administrators who may be in the situation where a designated caregiver provides his or her child the product and then wants to volunteer in the school or greet another child in the school while carrying the product in the building, which may violate the Cannabis Control Act (720 ILCS 550/5.2). Consult the board attorney about the best term to use here, if any, as nothing in the law addresses these common scenarios that school administrators will encounter.

²⁶ 105 ILCS 5/22-33(b-5), added by P.A. 101-370, ~~eff. 1-1-20~~. A school nurse or administrator must annually complete a training curriculum to be developed by ISBE in consultation with the Ill. Dept. of Public Health prior to administering a medical cannabis infused product to a student in accordance with this section. 105 ILCS 5/22-33(f-5), added by P.A. 101-370, ~~eff. 1-1-20~~. See www.isbe.net/Pages/Health.aspx for training resources.

²⁷ *Id.* Any product administered by a school nurse or administrator, or self-administered under the supervision of a school nurse or administrator, must be stored with the school nurse at all times in a manner consistent with storage of other student medication at the school and may be accessible only by the school nurse or a school administrator. 105 ILCS 5/22-33(b-10), added by P.A. 101-370, ~~eff. 1-1-20~~.

²⁸ 410 ILCS 130/10(q). Consult the board attorney regarding the controversial issue of students using at, or bringing to school, cannabis-infused products without THC that are derived from *industrial hemp* (hemp oil or cannabidiol (CBD) oil, the naturally occurring cannabinoid constituent of cannabis). Industrial hemp is defined in the Industrial Hemp Act (IHA) as the plant *Cannabis sativa* L. and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis that has been cultivated under a license or is otherwise lawfully present in Illinois and includes any intermediate or finished product made or derived from industrial hemp. 505 ILCS 89/, ~~added by P.A. 100-1091~~. Industrial hemp is also colloquially known as *agricultural hemp*.

The product may not be administered in a manner that, in the opinion of the District or school, would create a disruption to the educational environment or cause exposure of the product to other students. A school employee shall not be required to administer the product. ³⁰

Discipline of a student for being administered a product by a designated caregiver, or by a school nurse or administrator, or who self-administers a product under the direct supervision of a school nurse or administrator³¹ pursuant to this policy is prohibited. The District may not deny a student attendance at a school solely because he or she requires administration of the product during school hours.

Void Policy ³²

The **School District Supply of Undesignated Asthma Medication** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for undesignated asthma medication from a physician or advanced practice nurse licensed to practice medicine in all its branches, or (2) fill the District's prescription for undesignated school asthma medication. ³³

The **School District Supply of Undesignated Epinephrine Injectors** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for undesignated epinephrine injectors from a physician or advanced practice nurse licensed to practice medicine in all its branches, or (2) fill the District's prescription for undesignated school epinephrine injectors. ³⁴

The **School District Supply of Undesignated Opioid Antagonists** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District

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Products from industrial hemp are widely available. As a consequence, school employees may encounter the argument from a student and his or her parent/guardian that the use of hemp or CBD oil products derived from industrial hemp (containing no THC) is not a violation of Illinois law because 720 ILCS 550/43(e), amended by P.A. ~~101-593~~~~100-1091~~, states "except as otherwise provided in the Cannabis Regulation and Tax Act and the Industrial Hemp Act, it is unlawful for any person knowingly to possess cannabis." In addition, products containing hemp or CBD oil can be purchased with a prescription and without a medical marijuana card, so a parent/guardian may argue that such prescriptions should be administered at school as any other prescription medication would be. Consult the board attorney for guidance. ~~cannabis does not include industrial hemp as defined and authorized under the IHA (505 ILCS 89/, added by P.A. 100-1091).~~"

²⁹ Optional sentence. 410 ILCS 130/10(q) ~~and scheduled to be repealed on July 1, 2020,~~ prohibits medical cannabis from being smoked. District administrators may find providing this information to the community helpful to enforcement of this policy.

³⁰ 105 ILCS 5/22-33(e), ~~added by P.A. 100-660.~~ Consult the board attorney for guidance regarding whether a school nurse or administrator can be required to administer the product. ISBE's FAQ on Ashley's Law (see f/n 20) states that a school staff member cannot be forced to administer a medical cannabis infused product to a student because Ashley's Law does not require it.

³¹ 105 ILCS 5/22-33(d), amended by P.A. 101-370, ~~eff. 1-1-20.~~

³² Remove this section if the board does not adopt the undesignated asthma medication, the undesignated epinephrine injector, the undesignated opioid antagonist, the undesignated glucagon, or the administration of medical cannabis sections of the policy. If the board adopts one or some but not all, delete the appropriate paragraph(s) or sentence(s) in this section.

³³ Discuss with the board attorney whether the board should remove this sentence when the district reaches full implementation of this section.

³⁴ See f/n 128, above.

a prescription for opioid antagonists from a health care professional³⁵ who has been delegated prescriptive authority for opioid antagonists in accordance with Section 5-23 of the Substance Use Disorder Act, or (2) fill the District's prescription for undesignated school opioid antagonists.³⁶

The **School District Supply of Undesignated Glucagon** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for glucagon from a qualifying prescriber,³⁷ or (2) fill the District's prescription for undesignated school glucagon.³⁸

The **Administration of Medical Cannabis** section of the policy is void and the District reserves the right not to implement it if the District or school is in danger of losing federal funding.³⁹

Administration of Undesignated Medication⁴⁰

Upon any administration of an undesignated medication permitted by State law, the Superintendent or designee(s) must ensure all notifications required by State law and administrative procedures occur.

Undesignated Medication Disclaimers

Upon implementation of this policy, the protections from liability and hold harmless provisions applicable under State law apply.⁴¹

No one, including without limitation, parents/guardians of students, should rely on the District for the availability of undesignated medication. This policy does not guarantee the availability of

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³⁵ *Health care professional* means a physician licensed to practice medicine in all its branches, a licensed physician assistant with prescriptive authority, a licensed advanced practice registered nurse with prescriptive authority, or an advanced practice registered nurse who practices in a hospital or ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act. 20 ILCS 301/5-23(d)(4), ~~amended by P.A.s 99-173, 99-480, 100-201, 100-513, and 100-759, eff. 1-1-19.~~

³⁶ See f/n 15 above.

