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## School Board

### Exhibit - Board Member Travel Expense Voucher

*Submit to the Superintendent*

Name: \_\_\_\_\_ Request date: \_\_\_\_\_

Destination: \_\_\_\_\_ Purpose: \_\_\_\_\_

Departure date: \_\_\_\_\_ Return date: \_\_\_\_\_

*Please print*

<b>Expense Voucher</b>									
* Auto Travel Allowance: _____ per mile									
Date	Mileage * Miles	Cost	Lodging	Breakfast	Meals Lunch	Dinner	Other Item	Cost	Daily Total
<b>Total</b>									\$

**School Board Action:**

☐ **Approved**

☐ **Denied**

\_\_\_\_\_  
Board President or Secretary

\_\_\_\_\_  
Date

## School Board

### Exhibit - Board Member Travel Expense Purchase Order

*Submit to the Superintendent who will include this request in the monthly list of bills that is presented to the School Board.*

Name: \_\_\_\_\_ Request date: \_\_\_\_\_

Destination: \_\_\_\_\_ Purpose: \_\_\_\_\_

Departure date: \_\_\_\_\_ Return date: \_\_\_\_\_

*Please print*

<b>Estimated Expenses</b>									
* Auto Travel Allowance: _____ per mile									
Date	Mileage * Miles	Cost	Lodging	Breakfast	Meals Lunch	Dinner	Other Item	Cost	Daily Total
<b>Total</b>									\$

**Board Action:**      ☐ **Approved**      ☐ **Denied**

\_\_\_\_\_  
Board President or Secretary

\_\_\_\_\_  
Date

## School Board

### Administrative Procedure - Protocols for Record Preservation and Development of Retention Schedules

#### 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.

Actor	Action
All Staff and School Board Members	<p>No District record, as defined in the Illinois Local Records Act, shall be destroyed except as provided herein.</p> <p><i>“Public record means any book, paper, map, photograph, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.” 50 ILCS 205/3.</i></p> <p>Do not destroy any District record, no matter its form, if it is subject to a litigation hold. F.R.C.P. 37(e).</p> <p>In federal lawsuits there is an automatic discovery of virtually all types of electronically created or stored data that might be relevant. Attorneys will generally notify their clients at the beginning of a legal proceeding to not destroy any electronic records that might be relevant. The receipt of a <i>litigation hold</i> or preservation letter from the Board’s attorney requires all potentially relevant electronic information to be identified, located, and preserved. This includes all e-mail, e-documents, the tapes and servers of discarded systems, and backup data stored elsewhere.</p>
Superintendent	<p>Assign the following activities to the Records Custodian and Head of Information Technology (IT):</p> <ol style="list-style-type: none"> <li><b>1. Develop and maintain a protocol for preserving and categorizing District records;</b></li> <li><b>2. Develop and maintain a record retention and destruction schedule; and</b></li> <li><b>3. Develop protocols to implement a litigation hold.</b></li> </ol>
Records Custodian and Head of IT	<ol style="list-style-type: none"> <li><b>1. Develop and maintain a protocol for preserving and categorizing District records.</b></li> </ol> <p>Develop and maintain a list of all District records organized in categories and sub-categories, e.g., records relating to business, students, personnel, board meetings, etc. Align this list with the list of District records required by the Freedom of Information Act. 5</p>

Actor	Action
	<p>ILCS 140/5.</p> <p>Paper records may be easier to locate than electronic records. Electronic records will potentially exist in all of the available servers, tapes, hard drives, computers, and similar types of electronic devices (e.g., laptops, Blackberrys, cell phones, Palm Pilots, voicemail, etc.).</p> <p>Prepare a description of how District records stored by means of electronic data processing may be obtained in a form understandable to persons lacking computer knowledge. 5 ILCS 140/5.</p> <p>Such a description may include contact information for a person who can aid in obtaining records stored electronically.</p> <p>Provide for keeping only <i>records</i> and destroying non-records. Avoid filing non-record material with records. Determine what is a non-record, e.g., identical copies of documents maintained in the same file; extra copies of printed or processed materials (official copies of which are retained by the office); blank forms; and personal communications.</p> <p>The goal is to control excessive accumulation of material. Non-record material may be destroyed at any time. 50 ILCS 205/9.</p> <p>Absent a litigation hold, email must be retained only when it contains: (1) evidence of the District’s organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. 50 ILCS 205/3. Email that is conversational, personal, or contains brainstorming may generally be deleted.</p> <p>A consistent email retention policy for use across the District ensures that the necessary emails are being retained and emails that are not required to be preserved are purged on a regular basis.</p> <p>Determine whether each sub-category of documents should be reproduced by photography, microphotographic processes, or digitized electronic format.</p> <p>Any public record may be reproduced in a microfilm or digitized electronic format and the paper version destroyed, provided: (a) the records are reproduced on “a durable medium that accurately and legibly reproduces the original record in all details,” and “that does not permit additions, deletions, or changes to the original document images;” and (b) the Local Records Commission is notified when the original record is disposed of and also when the reproduced record is disposed of. Local Records Act, 50 ILCS 205/7.</p> <p>Use this web link to the Illinois Secretary State’s publication, <a href="#">Guidelines for Using Electronic Records</a>.</p> <p>Identify and index the location of each category and sub-category of District records. Organize electronic record and data storage.</p> <p>The goal is to ensure that all documents, including electronically created ones, are retained for the required timeframes and are easy</p>

Actor	Action
	<p>to retrieve and produce if necessary.</p> <p><b>2. Develop and maintain a record retention schedule for submission to the Superintendent and eventually to the Local Records Commission.</b></p> <p>Prepare a list of public records that: (1) are not needed for current business, and (2) do not have sufficient administrative, legal, or fiscal value to warrant their further preservation. Stated differently, identify records that have no administrative, legal, or fiscal value, as this is the criteria the Commission uses to determine whether or not to authorize the records' destruction.</p> <p>Records that have no administrative, legal, or fiscal value may be destroyed according to provisions in the Local Records Act. 50 ILCS 205/10.</p> <p>Prepare a schedule for record destruction by identifying the length of time a record category or series warrants retention after it has been received or produced by the District.</p> <p>The ultimate goal is to obtain permission to destroy unnecessary public records. The Local Records Commission must approve the destruction of any public record. 50 ILCS 205/7, 44 Ill.Admin.Code Part 4000 (Local Records Commission for agencies comprising counties of less than 3,000,000 inhabitants); 44 Ill.Admin.Code Part 4500 (Local Records Commission of Cook County). See the Archives Department on the Secretary of State's website:  <a href="http://www.cyberdriveillinois.com/departments/archives/databases/home.html">www.cyberdriveillinois.com/departments/archives/databases/home.html</a>.</p> <p>A list can be used when applying for authority to destroy records. A schedule can be used when applying for continuing authority to destroy records after specified periods of time or the occurrence of specified events. 44 Ill.Admin.Code Part 4000.30.</p> <p>The School Code and other statutes (e.g., statutes of limitations) contain mandatory retention timelines. The Board's attorney should be consulted.</p> <p>The e-discovery rules provide a safe harbor for parties during a lawsuit that cannot provide information because it was destroyed as a result of routine practices. F.R.C.P. 37(e).</p> <p><b>3. Develop protocols to implement a litigation hold.</b></p> <p>Understand what a <i>litigation hold</i> is.</p> <p>A litigation hold refers to the notification made by the Board's attorney telling the District to preserve all information that may be relevant to current or anticipated litigation. While it may occur anytime in the legal process, it will usually occur during discovery, the pretrial phase of a lawsuit designed to compel the exchange of information between parties. A litigation hold triggers the need to immediately suspend destruction of electronic and other records relevant to the current or potential claim.</p>

