

**IASB POLICY REFERENCE MANUAL
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School Board

Administrative Procedure - Superintendent Committees

The Superintendent or designee creates Superintendent or administrative committees as deemed necessary, makes all appointments, and directs all activities. A Superintendent or administrative committee reports directly to the Superintendent or designated administrator who directs its activities. The Superintendent or designee should consult the Board Attorney (a) concerning whether any of these committees must comply with the Open Meetings Act (OMA), and/or (b) to receive guidance for ensuring that the meetings either comply with OMA requirements or do not trigger OMA.¹ Unless otherwise indicated, the listed Superintendent or administrative committees are optional.

Communicable and Chronic Infectious Disease Program Task Force

This task force assists in the development and review of a chronic and infectious disease program consistent with the District's policies and State and federal laws and regulations, and reports directly to the Superintendent or designee. Appointments are made to the task force only if the Superintendent or designee determines that its input is desirable. See Board policies 5:40, *Communicable and Chronic Infectious Disease* (addressing personnel); and 7:280, *Communicable and Chronic Infectious Disease* (addressing students).

Task force members include the Superintendent or designee, the District medical advisor, a school nurse, and representatives from the School Board, local health department, PTA or PTO, the professional staff, and other employee groups.

Communicable and Chronic Infectious Disease Review Team

This review team monitors those employees and students who have a communicable and chronic infectious disease, and:

1. Reviews individual medical case histories.
2. Recommends the most appropriate educational setting for a student, which may include temporary removal from and return to the regular educational setting.
3. Recommends the most appropriate work setting for an employee; this may include retention in his/her present position, transfer to another position, or temporary excusal from or return to his/her work assignment.

The footnotes should be removed before the material is used.

¹ Superintendent and administrative committees are generally not governed by the Open Meetings Act (OMA), but the operation and function of specific committees may make the Act applicable. For example, any committee, whether superintendent or board, having as members at least a majority of the quorum (three out of seven) of the board, will be subject to OMA. 5 ILCS 120/1.02. For a five-member board, OMA is applicable when a quorum of board members (three out of five) sit on a committee. *Id.* Other factors that determine whether a committee is governed by OMA include “who appoints the members of the entity, the formality of their appointment, and whether they are paid for their tenure; the entity’s assigned duties, including duties reflected in the entity’s by-laws or authorizing statute; whether its role is solely advisory or whether it also has a deliberative or investigative function; whether the entity is subject to government control or otherwise accountable to any public body; whether the group has a budget; its place within the larger organization or institution of which it is a part; and the impact of decisions or recommendations that the group makes.” *Univ. Prof’ls v. Stukel*, 344 Ill.App.3d 856, 865 (1st Dist. 2003).

Team members may include the District's medical advisor, a school nurse, the Building Principal, and the Superintendent or designee.²

The review team is guided by the Board's policies, Ill. Dept. of Public Health (IDPH) rules and regulations, and all other applicable State and federal laws. It reports directly to the Superintendent or designee. See also Board policies 5:40, *Communicable and Chronic Infectious Disease*; and 7:280, *Communicable and Chronic Infectious Disease*. The review team consults the employee's or the student's personal physician and local health department officials before making any recommendations.

The Communicable and Chronic Infectious Disease Review Team respects the privacy rights of each employee and student and takes such precautions as may be necessary to secure confidentiality.

Anaphylaxis Prevention, Response, and Management Committee

This committee develops and implements the District's Anaphylaxis Prevention, Response, and Management Program and reports directly to the Superintendent or designee. It monitors the program and establishes a schedule to ensure the Superintendent reports on the program's effectiveness to the Board at least once every three years. See Board policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, and administrative procedure 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, based upon the Ill. State Board of Education (ISBE) Anaphylaxis Response Policy for Illinois Schools at: www.isbe.net/Documents/Anaphylactic-policy.pdf.

Committee members may include District-level administrators, Building Principals, the District Safety Coordinator (see administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), District 504 Coordinator (see exhibit 6:120-AP1, E1, *Notice to Parents/Guardians Regarding Section 504 Rights*), staff members, parents/guardians, community members, and students.

Employee Substance Abuse Prevention Committee

This committee makes recommendations directly to the Superintendent or designee regarding the issues of employee substance abuse and resulting employee conduct standards, and:

1. Cooperates with community and State agencies on substance abuse programs.
2. Gathers information about substance abuse and suggests methods to disseminate it to employees.
3. Develops a support network that encourages employees to self-refer for treatment and suggests procedures for early identification and treatment.
4. Recommends procedures that would protect the privacy of employees while taking into consideration any directives from the Board to the Superintendent regarding the District's obligation to provide a safe environment and to ensure high-quality performance, which may include but not be limited to:
 - a. Securing training for designated district employees to educate them to identify symptoms of being impaired by or under the influence of substances prohibited by policy. For guidance about what impaired by or under the influence of means, see:
 - i. Footnote numbers five and six in Board policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*;
 - ii. 625 ILCS 5/11-501.2 and 5/11-501.9, (chemical and other tests, validity, etc., a/k/a *field sobriety tests*);

The footnotes should be removed before the material is used.

² The team members listed align with prior joint guidance of the Ill. State Board of Education (ISBE) and the Ill. Dept. of Public Health. See <https://wordpress.uchospitals.edu/infectionprevention/files/2011/05/IDPH-Chronic-ID-in-schoolchildren.pdf>.

- iii. 410 ILCS 705/10-50(d) (“An employer may consider an employee to be impaired or under the influence of cannabis if the employer has a *good faith belief* that an employee manifests specific, articulable symptoms while working that decrease or lessen the employee’s performance of the duties or tasks of the employee’s job position, including symptoms of the employee’s speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others.”) (**Note:** Consult the Board Attorney about identifying cannabis use); and
- iv. Professional development opportunities in the area, e.g., local law enforcement agencies may be a place to begin.
- b. Implementing a reasonable suspicion and/or drug testing³ program(s) to enhance the District’s ability to identify and discipline employees suspected of being impaired by and/or under the influence of prohibited substances. **Note:** Consult the Board Attorney before implementing any drug-testing program(s) or disciplining employees based upon the results of these programs. Drug testing will likely assist the District with the challenges of identifying cannabis-related issues, but the science behind impairment identification and behavioral testing for cannabis impairment is new and emerging.
- c. Addressing expectations for employees in positions of leadership who are perpetually on call⁴ due to the nature of their positions and responsibilities.
- d. Holding licensed educators to a higher standard than non-licensed employees due to their professional code of conduct expectations.
- e. Holding employees working directly with students to a higher standard than employees not working directly with students.
- f. Recommends a method to explicitly inform employees of the consequences of violating the District’s policy.
- g. Recommends best practices for discipline of employees who are suspected of violating or are violating the District’s policy. ⁵

Committee members may include the Superintendent or designee, the District’s medical advisor/medical review officer, and employee representatives from both professional and educational support personnel. The committee is guided by Board policies, administrative procedures, and relevant State and federal statutes. See Board policies 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette,*

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³ The best practice for ensuring the strongest defense when disciplining an employee for undertaking tasks while being impaired by and/or under the influence of prohibited substances is a confirmed, positive drug test used in combination with reasonable suspicion of impairment. Drug testing may be cost prohibitive and disruptive for school districts while also presenting several other legal considerations, including possible collective bargaining implications upon request by the employee representative. For example, while the Americans with Disabilities Act allows the results of such tests to be used as the basis for disciplinary action (42 U.S.C. § 12114; 29 C.F.R. § 1630.16(c)), drug tests may still violate other laws, e.g., Title VI and the Rehabilitation Act (42 U.S.C. § 2000e *et seq.*; and 29 U.S.C. § 701 *et seq.*). Identifying and disciplining employees for cannabis use on a drug test alone may present a unique set of challenges because cannabis can remain in a person’s system for weeks.

⁴ See f/n 3 of sample policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition.*

⁵ Consult the board attorney regarding any disciplinary action explored for employees based solely on a positive cannabis test result. Employee discipline is an item on which collective bargaining may be required.

Tobacco, and Cannabis Prohibition; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; and administrative procedure 5:120-AP2, *Employee Conduct Standards*.

Pandemic Planning Team

This team builds a strong relationship with the local health department and emergency medical agencies and uses their assistance to develop and implement a comprehensive pandemic influenza school action plan and build awareness of the final plan among staff, students, and the community. See Board policy 4:180, *Pandemic Preparedness; Management; and Recovery*, and its procedures.

Team members may include one or two Board members, administrators, and staff members. The team reports directly to the Superintendent or designee.

Sex Equity Committee

This committee supports the District's efforts to eliminate sexual harassment by advising the Superintendent or designee on prevention, intervention, and education. Committee members may include community representatives, District administrators, teachers, and students. See Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; 5:10, *Equal Employment Opportunity and Minority Recruitment*; 5:20, *Workplace Harassment Prohibited*; 5:90, *Abused and Neglected Child Reporting*; 7:10, *Equal Educational Opportunities*; 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; and 7:185, *Teen Dating Violence Prohibited*.

School Violence Prevention Team

This team builds awareness about and supports the development and implementation of the District's:

1. Targeted School Violence Prevention Program. See Board policy 4:190, *Targeted School Violence Prevention Program*, and administrative procedure 4:190-AP1, *Targeted School Violence Prevention Program*.
2. Anti-bullying program, as appropriate. See Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; and administrative procedure 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying*.

All Building Principals or their designees must serve on this team.⁶ Other team members may include the District Safety Coordinator (see administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), law enforcement representatives, the Board Attorney, District psychologist(s), mental health workers and/or social service agencies, faith leaders, community members, and students. The team reports directly to the Superintendent or designee.

Transitional Bilingual Education (TBE) Programs Parent Advisory Committee⁷

This committee is required. The committee maximizes the practical involvement of parents/guardians of students in the District's TBE program(s). Its purpose is to:

1. Afford parents/guardians the opportunity to effectively express their views; and
2. Ensure that the District's program(s) are planned, operated, and evaluated with the involvement of, and in consultation with, parents/guardians of students served by the program(s).

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⁶ Including building principals on this team aligns with administrative procedure 4:190-AP1, *Targeted School Violence Prevention Program*, which provides that "Building Principals are mandatory for successful implementation" of a Targeted School Violence Prevention Plan.

⁷ 105 ILCS 5/14C-10.

All Building Principals or their designees serve on this team.⁸ Other committee members must include parents/guardians of students enrolled in the District's TBE program(s), transitional bilingual education teachers, counselors, and representatives from community groups. A majority of the committee members (or if the District has multiple committees, each committee) must be parents/guardians of students enrolled in the District's TBE program(s).⁹

This committee must elect officers, establish internal rules, guidelines, and procedures.¹⁰ It reports directly to the Superintendent or designee.

Title I Parent Advisory Committee

This committee is required if the District receives or desires to receive Title I funds. See Board policy 6:170, *Title I Programs*; administrative procedure 6:170-AP1, E1, *District-Level Parent and Family Engagement Compact*; 20 U.S.C. §§6312(a)(1)(A), 6318(a)(2)(F). The committee supports the development and implementation of the District's Title I plan. Its activities may include, at the Superintendent or designee's directive:

1. Facilitating the active involvement of parents/guardians in their children's academic success by such activities as coordinating Title I parent-teacher conferences, providing information to help parents/guardians assist their children, coordinating volunteer or paid participation by parents/guardians in school activities, and establishing a process to respond to parents/guardians' inquiries and recommendations.
2. Distributing Title I informational materials.
3. Consulting on the District's Title I Plan.
4. Supporting the implementation of Board policy 6:170, *Title I Programs*.

Committee members include parents/guardians and family members of Title I children.¹¹ It reports directly to the Superintendent or designee.

PERA (Performance Educational Reform Act) Joint Committee and the RIF (Reduction in Force) Joint Committee¹²

Each committee listed below is required until its function has been fulfilled.

1. **PERA joint committee.** This mandatory committee develops a plan for incorporating data and indicators of student growth into the evaluation plan. The joint committee is "composed of equal representation selected by the district and its teachers, or where applicable, the exclusive bargaining representative of its teachers." 105 ILCS 5/24A-4(b). If, within 180 calendar days of the committee's first meeting, the committee does not reach an agreement on the plan, the District must implement ISBE's model evaluation plan with respect to the use of data and indicators on student growth. The amendment of an evaluation plan continues to be a mandatory subject of bargaining. This committee also agrees to the panel of qualified evaluators that reviews appeals of unsatisfactory performance ratings and determines the

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⁸ Optional. If building principals do not serve on this committee and the district deletes this sentence, amend the next sentence's introductory words as follows: "Other committee members must include ...".

⁹ 105 ILCS 5/14C-10.

¹⁰ Id.

¹¹ Inclusion of parents/guardians and family members of Title I children on this committee aligns with 20 U.S.C. §6318(a)(2)(A), which requires a district to involve them in the joint development of a district's plan to help low-achieving children meet challenging achievement and academic standards, and in the development of comprehensive and targeted support and improvement plans.

¹² These committees are not subject to OMA. 105 ILCS 5/24A-4(b) and 105 ILCS 5/24-12(c).

criteria for successful appeals.¹³ 105 ILCS 5/24A-5.5. This committee must also: (a) establish a teacher evaluation plan that ensures that each tenured teacher whose performance is rated as either excellent or proficient is evaluated at least once in the course of the three school years after receipt of the rating, and (b) implement an informal teacher observation plan established by ISBE rule and by agreement of this committee to ensure that each tenured teacher in this category is at least informally observed at least once in the course of the two school years after receipt of the excellent or proficient rating. 105 ILCS 5/24A-5.

2. **RIF joint committee.** This mandatory committee convenes annually to consider issues identified in the statute concerning the selection of teachers for layoff. 105 ILCS 5/24-12(c). On or before December 1 of each year, the RIF joint committee must be established and must hold its first meeting. It is composed of individuals appointed by the Board and the teachers (or the exclusive bargaining representative of its teachers).

Concussion Oversight Team ¹⁴

The Concussion Oversight Team is required until its function has been fulfilled. State law requires the team to establish protocols for return-to-play and return-to-learn for students who have suffered a concussion or head injury during interscholastic athletic activities. See Board policy 7:305, *Student Athlete Concussions and Head Injuries*. 105 ILCS 5/22-80(d). The Board must appoint or approve a Concussion Oversight Team. Section 22-80(d) identifies who must be on each Concussion Oversight Team. A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, they must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. If it is not practicable for a physician, athletic trainer, and/or nurse to be on the Team and other licensed health care professionals are not appointed to serve on the Team, the Team may be composed of only one person who need not be a licensed healthcare professional; however, that individual may not be a coach.

Wellness Committee ¹⁵

The Wellness Committee includes at least one representative from each of the following groups: parents, students, representatives of the school food authority, teachers of physical education, school health professionals, a member of the Board,¹⁶ school administrators,¹⁷ and members of the

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¹³ The PERA joint committee does not determine what rating will be issued to replace an unsatisfactory rating in the event of a successful appeal; that issue must be collectively bargained. 105 ILCS 5/24A-5.5.

¹⁴ 105 ILCS 5/22-80(d).

¹⁵ Establishing a wellness committee is optional; if established, it should be listed here, or delete it if the board has not directed the superintendent to convene a wellness committee in policy 6:50, *School Wellness*. See f/n 27 in sample policy 6:50, *School Wellness*. The preamble to 7 C.F.R. §210.31(d)(1) suggests one method to comply with the rules is by: “identifying individuals” to serve on a “local school wellness policy committee.” However, the final text of 7 C.F.R. §210.31(d)(1) does not specifically require districts to establish a local school wellness policy committee – only that they “permit [groups listed in the procedure above] to participate ...”.

¹⁶ See f/n 1 above. As much of the work of developing a plan to involve local stakeholders is administrative/staff work rather than governance work, the best practice is to have a wellness committee be an administrative committee, but consult the board attorney for guidance about the application of OMA when three or more board members serve on this committee.

¹⁷ If a board wants to comply with the U.S. Dept. of Agriculture’s encouragement to include Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators or educators in the group to provide input about the wellness policy, insert: “Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators, educators,” immediately before: “, and members of the community.”

community. Individuals of this committee will participate in the development, implementation, periodic reviews, and updates of Board policy 6:50, *School Wellness*. 7 C.F.R. §210.31(d)(1).

Children's Advocacy Center Communication Committee ¹⁸

This committee supports the implementation of the Alleged Incidents of Sexual Abuse; Investigations subhead of Board policy 5:90, *Abused and Neglected Child Reporting*. It includes the District Nondiscrimination Coordinator, District Safety Coordinator, and at least one representative from each of the following groups: District-level administrators, Building Principals, school personnel, and employees from the accredited Children's Advocacy Center (CAC) that serves the District. The CAC Communication Committee reports directly to the Superintendent or designee. See Board policy 5:90, *Abused and Neglected Child Reporting*, and administrative procedure 5:90-AP1, *Coordination with Children's Advocacy Center*.

Educational Technology Committee ¹⁹

This committee supports the following functions:

1. Implementation of Board policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*. Committee members may include the Head of Information Technology, District-level administrators, Building Principals, and teachers. See administrative procedure 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*.
2. The District's submission of an annual report to ISBE regarding educational technology capacities and policies. ²⁰
3. Developing, monitoring, and updating the District's Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines for the use of AI. ²¹

Remote Learning Committee ²²

This committee develops a plan for instruction in grades pre-K through 12 and presents it to the Superintendent for approval who then presents it to the Board for adoption when the:

1. Governor declares a disaster due to a public health emergency (20 ILCS 3305/7); and

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¹⁸ Establishing a Children's Advocacy Center (CAC) communication committee is optional and only applies to school districts within a county served by an accredited CAC. See f/n 13 in sample policy 5:90, *Abused and Neglected Child Reporting*, and sample administrative procedure 5:90-AP1, *Coordination with Children's Advocacy Center*.

¹⁹ Establishing an Educational Technology Committee is optional. The Student Online Personal Protection Act (SOPPA), 105 ILCS 85/, centralizes decision making about what K-12 online sites, services, and applications will be used in schools by requiring boards to adopt a policy for designating which district employees are authorized to enter into agreements with operators who collect personally identifiable information about students. See sample policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, and sample administrative procedure 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*.

²⁰ 105 ILCS 5/10-20.74. The sample policies that apply to this submission include, but are not limited to: 4:10, *Fiscal and Business Management*; 5:125, *Personal Technology and Social Media; Usage and Conduct*; 6:220, *Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct*; 6:230, *Library Media Program*; 6:235, *Access to Electronic Networks*; and 7:345, *Use of Educational Technologies; Student Data Privacy and Security*.

²¹ See sample administrative procedure 6:235-AP3, *Development of an Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines*. Delete Item #3 if a board has not adopted the optional **Use of Artificial Intelligence (AI)-Enabled Tools** subhead in policy 6:235, *Access to Electronic Networks*.

²² Establishing this committee is optional. 105 ILCS 5/10-30, requires "the district to adopt a remote and blended remote learning day plan approved by the district superintendent" when certain emergency conditions exist that are related to the management of a public health emergency under the Ill. Emergency Management Act. See f/n 1 in sample administrative procedure 6:20-AP, *Remote and/or Blended Remote Learning Day Plan(s)*. A committee can assist the superintendent to ensure all the statutory requirements for implementing, monitoring, and amending the plan are met.

2. State Superintendent of Education declares a requirement for the District to implement and use Remote Learning Days (RLDs) or Blended Remote Learning Days (BRLDs).

After adoption of the plan by the Board, this committee supervises the implementation of administrative procedure 6:20-AP, *Remote and/or Blended Remote Learning Day Plan(s)*, and exists until its function has been fulfilled.

Time Out and Physical Restraint Oversight Team²³

The Time Out and Physical Restraint Oversight Team is required. The Team includes, but is not limited to, Building Principals, teachers, paraprofessionals, school service personnel, and administrators to develop:

1. The District's plan, including school-specific considerations,²⁴ for reducing and eventually eliminating the use of isolated time out, time out, and physical restraint in accordance with the goals and benchmarks established by ISBE;²⁵ and
2. Procedures to implement the plan and make the plan available for review by parents/guardians.

The Team also supported the District's submission to ISBE of the plan by July 1, 2022, and of progress reports annually thereafter through July 1, 2024, as well as notification to parents/guardians when plans and progress reports were available for review.

The footnotes should be removed before the material is used.

²³ 105 ILCS 5/2-3.130(e) requires boards to create a Time Out and Physical Restraint Oversight Team. As this is administrative/staff work rather than governance work, the best practice is to have the team be an administrative committee but consult the board attorney for guidance.

²⁴ An *entity-specific plan* (district-specific plan) is required by 105 ILCS 5/2-3.130(e), amended by P.A. 103-175, however final ISBE rules at 23 Ill.Admin.Code §1.285(k)(1)(B) go beyond the authority of the statute and require a *school district plan* that includes *school-specific recommendations*.

A plan is required unless a district can show that it: (1) has not used physical restraint, time out, and isolated time out (RTO) within the previous three years, (2) has adopted a policy prohibiting the use of RTO, and (3) enforces the policy. 105 ILCS 5/2-3.130(f); 23 Ill.Admin.Code §1.285(k)(1)(B). Consult the board attorney to determine if a team is required for a district; a team may still be required by law even if no plan is required.

The plan must include, but is not limited to, specific actions being taken by the school to: (1) reduce and eventually eliminate relying on RTO for behavioral interventions and develop noncoercive environments, (2) develop individualized student plans (separate from a student's individualized education program or 504 plan) that aim to prevent the use of RTO, (3) ensure that appropriate school personnel are fully informed of the student's history, including any history of physical or sexual abuse, and other relevant medical and mental health information, except that any disclosure of student information must be consistent with laws and rules governing student confidentiality and privacy rights, and (4) support a vision for cultural change that reinforces using the following in lieu of RTO: positive behavioral interventions and supports, effective ways to de-escalate situations, crisis intervention techniques, and debriefing meetings to reassess what occurred and why. 105 ILCS 5/2-3.130(e)(1)-(4).

²⁵ ISBE's initial goal is for a 25% reduction in the use of RTO over a 12-month period for students experiencing five-plus instances in a 30-day period. ISBE intends to periodically revise this goal in order to systemically reduce and eventually eliminate the use of RTO. See www.isbe.net/Pages/restraint-time-out.aspx for further information, including ISBE's *RTO Reduction Plan Directions and Checklist, and Reduction Plan Submittal Template*.

School Board

Administrative Procedure – Title IX Response ¹

The District responds to all reports of alleged sexual harassment in violation of Title IX regardless of whether the Complainant or Title IX Coordinator² pursues a Formal Title IX Sexual Harassment Complaint. Use this procedure to implement the District's required response to reports of sexual harassment that may violate Title IX.

Responses must include: Training, Reporting, an Initial Meeting with the Complainant and Complaint Analysis, Consideration of a Formal Title IX Sexual Harassment Complaint, Consideration of Removal of the Respondent, and Recordkeeping. Procedures for each of these responses are outlined below.

Formal Title IX Sexual Harassment Complaints are processed using 2:265-AP2, *Formal Title IX Complaint Grievance Process*.

Glossary of Terms

Use exhibit 2:265-E, *Title IX Glossary of Terms*, in conjunction with this procedure.

Training

Actor	Action
Superintendent or Designee	<p>Ensures:</p> <ol style="list-style-type: none"> 1. All District employees³ receive training on the definition of sexual harassment, the scope of the District's education program or activity, all relevant District policies and procedures, and the necessity to promptly forward all reports of sexual harassment to the Title IX Coordinator. 2. An individual designated by the District as a Title IX Coordinator, investigator, decision-maker (including the Initial Decision-Maker and Appellate Decision-Maker), or informal resolution process facilitator receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially. 3. Title IX investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. 4. Title IX decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence

The footnotes should be removed before the material is used.

¹ Customize this sample Title IX sexual harassment response to ensure alignment with the district's policies, procedures, and practices.

² At least one employee must be designated as the Title IX Coordinator. 34 C.F.R. §106.8(a).

³ Though not required by Title IX regulations, "elementary and secondary schools may choose to train non-employees such as volunteers about how to report sexual harassment or require volunteers to do so...and such schools would not face expanded Title IX liability by doing so." 85 Fed. Reg. 30119. Consult the board attorney about this issue.

Actor	Action
	<p>about the Complainant's sexual predisposition or prior sexual behavior are not relevant to the allegations.</p> <p>5. Public availability of all training materials for the Title IX Coordinator, investigators, decision-makers, and any informal resolution facilitators⁴ by posting them on the District's website, if any, or otherwise making them available upon request for inspection by members of the public. 34 C.F.R. §106.45(b)(10)(i)(D). See exhibit 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>.</p>

Reporting

Actor	Action
All District employees	<p>Upon receiving knowledge of a sexual harassment allegation:</p> <ol style="list-style-type: none"> 1. Immediately report a suspicion of child abuse or neglect to the Ill. Dept. of Children and Family Services on its Child Abuse Hotline 1-800-25-Abuse (1-800-252-2873 (within Illinois); 1-217-524-2606 (outside Illinois); or 1-800-358-5117 (TTY)). 2. Promptly forward all reports of sexual harassment to the Title IX Coordinator. <p>Note: Employees may receive knowledge of a sexual harassment allegation via an anonymous report. 85 Fed. Reg. 30132.</p>

Initial Meeting with the Complainant; Complaint Analysis

Actor	Action
Title IX Coordinator	<p>Upon receiving knowledge of a sexual harassment allegation, promptly contacts the Complainant to (34 C.F.R. §106.44(a)):</p> <ol style="list-style-type: none"> 1. Discuss the availability of supportive measures; 2. Consider the Complainant's wishes with respect to supportive measures; <p>Note: If a Complainant desires supportive measures, the District should keep the Complainant's identity confidential (including from the Respondent) unless disclosing the Complainant's identity is necessary to provide a particular supportive measure, e.g., no contact order. 85 Fed. Reg. 30133.</p> <p>Inform the Complainant that supportive measures are available regardless of whether the Complainant files a Formal Title IX Sexual Harassment Complaint; and</p>

The footnotes should be removed before the material is used.

⁴ Naming only the training provider and course does not meet this requirement. See 85 Fed. Reg. 30254. Consult the board attorney regarding this requirement; making training materials of third-party consultants publicly available may violate their intellectual property rights. The DOE acknowledged the potential for intellectual property violations, suggesting that districts either "secure permission from the consultant to publish the training materials" or create their own training materials. 85 Fed. Reg. 30412.

	<p>Explain to the Complainant the process for filing a Formal Title IX Sexual Harassment Complaint, including administrative procedure 2:265-AP2, <i>Formal Title IX Complaint Grievance Process</i>.</p> <p>Maintains the confidentiality of the sexual harassment allegation, to the greatest extent practicable.</p> <p>Analyzes the sexual harassment allegation under the following Board policies:</p> <ul style="list-style-type: none"> • 2:260, <i>Uniform Grievance Procedure</i> • 5:20, <i>Workplace Harassment Prohibited</i> • 5:90, <i>Abused and Neglected Child Reporting</i> • 5:120, <i>Employee Ethics; Code of Professional Conduct; and Conflict of Interest</i> • 7:20, <i>Harassment of Students Prohibited</i> • 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i> • 7:185, <i>Teen Dating Violence Prohibited</i> • 7:190, <i>Student Behavior</i> <p>Answers the following questions:</p> <ol style="list-style-type: none"> 1. Does another appropriate method exist for processing and reviewing the sexual harassment allegation? 2. If yes, does that other method govern the District's response in addition to or at the exclusion of Board policy 2:265, <i>Title IX Grievance Procedure</i>? <p>See exhibit 2:265-E, <i>Title IX Glossary of Terms</i>, for a discussion of sexual harassment governed by laws other than Title IX. Consult the Board Attorney for guidance.</p>
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Consideration of a Formal Title IX Sexual Harassment Complaint

A Formal Title IX Sexual Harassment Complaint may be filed by the Complainant with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator under 34 C.F.R. §106.8(a), and by any additional method designated by the District. The Formal Title IX Sexual Harassment Complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing it.

When the Title IX Coordinator signs⁵ a Formal Title IX Sexual Harassment Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under administrative procedure 2:265-AP2, *Formal Title IX Complaint Grievance Process*. 34 C.F.R. §106.30.

Actor	Action
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The footnotes should be removed before the material is used.

⁵ Additionally, a Title IX coordinator who *signs* (instead of *files*) a formal Title IX sexual harassment complaint does not create a conflict of interest with the *respondent*. 85 Fed. Reg. 30216.

Title IX Coordinator	<p>When a Complainant Does NOT File a Formal Title IX Sexual Harassment Complaint:</p> <p>Assesses the sexual harassment allegation to determine whether the circumstances justify overriding the Complainant’s choice and signing a Formal Title IX Sexual Harassment Complaint.</p> <p>“If a grievance process is initiated against the wishes of the complainant, that decision should be reached thoughtfully and intentionally by the Title IX Coordinator [and] not [be] an automatic result that occurs any time [the District] has notice that a complainant was allegedly victimized by sexual harassment.” 85 Fed. Reg. 30131. Consult the Board Attorney for guidance.</p> <p>The District’s Every Student Succeeds Act (ESSA) obligations may require the Title IX Coordinator to sign a Formal Title IX Sexual Harassment Complaint initiating a grievance process against an employee-respondent, even when the Complainant does not wish to file a Formal Title IX Sexual Harassment Complaint;⁶ e.g., the District wishes to investigate allegations in order to determine whether it has probable cause of employee sexual misconduct that affect its ESSA obligations.⁷</p> <p>When a Complainant Files, or the Title IX Coordinator Signs, a Formal Title IX Sexual Harassment Complaint:</p> <p>Proceeds to and follows administrative procedure 2:265-AP2, <i>Formal Title IX Complaint Grievance Process</i>, in conjunction with any response required by this procedure.</p>
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Consideration of Removal of the Respondent

Actor	Action
Title IX Coordinator	<p>Emergency Removal of Respondent-Student:</p> <p>If the Respondent is an identified student, considers whether the Respondent-student should be removed from the District’s education program or activity on an emergency basis in accordance with 34 C.F.R. §106.44(c).</p> <p>Before removing a Respondent-student on an emergency basis, conducts an individualized safety and risk analysis to determine whether removal is justified by an immediate threat to the physical health or safety of any student or other individual arising from the sexual harassment allegations. See administrative procedure 4:190-AP2, <i>Threat Assessment Team (TAT)</i>.</p> <p>If the Respondent-student is removed on an emergency basis:</p>

The footnotes should be removed before the material is used.

⁶ 85 Fed. Reg. 30192; 20 U.S.C. §7926 (Every Student Succeeds Act).

⁷ *Id.* See also *ESSA Dear Colleague Letter on ESEA Section 8546 Requirements*, DOE Office of Elementary and Secondary Education (June 27, 2018), at: www2.ed.gov/policy/elsec/leg/essa/section8546dearcolleagueletter.pdf.

	<ol style="list-style-type: none"> 1. Provides the Respondent-student with written⁸ notice and an opportunity to challenge the decision immediately⁹ following the removal; and 2. Follows requirements set forth in 105 ILCS 5/10-22.6. <p>Administrative Leave for Respondent-Employee:</p> <p>If the Respondent is identified and is a non-student employee, in conjunction with the Assistant Superintendent for Human Resources, considers whether the Respondent-employee should be placed on administrative leave in accordance with 34 C.F.R. §106.44(d), relevant District policies and procedures, and any applicable collective bargaining agreements. See Board policies 5:240, <i>Suspension</i>, and 5:290, <i>Employment Termination and Suspensions</i>.</p> <p>Note: While Title IX regulations do not impose a time limit on the duration of an emergency removal (85 Fed. Reg. 30230), time limits may apply based upon District policies and procedures, any applicable collective bargaining agreements, and other laws and regulations, e.g., the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, 105 ILCS 5/10-22.6.</p>
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Recordkeeping

Actor	Action
Title IX Coordinator	<p>Creates and maintains, for a period of at least seven years, records of any actions and supportive measures taken and provided in response to the report of sexual harassment, regardless of whether a Formal Title IX Sexual Harassment Complaint was filed. 34 C.F.R. §106.45(b)(10)(ii). Ensures that records document:</p> <ol style="list-style-type: none"> 1. Why the District’s response to the sexual harassment allegation was not deliberately indifferent, e.g., was deliberately concerned and appropriate; 2. The supportive measures the District took to restore or preserve equal access to its education program or activity; and 3. If the District did not provide Complainant with supportive measures, why not providing them was clearly reasonable in light of the circumstances. <i>Id.</i> <p>See Board policy 5:150, <i>Personnel Records</i>, and administrative procedure 5:150-AP, <i>Personnel Records</i>, addressing the identification and storage of, and access to personnel records.</p> <p>See Board policy 7:340, <i>Student Records</i>, along with administrative procedures 7:340-AP1, <i>School Student Records</i>, and 7:340-AP2, <i>Storage</i></p>

The footnotes should be removed before the material is used.

⁸ While Title IX regulations do not require written notice to the respondent (85 Fed. Reg. 30234), most attorneys agree providing written notice is a best practice. If the district does not want to provide written notice, delete “written.”

⁹ *Immediately* is fact-specific and is generally understood in the context of a legal process to mean occurring without delay, as soon as possible, or given the circumstances.” 85 Fed. Reg. 30229.

	<p><i>and Destruction of School Student Records</i>, addressing the District’s legal obligations regarding the identification, confidentiality, safeguarding, access, and disposal of school student records.</p>
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School Board

Administrative Procedure – Formal Title IX Complaint Grievance Process ¹

This procedure implements the District’s investigation and response process for a Formal Title IX Sexual Harassment Complaint after a decision to pursue one has been made using 2:265-API, *Title IX Response*. See 34 C.F.R. Part 106. Use this procedure to comply with 34 C.F.R. §106.45, *Grievance process for formal complaints of sexual harassment*. Use exhibit 2:265-E, *Title IX Glossary of Terms*, in conjunction with this procedure.

This procedure contains a **Table of Contents** and lettered **Sections**.