³⁷ 105 ILCS 145/27, added by P.A. 101-428, provides that a physician, a physician assistant who has prescriptive authority under the Physician Assistant Practice Act of 1987 (225 ILCS 95/7.5), or an advanced practice registered nurse who has prescriptive authority under the Nurse Practice Act (225 ILCS 65-40) may prescribe undesignated glucagon in the name of the district to be maintained for use when necessary.

³⁸ See f/n 19 above.

³⁹ 105 ILCS 5/22-33(f).

⁴⁰ 105 ILCS 5/22-30, amended by P.A. ~~102-413s-100-799~~, and 105 ILCS 145/27, added by P.A. 101-428, details specific required notifications, which are listed in 7:270-AP2, *Checklist for District Supply of Undesignated Asthma Medication, Epinephrine Injectors, Opioid Antagonists, and/or Glucagon.*

⁴¹ 105 ILCS 5/22-30(c). The school, and its employees and agents, incur no liability, except for willful and wanton conduct, as a result of an injury to a student arising from the administration of asthma medication, epinephrine injectors, or ~~an~~ opioid antagonists (*Id.*), a student's self-administration of medication (105 ILCS 5/10-22.21b, added by P.A. 101-205, ~~eff. 1-1-20~~), or administration of undesignated glucagon (insofar as it would be considered part of the care of a student with diabetes, see 105 ILCS 145/45).

105 ILCS 5/22-30(c) requires the district to inform parents/guardians in writing of the protections from liability and hold harmless provisions that apply to the administration of asthma medication, epinephrine injectors, and opioid antagonists. In addition, a statement must be signed by a student's parent/guardian acknowledging the district's protections from liability and hold harmless provisions for these undesignated medications. *Id.* A similar acknowledgment must be signed by a student's parent/guardian for the self-administration of medication. 105 ILCS 5/10-22.21(c), added by P.A. 101-205, ~~eff. 1-1-20~~. See 7:270-E1, *School Medication Authorization Form*, for a sample acknowledgement.

undesigned medications. Students and their parents/guardians should consult their own physician regarding these medication(s).

LEGAL REF.: 105 ILCS 5/10-20.14b, 5/10-22.21b, 5/22-30, and 5/22-33.
105 ILCS 145/, Care of Students with Diabetes Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act, ~~and scheduled to be repealed on July 1, 2020.~~
720 ILCS 550/, Cannabis Control Act.
23 Ill.Admin.Code §1.540.

CROSS REF.: 7:285 (~~Food Allergy~~Anaphylaxis Prevention, Response, and Management Program)

ADMIN. PROC.: 7:270-AP1 (Dispensing Medication), 7:270-AP2 (Checklist for District Supply of Undesignated Asthma Medication, Epinephrine Injectors, Opioid Antagonists, and/or Glucagon), 7:270-E1 (School Medication Authorization Form), 7:270-E2 (School Medication Authorization Form - Medical Cannabis)

Students

Attendance and Truancy ¹

Compulsory School Attendance ²

This policy applies to individuals who have custody or control of a child: (a) between the ages of six (on or before September 1) and 17 years (unless the child has graduated from high school), or (b) who is enrolled in any of grades kindergarten through 12 in the public school regardless of age.

Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because of religious reasons, including to observe a religious holiday, for religious instruction, or because his or her religion forbids secular activity on a particular day(s) or time of day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness (including mental or behavioral health of the student),³ observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student as determined by the Board, voting pursuant to policy 7:90, *Release During School Hours* (10 ILCS 5/7-42 and 5/17-15), other circumstances that cause reasonable concern to the parent/guardian for the

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¹ State law requires boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/22-90 (final citation pending), added by P.A. 102-157, requires any school receiving public funds to develop and annually communicate to its students and their parents/guardians an absenteeism and truancy policy. This policy must be updated every two years and filed with the Ill. State Board of Education (ISBE) and the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate]. Id. 105 ILCS 5/3-0.01 states that any references to "regional superintendent" include the chief administrative officer of Intermediate Service Centers established under 105 ILCS 5/2-3.62. 105 ILCS 5/26-13 requires a policy identifying supportive services and available resources for truant and chronic truant (defined in 105 ILCS 5/26-2a, amended by P.A. 100-918). 23 Ill. Admin. Code §1-290 requires the same plus that the policy contain a definition of valid cause for absence in accordance with 105 ILCS 5/26-2a and a description of diagnostic procedures to identify the cause(s) of unexcused student absenteeism.

² 105 ILCS 5/26-2, amended by P.A. 100-825, addresses enrolled students below or over set compulsory attendance ages. The law also requires any persons having custody or control of a child who is enrolled in grades kindergarten through 12 in the public school to cause the child to attend school.

105 ILCS 5/26-1, amended by P.A.s 102-406, 102-266 and 102-321, contains the compulsory school age exemptions. Each listed exception is specifically included in the statute, except the reference to home school. See 7:40, *Nonpublic School Students, Including Parochial and Home-Schooled Students*, regarding assigning students who enroll from a non-public school. See 6:150, *Home and Hospital Instruction*, regarding providing instruction to a pregnant student or other student who is medically unable to attend school.