Actor	Action
	<p>F.R.C.P 37(e).</p> <p>Specify how to implement a litigation hold, i.e.:</p> <ul style="list-style-type: none"> <li>• Who can trigger a litigation hold?</li> <li>• How is a litigation hold communicated?</li> <li>• Who should gather the records?</li> <li>• What records are subject to a litigation hold and who determines this?</li> <li>• In what format should records be gathered?</li> <li>• Where should records be gathered?</li> </ul> <p>Identify how to implement a litigation hold for all IT systems, including backup tapes, to ensure they are not deleted or overwritten as part of the normal tape rotation process.</p> <p>Prepare a map of potentially relevant data and otherwise assist the Board's attorneys in locating all potentially relevant information.</p>
Superintendent	<p>Submit new or revised record retention and destruction lists and schedules to the Local Records Commission for approval.</p> <p>Disseminate the record retention schedule, along with instructions, to all affected staff members and Board members.</p> <p>Immediately inform the Records Custodian and Head of IT whenever a record must be preserved because: (1) it may be relevant to present or future litigation, or (2) the Board Attorney has notified the District to preserve a record, including electronic information (<i>litigation hold</i>).</p> <p>Authorize and/or order the destruction of District records after ensuring that the following steps have been performed:</p> <ol style="list-style-type: none"> <li>1. The Local Records Commission approved a schedule for continuing authority to destroy District records after the expiration of the applicable period.</li> <li>2. Any record is retained and removed from the disposal list if it is or may be evidence in litigation, or is otherwise subject to a <i>litigation hold</i>.</li> <li>3. A Local Records Disposal Certificate was sent to the Local Records Commission, Illinois State Archives at least, 60 days before the disposal date and an approved copy was returned. Section 4000.40(b) of the rules of the Downstate Local Records Commission and Section 4500.40(b) of the rules of the Cook County Local Records Commission.</li> </ol>
<p><b>Links to Web-based Record Management Resources:</b></p> <p><a href="#">Cook County Local Records Commission Meetings</a></p> <p><a href="#">Cook County Local Records Commission Rules (44 Ill Admin Code Title PART 4500)</a></p> <p><a href="#">Downstate Local Records Commission Meetings</a></p> <p><a href="#">Rules of the Downstate Local Records Commission (44 Ill Admin Code Title PART 4000)</a></p> <p><a href="#">Filmed Records Certification Act (50 ILCS 210)</a></p> <p><a href="#">Filmed Records Destruction Act (50 ILCS 215)</a></p>	



Actor	Action
	<a href="#">Illinois School Student Records Act (105 ILCS 10)</a> <a href="#">Local Records Act (50 ILCS ACT 205)</a> <a href="#">Local Records Disposal Certificate</a>

LEGAL REF.:      Federal Rules of Civil Procedure, Rules 16, 26 and 37.  
                          5 ILCS 140/, Freedom of Information Act.  
                          50 ILCS 205/, Local Records Act.  
                          105 ILCS 10/, Ill. School Student Records Act.  
                          820 ILCS 40/, Ill. Personnel Record Review Act.

## **School Board**

### **Exhibit - Immediately Available District Public Records and Web-Posted Reports and Records** <sup>1</sup>

*[For use by only those Districts that have websites.]*

The District's Freedom of Information Officer designates the public records that are listed in this table as being immediately available to the public. The records that are asterisked are posted on the District's website and may be immediately inspected, downloaded, printed, and/or copied. Any asterisked public record is also immediately available for inspection or copying upon request at the District's administrative office during its regular business hours, provided any applicable fees are paid. Records without an asterisk will be provided within 5 business days as allowed by the Freedom of Information Act, provided any applicable fees are paid.

<b>Web-posted records and information</b>	<b>Web-posting statutory reference and special instructions</b>
*Annual schedule of regular meetings for the current school year that are posted at the beginning of each calendar or fiscal year *Public notice of each Board meeting that is posted at least 48 hours before the meeting and remains posted until the meeting is concluded *Agenda of each regular meeting that is posted at least 48 hours before a meeting and remains posted until the meeting is concluded	5 ILCS 120/2.02.
*Official open meeting minutes that are posted within 10 days of the Board's approval and remain posted for at least 60 days	5 ILCS 120/2.06(b), amended by P.A. 96-1473.
*Description of the District and its records including: Summary of the District's purpose Functional subdivisions Total amount of operating budget Number and location of all of its separate offices Approximate number of full and part-time	5 ILCS 140/4, amended by P.A.96-542. The District must prominently post the list at each administrative office and make it available for inspection and copying.

<sup>1</sup> This exhibit has two purposes: (1) to identify the data and documents that must be posted on a district's website, if the district has a website, and (2) to fulfill the requirement in the Freedom of Information Act (FOIA) for the district's FOIA officer to designate the public records that are immediately available to the public (5 ILCS 140/3.5(a)). Many attorneys agree that using the required items for web-posting is an easy and practical way for the FOIA Officer to develop a list of public records that are *immediately available*. Some attorneys prefer that the district also retain copies of its web-posted public records for immediate inspection and/or copying upon request at the administrative office. The introductory paragraph manages this issue by indicating that copies of certain identified public records will also be immediately available in the district's administrative office. This exhibit suggests identifying public records for immediate availability that are easily reproduced and stored, i.e., not voluminous. The FOIA Officer should customize this list as appropriate to the district's circumstances.

Note, however, that simply referring a FOIA requester to a responsive document that is available on the district's website is not a sufficient response and that a copy must be provided on request (see reference in Public Access Counselor binding opinion 2010-001). Consult the board attorney for ideas to manage the district's specific FOIA compliance issues.

The "Intermediate Service Center" is given as an alternative to "Regional Superintendent" herein because 105 ILCS 5/2-3.62, abolished the Regional Office of Education for Suburban Cook County and transferred its powers and duties to Intermediate Service Centers.

Web-posted records and information	Web-posting statutory reference and special instructions
<p>employees (see also, salary and benefits information report for the Superintendent, administrators, and teachers, District's Statement of Affairs)</p> <p>Identification and membership of the Board</p> <p>Brief description of the methods whereby the public may request information and public records</p> <p>Directory information for the Freedom of Information Officer</p> <p>Address where requests for public records should be directed</p> <p>Fees</p>	
<p>Annual budget for current fiscal year, itemized by receipts and expenditures</p>	<p>105 ILCS 5/17-1.2.</p> <p>This may be accomplished using ISBE's School District Budget Form 50-36 or the summary pages from it. <sup>2</sup></p> <p>The District must notify the parents or guardians of its students that the budget has been web-posted and what the website's address is.</p>
<p>*District Report Card and a Report Card for each School (the Report Cards will be provided by ISBE by Oct. 31, 2013 and Oct. 31 of each subsequent school year)</p>	<p>105 ILCS 5/10-17a, amended by P.A. 97-671.</p> <p>Annually, no more than 30 calendar days after receiving the Report Cards from the State Superintendent, the District must: (1) present them at a regular Board meeting, (2) post them the District's website, (3) make them available to a newspaper of general circulation serving the District, and (4) upon request, send them home to parents/guardians.</p> <p>The District also must send a written notice home to parents/guardians stating: (1) that the Report Cards are available on the website, (2) the website's address, (3) that a printed copy will be sent upon request, and (4) the telephone number to request a printed copy.</p>
<p>*A list of all contracts in excess of \$25,000 and any</p>	<p>105 ILCS 5/10-20.44.</p>

<sup>2</sup> For school officials that are concerned that some of their district's constituents may not have the proper software to access these documents, ISBE provides links to free *viewer* or *reader* products that support the ISBE School District Budget Form (50-36). These products can be downloaded and used to access the budget as posted on the district's website. See [www.isbe.net/sfms/budget/freeviewer.htm](http://www.isbe.net/sfms/budget/freeviewer.htm).