Table of Contents

- A. Overview of 34 C.F.R. §106.45 Grievance Process
- B. Notice of Allegations
- C. Consolidation of Formal Title IX Sexual Harassment Complaints
- D. Dismissal of Formal Title IX Sexual Harassment Complaint
- E. Informal Resolution of Formal Title IX Sexual Harassment Complaint
- F. Investigation of Formal Title IX Sexual Harassment Complaint
- G. Determination Regarding Responsibility; Remedies
- H. Appeals
- I. Recordkeeping

Sections

A. Overview of 34 C.F.R. §106.45 Grievance Process

The District treats Complainants and Respondents engaging in the Formal Title IX Sexual Harassment Complaint Grievance Process (Grievance Process) equitably and adheres to the following guidelines:

1. Presumption of Non-Responsibility. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process. 34 C.F.R. §106.45(b)(1)(iv).
2. Grievance Process Required Before Imposing Sanctions. The District complies with this Grievance Process before imposing any disciplinary sanctions or other actions against a Respondent. 34 C.F.R. §106.45(b)(1)(i).
3. Supportive Measures.² The District may provide 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 work³ locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures to Complainants and/or Respondents. 34 C.F.R. §106.45(b)(1)(ix). See exhibit 2:265-E, *Title IX Glossary of Terms*, for the definition of *supportive measures*.

The footnotes should be removed before the material is used.

¹ This sample Title IX grievance process must be customized to ensure alignment with the district’s policies, procedures, and practices.

² Customize this list to reflect locally available supportive measures.

³ For districts with residential facilities, insert “or housing” here.

4. Evidence Considered. All relevant evidence – including both inculpatory and exculpatory evidence – is objectively evaluated. Credibility determinations are not based on a person’s status as a Complainant, Respondent, or witness. The District does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, e.g., attorney-client privilege, doctor-patient privilege, or spousal privilege, unless the person holding such privilege has waived the privilege. 34 C.F.R. §106.45(b)(1)(ii) and (x).
5. Standard of Proof. All determinations are based upon the *preponderance of evidence* standard. 34 C.F.R. §106.45(b)(1)(vii). ⁴
6. Right to Appeal. Each party may appeal any determination as described in **Section H. Appeals**, below. 34 C.F.R. §106.45(b)(1)(viii); 34 C.F.R. §106.45(b)(8)(i).
7. Timeline. The Grievance Process is concluded within 90 school business days⁵ after receipt of a Formal Title IX Sexual Harassment Complaint. As used in this Grievance Process, *school business days* means days on which the District’s main office is open. For good cause, this Grievance Process may be temporarily delayed or extended for a limited time only if the Complainant and the Respondent are provided written notice of the delay/extension and the reasons for it. Good cause may include: the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. 34 C.F.R. §106.45(b)(1)(v).
8. Disciplinary Sanctions and Remedies. Following a determination of responsibility, the District may implement recommended disciplinary sanctions, up to and including: discharge, for a Respondent-employee; expulsion, for a Respondent-student; and termination of any existing contracts and/or prohibition from District property and activities, for a third-party Respondent. 34 C.F.R. §106.45(b)(1)(vi).

Where a determination of responsibility for sexual harassment is made against a Respondent, remedies designed to restore or preserve equal access to the District’s education program or activities are provided to a Complainant. Remedies may include the same individualized services described in Supportive Measures, above. Unlike Supportive Measures, however, remedies may be disciplinary or punitive, and they may burden the Respondent. 34 C.F.R. §106.45(b)(1)(i). The District may implement remedies up to and including the recommended disciplinary sanctions described above. 34 C.F.R. §106.45(b)(1)(vi).
9. Training Requirements. The District ensures certain training requirements are met. At a minimum, any individual designated by the District as a Title IX Coordinator, investigator, decision-maker (including the Initial Decision-Maker and Appellate Decision-Maker), or any person designated by the District to facilitate an informal resolution process will:

The footnotes should be removed before the material is used.

⁴ See f/n 26 in sample policy 2:265, *Title IX Grievance Procedure*. Ensure the same standard of proof used in that policy is used here.

⁵ The method of calculation may be customized locally. This sample uses school business days. If the district uses a different calculation method, e.g., calendar days, insert it. 85 Fed. Reg. 30188. The formal Title IX sexual harassment complaint grievance process must include “reasonably prompt time frames for [their] conclusion, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the recipient offers informal resolution processes.” 34 C.F.R. §106.45(b)(1)(v). **Consult with the board attorney to determine the most appropriate timeline for the district.**

- a. Not have a conflict of interest or bias for or against complainants or respondents generally, or an individual Complainant or Respondent; and
- b. Receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and Grievance Process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially (including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias).

Any individual designated by the District as an investigator receives training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any individual designated by the District as a decision-maker receives training on issues of relevance of questions and evidence, including training about when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant to the allegations. 34 C.F.R. §106.45(b)(1)(iii).

B. Notice of Allegations

Upon signing a Formal Title IX Sexual Harassment Complaint or receiving a Formal Title IX Sexual Harassment Complaint filed by a Complainant, the Title IX Coordinator:

1. Provides written notice to all known parties of the following information: ⁶
 - a. This procedure 2:265-AP2, *Formal Title IX Complaint Grievance Process*, including any available informal resolution process.
 - b. The allegations of sexual harassment potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX sexual harassment, and the date and location of the alleged incident, if known.
 - c. That the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process.
 - d. That all parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
 - e. That all parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Title IX Sexual Harassment Complaint (including evidence the District does not intend to rely on in determining responsibility, and inculpatory or exculpatory evidence) so that each party can meaningfully respond to the evidence before the investigation concludes.
 - f. That the District's behavior policies prohibit knowingly making false statements or knowingly submitting false information during the Grievance Process.
2. Provides a second written notice to all known parties if, during the investigation, the District decides to investigate allegations not included in the first written notice.

The footnotes should be removed before the material is used.

⁶ 34 C.F.R. §106.45(b)(2).

3. Decides whether to personally conduct the investigation or appoint a qualified investigator. If the Title IX Coordinator appoints a qualified investigator, provides written notice of the appointment to the Investigator.⁷

When the Complainant's Identity Is Unknown

If the Complainant's identity is unknown, e.g., where a third party reports that a Complainant was victimized by sexual harassment but does not reveal the Complainant's identity, or a Complainant reports anonymously, the Grievance Process may proceed if the Title IX Coordinator determines it is necessary to sign a Formal Title IX Sexual Harassment Complaint, even though the written notice provided in **Section B.1**, above, will not include the Complainant's identity. 85 Fed. Reg. 30133. If the Complainant's identity is later discovered, the Title IX Coordinator provides another written notice to the parties. *Id.* at f/n 594.

When the Respondent's Identity is Unknown

If the Respondent's identity is unknown, e.g. where a Complainant does not know the Respondent's identity, the Grievance Process shall proceed because an investigation might reveal the Respondent's identity, even though the written notice provided in **Section B.1**, above, will not include the Respondent's identity. If the Respondent's identity is later discovered, the Title IX Coordinator provides another written notice to the parties. 85 Fed. Reg. 30138.

C. Consolidation of Formal Title IX Sexual Harassment Complaints

When the allegations of sexual harassment arise out of the same facts or circumstances, the Title IX Coordinator may consolidate Formal Title IX Sexual Harassment Complaints alleging sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party. 34 C.F.R. §106.45(b)(4).

D. Dismissal of Formal Title IX Sexual Harassment Complaint

After an investigation, if the Title IX Coordinator determines that the conduct alleged would not constitute Title IX sexual harassment even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the Title IX Coordinator dismisses the Formal Title IX Sexual Harassment Complaint with regard to that conduct for purposes of Title IX sexual harassment only. Such a dismissal does not preclude action under another applicable District policy or procedure.

At any time during the investigation, the Title IX Coordinator may dismiss the Formal Title IX Sexual Harassment Complaint, or any allegations contained in it, if any of the following occur:

1. The Complainant notifies the Title IX Coordinator in writing that he or she wants to withdraw the Formal Title IX Sexual Harassment Complaint or any allegations contained in it;
2. The Respondent is no longer enrolled or employed by the District; or
3. Specific circumstances prevent the District from gathering enough evidence to reach a determination as to the Formal Title IX Sexual Harassment Complaint or allegations in it.

Upon dismissal, the Title IX Coordinator promptly sends simultaneous written notice to the parties of the dismissal, reason(s) for the dismissal, and the right to appeal the dismissal. 34 C.F.R. §106.45(b)(3).

The footnotes should be removed before the material is used.

⁷ Optional. Many attorneys agree written notice is a best practice. Delete this sentence if the district will not provide written notice of the appointment to the Investigator.

E. Informal Resolution of Formal Title IX Sexual Harassment Complaint ⁸

At any time prior to reaching a determination regarding responsibility, the District may facilitate informal resolution of a Formal Title IX Sexual Harassment Complaint, such as mediation, that does not involve a full investigation and adjudication, provided that the District (34 C.F.R. §106.45(b)(9)):

1. Provides the parties with written notice disclosing:
 - a. The allegations;
 - b. Informal resolution process requirements, including the circumstances where parties are precluded from resuming a Formal Title IX Sexual Harassment Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Grievance Process for the Formal Title IX Sexual Harassment Complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

F. Investigation of Formal Title IX Sexual Harassment Complaint

The Investigator or Title IX Coordinator follows these steps when investigating the allegations in a Formal Title IX Sexual Harassment Complaint.

Actor	Action
Investigator or Title IX Coordinator	<p>During an investigation and throughout the Grievance Process (34 C.F.R. §106.45(b)(5)):</p> <ol style="list-style-type: none">1. Ensures that the burden of proof and burden of gathering evidence rest on the District and not the parties involved. 34 C.F.R. §106.45(b)(5)(i).2. Provides an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. 34 C.F.R. §106.45(b)(5)(ii).3. Refrains from restricting the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. 34 C.F.R. §106.45(b)(5)(iii).4. Provides the parties the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice (who may be, but is not required to be, an attorney). 34 C.F.R. §106.45(b)(5)(iv). ⁹

The footnotes should be removed before the material is used.

⁸ Informal resolution may be offered only if a Formal Title IX Sexual Harassment Complaint is filed. 34 C.F.R. §106.45(b)(9).

⁹ While the district cannot limit the choice or presence of an advisor for any party, it can restrict the extent to which the advisor may participate in the proceedings if its restrictions apply equally to both parties. 34 C.F.R. §106.45(b)(5)(iv).

Actor	Action
	<ol style="list-style-type: none"> 5. Provides, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate. 34 C.F.R. §106.45(b)(5)(v). 6. Provides the parties an equal opportunity to inspect and review any evidence obtained during the investigation that is directly related to the Formal Title IX Sexual Harassment Complaint's allegations (including evidence the District does not intend to rely on in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence). 34 C.F.R. §106.45(b)(5)(vi). 7. Prior to the completion of the investigative report, sends to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy and provides each party with 10 school business days to submit a written response. <u>Id.</u> 8. Upon receipt of a party's written response to the evidence, reviews the response and sends a copy to the other party in an electronic format or a hard copy. <p>Prepares an investigative report summarizing all relevant evidence. 34 C.F.R. §106.45(b)(5)(vii).</p> <p>Sends to each party and each party's advisor, if any, the investigative report in an electronic format or hard copy, for their review and written response. <u>Id.</u></p> <p>Note: This step must occur at least 10 school business days before the Initial Decision-Maker's determination regarding responsibility. <u>Id.</u></p> <p>At the conclusion of the investigation, sends to the Initial Decision-Maker in an electronic format or hard copy:</p> <ol style="list-style-type: none"> 1. The Formal Title IX Sexual Harassment Complaint; 2. All evidence gathered during the investigation that is directly related to the Formal Title IX Sexual Harassment Complaint's allegations (including evidence the District does not intend to rely on in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence); and 3. The investigative report.

G. Determination Regarding Responsibility; Remedies

Initial Decision-Maker	<p>The Superintendent or designee acts as the Initial Decision-Maker for all Formal Title IX Sexual Harassment Complaints, unless it involves allegations against the Superintendent or designee or against a Board Member. In such cases, an outside consultant, e.g., an attorney or retired school administrator, acts as the Initial Decision-Maker.</p> <p>Reviews Investigative Report and Corresponding Materials; Opportunity for Parties to Submit Questions</p>
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	<p>Reviews all materials received from the Investigator.</p> <p>Provides the parties with written notice of the opportunity to submit, through the Initial Decision-Maker, written, relevant questions that a party wants asked of any party or witness. 34 C.F.R. §106.45(b)(6)(ii). In the written notice, informs the parties that:</p> <ol style="list-style-type: none"> 1. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless they: are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. <u>Id.</u> 2. Any questions must be submitted to the Initial Decision-Maker within five (5) school business days. ¹⁰ <p>Reviews any questions received from each party for submission to any party or witness.</p> <p>Determines which questions to forward to any party or witness for answers. If any proposed questions are excluded as not relevant, provides the proposing party with a written explanation of the decision to exclude a question as not relevant. <u>Id.</u></p> <p>Forwards relevant questions to any party or witness with instructions to submit answers to the Initial Decision-Maker within five (5) school business days. ¹¹</p> <p>Upon receipt of answers to questions, provides each party with copies of them. <u>Id.</u></p> <p>Provides the parties with written notice of the opportunity to submit, through the Initial Decision-Maker, additional, limited follow-up written, questions that a party wants asked of any party or witness. <u>Id.</u> Informs the parties that any questions must be submitted to the Initial Decision-Maker within five (5) school business days. ¹²</p> <p>Upon receipt of answers to the additional questions, provides each party with copies of them. <u>Id.</u></p> <p>Determination and Written Notice of Determination</p> <p>Basing all decisions on the <i>preponderance of evidence</i>¹³ standard, simultaneously issues to the parties a written determination regarding responsibility that (34 C.F.R. §106.45(b)(7)(ii)):</p> <ol style="list-style-type: none"> 1. Identifies the allegations potentially constituting Title IX sexual harassment;
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The footnotes should be removed before the material is used.

¹⁰ See f/n 5, above.

¹¹ Id.

¹² Id.

¹³ See f/n 4, above.

	<ol style="list-style-type: none"> 2. Describes the procedural steps taken from the receipt of the Formal Title IX Sexual Harassment Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence; 3. Contains findings of fact supporting the determination; 4. Contains conclusions regarding the application of the District's policies and procedures to the facts; 5. Contains a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any recommended¹⁴ disciplinary sanctions for the District to impose on the Respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the Complainant; and 6. Outlines the District's procedures and permissible bases for the Complainant and Respondent to appeal.
Title IX Coordinator	Implements any remedies for the Complainant as ordered by the Initial Decision-Maker. 34 C.F.R. §106.45(b)(7)(iv).

H. Appeals

The determination regarding responsibility becomes final either on the date that the Appellate Decision-Maker provides the parties with the written decision of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. 34 C.F.R. §106.45(b)(7)(iii).

Actor	Action
Complainant or Respondent	<p>Within 10 school business days¹⁵ after receiving either the Initial Decision-Maker's written determination regarding responsibility or the notice of dismissal of Formal Title IX Sexual Harassment Complaint, makes a written request to the Title IX Coordinator appealing the determination/dismissal based on:</p> <ol style="list-style-type: none"> 1. Procedural irregularity that affected the outcome. 2. New evidence now available that could affect the outcome but that was not reasonably available at the time the determination. 3. The Title IX Coordinator, Investigator, or Initial Decision-Maker having a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome. 34 C.F.R. §106.45(b)(8)(i).

The footnotes should be removed before the material is used.

¹⁴ 34 C.F.R. §106.45(b)(7)(ii)(E). This sample procedure uses the phrase "recommended disciplinary sanctions" because oftentimes, a district cannot immediately *impose* disciplinary sanctions – it can instead recommend disciplinary sanctions, e.g., a recommendation for student expulsion or teacher dismissal, which may only be imposed after each party exhausts their due process rights.

¹⁵ See f/n 5, above.

Actor	Action
	<p>Note: The District may offer appeals on additional bases, so long as they are offered equally to both parties. 34 C.F.R. §106.45(b)(8)(ii). Consult the board attorney before offering additional appeal bases, as they may overlap with or impact related proceedings that occur separately from this Grievance Process, e.g., a student expulsion hearing or teacher dismissal hearing to impose recommended disciplinary sanctions as a result of this Grievance Process.</p>
Title IX Coordinator	<p>Upon receiving an appeal from one party:</p> <ol style="list-style-type: none"> 1. Notifies the other party in writing that an appeal has been filed. 2. Provides both parties five (5) school business days to submit a written statement in support of, or challenging, the outcome. 3. Promptly forwards all materials relative to the appeal to the Appellate Decision-Maker. <p>Note: The District must ensure that the Appellate Decision-Maker is not 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 Board may, but is not required to, hear and decide the appeal; it is a suggestion that aligns with the appeal provisions in policy 2:260, <i>Uniform Grievance Procedure</i>, and with Ill. State Board of Education sex equity regulations requiring districts to “provide for final appeal of grievance decisions made at the system level to the system’s governing board.” 23 Ill.Admin.Code §200.40(c)(1). If the Board acts as the Appellate Decision-Maker, the Board must receive the training in Section A.9, above.</p> <p>Note: Some school attorneys recommend that the appeal not go to the Board, so that the Board’s objectivity is not called into question if it needs to conduct a hearing related to recommended disciplinary sanctions resulting from the Grievance Process. Districts should discuss their options with their board attorneys.</p>
Appellate Decision-Maker	<p>Within 30 school business days, affirms, reverses, or amends the written determination regarding responsibility or the notice of dismissal.</p> <p>Within five (5) school business days after its decision, simultaneously issues a written decision to both parties that describes the result of the appeal and the rationale for the result. 34 C.F.R. §106.45(b)(8)(iii)(E), (F). ¹⁶</p>

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¹⁶ These timelines are optional and used for ease of use and administration to align with the appeal timelines in sample policy 2:260, *Uniform Grievance Procedure*.

I. Recordkeeping

Actor	Action
Title IX Coordinator	<p>Creates and maintains, for a period of at least seven (7) years, records of (34 C.F.R. §106.45(b)(10)(i)):</p> <ol style="list-style-type: none">1. The sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore/preserve equal access to the District's education program or activity;2. Any appeal and its result;3. Any informal resolution and its result; and4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution. <p>See Board policy 5:150, <i>Personnel Records</i>, and administrative procedure 5:150-AP, <i>Personnel Records</i>, addressing the identification, storage, and access to personnel records.</p> <p>See Board policy 7:340, <i>Student Records</i>, along with administrative procedures 7:340-AP1, <i>School Student Records</i>, and 7:340-AP2, <i>Storage and Destruction of School Student Records</i>, addressing the District's legal obligations regarding the identification, confidentiality, safeguarding, access, and disposal of school student records.</p>

Operations

Administrative Procedure – Treatment of Personally Identifiable Information Under Grant Awards

This procedure implements identification, handling, storage, access, disposal, and the overall confidentiality of personally identifiable information under grant awards in the subhead **Treatment of Personally Identifiable Information Under Grant Awards** in Board policy 4:15, *Identity Protection*. Use it when the District is a recipient of a federal grant award or State grant award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) and, as a result, must handle personally identifiable information (defined below) in its administration of the award.

Definitions

Personally identifiable information (PII) means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some PII is available in public sources such as telephone books and web sites.¹ The definition of PII is not attached to any single category of information or technology. Instead, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII (or *protected personally identifiable information*) whenever additional information is made publicly available, in any medium and from any source, that could be used to identify an individual when combined with other available information. 2 C.F.R. §200.1.

Protected personally identifiable information (Protected PII) is a subset of PII; it means PII (see definition above), except for certain types of PII that must be disclosed by law.² 2 C.F.R. §200.1.

Safeguarding Requirement

GATA and 2 C.F.R. §200.303(e) require grant recipients to take reasonable measures to safeguard (1) Protected PII, (2) other information that the awarding agency or pass-through entity designates as sensitive, such as PII, and (3) information that the District considers to be sensitive consistent with applicable laws regarding privacy and confidentiality (collectively referred to in this Procedure as *sensitive information*).

The Superintendent or designee will ensure that the District:

1. Implements reasonable security measures, such as physical and technological safeguards, for the protection of sensitive information that meets or exceeds industry standards designed to protect such information from unauthorized access, destruction, use, modification, or disclosure.³
2. Complies with all applicable laws, such as the Identity Protection Act (5 ILCS 179/) (IPA), Personal Information Protection Act (815 ILCS 530/10) (PIPA) and Student Online Personal Protection Act (105 ILCS 85/27) (SOPPA) in the event of a breach of sensitive information.
3. Notifies, if appropriate, members of the school community impacted by a breach when notification is not specifically required by law.

The footnotes should be removed before the material is used.

¹ See f/n 11 in sample policy 4:15, *Identity Protection*, for a discussion of *public personally identifiable information*, which formerly appeared as a definition at 2 C.F.R. §200.1.

² See f/n 10 in sample policy 4:15, *Identity Protection*, for a discussion of *protected personally identifiable information*.

³ This paragraph is an adaptation of the standard for the protection of *covered information* under the Student Online Personal Protection Act, 105 ILCS 85/. Districts should customize this procedure to align with local practices and conditions.

4. Educates staff members involved in the administration of grants that in addition to federal regulation 2 C.F.R. §200.303(e) and the terms of a specific award, multiple laws may apply to personally identifiable information, depending upon the type of information/record including: IPA (5 ILCS 179/), PIPA (815 ILCS 530/), Family Educational Rights and Privacy Act, (20 U.S.C. 1232g), Ill. School Student Records Act (105 ILCS 10/), SOPPA (105 ILCS 85/), Personnel Record Review Act (820 ILCS 40/), and Local Records Act (50 ILCS 205/3).
5. Consults with the Board Attorney as needed to ensure compliance.

Relevant Board Policies, Administrative Procedures, and Exhibit for Handling of Sensitive Information

The following Board policies and administrative procedures also address and govern the District's identification, handling, storage, access, disposal, and overall confidentiality of certain types of sensitive information:

1. 2:220, *School Board Meeting Procedure*, and 2:220-E8, *School Board Records Maintenance Requirements and FAQs*, address storage, access, and destruction of meeting minutes, including closed meeting minutes and verbatim recordings.
2. 2:250, *Access to District Public Records*, addresses providing access to public records in response to Freedom of Information Act requests and the preservation and destruction of public records under the Local Records Act. 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*, also addresses the preservation and destruction of public records under the Local Records Act.
3. 4:15, *Identity Protection*, specifically requires the District to safeguard sensitive information under grant awards.
4. 4:80-AP1, *Checklist for Internal Controls*, requires the District to protect assets, including technology and electronic systems from loss or misuse.
5. 5:120-AP2, *Employee Conduct Standards*, requires all District staff members to respect the confidentiality of student and personal records and other information covered by confidentiality agreements.
6. 5:130, *Responsibilities Concerning Internal Information*, requires all District employees to maintain the integrity and security of all internal information and the privacy of confidential records.
7. 5:150, *Personnel Records*, and 5:150-AP, *Personnel Records*, address the identification, storage, and access to personnel records.
8. 6:235, *Access to Electronic Networks*, requires all users of the District's electronic networks to maintain the confidentiality of student information.
9. 6:235-AP1, *Acceptable Use of the District's Electronic Networks*, requires all users of the District's electronic networks to take steps to safeguard their integrity and security.
10. 7:340, *Student Records*, along with 7:340-AP1, *School Student Records*, and 7:340-AP2, *Storage and Destruction of School Student Records*, address the District's legal obligations regarding the identification, confidentiality, safeguarding, access, and disposal of school student records.
11. 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, addresses the District's legal obligations regarding the handling and safeguarding of covered information that is shared with operators.

Disposal of Sensitive Information

When disposal of sensitive information is authorized by law and/or Board policy, the Superintendent or other administrator overseeing the administration of the grant award will ensure the District follows the disposal standard under PIPA (815 ILCS 530/40) and renders the information unreadable, unusable, and undecipherable.

Training for Employees and Contractors

District employees and contractors responsible for the administration of a federal or State award for the District will receive training on the safeguarding of sensitive information.

The Superintendent or designee will ensure:

1. Employees receive training upon their assignment to perform work under the award and then on a bi-annual basis thereafter, until the award is concluded or an employee's involvement in the award is complete, whichever is earlier. The training shall include education on this procedure and the District's policies and procedures listed above that govern the District's handling of sensitive information for various types of information/records.
2. Documentation of employee training on the handling of personally identifiable information is maintained, including the dates(s) of the training and attendance/completion of the training.
3. District contractors performing work under the grant award regularly receive training from the District or other comparable training on the management of sensitive information.

Resources

Ill. State Board of Education (ISBE) –

Checklist for Protection of Personally Identifiable Information, at www.isbe.net/Pages/Federal-and-State-Monitoring.aspx. Note: At the time of **PRESS** Issue 118's publication (Apr. 2025), ISBE had not updated this Checklist with the 2024 revisions to the definitions of PII and Protected PII at 2 C.F.R. §200.1.

U.S. Dept. of Education –

Privacy Technical Assistance Center's Protecting Student Privacy Service, at www.studentprivacy.ed.gov.

Ill. Attorney General –

www.illinoisattorneygeneral.gov/consumer-protection/identity-theft.

Operational Services

Administrative Procedure - Federal and State Award Procurement Procedures

In addition to the State legal requirements for purchases and contracts set forth in Board policy 4:60, *Purchases and Contracts*, and administrative procedure 4:60-AP1, *Purchases*, the following procedures apply to District procurement under federal awards and State awards governed by the Grant Accountability and Transparency Act (GATA).¹ The District maintains oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.²

Consult the Board Attorney regarding the legal requirements presented by this administrative procedure as well as before a contract is presented to the Board.³

Code of Conduct⁴

Board policies 2:100, *Board Member Conflict of Interest*, and 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, contain standards of conduct covering conflicts of interest and governing the actions of Board members and employees engaged in the selection, award, and administration of contracts.

General Procurement Standards⁵

- A. The District shall avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis should be made between leasing and purchasing property or equipment to determine the most economical approach. **Note:** A conflict between this regulation's requirements and the Ill. Criminal Code of 2012 may exist. See 720 ILCS 5/33E-2(i-5) and 5/33E-18 (defines and prohibits bid stringing, a Class 4 felony) and 720 ILCS 5/33E-3 (prohibits bid rigging, a Class 3 felony).
- B. To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Documented procurement actions of this type (using strategic sourcing, shared services, and other similar procurement arrangements) will meet the federal competition requirements.
- C. The District may use federal excess and surplus property instead of purchasing new equipment and property when it is feasible and reduces project costs.
- D. The District may use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering means analyzing each

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¹ 2 C.F.R. §§200.318-200.327; 30 ILCS 708/, Grant Accountability and Transparency Act (GATA). GATA adopts the federal uniform guidance for all grants, unless the Office of the Governor grants an exception. 30 ILCS 708/55; 44 Ill. Admin. Code §7000.60. For information about the scope of GATA as it pertains to grants administered by the Ill. State Board of Education (ISBE), see: www.isbe.net/gata.

² 2 C.F.R. §200.318(b).

³ Many legal issues will be solved by early and frequent consultation with the board attorney.

⁴ 2 C.F.R. §200.318(c).

⁵ 2 C.F.R. §200.318(b), (d)-(l).

contract item or task to ensure its essential function is provided at the overall lowest cost. **Note:** A conflict between this regulation's requirements and the Ill. Criminal Code of 2012 may exist. See 720 ILCS 5/33E-2(i-5) and 5/33E-18 (defines and prohibits bid stringing, a Class 4 felony).

- E. When conducting a procurement transaction, the District shall only award contracts to responsible contractors that possess the ability to perform successfully under the terms and conditions of a proposed contract. Consideration will be given to such matters as contractor integrity, public policy compliance, proper classification of employees (see the Fair Labor Standards Act, 29 U.S.C. 201, chapter 8), past performance record, and financial and technical resources. **Note:** State law generally requires award to the "lowest responsible bidder." However, there are exceptions to this requirement listed at 105 ILCS 5/10-20.21, and other State laws may also govern standards for contract awards.
- F. The District shall maintain records sufficient to detail the history of each procurement transaction. These records must include the rationale for the procurement method, contract type selection, contractor selection or rejection, and the basis for the contract price.
- G. The District may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. **Note:** The Ill. Criminal Code of 2012 (720 ILCS 5/33E-9) requires approval of the Board or designee when a contract cost increases or decreases by \$25,000, a/k/a *change orders*. If a change order will exceed the original contract price by 10%, it must be rebid.
- H. The District shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements.
- I. The District may use the following labor and employment practices if consistent with applicable federal and State laws:
 - 1. Using Project Labor Agreements (PLAs) or similar forms of pre-hire collective bargaining agreements;
 - 2. Requiring construction contractors to use hiring preferences or goals for people residing in high-poverty areas, disadvantaged communities as defined by the Justice40 Initiative, or high-unemployment census tracts within a region no smaller than the county where a federally funded construction project is located. The hiring preferences or goals should be consistent with the policies and procedures of the District and must not prohibit interstate hiring;
 - 3. Requiring a contractor to use hiring preferences or goals for individuals with barriers to employment (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. §3102(24))), including women and people from underserved communities;
 - 4. Using agreements intended to ensure uninterrupted delivery of services or community benefits; or
 - 5. Offering employees of a predecessor contractor rights of first refusal under a new contract.

Competition⁶

- A. All procurement transactions for the acquisition of property or services required under an award shall be conducted in a manner providing full and open competition consistent with the standards of State law (105 ILCS 5/10-20.21), Board policy 4:60, *Purchases and Contracts*, and this section. To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for

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⁶ 2 C.F.R. §200.319.

- bids must be excluded from competing on those procurements. Examples of situations that may restrict competition include, but are not limited to:
1. Placing unreasonable requirements on firms in order for them to qualify to do business;
 2. Requiring unnecessary experience and excessive bonding;
 3. Noncompetitive pricing practices between firms or between affiliated companies;
 4. Noncompetitive contracts to consultants that are on retainer contracts;
 5. Organizational conflicts of interest;
 6. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
 7. Any arbitrary action in the procurement process.
- B. State law may encourage or discourage Districts to conduct procurements in a manner that prohibits the use of local or tribal geographic preferences. Discuss these preferences with the Board Attorney. See also Doyle Plumbing & Heating Co. v. Bd. of Educ., Quincy Pub. Sch. Dist. No. 172, 291 Ill.App.3d 221 (4th Dist. 1997); Cardinal Glass Co. v. Bd. of Educ. of Mendota Comm. Consol. Sch. Dist. 289, 113 Ill.App.3d 442 (3rd Dist. 1983). Nothing in this section preempts State licensing laws. **Note:** The Board must also follow the Local Government Professional Services Selection Act. 50 ILCS 510/.
- C. Procurement Transactions. All solicitations will:
1. Incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured.
 - a. The description may include a statement of the qualitative nature of the property, equipment, or service to be procured. When necessary, the description must provide minimum essential characteristics and standards to which the property, equipment, or service must conform.
 - b. Detailed product specifications should be avoided if at all possible.
 - c. When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a “brand name or equivalent” description of features may be used to provide procurement requirements. The specific features of the named brand must be clearly stated.
 2. Identify any additional requirements which offerors must fulfill and all other factors that will be used in evaluating bids and proposals.
- D. The District shall ensure that all prequalified lists of persons, firms, or products used in procurement transactions are current and include enough qualified sources to ensure maximum open competition. **Note:** State laws may conflict with this provision. See 105 ILCS 5/10-20.21 and 50 ILCS 510/.
- E. The District shall not preclude potential bidders from qualifying during the solicitation period.
- F. The District may develop written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders who commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections, but only to the extent consistent with the law and the District's established policies. The District may make inquiries of bidders about these subjects and assess their responses.
- G. Noncompetitive procurements can only be awarded in accordance with the requirements detailed in paragraph E of the **Methods of Procurement** subhead below.

Methods of Procurement ⁷

The District shall use one of the following methods of procurement and must maintain and use documented procurement procedures:

- A. Micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$10,000, as may be amended from time to time.⁸ To the extent practicable, the District shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the Board considers the price reasonable based on research, experience, purchase history, or other information and maintains documents to support its conclusion. **Note:** See 105 ILCS 5/10-20.21 and Board policy 4:60, *Purchases and Contracts*.
- B. Simplified acquisition procedures. The District may use simplified acquisition procedures when the aggregate dollar amount of the procurement transaction is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold⁹ of \$250,000, as may be amended from time to time. If simplified acquisition procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources, as determined appropriate by the District.
- C. Sealed bids. Formal procurement methods are required when the value of the procurement transaction under a federal award exceeds the simplified acquisition threshold of the District. Formal procurement methods are competitive and require public notice. Bids are publicly solicited through an invitation and a firm fixed price contract¹⁰ (lump sum or unit price) is awarded to the responsible bidder whose bid conforms with all the material terms and conditions of the invitation and is the lowest in price. **Note:** 105 ILCS 5/10-20.21 requires all contracts for purchase of supplies and materials or work involving an expenditure in excess of \$35,000 or a lower amount as required by Board policy to be awarded to the “lowest responsible bidder.” The sealed bid method is the preferred method for procuring construction services if the conditions in 2 C.F.R. §200.320(b)(1)(i)

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⁷ 2 C.F.R. §200.320.

⁸ The *micro-purchase threshold* is set by the Federal Acquisition Regulation (FAR) at 48 C.F.R. Subpart 2.1 (Definitions), but is periodically adjusted for inflation. 2 C.F.R. §200.1.

2 C.F.R. §200.320(a)(1) authorizes a district to increase its own micro-purchase threshold up to \$50,000, if it has determined and documented that a higher threshold is appropriate based on its internal controls, an evaluation of risk, and documented procurement procedures. If a district increases its threshold, it must annually self-certify and make supporting documentation available to the awarding agency or pass-through entity and auditors during the retention period specified in 2 C.F.R. §200.334. The self-certification must include a justification, clear identification of the threshold, and documentation that the higher threshold is consistent with the bidding statute, 105 ILCS 5/10-20.21. See sample policy 4:60, *Purchases and Contracts*. A board that wants to increase its threshold should consult the board attorney for guidance on the content and method of self-certification, such as an annual resolution to be adopted by the board. If the district has established a micro-purchase threshold greater than \$10,000, substitute that amount in Item A above. Micro-purchase thresholds higher than \$50,000 must be approved by the *cognizant agency for indirect costs*, which means the federal agency assigned responsibility for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals. 2 C.F.R. §200.1.

