

consistent with student behavior policies.<sup>28</sup> Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law. <sup>29</sup>

#### Retaliation Prohibited <sup>30</sup>

The District prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation using Board policy 2:260, *Uniform Grievance Procedure*.<sup>31</sup>

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.  
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).  
Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 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.

<sup>28</sup> See sample policies 7:190, *Student Behavior*, and 7:230, *Misconduct by Students with Disabilities*. See also sample policies 7:200, *Suspension Procedures*, and 7:210, *Expulsion Procedures*, for due process requirements when student suspension or expulsion is recommended following a determination of responsibility for Title IX sexual harassment.

<sup>29</sup> Examples of rights the district or parties may exercise ancillary to this Title IX sexual harassment grievance procedure include, but are not limited to: disciplinary processes for suspensions and expulsions of students under 105 ILCS 5/10-22.6; tenured teacher dismissal proceedings under 105 ILCS 5/24-12; any other pre-termination process required by an applicable collective bargaining agreement, employment policy or procedure, or employment contract; and student appeal of a sex equity grievance decision under 23 Ill. Admin. Code §200.40 (see sample policy 7:10, *Equal Educational Opportunities*).

<sup>30</sup> 34 C.F.R. §106.71.

<sup>31</sup> Retaliation complaints must be processed under policy 2:260, *Uniform Grievance Procedure*, because they are covered under the district's grievance procedure for resolving non-sexual harassment Title IX complaints. See 34 C.F.R. §106.8(c). Title IX sexual harassment regulations state that "[c]omplaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under §106.8(c)." 34 C.F.R. §106.71.

## School Board

### Exhibit – Title IX Sexual Harassment Glossary of Terms <sup>1</sup>

Use this exhibit to educate employees and students about Title IX terms, and with the required Title IX response and grievance process in Board policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, implemented by administrative procedures 2:265-AP1, *Title IX Sexual Harassment Response*, and 2:265-AP2, *Formal Title IX Sexual Harassment Complaint Grievance Process*.

#### Glossary of Terms

**Actual Knowledge** – Notice of sexual harassment or allegations of sexual harassment to any District employee or to the District’s Title IX Coordinator. Assumption of knowledge based solely on the District’s status as an employer or other presumption under law does not constitute actual knowledge. This standard is not met when the only official of the District with actual knowledge is the Respondent. *Notice* as used here includes, but is not limited to, a report or complaint of sexual harassment to the Title IX Coordinator in person, by mail, by telephone, or by email using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. 34 C.F.R. §§ 106.30, 106.8(a).

**Appellate Decision-Maker** – An individual or group, e.g., a Board-appointed appeal examiner or the Board, which reviews an appeal of the Initial Decision-Maker’s determination regarding responsibility or a dismissal of a Formal Title IX Sexual Harassment Complaint (defined below). The Appellate Decision-Maker cannot be the same person as the Initial Decision-Maker, the Investigator, or the Title IX Coordinator. 34 C.F.R. §106.45(b)(8)(iii)(B). The Appellate Decision-Maker must be free from conflicts of interest or bias against complainants and respondents generally or against an individual Complainant or Respondent, and must be trained to serve impartially. 34 C.F.R. §106.45(b)(1)(iii).

**Complainant** – An individual who is alleged to be the victim of conduct that could constitute sexual harassment. 34 C.F.R. §106.30.

**Consent** – Knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent may not be inferred from silence, passivity, or a lack of verbal or physical resistance. A person’s manner of dress does not constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. Consent may be withdrawn at any time. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: (1) the person is incapacitated due to the use or influence of alcohol or drugs; (2) the person is asleep or unconscious; (3) the person is under age; or (4) the person is incapacitated due to a mental disability. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Coercion, force, or the threat of either invalidates consent.

---

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

<sup>1</sup> This sample exhibit must be customized to assure alignment with the district’s policies, procedures, and practices.

**Note:** 34 C.F.R. §106.30, added at 85 Fed. Reg. 30574, states that Title IX recipients are not required to adopt a particular definition of consent with respect to sexual assault; however, in its 2020 Title IX rulemaking, the U.S. Dept. of Education (DOE) stated that “recipients must clearly define consent and must apply that definition consistently.” 85 Fed. Reg. 30125. **Consult the Board Attorney if the District would like to customize this definition.**

**Education Program or Activity** – Includes locations, events, or circumstances in the United States over which the District exercised substantial control over both the Respondent and the context in which the sexual harassment occurred. 34 C.F.R. §106.44(a).

**Note:** Title IX jurisdiction is geographically limited to discrimination against a person in the United States. 34 C.F.R. §106.8(d). The District’s Title IX obligations extend to off-campus sexual harassment incidents “if the off-campus incident occurs as part of the [district]’s ‘operations’ pursuant to 20 U.S.C. 1687 and 34 CFR 106.2(h)” or if the District “exercised substantial control over the respondent and the context of alleged sexual harassment that occurred off campus pursuant to § 106.44(a).” 85 Fed. Reg. 30196. No single factor is determinative of whether the District exercised *substantial control* or whether an incident occurred as part of the District’s *operations*. *Id.* at 30197. *Operations* may include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in, the District’s operations. *Id.* at 30202. **Consult the Board Attorney for further guidance.**

**Formal Title IX Sexual Harassment Complaint** – A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation. At the time of filing a Formal Title IX Sexual Harassment Complaint, a Complainant must be participating in or attempting to participate in the District’s education program or activity with which the Formal Title IX Sexual Harassment Complaint is filed.