Web-posted records and information	Web-posting statutory reference and special instructions
contracts with an exclusive bargaining representative.	There is no statutory timeline for web-posting. Each year, in conjunction with the submission of the Statement of Affairs to ISBE, before Dec. 1, the District must submit to ISBE an annual report on all contracts over \$25,000 awarded during the previous fiscal year.
Annual Statement of Affairs	105 ILCS 5/10-17. The District is not required to web-post this document. It must, annually by Dec. 1, submit the Statement to ISBE for posting on ISBE's website, have copies of the Statement available in the main administrative office, and publish a summary of the Statement in a newspaper of general circulation published in the District.
*Administrator and Teacher Salary and Benefits Report (itemized salary report for the Superintendent and all administrators and teachers); <i>benefits</i> includes without limitation vacation days, sick days, bonuses, annuities, and retirement enhancements	105 ILCS 5/10-20.47, amended by P.A. 97-256. Annually on or before October 1: (1) the information must be presented at a regular Board meeting and posted on the District's website, and (2) after the Board meeting at which the information was presented, the Report must be provided to ISBE.
*As an employer that participates in the Illinois Municipal Retirement Fund (IMRF), a compensation report for employees who have a total compensation package that exceeds \$75,000 per year; <i>total compensation package</i> means salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted  As of May 1, 2012, IASB has not received a response from the Ill. Attorney General's office to its request for guidance concerning whether this requirement applies to employees who do not participate in IMRF, e.g., TRS participants.	5 ILCS 120/7.3, added by P.A. 97-609. The report must be posted within 6 business days after the District approves a budget. The District may choose to post a physical copy of this information at its principal office in lieu of posting the information directly on the website in which case it must post directions on the website for accessing that information.
*As an employer that participates in the Illinois Municipal Retirement Fund, a compensation report for employees who have a total	5 ILCS 120/7.3, added by P.A. 97-609. The report must be posted at least 6 days before the District approves an

Web-posted records and information	Web-posting statutory reference and special instructions
<p>compensation package that is equal to or in excess of \$150,000 per year; <i>total compensation package</i> means payment by the employer to the employee for salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted</p> <p>As of May 1, 2012, IASB has not received a response from the Ill. Attorney General's office to its request for guidance concerning whether this requirement applies to employees who do not participate in IMRF, e.g., TRS participants.</p>	<p>employee's total compensation package that is equal to or in excess of \$150,000. The District may choose to post a physical copy of this information at its principal office in lieu of posting the information directly on the website in which case it must post directions on the website for accessing that information.</p>
<p>A description of activities to address intergroup conflict (an optional program authorized by Sec. 27-23.6)</p>	<p>105 ILCS 5/27-23.6(c).</p>
<p>*Log of Board Members' Training and Development Activities</p>	<p>105 ILCS 5/10-16a, added by P.A. 97-8. The District must post on its website the names of all Board members who have completed professional development leadership training (required for board members taking office after 6/13/2011).</p> <p>5 ILCS 120/1.05(b) and (c), amended by P.A. 97-504.</p> <p>Each Board member must complete training on the Open Meetings Act. After completing the training, each Board member must file a copy of their certificate of completion with the School Board.</p> <p>105 ILCS 5/24-16.5, added by P.A. 97-8. After the implementation of the Performance Evaluation Reform Act (PERA) evaluations, each Board member participating in PERA evaluations must complete a training program.</p>

## **General School Administration**

### **Superintendent 1**

#### **Duties and Authority**

The Superintendent is the District's executive officer and is responsible for the administration and management of the District schools in accordance with School Board policies and directives, and State and federal law. District management duties include, without limitation, preparing, submitting, publishing, and posting reports and notifications as required by State and federal law. <sup>2</sup> The Superintendent is authorized to develop administrative procedures and take other action as needed to implement Board policy and otherwise fulfill his or her responsibilities. The Superintendent may delegate to other District staff members the exercise of any powers and the discharge of any duties imposed upon the Superintendent by Board policies or by Board vote. The delegation of power or duty, however, shall not relieve the Superintendent of responsibility for the action that was delegated. <sup>3</sup>

#### **Qualifications**

The Superintendent must be of good character and of unquestionable morals and integrity. The Superintendent shall have the experience and the skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent shall have a valid administrative certificate with the superintendent endorsement issued by the State Educator Preparation and Licensure Board. <sup>4</sup>

#### **Evaluation**

The Board will evaluate, at least annually, the Superintendent's performance and effectiveness, using standards and objectives developed by the Superintendent and Board that are consistent with the

<sup>1</sup> State law controls this policy's content. Unless the district has only one school with less than 4 teachers, the board must employ a superintendent (105 ILCS 5/10-21.4). This statute assigns some specific duties to the superintendent including to: (1) make recommendations to the board concerning the budget, building plans, the locations of sites, the selection, retention, and dismissal of teachers and all other employees, the selection of textbooks, instructional material, and courses of study, (2) report to the board, ISBE, and chief administrative official any employee named in an abused child report, and (3) keep or cause to be kept the records and accounts as directed and required by the board, aid in making reports required by the board, and perform such other duties as the board may delegate to him/her. 105 ILCS 5/10-16.7 requires boards to direct, through policy, the superintendent, in his or her charge of the district's administration.

According to 105 ILCS 5/10-23.8, a superintendent may be employed under: (1) a one-year contract, in which case he or she gains and retains tenure rights, or (2) a multi-year performance-based contract, in which case he or she waives all tenure rights. A multi-year performance-based contract must contain specific student performance and academic improvement goals and indicators; see *Superintendent Performance Contracts*, available at [www.iasb/law/perfcont.cfm](http://www.iasb/law/perfcont.cfm).

With limited exceptions, any individual serving as a first-time superintendent in Illinois must participate in a mentoring program for 2 school years in accordance with the ISBE requirements (105 ILCS 5/2-3.53b). Under the superintendent mentoring program, a provider selected by ISBE will assign a mentor to a new superintendent based on similarity of grade level or type of district, learning needs, and geographical proximity. The mentor must not be required to evaluate the new superintendent on the basis of the mentoring relationship.

<sup>2</sup> See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, for an annotated list of documents and reports that must be posted on the district's website, if the district has a website. While not comprehensive, see the IASB's *Annual School Calendar* for the required reports that do not need web-posting, available at [www.iasb.com/law/cal10.cfm](http://www.iasb.com/law/cal10.cfm).

<sup>3</sup> This paragraph strengthens the policy's connection to the IASB's *Foundational Principles of Effective Governance*. It allows the superintendent broad delegation authority even when a policy fails to specifically provide for delegation.

<sup>4</sup> Residency requirements, if desired, should be included in a superintendent's employment contract. 105 ILCS 5/21-7.1(e)(4) governs administrative certificates and superintendent endorsements until June 30, 2013. 105 ILCS 5/21B-20 and 5/21B-25, added by P.A. 97-607, will govern professional educator licenses and superintendent endorsements. See also 23 Ill.Admin.Code §§25.360, 29.100 and 29.130.

Board's policies and the Superintendent's contract. <sup>5</sup> A specific time should be designated for a formal evaluation session with all Board members present. The evaluation should include a discussion of professional strengths as well as performance areas needing improvement.

The Superintendent shall annually present evidence of professional growth through attendance at educational conferences, in-service training, or similar continuing education pursuits. <sup>6</sup>

#### Compensation and Benefits

The Board and the Superintendent shall enter into an employment agreement that conforms to Board policy and State law. This contract shall govern the employment relationship between the Board and the Superintendent. The terms of the Superintendent's employment agreement, when in conflict with this policy, will control.

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-20.47, 5/10-21.4, 5/10-23.8, 5/21-7.1, 5/21B-20, 5/21B-25, 5/24-11, and 5/24A-3.  
23 Ill.Admin.Code §§1.310, 1.705, and 29.130.