⁹ *Simplified acquisition threshold* (SAT) means the dollar amount below which a district may purchase property or services using small purchase methods. Districts may adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold. The simplified acquisition threshold is set by the Federal Acquisition Regulation (FAR) at 48 CFR Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. §1908 and is periodically adjusted for inflation. See also definition of §200.1 Micro-purchase, 2 C.F.R. §200.1.

2 C.F.R. §300.320(a)(2) authorizes a district to use a lower SAT than the one established by the FAR. The district is responsible for determining an appropriate SAT based on its internal controls, an evaluation of risk, and its documented procurement procedures. *Id.* If the district has established a SAT lower than \$250,000, substitute that amount in Item B above.

¹⁰ *Contract* means a legal instrument by which a district conducts procurement transactions under a federal award. See also the definition of *subaward*, 2 C.F.R. §200.1.

- apply. If sealed bids are used, the requirements in 2 C.F.R. §200.320(b)(1)(ii) apply. **Note:** 105 ILCS 5/10-20.21 requires sealed bids.
- D. Proposals. Formal procurement methods are required when the value of the procurement transaction under a federal award exceeds the simplified acquisition threshold of the District. Formal procurement methods are competitive and require public notice. The use of proposals is a procurement method in which either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for using sealed bids. Requests for proposals require public notice, and all evaluation factors and their relative importance must be identified. Proposals must be solicited from multiple qualified entities. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered. If this method is used, the requirements in 2 C.F.R. §200.320(b)(2) apply. **Note:** 105 ILCS 5/10-20.21 requires sealed bids.
- E. Noncompetitive procurement. Noncompetitive procurement may be used only when one or more of the circumstances in §200.320(c) apply: (1) the cost of the procurement transaction does not exceed the micro-purchase threshold; (2) the procurement transaction can only be fulfilled from a single source; (3) public exigency or emergency will not permit a delay resulting from providing public notice of a competitive solicitation; (4) the awarding agency or pass-through entity expressly provides written approval of a noncompetitive procurement in response to a written request from the District to use a noncompetitive procurement method; or (5) after solicitation of several sources, the District determines competition is inadequate. **Note:** 50 ILCS 510/ may conflict with this regulation.

Procurement of Recovered Materials ¹¹

When the District procures items designated by the Environmental Protection Agency (EPA) as capable of being produced with recovered materials¹², and the purchase of the items exceeds \$10,000 or the quantity of the items (or functionally equivalent items) purchased in the preceding fiscal year exceeded \$10,000, the District shall:

- A. Ensure the items contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition. The decision not to procure such items must be based on a determination that the items: (1) are not reasonably available within a reasonable period of time, (2) fail to meet the performance standards in the applicable specifications, or (3) are only available at an unreasonable price. ¹³
- B. Procure solid waste management services in a manner that maximizes energy and resource recovery.
- C. Establish an affirmative procurement program for procurement of recovered materials identified in EPA guidelines. The program must contain the following elements: ¹⁴
1. Preference program for purchasing the designated items;
 2. Promotion program;

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¹¹ 42 U.S.C. §6962; 2 C.F.R. §200.323.

¹² 40 C.F.R. Part 247. For recommendations that the EPA has developed for recovered (recycled) content and for its list of designated products, see: www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program, which was developed as part of the EPA's Comprehensive Procurement Guideline (CPG) Program.

¹³ 42 U.S.C. §6962(c)(1).

¹⁴ 40 C.F.R. §247.6. For a summary of the requirements of an Affirmative Procurement Program, see: www.epa.gov/smm/summary-affirmative-procurement-program.

3. Procedures for obtaining estimates and certifications of recovered materials content and for verifying the estimates and certifications; and
 4. Annual review and monitoring of the effectiveness of the program.
- D. Endeavor to the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable. This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products.

Contracting with Small Businesses, Minority Businesses, Women's Business Enterprises, Veteran-Owned Businesses, and Labor Surplus Area Firms ¹⁵

The District shall take all necessary affirmative steps to assure that small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms are considered. Such consideration means:

- A. These business types are included on solicitation lists;
- B. These business types are solicited whenever they are deemed eligible as potential sources;
- C. Dividing procurement transactions into separate procurements to permit maximum participation by these business types;
- D. Establishing delivery schedules (for example, the percentage of an order to be delivered by a given date of each month) that encourage participation by these business types;
- E. Utilizing organizations such as the Small Business Administration and the Minority Business Development Agency of the Dept. of Commerce; and
- F. Requiring a contractor to apply paragraphs (A) through (E) to subcontracts.

Contract Cost and Price ¹⁶

- A. The District shall perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the simplified acquisition threshold. The method and degree of analysis conducted depends on the facts surrounding the particular procurement transaction. For example, the District should consider potential workforce impacts in the analysis if the procurement transaction will displace public sector employees. However, as a starting point, the District must make independent estimates before receiving bids or proposals.
- B. Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that the costs incurred, or cost estimates included in negotiated prices would be allowable for the District under Subpart E, Cost Principles, of 2 C.F.R. Part 200.
- C. The District must not use the "cost plus a percentage of cost" and "percentage of construction costs" methods of contracting.

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¹⁵ 2 C.F.R. §200.321. See also the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, 30 ILCS 575/.

¹⁶ 2 C.F.R. §200.324.

Federal Agency or Pass-Through Entity Review ¹⁷

The District shall submit, upon request of the federal agency¹⁸ or pass-through entity¹⁹ (Ill. State Board of Education):

- A. Technical specifications of proposed procurements under the federal award if the federal agency or pass-through entity believes the review is needed to ensure that the item or service specified is the one being proposed for acquisition; and
- B. Procurement documents (such as requests for proposals or invitations for bids, or independent cost estimates) for pre-procurement review when one or more of the circumstances in §200.325(b) apply.

Bonding Requirements ²⁰

- A. For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold²¹, the federal agency or pass-through entity may accept the bonding policy and requirements of the District provided that the federal agency or pass-through entity has made a determination that the federal interest is adequately protected.
- B. If such a determination has not been made, the minimum requirements shall be as follows:
 - 1. A bid guarantee from each bidder equivalent to five percent of the bid price. The *bid guarantee* must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute any required contractual documents within the timeframe specified.
 - 2. A performance bond on the part of the contractor²² for 100 percent of the contract²³ price. A *performance bond* is a bond executed in connection with a contract to secure the fulfillment of all the contractor's requirements under a contract.
 - 3. A payment bond on the part of the contractor for 100 percent of the contract price. A *payment bond* is a bond executed in connection with a contract to assure payment as required by the law of all persons supplying labor and material in the execution of the work provided for under a contract.

Contract Provisions ²⁴

The District's contracts shall contain the applicable provisions described in Appendix II to 2 C.F.R. Part 200, *Contract Provisions for non-Federal Entity Contracts Under Federal Awards*.

The footnotes should be removed before the material is used.

¹⁷ 2 C.F.R. §200.325.

¹⁸ *Federal agency* means the federal agency that provides a federal award directly to a recipient unless the context indicates otherwise. See also definitions of federal award and recipient. 2 C.F.R. §200.1.

¹⁹ Pass-through entity means a recipient or subrecipient that provides a subaward to a subrecipient (including lower tier subrecipients) to carry out part of a federal program. The authority of the pass-through entity under this part flows through the subaward agreement between the pass-through entity and subrecipient. 2 C.F.R. §200.1.

²⁰ 2 C.F.R. §200.326.

²¹ See f/n 8, above.

²² *Contractor* means an entity that receives a contract. 2 C.F.R. §200.1.

²³ *Contract* means a legal instrument by which a recipient or subrecipient conducts procurement transactions under a federal award. See also definition of *subaward*, 2 C.F.R. §200.1.

²⁴ 2 C.F.R. §200.327.

Operational Services

Administrative Procedure - Inventory Management for Federal and State Awards

This procedure applies to property acquired by the District under federal grant awards or State grant awards governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/). ¹

Definitions

Property – real or personal property. 2 C.F.R. §200.1.

Equipment – Tangible personal property (including information technology systems) having a useful life of more than one year and per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the District for financial statement purposes, or \$10,000. 2 C.F.R. §200.1.

Supply – All tangible personal property other than equipment. A computing device is a supply if the acquisition cost is below the lesser of the capitalization level established by the District for financial statement purposes or \$10,000, regardless of its useful life. 2 C.F.R. §200.1.

Acquisition Cost – The total cost of the asset including the cost to ready the asset for its intended use. Acquisition cost for equipment, for example, means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Acquisition costs for software include those development costs capitalized in accordance with generally accepted accounting principles (GAAP). Ancillary charges, such as taxes, duty, protective in transit insurance, freight, and installation may be included in or excluded from the acquisition cost in accordance with the District's regular accounting practices. 2 C.F.R. §200.1.

Roles and Responsibilities

Actor	Responsibility
Business Manager and/or Designee	Recordkeeping – 2 C.F.R. §200.313(d)(1) and (2) <ol style="list-style-type: none"> 1. Ensures all equipment purchased with grant funds is identified and marked as such. 2. Maintains an inventory list that includes the following: <ol style="list-style-type: none"> a. a description of the property b. a serial number or another identification number c. the source of funding for the property (including the Federal Award Identification Number (FAIN), if applicable) d. the title holder e. the acquisition date f. the cost of the property

The footnotes should be removed before the material is used.

¹ The Grant Accountability and Transparency Act (GATA) adopts the federal uniform guidance codified at 2 C.F.R. Part 200 applicable to federal grant awards for all State grant awards, unless the Office of the Governor grants an exception. 30 ILCS 708/55; 44 Ill.Admin.Code §7000.60. For information about the scope of GATA as it pertains to grants administered by the Ill. State Board of Education, see www.isbe.net/gata.

Actor	Responsibility
	<ul style="list-style-type: none"> g. the percentage of federal or State agency contribution towards the original purchase h. the location, use and condition of the property i. any disposition data including the date of disposal and sale price of the property j. any updates of property records when there is a change in the status of the property <p>3. Conducts a physical inventory of the property and reconciles the results with the records at least once every two years.</p> <p>Maintenance and Safeguarding – 2 C.F.R. §200.313(d)(3) and (4)</p> <ul style="list-style-type: none"> 1. Budgets for and schedules regular maintenance of the equipment when it is recommended by the manufacturer and arranges for repair of equipment when economically feasible. 2. Oversees implementation of the internal controls for the safeguarding of equipment and supplies required by administrative procedure 4:80-AP1, <i>Checklist for Internal Controls</i>. 3. Reports (or receives reports, if so designated) any fraud, waste, or abuse of property in accordance with administrative procedure 4:80-AP2, <i>Fraud, Waste, and Abuse Awareness Program</i>. 4. Investigates reports of property loss, damage, or theft. If appropriate, and in consultation with the Superintendent, makes a report to law enforcement for further investigation. <p>Title and Use – 2 C.F.R. §200.313(a) and (c)</p> <ul style="list-style-type: none"> 1. Ensures the equipment is used for the authorized purposes of the grant during the period of the grant, or until the property is no longer needed for the purposes of the project. 2. During the time that equipment is used on the project or program for which it was acquired, designates equipment available for use on other projects or programs currently or previously supported by the federal or State government, provided such use will not interfere with the work for which it was originally acquired, in the following order of priority: <ul style="list-style-type: none"> a. First preference is given to other programs or projects supported by the federal or State agency that funded the original program or project. b. Second preference is given to programs or projects under awards from other federal or State agencies (in the case of federal awards, to activities under federal awards from other federal awarding agencies; these activities include consolidated equipment for information technology systems).

Actor	Responsibility
	<ol style="list-style-type: none"> 3. If the equipment is to be used for non-federally or non-State-funded programs or projects, considers charging user fees as appropriate. Any fees charged for equipment services acquired under an award must be equal to or greater than what a private company would charge for similar services, unless specifically authorized by statute, for as long as the government retains an interest in the equipment. 4. While the equipment is being used for the originally authorized purpose, ensures that the title or other interest to the property is not disposed of or encumbered without the approval of the federal or State agency. <p>Disposition – 2 C.F.R. §200.313(c) and (e)</p> <ol style="list-style-type: none"> 1. Unless the federal or State agency requires an equipment transfer, when equipment acquired under an award is no longer needed for the original project or program or for any other activities supported by a federal or State agency, requests disposition instructions from the federal or State agency, if required by the terms and conditions of the award. 2. If equipment has a current fair market value of \$10,000 or less (per unit), arranges for the retention, sale, or disposal of the equipment with no further responsibility to the federal or State agency. Notes the disposition of such items in the District's property records. 3. Except for awards exempted under 2 C.F.R. §200.312(b), or if the federal or State agency fails to provide requested disposition instructions within 120 days, arranges for the retention or sale of items of equipment with a current fair-market value in excess of \$10,000 (per unit). The federal or State agency is entitled to an amount calculated by multiplying the percentage of the federal or State agency's contribution towards the original purchase by the current market value or proceeds from the sale. If the equipment is sold, the federal or State agency may permit the District to retain, from the federal or State share, \$1,000 of the proceeds to cover expenses associated with the selling and handling of the equipment. 4. If applicable, arranges for the transfer of title to the property to the federal or State government or to an eligible third party, provided that the District is entitled to compensation for its attributable percentage of the current fair market value of the property. 5. If the District is authorized or required to sell the property, ensures compliance with Board policy 4:80, <i>Accounting and Audits</i>, regarding the disposition of property, and follows proper sales procedures to ensure the highest possible return.

Actor	Responsibility
	<p>6. For items of equipment with an acquisition cost of \$10,000 or more:</p> <ol style="list-style-type: none"> Obtains two signed bids from potential purchasers or two appraisals from authorized appraisers to determine the per unit current fair market value. If the per unit current fair market value is \$10,000 or more, follows the procedures outlined in the Ill. State Board of Education's <i>State and Federal Grant Administration Policy, Fiscal Requirements, and Procedures</i> to obtain ISBE's approval, available at: www.isbe.net/Documents/fiscal_procedure_handbk.pdf. Note: ISBE's <i>State and Federal Grant Administration Policy, Fiscal Requirements, and Procedures</i> (Mar. 2020) had not been updated as of the time of PRESS Issue 118's publication (Apr. 2025) for the definition of equipment and the increase from \$5,000 to \$10,000. <p>7. When appropriate, arranges for the trade-in of equipment to be replaced or sale of the equipment when acquiring replacement equipment. Proceeds from the trade-in or sale may be used to offset the cost of the replacement equipment.</p> <p>Note: If the District fails to take appropriate disposition actions, the awarding agency may direct the District to take disposition actions.</p> <p>Retention – 2 C.F.R. §200.313(f)</p> <p>When included in the terms and conditions of the award, retains the equipment with permission from the federal or authorized State agency, with no further obligation to the federal or State agency unless prohibited by federal law or regulation.</p>
Staff Members Who Receive Equipment/Supplies as Part of Their Job Duties	<p>Title – 2 C.F.R. §200.313(a) and (d)(3)</p> <p>Use the equipment/supplies for the purposes authorized by the project during the period of performance, or until the property is no longer needed for the purposes of the project.</p> <p>Properly use the equipment in accordance with the manufacturer's instructions.</p> <p>Produce the equipment/supplies when requested by the Business Manager or designee, whether for inventory, scheduled maintenance, repair, or other purposes.</p> <p>Take reasonable steps to prevent damage to equipment and supplies in accordance with administrative procedure 4:80-AP1, <i>Checklist for Internal Controls</i>.</p> <p>Report any fraud, waste, or abuse of property in accordance with administrative procedure 4:80-AP2, <i>Fraud, Waste, and Abuse Awareness Program</i>.</p> <p>Immediately report lost or stolen equipment/supplies to the Business Manager or designee.</p>

Actor	Responsibility
	Return the equipment/supplies when requested by the Business Manager or designee or if it is no longer needed.

Operational Services

Exhibit - School Staff AED Notification Letter

On District letterhead

Date:

To: Staff members

Re: Notification to School Staff of the Physical Fitness Facility Medical Emergency Response Instructions and AED Availability

We would like to notify you about our plan for responding to medical emergencies that might occur in our physical fitness facilities or at other school athletic or event venues. This plan includes access to an Automated External Defibrillator (AED) in the following locations in these facilities:

Facility/Venue	Location
_____	_____
_____	_____
_____	_____

The AEDs are strategically placed and readily accessible to predetermined AED users to maximize rapid use. The AED is available during school hours and after school during any activity or program organized by the school and supervised by a school employee. The predetermined AED users are school nurses and any other person who has received AED training (American Heart Association, American Red Cross, or equivalent training) and has a completion card on file with the Superintendent. Any anticipated rescuers or users should now also be trained and certified.

The following information is posted with each AED:

1. Instructions to immediately call 911 and instructions for emergency care.
2. Instructions for using an AED.

Please contact me if you would like information on becoming a trained AED user. If you anticipate that your duties make you more likely to use an AED, you should become trained and certified. It is important to note that the Physical Fitness Facility Medical Emergency Preparedness Act and the Local Governmental and Governmental Employees Tort Immunity Act protect staff members from liability. We appreciate your support.

Sincerely,

Superintendent

Attachments: Step-by-Step Emergency Response Plan (bottom of page 5 of 4:170-AP6, *Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED*), *Cardiac Emergency Response Plan*

General Personnel

Administrative Procedure - Federal and State Grant Travel Expense Procedures

Employees must follow these procedures, in addition to the requirements of the Board policy 5:60, *Expenses* subhead entitled **Additional Requirements for Travel Expenses Charged to Federal and State Grants**, when their travel expenses are charged to federal grants and State grants governed by the Grant Accountability and Transparency Act (GATA).¹

Use of Expense Forms

Employees will submit their estimated travel expenses using 5:60-E2, *Employee Estimated Expense Approval Form*, in advance of travel and 5:60-E1, *Employee Expense Reimbursement Form*, following completion of travel. When travel expenses will be charged in part to grant funds and in part to non-grant District funds because certain expenses exceed those permitted to be charged to a grant by policy 5:60, *Expenses*, and/or these procedures, the Superintendent or designee notes that fact and the amount to be charged to each funding source in the “Comments” field on 5:60-E1, *Employee Expense Reimbursement Form*, and/or the “Comments” field on 5:60-E2, *Employee Estimated Expense Approval Form*, as applicable.

Lodging – General

1. Employees are not eligible for actual reimbursement of lodging expenses unless they are on official *travel status* for more than 12 hours. Travel status begins when the employee leaves his or her work location or, if reporting directly to a destination, from his or her residence or other location. It ends when the employee returns to his or her work location or, if reporting directly from the original destination, to the employee’s residence or other location at the completion of the authorized travel. See 80 Ill.Admin.Code §3000.140.
2. Employees must first contact any preferred hotel vendors of the District.
3. It is the employee’s responsibility to request the lowest available lodging rate the time of making a reservation. However, if the employee requires special lodging consideration due to a disability the employee may be reimbursed the actual cost of the least costly lodging that is substantially accessible. Employees should always inquire if a hotel offers a discounted rate for local government employees, including public school district employees. If applicable, employees should be prepared to show their school identification to prove school district employment when checking-in.
4. Employees should make hotel reservations as far in advance as possible. Employees need to be aware of hotel cancellation policies. In busier times, cancellation policies will sometimes require the traveler to cancel 72 hours in advance or be charged for the room. If an employee must cancel a reservation, the employee needs to cancel before the deadline, if at all possible. Employees making reservations for several nights in a row need to be aware of hotel early check-out policies. Some hotels charge an early check-out fee if a guest checks out prior to their scheduled departure date.

The footnotes should be removed before the material is used.

¹ 2 C.F.R. Part 200; 30 ILCS 708/, Grant Accountability and Transparency Act (GATA). GATA adopts the federal uniform guidance for all grants, unless the Office of the Governor grants an exception. 30 ILCS 708/55; 44 Ill.Admin.Code §7000.60. For information about the scope of GATA as it pertains to grants administered by the Ill. State Board of Education, see www.isbe.net/gata.

5. Employees must carefully review the bill upon check-out to ensure that the room charge reflects the appropriate rate and that no unauthorized charges have been added. For example, some hotels will automatically add a security charge or phone usage charge to a bill. If these services are not used, the charges should be removed before checking-out. Energy surcharge and lodging resort fees will be reimbursed if not optional.
6. If direct billing, employees must ensure that all personal or incidental charges are paid when checking-out, i.e., pay movies, personal phone calls, etc.
7. Employees must obtain a copy of the hotel bill to attach to 5:60-E1, *Employee Expense Reimbursement Form*.
8. If traveling by car, an employee needs to inquire regarding self-parking options to minimize parking expenses.

Lodging – Excessive Lodging Requests

When lodging at or below the State or federal rate for a particular location is unavailable, employees must:

1. Document on 5:60-E2, *Employee Estimated Expense Approval Form*, that lodging at the scheduled rate for the location is unavailable.
2. Attach documentation to 5:60-E2, *Employee Estimated Expense Approval Form*, showing that a minimum of three budget to mid-fare hotels were contacted (where available). If there are less than three hotels available in a location to contact, the employee must document that fact on the form. The employee must inquire if the hotels will honor the government rate when obtaining quotes. If the District has any preferred hotels at the location, the employee must contact those hotels first.
3. Submit all excessive lodging requests to the Superintendent or designee for pre-approval. The Superintendent or designee will place a note in the “Comments” field on 5:60-E2, *Employee Estimated Expense Approval Form*, to reflect approval of an excessive lodging amount.

Note: An excessive lodging request is not required if an employee stays in accommodations arranged by a conference/seminar organization or in the lowest-priced room available at or near a hotel where a conference or seminar is located.

Meals

Per diem rates and actual reimbursement amounts for meals may not exceed the rates established by the Governor’s Travel Control Board or federal travel regulations, whichever is less. To determine the lesser amount, compare the State rates with the federal per diem rates. Historically, the State meal allowances have been lower than the federal meal allowances. State rates are available at: <https://cms.illinois.gov/employees/travel/travelreimbursement.html>. Federal rates are available at: www.gsa.gov/travel/plan-book/per-diem-rates.

Airfare

When booking airfare, employees:

1. May not book airfare and lodging as a package through third party vendors. When booked as a package, third party vendors do not provide a detailed receipt which causes an issue verifying that the lodging rates are within the proper guidelines.
2. Should always know the restrictions and potential penalties applicable to the fare in case cancellation or change is necessary, regardless of how an airline ticket is booked.

Ride Sharing Services

When using a ride sharing service such as Uber and Lyft, employees must use the lowest cost service the ride sharing service offers such as “UberX” and “Lyft Standard.” Employees will not be reimbursed

for premium services offered by ride share companies such as “Uber XL,” “UberSELECT,” “UberBLACK,” “UberSUV,” “UberLUX,” or “LyftPlus.” Employees need to be aware that ride sharing services may charge users more during times of high demand. Ride sharing services typically let riders know in advance when prime time or surge pricing is in effect. Rides obtained during these higher cost periods are not reimbursable.

General Personnel

Administrative Procedure - Designation of District Digital Millennium Copyright Act (DMCA) Agent; Registration Process

Before using this exhibit, consult the Board Attorney to first identify whether the District is an online service provider (OSP) under the DMCA. The DMCA is an amendment to 17 U.S.C. §101 *et seq.* It provides certain limitations on the liability of OSPs for copyright infringement under the DMCA's *Safe Harbor Provision* (SHP). OSPs are operators of websites that allow users to generate content of their own and upload that content to the OSP's website.

If the District is an OSP, the SHP shields the District from being sued when or if infringing copyrighted content is uploaded to its website(s), and it provides limitations on liability for storage, at the direction of a user, of copyrighted material residing on a system or network controlled or operated by or for an OSP. The SHP is only available if an OSP designates an agent to receive notifications of claimed infringement, provides the agent's contact information to the U.S. Copyright Office, and posts that information on the its website in a location accessible to the public (www.copyright.gov/dmca-directory/).

If the District is an OSP, the Superintendent or designee will follow these steps to identify and register a DMCA agent to receive notifications of claimed infringement:

1. Identify an agent to receive notification of claims of infringement. This may be the Superintendent, an Assistant Superintendent, or another administrator.
2. Review the video tutorial or video tutorial transcript entitled "Creating a DMCA Designated Agent Registration Account" at www.copyright.gov/dmca-directory/help.html, which provides step-by-step instructions for creating a Registration Account with the U.S. Copyright Office.
3. Go to dmca.copyright.gov/login.html and follow the tutorial instructions to create a Registration Account.
4. Review the video tutorial or video tutorial transcript entitled "Designating an Agent for Service Provider" at www.copyright.gov/dmca-directory/help.html, which provides step-by-step instructions for designating an agent with the U.S. Copyright Office.
5. Log in to your DMCA Designated Agent Registration Account at <https://dmca.copyright.gov/dmca/login.html> and follow the tutorial instructions to designate a DMCA agent.
6. Continue following the tutorial instructions to the "Certify and Pay" step, and pay the requisite fee on Pay.gov using one of the payment methods provided. **Note:** Consult the Board Attorney about filing alternative names when registering and whether additional fees may apply. The fee for filing allows for the listing of only one name for OSP. It is the OSP's legal name. If the District uses other names or additional URLs, it should include them in the same filing to avoid additional fees to register.
7. Post the District's DMCA agent's contact information in a publicly accessible location on the website. See Board policy 5:170, *Copyright*. **Note:** Consult the Board Attorney about further steps necessary for registering and posting DMCA agent information. For example, some websites make users verify that they are not infringing copyright when they upload content, along with a Terms of Service and Copyright Policy. Other steps may include training from the Board Attorney about procedures to terminate repeat infringers, responding to takedown notices, etc.

LEGAL REF.: 17 U.S.C. §101 et seq., Federal Copyright Law of 1976.

**IASB POLICY REFERENCE MANUAL
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Instruction

Administrative Procedure - Acceptable Use of the District's Electronic Networks

All use of the District's *electronic networks* shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or prohibited behavior by users. However, some specific examples are provided. **The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or legal action.**

Terms and Conditions

The term *electronic networks* includes all of the District's technology resources, including, but not limited to:

1. The District's local-area and wide-area networks, including wireless networks (Wi-Fi), District-provided Wi-Fi hotspots, and any District servers or other networking infrastructure;
2. Access to the Internet or other online resources via the District's networking infrastructure or to any District-issued online account from any computer or device, regardless of location;
3. District-owned and District-issued computers, laptops, tablets, phones, or similar devices.

Acceptable Use – Access to the District's electronic networks must be: (a) for the purpose of education or research, and be consistent with the District's educational objectives, or (b) for legitimate business use.

Privileges – Use of the District's electronic networks is a privilege, not a right, and inappropriate use may result in a cancellation of those privileges, disciplinary action, and/or appropriate legal action. The system administrator or Building Principal will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. His or her decision is final.

Unacceptable Use – The user is responsible for his or her actions and activities involving the electronic networks. Some examples of unacceptable uses are:

- a. Using the electronic networks for any illegal activity, including violation of copyright or other intellectual property rights or contracts, or transmitting any material in violation of any State or federal law;
- b. Using the electronic networks to engage in conduct prohibited by Board policy;
- c. Unauthorized downloading of software or other files, regardless of whether it is copyrighted or scanned for malware;
- d. Unauthorized use of personal removable media devices (such as flash or thumb drives);
- e. Downloading of copyrighted material for other than personal use;
- f. Using the electronic networks for private financial or commercial gain;
- g. Wastefully using resources, such as file space;
- h. Hacking or attempting to hack or gain unauthorized access to files, accounts, resources, or entities by any means;
- i. Invading the privacy of individuals, including the unauthorized disclosure, dissemination, and use of information about anyone that is of a personal nature, such as a photograph or video;
- j. Using another user's account or password;
- k. Disclosing any network or account password (including your own) to any other person, unless requested by the system administrator;

- l. Posting or sending material authored or created by another without his/her consent;
- m. Posting or sending anonymous messages;
- n. Creating or forwarding chain letters, spam, or other unsolicited messages;
- o. Using the electronic networks for commercial or private advertising;
- p. Accessing, sending, posting, publishing, or displaying any abusive, obscene, profane, sexual, threatening, harassing, illegal, or knowingly false material;
- q. Misrepresenting the user's identity or the identity of others; and
- r. Using the electronic networks while access privileges are suspended or revoked.

Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:

- a. Be polite. Do not become abusive in messages to others.
- b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
- c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
- d. Recognize that the District's electronic networks are not private. People who operate District technology have access to all email and other data. Messages or other evidence relating to or in support of illegal activities may be reported to the authorities.
- e. Do not use the networks in any way that would disrupt its use by other users.
- f. Consider all communications and information accessible via the electronic networks to be private property.

No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed-deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

Indemnification – By using the District's electronic networks, the user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of these procedures.

Security – Network security is a high priority. If the user can identify or suspects a security problem on the network, the user must promptly notify the system administrator or Building Principal. Do not demonstrate the problem to other users. Keep user account(s) and password(s) confidential. Do not use another individual's account without written permission from that individual. Attempts to log-on to the network as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the networks.

Vandalism – Vandalism will result in cancellation of privileges and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes, but is not limited to, the uploading or creation of malware, such as viruses and spyware.

Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, texting or data use charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.

Copyright Web Publishing Rules – Copyright law and District policy prohibit the re-publishing of text or graphics found on the Internet or on District websites or file servers/cloud storage without explicit written permission.

- a. For each re-publication (on a website or file server) of a graphic or a text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the web address of the original source.
- b. Students and staff engaged in producing web pages must provide library media specialists with email or hard copy permissions before the web pages are published. Printed evidence of the status of *public domain* documents must be provided.
- c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the website displaying the material may not be considered a source of permission.
- d. The *fair use* rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
- e. Student work may only be published if there is written permission from both the parent/guardian and student.

Use of Email – The District’s email system, and its constituent software, hardware, and data files, are owned and controlled by the District. The District provides email to aid students and staff members in fulfilling their duties and responsibilities, and as an education tool.

- a. The District reserves the right to access and disclose the contents of any account on its system, without prior notice or permission from the account’s user. Unauthorized access by any student or staff member to an email account is strictly prohibited.
- b. Each person should use the same degree of care in drafting an email message as would be put into a written memorandum or document. Nothing should be transmitted in an email message that would be inappropriate in a letter or memorandum.
- c. Electronic messages transmitted via the District’s Internet gateway carry with them an identification of the user’s Internet *domain*. This domain is a registered name and identifies the author as being with the District. Great care should be taken, therefore, in the composition of such messages and how such messages might reflect on the name and reputation of the District. Users will be held personally responsible for the content of any and all email messages transmitted to external recipients.
- d. Any message received from an unknown sender via the Internet, such as spam or potential phishing emails, should either be immediately deleted or forwarded to the system administrator. Downloading any file attached to any Internet-based message is prohibited unless the user is certain of that message’s authenticity and the nature of the file so transmitted.
- e. Use of the District’s email system constitutes consent to these regulations.

Use of Artificial Intelligence (AI)-Enabled Tools – The District may approve certain AI-enabled tools for use by students and staff. Students and staff shall comply with the District’s AI Responsible Use Guidelines when using AI-enabled tools. The Superintendent or designee shall inform students and staff of the District’s AI Responsible Use Guidelines and any updates made to them by including them on the District’s website, in the Student Handbook(s), and/or employee handbooks. ¹

The footnotes should be removed before the material is used.

¹ Optional. Delete this paragraph if a board has not adopted the **Artificial Intelligence** subhead in policy 6:235, *Access to Electronic Networks*. The second sentence in this paragraph should be customized to reflect how a district disseminates information to students and staff.

Internet Safety

Internet access is limited to only those *acceptable uses* as detailed in these procedures. Internet safety is supported if users will not engage in *unacceptable uses*, as detailed in these procedures, and otherwise follow these procedures.

Students must abide by the *Terms and Conditions* for Internet access contained in these procedures.

Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee.

The system administrator and Building Principals shall monitor student Internet access.

LEGAL REF.: 20 U.S.C. §7131, Elementary and Secondary Education Act.
 47 U.S.C. §254(h) and (l), Children's Internet Protection Act.
 720 ILCS 135/, Harassing and Obscene Communications Act.

Students

Administrative Procedure – Development of an Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines¹

Use this procedure to develop a plan for the use of artificial intelligence (AI) in the District and guidelines for the responsible use of AI in support of student learning, educators, and/or District operations, and to facilitate compliance with existing law.

Glossary of Terms

Artificial Intelligence² – a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. *Artificial intelligence* includes *generative artificial intelligence*.

Generative Artificial Intelligence – an automated computing system that, when prompted with human prompts, descriptions, or queries, can produce outputs that simulate human-produced content, including, but not limited to, the following: (1) textual outputs, such as short answers, essays, poetry, or longer compositions or answers; (2) image outputs, such as fine art, photographs, conceptual art, diagrams, and other images; (3) multimedia outputs, such as audio or video in the form of compositions, songs, or short-form or long-form audio or video; and (4) other content that would be otherwise produced by human means.

U.S. Dept. of Education AI Toolkit (AI Toolkit) – refers to *Empowering Education Leaders: A Toolkit for Safe, Ethical, and Equitable AI Integration* (Oct. 2024), published by the U.S. Department of Education's Office of Education Technology, available at: http://downloads.microscribepub.com/il/press/federal_resources/FINAL-ED-OET-EdLeaders-AI-Toolkit-10.29.24_20250221.pdf.³

Actor	Action
Superintendent or Designee	<p>Note: This procedure utilizes an existing administrative committee. See administrative procedure 2:150-AP, <i>Superintendent Committees</i>. The administrative committee centralizes the local decision-making process regarding the use (or potential use) of artificial intelligence technologies in a district, which in turn should help districts ensure responsible use of AI and compliance with applicable laws.</p> <p>Convenes the Educational Technology Committee (Committee) for the purposes of: (1) developing, implementing, monitoring, and updating a District-wide AI Plan consistent with Board policy 1:30, <i>School District</i></p>

The footnotes should be removed before the material is used.

¹ Delete this procedure if a board has not adopted the **Use of Artificial Intelligence (AI)-Enabled Tools** subhead in sample policy 6:235, *Access to Electronic Networks*.

² The definitions for *artificial intelligence* and *generative artificial intelligence* are based on the Ill. Human Rights Act, 775 ILCS 5/2-101(M), (N), added by P.A. 103-804, eff. 1-1-26.