³ 105 ILCS 5/26-1 and 5/26-2a, amended by P.A.s 102-266 and 102-321. A student may be absent for mental or behavioral health for up to five days without providing a medical note, and the student must be given an opportunity to make up any missed school work. Medical note is not defined, but the same portion of the statute discusses a student's inability to attend school due to a disability being certified by an Illinois licensed physician, chiropractic physician, advanced practice registered nurse, or physician assistant; presumably any of these individuals could provide a medical note. After the second mental health day used, the student may be referred to the appropriate school support personnel. Id. See policy 7:250, *Student Support Services*.

student's mental, emotional, or physical health or safety, or other reason as approved by the Superintendent or designee.⁴ Students absent for a valid cause may make up missed homework and classwork assignments in a reasonable timeframe. ⁵

Absenteeism and Truancy Program

The Superintendent or designee shall manage an absenteeism and truancy program in accordance with the School Code and School Board policy. The program shall include but not be limited to:

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified. ⁶
2. A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran. ⁷
3. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services

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⁴ 105 ILCS 5/22-90(a)(1) (final citation pending), added by P.A. 102-157, requires a policy with a definition of valid cause for absence in accordance with 105 ILCS 5/26-2a. These reasons are in 105 ILCS 5/26-2a, amended by P.A. 100-810, except that (1) "other reason as approved by the Superintendent," and (2) absences for students to vote authorized by 10 ILCS 5/7-42 and 5/17-15, amended by P.A. 101-624, eff. 6-1-20 were added. An ~~Ill. State Board of Education (ISBE)~~ rule requires that the absenteeism and truancy policy defines valid causes for absence. 23 Ill.Admin.Code §1.290.

For elementary districts, delete the following phrase from the second sentence of this paragraph: "~~voting pursuant to policy 7-90, Release During School Hours (10 ILCS 5/7-42 and 5/17-15),~~" and delete 7-90, *Release During School Hours*, from the Cross References.

For high school and unit districts that do not wish to include the **Voting** subhead in policy 7-90, *Release During School Hours*, amend the second sentence of this paragraph as follows: "~~policy 7-90, Release During School Hours (the Election Code, 10 ILCS 5/7-42 and 5/17-15),~~" and delete 7-90, *Release During School Hours* from the Cross References.

⁵ See fn 3. In addition, 105 ILCS 5/10-20.73 (final citation pending), added by P.A. 102-471, requires a written policy related to absences and missed homework or classwork assignments as a result of or related to a student's pregnancy. It makes sense to apply such a policy to all students who are absent for a valid cause.

⁶ Any child "necessarily and lawfully employed" may be exempted from attendance by the superintendent "on certification of the facts by and the recommendation of the school board." 105 ILCS 5/26-1. The policy's language serves to delegate this "certification of the facts" to the superintendent or designee. The following option allows a board to consider and include specific criteria in the policy:

A student may be excused, at the Superintendent's discretion, when: (1) the student has a last period study hall, (2) the parent/guardian provides written permission, (3) the student's employer provides written verification of employment, (4) the student provides evidence of a valid work permit, or (5) other reason deemed justifiable by the Superintendent.

Child Labor laws include: 29 C.F.R. Part 570 (minimum age standards, occupations, conditions, etc.); 820 ILCS 205/1, amended by P.A. 102-32 (child labor laws); 56 Ill.Admin.Code Part 250 (child labor regulations).

⁷ 105 ILCS 5/26-1. A student must notify the building principal or other administrator at least two days prior to the absence providing the date, time, and location of the military honors funeral. This requirement may be waived if the student did not receive notice at least two days in advance, but the student shall notify the administration as soon as possible of the absence.

A student whose absence is excused to sound *Taps* shall be counted in attendance for purposes of calculating the average daily attendance of students in the district. The district must allow the student reasonable time to make up school work and if school work is satisfactorily completed, the day of absence is counted as an attendance day for the student.

and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings.⁸

4. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification.⁹
5. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in 105 ILCS 5/26-2a.
6. A description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem.¹⁰
7. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, or information about community agency services.¹¹ See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.

Commented [MB1]: The second paragraph from this footnote was moved to footnote 12.

8. A process for the collection and review of chronic absence data and to:

- a. Determine what systems of support and resources are needed to engage chronically absent students and their families, and
- b. Encourage the habit of daily attendance and promote success.¹²

8-9. Reasonable efforts to provide ongoing professional development to teachers, administrators, Board members, school resource officers, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement.¹³

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⁸ 105 ILCS 5/26-1, ~~amended by P.A. 100-185~~. Such a student must be granted five days of excused absences in any school year and, at the board's discretion, may be granted additional excused absences to visit the student's parent/guardian. The student and his/her parent/guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his/her return to school from the excused absence period. Id.

⁹ This notification is required by 105 ILCS 5/26-3b.

¹⁰ ~~105 ILCS 5/22-90(a)(2) (final citation pending), added by P.A. 102-157; 23 Ill.Admin.Code §1.290(b)(2).~~

¹¹ ~~Id. at (3) (final citation pending), added by P.A. 102-157; 23 Ill.Admin.Code §1.290(b)(3).~~ The School Code references to dropout prevention include: 105 ILCS 5/26-3a (regional superintendent activities and annual report); 105 ILCS 5/10-20.25a (annual report by boards); and 105 ILCS 5/1A-4(E) (ISBE report).

¹² ~~105 ILCS 5/22-90(a)(4) (final citation pending), added by P.A. 102-157, requires the incorporation of provisions relating to chronic absenteeism in accordance with 105 ILCS 5/26-18. 105 ILCS 5/26-18 requires districts to collect and review chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. 105 ILCS 5/26-18(c). The review must include an analysis of chronic absence data from each attendance center. Id. Districts are also encouraged to: (1) provide a system of support to students at risk of reaching or exceeding chronic absence levels, i.e., those available through the Illinois Multi-tiered Systems of Support Network; and (2) make resources available to families, i.e., those available through ISBE's Family Engagement Framework, to support and engage students and their families. 105 ILCS 5/26-18(d). Chronic absence means "absences that total 10% or more of school days of the most recent school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student." 105 ILCS 5/26-18(a). In contrast, a chronic or habitual truant is "a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days." 105 ILCS 5/26-2a.~~

¹³ ~~105 ILCS 5/10-22.6(c-5), amended by P.A. 100-810.~~

9-10. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered. ¹⁴

10-11. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records. ¹⁵

11-12. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student. ¹⁶

12-13. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. ¹⁷

[For high school and unit districts only]

13-14. A process for a 17-year-old resident to participate in the District's various programs and resources for truants. ¹⁸ The student must provide documentation of his/her dropout status for

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¹⁴ Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

¹⁵ 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services. 705 ILCS 405/3-33.5.