CROSS REF: 2:20 (Powers and Duties of the School Board), 2:130 (Board-Superintendent Relationship), 2:240 (Board Policy Development), 3:10 (Goals and Objectives)

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<sup>5</sup> 105 ILCS 5/10-16.7 requires a board to evaluate the superintendent. While greater detail may be added to this paragraph (e.g., a timeline, self-evaluation provision, and discussion requirements), a board must be sure that this policy provision and the superintendent's contract are consistent.

<sup>6</sup> The reporting requirements in this paragraph are optional, but school boards must "require evaluators to participate in an in-service training on the evaluation of certified personnel provided or approved by [ISBE] prior to undertaking any evaluation and at least once during each certificate renewal cycle," (105 ILCS 5/24A-3, amended by P.A. 96-861). This Public Act also requires, "[a]ny evaluator undertaking an evaluation after September 1, 2012 [to] first successfully complete a pre-qualification program provided or approved by [ISBE]." Administrators must satisfy the continuing professional development requirements of 105 ILCS 5/21-7.1, amended by P.A. 97-607 and scheduled for repeal on June 30, 2013, to renew their administrative certificates.

## **General School Administration**

### **Succession of Authority**

If the Superintendent, Building Principal, or other administrator is temporarily unavailable, the succession of authority and responsibility of the respective office shall follow a succession plan, developed by the Superintendent and approved by the School Board. <sup>1</sup>

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 3:30  
(Chain of Command)

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<sup>1</sup> This policy is at the local board's discretion. A board may find it unreasonable and unnecessary to approve the succession plan in the event of an administrator's temporary absence and, if so, should delete this requirement.



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4:15	Identity Protection
4:15-AP	Administrative Procedure - Protecting the Privacy of Social Security Numbers
4:15-E1	Exhibit - Letter to Employees Regarding Protecting the Privacy of Social Security Numbers
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4:20	Fund Balances
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4:180      Pandemic Preparedness

4:180-AP1 Administrative Procedure - School Action Steps for Pandemic Influenza

4:180-AP2 Administrative Procedure - Pandemic Influenza Surveillance and Reporting

## **Operational Services**

### **Insufficient Fund Checks** <sup>1</sup>

The Superintendent or designee is responsible for collecting the maximum fee authorized by State law for returned checks written to the District that are not honored upon presentation to the respective bank or other depository institution for any reason. <sup>2</sup> The Superintendent is authorized to contact the District's attorney whenever necessary to collect the returned check amount, fee, collection costs and expenses, and interest.

LEGAL REF.: 810 ILCS 5/3-806.

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

<sup>2</sup> 810 ILCS 5/3-806 authorizes a \$25.00 collection fee whenever a check is not honored upon presentation because the individual does not have an account with the bank, the individual does not have sufficient funds in his or her account, or the individual does not have sufficient credit with the bank.

## **Operational Services**

### **Administrative Procedure - Insufficient Fund Checks**

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

1. The Superintendent or designee will contact the individual by telephone as soon as the check is returned to the District. The individual will be asked to pay the returned check and the \$25.00 returned check fee.
2. If the amount due is not paid after initial contact, the Superintendent or designee will send a letter by certified mail, return receipt requested, demanding payment within 30 days of mailing the letter, and shall include notice of liability for the costs and expenses. <sup>1</sup>
3. If the amount due is not paid within 30 days of mailing the demand letter, the Superintendent or designee will contact the school attorney for further collection action.

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<sup>1</sup> A written demand is necessary in order to become eligible for any costs and expenses in excess of the \$25.00 collection fee (810 ILCS 5/3-806).

## Operational Services

### Purchases and Contracts <sup>1</sup>

The Superintendent shall manage the District's purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable School Board policies.

#### Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with State law. The Board Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts shall be approved or authorized by the Board.

All purchases and contracts should support a recognized District function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law. <sup>2</sup> No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Superintendent or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items outside budget parameters require prior Board approval, except in an emergency. <sup>3</sup>

When presenting a contract or purchase for Board approval, the Superintendent or designee shall ensure that it complies with applicable State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of \$25,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted. <sup>4</sup>
2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.
5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21. The Superintendent or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Superintendent or designee shall report this information to

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<sup>1</sup> State law controls this policy's content. 105 ILCS 10-20.21 contains bidding plus other requirements. Other laws also govern district contracts. For example, the Prevailing Wage Act requires, among other things, that a district specify in all contracts for public works that the prevailing wage rate must be paid (820 ILCS 130/). When a district awards work to a contractor without a public bid, contract, or project specification, the district must provide the contractor with written notice on the purchase order or a separate document indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work on the project (820 ILCS 130/4).

<sup>2</sup> This end statement should be amended according to local board discretion.

<sup>3</sup> An optional addition follows: "Notwithstanding the above, the Superintendent shall not commit to any single, non-customary purchase or expenditure, excluding personnel, of greater than \$ \_\_\_\_\_ without prior Board approval." This optional provision's intent is to provide an internal control as well as to keep the board involved when the district is making a large purchase or expenditure, e.g., copiers, computers, textbooks, or something that might not happen every year. It is intended to cover purchases/expenditures regardless of whether they were previously budgeted.

<sup>4</sup> See 4:60-API, *Purchases*, for bidding exemptions and the requirements for electronic bid opening. A board may set a lower bidding threshold by policy but should first seek its attorney's advice because such action may expand a board's vulnerability to a bidding challenge.

the Board by completing the necessary forms that must be attached to the District's annual budget. <sup>5</sup>

6. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*. <sup>6</sup>

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided. <sup>7</sup>

LEGAL REF.: 105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-22.34c, and 5/19b-1 et seq.  
820 ILCS 130/.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:150 (Facility Management and Building Programs)

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<sup>5</sup> 105 ILCS 5/10-20.21(b-5).

<sup>6</sup> 105 ILCS 5/10-20.19c.

<sup>7</sup> This is an optional provision. The numerous reporting and website posting mandates are in 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. As an alternative to the policy's default language, a board may insert the underscored:

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts and maintain a status report for monthly presentation to the Board, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided.

## **Operational Services**

### **Administrative Procedure - Purchases**

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

#### **Requirements for Purchases and Contracts**

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

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

<sup>2</sup> P.A. 97-256 repealed 105 ILCS 5/10-20.50 which required collective bargaining agreements to be web-posted.



\$25,000 or less, or (b) in an emergency, an expenditure in excess of \$25,000, provided such expenditure is approved by three-quarters of the Board. <sup>3</sup> 105 ILCS 5/10-20.44.

1. Telephone quotations, verbal quotations, or catalog prices are used to purchase materials that are needed urgently, or small quantity orders.
  2. Written quotations are used to purchase materials or services when time requirements allow. Whenever possible, quotations should be received from at least 2 competitors. The Superintendent or designee may negotiate with vendors at any time, including after receiving quotations.
- C. The following govern all purchases and/or the award of contracts involving an expenditure in excess of \$25,000 for supplies, materials, or work, and/or contracts with private carriers for transporting students. 105 ILCS 5/10-20.21(a).
1. Contracts are awarded to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, except contracts or purchases for:
    - a. Services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;
    - b. Printing of finance committee reports and departmental reports;
    - c. Printing or engraving of bonds, tax warrants, and other evidences of indebtedness;
    - d. Purchase of perishable foods and perishable beverages;
    - e. Materials and work that have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price;
    - f. Maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent;
    - g. Use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services;
    - h. Duplicating machines and supplies;
    - i. Natural gas when the cost is less than that offered by a public utility;
    - j. Equipment previously owned by some entity other than the District itself;
    - k. Repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$50,000 and not involving a change or increase in the size, type, or extent of an existing facility;
    - l. Goods or services procured from another governmental agency;
    - m. Goods or services that are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone, or telegraph; <sup>4</sup>
    - n. Emergency expenditures when such an emergency expenditure is approved by three-quarters of the members of the Board;

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<sup>3</sup> The safeguards in section B of this procedure are not governed by State law except for the provisions on transportation contracts (105 ILCS 5/29-6.1) and the requirement that three-quarters of the board approve an emergency expenditure in excess of \$25,000 when the bidding process is not used (105 ILCS 5/10-20.21).