**Note:** Whether a Complainant is *attempting to participate* is a fact-specific inquiry. For example, a Complainant who has graduated may still be attempting to participate in an education program where he or she intends to remain involved in alumni programs or activities. 85 Fed. Reg. 30138. **Consult the Board Attorney for further guidance.**

**Initial Decision-Maker** – An individual designated by the Title IX Coordinator to reach an initial determination regarding responsibility in a Formal Title IX Sexual Harassment Complaint (defined above) by applying the standard of proof set forth in 2:265-AP2, *Formal Title IX Sexual Harassment Complaint Grievance Process*. See 85 Fed. Reg. 30054. The Title IX Coordinator cannot be the Initial Decision-Maker. 34 C.F.R. §106.45(b)(7)(i). The Initial Decision-Maker must be free from conflicts of interest or bias against complainants and respondents generally or against an individual Complainant or Respondent, and must be trained to serve impartially. 34 C.F.R. §106.45(b)(1)(iii).

**Investigator** – The Title IX Coordinator or an individual designated by the Title IX Coordinator to investigate a *Formal Title IX Sexual Harassment Complaint* (defined above) according to 2:265-AP2, *Formal Title IX Sexual Harassment Complaint Grievance Process*. The Investigator must be free from conflicts of interest or bias against complainants and respondents generally or against an individual Complainant or Respondent, and must be trained to serve impartially. 34 C.F.R. §106.45(b)(1)(ii).

**Respondent** – An individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment. 34 C.F.R. §106.30.

**Supportive Measures** – Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent before or after the filing of a Formal Title IX Sexual Harassment Complaint or where no Formal Title IX Sexual Harassment Complaint has been filed. Such measures are designed to restore or preserve

equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work<sup>2</sup> locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District will maintain as confidential any supportive measures provided to a Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. 34 C.F.R. §106.30.

**Sexual Harassment Governed by Laws Other Than Title IX** – The District must also address sexual harassment that does not meet the definition of Title IX sexual harassment, including but not limited to sexual harassment in violation of the State Officials and Employees Ethics Act (5 ILCS 430/), Illinois Human Rights Act (775 ILCS 5/), and Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et seq.):

For each report or complaint received, the Title IX Coordinator reviews the following Board policies<sup>3</sup> to determine if they require additional action by the District in addition to or at the exclusion of policy 2:265, *Title IX Sexual Harassment Grievance Procedure*:

- 2:260, *Uniform Grievance Procedure*. This policy provides a method for any student, parent/guardian, employee, or community member to file a complaint if he or she believes that the School Board, its employees, or its agents have violated his or her rights under the State or federal Constitution, State or federal statute, Board policy, or various enumerated bases.
- 5:20, *Workplace Harassment Prohibited*. This policy prohibits employees from engaging in sexual harassment.
- 5:90, *Abused and Neglected Child Reporting*. This policy requires employees who suspect or receive knowledge that a student may be an abused or neglected child to immediately report their suspicion to the Ill. Dept. of Children and Family Services (DCFS). If an employee reports an alleged incident of sexual abuse to DCFS and DCFS accepts the report for investigation, it further requires the District to coordinate with the local Children's Advocacy Center.<sup>4</sup>
- 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*. This policy sets forth high standards for employee ethics and conduct, and incorporates by reference the Code of Ethics for Illinois Educators.
- 7:20, *Harassment of Students Prohibited*. This policy prohibits all sexual harassment of students.
- 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. This policy prohibits students from engaging in bullying, intimidation, and harassment at school, school-related events and electronically. Prohibited conduct includes stalking, sexual harassment, sexual violence, or retaliation for asserting or alleging an act of bullying.

---

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

<sup>2</sup> For districts with residential facilities, insert "or housing" here.

<sup>3</sup> Ensure the referenced locally-adopted board policies contain the language paraphrased in this exhibit. If not, either substitute similar language from the locally-adopted board policies on the same topics, or insert the titles from relevant locally adopted policies.

<sup>4</sup> Delete the second sentence if your district is not within a county served by an accredited Children's Advocacy Center. For further discussion see f/n 13 in sample policy 5:90, *Abused and Neglected Child Reporting*.

- 7:185, *Teen Dating Violence Prohibited*. This policy prohibits students 13-19 years of age from using or threatening to use physical, mental, or emotional abuse to control an individual in the dating relationship, and from using or threatening to use sexual violence in the dating relationship.
- 7:190, *Student Behavior*. This policy sets forth student conduct rules, prohibited student conduct, and behavioral interventions and disciplinary measures designed to address the causes of misbehavior and teach students positive behavioral skills.