Counties may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 10 years of age, on the parent or custodian. 55 ILCS 5/5-1078.2. Municipalities may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 13 years of age, on the parent or custodian. 65 ILCS 5/11-5-9. Local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as: (a) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (b) *juvenile authorities* within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Ill. School Student Records Act. 105 ILCS 10/6(a)(6.5). *Id.* A superintendent should consult with the board attorney before disclosing school student records to non-district entities. See 7:340-API, *School Student Records*, for a sample procedure for release of such records to juvenile authorities.

¹⁶ 105 ILCS 5/26-12, ~~amended by P.A. 100-825~~, prohibits punitive action "unless available supportive services and other school resources have been provided to the student." In addition, "a truant minor may not be expelled for nonattendance unless he or she has accrued 15 consecutive days of absences without valid cause and the student cannot be located by the school district or the school district has located the student but cannot, after exhausting all available support services, compel the student to return to school." *Id.*

¹⁷ 105 ILCS 5/26-3a requires the district to "establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship."

This statute also requires the "clerk or secretary" of the board to quarterly report to the regional superintendent and Secretary of State the identity of students who were removed from the regular attendance roll, exclusive of transferees, because they were expelled; have withdrawn; left school; withdrew due to extraordinary circumstances; have re-enrolled in school since their names were removed from the attendance rolls; were certified to be chronic or habitual truants; or were previously certified as chronic or habitual truants who have resumed regular school attendance. The statute provides that the status of a driver's license or instructional permit will be jeopardized for a student who is the subject of this notification because of non-attendance unless the non-attendance is due to extraordinary circumstances as determined by the local district. State Superintendent Koch announced in his *Weekly Message*, 8-28-07, see [Funding & Disbursements](http://www.isbe.net/Documents/Superintendent/Weekly_Message/message_082807.pdf) subhead, p.2, at: www.isbe.net/Documents/Superintendent/Weekly_Message/message_082807.pdf, that ISBE is delaying implementing this statute based upon legal guidance from the U.S. Dept. of Education's Family Policy Compliance Office that its implementation would violate the federal Family Educational Rights and Privacy Act.

the previous six months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.

~~14.~~¹⁵ A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. ¹⁹

LEGAL REF.: 105 ILCS 5/26-1 through ~~186~~.
705 ILCS 405/3-33.5, Juvenile Court Act of 1987.
23 Ill.Admin.Code §§1.242 and 1.290.

CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:90 (Release During School Hours), 7:190 (Student Behavior), 7:340 (Student Records)

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¹⁸ A district must allow this participation; the length of the drop-out period and the documentation requirement contained in the next sentence are permissive. 105 ILCS 5/26-14.

¹⁹ Optional, but provided in 105 ILCS 5/26-2(c)(3) ~~amended by P.A. 100-825~~; ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

Students

Release Time for Religious Instruction/Observance 1

A student shall be released from school, as an excused absence, because of religious reasons, including to observe a religious holiday, or for religious instruction, or because the student's religion forbids secular activity on a particular day(s) or time of day. The student's parent/guardian must give written notice to the Building Principal at least five calendar days before the student's anticipated absence(s).² ~~This notice shall satisfy the District's requirement for a written excuse when the student returns to school.~~

The Superintendent or designee shall develop and distribute to teachers appropriate procedures regarding student absences for religious reasons ~~and include a list of religious holidays on which a student shall be excused from school attendance,~~ including how teachers are notified of a student's impending absence, and the State law requirement that teachers provide the student with an equivalent opportunity to make up any examination, study, or work requirement.³

LEGAL REF.: Religious Freedom Restoration Act, 775 ILCS 35/ 105 ILCS 5/26-1 and 5/26-2b.
775 ILCS 35/, Religious Freedom Restoration Act.

CROSS REF.: 7:70 (Attendance and Truancy)

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¹ State and federal laws control this policy's content. 105 ILCS 5/26-1(5), amended by P.A. 102-406, requires school boards to adopt a policy on student absences for religious holidays. See also 105 ILCS 5/26-2b, amended by P.A. 102-406. 105 ILCS 5/26-1(4) allows a child over 12 and less than 14 years of age to be absent from school while in attendance at confirmation classes. The sample policy does not contain these age or specific religious rite limitations in order to be consistent with First Amendment jurisprudence. According to the United States Supreme Court, a release time policy does not violate the Establishment Clause; it only accommodates a program of outside religious instruction. Zorach v. Clauson, 72 S.Ct. 679 343 U.S. 306 (1952).

² Five days is the most prior notice that can be required. 105 ILCS 5/26-1(5), Schools cannot require students who are excused for religious reasons to submit a written excuse after returning to school. 105 ILCS 5/26-1, amended by P.A. 102-406.

³ 105 ILCS 5/26-1b and 26-2b, amended by P.A. 102-406.

Students

Agency and Police Interviews 1

The Superintendent shall develop procedures to manage requests by agency officials or police officers to interview students at school. Procedures will:

1. Recognize individual student rights and privacy,
2. Recognize the potential impact an interview may have on an individual student,
3. Minimize potential disruption,
4. Foster a cooperative relationship with public agencies and law enforcement, and
5. Comply with State law including, but not limited to, ensuring that before a law enforcement officer, school resource officer, or other school security person detains and questions on school grounds a student under 18 years of age who is suspected of committing a criminal act, the Superintendent or designee will: ²
 - a. Notify or attempt to notify the student's parent/guardian and document the time and manner in writing;

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¹ State or federal law controls this policy's content. The listed standards for procedures, other than compliance with State law, are at the local school board's discretion and may be omitted altogether. The Illinois TRUST Act, 5 ILCS 805/ added by P.A. 100-463, prohibits law enforcement agencies and officials from enforcing federal civil immigration laws. Under Section 15(b), law enforcement cannot stop, arrest, search, detain, or continue to detain a person solely based on an individual's citizenship or immigration status.