³ This resource may no longer be available on a federal government website but is being maintained at **PRESS** Online to provide consistent subscriber access.

Actor	Action
	<p><i>Philosophy</i>, which addresses the District's approach to the integration of AI; (2) developing, implementing, monitoring, and updating District guidelines for the ethical, equitable, and sustainable use of AI to enhance student learning, support educators, and/or contribute to District operations; and (3) responding to issues that arise as students and educators use AI for learning. (See AI Toolkit, p. 37). For these specific purposes, consider adding to the Committee membership students, parents/guardians, and other members with specific expertise, as needed. Note: A district may want to combine its AI Plan and AI Responsible Use Guidelines into one document for ease of dissemination and review.</p> <p>Regularly informs the School Board of the Committee's progress through inclusion of a Committee Report on the Board's regular meeting agenda.</p> <p>Consults with the Board Attorney as needed regarding the AI plan, guidelines, and/or contracts for AI-enabled tools, including whether parent consent should be obtained before students use certain AI-enabled tools.</p> <p>Notifies and educates staff, students, and parents/guardians about the District's AI Plan and AI Responsible Use Guidelines. Ensures the AI Responsible Use Guidelines and any updates made to them are included on the District's website and in the Student Handbook(s) and/or employee handbooks. ⁴</p> <p>Annually reports to the Board on the progress of the District's AI Plan, the AI Responsible Use Guidelines, and updates made to them.</p> <p>Ensures that any specific AI-enabled tools considered for use in the District are vetted through the Committee in accordance with administrative procedure 7:345-AP, <i>Use of Educational Technologies; Student Data Privacy and Security</i>. See the AI Toolkit at p.45 for factors to consider when evaluating AI-based products or services, with links to vetting resources.</p> <p>Makes recommendations to the Board about vendor contracts for AI-enabled tools, as needed and in alignment with Board policies 4:60, <i>Purchases and Contracts</i>, and 7:345, <i>Use of Educational Technologies; Student Data Privacy and Security</i>.</p> <p>Provides professional development opportunities/resources, as appropriate, to staff members who may utilize AI in their work.</p>
Educational Technology Committee	<p>Identifies specific goals regarding AI. Examples of goals include (AI Toolkit, p. 38):</p> <ul style="list-style-type: none"> Identify current and potential uses of AI for student learning in the District.

The footnotes should be removed before the material is used.

⁴ The second sentence may be customized to reflect how a district disseminates information to students and staff; it should align with the methods included in administrative procedure 6:235-AP1, *Acceptable Use of the District's Electronic Networks*.

Actor	Action
	<ul style="list-style-type: none"> • Gather evidence on the uses both from published research and from experience in the District. • Collect information on topics related to the risks of these uses of AI including data privacy, algorithmic bias, incorrect or misleading results (also referred to as <i>hallucinations</i>), content moderation that impacts learning, and equity risks. • Create an initial risk management plan based on the information collected in the previous bullet point. • Recommend professional development opportunities for educators and staff regarding use of AI to support student learning. • Create a communication plan to keep the community informed about the Committee's work. <p>Establishes separate subcommittees within the Committee as needed to meet goals and fulfill deliverables.</p> <p>To assist with the development of a District AI Plan and AI Responsible Use Guidelines, identifies and documents the opportunities and risks/challenges of the use of AI in the District:</p> <ol style="list-style-type: none"> 1. Opportunities for effective use of AI in the District may include, but are not limited to (AI Toolkit, p. 5-6; see also Teach AI's <i>AI Guidance for Schools Toolkit</i>, at: www.teachai.org/toolkit, p. 18-23, and https://online.flippingbook.com/view/476927943/22/ for further examples): <ul style="list-style-type: none"> • Enhancement of student assessment • Addressing learning variability • Adaptation of academic content through personalization, differentiation, or individualization • Reduction of administrative burdens • Assistance with lesson planning • Improvement of classroom materials, including language translations • Improved professional learning for educators • Increased efficiency in operations (e.g., through data analysis) 2. Risks/challenges of AI use in the District, may include, but are not limited to (AI Toolkit, p. 6-9; see also Teach AI's <i>AI Guidance for Schools Toolkit</i>, at: www.teachai.org/toolkit, p. 18-23, and https://online.flippingbook.com/view/476927943/22/ for further examples): <ul style="list-style-type: none"> • Lack of transparency about AI tools and how they function and collect data • Privacy and data security concerns • Bias and unfairness • Discrimination concerns <p>(see https://files.eric.ed.gov/fulltext/ED661946.pdf for potential examples)</p>

Actor	Action
	<ul style="list-style-type: none"> • Harmful content that perpetuates stereotypes • Malicious use for cyberbullying, including the generation of fabricated images or videos (also referred to as "deep fakes") • Use of AI for cheating • Hallucination risk and wrong information • Overreliance on AI-enabled tools and/or not including a human in the loop of decision making • Pressure to adopt AI-tools before adequate guidance is available • Cost and resources • Access to technology • Lack of AI literacy • Resistance to change <p>Note: The AI Toolkit (p. 7) provides examples of where the use of AI may pose enhanced risks to the safety, privacy, or rights of students.</p> <p>Considers using the <i>K-12 Generative AI Readiness Checklist (Oct. 2023)</i>, at: www.cgcs.org/genaichecklist and/or Gen AI Maturity Tool (Nov. 2024), at: www.cosn.org/wp-content/uploads/2024/12/Cosn_CGCS-K-12-Gen-AI-Maturity-Tool-V5_FINAL1.pdf to evaluate the safety, privacy, security, and ethical implications of using Generative AI in the District and the District's readiness to use it. Districts can also take a self-assessment of readiness at: https://cloudreadiness.amazonaws.com/#/k12genairt.</p> <p>Develops the District's AI Plan and AI Responsible Use Guidelines for the ethical, equitable, and sustainable use of AI to enhance student learning, support educators, and/or contribute to District operations:</p> <ol style="list-style-type: none"> 1. Before establishing the AI plan and guidelines, considers hosting listening sessions to engage with different groups within the District's learning community (AI Toolkit, p. 30-33) and answers questions such as (AI Toolkit, p. 50-51): <ul style="list-style-type: none"> • How is AI being used now in the District? • What new uses are likely, whether arriving by student choice, through integration into existing platforms, or via newly acquired tools? • What appropriate uses of edtech and AI should continue? (Consider perspectives of students, educators, families, administrators, and others). • What are inappropriate uses of AI that should be prohibited? (Consider multiple perspectives). • What are high-risk uses of AI where additional risk management practices should be required? • In what ways can students and educators have agency and choice, while avoiding downsides and risks to the broader community?

Actor	Action
	<p>2. When developing an AI plan for the District, considers working within the structure of the framework suggested in the AI Toolkit at p. 54-58:</p> <ul style="list-style-type: none"> • Govern – assess opportunities that align with the Use of Artificial Intelligence (AI)-Enabled Tools subhead in Board policy 6:235, <i>Access to Electronic Networks</i>. • Map – (1) recognize how opportunities are specific to different members of the District's learning community, (2) identify and document how AI-enabled tools might help to promote equity so that all students have the opportunity to learn, and (3) anticipate existing and potential risks posed by each type of use of AI. • Measure – (1) establish relationships with vendors that are able to measure the strength of an opportunity and quality of risk mitigation, advocating for more transparency and accountability from vendors, (2) gather and use evidence to measure the efficacy and risk mitigation of an AI-enabled system. • Manage – (1) strengthen capacity to manage implementation of new uses of technology so all members of the District's learning community can benefit, (2) increase professional learning opportunities for educators so that they can manage the risks of using AI-enabled tools. <p>The District AI Plan should communicate how the District intends to coordinate its staff, students, resources, and activities to realize strategic educational benefits while mitigating the most consequential risks. (AI Toolkit, p. 54.) For an example of an initial plan created within this framework, see the AI Toolkit at p. 58. Examples of other frameworks that can be used in the development of a District AI Plan are also available within the AI Toolkit at p. 55.</p> <p>3. When establishing AI guidelines for staff and students, considers the following key elements (AI Toolkit, p. 51):</p> <ul style="list-style-type: none"> • Definitions to support AI literacy, including an understanding of how AI-related tools can impact well-being. • Specific responsibilities and expectations regarding academic behavior (for both educators and students), for example, how to cite sources, how to represent one's own work, how to respect copyright and avoid plagiarism, and protecting privacy and security. • Allowable or prohibited uses of AI, such as allowing the use of AI to generate initial ideas and prohibiting cyberbullying. • High-risk uses of AI, such as the use of AI to make decisions which may impact the rights or safety of students and staff. • Consequences for misuse that align with administrative procedure 6:235-AP1, <i>Acceptable Use of the District's Electronic Networks</i>, which specifies how the District will monitor use and respond to misuse.

Actor	Action
	<ul style="list-style-type: none"> Recognition that students and staff with disabilities may have unique needs and may require support beyond what the guidelines provide, and that their needs will be considered consistent with the Individuals with Disabilities Education Act, Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973. <p>For sample guidance resources, see Teach AI's <i>AI Guidance for Schools Toolkit</i>, pp. 29-39, at: www.teachai.org/toolkit.</p> <p>Regularly, but not less than annually, monitors the AI plan and guidelines and updates them as needed to meet the District's needs and to comply with updates to the law and technology.</p>
Staff Members	<p>Participate in professional development regarding AI, as appropriate.</p> <p>Understand and abide by Board policy 6:235, <i>Access to Electronic Networks</i>, administrative procedure 6:235-AP1, <i>Acceptable Use of the District's Electronic Networks</i>, the District's AI Plan, and the District's AI Responsible Use Guidelines.</p>
<p>K-12 Artificial Intelligence Resources:</p> <p>https://tech.ed.gov/education-leaders-ai-toolkit/</p> <p>https://www.ltcillinois.org/</p> <p>https://www.cosn.org/ai/</p> <p>https://www.teachai.org/</p> <p>https://www.edsafeai.org/safe</p> <p>https://iste.org/ai</p> <p>https://online.flippingbook.com/view/476927943/</p> <p>https://crpe.org/responsive-systems-policies/ai-in-education/</p>	

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Students

Administrative Procedure - Accommodating Transgender, Nonbinary, or Gender Nonconforming Students¹

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

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

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

Gender-Based Discrimination Is Prohibited

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

Federal law prohibits exclusion and discrimination on the basis of *sex*. 20 U.S.C. §1681(a), Title IX of the Education Amendments of 1972 (Title IX). The U.S. Dept. of Education has taken varying positions on the application of Title IX to transgender or gender nonconforming students depending upon the administration in power. However, the Seventh Circuit U.S. Court of Appeals (which has jurisdiction over the State of Illinois) has ruled that a school's practice of denying a transgender student access to the bathroom that aligned with his gender identity violated Title IX because it was a sex-based classification. See Whitaker by Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ., 858 F.3d

The footnotes should be removed before the material is used.

¹ Administrative procedures guide the district administration's implementation of board policy. To implement a policy, the purpose and function of the policy must be understood. The purpose and function of 7:10, *Equal Educational Opportunities* is three-fold:

1. to ensure legal compliance with equal educational opportunity (EEO) laws,
2. to direct or authorize the superintendent or staff members to implement EEO laws, and
3. to establish board processes, and/or provide information about EEO laws to staff members and students.

This administrative procedure provides considerations for supports and accommodations that transgender students or gender nonconforming students may need as required by policy 7:10, *Equal Educational Opportunities*.

1034 (7th Cir. 2017); *A.C. v. Metropolitan Sch. Dist. of Martinsville*, 45 F.4th 760 (7th Cir. 2023), *cert. denied*, 2024 WL 156480 (2024).

Board policy 7:10, *Equal Educational Opportunities*, recognizes the legal requirements described above. This procedure's guidance on accommodating transgender, nonbinary, or gender nonconforming students is based on non-regulatory guidance from the Ill. State Board of Education (ISBE) and the Ill. Dept. of Human Rights (IDHR), as well as OCR pronouncements. See the last section, **Resources**.

Gender-Based Discrimination, Harassment, and/or Bullying Prohibited

The laws prohibiting gender discrimination require the District to protect transgender, nonbinary, and gender nonconforming students from sex discrimination, sex-based harassment, and bullying by other students. Under Title IX, a school district is responsible for damages suffered by a student who was the victim of prohibited sexual harassment: 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 educational program or activity. 34 C.F.R. §106.30(a). Board policy 2:265, *Title IX Grievance Procedure*, and its accompanying procedures are used to address sexual harassment as defined in Title IX.

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

Terminology and Definitions

The District uses the following terms and definitions when discussing accommodations for a transgender, nonbinary, or gender nonconforming student (from the *Arcadia Resolution Agreement*, 7-24-13, at: www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf and ISBE Non-Regulatory Guidance, *Supporting Transgender, Nonbinary and Gender Nonconforming Students*, at: www.isbe.net/supportallstudents). **Note:** Definitions are not intended to label students, but rather to assist with understanding.

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

Sex assigned at birth or *assigned sex* – a label a person is given at birth, often based on a medical professional's interpretation of the newborn's physical characteristics. Common examples may be *male* or *female*. This is typically the sex reflected on one's original birth certificate.

Gender expression – an individual's characteristics and behaviors such as appearance, dress, grooming, mannerisms, voice or speech patterns, activities, and social interactions that are perceived as masculine, feminine, both, or neither.

Gender identity – a person's internal, deeply held sense or psychological knowledge of their own gender that can include being female, male, another gender, nonbinary, gender nonconforming, or no gender, and is unrelated to the person's sex assigned at birth. Gender identity is an innate part of a person's identity, and the responsibility for determining an individual's gender identity rests with the individual. Unlike gender expression, gender identity is not visible to others.

Nonbinary – a term used to describe people whose gender identity is not exclusively male or female, including those who identify as a gender other than male or female, as more than one gender, or as no gender.

Transgender – an individual whose gender identity is different from the individual’s assigned sex at birth. Being transgender is not dependent on appearance, body parts, or medical procedures. Transgender can also be used as an umbrella term that encompasses diversity of gender identities and expressions. For purposes of this procedure, a *transgender student* is a student who consistently and uniformly asserts a gender identity different from the student’s assigned sex, or for whom there is documented legal or medical evidence that the gender identity is sincerely held as part of the student’s core identity.

Intersex – a term used for a variety of conditions in which a person is born with a reproductive and/or sexual anatomy that does not seem to fit the typical, binary definitions of female or male. Intersex conditions are not always discernable at birth or the awareness of internal anatomy present at birth may not be known to the person until puberty, if it is known at all. A derogatory term previously used for intersex individuals is *hermaphrodite*.

Gender transition – the process whereby people may change their gender expression, bodies, and/or identity documents to match their gender identity. Transition can be social (changing gender expression, using facilities, using a different name/pronouns), medical (hormones and/or surgeries), and/or legal (changing name/gender marker on identity documents), and is different for every individual. It is common for gender transition to be an ongoing process and is unique to each person.

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

Gender nonconforming or gender expansive – one’s gender expression or gender identity that does not conform to traditional, societal, or stereotyped expectations based on the sex assigned at birth. Gender expansive individuals may identify as male, female, some combination of both, or neither.

Gender pronouns – the set of words used to refer to someone without using their name. Common examples include, but are not limited to, “she/her/hers,” “he/him/his,” “they/them/theirs,” and “ze/zir/zirs.”

Gender support plan – a document that may be used to create a shared understanding about the way in which a student’s gender identity will be accounted for and supported at school.

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

Relevant Board Policies for Accommodations, Supports, and Inclusion of Transgender, Nonbinary, or Gender Nonconforming Students

2:260, *Uniform Grievance Procedure*, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The District Complaint Manager shall address the complaint promptly and equitably.

2:265, *Title IX Grievance Procedure*, contains the process for an individual to report or complain of sexual harassment in violation of Title IX. The District Title IX Coordinator shall address the report or complaint promptly and equitably.

6:60, *Curriculum Content*, requires the history curriculum to include a study of the roles and contributions of lesbian, gay, bisexual, and transgender (LGBT) people in the history of the U.S. and Illinois and, if offered by the District, requires the implementation of a comprehensive health

education program in accordance with State law, which may include the National Sex Education Standards (NSES) sex education curriculum. If NSES is offered, it must be inclusive and sensitive to students' needs on many bases, including based on their status as intersex and based on their gender, gender identity, and gender expression. See 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.

- 6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into the District's curriculum and other educational programs.
- 7:10, *Equal Educational Opportunities*, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.
- 7:20, *Harassment of Students Prohibited*, prohibits any person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy including, among other protected statuses, sex, sexual orientation, and gender identity.
- 7:130, *Student Rights and Responsibilities*, recognizes that all students are entitled to rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.
- 7:160, *Student Appearance*, prohibits students from dressing or grooming in such a way as to disrupt the educational process, interfere with a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency.
- 7:165, *Student Uniforms*, encourages students to wear school uniforms in order to maintain and promote orderly school functions, school safety, and a positive learning environment, if adopted.
- 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for the District's bullying prevention program.
- 7:185, *Teen Dating Violence Prohibited*, prohibits students 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.
- 7:250, *Student Support Services*, directs the Superintendent to develop protocols for responding to students' social, emotional, or mental health needs that impact learning.
- 7:290, *Suicide and Depression Awareness and Prevention*, directs the Superintendent to develop, implement, and maintain a suicide and depression awareness and prevention program.
- 7:330, *Student Use of Buildings - Equal Access*, grants student-initiated groups or clubs the free use of school premises for their meetings, under specified conditions.
- 7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

Common Needs for Transgender, Nonbinary, or Gender Nonconforming Students; Accommodations and Supports

The goal of an accommodation is to allow a transgender, nonbinary, or gender nonconforming student to equally participate in educational and extracurricular opportunities. The right of transgender students to accommodations is generally found in legislation (IHRA and Title IX) but has not been fully interpreted by the courts. Determining appropriate accommodations must be made on a case-by-case basis depending upon the needs expressed by the student.

The Superintendent may establish a gender support team that will identify accommodations for a specific student. Those accommodations may be documented in a gender support plan or other written document. The Board Attorney should be consulted and may be invited to be a member of the team.

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

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

For managing demographic information in the ISBE Student Information System, see www.isbe.net/Documents/student_demographics.pdf. ISBE is not required to collect student sex, sexual orientation, or gender identity data for its major programs, unless required for federal reporting. 20 ILCS 65/20-15(a-5), amended by P.A. 103-175

4. Student privacy and confidentiality
5. Access to gender-segregated areas, e.g., locker rooms and restrooms
6. Sports and physical education classes - participation in competitive athletic activities and contact sports is resolved pursuant to IHSA policy #34, *Policy and School Recommendations for Transgender Participation* at: www.ihsa.org/About-the-IHSA/Constitution-By-laws-Policies.
7. Dress codes
8. Gender segregation in other activities, e.g., class discussions and field trips (including any overnight school trips)
9. Communication with a new school about gender-specific accommodations upon transfer or graduation

Training for School Staff Members

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

Resources

IDHR, Non-Regulatory Guidance Relating to Protection of Transgender, Nonbinary, and Gender Nonconforming Students Under the Ill. Human Rights Act (Dec. 2021), at: <https://dhr.illinois.gov/publications/guidance-re-illinois-students-1221.html>.

ISBE, Supporting Transgender, Nonbinary and Gender Nonconforming Students (Mar. 2020), at: www.isbe.net/supportallstudents.

Gender Spectrum, an organization whose mission is to create a gender-inclusive world for all children and youth, at: www.genderspectrum.org.

Mass. Dept. of Elementary and Secondary Education, Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment Nondiscrimination on the Basis of Gender Identity (Oct. 2021), at: www.doe.mass.edu/sfs/lgbtq/GenderIdentity.html.

Ill. Association of School Boards, Transgender, Nonbinary, and Gender Nonconforming Students: Legal Issues, at: www.iasb.com/policy-services-and-school-law/guidance-and-resources/transgender,-nonbinary,-and-gender-nonconforming-s/.

Students

Administrative Procedure - Accommodating Breastfeeding Students¹

The Superintendent or designee shall ensure that students who choose to breastfeed an infant after returning to school are provided reasonable accommodations. A student who is a nursing mother may take reasonable breaks during the school day to express breast milk or breastfeed an infant. The District's Nondiscrimination Coordinator and/or Title IX Coordinator, in consultation with the Building Principal and building-level Article 26A Resource Person (see Board policies 7:250, *Student Support Services*, and 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*), will implement reasonable accommodations for the nursing mother in a manner that minimizes disruption to the student's education.

Reasonable accommodations for breastfeeding students, include, but are not limited to:

1. Access to a private and secure room, other than a bathroom, to express breast milk or breastfeed an infant child.
2. Permission to bring onto the school campus a breast pump or other equipment used to express breast milk.
3. Access to a power source for a breast pump or any other equipment used to express breast milk.
4. Access to a place to store expressed breast milk safely.
5. Reasonable breaks to accommodate the student's need to express breast milk or breastfeed an infant child.
6. The opportunity to make up work missed to due to the student's use of reasonable accommodations for breastfeeding.

Complaints

The District's Complaint Manager or Nondiscrimination Coordinator or designee will process any complaints regarding reasonable accommodations for breastfeeding students in accordance with Board policies 2:260, *Uniform Grievance Procedure*, and/or 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*. In those cases when a complainant appeals the Superintendent's decision to the Board, the Superintendent will inform the complainant that he or she may appeal the Board's decision to the Regional Superintendent and, thereafter, to the State Superintendent, in accordance with 23 Ill.Admin.Code §200.40.

LEGAL REF.: 34 C.F.R. §106.40.
 105 ILCS 5/10-20.60 and 5/26A.

The footnotes should be removed before the material is used.

¹ This procedure is appropriate for inclusion in a student handbook. 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. Consult the board attorney for advice regarding what accommodations a school may have to provide to breastfeeding students at off-campus extracurricular activities, such as field trips or recreational trips. There is currently a lack of case law guidance in this area. Protections in the School Code are limited to reasonable accommodations "on a school campus." 105 ILCS 5/10-20.60. However, Title IX regulations generally prohibit fund recipients from applying any rule concerning a student's parental status which treats students differently on the basis of sex. 34 C.F.R. §106.40.

Students

Administrative Procedure - School Admissions and Student Transfers To and From Non-District Schools

Annual Review

The Superintendent or designee reviews this procedure to ensure it is consistent with applicable State and federal laws.

Legal Citations

The legal requirements contained in this procedure are followed by a citation to the controlling rule and/or statute. Citations in parenthesis indicate the location of a named law. For additional clarification regarding a requirement, the cited law should be reviewed.

Guidance Documents

The following non-regulatory guidance list provides more information:

1. Ill. State Board of Education's annual registration and enrollment guidance document titled Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers, www.isbe.net/Documents/guidance_reg.pdf;
2. *Dear Colleague Letter: School Enrollment Procedures*, (OCR 05/08/14), www.justice.gov/sites/default/files/crt/legacy/2015/01/07/eldcleng.pdf;
3. *Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents* (revised 05/08/14), www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerqa.pdf; and
4. *Fact Sheet: Information on the Rights of All Children to Enroll in School*, www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf.

Transferring In

Steps	Requirements and Actions That Must Be Completed
Compliance with admission eligibility prerequisites in State law and School Board policy	All students seeking admission shall meet all residency, age, health examination, immunization, and other eligibility prerequisites as mandated by State law and School Board policy on admissions. See Board policy 7:50, <i>School Admissions and Student Transfers To and From Non-District Schools</i> .
Compliance with the Missing Children Records Act and Missing Children Registration Law ¹	The Building Principal or designee of the school into which the student is transferring shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified

The footnotes should be removed before the material is used.

¹ The Missing Children Records Act (325 ILCS 50/) and the Missing Children Registration Law (325 ILCS 55/) are almost identical. Both require either a certified copy of the student's birth certificate or "other reliable proof, as determined by the Illinois State Police, of the child's identity and age and an affidavit explaining the inability to produce a copy of the birth certificate."

Steps	Requirements and Actions That Must Be Completed
	<p>copy of the student's birth certificate. 325 ILCS 55/5(b); 20 Ill.Admin.Code §1290.60(a).</p> <p>If the person enrolling a student fails to comply with the above requirement, the Building Principal or designee shall immediately notify the local law enforcement agency and shall also notify the person enrolling the student in writing that, unless he or she complies within 10 days, the matter will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, refer the case.</p> <p>The Building Principal or designee shall immediately report to the local law enforcement authority and the Ill. State Police (ISP) any affidavit explaining the inability to produce a copy of the birth certificate that appears inaccurate or suspicious in form or content. 325 ILCS 50/5(b) and 55/5(b).</p> <p>The Building Principal or designee shall, within 14 days after enrolling a transfer student, request directly from the student's previous school a certified copy of the student's record. 23 Ill.Admin.Code §375.75(b); 325 ILCS 50/5(c) and 55/5(c).</p>
Compliance with the Good Standing Requirement	<p>The parent(s)/guardian(s) of a student who is transferring from an Illinois public school shall ensure that a completed <i>Good Standing Form</i> from that school arrives at the school into which the student is transferring. 105 ILCS 5/2-3.13a.</p> <p>The <i>Good Standing Form</i>, ISBE Form 33-78, available at: www.isbe.net/Documents/33-78_student_transfer.pdf, indicates whether the student's medical records are current and whether the student is currently being disciplined by a suspension or expulsion. 105 ILCS 5/2-3.13a(b).</p> <p>If the student is transferring from any private school (whether located in Illinois or not) or any non-Illinois public school, the parent(s)/guardian(s) shall certify in writing that the student is not currently serving a suspension or expulsion imposed by the school from which the student is transferring. 105 ILCS 5/2-3.13a(b).</p>

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What constitutes "other reliable proof of a child's identity" is unclear. The Missing Children Records Act (325 ILCS 50/5(b)(1)) defines it as "a passport, visa or other governmental documentation of the child's identity." The Missing Children Registration Law (325 ILCS 55/5(b)) defines it by referring to the Ill. State Police's implementing rule at 20 Ill.Admin.Code §1290.60(a). The rule states that a certified copy of the student's birth certificate is the only acceptable proof of a student's identity and age for purposes of school enrollment. Further, it states that "The Department finds no other proof to be reliable."

Requiring a certified copy of the birth certificate is the best practice to comply with State law but school districts may not prevent or discourage a child from enrolling or attending school because he or she lacks a birth certificate. Consult the board attorney if a student cannot produce a certified copy of his or her birth certificate and wishes to provide a passport, visa or other governmental or religious documentation of identity. **Important:** Schools cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. See, *Plyler v. Doe*, 457 U.S. 202 (1982). See also f/n 11 in sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, and the **Guidance Document** subhead of this procedure above.

Steps	Requirements and Actions That Must Be Completed
	<p>The Building Principal or designee shall deny admittance to any student who was suspended or expelled for any reason from any public or private school in this or any other state until the student completes the entire term of the suspension or expulsion. 105 ILCS 5/2-3.13a(a).</p> <p>Note: The Board may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program established under the School Code. 105 ILCS 5/2-3.13a(a); 5/10-22.6(g). If the Board adopts such a policy, it must allow the consideration of any mitigating factors (including the student's status as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A). 105 ILCS 5/10-22.6(g), amended by P.A. 102-466, a/k/a <i>Ensuring Success in School Law</i>, eff. 7-1-25. Amend this paragraph as necessary to be consistent with board policy (see f/n 17, Board policy 7:50, <i>School Admissions and Student Transfers To and From Non-District Schools</i>, and Board policy 7:190, <i>Student Behavior</i>).</p> <p>If the student is transferring from an Illinois public school, the Building Principal or designee shall refuse to admit the student unless the student can produce a <i>Good Standing Form</i>.</p> <p>If the student is transferring from any private school (whether located in Illinois or not) or any non-Illinois public school, the Building Principal or designee shall refuse to admit the student unless his or her parent(s)/guardian(s) certify in writing that the student is not currently serving a suspension or expulsion imposed by the school from which the student is transferring.</p>
Compliance with the School Code and the Illinois School Student Records Act	<p>If a request has not been made, the Building Principal shall request academic transcripts and medical records from the student's former school.</p> <p>The Building Principal or designee shall enroll a student whose former school transferred an unofficial record of grades in lieu of the student's official transcript of scholastic records pursuant to 105 ILCS 5/2-3.13a(a) and 23 Ill.Admin.Code §375.75(i). 105 ILCS 10/8.1.</p> <p>Out-of-state transfer students, including children of military personnel, may use unofficial transcripts for admission to a school until official transcripts are obtained from the student's last school district. 105 ILCS 10/8.1(d); 105 ILCS 70/32. Simultaneous with the enrollment of a child of active duty military personnel, the Building Principal or designee shall request the child's educational records from his or her former school. 105 ILCS 70/32.</p>

Steps	Requirements and Actions That Must Be Completed
Compliance with laws concerning education of homeless children	<p>The Building Principal or designee shall immediately enroll a homeless child even if the child is unable to produce records normally required for enrollment, in accordance with Board policy 6:140, <i>Education of Homeless Children</i>, and administrative procedure 6:140-AP; <i>Education of Homeless Children</i>. 42 U.S.C. §11432(g)(3)(C)(i) (McKinney-Vento Homeless Assistance Act); 105 ILCS 45/1-20.</p> <p>The Building Principal or designee must immediately contact the school last attended by the child to obtain relevant academic and other records. 42 U.S.C. §11432(g)(3)(C)(ii); 105 ILCS 45/1-10.</p>
Other admission steps	<p>Building Principal or designee shall make the class or grade level assignment, with input from a counselor when needed, and may accept or reject the transferring school's recommendations.</p> <p>When parent(s)/guardian(s) of a student eligible for special education present a copy of the student's current individualized education program (IEP) to a new school, the student must be placed in a program described in the IEP. 105 ILCS 10/8.1(c); 23 Ill.Admin.Code §226.50(a)(1). If the school does not receive a copy of the student's current IEP or a verbal or written confirmation of the requirements of that IEP from the previous school district when the student is presented for enrollment, the student must be placed in a setting that the District believes will meet the student's needs until a copy of the current IEP is obtained or a new IEP is developed. 23 Ill.Admin.Code §226.50(a)(2).</p> <p>The Building Principal or designee shall administer a Student Home Language Survey, to each student entering the District's schools for the first time. 23 Ill.Admin.Code §228.15(a). ISBE provides Sample Home Language Surveys that are available in English and twenty-nine other languages under the Home Language Surveys tab at: www.isbe.net/Pages/Screening-for-English-Language-Proficiency.aspx.</p> <p>If the Building Principal or designee did not send a request for records to the student's former school or school district, he or she shall send a notification to the school or school district from which the student transferred documenting that the student has enrolled in the school. 105 ILCS 5/2-3.13a(c); 23 Ill.Admin.Code §375.75(e).</p> <p>The individual enrolling a student shall be given the opportunity to voluntarily state whether the student has a parent or guardian who is a member of a branch of the U.S. Armed Forces and who is either deployed to active duty or expects to be deployed to active duty during the school year. 105 ILCS 5/22-70. Such students will be allowed to enter: (a) the same grade level in which they studied at the school from which they transferred, if the transfer occurs during the District's school year, or (b) the grade level following</p>

Steps	Requirements and Actions That Must Be Completed
	<p>the last grade completed. 105 ILCS 70/33. All course, program, extracurricular, graduation and other placements from the student's former school shall be initially honored if the District has those options, and space is available. 105 ILCS 70/35.</p> <p><i>For Districts that collect biometric information:</i></p> <p>The Building Principal or designee shall notify the student and the student's parent(s)/guardian(s) of their rights with respect to the collection, distribution, and retention of biometric information in accordance with the Student Biometric Information Collection subhead in Board policy 7:340, <i>Student Records</i>. 105 ILCS 5/10-20.40; 23 Ill.AdminCode §375.30(a).</p>

Transferring Out

Steps	Requirements and Action That Must Be Completed
Initial step	The parent(s)/guardian(s) of a student shall notify the Building Principal of their intent, pay outstanding fees or fines, sign a release form authorizing the release of student records, and return all school-owned property.
Compliance with the Illinois School Student Records Act	<p>After receiving a request to transfer school student records, the Building Principal or designee of the transferring school must provide written notice of the nature and substance of the information to be transferred and the opportunity to inspect, copy, and challenge the record. 23 Ill.Admin.Code §375.70(a).</p> <p>The Building Principal or designee of the transferring school must, within 10 days of the notice of the student's transfer, forward a copy of the student's school record to the student's new school. 105 ILCS 10/8.1(b); 23 Ill.Admin.Code §375.75(c), (h). Each school must forward written information relative to the grade levels, subjects and record of academic grades achieved, current mathematics and language arts placement levels, health records, and a most current set of standardized test reports. However, if the student has unpaid fines or fees and is transferring to a public school located in Illinois or any other state, an official record of the student's grades will be sent in lieu of the student's official transcript of scholastic records. 105 ILCS 5/2-3.13a(a); 23 Ill.Admin.Code §375.75(i).</p> <p>For children of active duty military personnel, if official educational records cannot be released to a student for the purpose of transferring, the Building Principal or designee shall prepare and furnish a complete set of unofficial educational records to the extent feasible. 105 ILCS 70/32(a).</p> <p>The Building Principal or designee shall, within 10 days after the student has paid all of his or her outstanding fines and fees and at the school's own expense, forward an official transcript of the</p>

Steps	Requirements and Action That Must Be Completed
	<p>scholastic records as defined in 23 Ill.Admin.Code §375.75(i). 105 ILCS 5/2-3.13a(a).</p> <p>The Building Principal shall notify the parent(s)/guardian(s) and the student of the destruction schedule for the student's permanent and temporary school records and of his or her right to request a copy of those records. 105 ILCS 10/4(h); 23 Ill.Admin.Code §375.40(c).</p> <p>If within 150 days after a student leaves a school, the school has not received a request for the student's record, or been presented with other documentation that the student has enrolled in another school, the student is counted in the school's and District's calculation of its annual dropout rate. 105 ILCS 5/2-3.13a(c); 23 Ill.Admin.Code §375.75(e).</p>
Compliance with requirements for destruction of biometric information (if applicable)	<p>The Building Principal or designee of the transferring school shall, within 30 days, ensure the destruction of any biometric information collected in accordance with the Student Biometric Information Collection subhead in 7:340, <i>Student Records</i>.</p> <p>No biometric information shall be transferred to another school district in which a student has enrolled. 105 ILCS 5/10-20.40; 23 Ill.Admin.Code §375.70(a)(2). Destruction of a student's biometric information is not subject to authorization by the appropriate Local Record Commission (50 ILCS 205/7). 105 ILCS 5/10-20.40(d); 23 Ill.Admin.Code §375.40(c).</p>
Compliance with the Missing Children Records Act and Missing Children Registration Law	<p>The Building Principal or designee of the transferring school must send the student's records within 10 days of receipt of the request, unless the record has been flagged pursuant to the Missing Children Records Act and/or Missing Children Registration Law; if flagged, the copy shall not be forwarded and the requested school must notify the local law enforcement authority and ISP of the request. 325 ILCS 55/5 and 50/5.</p> <p>If ISP notifies a school of a current or former student's disappearance, the school must flag the student's record so that whenever information regarding the record is requested, the school can immediately report the request to ISP.</p>
Compliance with the Good Standing Requirement	<p>The Building Principal or designee of the transferring school shall send to the school in which the student will or has enrolled a completed <i>Good Standing Form</i> (ISBE Form 33-78 available at: www.isbe.net/Documents/33-78_student_transfer.pdf) and, if a transferring student is currently suspended or expelled, indicate (105 ILCS 5/2-3.13a(a)):</p> <ol style="list-style-type: none"> 1. The date and duration of the suspension or expulsion, and 2. Whether the suspension or expulsion is for knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. §7961 et

Steps	Requirements and Action That Must Be Completed
	<u>seq.</u>), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school.
Compliance with the Illinois Domestic Violence Act	If a child transferring to another school is a <i>protected person</i> under an order of protection, the petitioner may request the Building Principal or designee to provide written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring. 750 ILCS 60/222(f). The Building Principal or designee shall respond to the above request by providing, within 24 hours of the transfer or sooner if possible, written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring. 750 ILCS 60/222(f).
Compliance with requirements for tracking transfer	The Superintendent and Building Principal, or their designees, shall count a student as a dropout in the calculation of a school's and District's annual student dropout rate unless the school or district to which a student transferred sends notification that the student has enrolled in the transferee school or school district. 105 ILCS 5/2-3.13a(c); 23 Ill.Admin.Code §375.75(e).