**Title IX Sexual Harassment** – Conduct on the basis of sex that satisfies one or more of the following (34 C.F.R. §106.30):

- A District employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(11), *domestic violence* as defined in 34 U.S.C. §12291(a)(12), or *stalking* as defined in 34 U.S.C. §12291(a)(36).
  - *Sexual assault* means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system (UCR Program) of the Federal Bureau of Investigation (FBI), and includes rape, fondling, incest, and statutory rape. 20 U.S.C. §1092(f)(6)(A)(v); 34 C.F.R. Part 668, Appendix A to Subpart D. For more information regarding the FBI UCR Program, see [www.fbi.gov/services/cjis/ucr/](http://www.fbi.gov/services/cjis/ucr/).
  - *Dating violence* means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. 34 U.S.C. §12291(a)(11).
  - *Domestic violence* includes any felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who: (1) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; (2) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (3) shares a child in common with the victim; or (4) commits acts against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction. 34 U.S.C. §12291(a)(12).
  - *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others, or (2) suffer substantial emotional distress. 34 U.S.C. §12291(a)(36).

## General School Administration

### Goals and Objectives <sup>1</sup>

The Superintendent directs the administration in the management of the School District and to facilitate the implementation of a quality educational program in alignment with School Board policy 1:30, *School District Philosophy*. Specific goals and objectives are to:

1. Provide educational expertise.
2. Plan, organize, implement, and evaluate educational programs that will provide for students' mastery of the Illinois Learning Standards. <sup>2</sup>
3. Meet or exceed student performance and academic improvement goals established by the Board. <sup>3</sup>
4. Develop and maintain channels for communication between the school and community.
5. Develop an administrative procedures manual and handbooks for personnel and students that are in alignment with Board policy. <sup>4</sup>
6. Manage the District's fiscal and business activities to ensure financial health, cost-effectiveness, and protection of the District's assets.
7. Provide for the proper use, reasonable care, and appropriate maintenance of the District's real and personal property, including buildings, equipment, and supplies.

---

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

<sup>1</sup> This policy provides an opportunity for a board to give the superintendent a big picture of its vision for the district by identifying some high-level goals. While sample policy 1:30, *School District Philosophy*, contains the district's mission statement, i.e., why the district exists, this policy contains progress expectations and desired results, i.e., goals. This policy is designed to contain goals for which the administration will be responsible, including goals concerning finances, instruction, property, connecting with the community, etc. The list of goals should be replaced with the board's goals and objectives for school administration, if any.

This policy is in alignment with State law. The superintendent and principal's general duties are listed in 105 ILCS 5/10-21.4 and 5/10-21.4a, respectively. See also 105 ILCS 5/10-16.7.

<sup>2</sup> See the State Goals for Learning and Learning Standards, 23 Ill.Admin.Code §1, Appendix D.

<sup>3</sup> School administrators may be employed under a multi-year contract only if it is performance-based and contains goals and indicators of student performance and academic improvement. 105 ILCS 5/10-23.8 and 5/20-23.8a. Principal evaluations must use data and indicators on student growth as a significant factor. 105 ILCS 5/24A-15(c). Thus, a policy statement that administrative staff shall "meet or exceed student performance and academic improvement goals" is consistent with legal requirements.

<sup>4</sup> Staff and student handbooks provide a means to distribute important information and are referenced in many sample policies and procedures. Members of the Ill. Principals Assoc. may subscribe to its 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/msh](http://www.ilprincipals.org/msh).

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-21.4, and 5/10-21.4a.

CROSS REF.: 1:30 (School District Philosophy), 2:20 (Powers and Duties of the School Board; Indemnification), 2:130 (Board Superintendent Relationship), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:60 (Administrative Responsibility of the Building Principal), 6:10 (Educational Philosophy and Objectives)

## General School Administration

### Administrative Personnel Other Than the Superintendent <sup>1</sup>

#### Duties and Authority

The School Board establishes District administrative and supervisory positions in accordance with the District's needs and State law. This policy applies to all administrators other than the Superintendent, including without limitation, Building Principals. The general duties and authority of each administrative or supervisory position are approved by the Board, upon the Superintendent's recommendation, and contained in the respective position's job description.<sup>2</sup> In the event of a conflict, State law and/or the administrator's employment agreement shall control.

#### Qualifications

All administrative personnel shall be appropriately licensed and shall meet all applicable requirements contained in State law and Illinois State Board of Education rules.<sup>3</sup>

#### Evaluation

The Superintendent or designee shall evaluate all administrative personnel and make employment and salary recommendations to the Board.<sup>4</sup>

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

<sup>1</sup> State or federal law controls this policy's content. 105 ILCS 5/10-23.8a requires each principal, assistant principal, and other school administrator to be employed under either: (1) a one-year contract, in which case he or she gains and retains tenure rights, or (2) a multi-year performance-based contract, in which case he or she waives all tenure rights but does not lose any previously acquired tenure credit with the district. A multi-year performance-based contract must contain specific student performance and academic improvement goals and indicators.