An excellent resource is the *Guidelines for Interviews of Students*, published by the Ill. Council of School Attorneys (ICSA) at: www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf. The publication, *Policing in Schools, Developing a Governance Document for School Resource Officers in K-12 Schools*, was developed by the American Civil Liberties Union, and is available at: www.achu.org/racial-justice/policing-schools-developing-governance-document-school-resource-officers-k-12-schools. It, like the ICSA *Guidelines*, highlights the need for collaboration between law enforcement and school officials. It recommends that school officials provide law enforcement agencies with information about the school's mission to ensure a safe school environment while respecting student rights. To accomplish this, the white paper recommends that school officials create a *model governance document*, e.g., 7:150-AP, *Agency and Police Interviews*, and provide it to the law enforcement authorities with whom they work.

Another helpful resource is *School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)*, published by PTAC (2019), at: www.studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa. 105 ILCS 5/10-20.64, added by P.A. 100-204, prohibits *student booking stations* from being established or maintained on school grounds. A *student booking station* is "a building, office, room, or any indefinitely established space or site, mobile or fixed, which operates concurrently as: (1) predominantly or regularly a place of operation for a municipal police department, county sheriff department, or other law enforcement agency, or under the primary control thereof, and (2) a site at which students are detained in connection with criminal charges or allegations against those students, taken into custody, or engaged with law enforcement personnel in any process that creates a law enforcement record of that contact with law enforcement personnel or processes." 105 ILCS 5/10-20.64(d).

² 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-478 and amended by P.A.s 102-197 and 102-558, eff. 1-1-20. The statute does not specifically assign these duties to a school official, but instead states that "a law enforcement officer, school resource officer, or other school security personnel" must ensure these conditions are met before detaining and questioning a student on school grounds. For ease of implementation, this policy assigns these duties to a school official as they routinely contact parents/guardians and can arrange for the presence of school personnel during an interview. See the ICSA *Guidelines* for further discussion of school officials' responsibilities when law enforcement authorities interview students at school.

- b. Make reasonable efforts to ensure the student's parent/guardian is present during questioning or, if they are not present, ensure that school employees (including, but not limited to, a school social worker, psychologist, nurse, ~~guidance~~ counselor, or any other mental health professional) are present during the questioning; and
- c. If practicable, make reasonable efforts to ensure a trained law enforcement officer to promote safe interactions and communications with the student is present during questioning.³

LEGAL REF.: 105 ILCS 5/10-20.64, 5/22-8~~8~~5 (final citation pending)
55 ILCS 80/, Children's Advocacy Center Act.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/31-1 et seq., Interference with Public Officers Act.
725 ILCS 120/, Rights of Crime Victims and Witnesses Act.

CROSS REF.: 5:90 (Abused and Neglected Child Reporting), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:190 (Student Behavior)

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

³ 105 ILCS 5/22-8~~8~~5(b)(4) (final citation pending), added by P.A. 101-478, ~~eff. 1-1-20~~. A trained law enforcement officer is someone who: (1) received training in youth investigations approved or is certified by his/her law enforcement agency as a school resource officer per 50 ILCS 705/10.22, or (2) is a juvenile police officer per 705 ILCS 405/1-3(17).

Students

Student Appearance 1

A student's appearance, including dress and hygienegrooming, must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, and safety, and decency. The District does not prohibit hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists.² Students who disrupt the educational process or compromise standards of health and safety must modify their appearance. Procedures for guiding student appearance, handling students who dress or groom inappropriately will be developed by the Superintendent or designee and included in the *Student Handbook(s)*.³

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¹ Required by 105 ILCS 5/10-22.25b, amended by P.A. 102-360, eff. 1-1-22, for recognition under 105 ILCS 5/2-3.25 (*Jett Hawkins Law*). For districts to receive recognition from the Ill. State Board of Education (ISBE), they must provide assurances of compliance with the *Jett Hawkins Law*; this policy's second sentence does that. ISBE will have resource materials on its website by 7-1-22. State or federal law also controls this policy's content.

105 ILCS 5/10-22.25b, amended by P.A. 102-360, eff. 1-1-22, specifically authorizes a school board to adopt a school uniform or dress code policy. There are hundreds of decisions on dress codes and uniform policies, making it imperative that a board contact its attorney for assistance in applying the law to specific fact situations.

Generally, if a student's dress has sufficient communicative content, it will warrant First Amendment protection. If protected, a school's ability to regulate the dress will be analyzed according to *Tinker v. Des Moines Indep. Sch. Dist.*, 89 S.Ct. 733 (1969) – it may be regulated only if it would substantially disrupt school operations or interfere with the right of others. In *Brandt v. Bd. of Educ. of City of Chicago*, 2006 WL 623651 (N.D.Ill., 2006), earlier decision, 326 F.Supp.2d 916 (N.D.Ill., 2004), an Illinois federal court upheld a school's authority to punish students for wearing t-shirts portraying a one-handed boy; the court said: "A school need not tolerate student speech that is inconsistent with the school's basic educational mission even though the First Amendment would protect similar speech or expressive conduct outside of the school setting. This holding is suspect after the Seventh Circuit decision in *Zamecnik v. Indian Prairie Sch. Dist.*, #204, 636 F.3d 874 (7th Cir. 2011). There the court held that the school district violated students' free speech rights by forbidding them from wearing during school hours a T-shirt saying "Be Happy, Not Gay."