LEGAL REF.: 20 U.S.C. §1232g, Family Educational Rights and Privacy Act.
Plyler v. Doe, 457 U.S. 202 (1982).
105 ILCS 5/2-3.13a, 5/10-20.40, and 5/10-22.6.
105 ILCS 10/, Ill. School Student Records Act.
105 ILCS 45/, Education for Homeless Children Act.
105 ILCS 70/, Educational Opportunity for Military Children Act.
325 ILCS 50/, Missing Children Records Act.
325 ILCS 55/, Missing Children Registration Law.
750 ILCS 60/222, Ill. Domestic Violence Act of 1986.
20 Ill.Admin.Code §1290.60(a).
23 Ill.Admin.Code Part 375, Student Records.

Students

Student Handbook - Gang Activity Prohibited ¹

Students are prohibited from engaging in gang activity.² *Gang* means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining of three or more persons with an established hierarchy that, through its membership or through the agency of any member, engages in a course or pattern of criminal activity. Drug distribution, burglary, theft, assaults, and weapon-related offenses are typically associated with established gangs.

No student shall engage in any gang activity, including but not limited to:

1. Wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that are evidence of membership or affiliation in any gang;
2. Committing any act or omission, or using any speech, either verbal or non-verbal (such as gestures or handshakes) showing membership or affiliation in a gang; and
3. Using any speech or committing any act or omission in furtherance of any gang or gang activity, including but not limited to: (a) soliciting others for membership in any gangs, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of school district policies, (d) inciting other students to act with physical violence upon any other person.

Students engaging in any gang-related activity may be subject to one or more of the following disciplinary actions: ³

Removal from extracurricular and athletic activities

Conference with parent(s)/guardian(s)

Referral to appropriate law enforcement agency

The footnotes should be removed before the material is used.

¹ State or federal law may impact this student handbook provision; it concerns an area in which the law is unsettled.

A school board can create and enforce a comprehensive policy to prevent and prohibit gang activity in its schools. *Olesen v. School Dist. 228*, 676 F.Supp. 820 (N.D.Ill. 1987). Administrators supervising buildings with frequent gang activity should be familiar with the laws prohibiting such activity, e.g., 740 ILCS 147/ (Ill. Streetgang Terrorism Omnibus Prevention Act); 720 ILCS 5/12-6.2 (gang intimidation); and 720 ILCS 5/12-6.4 (gang recruitment on school grounds). The definition of *gang* in this procedure is based on 740 ILCS 147/10 and the Ill. State Board of Education's *Criminal Gang Activity Safety Hazard Guidelines* at: www.isbe.net/Documents/Criminal-Gang-Act-Safety-Hazard-Guidelines.pdf.

² Many types of gang activity are illegal; a district's discipline authority, however, may not extend to every criminal act, or to every act of wrongdoing, committed by a student. Districts must generally find a connection between a student's off-campus misconduct and the school before it may deprive the student of the student's right to attend school. *Gendelman v. Glenbrook North High School and Northfield Township School Dist. 225*, 2003 WL 21209880 (N.D.Ill. 2003)(student suspensions for hazing at non-school event upheld). School officials may remove students from extra-curricular activities and athletics for non-school-related activities because students do not enjoy a protected property right to such participation. *Clements v. Decatur Public School Dist. 61*, 133 Ill.App.3d 531 (4th Dist. 1985).

A district's authority to regulate gang activity, even if it occurs off school grounds, may be justified because it severely intimidates students, creates an atmosphere of fear thus impeding student attendance, may lead to violence in school by competing gangs, and may be used to recruit new members from the student body. School boards should seek legal advice on this issue.

³ Schools may state the possible disciplinary consequences in the manner in which they are stated for other acts of misconduct in the student handbook. 105 ILCS 5/10-22.6(b-10) explicitly forbids zero tolerance policies; therefore, disciplinary consequences should not be stated in a manner that requires suspension or expulsion for particular behaviors.

Suspension for up to 10 days
Expulsion not to exceed two calendar years

Students

Student Handbook - Electronic Devices ¹

Electronic Signaling Devices ²

Students may not use or possess electronic signaling (paging) devices or two-way radios on school property at any time, unless the Building Principal specifically grants permission.

Cell Phones and Other Electronic Devices ³

The possession and use of cellular phones, including smartphones, and other electronic devices, other than paging devices and two-way radios, are subject to the following rules:

1. They must be kept out of sight and in an inconspicuous location, such as a backpack, purse, or locker, unless use is authorized by the teacher or for the reasons in number two, below. ⁴
2. They must be turned **off or silenced** during the regular school day unless: (a) the supervising teacher grants permission for them to be used; (b) use of the device is provided in a student's individualized education program (IEP) or Section 504 plan; (c) the device is used during the student's lunch period; or (d) the device is needed during an emergency.
3. They may not be used in any manner that will cause disruption to the educational environment or will otherwise violate student conduct rules.
4. They may not be used for *sexting*, as defined in Board policy 7:190, *Student Behavior*. Any cellular phone or electronic device may be searched upon reasonable suspicion of sexting or

The footnotes should be removed before the material is used.

¹ 105 ILCS 5/10-20.28, grants school boards the authority to “establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time.” The statute contains no mandates. School boards that adopted policies prohibiting students from using or possessing any cell phones on school property must amend those policies before using this sample student handbook language about cell phones and electronic devices.

Some boards may prefer to maintain their ban on cell phone and pager use and possession on school grounds. With the advent of sexting, bans on cell phone and electronic device usage during school hours are viable sexting prevention options. If so, the administration should not change the student handbook's language with the use of this sample language.

² 105 ILCS 5/10-21.10 still prohibits student possession of electronic paging devices unless the school board has expressly authorized use or possession of the device or similar electronic paging device by a student when in a school building or on school property.

³ The School Code does not define *electronic device*, but the Juvenile Court Act provides guidance in its definition of an *electronic communication device*, and the Criminal Code of 2012 provides guidance in its definition of *computer*. Electronic communication device includes, but is not limited to, electronic devices, wireless telephones, personal digital assistants, or portable or mobile computers, that are capable of transmitting images or pictures. 705 ILCS 405/3-40(a). Computer means a device that accepts, processes, stores, retrieves, or outputs data and includes, but is not limited to, auxiliary storage, including cloud-based networks of remote services hosted on the Internet, and telecommunications devices connected to computers. 720 ILCS 5/17-0.5.

Wireless telephone is synonymous with *cellular telephone* (see www.thesaurus.com, listing cellular and wireless telephones as synonyms). Because the terms are synonyms, an electronic communication device also includes a cellular telephone. While the definition of electronic communication device at 705 ILCS 405/3-40(a) appears to make using *cell phone*, *electronic device*, and *computer* redundant, this sample will continue to use *cell phones* and *electronic devices* for simplicity. Change the subhead to *electronic communication devices* if the district wants to use one term.

⁴ Delete this sentence if the board has deleted the *out-of-sight* limitation from board policy 7:190, *Student Behavior*. See sample policy 7:190, *Student Behavior*, at f/n 16.

other violations of policy. All sexting violations will require school administrators to follow student discipline policies in addition to contacting the police and reporting suspected child abuse or neglect when appropriate.

Electronic study aids may be used during the school day if:

1. Use of the device is provided in the student's IEP, or
2. Permission is received from the student's teacher; e.g., Bring Your Own Technology (BYOT) programs.

Examples of electronic devices that are used as study aids include: devices with audio or video recording, MP3 players, some cellular phones, smartphones, laptop computers, Chromebooks®, and tablet computers or devices, e.g., iPads®.

Examples of electronic devices that are **not** used as study aids include: hand-held electronic games, MP3 players used for a purpose other than a study aid, global positioning systems (GPS), radios, and cellular phones, including smartphones (with or without cameras), used for a purpose other than a study aid.

The use of technology as educational material in a curriculum-based program is not a necessity but a privilege, and a student does not have an absolute right to use his or her electronic device while at school. If applicable, using technology as a study aid must always follow the established rules for the BYOT program. Using technology at all other times must always follow the established rules for cellular and smartphones and other electronic devices at school.

The School District is not responsible for the loss or theft of any electronic device brought to school.

Students

Administrative Procedure - Guidelines for Investigating Sexting Allegations

Establishing procedures with local law enforcement agencies and State's attorneys to investigate allegations of sexting protects the District, its staff and its students from the broad legal implications that sexting allegations present. This administrative procedure contains three sections:

1. Glossary of Terms
2. Preparation of Guidelines for Investigating Sexting Allegations
3. Investigation and Management of Sexting Allegations

Glossary of Terms

Electronic device: any type of electronic communication device, defined in the Juvenile Court Act of 1987 at 705 ILCS 405/3-40(a). It includes, but is not limited to, a wireless telephone, personal digital assistant, or a portable or mobile computer, that is capable of transmitting images or pictures. This includes cellular telephones (see www.thesaurus.com/, listing cellular and wireless telephones as synonyms). For more discussion, see f/n 3 in sample administrative procedure 7:190-AP5, *Student Handbook - Electronic Devices*.

Sexting:¹ the act of creating, sending, sharing, viewing, receiving, or possessing sexually explicit messages, images, or videos electronically, regardless of whether they are authentic or computer-generated, through the use of a computer, electronic communication device, or cellular phone. It also includes:

1. Creating, sending, sharing, viewing, receiving, or possessing an *indecent visual depiction*, which under the Juvenile Court Act of 1987 means a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female,² a fully or partially developed breast of the person (705 ILCS 405/3-40(a) (enacted to provide law enforcement officials an alternative to bringing child pornography charges against minors in possession of indecent visual depictions through placing them under the supervision of juvenile courts)), or
2. *Non-consensual dissemination of private sexual images*, which under the Criminal Code of 2012 (720 ILCS 5/11-23.5, amended by P.A. 103-825), is a crime that is committed when a person:
 - a. intentionally disseminates an image of another person:
 - i. who is identifiable from the image itself or personal identifying information³ displayed or disseminated in connection with the image, or the identity is known to the person who disseminated the image; and

The footnotes should be removed before the material is used.

¹ Ensure the definition of *sexting* in this administrative procedure aligns with the definition that appears in policy 7:190, *Student Behavior*.

² 705 ILCS 405/3-40(a) assumes sex is binary and does not address transgender females or individuals who identify as nonbinary. Consult the board attorney about this definition if an involved student is transgender or nonbinary.

³ *Personal identifying information* is defined in 720 ILCS 5/16-0.1 and includes a person's name, address, date of birth, telephone number, among other items. See 720 ILCS 5/11-23.5, amended by P.A. 103-825, for definitions of other terms in this provision, including *image*, *sexual act*, and *intimate parts*.

- ii. who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part; and
 - b. obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and
 - c. knows or should have known that the person in the image has not consented to the dissemination.
- 3. *Non-consensual dissemination of sexually explicit digitized depictions*,⁴ which under the Criminal Code of 2012 (720 ILCS 5/11-23.7, added by P.A. 103-825), is a crime that is committed when a person:
 - a. intentionally disseminates a sexually explicit digitized depiction of another person who is identifiable from the image itself or personal identifying information displayed or disseminated in connection with the image, or the identity is known to the person who disseminated the image; and
 - b. knows or should have known the person in the image has not consented to the dissemination.

Preparation of Guidelines for Investigating Sexting Allegations

This section identifies best practices to create guidelines for investigating sexting allegations at the District-wide level. The Superintendent should discuss this procedure with local law enforcement agencies and State's attorneys to minimize the potential legal implications for students and administrators that managing sexting in school presents. Customize the procedure to each District's specific needs.

Actor	Action
Superintendent or designee	<p>Convene a meeting with the Board Attorney, local law enforcement agencies, and State's attorney to determine best practices and procedures for investigating sexting in the District. Use the Investigation and Management of Sexting Allegations section (see below) as a template for discussion at the meeting and customize it to meet local considerations as necessary.</p> <p>Ask the Board Attorney to provide direction about searching student-owned electronic devices in Step 2: Isolate Evidence / Confiscate Device in the Investigation and Management of Sexting Allegations section (see below).</p> <p>Searching electronic devices involves Fourth Amendment to the U.S. Constitution search and seizure issues. The federal Stored Communication Act (SCA) (18 U.S.C. §2701) can also be implicated if the District wants to access information stored on a personal</p>

The footnotes should be removed before the material is used.

⁴ *Sexually explicit digitized depiction* means any image, photograph, film, video, digital recording, or other depiction or portrayal that has been created, altered, or otherwise modified to realistically depict either: (1) the intimate parts of another human being as the intimate parts of the depicted individual or computer-generated intimate parts of the depicted individual, or (2) the depicted individual engaging in sexual activity in which the depicted individual did not engage. 720 ILCS 5/11-23.7(a), added by P.A. 103-825. See *Id.* for definitions of other terms in this provision, including *intimate parts* and *sexual activity*. For *personal identifying information*, see f/n 3, above.

Actor	Action
	<p>cellular phone from a third-party provider. Generally asking for permission, calling the parents to come and look through the phone, or getting a warrant solves these issues. Note: See <i>Searching and Seizing Computers and Obtaining Electronic Evidence Manual</i> (Sept. 2009), Chapter 3, The Stored Communication Act, at: www.justice.gov/d9/criminal-ccips/legacy/2015/01/14/ssmanual2009_002.pdf</p> <p>Identify and list all State’s attorneys and local law enforcement agencies with jurisdiction over the District’s boundaries. Provide this list to all Building Principals in the District.</p> <p>Provide the local State’s attorney offices and law enforcement agencies with an annual list of school buildings and the names of each building’s administrators that are located within their jurisdictions.</p> <p>Invite local State’s attorney offices and law enforcement agencies to meet with District school officials to provide input on how the District should manage sexting.</p> <p>Add an agenda item about sexting to a Parent Teacher Advisory Committee meeting (see Board policy 2:150, <i>Committees</i>). Include information from discussions with State’s attorneys and local law enforcement about the issue. Discuss local considerations for:</p> <ol style="list-style-type: none"> 1. Disciplinary actions and consequences in response to sexting; and 2. Sexting education and prevention efforts. <p>Consider adding information about the negative consequences of sexting to the District’s sex education curriculum. See, U.S. Dept. of Justice (DOJ) Guide titled <i>Citizen’s Guide to United States Federal Child Exploitation and Obscenity Laws</i>, at: www.justice.gov/criminal-ceos/citizens-guide-us-federal-child-exploitation-and-obscenity-laws.</p> <p>Consider adding the above resources to exhibit 4:170-AP2, E4, <i>Letter to Parents/Guardians About Preventing and Reducing Incidences of Sexting</i>.</p> <p>Convene a meeting with Building Principals to inform them of the District’s Investigation and Management of Sexting Allegations procedures (see below).</p> <p>Raise awareness of and increase educational opportunities about sexting as necessary. Follow the Parent Teacher Advisory Committee’s recommendations for providing sexting education and prevention efforts.⁵</p> <p>Invite the local State’s attorney and local law enforcement to participate in the District’s education and prevention efforts.</p>

The footnotes should be removed before the material is used.

⁵ If a district offers the National Sex Education Standards (NSES), any recommendations should align with NSES. See sample policy 6:60, *Curriculum Content*, and its f/n 35, and sample administrative procedure 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.

Actor	Action
Building Principals	Educate building staff members about the procedures for Investigation and Management of Sexting Allegations (see below). Follow the Investigation and Management of Sexting Allegations.

Investigation and Management of Sexting Allegations

This section relies upon the Building Principal or designee to manage several practical and legal implications when conducting sexting allegation investigations.

Actor	Action
Building Principal or designee	<p>Step 1: If the alleged conduct is governed by Board policy 2:265, Title IX Grievance Procedure (Notification and Information subhead):</p> <p>Skip Step 2 and consult with the Title IX Coordinator regarding Steps 3, 5, and 6. Continue to follow Step 4. Note: The District may not issue discipline for alleged conduct covered by Title IX unless there is a determination at the conclusion of the Title IX Grievance Process that the Respondent engaged in discrimination prohibited by Title IX.</p> <p>Step 2: If the alleged conduct is not governed by Board policy 2:265, Title IX Grievance Procedure, then investigate.</p> <p>Determine where actions took place.</p> <p>Contact parents/guardians of all students involved.</p> <p>Contact the Superintendent and request permission to contact the Board Attorney.</p> <p>Step 3: Isolate Evidence / Confiscate Device</p> <p>NEVER transfer or store depictions on personal or school electronic devices to minimize accusations of possession of child pornography. (See 720 ILCS 5/11-20.1 <u>et seq.</u>, 720 ILCS 5/11-23.5(c) (provides an exception on transfer of an image for a lawful purpose), and 18 U.S.C. §§2251, 2252, and 2252A). Also see the DOJ's Child Exploitation and Obscenity Section discussing child pornography issues, available at: www.justice.gov/criminal-ceos.</p> <p>Contact the Board Attorney for guidance to determine whether to involve local law enforcement or manage the situation within the District's disciplinary policy.</p> <p>See Joshua D. Herman, <i>Criminal Law. Sexting: It's No Joke, It's a Crime</i>. Illinois Bar Journal, Volume 98, No. 4, P. 192 at f/n 42 (published April 2010), at: www.isba.org/ibj/2010/04/criminallaw, (quoting an attorney in the Ill. Attorney General's High Tech Crimes Bureau who advises school administrators to immediately confiscate devices with such material on them and report the incident to law enforcement immediately, stating that possession of a sext message that is child pornography is no different than possessing a "kilo of cocaine.")</p>

Actor	Action
	<p>Follow Board policy 7:140, <i>Search and Seizure</i>, and administrative procedure 7:150-AP, <i>Agency and Police Interviews</i>.</p> <p>Follow the Board Attorney’s direction regarding searches of student owned technological devices. See Preparation of Guidelines for Investigating Sexting Allegations (above).</p> <p>Step 4: Follow the reporting requirements of Board policy 5:90, <i>Abused and Neglected Child Reporting</i>, when applicable</p> <p>A <i>sexted</i> image may constitute child abuse depending upon the visual depiction or image, the ages of the individuals involved, and other circumstances. See 325 ILCS 5/3 and 705 ILCS 405/2-3(2) which includes sex offenses defined at 720 ILCS 5/1-1 <u>et seq.</u> School personnel are granted broad immunities against civil and criminal claims for filing reports in good faith, even if the report is unfounded. In contrast, school personnel who willfully fail to report may be guilty of a Class A misdemeanor (325 ILCS 5/4(m)) and face suspension or revocation of their licenses, endorsements, or approvals (105 ILCS 5/21B-75).</p> <p>Step 5: Determine appropriate disciplinary actions for all students involved in the incident</p> <p>Evaluate disciplinary options. Remember that a student who forwards sexts of himself or herself likely expected the depiction to remain private. As a result, consider the social stigma, bullying, harassment, and severe embarrassment issues involved in the issue.</p> <p>Provide equivalent discipline to all students involved in the creation, dissemination, and storage of the sexted image, whenever possible.</p> <p>For situations that may require unequal punishment, contact the Superintendent so that he or she may consult the Board Attorney.</p> <p>Step 6: Prepare a plan to prevent harassment and bullying of involved students</p> <p>Remind the students and their parents/guardians of the Board policies 2:265, <i>Title IX Grievance Procedure</i>; 7:20, <i>Harassment of Students Prohibited</i>; 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>; and 7:185, <i>Teen Dating Violence Prohibited</i>.</p> <p>Instruct involved students not to harass anyone involved in the sexting incident and keep the issues confidential.</p> <p>Consider involving the social worker or school counselor, if available, in the process to assist students.</p> <p>Follow Board policy 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>, for students who violate the policy.</p>

Students

Administrative Procedure - Electronic Recordings on School Buses ¹

Review of Electronic Recordings ²

Electronic video and audio recordings are viewed to investigate an incident reported by a bus driver, administrator, law enforcement officer working in the District, supervisor, student, or other person. They are also viewed at random.

Viewing and/or listening to electronic video and/or audio recordings is limited to law enforcement officers working in the District and District personnel. These individuals must have: (1) a law enforcement, security, or safety reason, or (2) a need to investigate and/or monitor student or driver conduct. A written log will be kept of those individuals viewing a video recording stating the time, name of individual viewing it, and date the video recording was viewed.

If the content of an electronic recording becomes the subject of a student disciplinary hearing, it will be treated like other evidence in the proceeding.

An electronic video or audio recording may be reused or erased after 14 days unless it is needed for an educational or administrative purpose. ³

The footnotes should be removed before the material is used.

¹ The superintendent should consult with the board attorney concerning the status of video and/or audio recordings that were made on school buses. This procedure implements the statutory prerequisites for districts using electronic audio and visual recording devices on school buses. 720 ILCS 5/14-3(m). These required prerequisites are contained in an exception to the criminal eavesdropping statute. It prohibits recording a conversation in which someone has a reasonable expectation of privacy without the consent of all parties but allows citizens to record public conversations without obtaining consent.

² Confusion surrounds whether or not electronic video or audio recordings are *education records* for purposes of the federal Family Education Rights and Privacy Act (FERPA)(20 U.S.C. §1232g) and/or *school student records* as defined in the Ill. School Student Records Act (ISSRA)(105 ILCS 10/).

The U.S. Dept. of Education *FAQs on Photos and Videos under FERPA*, at www.studentprivacy.ed.gov/faq/faqs-photos-and-videos-under-ferpa, states that a video of a student is an education record, subject to specific exclusions, when the video is: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. *Id.*, citing 20 U.S.C. §1232g(a)(4)(A); 34 C.F.R. §99.3. One such exclusion is for records created and maintained by a law enforcement unit of an educational agency or institution for law enforcement purposes. *Id.*, citing 20 U.S.C. §1232g(a)(4)(B)(ii); 34 C.F.R. §§ 99.3, 99.8. The Ill. State Board of Education (ISBE) considerably reduced the confusion by stating in its rule that *school student records* do not include video or other electronic recordings “created at least in part for law enforcement or security or safety reasons or purposes.” 23 Ill.Admin.Code §375.10. ISBE rules also specify that: (1) electronic recordings made on school buses, as defined in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3, are not *school student records*, (*Id.*) and (2) no image on a school security recording may be designated as directory information (23 Ill.Admin.Code §375.80(a)(2)(B)). This treatment exempts school bus videos from the multiple requirements in ISSRA. When responding to a request under the Freedom of Information Act (5 ILCS 140/) for recordings on school buses, a district will need to find an exemption other than the recording is a *school student record*.

³ The superintendent may change the number of days for keeping a video recording. The Local Records Act (LRA) governs the destruction of public records. 50 ILCS 205/. Unless a record contains informational data appropriate for preservation, the LRA is not triggered and the record may be destroyed. Electronic recordings on school buses may be destroyed because they typically do not contain informational data appropriate for preservation.

Notice of Electronic Recordings 720 ILCS 5/14-3(m).

The Eavesdropping Act exempts electronic recordings on school buses from its coverage when transportation is provided for a school activity, provided the School Board adopted a policy authorizing their use. Notice of the adopted policy regarding video and audio recordings shall be: (1) clearly posted on the front door and interior of the school bus, (2) provided to students and parents/guardians, and (3) included in student handbooks and other documents.

Students

Administrative Procedure - Protocol for Responding to Students with Social, Emotional, or Mental Health Needs¹

Student Support Committee

Each Building Principal shall annually appoint a building-level Student Support Committee that shall have the tasks described in this Administrative Procedure. Committee members must be school staff members who are qualified by professional licensing or experience to address issues concerning students who may have social, emotional, or mental health needs. As needed on a case-by-case basis, the Student Support Committee may request the involvement of the Building Principal, relevant teachers, and the parents/guardians. Records produced and shared among Committee members may be subject to laws governing student records. Confidential information given by a student to a therapist is governed by the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/.

Children's Mental Health Partnership's Plan and Annual Progress Reports

The Illinois Children's Mental Health Partnership (ICMHP) develops and updates its statewide Children's Mental Health Plan (CMH Plan). The CMH Plan is a statewide strategic blueprint or *roadmap* to promote and improve the children's mental health system and covers a range of recommendations and strategies necessary to reforming the children's mental health system in Illinois. By Dec. 30 of each year, the ICMHP must submit an annual progress report to the Governor for approval. The Student Support Committee will monitor the annual ICMHP progress report and the CMH Plan, both available at: <https://dph.illinois.gov/topics-services/life-stages-populations/maternal-child-family-health-services/child-health/icmhp.html>. After reviewing both documents, the Student Support Committee will decide how to implement its recommendations and strategies as appropriate within the resources available in the District.

Referrals

Staff members should refer a student suspected of having social, emotional, or mental health needs to the building-level Student Support Committee. The Student Support Committee will review information about a referred student, including prior interventions, and suggest appropriate steps for referral and follow-up. The Student Support Committee may offer strategies to a referred student's classroom teachers and parents/guardians about ways they can manage, address, and/or enhance the student's social and emotional development and mental health. In addition, the Student Support Committee may recommend coordinated educational, social work, school counseling, student assistance services, and/or a case study evaluation, as well as referrals to outside agencies.

Referrals under this procedure are unrelated to the special education evaluation process and do not trigger the District's timeline for evaluations. However, the use of these procedures shall not circumvent

The footnotes should be removed before the material is used.

¹ The Children's Mental Health Act, 405 ILCS 49/, requires districts to have a protocol for responding to children with social, emotional, or mental health needs, or a combination of such needs, that impact learning ability. The complexity and scope of such a protocol will vary from district to district. At minimum, the superintendent should consider including the first three sections of this sample procedure.

The Children's Mental Health Act also requires every district to have a policy for incorporating social and emotional development into the district's educational program. See sample policy 6:65, *Student Social and Emotional Development*.

the special education process. See Administrative Procedure 6:120-AP1, *Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities*.

School Counseling, School Social Work, School Psychological, and School Nursing Services ²

The Student Support Committee may request school counselors, school social workers, school psychologists, and school nurses to provide support and consultation to teachers and school staff about strategies to promote the social and emotional development and mental health of all students. They may also be requested to provide screening and early detection approaches to identify students with social, emotional, and mental health needs.

School counselors, school social workers, school psychologists, and school nurses will inform parents/guardians of all issues that pose a health and/or safety risk; they will inform the Building Principal of any health or safety risks that are present in the school.

Psycho-Educational Groups ³

As appropriate, the Student Support Committee may recommend that a student participate in a variety of psycho-educational groups. These groups are typically led by school counselors, social workers, or psychologists, but are not structured as therapeutic services. Groups are designed to help students better understand issues and develop strategies to manage issues of concern to them that may, if not addressed, interfere significantly with the students' educational progress or school adjustment. Groups have a written curriculum that guides discussion over a set period of time, generally five weeks. A student may participate in a group without parent/guardian permission for one such time period; subsequent enrollment in the same group requires parent/guardian permission.

Students in a group who present significant concern and for whom therapeutic services must be considered will be referred to the social workers, psychologists, or school counselors for individual consultation. (See above description of these services.)

Erin's Law Counseling Options, Assistance, and Intervention ⁴

The Student Support Committee shall identify District and community-based counseling options for students who are affected by sexual abuse and grooming behaviors, along with options for victims of sexual abuse to obtain assistance and intervention. Community-based options must include a Children's Advocacy Center⁵ and sexual assault crisis center(s) that serve the District, if any.

Article 26A Domestic or Sexual Violence and Parenting Resource Personnel ⁶

The Student Support Committee shall assist the designated resource person (Article 26A Resource Person) for students who are parents, expectant parents, or victims of domestic or sexual violence (Article 26A Students) to identify in-school and non-school-based support service options for such

The footnotes should be removed before the material is used.

² See sample policy 7:250, *Student Support Services*, at f/ns 4-7, for information about the roles and licensure of school support personnel, including school counselors, school social workers, school psychologists, and school nurses.

³ Omit this section if the school does not have a psycho-educational program in place.

⁴ Required by *Erin's Law*, 105 ILCS 5/10-23.13(b)(2), (3), and (5).

⁵ To identify a Children's Advocacy Center (CAC) that may serve the district, see www.childrensadvocacycentersofillinois.org/about/map. For more information on CACs, see sample policy 5:90, *Abused and Neglected Child Reporting*, and sample administrative procedure 5:90-AP1, *Coordination with Children's Advocacy Center*.

⁶ Required by 105 ILCS 5/26A-35, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. See sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

students. Every two years, the Student Support Committee shall assist the Superintendent or designee, Building Principal, and Article 26A Resource Person to review all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and to recommend any necessary updates. See administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

School and Community Linkages

When possible, the Student Support Committee shall seek to establish linkages and partnerships with diverse community organizations with the goal of providing a coordinated, collaborative early intervention social and emotional development and mental health support system for students that is integrated with community mental health agencies and organizations and other child-serving agencies and systems.

LEGAL REF.: 105 ILCS 5/10-23.13 and 5/26A.
405 ILCS 49/, Children's Mental Health Act.

Students

Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence¹

The District provides accommodations and support services to students who are parents, expectant parents, or victims of domestic or sexual violence (Article 26A Students) to enable them to succeed in school. Use this procedure to implement the District's program for supporting Article 26A students.

The topics outlined in this procedure include: Glossary of Terms; Notification, Roles, and Responsibilities; Training; Initial Response; Article 26A Support Services; Confidentiality; Recordkeeping; and Policy and Procedure Review.

Complaints alleging violations of Article 26A are processed using administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

Glossary of Terms²

Confidential – Information or facts expected and intended to be kept private or protected by an existing privilege in the Ill. Code of Civil Procedure, 735 ILCS 5/. The District may disclose confidential information if disclosure is required by State or federal law or is necessary to complete proceedings relevant to 105 ILCS 5/26A. Designation of student information as confidential applies to the District and does not limit a student's right to speak about the student's experiences.

Consent – Includes, at a minimum, a recognition that (i) consent is a freely given agreement to sexual activity, (ii) an individual's lack of verbal or physical resistance, or submission resulting from the use of threat of force does not constitute consent, (iii) an individual's manner of dress does not constitute consent, (iv) an individual's consent to past sexual activity does not constitute consent to future sexual activity, (v) an individual's consent to engage in one type of sexual activity with one person does not constitute consent to engage in any other type of sexual activity with that person or any sexual activity with another person, (vi) an individual can withdraw consent at any time, and (vii) an individual cannot consent to sexual activity if that individual is unable to understand the nature of the activity or give knowing consent due to the circumstances that include, but are not limited to, all the following:

1. The individual is incapacitated due to the use or influence of alcohol or drugs.
2. The individual is asleep or unconscious.
3. The individual is under the age of consent.
4. The individual is incapacitated due to a mental disability.

Complainant³ – A student who is a survivor of domestic or sexual violence and/or a student who is a parent or expectant parent who is alleged to be the victim of conduct that could constitute a violation

The footnotes should be removed before the material is used.

¹ Required by 105 ILCS 5/26A-25, added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25. Ensure that this sample administrative procedure is aligned with the district's policies, procedures, and practices.

² Unless otherwise noted, all defined terms are based on definitions in 105 ILCS 5/26A-10, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

³ The definition of *complainant* is based on a recommended definition from the second ESS Task Force. See p. 17 of the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf.

of 105 ILCS 5/26A (Article 26A). To the extent that the complainant is a minor student, the student's parent/guardian may be a complainant on behalf of their child.

Domestic or Sexual Violence – Domestic violence, gender-based harassment, sexual activity without consent, sexual assault, sexual violence, or stalking. Domestic or sexual violence may occur through electronic communication. Domestic or sexual violence exists regardless of when or where the violence occurred, whether or not the violence is the subject of a criminal investigation or the perpetrator has been criminally charged or convicted of a crime, whether or not an order of protection or a no-contact order is pending before or has been issued by a court, or whether or not any domestic or sexual violence took place on school grounds, during regular school hours, or during a school-sponsored event.

Domestic or Sexual Violence Organization – A nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or advocates for those victims, including an organization carrying out a domestic or sexual violence program, an organization operating a shelter or a rape crisis center or providing counseling services, an accredited Children's Advocacy Center, an organization that provides services to or advocates on behalf of children and students who are gay, lesbian, bisexual, transgender, or gender nonconforming, an organization that provides services to or advocates on behalf of children and students who are parents or expectant parents, or an organization seeking to eliminate domestic or sexual violence or to address the consequences of that violence for its victims through legislative advocacy or policy change, public education, or service collaboration.