<sup>2</sup> Job descriptions are advisable, but optional. See sample policy 5:30, *Hiring Process and Criteria*, for a discussion of job descriptions. An Ill. State Board of Education (ISBE) rule (23 Ill.Admin.Code §1.310) allows *divided service*, meaning that a superintendent or principal may be employed by two school districts or serve in two professional capacities provided that full-time equivalency results in a maximum of one full-time position. In districts with an enrollment of 100 or fewer, an individual may serve as superintendent/principal and teach up to one-half day.

<sup>3</sup> 105 ILCS 5/21B-20 and 5/21B-25 govern Professional Educator Licenses and administrative, principal, and chief school business official endorsements. The requirements for supervisory or administrative staff are in 23 Ill.Admin.Code §1.705; the requirements for endorsements are in 23 Ill.Admin.Code Part 25, Subpart E. Standards for Administrative Endorsements are in 23 Ill.Admin.Code Part 29.

The following option may be added at the end of this paragraph:

Administrative personnel must reside in the District within a specified period as provided in their initial employment agreement.

State law (105 ILCS 5/24-4.1) prohibiting residency requirements for teachers does not apply to non-instructional personnel, e.g., assistant principals. *Owen v. Kankakee Sch. Dist.*, 261 Ill.App.3d 298 (3rd. Dist. 1994). A board may impose residency requirements on a principal or assistant principal only if the individual's initial contract with the district made residency an express condition of employment or continued employment as a principal. 105 ILCS 5/10-21.4a. Residency within a district may not be considered in determining a principal's compensation, assignment, or transfer. *Id.*



Administrators shall annually present evidence to the Superintendent of professional growth through attendance at educational conferences, additional schooling, in-service training, and Illinois Administrators' Academy courses, or through other means as approved by the Superintendent.<sup>5</sup>

#### Administrative Work Year

The work year for administrators shall be the same as the District's fiscal year, July 1 through June 30, unless otherwise stated in the employment agreement. In addition to legal holidays, administrators shall have vacation periods as approved by the Superintendent. All administrators shall be available for work when their services are necessary.<sup>6</sup>

#### Compensation and Benefits

The Board and each administrator shall enter into an employment agreement that complies with Board policy and State law.<sup>7</sup> The terms of an individual employment contract, when in conflict with this policy, will control.

---

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

<sup>4</sup> All licensed school district employees must be evaluated. 105 ILCS 5/24A-1, 23 Ill.Admin.Code §1.320. Each district must implement a performance evaluation plan for its principals and assistant principals. 105 ILCS 5/24A-15, amended by P.A. 102-729; 23 Ill.Admin.Code §50.300. The statutory deadline for evaluating principals and assistant principals depends on whether the individual's employment contract is for one year or multiple years: (1) the evaluation of individuals on a single year contract must take place annually by March 1, and (2) the evaluation of individuals on a multi-year contract must take place by March 1 of the contract's final year. 105 ILCS 5/24A-15, amended by P.A. 102-729. Individual contracts may require an earlier deadline. For the 2022-2023 school year only, if the Governor has declared a disaster due to a public health emergency, districts have the option to waive the evaluation requirement of principals and assistant principals who received either *excellent* or *proficient* ratings during the last school year in which they were evaluated, as long as the Governor's disaster declaration remained in effect. *Id.* 105 ILCS 5/24A-3 requires that an individual who conducts an evaluation of a teacher, principal, or assistant principal, (1) be prequalified before undertaking any evaluation, and (2) participate in a regularly scheduled retraining program.

<sup>5</sup> The professional growth reporting requirements in this paragraph are optional. However, professional development activities are required for license renewal. 105 ILCS 5/21B-45, contains the license renewal process, along with the professional development hours and carry over of these hours.

A school board must require the administrators who evaluate employees to complete training on the evaluation of licensed personnel that is provided or approved by ISBE. 105 ILCS 5/24A-3 and 5/24A-20(a)(4). Any prequalification process or retraining program developed and used by a school district must, at a minimum, meet the requirements of 23 Ill.Admin.Code Part 50, Subpart E. Administrative personnel must participate in this training (1) before they evaluate, and (2) at least once during each certificate renewal cycle. 105 ILCS 5/24-3.

<sup>6</sup> Legal holidays are provided by 105 ILCS 5/24-2, amended by P.A.s 101-642 (*2020 Election Day*), 102-15 (*2022 Election Day*), and 102-14, and 102-334 (both establishing *Juneteenth National Freedom Day*).

<sup>7</sup> According to 105 ILCS 5/10-23.8a, a principal, assistant principal, and any other school administrator must be employed under either: (1) a one-year contract, in which case he or she gains and retains tenure rights, or (2) a multi-year performance-based contract, in which case he or she waives all tenure rights but does not lose any previously acquired tenure credit with the district. A multi-year performance-based contract must contain specific student performance and academic improvement goals and indicators.

The employment contract should be *in writing* even though the School Code does not require it to be written. Contact the board attorney for assistance. An administrator who is not working under a written contract is presumed to have a contract of one year's duration. *Schaumburg Cmty. Consol. Sch. Dist. v. TRS*, 984 N.E.2d 66 (4th Dist. 2013)(interpreting 105 ILCS 5/10-23.8a). The Ill. Statute of Frauds may make it impossible to execute an *oral* multi-year administrator contract or to *orally* extend a multi-year written contract. 740 ILCS 80/1.