A school may regulate student dress that does not have sufficient communicative content to receive free speech protection, provided the regulation is not arbitrary or excessive. Although many courts have ruled similarly with respect to grooming, e.g., hair length, and non-earring piercings, the Seventh Circuit, the federal appellate court that governs Illinois, has struck down school regulations governing hair length and earrings (See *Breen v. Kahl*, 419 F.2d 1034 (7th Cir., 1969); *Crews v. Cloncs*, 432 F.2d 1259 (7th Cir., 1970) (exclusion of long-haired student from class constituted denial of equal protection to male students); *Arnold v. Carpenter*, 459 F.2d 939 (7th Cir., 1972); *Holsapple v. Woods*, 500 F.2d 49 (7th Cir., 1974) (limitation of ruling recognized by *Hayden ex rel. v. Greensburg Community Sch. Corp.*, 743 F.3d 569 (7th Cir., 2014) (recognizing school's right to set policy); *Olesen by Olesen v. Bd. of Educ. Dist. 228*, 676 F.Supp. 820, 822 (N.D.Ill.1987) (male students have a liberty interest in wearing an earring to school). But see *Blau v. Fort Thomas Public Sch. Dist.*, 401 F.3d 381 (6th Cir. 2005) (upheld a Kentucky middle school's student dress code that prohibited visible body piercing other than ears). A school's uniform policy was upheld in *Alwood v. Clark and Belleville Township High Sch. Dist. 201*, 2005 WL 2001317 (S.D.Ill., 2005).

² For boards that want to expand upon the law's requirement of race, ethnicity, or hair texture, amend this sentence as follows:

"The District does not prohibit hairstyles or hair textures historically associated with historically associated with race, ethnicity, or hair texture, or any other protected classes under Board policy 7:10, *Equal Educational Opportunities*, including, but not limited to, protective hairstyles such as braids, locks, and twists."

If the board chooses this expansion and also uses policy 7:165, *School Uniforms*, ensure that this option aligns with the option in 7:165's f/n 10.

³ A comprehensive Student Handbook can provide notice to parents and students of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The Handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board.

LEGAL REF.: 105 ILCS [5/2-3.25](#) and 5/10-22.25b.
[Tinker v. Des Moines Independent Sch. Dist.](#), ~~89 S.Ct. 733~~ 393 U.S. 503 (1969).

CROSS REF.: [7:10 \(Equal Educational Opportunities\)](#), 7:130 (Student Rights and Responsibilities), 7:165 (School Uniforms), 7:190 (Student Behavior)

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

Members of the Ill. Principals Assoc. may subscribe to the IPA's Model Student Handbook Service. While this service is not a handbook *per se*, it provides principals with quick, user-friendly access to model student handbook provisions that are attorney drafted and fully aligned with IASB's policy services. For more information, see:

www.ilprincipals.org/resources/model-student-handbook. See also 7:190-E2, *Student Handbook Checklist*.

Students

School Uniforms 1

Students are encouraged to wear school uniforms to school on all school attendance days, in order to maintain and promote orderly school functions, student safety, and a positive learning environment.² The Building Principal is authorized to designate days on which this uniform policy is relaxed.³

The Superintendent or designee shall designate a school-wide uniform after receiving input from school staff members, parents, and interested community members.⁴ Students may:⁵

1. Display religious messages on items of clothing to the same extent they are permitted to display other messages;
2. Wear attire that is part of the student's religious practice;
3. Wear or display expressive items, such as a button, as long as such items do not contribute to disruption by substantially interfering with discipline or with the rights of others;⁶ and

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¹ State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled. Boards may adopt a school uniform policy, provided it is "necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety." 105 ILCS 5/10-22.25b, amended by P.A. 102-360, eff. 1-1-22 (*Jett Hawkins Law*).

² Alternatively, the board may designate certain individual attendance centers.

A voluntary school uniform policy permits students to freely choose whether and under what circumstances they will wear the uniform. A voluntary policy allows the district to gauge parental support—something that is vital to the policy's success. In addition, a voluntary policy does not implicate the First Amendment.

Boards may adopt a mandatory uniform policy, with or without an *opt-out* provision. An *opt-out* provision allows a student to be excused from the policy because of an objection from a parent/guardian based on cultural, religious, or other reasons. While the constitutionality of a mandatory uniform policy is disputed, the inclusion of an *opt-out* provision reduces vulnerability to constitutional attack. For districts desiring a mandatory uniform policy, substitute this provision for the first sentence (eliminate the 2nd sentence if no *opt-out* provision is wanted):

Students are required to wear school uniforms to school on all attendance days, unless otherwise indicated by the Building Principal, in order to maintain and promote orderly school functions, student safety, and a positive learning environment. This policy will be waived for any student whose parent/guardian provides the Board with a signed statement detailing the grounds for their objection.

³ Optional; eliminate this sentence if the board wants to enforce the policy every day.

⁴ Boards may allow each school to designate its own uniform or designate a district-wide uniform, as the following alternative provides:

The Superintendent or designee shall designate a district-wide uniform after receiving input from school staff members, parents, and interested community members.

⁵ A uniform policy must accommodate students whose religious beliefs are substantially burdened by a uniform requirement. Religious messages may not be singled out for suppression; they must be subject to the same rules as generally apply to other messages. For more information, see U.S. Dept. of Education's publication:

www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html.

4. Wear the uniform of a nationally recognized youth organization such as Boy Scouts or Girl Scouts on regular meeting days.

No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform because of:

1. Personal choice;⁷
2. Insufficient time in which to comply with this policy;⁸
3. Financial hardship;⁹~~or~~
4. Hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists;¹⁰ ~~or~~
- 4.5. Religious objection by the student's parent/guardian to the student's compliance with this policy or the applicable uniform, if they have provided the Superintendent with a signed statement detailing their objection.¹¹

Any student eligible for reduced or free lunches, or for a waiver of student fees, is eligible for financial assistance toward the purchase of school uniforms. The Superintendent or designee shall develop a process for informing parents/guardians of the availability of financial assistance and a method to process financial requests.¹²

No student shall be suspended or expelled from school, or receive a lowered academic grade, because of failing to comply with this policy.¹³