Domestic Violence – Abuse by family or household members, as those terms are defined in the Ill. Domestic Violence Act of 1986, 750 ILCS 60/. See 750 ILCS 60/103(1) and (6).

Electronic Communication – Communications via telephone, mobile phone, computer, email, video recorder, fax machine, telex, pager, apps or applications, or any other electronic communication, or cyberstalking as defined in 720 ILCS 5/12-7.5.

Expectant Parent – A student who (i) is pregnant and (ii) has not yet received a diploma for completion of a secondary education as defined in 105 ILCS 5/22-22.

Gender-based Harassment – Any harassment or discrimination on the basis of an individual's actual or perceived sex or gender, including unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or unwelcome conduct, including verbal, nonverbal, or physical conduct that is not sexual in nature but is related to a student's status as a parent, expectant parent, or victim of domestic or sexual violence.

Harassment – Any unwelcome conduct on the basis of a student's actual or perceived race, gender, color, religion, national origin, ancestry, sex, marital status, order of protection status, disability, sexual orientation, gender identity, pregnancy, or citizenship status that has the purpose or effect of substantially interfering with the individual's academic performance or creating an intimidating, hostile, or offensive learning environment.

Perpetrator – An individual who commits or is alleged to have committed any act of domestic or sexual violence. This term must be used with caution when applied to children, particularly young children.

Poor Academic Performance – A student who has (i) scored in the 50th percentile or below on a school district-administered standardized test, (ii) received a score on a State assessment that does not meet standards in one or more of the fundamental learning areas under 105 ILCS 5/27-1, as applicable for the student's grade level, or (iii) not met grade-level expectations on a school district-designated assessment.

Representative – An adult who is authorized to act on behalf of a student during a proceeding, including an attorney, parent, or guardian.

Respondent – The District, school, or school personnel allegedly having violated 105 ILCS 5/26A.

Sexual Activity – Any knowingly touching or fondling by one person, either directly or through clothing, of the sex organs, anus, mouth, or breast of another person for the purpose of sexual gratification or arousal.

Sexual Assault/Sexual Violence – Any conduct of an adult or minor child proscribed in 720 ILCS 5/11, except for Sections 11-35, 11-40, and 11-45, including conduct committed by a perpetrator who is a stranger to the victim and/or conduct committed by a perpetrator who is known or related by blood or marriage to the victim.

Stalking – Any conduct proscribed in 720 ILCS 5/12-7.3, 5/12-7.4, or 5/12-7.5, including stalking committed by a perpetrator who is a stranger to the victim and/or stalking committed by a perpetrator who is known or related by blood or marriage to the victim.

Student – Any child who has not yet received a diploma for completion of a secondary education. A student includes, but is not limited to, an unaccompanied minor not in the physical custody of a parent or guardian.

Student at Risk of Academic Failure – A student who is at risk of failing to meet the Ill. Learning Standards or failing to graduate from elementary or high school and who demonstrates a need for educational support or social services beyond those provided by the regular school program.

Student Parent – A student who is a custodial or noncustodial parent taking an active role in the care and supervision of a child and who has not yet received a diploma for completion of a secondary education.

Support Person – Any person whom the victim has chosen to include in proceedings for emotional support or safety. A support person does not participate in proceedings but is permitted to observe and support the victim with parent/guardian approval. A support person may include, but is not limited to, an advocate, clergy, a counselor, or a parent/guardian. If a student is age 18 years or older, or emancipated, the student has the right to choose a support person without parent/guardian approval.

Survivor-centered – A systematic focus on the needs and concerns of a survivor of sexual violence, domestic violence, dating violence, or stalking that (i) ensures the compassionate and sensitive delivery of services in a nonjudgmental manner, (ii) ensures an understanding of how trauma affects survivor behavior, (iii) maintains survivor safety, privacy, and, if possible, confidentiality, and (iv) recognizes that a survivor is not responsible for the sexual violence, domestic violence, dating violence, or stalking.

Trauma-informed Response – A response involving an understanding of the complexities of sexual violence, domestic violence, dating violence, or stalking through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding sexual violence, domestic violence, dating violence, or stalking, and understanding the behavior of perpetrators.

Victim – An individual who has been subjected to one or more acts of domestic or sexual violence.

Notification, Roles, and Responsibilities

Actor	Action
Superintendent or Designee	Ensures that Board policy 7:255, <i>Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence</i> , and procedures for requesting supportive services or filing a complaint are (105 ILCS 5/26A-20(d), added by P.A. 102-466, a/k/a <i>ESS Law</i> , eff. 7-1-25):

Actor	Action
	<ol style="list-style-type: none"> 1. Posted on the District's website, if any (see exhibit 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>); 2. Distributed to each student at the beginning of each school year; and 3. Available for inspection and copying at no cost to students and parents/guardians at each school. <p>Ensures that each Building Principal designates at least one staff member in each school building as a resource person for Article 26A Students (Article 26A Resource Person). 105 ILCS 5/26A-35(a), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25.</p> <p>Identifies all individuals who will resolve complaints of Article 26A violations. 105 ILCS 5/26A-25(b), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25. Such individuals will include the District's Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Manager(s).⁴ See administrative procedure 7:255-AP2, <i>Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence</i>.</p> <p>The District must have enough individuals trained to resolve complaints so that (1) a substitution can occur in the case of a conflict of interest or recusal, (2) an individual with no prior involvement in the initial determination may hear an appeal, and (3) the complaint resolution procedure proceeds in a timely manner. <i>Id.</i></p> <p>Notifies all District employees and agents that, upon learning or suspecting that a student is a parent, expectant parent, or victim of domestic or sexual violence, they must refer the student to a designated Article 26A Resource Person. 105 ILCS 5/26A-40(e), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25.</p> <p>Annually notifies all District personnel and students 12 years of age or older, in writing, of the availability of counseling without parent/guardian consent under 405 ILCS 5/3-550. See Board policy 7:250, <i>Student Support Services</i>.</p> <p>Every two years, along with the Building Principal(s), building-level Student Support Committee(s), and building-level Article 26A Resource Person(s), reviews all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and recommends any necessary updates. 105 ILCS 5/26A-20(a), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25. See the Policy and Procedure Review subhead below for a suggested list. Based upon that review, recommends to the</p>

The footnotes should be removed before the material is used.

⁴ Optional. Ensure the individuals identified here align with those stated in board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

Actor	Action
	Board on any necessary updates to Board policy 7:255, <i>Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence</i> , and any other relevant Board policies.
Building Principal(s)	<p>Designates at least one staff member as a resource person for Article 26A Students (Article 26A Resource Person). Note: add lines for Resource Persons for each building, as needed.</p> <p style="text-align: center;">Article 26A Resource Person for [insert school name]:</p> <p>_____</p> <p>Name</p> <p>_____</p> <p>Address</p> <p>_____</p> <p>Email</p> <p>_____</p> <p>Telephone</p> <p>The Article 26A Resource Person must be employed at least part-time and be a licensed school social worker, school psychologist, school counselor, school nurse, or school administrator. 105 ILCS 5/26A-35(a), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25.</p> <p>The Article 26A Resource Person may be a member of the building-level Student Support Committee as established under administrative procedure 7:250-AP2, <i>Protocol for Responding to Students with Social, Emotional, or Mental Health Needs</i>.</p> <p>Ensures the building-level Student Support Committee performs the duties listed in the Student Support Committee row, below.</p> <p>Annually distributes the name and contact information of the building-level Article 26A Resource Person to all employees, students, and parents/guardians by including it in any building-specific website and student handbook.⁵ See exhibits 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>, and 7:190-E2, <i>Student Handbook Checklist</i>.</p> <p>Every two years, assists the Superintendent or designee, Student Support Committee, and Article 26A Resource Person to review all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and to recommend any necessary updates. 105 ILCS 5/26A-20(a), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25.</p>

The footnotes should be removed before the material is used.

⁵ These methods of distribution are optional. Ensure the methods of distribution here align with those stated in exhibits 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and 7:190-E2, *Student Handbook Checklist*.

Actor	Action
Student Support Committee	<p>Assists the building-level Article 26A Resource Person to identify in-school and non-school-based support service options for Article 26A Students.</p> <p>Every two years, assists the Superintendent or designee, Building Principal, and Article 26A Resource Person to review all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and to recommend any necessary updates. <u>Id.</u></p>
Article 26A Resource Person	<p>With the assistance of the Student Support Committee, identifies in-school and non-school-based support service options for Article 26A Students.</p> <p>Connects Article 26A Students to appropriate in-school services or other agencies, programs, or services as needed. 105 ILCS 5/26A-35(a), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25.</p> <p>Coordinates the implementation of the District's policies, procedures, and protocols in cases involving student allegations of domestic or sexual violence. <u>Id.</u></p> <p>Coordinates the implementation of the District's policies, procedures, and protocols concerning Article 26A Students. <u>Id.</u></p> <p>Assists Article 26A Students in their efforts to exercise and preserve their rights as set forth in 105 ILCS 5/26A. <u>Id.</u></p> <p>Assists in providing staff development to establish a positive and trauma-sensitive learning environment for Article 26A Students. <u>Id.</u></p> <p>Every two years, assists the Superintendent or designee, Building Principal, and Student Support Committee to review all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and to recommend any necessary updates. 105 ILCS 5/26A-20(a), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25. See Policy and Procedure Review subhead, below.</p>
All District employees and agents	<p>Upon learning or suspecting that a student is a parent, expectant parent, or victim of domestic or sexual violence, refers the student to a designated Article 26A Resource Person. 105 ILCS 5/26A-40(e), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25.</p>

Training

Actor	Action
Superintendent or Designee	<p>Ensures that (105 ILCS 5/26A-35, added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25):</p> <ol style="list-style-type: none"> 1. All designated Article 26A Resource Persons are trained to understand, provide information and referrals, and address issues pertaining to students who are parents, expectant parents, or victims of domestic or sexual violence in a survivor-centered,

Actor	Action
	<p>trauma responsive, culturally responsive, confidential, and sensitive manner. Training must include:</p> <ol style="list-style-type: none"> a. Theories and dynamics of domestic and sexual violence; b. The necessity for confidentiality and the law, policy, procedures, and protocols implementing confidentiality; c. Notification of the student's parent/guardian regarding the student's Article 26A status or the enforcement of the student's Article 26A rights, if notifying the student's parents/guardian may put the health or safety of the student at risk (see the Confidentiality subhead, below); and d. The rights of minors to consent to counseling services and psychotherapy on an outpatient basis under the Mental Health and Developmental Disabilities Code, 405 ILCS 5/3-550.⁶ <p>2. All individuals who will be resolving complaints of violations of Article 26A must complete at least eight hours of initial training on issues related to domestic and sexual violence and how to conduct the District's complaint resolution procedure under administrative procedure 7:255-AP2, <i>Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence</i>; and at least six hours of training annually thereafter. 105 ILCS 5/26A-25(b)(1), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25. Training must be conducted by individuals with expertise in domestic or sexual violence among youth and expertise in developmentally appropriate communications with K-12 students regarding topics of a sexual, violent, or sensitive nature. <u>Id.</u></p>
Article 26A Resource Person	<p>Assists the Superintendent or designee in providing staff development to establish a positive and trauma-sensitive learning environment for Article 26A Students. 105 ILCS 5/26A-35(a)(5), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25.</p> <p>Informs all building staff that any Article 26A Student who is unable to participate in classes on a particular day or days or at a particular time of day due to circumstances related to their Article 26A status must (105 ILCS 5/26A-40(d), added by P.A. 102-466, a/k/a <i>ESS Law</i>, eff. 7-1-25):</p>

The footnotes should be removed before the material is used.

⁶ Including the phrase "on an outpatient basis" and the citation to 405 ILCS 5/3-550 are optional but recommended by the second ESS Task Force. See p. 26 of the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf.

105 ILCS 5/26A-35, added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25, requires each designated Article 26A Resource Person to either (1) be trained as set forth above, or (2) have participated in an in-service training program under 105 ILCS 5/10-22.39(d) that includes training on the rights of minors to consent to counseling services and psychotherapy under the Mental Health and Developmental Disabilities Code within 12 months prior to designation. Id. However, 105 ILCS 5/10-22.39(d) was deleted by P.A. 103-542 and its training contents are in 105 ILCS 5/10-22.39(b-25).

Actor	Action
	<ol style="list-style-type: none"> 1. Be excused; and 2. Upon request of the Article 26A Student or his or her parent/guardian, be given a meaningful opportunity to make up any examination, study, or work requirement that the student missed.

Initial Response

Upon learning or suspecting that a student is a parent, expectant parent, or victim of domestic or sexual violence, the Article 26A Resource Person will contact the student to:

1. Connect the student with appropriate in-school services or other agencies, programs, or services, as needed. 105 ILCS 5/26A-35, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. See the **Article 26A Support Services** subhead, below.
2. Assist the student to exercise and preserve their Article 26A rights. *Id.*
3. Provide the student, if 12 years of age or older, with written notice of the availability of counseling without parent/guardian consent under 405 ILCS 5/3-550. 105 ILCS 5/26A-40(h), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

If the student claims Article 26A status as a victim of domestic or sexual violence, the Article 26A Resource Person will then request verification of this status from the student or their parent/guardian as follows (105 ILCS 5/26A-45, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25):

1. Notifies the student or parent/guardian that they must provide one of the following forms of verification of their choosing:
 - a. A written statement from the student, or anyone who has knowledge of the circumstances, that supports the student's claim. This may be in the form of a complaint.
 - b. A police report, governmental agency record, or court order.
 - c. A statement or other documentation from a domestic or sexual violence organization or any other organization from which the student sought services or advice.
 - d. Documentation from a lawyer, clergy person, medical professional, or other professional from whom the student sought services or advice related to domestic or sexual violence.
 - e. Any other evidence, such as physical evidence of violence, which supports the claim.
2. Reviews verification submitted by the student or their parent/guardian to determine whether it is acceptable.
 - a. If the verification provided is acceptable, informs the student that their status has been verified.
 - b. If the verification provided is not acceptable, informs the student that verification is insufficient and requests additional verification in one of the forms identified above.
 - c. Once the student's status has been verified, the District cannot request additional verification for a status claim involving the same perpetrator or same incident of violence. *Id.*

To verify domestic or sexual violence, the District **cannot** contact the person named to be the perpetrator, the perpetrator's family, or any other person named by the student or the student's parent/guardian to be unsafe to contact. The only exception is if the District determines it has an obligation to do so under State or federal law, or due to safety concerns for the school community, including the victim. In such cases, before making contact, the District must provide prior written notice to the student and their parent/guardian in a developmentally appropriate manner, and meet with the

student and parent/guardian to discuss and address any safety concerns related to making such contact.
Id. Contact the board attorney for guidance in such circumstances.

Article 26A Support Services

To facilitate the full participation of Article 26A Students, the Article 26A Resource Person must offer⁷ those students in-school support services, information regarding non-school-based support services, and the ability to make up work that was missed due to circumstances related to the student's Article 26A status. 105 ILCS 5/26A-40, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. Each of these support service areas are described in further detail below.

In addition:

1. The building-level Student Support Committee will assist the Article 26A Resource Person to identify in-school and non-school-based support service options for Article 26A Students.
2. Victims of domestic or sexual violence must have access to support services regardless of when or where the violence occurred. 105 ILCS 5/26A-40(a), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.
3. The Article 26A Resource Person may periodically check on Article 26A Students receiving support services to determine whether each support service continues to be necessary to maintain the student's mental and physical well-being and safety or whether termination is appropriate. Id.
4. The District will honor the decision of an Article 26A Student and/or their parent/guardian to obtain, terminate, or decline to participate in support services. 105 ILCS 5/26A-40(f), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.
5. Article 26A Students are not obligated to use offered support services and may decline or terminate support services at any time. Id.

In-School Support Services

In-school support services for Article 26A Students must include but are not limited to (105 ILCS 5/26A-40(b), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25):

1. Enabling a student to meet with counselors or other service providers by providing the student with a private setting sufficient to ensure confidentiality and time off from class.
2. Assisting the student with a student success plan.
 - a. For a student *at risk of academic failure* or who displays *poor academic performance* as defined above, this may include providing the student with or referring the student to education and support services designed to assist the student in meeting Ill. Learning Standards. 105 ILCS 5/26A-40(c), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.
3. Transferring a victim of domestic or sexual violence or the student perpetrator to a different classroom or school, if available.
4. Changing a seating assignment.
5. Implementing safety procedures in school, on school grounds, and on school buses.
6. Honoring court orders, including orders of protection and no-contact orders, to the fullest extent possible.

The footnotes should be removed before the material is used.

⁷ 105 ILCS 5/26A-40, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25, uses the term *provide* but this sample procedure uses *offer* because students are not required to accept support services.

7. Providing any other supports that may facilitate the student's full participation in the education program, including but not limited to those available via the following Board policies:
- a. 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*. This policy sets eligibility requirements for pregnant or parenting students to enroll in a graduation incentives program. It also provides that any Article 26A Student at risk of academic failure may request in-school support services and information about non-school-based support services designed to assist the student in meeting learning standards by using Board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.
 - b. 6:120, *Education of Children with Disabilities*. This policy provides all students with disabilities a free appropriate public education in the least restrictive environment as required by the Individuals with Disabilities Education Act and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act.⁸
 - c. 6:150, *Home and Hospital Instruction*. This policy permits home instruction for students who are unable to attend school due to pregnancy or pregnancy-related conditions, the fulfillment of parenting obligations related to the health of the child, or health and safety concerns arising from domestic or sexual violence.
 - d. 7:10, *Equal Educational Opportunities*. This policy requires equal educational opportunities for students without regard to sex, physical or mental disability, and actual or potential parental status, including pregnancy.
 - e. 7:60, *Residence*. This policy states that nonresident students may attend District schools pursuant to an intergovernmental agreement, which may include an agreement for interdistrict transfer of Article 26A Students.
 - f. 7:70, *Attendance and Truancy*. This policy specifies that valid cause for absence includes attendance at a verified medical or therapeutic appointment (including a victim services provider) and, for Article 26A Students, also includes the fulfillment of a parenting responsibility and addressing circumstances resulting from domestic or sexual violence.
 - i. *Fulfillment of a parenting responsibility* includes, but is not limited to, arranging and providing childcare, caring for a sick child, attending prenatal or other medical appointments for the expectant student, and attending medical appointments for a child. 105 ILCS 5/26-2a, amended by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.
 - ii. *Circumstances resulting from domestic or sexual violence* includes, but is not limited to, experiencing domestic or sexual violence, recovering from physical or psychological injuries, seeking medical attention, seeking services from a domestic or sexual violence organization as defined in 105 ILCS 5/26A-10, seeking psychological or other counseling, participating in safety planning, temporarily or permanently relocating, seeking legal assistance or remedies,

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⁸ Ill. State Board of Education (ISBE) sex equity regulation 23 Ill.Admin.Code §200.50(e) states that "pregnancy shall be treated as any other temporary disability." Article 26A Students may also have concomitant (naturally accompanying) or comorbid (coexisting) social, emotional, or mental or physical health needs that make them eligible for services under various disability laws. **Consult the board attorney for guidance.**

- or taking any other action to increase the safety or health of the student or to protect the student from future domestic or sexual violence. Id.
- g. 7:250, *Student Support Services*. This policy provides that annually, students 12 years of age and older will be notified, in writing, of the availability of counseling without parent/guardian consent under 405 ILCS 5/3-550. It also requires the designation of at least one staff member in each building as the Article 26A Resource Person and outlines their duties.

Information Regarding Non-School-Based Support Services

The Article 26A Resource Person will provide each Article 26A Student with information regarding any available non-school-based support service options. For Article 26A Students at risk of academic failure or who display *poor academic performance* as defined above, service options shall include any non-school-based organizations and agencies from which at-risk students typically receive services in the community. 105 ILCS 5/26A-40(c), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

Ability to Make Up Work

Any Article 26A Student who is unable to participate in classes on a particular day or days or at a particular time of day due to circumstances related to their Article 26A status must be excused. Upon request of the Article 26A Student or their parent/guardian, the student must be given a meaningful opportunity to make up any examination, study, or work requirement that the student missed. 105 ILCS 5/26A-40(d), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. The Article 26A Resource Person will notify all building staff members and Article 26A Students of this requirement.

Confidentiality⁹

Information concerning a student's Article 26A status and related experiences is confidential and must be retained in a confidential temporary file in accordance with 105 ILCS 10/2(f). 105 ILCS 5/26A-45(a), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. This includes information concerning a student who is a named perpetrator of domestic or sexual violence that is provided to or otherwise obtained by the District or its employees or agents pursuant to 105 ILCS 5/26A or otherwise, including a statement of the Article 26A Student or any other documentation, record, or corroborating evidence that the Article 26A Student has requested or obtained assistance, support, or services pursuant to 105 ILCS 5/26A. 105 ILCS 5/26A-30(a), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

Confidential information may not be disclosed to any other individual outside of the District, including any other employee,¹⁰ except if such disclosure is (Id.):

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⁹ Language in this subhead is partially based on recommendations of the second ESS Task Force. See p. 14 of the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf.

¹⁰ The phrase "including any other employee" comes directly from 105 ILCS 5/26A-30(a) and is confusing because it is unclear whose employee is being referenced. ISSRA permits student records to be disclosed to any district employees with a "current demonstrable educational or administrative interest" in a student if disclosure is "in furtherance of such interest." 105 ILCS 10/6(a)(2). **Consult the board attorney for guidance.**

1. Permitted by the Ill. School Student Records Act (105 ILCS 10/), the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g), or other applicable State or federal laws; or
2. Requested or consented to, in writing, by the Article 26A Student or their parent/guardian (if it is safe to obtain written consent from the parent/guardian).

In addition:

3. Prior to disclosing information about an Article 26A Student, the Article 26A Resource Person will notify the Article 26A Student about the pending disclosure and will discuss and address any safety concerns related to the disclosure. This notice and discussion requirement applies to instances in which the Article 26A Student or the District or its employees or agents are otherwise aware that the Article 26A Student's health or safety may be at risk if their Article 26A status is disclosed to the student's parent/guardian, except as otherwise permitted by applicable law and professional ethics policies that govern school personnel. 105 ILCS 5/26A-30(b), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.
4. No Article 26A Student may be required to testify publicly concerning their Article 26A status, allegations of domestic or sexual violence, or their efforts to enforce any rights under 105 ILCS 5/26A. 105 ILCS 5/26A-30(c), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.
5. In the case of domestic or sexual violence, the District cannot contact the person named as the perpetrator, the perpetrator's family, or any other person named by the Article 26A Student or the student's parent/guardian as unsafe without providing prior written notice to the student's parent/guardian. 105 ILCS 5/26A-30(d), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

Contact the board attorney for guidance in such circumstances.

Nothing in this subhead prohibits the District from taking reasonable steps to protect students. If reasonable steps involve conduct that is prohibited under this subhead, the Article 26A Resource Person notify the Article 26A Student, in writing and in a developmentally appropriate communication format, of the District's intent to contact an individual named by the Article 26A Student to be unsafe. *Id.*

This subhead does not apply to notification of parents/guardians if the perpetrator of alleged sexual misconduct is an employee, agent, or contractor of the District who has direct contact with children or students. 105 ILCS 5/26A-30(e), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

Recordkeeping

See Board policy 7:340, *Student Records*, along with administrative procedures 7:340-AP1, *School Student Records*, and 7:340-AP2, *Storage and Destruction of School Student Records*, addressing the District's legal obligations regarding the identification, confidentiality, safeguarding, access, and disposal of school student records.

Policy and Procedure Review

Every two years, the Superintendent or designee, along with the Building Principal(s), building-level Student Support Committee(s), and building-level Article 26A Resource Person(s), must review all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and recommend any necessary updates. The review may include, but is not limited to, the following Board policies and administrative procedures:

- 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*
- 6:120, *Education of Children with Disabilities*
- 6:150, *Home and Hospital Instruction*

7:10, *Equal Educational Opportunities*
7:10-AP2, *Accommodating Breastfeeding Students*
7:50, *School Admissions and Student Transfers To and From Non-District Schools*
7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*
7:60, *Residence*
7:70, *Attendance and Truancy*
7:190, *Student Behavior*
7:200, *Suspension Procedures*
7:210, *Expulsion Procedures*
7:250, *Student Support Services*
7:250-AP, *Protocol for Responding to Students with Social, Emotional, or Mental Health Needs*
7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*
7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*
7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*
7:340, *Student Records*
7:340-AP1, *School Student Records*

Students

Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence¹

105 ILCS 5/26A (Article 26A) ensures that students who are parents, expectant parents, or victims of domestic or sexual violence (Article 26A Students) are identified by schools in a manner respectful of their privacy and safety, treated with dignity and high regard, and provided the protection, instruction, and support services necessary to enable them to meet Illinois Learning Standards and succeed in school. This procedure implements the District's complaint resolution procedure for complaints of violations of Article 26A. **Consult the Board Attorney as needed throughout the complaint resolution procedure.**

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- A. Overview of Article 26A Complaint Resolution Procedure
- B. Access to Support Services
- C. Investigation and Determination
- D. Appeals

Sections

A. Overview of Article 26A Complaint Resolution Procedure

An Article 26A Student and/or their parent/guardian (hereinafter Complainant) may file a complaint alleging violations of Article 26A. Complaints may be about the identification, treatment, and/or provision of protection, instruction, and/or support services to Article 26A Students. The District's Article 26A Complaint Resolution Procedure (Complaint Resolution Procedure) adheres to the following guidelines:

1. Respondent. The Respondent must be one or more of the following: the school, the District, or school personnel. 105 ILCS 5/26A-25(a), added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25.
2. Factors Considered. The District will consider the most appropriate means to implement the Complaint Resolution Procedure, including the following factors: school safety, developmental level of students involved, methods to reduce trauma during the Complaint Resolution Procedure, and how to avoid multiple communications with students involved in an alleged incident of domestic or sexual violence. Id. at (a)(1).
3. Privacy Protection. Any proceeding, meeting, or hearing held to resolve Article 26A complaints shall protect the privacy of the participants. The District or school personnel shall not disclose the identity of parties or witnesses, except as necessary to resolve the complaint or to implement interim protective measures and reasonable support services or when required by law. Id. at (a)(2).

The footnotes should be removed before the material is used.

¹ Required by 105 ILCS 5/26A-25, added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25. This procedure is partially based on language recommended by the second ESS Task Force. See the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf. Ensure that this sample Article 26A complaint resolution procedure is aligned with the district's policies, procedures, and practices.

4. Promptness. Complainants shall have an opportunity to request that the Complaint Resolution Procedure begin promptly and proceed in a timely manner. Id. at (a)(3).
5. No Conflict of Interest or Bias. The District's Nondiscrimination Coordinator(s) and Complaint Manager(s) (hereinafter Complaint Resolvers) shall resolve Article 26A complaints. The District will have a sufficient number of Complaint Resolvers so that (Id. at (b)(2)):
 - a. A substitution can occur in the case of a conflict of interest or recusal,
 - b. An individual with no prior involvement in the initial determination may hear any appeal, and
 - c. The Complaint Resolution Procedure proceeds in a timely manner.
6. Notification of Complaint Resolver. The Complainant and any witnesses shall receive notice of the name of the Complaint Resolver assigned to resolve the Complaint and shall have the opportunity to request a substitution if they believe their assigned Complaint Resolver has a conflict of interest. Id. at (b)(3).
7. Access to Supportive Measures. The District shall offer and coordinate interim protective measures and support services, as appropriate and available, for a Complainant pending the resolution of the Complaint. Id. at (g). See **Section B. Access to Supportive Measures**, below.
8. Investigation. The Complaint Resolver shall objectively investigate the Complaint and evaluate all relevant evidence.² See **Section C. Investigation and Determination**, below.
9. Reports of Incidents of Domestic or Sexual Violence. In the event a Complainant or their parent/guardian chooses to report an incident of alleged domestic or sexual violence, the Complaint Resolver shall:
 - a. Determine if additional action is needed under the following Board policies:
 - 1) 2:260, *Uniform Grievance Procedure*
 - 2) 2:265, *Title IX Grievance Procedure*
 - 3) 5:90, *Abused and Neglected Child Reporting*
 - 4) 5:120, *Employee Ethics; Conduct; and Conflict of Interest*
 - 5) 7:20, *Harassment of Students Prohibited*
 - 6) 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*
 - 7) 7:185, *Teen Dating Violence Prohibited*
 - 8) 7:190, *Student Behavior*
 - b. Provide the Complainant and their parent/guardian with information required by 105 ILCS 5/26A-20(c)(1)-(5).³

The footnotes should be removed before the material is used.

² Optional. This is a suggested best practice.

³ 105 ILCS 5/26A-20(c)(1)-(5), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25, states that a district's "policy on the procedures" that a student or their parent/guardian may follow if he or she chooses to report an incident of alleged domestic or sexual violence must include the elements set forth in No. 9(b), many of which are impractical for districts to provide in board policy or administrative procedure. For further discussion, see f/n 10 in sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and **consult with the board attorney for guidance**.

Information Required by 105 ILCS 5/26A-20(c)	Possible Sources
The name and contact information for the Article 26A Resource Person, Title IX Coordinator, school district resource officers or security, and any community-based domestic or sexual violence organization(s), as appropriate.	<p>The name and contact information for each building-level Article 26A Resource Person appears in administrative procedure 7:255-AP1, <i>Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence</i>, as well as in any building-specific website and/or student handbook. See exhibits 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>, and 7:190-E2, <i>Student Handbook Checklist</i>.</p> <p>The name and contact information of the District's Title IX coordinator(s) are available in policy 2:265, <i>Title IX Grievance Procedure</i>, on the District's website, and in student handbooks. Contact each school's administrative office for information about building-level resource officers or security and local community-based domestic or sexual violence organization(s).</p>
The name, title, and contact information for any confidential resources and a description of what confidential reporting means.	See exhibit 2:265-E, <i>Title IX Glossary of Terms</i> , for a definition of <i>confidential employee</i> . Consult the board attorney to determine whether the district has any confidential resources.
An option for the student or their parent/guardian to electronically, anonymously, and confidentially report the incident.	Electronic, anonymous, confidential reporting is available via the Safe2Help Illinois helpline, www.safe2helpil.com/ . Helpline information is published in student handbooks (see exhibit 7:190-E2, <i>Student Handbook Checklist</i>) and on district-issued student identification cards, if any (see administrative procedure 7:290-AP, <i>Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program</i>).
An option for reports by third parties and bystanders.	Third parties and bystanders may report an alleged incident of domestic or sexual violence using any of the following policies, as appropriate:

	<p>2:260, <i>Uniform Grievance Procedure</i> 2:265, <i>Title IX Grievance Procedure</i> 5:90, <i>Abused and Neglected Child Reporting</i> 7:20, <i>Harassment of Students Prohibited</i> 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i> 7:185, <i>Teen Dating Violence Prohibited</i> 7:190, <i>Student Behavior</i></p>
<p>Information regarding the various individuals, departments, or organizations to whom a student may report an incident of domestic or sexual violence, specifying for each individual or entity (a) the extent of the individual's or entity's reporting obligation to the District's administration, Title IX Coordinator, or other personnel or entity, (b) the individual or entity's ability to protect the student's privacy, and (c) the extent of the individual's or entity's ability to have confidential communications with the student or their parent/guardian.</p>	<p>Students may report an alleged incident of domestic or sexual violence via the Safe2Help Illinois helpline (www.safe2helpil.com/), by contacting any staff member or school resource officer, or using any of the following policies:</p> <p>2:260, <i>Uniform Grievance Procedure</i> 2:265, <i>Title IX Grievance Procedure</i> 7:20, <i>Harassment of Students Prohibited</i> 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i> 7:185, <i>Teen Dating Violence Prohibited</i> 7:255, <i>Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence</i></p> <p>Information regarding local community-based domestic or sexual violence organizations may also be available in each school's administrative office.</p> <p>The extent of an individual or entity's reporting obligations, ability to protect student privacy, and ability to have confidential communications is fact-specific and impractical to include in district-level policy or procedures. It is also beyond the scope of the District's work to know an outside individual's or entity's reporting obligations, ability to protect student privacy, and ability to have confidential communications.</p> <p>Consult the Board Attorney for guidance.</p>

10. Standard of Proof. All determinations are based upon the *preponderance of evidence* standard. Id. at (c)(1). Preponderance of the evidence is defined to mean “the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force.” Black’s Law Dictionary, 11th ed. 2019.

11. Right to Appeal. The Complainant, Respondent, or any named perpetrator directly impacted by the results of the Complaint Resolution Procedure may appeal as described in **Section D. Appeals**, below.

B. Access to Support Services

After a Complaint is filed and an investigation is underway, the District will offer and coordinate interim protective measures and support services, as appropriate and available, for a Complainant pending the resolution of the Complaint. Such services will include those identified in the **Article 26A Support Services** subhead in administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

C. Investigation and Determination

The Complaint Resolver follows these steps when investigating the allegations in a Complaint. The Complaint Resolver shall make all reasonable efforts to complete the investigation and issue a written determination regarding whether an Article 26A violation occurred within 30 school business days. The Complaint Resolver will take steps to interview all parties, view any recorded forensic interviews, review other forms of evidence, and conduct interviews and follow-up interviews, as needed.

During the investigation, the Complainant and Respondent:

1. Will have the opportunity to provide or present evidence and witnesses on their behalf;
2. May have a representative or support person accompany them to any meeting related to the Complaint, so long as the representative or support person does not unduly delay the meeting and the representative or support person complies with any District rules;
3. May not directly or through a representative question one another or any witnesses; and
4. May, at the discretion of the Complaint Resolver, suggest questions for the Complaint Resolver to pose during the investigation.

Witnesses interviewed by the Complaint Resolver may also have a representative or support person accompany them to any meeting related to the Complaint, under the same conditions identified above. If any person's representative or support person violates District rules or engages in behavior or advocacy that is harassing, abusive, or intimidating, the representative or support person may be prohibited from further participation. Id. at (c)-(e).