The Open Meetings Act requires all Ill. Municipal Retirement Fund (IMRF) employers, which includes school boards, to: (1) within six business days after approving a budget, web-post each employee's total compensation package if it exceeds \$75,000 per year; and (2) at least six days before approval, web-post an employee's total compensation package if it is \$150,000 or more. 5 ILCS 120/7.3. Conflicting opinions concern whether school districts must comply with these posting requirements for their employees who do not participate in IMRF. Contact the board attorney for advice.

The Board will consider the Superintendent's recommendations when setting compensation for individual administrators. These recommendations should be presented to the Board no later than the March Board meeting or at such earlier time that will allow the Board to consider contract renewal and nonrenewal issues.<sup>8</sup>

Unless stated otherwise in individual employment contracts, all benefits and leaves of absence available to teaching personnel are available to administrative personnel.<sup>9</sup>

LEGAL REF: 105 ILCS 5/10-21.4a, 5/10-23.8a, 5/10-23.8b, 5/21B, and 5/24A.  
23 Ill.Admin.Code §§1.310, 1.705, and 50.300; and Parts 25 and 29.

CROSS REF: 3:60 (Administrative Responsibility of the Building Principal), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:30 (Hiring Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:210 (Resignations), 5:250 (Leaves of Absence), 5:290 (Employment Termination and Suspensions)

---

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

Annually by Oct. 1, each school board must report to ISBE the base salary and benefits of the superintendent, administrators, and teachers it employs. 105 ILCS 5/10-20.47. Before this annual reporting to ISBE, the information must be presented at a regular school board meeting and then posted on the district's website, if any.

<sup>8</sup> State law does not address when the board should consider salary issues. The March deadline was chosen because the statutory notice deadline for reclassification is April 1 of the year in which a principal or assistant principal's contract expires unless the contract provides for an earlier deadline. 105 ILCS 5/10-23.8b. Alternatively, the policy could require that recommendations be presented "in a timely manner."

<sup>9</sup> State law does not require that administrative and teaching personnel receive identical benefits and leaves of absence, but it does set the minimum in days and type for all licensed personnel.

## General School Administration

### Administrative Responsibility of the Building Principal <sup>1</sup>

#### Duties and Authority

The School Board, upon the recommendation of the Superintendent, employs Building Principals as the chief administrators and instructional leaders of their assigned schools, and may employ Assistant Principals. The primary responsibility of a Building Principal is the improvement of instruction.<sup>2</sup> Each Building Principal shall perform all duties as described in State law as well as such other duties as specified in his or her employment agreement or as the Superintendent may assign, that are consistent with the Building Principal's education and training.<sup>3</sup> Each Building Principal and Assistant Principal shall complete State law requirements to be a prequalified evaluator before conducting an evaluation of a teacher or assistant principal. <sup>4</sup>

#### Evaluation Plan

The Superintendent or designee shall implement an evaluation plan for Principals and Assistant Principals that complies with Section 24A-15 of the School Code and relevant Illinois State Board of

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

<sup>1</sup> State or federal law controls this policy's content.

<sup>2</sup> Required by 105 ILCS 5/10-21.4a.

<sup>3</sup> An alternative follows: "...or as agreed upon by the Building Principal and Superintendent."

The principal's duties are generally described in 105 ILCS 5/10-21.4a and 5/24A-15(c-5). However, many other statutes impose additional duties, e.g., 105 ILCS 127/2 (requires principals to report to the police certain violations of the Cannabis Control Act, Controlled Substance Act, and Methamphetamine Control and Community Protection Act occurring at specified locations); 105 ILCS 5/10-27.1A(b) (requires the principal or designee to immediately notify local law enforcement upon receiving a report of a person in possession of a firearm on school grounds, and, if that person is a student, to notify a student's parent/guardian); and 730 ILCS 152/ and 154/ (require notification to parents/guardians that information about sex offenders and violent offenders against youth is available). The county clerk may appoint high school principals or their designees as deputy registrars to accept voter registrations of any qualified resident of the State. 10 ILCS 5/4-6.2(a). The Firearm Concealed Carry Act requires a principal to notify the Ill. State Police whenever he or she determines that a student (or any person) poses a "clear and present danger to himself, herself or to others." 430 ILCS 66/105; 405 ILCS 5/6-103.3. Lawyers disagree whether this requirement violates the federal Family Educational Rights and Privacy Act. Contact the board attorney for advice.

<sup>4</sup> This restates 105 ILCS 5/24A-3 and 23 Ill.Admin.Code Part 50, Subpart E. Individuals who evaluate teachers, principals, or assistant principals must: (1) be prequalified, and (2) participate in a regularly scheduled retraining program. The prequalification and retraining programs must be either developed or approved by the Ill. State Board of Education (ISBE).

105 ILCS 5/24A-5 permits a first-year principal to evaluate a teacher; however, a new two-year evaluation plan must be established for any tenured teacher who is evaluated by a first-year principal. 105 ILCS 5/24A-5.