<sup>4</sup> See Tarsitano v. Tsp. H.S. Dist. No. 211, 896 N.E.2d 359 (Ill.App.1.,2008)(holding that school districts may enter into contracts for utility services, such as “water, light, heat, telephone or telegraph,” without using the competitive bidding process).

- o. Goods procured through an education master contract, as defined in the Education Purchasing Program, Article 28A of the School Code; and
  - p. Providing for the transportation of students with special needs or disabilities, which contracts must be advertised in the same manner as competitive bids and awarded by first considering the bidder(s) most able to provide safety and comfort for the students with special needs or disabilities, stability of service, and any other factors set forth in the request for proposal regarding quality of service, and then price.
2. Competitive bidding process: <sup>5</sup>
- a. An invitation for bids is advertised, where possible, by public notice at least 10 days before the bid date in a newspaper published in the District, or if no newspaper is published in the District, in a newspaper of general circulation in the area of the District. 105 ILCS 5/10-20.21(a).
  - b. The following information should be included in the advertisement for bids:
    - 1) A description of the materials, supplies, or work involved;
    - 2) Completion or delivery date requirements;
    - 3) Requirements for bids, bonds, and/or deposits;
    - 4) Requirements for performance, labor, and material payment bonds;
    - 5) Date, time, and place of the bid opening;
    - 6) The approximate time period between the opening of bids and the award of the contract; and
    - 7) Any other useful information.
  - c. If specifications are available, the advertisement for bids describes where they may be obtained and/or inspected.
  - d. All bids must be sealed by the bidder. 105 ILCS 5/10-20.21(a).
  - e. A Board member or District employee opens the bids at a public bid opening at which time the contents are announced. 105 ILCS 5/10-20.21(a). With the exception of bids for construction purposes, bids may be communicated, accepted, and opened electronically. The following safeguards apply to an electronic bid opening (105 ILCS 5/10-20.21):
    - 1) On the date and time of a bid opening, the primary person conducting the electronic bid process shall log onto a specified database using a unique username and password previously assigned to the bidder to allow access to the bidder's specific bid project number.
    - 2) The specified electronic database must be on a network that: (i) is in a secure environment behind a firewall; (ii) has specific encryption tools; (iii) maintains specific intrusion detection systems; (iv) has redundant systems architecture with data storage back-up, whether by compact disc or tape; and (v) maintains a disaster recovery plan.
  - f. Each bidder is given at least 3 days' notice of the time and place of the bid opening. 105 ILCS 5/10-20.21(a).
3. Following the opening of bids, the Superintendent (and Board Attorney, if needed) determines the lowest responsible bidder and verifies the bidders' qualifications. Contracts are awarded at a properly called open meeting of the Board. If the Superintendent recommends a bidder other than the lowest bidder, the Superintendent must provide the Board with the factual basis for the recommendation in writing. The Board, if it accepts a bid from a bidder other than the lowest, records the factual basis for its decision in its minutes. A

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<sup>5</sup> 105 ILCS 5/10-20.21(a). The Ill. Criminal Code, 720 ILCS 5/33E-1 *et seq.*, prohibits certain conduct that promotes deception and collusion arising during the bidding process, e.g., interference with public contracting, bid-rigging, and acquisition or disclosure of bidding information by public official.

contract arises only when the Board votes to accept a bid, although written notice of the award will later be given to the successful bidder.

4. Notwithstanding the foregoing, the District is relieved from bidding when making joint purchases with other public entities in compliance with the Governmental Joint Purchasing Act (30 ILCS 525/0.01).

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

## **Operational Services**

### **Food Services** <sup>1</sup>

Good nutrition shall be promoted in the District's meal programs and in other food and beverages that are sold to students during the school day. The Superintendent shall manage a food service program that complies with this policy and is in alignment with School Board policy 6:50, *School Wellness*. Food or beverage items sold to students as part of a reimbursable meal under the School Breakfast Program or the National School Lunch Program must consist of nutritious, well-balanced, and age-appropriate meals that reflect food and nutrition requirements specified by the U.S. Dept. of Agriculture. The type and amounts of food and beverages sold to students before school and during the regular school day in any school that participates in the School Breakfast Program or the National School Lunch Program shall comply with any applicable mandates in the Illinois State Board of Education's School Food Service rule and the federal rules implementing the National School Lunch Act and Child Nutrition Act. <sup>2</sup>

The food service program shall restrict the sale of foods of minimal nutritional value as defined by the U.S. Dept. of Agriculture in the food service areas during meal periods. All revenue from the sale of any food or beverages sold in competition with the School Breakfast Program or National School Lunch Program to students in food service areas during the meal period shall accrue to the nonprofit school lunch program account. <sup>3</sup>

LEGAL REF.:        B. Russell National School Lunch Act, 42 U.S.C. §1751 et seq.  
                          Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq.  
                          7 C.F.R. Parts 210 and 220, Nutrition Standards in the National School Lunch and  
                                  School Breakfast Programs.  
                          105 ILCS 125/.  
                          23 Ill.Admin.Code Part 305, School Food Service.

CROSS REF.:        4:130 (Free and Reduced-Price Food Services), 6:50 (School Wellness)

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<sup>1</sup> State or federal law controls this policy's content. The requirements contained in this policy are mandatory only for those districts that participate in programs under the National School Lunch Act and Child Nutrition Act.

ISBE's so called "junk food" rule limits the type and amounts of food and beverages that may be sold to students in grades 8 or below before school and during the regular school day in any school that participates in the School Breakfast Program or the National School Lunch Program (23 Ill.Admin.Code §305.15(a)).

This policy's first sentence provides an opportunity for a school board to consider goals for the food service program and, if appropriate, amend the sentence. For example, a board may want to address the role of parents, alignment with curriculum, or the purpose of vending machines.

<sup>2</sup> This sentence may be omitted by a high school district because the State rule, 23 Ill.Admin.Code. §305.15(a), only restricts foods and beverages sold to students before school and during the regular school day in grades 8 or below.

<sup>3</sup> This paragraph concerns the requirements for food and beverages sold in competition to the school's food service. The federal rule, 7 C.F.R. §210.11, requires school districts to:

[E]stablish such rules or regulations as are necessary to control the sale of foods in competition with lunches served under the program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value, as listed in appendix B of this part, in the food service areas during the lunch periods.

The State rule, 23 Ill.Admin.Code §305.15(e), requires that the revenue from all food sold in competition with the School Breakfast Program or National School Lunch Program to students in food service areas during the meal period accrue to the nonprofit school lunch program account.

## Operational Services

### Exhibit - Accident or Injury Form 1

*The supervisory staff member must complete this form for submission to the Superintendent whenever any person, student, or adult, is injured on District property or at a District sponsored event.*

Name of injured person \_\_\_\_\_

Age \_\_\_\_\_ ☐ Male ☐ Female Telephone \_\_\_\_\_

Address \_\_\_\_\_

Class, activity, or event \_\_\_\_\_

Accident location \_\_\_\_\_

Accident date \_\_\_\_\_ Time of accident \_\_\_\_\_

How did the accident occur? (Describe sequence of events) \_\_\_\_\_

\_\_\_\_\_

Emergency contact notified? ☐ Yes ☐ No If no, explain why: \_\_\_\_\_

If yes, provide the following:

Contact name \_\_\_\_\_ Relationship \_\_\_\_\_

Time and method of contact \_\_\_\_\_ By whom \_\_\_\_\_

#### Witnesses Information

Name	Address	Telephone

First aid administered? ☐ Yes ☐ No

If yes, describe first aid administered and by whom: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Name of Supervisor (*please print*)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**1** A completed accident form can provide useful information for examining and evaluating risks as well as defending a lawsuit. Many insurance companies require completion of their own forms which may be adequate without an additional accident form.