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

⁶ In 1969, the U.S. Supreme Court recognized that students enjoy First Amendment free speech rights in school but that schools have the authority to limit student speech that might reasonably be predicted to cause a material and substantial disruption or invasion of the rights of others. *Tinker v. Des Moines Independent Sch. Dist.*, 393 U.S. 503 (1969). The manner in which this ruling applies to uniform policies is still unsettled. See *DePinto v. Bayonne Bd. of Ed.*, 514 F.Supp.2d 633 (D. N.J. 2007) (a school district was enjoined from disciplining elementary students who wore a button protesting the district's mandatory uniform policy). However, many decisions have upheld a compulsory uniform policy. See *Blau v. Ft. Thomas Public Sch. Dist.*, 401 F.3d 381 (6th Cir. 2005); *Canady v. Bossier Parish Sch. Board*, 240 F.3d 437 (5th Cir. 2001); *Littlefield v. Forney Sch. Dist.*, 268 F.3d 275 (5th Cir. 2001); *Jacobs v. Clark County Sch. Dist.*, 373 F.Supp.2d 1162 (D. Nev., 2005); *Phoenix Elementary Sch. Dist. v. Green*, 943 P.2d 836 (Az.Ct. App. 1997); *Vines v. Zion Sch. Dist.*, 2002 WL 58815 (N.D.Ill. 2002); *Alwood v. Clark*, 2005 WL 2001317 (S.D.Ill. 2005); *Bear v. Fleming*, 714 F.Supp.2d 972 (W.D. S.D. 2010) (requiring students to wear a cap and gown while receiving their diplomas is reasonably related to the school board's legitimate interest in maintaining order). **Before adopting a uniform policy, a board should discuss this issue with its attorney.**

⁷ Omit *personal choice* if the district has a mandatory uniform policy.

⁸ 105 ILCS 5/10-22.25b.

⁹ *Id.*

¹⁰ *Id.*, amended by P.A. 102-360, eff. 1-1-22 (*Jett Hawkins Law*). See f/n 1 in policy 7:160, *Student Appearance*. If the board expanded upon the law's requirement of race, ethnicity, or hair texture, in policy 7:160, *Student Appearance*, amend number 4 as follows to align with it:

"Hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, or any other protected classes under Board policy 7:10, Equal Educational Opportunities, including but not limited to, protective hairstyles such as braids, locks, and twists."

¹¹ *Id.* Remove this provision if a mandatory uniform policy is adopted with a provision allowing the parents/guardians to obtain an opt-out (see f/n 2).

¹² *Id.* State law requires the board to establish "criteria and procedures under which the board will accommodate the needs of or otherwise provide appropriate resources to assist a student from an indigent family."

¹³ For those boards choosing a mandatory uniform policy with no opt-out provision, replace this sentence with the following:

The Superintendent or designee shall develop incentives and positive reinforcement measures to encourage full compliance. ¹⁴

LEGAL REF: 105 ILCS [5/2-3.25](#), and 5/10-22.25b.

CROSS REF: 4:140 (Waiver of Student Fees), 7:160 (Student Appearance), 7:190 (Student Behavior)

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Disciplinary action may be taken for failure to comply with this policy. Before initiating disciplinary action, a conference with the parent(s)/guardian(s) shall be requested to solicit cooperation and support.

¹⁴ The following alternative takes the board into operational matters but it ensures that the nuts and bolts issues will be covered by administration:

The Superintendent or designee shall develop incentives and positive reinforcement measures to encourage full compliance and shall communicate information to students and parents/guardians concerning:

1. The uniform's description and its availability;
2. The requirements for jackets and outer garments;
3. Optional articles of attire, if any;
4. Compliance measures;
5. Methods to facilitate recycling of uniforms within the school community; and
6. Notice of uniform sales and lists of competitive prices from vendors of uniform articles.

Students

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

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important District goals.

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

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

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¹ All districts must have a policy on bullying, monitor it, review and re-evaluate it, and file it with the Ill. State Board of Education (ISBE) every two years (see f/n 16, below). 105 ILCS 5/27-23.7, ~~amended by P.A. 100-137. Every two years, each district must review and re-evaluate this policy, make necessary and appropriate revisions, and file the updated policy with the Ill. State Board of Education (ISBE).~~ This sample policy's first paragraph allows a school board to consider its goals for preventing bullying and remedying its consequences; it may be amended.

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

This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. See f/n 107, below.

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

Definitions from 105 ILCS 5/27-23.7 ³

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

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

Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

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

Restorative measures means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, ~~and~~ (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school, and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act. ⁴

School personnel means persons employed by, on contract with, or who volunteer in a school district, including without limitation school and school district administrators, teachers, school ~~guidance~~

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³ All definitions are directly from 105 ILCS 5/27-23.7, ~~amended by P.A. 100-137.~~ See also resources from Cyberbullying Research Center, available at: cyberbullying.org/, and the U.S. School Safety Clearinghouse website at www.SchoolSafety.gov, discussed in f/n 1, para. 3 of policy 4:170, *Safety*.

⁴ 105 ILCS 5/27-23.7(b), amended by P.A. 102-241.

counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards. ⁵

Bullying Prevention and Response Plan

The Superintendent or designee shall develop and maintain a bullying prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below; each numbered requirement, 1-12, corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12. ⁶

1. The District uses the definition of *bullying* as provided in this policy. ⁷
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking.⁸ Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District named officials or any staff member. The District named officials and all staff members are available for help with a bully or to make a report about bullying.⁹ Anonymous reports are also accepted; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

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⁵ 105 ILCS 5/27-23.7(b), amended by P.A. 102-197.

⁶ As each numbered requirement, 1-12, corresponds with the same number in 5/27-23.7(b)1-12, there are no reference citations in footnotes. All non-statutory requirements, plus alternatives and optional provisions, are described in footnotes.

⁷ 105 ILCS 5/27-23.7(b), para. 3(1). See fn 4, above and ISBE's *School Policies for Bullying Prevention* at: www.isbe.net/Documents/Bullying-Prev-Policy-Req.pdf.

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

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

⁸ The statute requires that the policy contain the email address and telephone number for the staff person(s) responsible for receiving bullying reports. Using the district Nondiscrimination Coordinator and Complaint Managers is consistent with 2:260, *Uniform Grievance Procedure*. While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored. A telephone number for making anonymous reports may also be added.