Anyone who has not previously been a principal in Ill. must participate in ISBE's *new principal mentoring program*; however, implementation of a principal mentoring program in any given year is dependent upon an appropriation. If appropriations are not likely sufficient to serve all anticipated first-year principals in any given year, the program is voluntary. Mentoring services are extended to second-year principals only if appropriations are sufficient to serve all first-year principals. If mentoring services are extended to second-year principals but appropriations are not sufficient to serve all second-year principals who wish to participate in the new principal mentoring program, then priority access to mentoring services is provided to second year principals who are in the highest need schools as determined by the State Superintendent of Education. 105 ILCS 5/2-3.53a, amended by P.A. 102-521 (adding, subject to annual appropriation, a competitive grant program to support the new principal mentoring program for districts to participate in); 23 Ill.Admin.Code Part 35. Annually by June 1, each superintendent must report to the State Superintendent or designee the expected number of first-year and second-year principals along with information specified in 23 Ill.Admin.Code §35.20.

Education rules.<sup>5</sup> Using that plan, the Superintendent or designee shall evaluate each Building Principal and Assistant Principal.<sup>6</sup> The Superintendent or designee may conduct additional evaluations.

#### Qualifications and Other Terms and Conditions of Employment

Qualifications and other terms and conditions of employment are found in Board policy 3:50, *Administrative Personnel Other Than the Superintendent*.

LEGAL REF.: 105 ILCS 5/2-3.53a, 5/10-20.14, 5/10-21.4a, 5/10-23.8a, 5/10-23.8b, and 5/24A-15.  
10 ILCS 5/4-6.2, Election Code.  
105 ILCS 127/, School Reporting of Drug Violations Act.  
23 Ill.Admin.Code Parts 35 and 50, Subpart D.

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:210 (Resignations), 5:250 (Leaves of Absence), 5:290 (Employment Termination and Suspensions)

---

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

<sup>5</sup> Each district must implement a performance evaluation plan for its principals and assistant principals. 105 ILCS 5/24A-15, amended by P.A. 102-729; 23 Ill.Admin.Code §50.300. A board may substitute this alternative for the first sentence: "The Superintendent or designee shall implement a principal and assistant principal evaluation plan that complies with State law." The statutory deadline for evaluating principals and assistant principals depends on whether the individual's employment contract is for one year or multiple years: (1) the evaluation of individuals on a single-year contract must take place annually by March 1, and (2) the evaluation of individuals on a multi-year contract must take place by March 1 of the contract's final year. 105 ILCS 5/24A-15, amended by P.A. 102-729. Individual contracts may require an earlier deadline. For the 2022-2023 school year only, if the Governor has declared a disaster due to a public health emergency, districts have the option to waive the evaluation requirement if certain conditions were met. See sample policy 3:50, *Administrative Personnel Other than the Superintendent*, at f/n 4 for more information. *Id.*

<sup>6</sup> Required by 105 ILCS 5/10-21.4a and 5/24A-15, amended by P.A. 102-729. For a principal who also serves as the district superintendent, the evaluator must be appointed by the board and not be the person whose performance as principal is being evaluated. 23 Ill.Admin.Code §50.300(b). In addition, the evaluator must hold a valid professional educator license endorsed for superintendent issued under Article 21B and have completed the prequalification process and any retraining, as applicable. *Id.* Add this option if appropriate: "...or, in the absence of the Superintendent or his or her designee, an individual appointed by the Board who holds a valid professional educator license endorsed for superintendent."

## General School Administration

### Exhibit - Event Reporting and Notice Requirements for Building Principals Concerning School Safety and Security

The Building Principal shall comply with all State law reporting and notice requirements for Principals. Compliance with the State law reporting and notice requirements is required by Board policy 3:60, *Administrative Responsibility of the Building Principal*, in its mandate to “perform all duties as described in State law.” The specific statute identified in the following tables should be checked for current requirements. The lists of required reports and notices may not be exhaustive.

Events Requiring Reports Concerning School Safety and Security	Resources
<p><b>A student or other person poses a clear and present danger to himself, herself, or others.</b></p> <p>This report is made to the Ill. State Police (ISP) within 24 hours after the Principal makes this determination.</p> <p>This report is required by the Firearm Concealed Carry Act (430 ILCS 66/105), and the Mental Health and Developmental Disabilities Code (405 ILCS 5/6-103.3). The Principal may delegate making reports concerning students, but not otherwise.</p> <p><i>Clear and present danger</i> is defined in 430 ILCS 65/1.1, as a person who:</p> <ul style="list-style-type: none"> <li>(1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or</li> <li>(2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.</li> </ul> <p>ISP rules implementing this duty to report are found in 20 Ill.Admin.Code §1230.120(b), and state:</p> <ul style="list-style-type: none"> <li>b) Law enforcement officials and school administrators shall report determinations of a clear and present danger directly to the Department [ISP]. The Department shall make a form and instruction for the reporting available to law enforcement</li> </ul>	<p>The ISP has posted information and instructions at: <a href="http://www.dhs.state.il.us/page.aspx?item=38026#a_toc2">www.dhs.state.il.us/page.aspx?item=38026#a_toc2</a>.</p> <p>The reporting form is at: <a href="http://isp.illinois.gov/StaticFiles/docs/FSB/FOI_D%20Appeal%20Forms/ClearAndPresentDanger.pdf">isp.illinois.gov/StaticFiles/docs/FSB/FOI_D%20Appeal%20Forms/ClearAndPresentDanger.pdf</a> .</p> <p>3:60, <i>Administrative Responsibility of the Building Principal</i></p> <p>7:340, <i>Student Records</i></p> <p>7:340-AP1, <i>School Student Records</i></p>