## **Operational Services**

### **Exhibit - Memo to Staff Members Regarding Contacts by Media About a Crisis**

If the media attempts to contact you about a death or other crisis, please follow these guidelines:

1. It is perfectly correct to tell a reporter that you would rather not comment on the incident especially if it has been an emotional strain. Rather than shouting “No comment” (which sounds like you are trying to hide something), say something like, “this incident has affected the school community greatly and I would prefer to not comment on it.” One should then refer the reporter to the Safety Program Coordinator or the designated spokesperson.
2. According to School Board policy and the Family Educational Rights and Privacy Act, the only information about a student that the school is allowed to release is a verification of his or her attendance at the school. If the parents give permission, certain general information (address, date and place of birth, participation in sports or activities, awards received, etc.) may also be released. In the event of parental approval, that information will be given to the media by the Superintendent or the designated spokesperson.
3. Comments such as the following should be avoided: “He was a B student,” “She was having trouble in class and I had referred her to the social worker last week,” and, of course, “He was constantly in trouble for dealing drugs and smoking on school grounds.” For the most part, it is better to avoid comments about individual students. If a reporter persists with these questions, say something like, “Board policy prohibits me from commenting on any student. Furthermore, I do not wish to infringe upon the family’s right to privacy.”
4. If you are comfortable with it, you may make comments about how the crisis has affected you individually. If the incident involved an athlete, the coach might say, “\_\_\_\_\_’s death is very tragic and the team and I will miss him.”
5. You may also address actions the school is taking to deal with the situation. For example, “Although this is a terrible situation, we are fortunate to have a crisis plan to counsel students and faculty who are understandably upset.”
6. Do not agree to set up interviews with students. All requests for interviews should be directed to the Safety Program Coordinator or the designated spokesperson.
7. Do not speculate or comment on the cause of death, especially in an apparent suicide or murder. Tell reporters that information on the death should be obtained from the police department.
8. Remember, you do not have to answer any questions. Simply refer all reporters to the Safety Program Coordinator or the designated spokesperson.

## Operational Services

### Exhibit - Emergency Medical Information for Students Having Special Needs or Medical Conditions Who Ride School Buses

The purpose of this form is to give school bus drivers and/or emergency medical technicians information about children who have special needs or medical conditions. One copy of this form is kept in the nurse's office and another copy is kept on the student's school bus in a secure location for bus drivers and emergency medical technicians. If the emergency care of the student requires medication, the parent/guardian must file a *School Medical Authorization Form* with the school nurse.

*To be completed by the student's parent/guardian:*

Student's Name <i>(Please print)</i>	Birth Date
Parent/Guardian's Name	Home Phone
School	Cell Phone
Grade	Teacher
Physician's Name	Physician's Phone
	School Nurse's Phone

**My child's special needs are:** *(list behavioral or communication challenges and required responses)*

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**My child requires medication for:** *(describe conditions and circumstances)*

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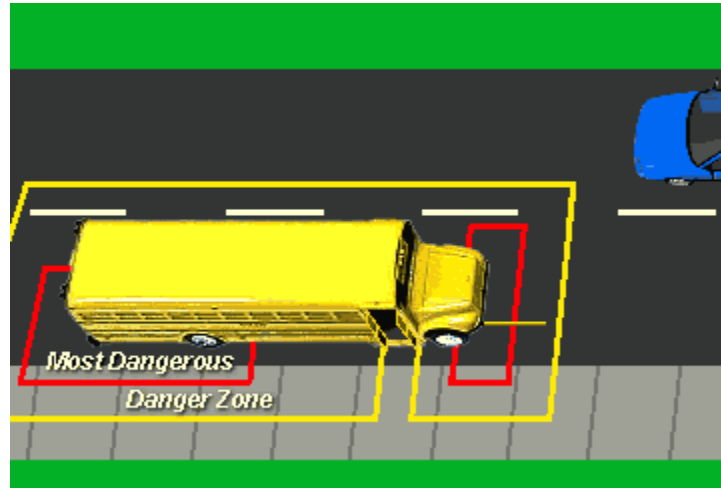
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Medication and Where Kept	Dosage	Directions

Parent/Guardian Signature	Date
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## Operational Services

### Administrative Procedure - School Bus Safety Rules <sup>1</sup>



The Building Principal shall distribute the following rules to all students. Those students not qualifying for school bus transportation to and from school should receive a copy because they may from time-to-time be transported to school activities by school bus.

1. Dress properly for the weather. Make sure all drawstrings, ties, straps, etc. on all clothing, backpacks and other items, are shortened or removed to lessen the likelihood of them getting caught in bus doors, railings or aisles.
2. Arrive on time at the bus stop and stay away from the street while waiting for the bus.
3. Stay away from the bus until it stops completely and the driver signals you to board. Enter in single file without pushing. Always use the handrail.
4. Take a seat right away and remain seated facing forward. Keep your hands, arms, and head inside the bus.
5. Help keep the bus neat and clean. Keep belongings out of the aisle and away from emergency exits. Eating and drinking are not allowed on the bus.
6. Always listen to the driver's instructions. Be courteous to the driver and other students. Sit with your hands to yourself and avoid making noises that would distract the driver or bother other passengers. Remain seated, keeping your hands, arms, and head inside the bus at all times.
7. Wait until the bus pulls to a complete stop before standing up. Use the handrail when exiting the bus.
8. Stay out of the danger zone next to the bus where the driver may have difficulty seeing you. Take five giant steps away from the bus and out of the danger zone, until you can see the driver and the driver sees you. Never crawl under a bus.
9. If you must cross the street after you get off the bus, wait for the driver's signal and then cross in front of the bus. Cross the street only after checking both ways for traffic.

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<sup>1</sup> 105 ILCS 5/10-20.14 requires each district's parent-teacher advisory committee, in cooperation with school bus personnel, to establish and maintain bus safety rules. These sample guidelines are from Ryder Corp. material. The parent-teacher advisory committee's guidelines should be appropriate to the district, e.g., they should include instructions on seat belt use when buses are so equipped.



10. Never run back to the bus, even if you dropped or forgot something.

## Operational Services

### Administrative Procedure - Movable Soccer Goal Safety <sup>1</sup>

Actor	Action
<b>Superintendent</b>	Designate all Building Principals to identify any movable soccer goals within their buildings' grounds and comply with the Movable Soccer Goal Safety Act (430 ILCS 145/, added by P.A. 97-234).
<b>Building Principal</b>	<p>Identify any movable soccer goals that the school owns and controls.</p> <p>The Movable Soccer Goal Safety Act, (430 ILCS 145/, added by P.A. 97-234) requires the Ill. Dept. of Public Health to provide technical assistance materials no later than June 30, 2012.</p> <p>Implement the Movable Soccer Goal Safety Act (430 ILCS 145/, added by P.A. 97-234) by requiring that movable soccer goals be properly anchored.</p> <p>See, January 1995 U.S. Consumer Product Safety Commission document, Washington <b>CPSC Document #326 Guidelines for Movable Soccer Goal Safety</b> <a href="http://www.cpsc.gov/cpscpub/pubs/326.html">www.cpsc.gov/cpscpub/pubs/326.html</a>.</p>

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<sup>1</sup> This procedure is needed only by a school district that owns and controls a movable soccer goal. The Movable Soccer Goal Safety Act, 420 ILCS 145/. Added by P.A. 97-234, requires organizations that own and control a movable soccer goal to create a soccer goal safety and education policy that outlines how the organization will specifically address the safety issues associated with movable soccer goals. See f/n 10 of policy 4:170, *Safety*.