Following the investigation, the Complaint Resolver will make a determination based on the *preponderance of evidence* standard. Within 10 business days after thereafter, the Complaint Resolver will provide simultaneous written notice of the determination to the Complainant, Respondent, and any named perpetrator directly impacted by the results of the Complaint Resolution Procedure. Written notice shall include information regarding appeal rights and procedures. Id. at (f).

D. Appeals

Actor	Action
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Complainant, Respondent, or any Named Perpetrator Directly Impacted by Results	<p>Within 10 school business days⁴ after receiving notice of the determination, makes a written request to the Complaint Resolver appealing the determination based on allegations of (<u>Id.</u> at (f)(1)):</p> <ol style="list-style-type: none"> 1. A procedural error; 2. The existence of new information that would substantially change the outcome; 3. The remedy not being sufficiently related to the finding; or 4. The determination being against the weight of the evidence.
Complaint Resolver	<p>Upon receiving an appeal from one party:</p> <ol style="list-style-type: none"> 1. Notifies all parties in writing that an appeal has been filed, including a copy of the appeal with the notifications. 2. Provides the parties five (5) school business days to submit a written statement and/or new evidence in support of, or challenging, the outcome to the Complaint Resolver. 3. Promptly forwards all materials relative to the appeal to the Superintendent.
Superintendent	<p>Reviews all appeal materials.</p> <p>Within 10-15 school business days after concluding the review, affirms, reverses, or amends the Complaint Resolver's determination and notifies the parties in writing of the appeal result and rationale for the result. <u>Id.</u> at (f)(3).</p>

The footnotes should be removed before the material is used.

⁴ This timeline is optional and suggested for ease of use to align with the appeal timelines in sample policy 2:260, *Uniform Grievance Procedure*.

Students

Administrative Procedure - Checklist for District Supply of Undesignated Medication(s)

The District maintains and administers the undesignated medication(s) and treatment identified below in accordance with State and federal law (*check all that apply*):

- ☐ Undesignated Glucagon (UG)
- ☐ Undesignated Asthma Medication (UAM)
- ☐ Undesignated Epinephrine Injector(s) (UEIs)
- ☐ Undesignated Opioid Antagonist(s) (UOAs) (required by 105 ILCS 5/22-30(f), amended by P.A. 103-348, unless there is a shortage, in which case the District must make a reasonable effort to maintain a supply)
- ☐ Undesignated Oxygen Tank(s) (UOT) ¹
- ☐ The Superintendent, school nurse, and/or other necessary school officials should consult the Board Attorney to develop a plan to implement 105 ILCS 5/22-30 and 105 ILCS 145/27.
- ☐ Obtain a prescription to maintain a supply of one or all of the following: undesignated asthma medication (UAM), epinephrine injector(s) (UEIs), opioid antagonist(s) (UOAs) (unless the District is able to secure a supply without a prescription), undesignated glucagon (UG), and/or undesignated oxygen tank(s) (UOTs) in the District's name pursuant to 105 ILCS 5/22-30(f), amended by P.A. 103-196, and 105 ILCS 145/27.
- ☐ Designate a secure location(s) to store undesignated medication. For UAM, UEIs, and/or UOAs, this is where persons needing these medications are most at risk and for UOTs, where a person with developmental disabilities is most at risk. 105 ILCS 5/22-30(f), amended by P.A. 103-196. For UEIs and UOTs, this includes but is not limited to locations accessible before, during, and after school, such as classrooms and lunchrooms. *Id.* For additional storage procedures for UEIs, see 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*. For UAM, this includes but is not limited to, a classroom or the nurse's office. *Id.* For UG, this is where it is immediately accessible to a school nurse or delegated care aide. 105 ILCS 145/27. For UOTs, the supply must be maintained in accordance with the manufacturer's instructions and any local fire department rules.
- ☐ Develop a method for maintaining an inventory of UAM, UEIs, UOAs, UG, and UOTs. The inventory should list the expiration dates of the UAM, UEIs, UOAs, UG, and UOTs.
- ☐ Identify procedures for a log or other recordkeeping of provisions, or administrations of UAM, UEIs, UOAs, UG, and UOTs.
- ☐ Maintain a list in each building administrator and/or his or her corresponding school nurse's office that includes the names of *trained personnel* who have received a statement of

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¹ Only districts that maintain *special educational facilities* can choose to maintain a supply of undesignated oxygen tanks. See sample policy 7:270, *Administering Medicines to Students*, at f/n 19, for more information about this term, which is not clearly defined.

certification pursuant to State law, or in the case of UOTs, have received appropriate training on the use and storage of emergency oxygen.²

☐ Develop procedures to implement any prescribed standing protocol for the provision, or administration of UAM, UEIs UOAs, UG, and/or UOTs including calling 911 and noting any instructions given by Emergency Management Services (EMS). 105 ILCS 5/22-30, amended by P.A. 103-196 and 23 Ill.Admin.Code §1.540(d). Follow administrative procedure 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, for UEI administration procedures. Upon any administration of any epinephrine injector, or opioid antagonist, procedures must include:

1. Immediate activation of the EMS system. 105 ILCS 5/22-30(f-5). 105 ILCS 5/22-30(f-5) does not address contacting EMS upon the administration of any asthma medication (so asthma medication is excluded from introductory clause above). This may mean that the Ill. General Assembly did not intend for school personnel to notify EMS when administering a student's *prescribed* asthma medication (as opposed to UAM). However, 105 ILCS 5/22-30(j-5) requires asthma action plans. Some attorneys advise that all asthma action plans mandate an immediate 911 call based upon In re Estate of Stewart, 406 Ill.Dec. 345 (2nd Dist. 2016); In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017) (school district's appeal denied) (holding that a teacher's failure to dial 911 immediately upon a student's asthma attack was willful and wanton conduct, subjecting the school district to liability and barring immunity protections under the Local Governmental and Governmental Employees Tort Immunity Act). Consult the Board Attorney about whether to contact EMS when *any* asthma medication is administered and whether to contact EMS when any oxygen is administered, as the School Code also does not address this issue.
2. Notification to the student's parent, guardian, or emergency contact, if known. 105 ILCS 5/22-30(f-5) and 105 ILCS 5/22-30(f), amended by P.A. 103-196, do not address contacting the student's parent, guardian, or emergency contact upon the administration of any asthma medication or undesignated oxygen. See the discussion in number 1, above, about asthma action plans, and consult the Board Attorney.

The following reports and/or notifications by the school nurse (unless otherwise specified) when a(n):

UEI was administered:	UOA was administered:	UAM was administered:	UG was administered:
a. Physician, physician assistant, or advance practice registered nurse who provided the standing protocol or prescription for the UEI within 24 hours . 105 ILCS 5/22-30(f-10).	a. The health care professional (20 ILCS 301/5-23(d)(4)) who provided the prescription for the opioid antagonist within 24 hours . 105 ILCS 5/22-30(f-10). b. ISBE within three (3) days . 105 ILCS	a. Physician, physician assistant, or advanced practice registered nurse who provided the standing protocol and a prescription for the UAM within 24 hours . 105 ILCS 5/22-30(f-10).	Immediately after administering UG to a student, notify the school nurse (if school nurse did not

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² 105 ILCS 5/22-30(f), amended by P.A. 103-196, does not address training for school staff administering UOTs. A training requirement is added to this procedure as a best practice. See sample policy 7:270, *Administering Medicines to Students*, at f/n 19, for further discussion.

UEI was administered:	UOA was administered:	UAM was administered:	UG was administered:
<p>b. Ill. State Board of Education (ISBE) within three (3) days. 105 ILCS 5/22-30(i). Notification will be on an ISBE-prescribed form (www.isbe.net/Documents/34-20-undesigned-epinephrine-rptg.pdf), and will include:</p> <ul style="list-style-type: none"> i. Age and type of person receiving epinephrine (student, staff, visitor); ii. Any previously known diagnosis of a severe allergy; iii. Trigger that precipitated allergic episode; iv. Location where symptoms developed; v. Number of doses administered; vi. Type of person administering epinephrine (school nurse, trained personnel, student); and vii. Any other information required by ISBE on the form. 	<p>5/22-30(i-5). Notification will be on an ISBE-prescribed form (www.isbe.net/Documents/34-20A-opioid-rptg.pdf), and will include:</p> <ul style="list-style-type: none"> i. Age and type of person receiving the opioid antagonist (student, staff, or visitor); ii. Location where symptoms developed; iii. Type of person administering the opioid antagonist (school nurse or <i>trained personnel</i>); and iv. Any other information required by ISBE on the form. 	<p>b. ISBE within three (3) days. 105 ILCS 5/22-30(i-10). Notification will be on an ISBE-prescribed form (www.isbe.net/Documents/34-22-Undesignated-Asthma-Medication.pdf), and will include:</p> <ul style="list-style-type: none"> i. Age and type of person receiving asthma medication (student, staff, visitor); ii. Any previously known diagnosis of asthma; iii. Trigger that precipitated respiratory distress, if identifiable; iv. Location where symptoms developed; v. Number of doses administered; vi. Type of person administering the asthma medication (school nurse, <i>trained personnel</i> or student); vii. Outcome of the asthma medication administration; and viii. Any other information required by ISBE on the form. 	<p>administer the UG to the student). The delegated care aide or school nurse then notifies the student's parent or guardian or emergency contact (if known) and health care provider of its use. 105 ILCS 145/27.</p>

- ☐ Determine how the District will identify the student populations whose parents/guardians:
 1. Have not completed and signed an *SMA Form*, or
 2. Have not provided asthma medication, an epinephrine injector, opioid antagonist, glucagon, and/or oxygen, as applicable to the student, for a student for use at school, even though they have completed the *SMA Form*.
- ☐ Determine when the school nurse will provide or administer the UAM, UEIs, UOAs, UG, and/or UOTs as applicable, to students.

The school nurse or *trained personnel* may:

1. Provide an UAM or UEI, as applicable to the situation, that meets the prescription on file in the *SMA Form* to:
 - a. Any student for his or her self-administration only. 105 ILCS 5/22-30(a); 105 ILCS 5/22-30 (b-10)(i) and(v); 105 ILCS 5/10-22.21b.
 - b. Any personnel authorized under a student's specific Individual Health Care Action Plan, emergency allergy action plan, Section 504 plan, or individualized education program plan (IEP). 105 ILCS 5/22-30(b-5) and (b-10), amended by P.A. 103-175.
2. Administer a UEI to any student that the school nurse or trained personnel in good faith believes is having an anaphylactic reaction even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the epinephrine injector. 105 ILCS 5/22-30(b-10)(iii). Follow the procedures for administration of UEIs in administrative procedure 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*. **Note:** *Trained personnel* are different than *any personnel authorized* in 1.b., above. 105 ILCS 5/22-30(a). *Trained personnel* means any school employees or volunteer personnel who are (a) authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of the School Code, (b) annually trained online or in person to recognize and respond to anaphylaxis, an opioid overdose, or respiratory distress through a training curriculum developed by ISBE, and (c) submitting proof to their school's administration that they have completed: (i) the annual training, and (ii) a cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) certification. 105 ILCS 5/22-30(a) and (g); 23 Ill.Admin.Code §1.540(e). For training resources, see the *Allergies & Undesignated Epinephrine* drop down menu at: www.isbe.net/Pages/School-Nursing.aspx.
3. Administer a UOA to any student that the school nurse or *trained personnel* in good faith believes is having an opioid overdose even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the opioid antagonist. 105 ILCS 5/22-30(b-10)(iv). **Note:** *Trained personnel* are different than *any personnel authorized*. See number 2, directly above. 105 ILCS 5/22-30(a). *Trained personnel* means any school employees or volunteer personnel who are (a) authorized in 105 ILCS 10-22.34, 10-22.34a, and 10-22.34b, (b) trained online or in person to recognize and respond to opioid overdoses through a training curriculum that complies with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/5-23, and (c) who have submitted proof to their school's administration that they have completed the training. 105 ILCS 5/22-30(g), amended by P.A. 103-348; 23 Ill.Admin.Code §1.540(e). The law does not provide a deadline for a training curriculum, but it does require ISBE and the Ill. Dept. of Human Services to develop a Substance Abuse Prevention and Recovery Instruction Resource Guide, available at: www.isbe.net/Pages/Substance-Use-Prevention-and-Recovery-Instruction-Resource-Guide.aspx. 105 ILCS 5/22-81, amended by P.A. 103-399.

4. Administer UAM to any student that the school nurse or *trained personnel* in good faith believes is having respiratory distress even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the asthma medication. 105 ILCS 5/22-30(b-10)(vii). See numbers 2 and 3, directly above for discussions between *any personnel authorized* and *trained personnel*. For training resources, see www.isbe.net/Pages/School-Nursing.aspx.
 5. Administer UG, as applicable to the situation, for a student with a completed *SMA Form* granting permission for UG use that matches the prescription listed on the form and is also consistent with the student's diabetes care plan, if the student's prescribed glucagon is not available on-site or has expired. For training resources, see www.isbe.net/Pages/School-Nursing.aspx.
 6. Administer a UOT to any student that the school nurse or other personnel with appropriate training determines requires it even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the undesignated oxygen.
- ☐ Assess how to manage requests from parents/guardians who wish to *opt-out* of the UAM, UEIs, UOAs, UG, or UOTs being available to their child.
- The School Code does not provide a mechanism for a student or his or her parent/guardian to *opt-out* of the administration of the District's supply of UAM, UEIs, or UOAs when a nurse and/or *trained personnel* in good faith professionally believe a student is experiencing respiratory distress, having an anaphylactic reaction, or having an opioid overdose, respectively. Nor does the law address parent/guardian *opt-out* of the administration of the District's supply of UOTs. While there may be religious, health, or other reasons that a student's parent/guardian may wish to *opt-out* of the administration of UAM, UEI, UOA, or UOT to their child, the law does not provide a way for parents/guardians to do so. Management of this issue should be discussed with the Board Attorney. For additional guidance on this issue, see Board policy 7:275, *Orders to Forgo Life-Sustaining Treatment*.
- ☐ Determine how to notify all parents/guardians about how UAM, UEIs, UOAs, and/or UOTs may be provided or administered to students.
- If the District maintains a supply of UAM, UEIs, and/or UOAs, it must notify parents/guardians of the protections from liability granted to it and the prescribing physician by 105 ILCS 5/22-30(c) and (c-5). There are two groups of parents/guardians that the District must notify: (1) parents/guardians of students who have previously signed a *SMA Form*, and (2) parents/guardians of all students.
- For parents/guardians who have previously signed the *SMA Form*, 105 ILCS 5/22-30(c), requires the District to provide additional notice that the physician(s)/individual(s) with prescriptive authority providing the standing protocol and prescription for the District's supply of UAM, UEIs, and UOAs are protected from liability, except for willful or wanton conduct arising from the use of UAM, UEI, or UOA regardless of whether authorization was given by the student, parent/guardian, or student's physician. Discuss with the Board Attorney whether to amend the District's form(s) to include this language.
- For parents/guardians of all students, 105 ILCS 5/22-30(c), requires parents/guardians to be informed that: (1) the District maintains a supply of UAM, UEIs, and/or UOAs, and (2) the District and the prescribing physician(s)/physician assistant(s)/advanced practice registered nurse(s) are protected from liability when the school nurse and/or *trained personnel* administer UAM, UEI, and/or UOA to any student when these individuals in good faith professionally believe that the student is experiencing respiratory distress, having an anaphylactic reaction, or

having an opioid overdose, respectively. A parent/guardian shall be asked to acknowledge the notification by signing it and returning it to the school, however, a parent/guardian's failure to sign and return the notification shall not preclude a school nurse or other trained personnel from administering UAM, UEIs, or UOAs under the circumstances described in the School Code. Parents/guardians do not have the right to opt out their child from the administration of UAM, UEIs, and/or UOAs. 23 Ill.Admin.Code §1.540(b)(1)-(2). There are several methods to inform parent/guardians of this information, e.g., receipt of handbook signature, or see exhibit 7:270-E1, *School Medication Authorization Form*. Discuss with the Board Attorney the method that works best for the District.

Note: The School Code does not require that the District give parents/guardians notice regarding its supply of UOTs, but it is a best practice to inform them. Consult the Board Attorney regarding the content of any notices about UOTs.

Students

Administrative Procedure - Guidelines for Student Distribution of Non-School Sponsored Publications; Elementary Schools

A student or group of students seeking to distribute more than 10 copies of the same material on one or more days to students must comply with the following guidelines:

1. The student(s) must notify the Building Principal of the intent to distribute, in writing, at least 24 hours before distributing the material. No prior approval of the material is required.
2. The material may be distributed at times and locations selected by the Building Principal, such as, before the beginning or ending of classes at a central location inside the building.
3. The Building Principal may impose additional requirements whenever necessary to prevent disruption, congestion, or the perception that the material is school-endorsed.
4. Distribution must be done in an orderly and peaceful manner, and may not be coercive.
5. The distribution must be conducted in a manner that does not cause additional work for school personnel. Students who distribute material are responsible for cleaning up any materials left on school grounds.
6. Students must not distribute material that:
 - a. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities;
 - b. Violates the rights of others, including but not limited to, material that is libelous, slanderous or obscene, or invades the privacy of others, or infringes on a copyright;
 - c. Is socially inappropriate or inappropriate due to the students' maturity level, including but not limited to, material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by Board policy 7:190, *Student Behavior*, and/or Student Handbooks; ¹
 - d. Is reasonably viewed as promoting illegal drug use;
 - e. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, material from outside sources or the citation to such sources may be allowed, as long as the material to be distributed or accessed is primarily prepared by students; or
 - f. Encourages or incites students to violate any Board policy.
7. A student may use Board policy 2:260, *Uniform Grievance Procedure*, to resolve a complaint.
8. Whenever these guidelines require written notification, the appropriate administrator may assist the student in preparing such notification.

A student or group of students seeking to distribute 10 or fewer copies of the same publication on one or more days to students must distribute such material at times and places and in a manner that will not cause substantial disruption of the proper and orderly operation and discipline of the school or school activities and in compliance with paragraphs 4, 5, 6, and 7.

The footnotes should be removed before the material is used.

¹ This procedure is for elementary and unit districts only. Unit districts should also use administrative procedure 7:315-AP, *Guidelines for Student Distribution of Non-School Sponsored Publications; High Schools*, for their high school students.

LEGAL REF.: Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988).
Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

Students

Administrative Procedure - Guidelines for Student Distribution of Non-School Sponsored Publications; High Schools¹

A student or group of students seeking to distribute more than 10 copies of the same material on one or more days to students must comply with the following guidelines:

1. While student(s) must notify the Building Principal of the intent to distribute, in writing, at least 24 hours before distributing the material, no prior approval of the material is required.
2. The material may be distributed at times and locations selected by the Building Principal, e.g., before the beginning or ending of classes at a central location inside the building.
3. The Building Principal may impose additional requirements whenever necessary to prevent disruption, congestion, or the perception that the material is school-endorsed.
4. Distribution must be done in an orderly and peaceful manner and may not be coercive.
5. The distribution must be conducted in a manner that does not cause additional work for school personnel. Students who distribute material are responsible for cleaning up any materials left on school grounds.
6. Students must not distribute material that:²
 - a. Will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities;
 - b. Violates the rights of others, including but not limited to, material that is libelous, slanderous or obscene, invades the privacy of others, or infringes on a copyright;
 - c. Is socially inappropriate or inappropriate due to the students' maturity level, including but not limited to, material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by Board policy 7:190, *Student Behavior*, and/or Student Handbooks;
 - d. Is reasonably viewed as promoting illegal drug use;
 - e. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, material from outside sources or the citation to such sources may be allowed, as long as the material to be distributed or accessed is primarily prepared by students;³or
 - f. Incites students to violate any Board policy.
7. A student may use Board policy 2:260, *Uniform Grievance Procedure*, to resolve a complaint.
8. Whenever these guidelines require written notification, the appropriate administrator may assist the student in preparing such notification.

A student or group of students seeking to distribute 10 or fewer copies of the same publication on one or more days to students must distribute such material at times and places and in a manner that will not

The footnotes should be removed before the material is used.

¹ This procedure is for high school and unit districts only. Unit districts should also use 7:310-AP, *Guidelines for Student Distribution of Non-School Sponsored Publications; Elementary Schools*, for their elementary students.

² Ensure this list aligns with the list tied to f/ns 13-17 in sample policy 7:315, *Restrictions on Publications; High Schools*.

³ Optional. See f/n 16 in sample policy 7:315, *Restrictions on Publications; High Schools*.

cause substantial disruption of the proper and orderly operation and discipline of the school or school activities and in compliance with paragraphs 4, 5, 6, and 7.

LEGAL REF.: 105 ILCS 80/, Speech Rights of Student Journalists Act.
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988).
Morse v. Frederick, 551 U.S. 393 (2007).
Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

Students

Administrative Procedure - School Student Records¹

This procedure implements Board policy 7:340, *Student Records*. It contains a **Table of Contents** and lettered **Sections**.

Table of Contents

- A. Legal Citations and Definitions
- B. School Student Records Defined
- C. Eligible Students Accorded the Rights of Parent/Guardian
- D. Official Records Custodians
- E. Maintenance of School Student Records
- F. Retention and Destruction of School Student Records
- G. Social Security Numbers
- H. Access to School Student Records
- I. Record of Release
- J. Orders of Protection
- K. Parenting Plans
- L. Transmission of Records for Transfer Students
- M. Directory Information
- N. Student Record Challenges

Sections

A. Legal Citations and Definitions

The legal requirements contained in this procedure are followed by a citation to the controlling rule and/or statute. Citations in parentheses indicate the location of a named law. For additional clarification regarding a requirement, the cited law should be reviewed.

Definitions are found in the Ill. School Student Records Act and the Ill. State Board of Education (ISBE) rules. 105 ILCS 10/2; 23 Ill.Admin.Code §375.10. For easy reference, some definitions are re-printed in this procedure.

The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is not included in these procedures but is governed by the Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA). 740 ILCS 110/.

B. School Student Records Defined

School Student Record means any writing or other recorded information concerning a student and by which a student may be individually identified that is maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. 105 ILCS 10/2(d).

The footnotes should be removed before the material is used.

¹ Modify this procedure to align it with board policy. Customize it to reflect the district's practice, particularly to specify the district's treatment of records that the law: (1) says may be kept as either permanent records or temporary records; and (2) allows to be kept as directory information.

Special Education Records means school records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. §1400 *et seq.*) and Article 14 of the School Code. These records include the report of the multidisciplinary staffing conference on which placement or nonplacement was based and all records and audio recordings in any format relating to special education placement hearings and appeals. 23 Ill.Admin.Code §375.10.

A school student record does not include any of the following:

1. Writings or other recorded information kept in a school staff member's sole possession that is destroyed not later than the student's graduation or permanent withdrawal, and is not accessible or revealed to any other person except a temporary substitute teacher. 105 ILCS 10/2(d).
2. Information maintained by law enforcement professionals working in the school. 105 ILCS 10/2(d).
3. Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes. This includes, without limitation, electronic recordings made on school buses, as described in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3(m). The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials for disciplinary or special education purposes regarding a particular student. 23 Ill.Admin.Code §375.10. **Note:** For districts and schools that do not have a designated law enforcement unit, consult the Board Attorney regarding designating an employee to serve as the *law enforcement unit* in order to maintain the security camera and determine the appropriate circumstances in which the school would disclose recorded images.
4. Any information, either written or oral, received from law enforcement officials pursuant to 105 ILCS 5/22-20 concerning a student less than the age of 18 years who has been arrested or taken into custody. 23 Ill.Admin.Code §375.10. ²

C. Eligible Students Accorded the Rights of Parent/Guardian

All rights and privileges concerning school student records that are accorded to parents/guardians become exclusively those of the student when the student reaches 18 years of age, graduates from high school, marries, or enters military service, whichever occurs first. 105 ILCS 10/2(g). Such students are called *eligible students* in this procedure.

D. Official Records Custodians

Each Building Principal is designated the Official Records Custodian for his or her respective school and has the duties, without limitation, listed below. ³

1. Is responsible for the maintenance, care, and security of all school student records, whether or not the records are in his or her personal custody or control, and shall take all reasonable measures to protect school student records through administrative, technical, and security

The footnotes should be removed before the material is used.

² Many lawyers believe that once these records are received by a school, they are protected as education records under the federal Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. §1232g). Consult the board attorney for advice.

³ For districts that have a single District-level records custodian rather than one at each school, use the following alternative sentence: "The District's Official Records Custodian or designee(s) has the duties, without limitation, listed below."

safeguards against risks, such as unauthorized access, release, or use. 105 ILCS 10/4(a) and (b); 23 Ill.Admin.Code §375.40(g).

2. Reviews student temporary records at least every four years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary, or irrelevant information. The records review is required in any given school year at the time a student first changes attendance centers within the District, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year. 23 Ill.Admin.Code §375.40(b).
3. When requested by the Ill. Dept. of Children and Family Services (DCFS) due to an indicated finding being overturned in an appeal or hearing, purges DCFS's final finding report from the student's record in accordance with the Ill. School Student Records Act (105 ILCS 10/) on the date of expungement provided by the report. 325 ILCS 5/8.6, amended by P.A. 103-624.
4. Manages requests to access school student records.
5. Transfers a certified copy of the records of students transferring to another school and retains the original records.
6. Provides all required notices to parents/guardians and students, including without limitation, each of the following:
 - a. Upon initial enrollment or transfer to the school, notification of rights concerning school student records; the notification may be delivered by any means likely to reach parents, including direct mail or email, delivery by the student to the parent, or incorporation into a student handbook. 23 Ill.Admin.Code §375.30.
 - b. Annual notification of information that is considered to be *directory information* and of the procedures to be used by parents/guardians to request that specific information not be released. 23 Ill.Admin.Code §375.80.
 - c. Notification to secondary students and their parents/guardians that they may opt out of the disclosure of students' names, addresses, and telephone listings to military recruiters and institutions of higher learning by submitting a written request that such information not be released without the prior written consent of the parent/guardian. 20 U.S.C. §7908.
 - d. Notification of their right to a hearing to challenge any entry in the school student records (except for academic grades) and Official Records Custodian's name and contact information. 23 Ill.Admin.Code §375.90.
 - e. Upon a student's graduation, transfer, or permanent withdrawal, notification to the parents/guardians, and if the student is in the legal custody of DCFS, DCFS' Office of Education and Transition Services, of the destruction schedule for the student's permanent and temporary school student records and of their right to request a copy. Notice to parents/guardians or the student may be provided through: (1) the school's parent or student handbook, (2) publication in a newspaper published in the District or, if no newspaper is published in the District, in a newspaper of general circulation within the district, (3) U.S. mail delivered to the last known address of the parent/guardian or student, or (4) other

means provided notice is confirmed to have been received, e.g., hand delivery, return receipt, or read receipt email. 105 ILCS 10/4(h); 23 Ill.Admin.Code §375.40(c). ⁴

7. Takes all action necessary to ensure that school personnel are informed of the provisions of the School Student Records Act. 105 ILCS 10/3(c).
8. Performs all actions required of the District described in this procedure and the laws governing school student records.

The Building Principal may delegate any of these duties to an appropriate staff member but shall remain responsible for the duties' execution.

E. Maintenance of School Student Records 105 ILCS 10/2; 23 Ill.Admin.Code §375.10.

The District maintains two types of school records for each student: a *permanent* record and a *temporary* record.

The *student permanent record* shall consist of the following:

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s).
2. Evidence required by the Missing Children Records Act. 325 ILCS 50/5(b)(1).
3. Academic transcripts, including: grades, graduation date, and grade level achieved; as applicable, and if allowed by District policy, scores received on college entrance examinations if that inclusion is requested in writing by an eligible student or the student's parent/guardian⁵; the unique student identifier assigned and used by ISBE's Student Information System (23 Ill.Admin.Code §1.75); as applicable, designation of an Advanced Placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in 105 ILCS 5/27-22; as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with 105 ILCS 5/2-3.159 and 23 Ill.Admin.Code Part 680; as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy, awarded in accordance with 23 Ill.Admin.Code §680.20(c); and as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance with 105 ILCS 5/2-3.169, amended by P.A. 103-979, and 23 Ill.Admin.Code §1.443.
4. Attendance record.
5. Health record, defined by ISBE rule as "medical documentation necessary for enrollment and proof of having certain examinations, as may be required under Section 27-8.1 of the [School] Code."

The footnotes should be removed before the material is used.

⁴ 105 ILCS 10/4(h) requires notice of destruction of student records also be given to DCFS when a student is in its legal custody; however, the law does not specify how that notice is to be delivered to DCFS. A district may wish to rely on item #4 in paragraph e of this list so it has evidence the notice was received.

⁵ 23 Ill.Admin.Code §375.10 provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If board policy allows for the inclusion of such scores on academic transcripts, then the district's notification to parents/guardians and students of their school student records rights must include the process for requesting the inclusion. 23 Ill.Admin.Code §375.30(d)(5).

Note: Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and FERPA attach to eligible students and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

6. Record of release of permanent record information that contains the information listed in Section I, **Record of Release**, below.
7. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12). 105 ILCS 5/2-3.64a-5.

If not maintained in the temporary record, the *permanent record* may include:

1. Honors and awards received.
2. Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the permanent record.

The *student temporary record* contains all information not required to be kept in the student permanent record and must include:

1. Record of release of temporary record information that contains the information listed in Section I, **Record of Release**, below.
2. Scores received on the State assessment tests administered in the elementary grade levels (kindergarten through grade 8).
3. Completed home language survey. 23 Ill.Admin.Code §228.15(d).
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction.
5. Any final finding report received from DCFS provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act (325 ILCS 5/8.6) shall be placed in the student record. 23 Ill.Admin.Code §375.40(f).
6. Information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence, as defined in 105 ILCS 5/26A, including a statement of the student or any other documentation, record, or corroborating evidence and the fact that the student has requested or obtained assistance, support, or services related to that status. 105 ILCS 10/2(f), amended by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25. See Board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and the **Confidentiality** subhead of administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.
7. Any biometric information that is collected in accordance with 105 ILCS 5/10-20.40.
8. Health-related information, defined by ISBE rule as "current documentation of a student's health information, not otherwise governed by the MHDDCA or other privacy laws, that includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs, e.g., glucose readings, long-term medications administered during school hours, documentation regarding a student athlete's and his or her parents' acknowledgment of the District's concussion policy adopted under Section 22-80 of the [School] Code, and other health-related information that is relevant to school participation, e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports."
9. Accident report, defined by ISBE rule as "documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or

school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or if the school nurse has referred the student for a medical evaluation, regardless of whether the parent or guardian, student (if 18 years or older), or an unaccompanied youth has followed through on that request.”

10. Any documentation of a student’s transfer, including records indicating the school or school district to which the student transferred. 23 Ill.Admin.Code §375.75(e).
11. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course or a registered apprenticeship program under 23 Ill.Admin.Code Part 255 as a substitute for a high school or graduation requirement. 105 ILCS 10/4; 23 Ill.Admin.Code §1.445.
12. Information contained in related service logs maintained by the District for a student with an individualized education program under 105 ILCS 5/14-8.02f(d), including for speech and language services, occupational therapy services, physical therapy services, school social work services, school counseling services, school psychology services, and school nursing services.

The *temporary record* may also consist of:

1. Family background information
2. Intelligence test scores, group and individual
3. Aptitude test scores
4. Reports of psychological evaluations, including information on intelligence, personality, and academic information obtained through test administration, observation, or interviews
5. Elementary and secondary achievement level test results
6. Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations
7. Honors and awards received
8. Teacher anecdotal records
9. Other disciplinary information
10. Special education records
11. Records associated with plans developed under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §701 *et seq.*)
12. Verified reports or information from non-educational persons, agencies, or organizations of clear relevance to the student’s education

F. Retention and Destruction of School Student Records

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(e). The temporary record is maintained for at least five years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(f). Individuals adding information to a student’s temporary record must include their name, signature, and position and the date the information was added. 105 ILCS 10/4(d). Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after five years, be transferred to the parent(s)/guardian(s) or to the eligible student. Appropriate District personnel shall explain to the student and the parent/guardian the future usefulness of these

records. 23 Ill.Admin.Code §375.40(d). Be sure to provide notice of destruction of school student records pursuant to 105 ILCS 10/4(h), as noted in D(6)(e), above.

G. Social Security Numbers

School officials, with limited exceptions, may not require students or their parents/guardians to provide social security numbers. 5 ILCS 179/, Identity Protection Act. The collection and retention of social security numbers shall be in accordance with Board policy 4:15, *Identity Protection*.

H. Access to School Student Records

The phrase “access to a school student record” means any release or disclosure of information from a student’s school record, whether or not any record is copied. Access in all cases is limited to the designated portion of the record to which the consent or statutory authority applies.

Neither the District nor any of its employees shall release, disclose, or grant access to information found in any school student record except under the conditions set forth in the Ill. School Student Records Act. 105 ILCS 10/6. Absent a court order, school officials do not provide educational records to U.S. Immigration and Customs Enforcement for immigration enforcement activities.

The Building Principal shall grant access to school student records as detailed below. The Building Principal shall consult with the Superintendent and, if authorized, the Board Attorney concerning any questions.

Access to Parent/Guardian, Eligible Student, or DCFS

1. A student’s parent(s)/guardian(s) or eligible student, or designee, or DCFS’ Office of Education and Transition Services, when a student is in the legal custody of DCFS, are entitled to inspect and copy information in the student’s school record; a student less than 18 years old may inspect or copy information in his or her permanent school record. 105 ILCS 10/5. A request to inspect or copy school student records shall be made in writing and directed to the Building Principal. Access to the records shall be granted within 10 business days after the receipt of such a request. 105 ILCS 10/5(c). The District may extend this timeline by up to five additional business days if one or more of these six reasons applies:
 - a. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
 - b. The request required the collection of a substantial number of specified records;
 - c. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
 - d. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
 - e. The request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) without unduly burdening or interfering with the operations of the school district; or
 - f. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district among two or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

105 ILCS 10/5(c-5).

The District and the person making the request may also agree in writing to extend the timeline for response. Id. The response to an access request for a special education student’s records shall include those school student records located in the special education office.