Events Requiring Reports Concerning School Safety and Security	Resources
<p>officials and school administrators on its website.</p> <p>1) Clear and present danger reporting shall be used by the Department to identify persons who pose an actual, impending, or imminent threat of substantial bodily harm to themselves or another person that is articulable and significant or who will be likely to act in a manner dangerous to public safety or contrary to the public interest if they were granted access to a weapon.</p> <p>2) Clear and present danger reporting shall be made consistent with the Family Educational Rights and Privacy Act (20 USC 1232g) to assist the Department with protecting the health and safety of the public by denying persons who present a clear and present danger from having lawful access to weapons.</p>	
<p><b>A student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability.</b></p> <p>This report is made to the Ill. Dept. of Children and Family Services (DCFS) immediately upon suspicion or receipt of knowledge. The DCFS Child Abuse Hotline is 800/25-ABUSE or 217/524-2606.</p> <p>In addition to the Principal, all school personnel are required to make this report. A staff member should inform the Principal if he or she made a report; the Principal should inform the Superintendent of any report made.</p> <p>This report is required by the Abused and Neglected Child Reporting Act (325 ILCS 5/), and the Dept. of Human Services Act (20 ILCS 1305/). A knowing and willful failure to make the report to DCFS is a Class A misdemeanor for the first violation and a second or subsequent violation is a Class 4 felony. 325 ILCS 5/4.</p>	<p>Information and directions are available from DCFS at:  <a href="http://www.state.il.us/dcfs/child/index.shtml">www.state.il.us/dcfs/child/index.shtml</a>.</p> <p>5:90, <i>Abused and Neglected Child Reporting</i></p> <p>7:190-AP6, <i>Administrative Procedure - Guidelines for Investigating Sexting Allegations</i></p>
<p><b>Child pornography is discovered on electronic and information technology equipment.</b></p> <p>This report is made immediately to local law enforcement, or the National Center for Missing and Exploited Children's CyberTipline 800/843-5678 or online at: <a href="http://www.CyberTipline.com">www.CyberTipline.com</a>.</p> <p>According to 325 ILCS 5/4.5,</p> <p><i>Electronic and information technology equipment</i></p>	<p>5:90, <i>Abused and Neglected Child Reporting</i></p>

Events Requiring Reports Concerning School Safety and Security	Resources
<p>means, equipment used in the creation, manipulation, storage, display, or transmission of data, including internet and intranet systems, software applications, operating systems, video and multimedia, telecommunications products, kiosks, information transaction machines, copiers, printers, and desktop and portable computers. (<i>Italics added.</i>)</p> <p>An electronic and information technology equipment worker or the worker's employer is required to make this report by 325 ILCS 5/4.5.</p> <p>Failure to make this report is a business offense subject to a fine of \$1,001. <i>Id.</i> at 5/4.5(e).</p>	
<p><b>Hazing resulted in bodily harm to any person.</b></p> <p>This report is required when a Principal or other school personnel or volunteer observes hazing.</p> <p>This report is made to the Superintendent or other supervising authority or, in the event of death or great bodily harm, to law enforcement. 720 ILCS 5/12C-50.1. The statute does not provide a deadline for making the report, but making the report immediately is prudent.</p> <p>Failure to report hazing is a Class B misdemeanor and if the hazing resulted in death or great bodily harm the failure to report is a Class A misdemeanor. <i>Id.</i> at 5/12C-50.1(c).</p>	<p>5:90, <i>Abused and Neglected Child Reporting</i></p> <p>7:190, <i>Student Behavior</i></p>
<p><b>The person enrolling a student fails to provide a certified copy of the student's birth certificate within 30 days of enrolling the student.</b></p> <p>The Superintendent or designee is required to make this report. The report is made to local law enforcement. 325 ILCS 50/5(b)(2) and 325 ILCS 55/5(b).</p> <p>This report is required by the Missing Children Records Act (325 ILCS 50/), and the Missing Children Registration Law (325 ILCS 55/).</p>	<p>7:50, <i>School Admissions and Student Transfers To and From Non-District Schools</i></p> <p>7:50-AP, <i>School Admissions and Student Transfers To and From Non-District Schools</i></p>
<p><b>The District receives notification from the ISP of the disappearance of a student currently or previously enrolled.</b></p> <p>The Superintendent or designee is required to make this report. The report must include flagged records pertaining to the student or knowledge about where the student may be located. 105 ILCS 50/5(a) and 325</p>	<p>7:50-AP, <i>School Admissions and Student Transfers To and From Non-District Schools</i></p>