## Operational Services

### Pandemic Preparedness <sup>1</sup>

The School Board recognizes that the District will play an essential role along with the local health department and emergency management agencies in protecting the public's health and safety if an influenza pandemic occurs. <sup>2</sup> A pandemic influenza is a worldwide outbreak of a virus for which there is little or no natural immunity and no vaccine; it spreads quickly to people who have not been previously exposed to the new virus. <sup>3</sup>

To prepare the School District community for a pandemic, the Superintendent or designee shall: <sup>4</sup> (1) learn and understand the roles that the federal, State, and local government would play in an epidemic; (2) form a pandemic planning team consisting of appropriate District personnel and community members to identify priorities and oversee the development and implementation of a comprehensive pandemic influenza school action plan; and (3) build awareness of the final plan among staff, students, and community.

### Emergency School Closing <sup>5</sup>

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<sup>1</sup> This policy is optional. A pandemic is a worldwide outbreak of a disease for which there is little or no natural immunity. During an influenza pandemic, a new influenza virus will cause thousands or even millions of people to contract the disease and, in turn, spread the illness to others because people have not been previously exposed to the new virus. Seasonal influenza viruses are similar to those already circulating among people. See, *School Guidance During an Influenza Pandemic*, December 2006; Illinois State Board of Education opening letter to School Officials dated November 2006 from Dr. Randy J. Dunn and Dr. Eric Whitaker. This letter may be found online at: [www.idph.state.il.us/pandemic\\_flu/school\\_guide/sppg\\_letter.pdf](http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_letter.pdf).

According to the Centers for Disease Control guidance, schools serve as an "amplification point" of flu epidemics. *School Superintendent's Insider*, April 2007. School officials should be preparing for a flu pandemic as a U.S. Health and Human Services Pandemic Influenza Plan estimates that about 30 percent of the general population would become ill in a pandemic. The agency estimates among school aged children the figure would be higher, about 40 percent. Sources: *NSBA and School Board News* 3/14/2006.

Boards are authorized to adopt a policy on pandemic preparedness even though State and federal law provide little guidance. State law grants boards broad authority to formulate, adopt, and modify school board policies, at the board's sole discretion, subject only to mandatory collective bargaining agreements and State and federal law. 105 ILCS 5/10-20.5 and 115 ILCS 5/1 et seq. See 2:20, *Powers and Duties of the School Board* and also 2:240, *Board Policy Development*.

<sup>2</sup> Multiple stakeholders have important roles in pandemic influenza preparedness and response. Stakeholders include federal departments and agencies, public health organizations, State and local health departments and laboratories, private health care organizations, influenza vaccine and antiviral manufacturers, and vaccine distributors and vaccinators. Effective response to an influenza pandemic requires planning, infrastructure, and action at many levels and by many groups. *Illinois Pandemic Influenza Preparedness and Response Plan, Version 2.05, October 10, 2006, page 38*, which is located at: [www.idph.state.il.us/pandemic\\_flu/planning.htm](http://www.idph.state.il.us/pandemic_flu/planning.htm).

<sup>3</sup> See [www.hss.energy.gov/healthsafety/guidepandemic.pdf](http://www.hss.energy.gov/healthsafety/guidepandemic.pdf).

<sup>4</sup> 105 ILCS 5/10-16.7. The school board directs, through policy, the superintendent in his or her charge of the district's administration.

<sup>5</sup> Local health departments, emergency medical agencies and the Regional Office of Education may direct a school to close during a pandemic. See, *School Guidance During an Influenza Pandemic*, December 2006; Illinois State Board of Education opening letter to school officials dated November 2006 from Dr. Randy J. Dunn and Dr. Eric Whitaker. This letter is online at: [www.idph.state.il.us/pandemic\\_flu/school\\_guide/sppg\\_letter.pdf](http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_letter.pdf). Since this letter was written, several Illinois schools faced an H1N1 outbreak in 2009. During that outbreak, ISBE directed schools with a statement titled *Closing School in Response to H1N1* that outlined "the decision to close school must be made locally by the school district and in conjunction and support with the relevant local public health department. The impact of pandemic influenza may vary from region to region. Therefore, it is crucial that district administrators rely on the advice and recommendations of their local public health department." See [www.isbe.net/htmls/decide\\_closing.htm](http://www.isbe.net/htmls/decide_closing.htm).

The Ill. Dept. of Public Health is also authorized to order a place to be closed and made off-limits to the public to prevent the probable spread of a dangerously contagious or infectious disease (20 ILCS 2305/2(b)).

In the case of a pandemic, any decision for an emergency school closing will be made by the Superintendent in consultation with and, if necessary, at the direction of the District's local health department, emergency management agencies, and Regional Office of Education. <sup>6</sup>

LEGAL REF.: 105 ILCS 5/10-16.7 and 5/10-20.5.  
Ill. Dept. of Public Health Act (Part 1), 20 ILCS 2305/2(b).  
Ill. Emergency Management Agency Act, 20 ILCS 3305.  
Ill. Educational Labor Relations Act, 115 ILCS 5/.

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 2:20 (Powers and Duties of the School Board), 4:170 (Safety), 7:90 (Release During School Hours), 8:100 (Relations with Other Organizations and Agencies)

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The Governor also has emergency powers upon his or her declaration of a disaster, which includes among other things public health emergencies (20 ILCS 3305/4 and 3305/7). Upon such proclamation, the Governor has and may exercise for a period not to exceed 30 days several emergency powers (Id.).

<sup>6</sup> Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center." Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.

## Operational Services

### Administrative Procedure - School Action Steps for Pandemic Influenza

Building a strong relationship with the local health department and emergency medical agencies is critical for developing a meaningful school action plan to address pandemic influenza. The key planning activities in this checklist should build upon the District's existing contingency plans.

The following is a list of important step-by-step actions school officials should take before a pandemic influenza outbreak. This list needs to be repeated when an outbreak has several cycles or waves.

#### Prior to Outbreak/Preparedness and Planning Phase

<b>Actor</b>	<b>Action</b>
Superintendent or designee	Identify Pandemic Planning Team to operate as a Superintendent Committee and includes one or two School Board members, administrators, and staff members.
Superintendent and School Board	Identify, modify, and monitor relevant policies which a pandemic may possibly affect, including but not limited to: 1:20, <i>District Organization, Operations, and Cooperative Agreements</i> 2:20, <i>Powers and Duties of the School Board</i> 2:200, <i>Types of School Board Meetings</i> 3:70, <i>Succession Plan</i> 4:130, <i>Free and Reduced-Price Food Services</i> 4:180, <i>Pandemic Preparedness</i> 5:35, <i>Compliance with the Fair Labor Standards Act</i> 5:40, <i>Communicable and Chronic Infectious Disease</i> 5:180, <i>Temporary Illness or Incapacity</i> 5:185, <i>Family and Medical Leave</i> 5:200, <i>Terms and Conditions of Employment and Dismissal</i> 5:270, <i>Employment At-will, Compensation, and Assignment</i> 5:300, <i>Schedule and Employment Year</i> 5:330, <i>Sick Days, Vacation, Holidays and Leaves</i> 6:20, <i>School Year Calendar and Day</i> 6:120, <i>Education of Children with Disabilities</i> 6:150, <i>Home and Hospital Instruction</i> 7:70, <i>Truancy</i> 7:280, <i>Communicable and Chronic Infectious Disease</i> 8:100, <i>Relations with Other Organizations and Agencies.</i>
Superintendent or designee and Pandemic Planning Team	Begin use of the <i>School District (K-12) Pandemic Influenza Planning Checklist</i> , <sup>1</sup> online at: <a href="http://www.flu.gov/planning-preparedness/school/schoolchecklist.html">www.flu.gov/planning-preparedness/school/schoolchecklist.html</a> . Ensure a succession plan exists in case Board members, administrators, and/or others are unable to fulfill duties during the pandemic. Work with local health and emergency preparedness officials. They may

<sup>1</sup> This comprehensive checklist was prepared by the U. S. Department of Health and Human Services (HHS) and the Centers for Disease Control and Prevention (CDC), a major operating component of HHS. School districts play an integral role in protecting the health and safety of their staff, students and families. The HHS and CDC developed this checklist to assist school districts in developing and/or improving plans to prepare for and respond to an influenza pandemic.