2. The parent(s)/guardian(s), DCFS, if applicable, or the District may request a qualified professional to be present to interpret the student's records. 105 ILCS 10/5(b). If the District makes the request, it is responsible for securing and bearing the cost of the professional's presence.
3. Unless the District has actual notice of a court order or a notice of a *parenting plan* under the Ill. Marriage and Dissolution of Marriage Act, indicating otherwise:
 - a. Divorced or separated parents/guardians with and without *parental responsibility* (formerly custody) are both permitted to inspect and copy the student's school student records. 750 ILCS 5/602.11.
 - b. The Building Principal shall send copies of the documents listed below to both divorced or separated parents/guardians, or if the student is in the legal custody of DCFS, DCFS' Office of Education and Transition Services, at their request. 105 ILCS 5/10-21.8.
 - i. Academic progress reports or records
 - ii. Emotional and physical health reports
 - iii. Notices of school-initiated parent-teacher conferences
 - iv. School calendar regarding the student
 - v. Notices about open houses, graduations, and other major school-sponsored events including student-parent/guardian interaction
4. The school will deny access to a student's school records to a parent against whom an *order of protection* (OP) was issued if the OP prohibits the parent from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. See the Ill. Marriage and Dissolution of Marriage Act, 750 ILCS 5/602.11(a), and 750 ILCS 60/214(b)(15), and 222(f). Also see **Orders of Protection**, below.⁶
5. Parent(s)/guardian(s) or the student, or if applicable, DCFS' Office of Education and Transition Services, shall not be granted access to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment or the receipt of an honor or award which were placed in the records prior to 1-1-75, provided such letters and statements are not used for purposes other than those for which they were specifically intended. Access shall not be granted to such letters and statements entered into the record at any time if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters and statements. 105 ILCS 10/5(e).

Access With Consent of Parent/Guardian or Eligible Student

1. Access will be granted to any person possessing a written, dated consent, signed by the parent(s)/guardian(s) or eligible student, stating to whom the records may be released, the information or record to be released, and the reason for the release. 105 ILCS 10/6(a)(8); 23 Ill.Admin.Code §375.70(e). Whenever the District requests the consent to release records, the Building Principal shall inform the parent(s)/guardian(s) or eligible student in writing of the

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⁶ This may conflict with FERPA in that it restricts a parent/guardian's right to access his or her child's school records more than is expressly permitted by FERPA. 20 U.S.C. §1232g(a)(1)(A), (B); 34 C.F.R. §99.10(a). Contact the board attorney for guidance.

right to inspect, copy, and challenge their contents and to limit such consent to designated portions of the records. 105 ILCS 10/6(a)(8).

2. Access to any record that is protected by the MHDDCA, specifically that of a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services to a student, will be granted according to the consent requirements contained in MHDDCA. 740 ILCS 110/4 and 5.

Access Without Notification to or Consent of Parent/Guardian or Eligible Student

1. District employees or officials of the ISBE will be granted access, without parental/guardian consent or notification, when a current, demonstrable, educational, or administrative need is shown. Access in such cases is limited to the satisfaction of that need. 105 ILCS 10/6(a)(2). Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest. 105 ILCS 10/6(a)(2).
2. Access will be granted, without parental/guardian consent or notification, to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent/guardian can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. 105 ILCS 10/6(a)(4).
3. Access will be granted, without parental/guardian consent or notification, to another school district that overlaps attendance boundaries with the District, if the District has entered into an intergovernmental agreement that allows for sharing of student records and information between them. 105 ILCS 10/6(a)(13).⁷
4. The District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or the consent of the student's parent(s)/guardian(s). 20 U.S.C. §1232(g)(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001. An *ex parte* order is an order issued by a court of competent jurisdiction without notice to an adverse party.
5. A Serious Habitual Offender Comprehensive Action Program (SHOCAP) committee member will be granted access, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act (FERPA). 105 ILCS 10/6(a)(10) allows disclosure to SHOCAP committee members who are "state and local officials and authorities" as those terms are used in FERPA. This federal law does not define "state and local officials and authorities;" rather, it limits when disclosure may be made to such officials and authorities.
6. Juvenile authorities will be granted access when necessary for the discharge of their official duties upon their request before the student's adjudication, provided they certify in writing that the information will not be disclosed to any other party except as provided under law or order

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⁷ For elementary or high school districts only. Intergovernmental agreements must meet the following requirements: (1) the sharing must be voluntary and at the discretion of each district; (2) the sharing of student information only applies to students that have a) been enrolled in both districts or b) would have been enrolled in both districts based on attendance boundaries, provided the parent/guardian has confirmed in writing that the student intends to enroll or has enrolled in the high school district; and (3) the sharing of student information does not exceed the scope of information that is shared among schools in a unit district. 105 ILCS 10/6(a)(13).

of court. *Juvenile authorities* means: (a) a circuit court judge and court staff members designated by the judge; (b) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (c) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (d) any individual, public or private agency having court-ordered custody of the child; (e) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (f) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (g) law enforcement officers and prosecutors; (h) adult and juvenile prisoner review boards; (i) authorized military personnel; and (j) individuals authorized by court. 105 ILCS 10/6(a)(6.5).

7. Military recruiters and institutions of higher learning will be granted access to secondary students' names, addresses, and telephone listings, unless the student's parent/guardian submits a written request that such information not be released without the prior written consent of the parent/guardian or eligible student. Only this written consent process may be used, no other processes, such as an opt-in process, etc., may be used. Military recruiters and institutions of higher learning have access to students' names, addresses, and phone numbers even if the District does not release directory information. 20 U.S.C. §7908. For more information, see exhibits 7:340-AP1, E3, *Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information*; 7:340-AP1, E4, *Frequently Asked Questions Regarding Military Recruiters Access to Students and Student Information*; ISBE Military Recruitment Access Reminder, announced in State Superintendent Smith's *Weekly Message*, 11-27-18, at: www.isbe.net/Documents/Military-Access-Reminder.pdf. The requirements in this paragraph apply only if the District receives funds under the Elementary and Secondary Education Act. *Id.*
8. DCFS' Office of Education and Transition Services will be granted access if the student is in the legal custody of DCFS. 105 ILCS 10/6(a)(12.5).

Access Without Consent of, but With Notification to, Parent/Guardian or Eligible Student

1. In accordance with the procedures described in Section L below (Transmission of Records for Transfer Students), access will be granted, without parental/guardian consent, to the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled or intends to enroll, upon the request of such official or student. 105 ILCS 10/6(a)(3).
2. Access will be granted pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice of such order's terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. 105 ILCS 10/6(a)(5). Parents of students who are named in a court order or parenting plan shall be deemed to have received the required written notice. The Building Principal shall respond to the order no earlier than five school days after its receipt in order to afford parents/guardians the opportunity to review, inspect, and challenge the records if the parents choose to do so. 23 Ill.Admin.Code §375.70(d).

For the purposes of these procedures, a court order is a document signed by a judge. A subpoena signed by a court clerk, an attorney, or an administrative agency official shall not be considered a court order unless signed by a judge. 23 Ill.Admin.Code §375.40(a).
3. Information may be released without parental consent, in connection with an articulable and significant threat to the health or safety of a student or other individuals, to appropriate persons

if the knowledge of the requested information is necessary to protect the health or safety of the student or other individuals. The Building Principal shall make this decision taking into consideration the seriousness of the threat to the health or safety of the student or other individuals, the need for such records to meet the emergency, whether the persons to whom such records are released are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency. 105 ILCS 10/6(a)(7); 23 Ill.Admin.Code §375.60. The Building Principal shall notify the parent(s)/guardian(s) or eligible student, no later than the next school day after the date that the information is released, of the date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.

4. The District will grant access as specifically required by federal or State statute, provided the individual complies with the requirements in 23 Ill.Admin.Code §375.70(b). 105 ILCS 10/6(a)(6). Prior to granting access, the Building Principal shall provide prompt written notice to the parent(s)/guardian(s) or eligible student of this intended action. 105 ILCS 10/6(b); 23 Ill.Admin.Code §375.70. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents. If the release relates to more than 25 students, a notice published in the newspaper is sufficient. The District charges \$.35 per page for copying information from a student's records.⁸ No parent/guardian or student shall be precluded from copying information because of financial hardship. 23 Ill.Admin.Code §375.50. **Note:** The ISBE rule allows a school to "charge the actual cost for providing a copy of school student records or any portion of such records to parents and students upon request for such copies, provided that such costs shall not exceed \$.35 per page." 23 Ill.Admin.Code §375.50.

I. Record of Release

Except as provided below, a record of all releases of information from school student records (including all instances of access granted whether or not records were copied) shall be kept and maintained as part of such records. 105 ILCS 10/6(c). This record shall be maintained for the life of the school student record and shall be accessible only to the parent(s)/guardian(s) or eligible student, Building Principal, or other authorized person. The record of release shall include each of the following:

1. The nature and substance of the information released;
2. The name and signature of the official records custodian releasing such information;
3. The name of the person requesting the information, in what capacity the request was made, and the purpose for the request;
4. The date of release; and
5. A copy of any consent to a release.

No record of a disclosure is maintained when records are disclosed according to the terms of an *ex parte* court order entered under 20 U.S.C. §1232g(j), *Investigation and prosecution of terrorism*. 20 U.S.C. §1232g(j)(4).

J. Orders of Protection

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⁸ Districts may substitute the following alternative: "The District charges a fee for copying school student records that corresponds to the fee schedule for copies of records requested under the Freedom of Information Act."

Upon receipt of a court OP that prohibits a Respondent's access to records, the Building Principal shall file it in the temporary record of a student who is the *protected person* under the OP. No information or records shall be released to the Respondent named in the OP. 750 ILCS 60/222(f).⁹

K. Parenting Plans

Upon receipt of a parenting plan under the Ill. Marriage and Dissolution of Marriage Act (750 ILCS 5/), the Building Principal shall file it in the temporary record of a student who is the subject of the parenting plan.

L. Transmission of Records for Transfer Students 105 ILCS 10/6(a)(3); 23 Ill.Admin.Code §§375.70 and 375.75.

The Building Principal shall:

1. Within 14 calendar days after enrolling a transfer student, request directly from the student's previous school a certified copy of the student's record. The District shall exercise due diligence in obtaining the copy of the record requested.
2. Upon the student's request or that of the official records custodian of another school in which the student has enrolled or intends to enroll, within 10 calendar days, transfer a certified copy of the student's record (that is, the student's permanent and temporary record) to the official records custodian of the appropriate school and retain the original records. The records transfer is subject to prior notice to the student's parent(s)/guardian(s) as described above in Section H (Access to School Student Records). See Board policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.
3. Determine if the school or special education office has any record that is protected by the MHDDCA concerning the transferring student, specifically a record or report made by a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services. If so, ask the appropriate person as identified in 740 ILCS 110/4 whether to send the record protected by MHDDCA to the new school and, if yes, obtain a written consent for disclosure as provided in 740 ILCS 110/5.

This requirement does not apply to special education records and reports that are related to the identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities. 23 Ill.Admin.Code §375.10.

4. Provide the parent/guardian or eligible student prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge it. If the parent's/guardian's address is unknown, notice may be served upon the official records custodian of the requesting school for transmittal to the parent/guardian. This service is deemed conclusive, and 10 calendar days after this service, if the parents/guardians make no objection, the records may be transferred to the requesting school.
5. Destroy any biometric information collected and do not transfer it to another school district.
6. Refrain from transferring the records if a student's record has been flagged as a "missing child" as provided in Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law. The District shall notify the Ill. State Police or the local law enforcement authority of the request.

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⁹ See f/n 6 above.

7. Retain the original records in accordance with the requirements of 105 ILCS 10/4.
8. Include information about whether or not the student is *in good standing* and whether or not the student's medical records are up-to-date and complete. 105 ILCS 5/2-3.13a.
9. Maintain any documentation of the student's transfer, including records indicating the school or school district to which the student transferred, in that student's temporary record.

If the student has unpaid fines, fees, or tuition charged pursuant to 105 ILCS 5/10-20.12a and is transferring to a public school located in Illinois or any other state, the Building Principal shall, unless otherwise prohibited by State law (23 Ill.Admin.Code §375.75(i)): ¹⁰

1. Transfer the student's *unofficial record of student grades* in lieu of the student's official transcript of scholastic records. The *unofficial record of student grades* means written information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. These records shall also include the school's name and address, the student's name, the name and title of the school official transmitting the records, and the transmittal date.
2. Within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at this District's own expense, forward the student's official transcript of scholastic records to the student's new school.

The Building Principal shall include the following information with the transferred records if the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for any reason: 105 ILCS 5/2-3.13a; 23 Ill.Admin.Code §375.75(j).

1. The date and duration of the period of any current suspension or expulsion; and
2. Whether the suspension or expulsion is for: (a) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. §7961 *et seq.*); (b) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (c) battering a school staff member.

M. Directory Information¹¹ 23 Ill.Admin.Code §375.80

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¹⁰ Optional. 105 ILCS 5/10-20.9a(c) and (d), inoperative "on and after three years" from 5-6-22, prohibits public high schools from withholding a student's grades, transcripts, or diploma because of an unpaid balance on the student's school account. See sample policy 6:280, *Grading and Promotion*, at f/n 3, for a discussion about the expiration date of this law. Districts are also prohibited from withholding student records, transcripts, or diplomas because the student's parents are unable to pay required *fees*. 105 ILCS 5/28-19.2. See sample policy 4:140, *Waiver of Student Fees*, at f/n 1, for more information about the definition of *fees*. Fees, for example, do not include library fines, which could be reflected in a student's account. 23 Ill.Admin.Code §1.245(a)(2). These statutes refer generically to *transcripts*; they do not distinguish between *unofficial* and *official transcripts*. Consult the board attorney for advice on a district's ability to withhold official transcripts from students under 23 Ill.Admin.Code §375.75(i).

¹¹ Districts are not required to identify and release directory information. **Be sure that the board policy provides for the release of directory information before including this section.** See sample policy 7:340, *Student Records*. There has been at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor (PAC) supports that a district may not rely on the FOIA exemption for home addresses. PAO 12-3.

The District may release certain directory information regarding students as permitted by law, except that a student's parent(s)/guardian(s) may prohibit the release of the student's directory information. Directory information is limited to: ¹²

1. Student's Name
2. Student's Address
3. Student's Grade level
4. Student's Birth date and place
5. Parent(s)/guardian(s)' names, addresses, electronic mail addresses, and telephone numbers
6. Photographs, videos, or digital images used for informational or news-related purposes (whether by a media outlet or by the school) of a student participating in school or school-sponsored activities, organizations, and athletics that have appeared in school publications, such as yearbooks, newspapers, or sporting or fine arts programs
7. Academic awards, degrees, and honors
8. Information in relation to school-sponsored activities, organizations, and athletics
9. Major field of study
10. Period of attendance in school

No photograph highlighting individual faces shall be used for commercial purposes, including solicitation, advertising, promotion, or fundraising, without the prior, specific, dated, and written consent of the parent or eligible student (see 765 ILCS 1075/30). 23 Ill.Admin.Code §375.80. The following shall not be designated as directory information: (a) an image on a school security video, or (b) student social security number or student identification or unique student identifier. *Id.*

The notification to parents/guardians and students concerning school student records will inform them of their right to opt out of the release of directory information. See exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*.

N. Student Record Challenges

Parents/guardians have the right to a hearing to challenge the accuracy, relevancy, or propriety of any entry in their student's school records, exclusive of academic grades and references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school

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Delete the specific types of information that the district does not want released, such as *address*, from the list of information designated as *directory information*. Realize, however, that if the information identified as directory information is too limited, the district may be prohibited from publishing information about specific students.

¹² 23 Ill.Admin.Code 375.80(a)(1) no longer includes *gender* as information which may be designated as directory information. This is consistent with attorneys' views that Illinois' past practice of including *gender* within directory information may have violated FERPA. FERPA regulations provide that directory information "means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed" and it "includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status, e.g., undergraduate or graduate, full-time or part-time; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended." 34 C.F.R. §99.3. Though FERPA regulations do not explicitly preclude the designation of *gender* as directory information, U.S. Dept. of Educ. (DOE) guidance has consistently advised schools not to disclose a student's sex as directory information because it would be considered harmful or an invasion of privacy. See *Letter to Institutions of Postsecondary Education*, DOE Family Policy Compliance Office (Sept. 2009). Consult the board attorney about the practical implementation of this issue. Some attorneys, for example, believe photos of the "Girls Volleyball Team" may contradict DOE guidance.

student records are forwarded to another school to which the student is transferring. 105 ILCS 10/7; 23 Ill.Admin.Code §375.90. A request for a hearing should be submitted to the Superintendent and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge. The following procedures apply to a challenge: Id.

1. The Superintendent or designee will invite the parent(s)/guardian(s) to an initial informal conference, within 15 school days of receipt of the request for a hearing.
2. If the challenge is not resolved by the informal conference, formal procedures shall be initiated. The Superintendent will appoint a hearing officer, who is not employed in the attendance center in which the student is enrolled.
3. The hearing officer will conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parent(s)/guardian(s) and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
4. At the hearing, each party shall have the right to:
 - a. Present evidence and to call witnesses;
 - b. Cross-examine witnesses;
 - c. Counsel;
 - d. A written statement of any decision and the reasons therefore; and
 - e. Appeal an adverse decision to an administrative tribunal or official to be established or designated by the State Board.
5. A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a transcript is not required in an appeal.
6. The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parent(s)/guardian(s) and the School District. It shall be based solely on the information presented at the hearing and shall be one of the following:
 - a. To retain the challenged contents of the school student record;
 - b. To remove the challenged contents of the school student record; or
 - c. To change, clarify, or add to the challenged contents of the school student record.
7. Any party has the right to appeal the decision of the local hearing officer to the Regional Superintendent or appropriate Intermediate Service Center Executive Director, within 20 school days after the decision is transmitted to the parties. The parent(s)/guardian(s), if they appeal, shall so inform the District and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question, and any other pertinent materials to the Regional Superintendent or appropriate Intermediate Service Center. The District may initiate an appeal by the same procedures.
8. The final decision of the Regional Superintendent or appropriate Intermediate Service Center Executive Director may be appealed to the circuit court of the county in which the District is located.
9. The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. The District will include a copy of the statement in any release of the information in dispute. 105 ILCS 10/7(d).

LEGAL REF.: 20 U.S.C. §1232g, Family Education Rights and Privacy Act; 34 C.F.R. Part 99.
105 ILCS 10/, Illinois School Student Records Act; 23 Ill.Admin.Code Part 375.
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.
750 ILCS 5/, Illinois Marriage and Dissolution of Marriage Act.

Students

Exhibit - Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records¹

Upon the initial enrollment or transfer of a student to the school, the school must notify the student and the student's parents/guardians of their rights concerning school student records. This notification may be distributed by any means likely to reach parents/guardians.

The contact information for each School's Official Records Custodian follows:

This notice contains a description of your and your child's rights concerning school student records.

A *school student record* is any writing or other recorded information concerning a student and by which a student may be individually identified that is maintained by a school or at its direction or by a school employee, regardless of how or where the information is stored, except for certain records kept in a staff member's sole possession; records maintained by law enforcement officers working in the school; video and other electronic recordings that are created in part for law enforcement, security, or safety reasons or purposes; and electronic recordings made on school buses. The District maintains two types of school records for each student: *permanent* record and *temporary* record.

The *permanent record* includes:

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parents/guardians.
2. Evidence required under the Missing Children Records Act. 325 ILCS 50/5(b)(1).
3. Academic transcripts, including: grades, graduation date, and grade level achieved;² the unique student identifier assigned and used by the Ill. State Board of Education (ISBE) Student Information System; as applicable, designation of an Advanced Placement computer science

The footnotes should be removed before the material is used.

¹ This notification is based on the *Model Notification* published by the U.S. Dept. of Education. Changes were made to comply with the Ill. School Student Records Act (ISSRA, 105 ILCS 10/) and the ISBE rule mandating this notification (23 Ill.Admin.Code §375.30(d)). To obtain the legal citations for this exhibit's provisions, see sample administrative procedure 7:340-AP1, *School Student Records*, which is annotated with citations to controlling rules and statutes.

Customize this notice to reflect the district's practice, particularly to specify the district's treatment of records that the law: (1) permits to be kept as either permanent records or temporary records; and (2) allows to be kept as directory information.

² 23 Ill.Admin.Code §375.10 provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If the board allows written requests to include college entrance examination scores on students' transcripts, insert the following phrase into #3:

scores received on college entrance examinations if that inclusion is requested in writing by an eligible student or the student's parent/guardian;

Note: Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and the federal Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. 1232g) attach to *eligible students* and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in 105 ILCS 5/27-22; as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with 105 ILCS 5/2-3.159; as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy; and as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance with 105 ILCS 5/2-3.169.

4. Attendance record.
5. Health record defined by ISBE as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code."
6. Record of release of permanent record information that includes each of the following:
 - a. The nature and substance of the information released;
 - b. The name and signature of the official records custodian releasing such information;
 - c. The name and capacity of the requesting person and the purpose for the request;
 - d. The date of release; and
 - e. A copy of any consent to a release.
7. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12). 105 ILCS 5/2-3.64a-5.

If not maintained in the *temporary record*, the *permanent record* may include:

1. Honors and awards received.
2. Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

All information not required to be kept in the student permanent record is kept in the student *temporary record* and must include:

1. Record of release of temporary record information that includes the same information as listed above for the record of release of permanent records.
2. Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8).
3. Completed home language survey.
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction.
5. Any final finding report received from a Child Protective Service Unit provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act (325 ILCS 5/8.6) shall be placed in the student record.
6. Information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence, as defined in 105 ILCS 5/26A, including a statement of the student or any other documentation, record, or corroborating evidence and the fact that the student has requested or obtained assistance, support, or services related to that status.
7. Any biometric information that is collected in accordance with 105 ILCS 5/10-20.40.
8. Health-related information, defined by the ISBE as "current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act or other privacy laws, that includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs, e.g., glucose readings, long-term medications administered during school hours, documentation regarding a student athlete and his or her parent/guardian's acknowledgment of the District's concussion policy adopted under 105 ILCS 5/22-80 and other health-related information that

is relevant to school participation, e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports.”

9. Accident report, defined by the ISBE as “documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event, or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or if the school nurse has referred the student for a medical evaluation, regardless of whether the parent or guardian, student (if 18 years or older), or an unaccompanied homeless youth ... has followed through on that request.”
10. Any documentation of a student’s transfer, including records indicating the school or school district to which the student transferred.
11. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course or a registered apprenticeship program under 23 Ill.Admin.Code Part 255 as a substitute for a high school or graduation requirement.
12. Information contained in related service logs maintained by the District for a student with an individualized education program under 105 ILCS 5/14-8.02f(d), including for speech and language services, occupational therapy services, physical therapy services, school social work services, school counseling services, school psychology services, and school nursing services.³

The temporary record may include:

1. Family background information
2. Intelligence test scores, group and individual
3. Aptitude test scores
4. Reports of psychological evaluations, including information on intelligence, personality, and academic information obtained through test administration, observation, or interviews
5. Elementary and secondary achievement level test results
6. Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations
7. Honors and awards received
8. Teacher anecdotal records
9. Other disciplinary information
10. Special education records
11. Records associated with plans developed under section 504 of the Rehabilitation Act of 1973
12. Verified reports or information from non-educational persons, agencies, or organizations of clear relevance to the student’s education

The Family Educational Rights and Privacy Act (FERPA) and the Ill. School Student Records Act (ISSRA) afford parents/guardians and students over 18 years of age (*eligible students*) certain rights with respect to the student’s school records. They are:

1. **The right to inspect and copy the student’s education records within 10 business days after the date the District receives a request for access.**

The footnotes should be removed before the material is used.

³ 105 ILCS 10/2(f).

The degree of access a student has to his or her records depends on the student's age. Students less than 18 years of age have the right to inspect and copy only their permanent record. Students 18 years of age or older have access and copy rights to both permanent and temporary records. Parents/guardians or students should submit to the Building Principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent(s)/guardian(s) or student of the time and place where the records may be inspected. The District shall make the records available to inspect and copy within 10 business days, unless the District extends the response timeline to 15 business days in accordance with ISSRA. The District charges \$.35 per page for copying but no one will be denied their right to copies of their records for inability to pay this cost.

These rights are denied to any person against whom an order of protection has been entered concerning a student. 105 ILCS 5/10-22.3c and 10/5(a); 750 ILCS 60/214(b)(15). ⁴

2. **The right to request the amendment of the student's education records that the parent(s)/guardian(s) or eligible student believes are inaccurate, irrelevant, or improper.**

Parents/guardians or eligible students may ask the District to amend a record that they believe is inaccurate, irrelevant, or improper. They should write the Building Principal or the Official Records Custodian, clearly identify the record they want changed, and specify the reason.

If the District decides not to amend the record as requested by the parents/guardians or eligible student, the District will notify the parents/guardians or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

3. **The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that the FERPA or ISSRA authorizes disclosure without consent.**

Disclosure without consent is permitted to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board. A school official may also include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and

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⁴ 23 Ill.Admin.Code §375.10 provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If the board allows written requests to include college entrance examination scores on students' transcripts, insert the following as right #2:

2. **The right to have one or more scores received on college entrance examinations included on the student's academic transcript.**

Parents/guardians or eligible students may have one or more scores on college entrance exams included on their student's academic transcript. Students often take college entrance examinations multiple times to improve their results. Test publishers provide the results from each examination taken to the student's high school. A parent/guardian or eligible student may want certain scores to be included on academic transcripts sent to postsecondary institutions to which the student applies. The District will include scores on college entrance examinations upon the written request of the parent/guardian or eligible student stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be included.

Note: Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and FERPA attach to *eligible students* and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

maintenance of personally identifiable information from education records (such as an attorney, auditor, medical consultant, therapist, or educational technology vendor); or any parents/guardians or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility or contractual obligations with the District.

Upon request, the District discloses education records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by State or federal law. Before information is released to these individuals, the parents/guardians will receive prior written notice of the nature and substance of the information, and an opportunity to inspect, copy, and challenge such records.

When a challenge is made at the time the student's records are being forwarded to another school to which the student is transferring, there is no right to challenge: (1) academic grades, or (2) references to expulsions or out-of-school suspensions.

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent(s)/guardian(s) can be identified; to another school district that overlaps attendance boundaries with the District, if the District has entered into an intergovernmental agreement that allows for sharing of student records and information with the other district;⁵ any person named in a court order; appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and juvenile authorities when necessary for the discharge of their official duties who request information before adjudication of the student.

4. The right to a copy of any school student record proposed to be destroyed or deleted.

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. The temporary record is maintained for at least five years after the student transfers, graduates, or permanently withdraws. Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after five years, be transferred to the parent(s)/guardian(s) or to the student, if the student has succeeded to the rights of the parent(s)/guardian(s). Student temporary records are reviewed every four years or upon a student's change in attendance centers, whichever occurs first.

5. The right to prohibit the release of directory information concerning the parent's/guardian's child.⁶

Throughout the school year, the District may release directory information regarding its students, limited to:

Name
Address
Grade level
Birth date and place

The footnotes should be removed before the material is used.

⁵ For elementary and high school districts only.

⁶ Districts are not required to identify and release directory information. **Be sure that the board policy provides for the release of directory information before including this right.** See sample policy 7:340, *Student Records*.

Parent(s)/guardian(s)' names, addresses, electronic mail addresses, and telephone numbers

Photographs, videos, or digital images used for informational or news-related purposes (whether by a media outlet or by the school) of a student participating in school or school-sponsored activities, organizations, and athletics that have appeared in school publications, such as yearbooks, newspapers, or sporting or fine arts programs

Academic awards, degrees, and honors

Information in relation to school-sponsored activities, organizations, and athletics

Major field of study

Period of attendance in school

Any parent/guardian or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the Building Principal within 30 days of the date of this notice. No directory information will be released within this time period, unless the parent/guardian or eligible student is specifically informed otherwise.

No photograph highlighting individual faces is allowed for commercial purposes, including solicitation, advertising, promotion or fundraising without the prior, specific, dated and written consent of the parent or student, as applicable; and no image on a school security video recording shall be designated as directory information.

6. **The right to request that military recruiters or institutions of higher learning not be granted access to your secondary school student's name, address, and telephone numbers without your prior written consent.**

Federal law requires a secondary school to grant military recruiters and institutions of higher learning, upon their request, access to secondary school students' names, addresses, and telephone numbers, unless the student's parent/guardian, or a student who is 18 years of age or older, submits a written request that the information not be released without the prior written consent of the parent/guardian or eligible student. If you wish to exercise this option, notify the Building Principal where your student is enrolled for further instructions.

7. **The right contained in this statement: No person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit, or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the exercise of any right secured under State law.**

8. **The right to file a complaint with the U.S. Dept. of Education concerning alleged failures by the District to comply with the requirements of FERPA.**

The name and address of the Office that administers FERPA is:

U.S. Department of Education

Student Privacy Policy Office

400 Maryland Avenue, SW

Washington DC 20202-8520

Students

Exhibit – Student Covered Information Reporting Form

Use this sample form to implement the requirements of the Student Online Personal Protection Act (SOPPA) (105 ILCS 85/27(a)(1)). SOPPA requires a district to provide a clear and understandable layperson explanation on the district's website (or at the district administrative office, if it does not maintain a website) of the data elements of covered information that a district collects, maintains, or discloses to any person, entity, third party, or governmental agency, as well as other operator-related information.

Covered Information (CI) Disclosed to Operators							
Operator Name	Site/Application /Service	Data Elements of CI	How the CI is Used	Purpose of Disclosure	Link to Copy of Contract	Operator Business Address	Subcontractors to Whom CI is Disclosed

Covered Information (CI) Disclosed to Other Third Parties, Including Government Agencies							
Other Third Party/Gov't Agency	Site/Application/Service	Data Elements of CI ¹	How the CI is Used	Purpose of Disclosure			

The footnotes should be removed before the material is used.

¹ A listing of the “data elements” that the Ill. State Board of Education (ISBE) collects from school districts for its Student Information System (SIS) (which districts submit through their ISBE Web Application Security (IWAS) accounts) is available at: www.isbe.net/Pages/SIS-Data-Elements-approved-codes-and-indicators.aspx, at the “All Data Elements and Validations” tab. SOPPA does not specify whether links to data elements are permitted as a means of compliance. Consult the board attorney for guidance.

Students

Exhibit – Student Data Privacy; Notice to Parents About Educational Technology Vendors

Use the sample text below to provide notice to parents/guardians about educational technology vendors pursuant to the Student Online Personal Protection Act, 105 ILCS 85/28(e). Districts must provide this notice to parents/guardians at the beginning of each school year through distribution of school handbooks or other means generally used by a district to provide such notices to parents/guardians.

Annual Notice to Parents about Educational Technology Vendors Under the Student Online Personal Protection Act

The District has contracts with educational technology vendors to support and enhance student learning and school operations.

Under Illinois' Student Online Personal Protection Act (SOPPA), vendors that operate Internet websites, online services, online applications, or mobile applications that are designed, marketed, and primarily used for K-12 school purposes are called *operators*. SOPPA is intended to ensure that student data collected by operators is protected, and it requires those vendors, as well as school districts and the Ill. State Board of Education, to take actions to safeguard student data.

Depending upon the technology being used, the District may need to collect different types of student data, which is then shared with vendors through their online sites, services, and/or applications. SOPPA prohibits vendors from selling or renting a student's information or from engaging in targeted advertising using a student's information. Vendors may only disclose student data for K-12 school purposes and other limited purposes permitted under the law.

In general terms, the types of student data that may be collected and shared include personally identifiable information (PII) about students or information that can be linked to PII about students, such as:

- Basic identifying information, including student or parent/guardian name and student or parent/guardian contact information, username/password, student ID number
- Demographic information
- Enrollment information
- Assessment data, grades, and transcripts
- Attendance and class schedule
- Academic/extracurricular activities
- Special indicators (e.g., disability information, English language learner, free/reduced meals or homeless/foster care status)
- Conduct/behavioral data
- Health information
- Food purchases
- Transportation information
- In-application performance data
- Student-generated work
- Online communications
- Application metadata and application use statistics

- Permanent and temporary school student record information

Operators may collect and use student data only for K-12 purposes such as:

- Classroom instruction
- Administrative activities
- Collaboration between students, school personnel, and/or parents/guardians
- Other activities that are for the use and benefit of the District

Students

Exhibit – Parent Notification Letter for Student Data Breach

Use this sample letter to comply with the Student Online Personal Protection Act's requirement that a school district must notify the parent/guardian when the covered information of his/her child has been breached. 105 ILCS 85/27(d).

On District Letterhead

Re: Student Data Breach Notification

Dear Parent(s)/Guardian(s):

Despite the District's ongoing efforts to ensure high levels of security and privacy in the use of online student data, we regret to inform you that certain data about your child [was] **OR** [may have been] compromised in a recent breach of [*insert name of online site, service, or application and name of operator*] **OR** [the District's network]. The breach [is estimated to have] occurred on [*insert date or date range*]. The following information about your child was compromised:

[*Insert description of student's covered information that was compromised or reasonably believed to have been compromised*]

The District [, in cooperation with the operator,] is actively investigating the causes and extent of the breach, and we will keep you apprised of any relevant updates. If you have questions or concerns in the meantime, you may contact me [or directly contact the operator involved]:

[*Insert Superintendent contact information*]

[*Insert operator contact information, if applicable*]

You may also obtain information from the Federal Trade Commission (FTC) and consumer reporting agencies about fraud alerts and security freezes at:

FTC

www.consumer.ftc.gov/articles/0279-extended-fraud-alerts-and-credit-freezes

877-FTC-HELP (382-4537)

Federal Trade Commission

600 Pennsylvania Avenue, NW

Washington, DC 20680

Equifax

www.equifax.com/personal/credit-report-services/

800-685-1111

Equifax Information Services LLC (fraud alert)

P.O. Box 105069

Atlanta, GA 30348-5069

Equifax Information Services LLC (security freeze)

P.O. Box 105788

Atlanta, GA 30348-5069

Experian

www.experian.com/help/

888-EXPERIAN (888-397-3742)

Transunion

www.transunion.com/credit-help

888-909-8872

Transunion Fraud Victim Assistance (fraud alert)

P.O. Box 2000

Chester, PA 19016

Transunion (security freeze)

P.O. Box 160

Woodlyn, PA 19094

Sincerely,

Superintendent