Events Requiring Reports Concerning School Safety and Security	Resources
<p>ILCS 55/5(a).</p> <p>This report is required by the Missing Children Records Act (325 ILCS 50/), and the Missing Children Registration Law (325 ILCS 55/).</p>	
<p><b>A drug-related incident occurred on school property, including any conveyance used to transport students, or within 1000 feet of the school.</b></p> <p>The Principal or designee is required to immediately notify the Superintendent. The Superintendent or designee is required to immediately report to local law enforcement. 105 ILCS 5/10-27.1B(b).</p> <p>105 ILCS 127/2 also requires reporting to the municipal police dept. or office of the county sheriff of the municipality or county where the school is located within 48 hours of becoming aware of the drug violation.</p> <p>105 ILCS 127/2 sets forth specific drug violations that will trigger this duty to report; however, best practice suggests reporting any drug violation. This report is required by the School Reporting of Drug Violations Act (105 ILCS 127/).</p>	<p>3:60, <i>Administrative Responsibility of the Building Principal</i></p> <p>4:170-AP1, <i>Comprehensive Safety and Security Plan</i>, Letter J. Required Notices</p>
<p><b>The safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal use or possession of weapons, or by illegal gang activity.</b></p> <p>If this occurs, the Principal is required to utilize the resources of proper law enforcement agencies. 105 ILCS 5/10-21.4a.</p>	<p>3:60, <i>Administrative Responsibility of the Building Principal</i></p> <p>7:190, <i>Student Behavior</i></p>
<p><b>A student committed a criminal offense.</b></p> <p>The Superintendent or designee is required to make this report. This report is made to local law enforcement agencies as part of a reciprocal reporting system between the School District and local law enforcement agencies. No specified time period is stated in the statute. A reciprocal reporting system is required by 105 ILCS 5/10-20.14.</p>	<p>2:150, <i>Committees</i></p> <p>7:190-AP3, <i>Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students</i></p>
<p><b>A person on school grounds possesses a firearm.</b></p> <p>This report is made by the Principal or designee to local law enforcement immediately after receiving a report of a person on school grounds possessing a firearm. The Principal or designee must also notify the</p>	<p>7:190, <i>Student Behavior</i></p> <p>4:170-AP1, <i>Comprehensive Safety and Security Plan</i>, Letter J. Required Notices</p>



Events Requiring Reports Concerning School Safety and Security	Resources
<p>Superintendent, and the Superintendent or designee must also immediately report to local law enforcement.</p> <p>These reports are required by 105 ILCS 5/10-27.1A, amended by P.A. 102-197. A knowing and willful failure to make the report is a petty criminal offense for the first violation and a second or subsequent violation is a Class C misdemeanor. <i>Id.</i></p>	
<p><b>A staff member is attacked.</b></p> <p>This report is made by the Principal or designee to the Superintendent or designee. The Superintendent or designee will immediately report to local law enforcement and will report to ISBE through its web-based School Incident Reporting System as incidents occur during the school year and no later than August 1 for the preceding school year. 105 ILCS 5/10-21.7, amended by P.A. 102-894.</p>	<p>4:170-AP1, <i>Comprehensive Safety and Security Plan</i>, Letter J. Required Notices</p>
<p><b>A student engaged in aggressive behavior.</b></p> <p>The Superintendent or designee is required to make this report. This report is made to the parent/guardian of a student who engaged in aggressive behavior including, without limitation, bullying. 105 ILCS 5/10-20.14(d). No specific time period is stated in the statute.</p>	<p>7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i></p> <p>7:190, <i>Student Behavior</i></p> <p>7:190-E1, <i>Aggressive Behavior Reporting Letter and Form</i></p>

Required Notices Concerning School Safety and Security	Resources
<p><b>Human Trafficking Hotline.</b></p> <p>The Superintendent or designee ensures the Ill. Dept. of Human Services' notice is posted in conspicuous and accessible locations such as administrative offices or other locations in view of school employees.</p> <p>This notice is required by the Human Trafficking Resource Center Notice Act (775 ILCS 50/).</p>	<p>Notice available for download at: <a href="http://www.dhs.state.il.us/page.aspx?item=82023">www.dhs.state.il.us/page.aspx?item=82023</a>.</p>
<p><b>Lead in Drinking Water.</b></p> <p>If samples from any drinking water lead test performed in any District school(s) exceed five parts per billion, the Superintendent or designee provides notification of the sampling results to the parents or guardians of all enrolled students.</p> <p>This notification is required by 225 ILCS 320/35.5(c)(3).</p>	<p>4:170, <i>Safety</i></p>

Required Notices Concerning School Safety and Security	Resources
<p><b>Sex Offender Information is Available.</b></p> <p>This notice is provided to the parents/guardians of students at either registration or parent-teacher conferences.</p> <p>Either a Principal or teacher shall notify the parents/guardians that information about sex offenders is available on the ISP website. 730 ILCS 152/120(g).</p> <p>This notice is required by the Sex Offender Community Notification Law (730 ILCS 152/120).</p>	<p>4:170, <i>Safety</i></p> <p>4:175-AP1, <i>Criminal Offender Notification Laws; Screening</i></p> <p>4:175-AP1, E1, <i>Informing Parents/Guardians About Offender Community Notification Laws</i></p>