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

Nondiscrimination Coordinator: ¹⁰

Name

Address

Email

Telephone

Complaint Managers:

Name

Address

Email

Telephone

Name

Address

Email

Telephone

4. Consistent with federal and State laws and rules governing student privacy rights, the Superintendent or designee shall promptly inform the parent(s)/guardian(s) of every student involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures. ¹¹
5. The Superintendent or designee shall promptly investigate and address reports of bullying, by, among other things:
 - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.
 - b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
 - c. Notifying the Building Principal or school administrator or designee of the reported incident of bullying as soon as possible after the report is received.

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¹⁰ Sample policy 2:260, *Uniform Grievance Procedure*, states that a district's Nondiscrimination Coordinator also serves as its Title IX Coordinator. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, list the Title IX and Nondiscrimination Coordinators' names separately in this policy. Best practice is that throughout the district's board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.

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

- d. Consistent with federal and State laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building Principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

The Superintendent or designee shall investigate whether a reported incident of bullying is within the permissible scope of the District's jurisdiction and shall require that the District provide the victim with information regarding services that are available within the District and community, such as counseling, support services, and other programs. ¹²

6. The Superintendent or designee shall use interventions to address bullying, that may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services. ¹³
7. A reprisal or retaliation against any person who reports an act of bullying is prohibited. ~~Any person-student's act of reprisal or retaliation will be subject to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion¹⁴ with regard to studentstreated as bullying for purposes of determining any consequences or other appropriate remedial actions.~~
8. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, a person who is found to have knowingly making a falsely accused another of bullying, as a means of retaliation, as a means of bullying, or provided knowingly false information will be treated as either: (a) bullying, (b) student discipline up to and including suspension and/or expulsion, and/or (c) both (a) and (b) for purposes of determining any consequences or other appropriate remedial actions.
9. The District's bullying prevention and response plan ~~is must be~~ based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. The Superintendent or designee shall post this policy on the District's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty. ¹⁵
11. Pursuant to State law and policy 2:240, Board Policy Development, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The Superintendent or designee shall assist the Board

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¹² This sentence contains requirements found in 105 ILCS 5/27-23.7(d).

¹³ A grant may be available from ISBE the Ill. State Board of Education for the promotion of a safe and healthy learning environment. 105 ILCS ~~5/2-3.1765/2-3.180~~ and 3.181, added by P.A. 101-438 and renumbered by P.A. 102-558. A list of grant funding opportunities is available at: www.isbe.net/Pages/Grants.aspx.

¹⁴ Consult the board attorney about the potential conflict of 105 ILCS 5/27-23.7(b)(7) (allowance of suspension and/or expulsion of students for reprisal/retaliation against reports of bullying) with 105 ILCS 5/10-22.6(b-20) (districts must resolve threats, address disruptions, and minimize the length (and implementation of) suspensions and expulsions to the greatest extent practicable). See 7:200, Suspension Procedures, at f/n 8 and policy 7:210, Expulsion Procedures, at f/ns 11 and 13.

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

with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. This process shall include, without limitation: ¹⁶

- a. The frequency of victimization;
- b. Student, staff, and family observations of safety at a school;
- c. Identification of areas of a school where bullying occurs;
- d. The types of bullying utilized; and
- e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

- 1) An updated version of the policy with the amendment/modification date included in the reference portion of the policy;
- 2) If no revisions are deemed necessary, a copy of board minutes indicating that the policy was re-evaluated and no changes were deemed to be necessary, or a signed statement from the board; or
- 3) A signed statement from the Board President indicating that the Board re-evaluated the policy and no changes to it were necessary.

The Superintendent or designee must post the information developed as a result of the policy re-evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

12. The Superintendent or designee shall fully implement the Board policies, including without limitation, the following: ¹⁷

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¹⁶ 105 ILCS 5/27-23.7. See the ISBE guidance document that is cited in f/n 7, above. In 2020, ISBE extended submission to 12-30 in 2020.

¹⁷ The statute requires that the bullying policy *be consistent with other board policies*. The list of policies may be deleted and the following alternative used: "12. The District's bullying prevention plan must be consistent with other Board policies." If a policy list is included, be sure the referenced policies were adopted locally and amend the list accordingly.

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

13. The Superintendent or designee shall fully inform staff members of the District's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes each of the following:
 - a. Communicating the District's expectation and State law requirement that teachers and other certificated or licensed employees maintain discipline.
 - b. Establishing the expectation that staff members: (1) intervene immediately to stop a bullying incident that they witness or immediately contact building security and/or law enforcement if the incident involves a weapon or other illegal activity, (2) report bullying, whether they witness it or not, to an administrator, and (3) inform the administration of locations on school grounds where additional supervision or monitoring may be needed to prevent bullying.
 - c. Where appropriate in the staff development program, providing strategies to staff members to effectively prevent bullying and intervene when it occurs.
 - d. Establishing a process for staff members to fulfill their obligation to report alleged acts of bullying.

- a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
- b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
- c. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
- d. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
- e. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
- f. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
- g. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
- h. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
- i. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members. ¹⁸

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

¹⁸ For elementary districts, delete: and ~~7:315, Restrictions on Publications; High Schools~~ and delete the Cross Reference to ~~7:315, Restrictions on Publications; High Schools~~. For high school districts, delete ~~7:310, Restrictions on Publications; Elementary Schools~~, and delete the Cross Reference to ~~7:310, Restrictions on Publications; Elementary Schools~~. In both cases, revise the beginning of the sentence to read: "These policies prohibits students from and provides."

LEGAL REF.: 105 ILCS 5/10-20.14, ~~5/10-22.6(b-20)~~, 5/24-24, and 5/27-23.7.
405 ILCS 49/, Children's Mental Health Act.
~~775 ILCS 5/1-103, Ill. Human Rights Act.~~
~~105 ILCS 5/10-20.14, 5/24-24, and 5/27-23.7.~~
23 Ill.Admin.Code §1.240 and §1.280.

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