Actor	Action
	<p>want to use the schools to disseminate information to families.</p> <p>Train employees about FLSA, overtime, and recordkeeping requirements necessary to work during a pandemic while the School District is closed.</p> <p>Open communications with employee unions regarding “wages, hours and terms and conditions of employment” during a pandemic.</p> <p>Address policies for employee absenteeism, identifying critical job functions, plans for alternate coverage, and return-to-work policies as well as flu symptom recognition. <sup>2</sup></p> <p>Train nurses and staff in flu symptom recognition. See 4:180-AP2, <i>Pandemic Influenza Surveillance and Reporting</i>. Remember that a person who is infected does not show symptoms right away, but children becoming ill may show different behavior than usual, such as eating less or being irritable. Knowing the differences between seasonal and pandemic flu is also critical to pandemic preparedness. A fact sheet is available on line at: <a href="http://www.flu.gov/pandemic/about/index.html">www.flu.gov/pandemic/about/index.html</a> and <a href="http://www.osha.gov/Publications/influenza_pandemic.html#difference">www.osha.gov/Publications/influenza_pandemic.html#difference</a>.</p> <p>Train staff to protect themselves from occupational exposure to influenza through workplace “social distancing” based upon the Occupational Safety and Health Administration’s (OSHA), <i>Guidance on Preparing Workplaces for an Influenza Pandemic</i>, <sup>3</sup> which may be found online at: <a href="http://www.osha.gov/Publications/influenza_pandemic.html">www.osha.gov/Publications/influenza_pandemic.html</a>.</p> <p>Ensure that <b>Standard Surveillance</b>/disease recognition procedures are in place and implemented. See 4:180-AP2, <i>Pandemic Influenza Surveillance and Reporting</i>.</p> <p>Encourage the use of simple non-medical ways to reduce the spread of flu by “cough and sneeze etiquette” and cleansing of hands and work areas.</p> <p>Decide to what extent the District will encourage or require students and staff to stay home when they are mildly ill. Some parents/guardians may need to be more cautious in keeping their students out of school.</p> <p>Identify students who have a greater risk of infection and are most vulnerable to serious illness. Review their health needs and encourage those families to talk with their health care provider.</p> <p>Assess nutritional assistance needs for students who receive free and reduced-price food programs. For more information about school dismissals and closings, see the following link: <a href="http://www.isbe.net/nutrition/htmls/school_closing.htm">www.isbe.net/nutrition/htmls/school_closing.htm</a>. For more information about providing continuity of meal distribution for students eligible for reimbursable meals, see Q &amp; A #5,</p>

<sup>2</sup> This is an item on which collective bargaining may be required. Any matter that impacts upon wages, hours, and terms and conditions of employment is subject to collective bargaining upon request by the employee representative, even if the matter involves an inherent managerial right.

<sup>3</sup> U.S. Department of Labor, Occupational Safety and Health Administration, OSHA 3327-02N, 2007. The handbook provides a general overview of pandemic preparedness related to OSHA standards. It does not alter or determine compliance responsibilities in OSHA standards or the *Occupational Safety and Health Act of 1970*. Because interpretations and enforcement policy may change over time, consult current OSHA administrative interpretations and decisions by the Occupational Safety and Health Review Commission for additional guidance on OSHA compliance requirements.

Actor	Action
	<p><a href="http://www.isbe.net/nutrition/pdf/usda_qa072309.pdf">www.isbe.net/nutrition/pdf/usda_qa072309.pdf</a>.</p> <p>Through consultation with the Regional Office of Education and local authorities, develop strategies for remote learning through collaborative agreements (television or other local cable stations, teleconferencing, electronic instructional resources, etc.).</p> <p>Educate staff, students, and parents/guardians about the differences between the various types of flu, best hygienic practices to prevent any sort of flu, and what could occur in a pandemic. See <i>Sample Parent Letter #1, Preparation and Planning</i>, online at: <a href="http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_ltr_preparation.pdf">www.idph.state.il.us/pandemic_flu/school_guide/sppg_ltr_preparation.pdf</a>.</p> <p>Also see, <i>Preparing for the Flu</i>, online at: <a href="http://www.cdc.gov/h1n1flu/schools/toolkit/pdf/schoolflutoolkit.pdf">www.cdc.gov/h1n1flu/schools/toolkit/pdf/schoolflutoolkit.pdf</a>.</p> <p><a href="http://www.isbe.net/pdf/H1N1/idph_high-risk_info.pdf">http://www.isbe.net/pdf/H1N1/idph_high-risk_info.pdf</a></p> <p>Review Sections IV and V of <i>School Guidance During an Influenza Pandemic</i>, online at: <a href="http://www.idph.state.il.us/pandemic_flu/schoolguide.htm">www.idph.state.il.us/pandemic_flu/schoolguide.htm</a>.</p>

#### Outbreak of Flu Disease

Actor	Action
Superintendent or designee	<p>Consider issuing <i>Sample Parent Letter # 2, First Bird Case</i>, online at: <a href="http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_ltr_bird.pdf">www.idph.state.il.us/pandemic_flu/school_guide/sppg_ltr_bird.pdf</a>.</p> <p>Begin <b>Heightened Surveillance</b> responses. See 4:180-AP2, <i>Pandemic Influenza Surveillance and Reporting</i>.</p> <p>Issue <i>Sample Parent/Guardian Letter #3, Illinois/Regional Cases</i>, informing parents/guardians that some students are sick but schools remain open, include tip sheets and information resource list. A sample is online at: <a href="http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_il_cases.pdf">www.idph.state.il.us/pandemic_flu/school_guide/sppg_il_cases.pdf</a>.</p>
Pandemic Planning Team	<p>Work with local health department regarding a press release announcing that schools will remain open and advising parents/guardians of their need to prepare. A sample, titled "Schools Open," is online at: <a href="http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_media_open.pdf">www.idph.state.il.us/pandemic_flu/school_guide/sppg_media_open.pdf</a>.</p>
Building Principal	<p>Post flu prevention signs on campuses. See Section V of <i>School Guidance During an Influenza Pandemic</i>, online at: <a href="http://www.idph.state.il.us/pandemic_flu/schoolguide.htm">www.idph.state.il.us/pandemic_flu/schoolguide.htm</a>.</p>

#### Expansion of the Outbreak

Actor	Action
Local Health Department	Issue epidemic statement to general public.
Superintendent or designee	Begin <b>Intensive Surveillance</b> responses. See 4:180-AP2, <i>Pandemic Influenza Surveillance and Reporting</i> .

### Continued Expansion of the Outbreak

Actor	Action
Local Health Department	Evaluate the need for school closure with local school officials.
Superintendent or designee	In consultation with local health department, emergency management agencies, and Regional Office of Education, close school(s). Issue press release. A sample, titled "Schools Closed," is at: <a href="http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_media_closed.pdf">www.idph.state.il.us/pandemic_flu/school_guide/sppg_media_closed.pdf</a> . Issue <i>Sample Parent Letter #4, School Closure</i> . A sample is online at: <a href="http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_closures.pdf">www.idph.state.il.us/pandemic_flu/school_guide/sppg_closures.pdf</a> .
School Board and/or Superintendent	Cancel any non-academic events.

### Following the Outbreak

Actor	Action
Local Health Department	Evaluate the advisability of opening school(s) with school officials.
Superintendent or designee	Issue press release that schools are open. Issue <i>Sample Parent Letter #5, Schools Reopen</i> . A sample is online at: <a href="http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_reopening.pdf">www.idph.state.il.us/pandemic_flu/school_guide/sppg_reopening.pdf</a> .
Pandemic Planning Team	Continue communicating with local health department.
Superintendent or designee	Return to <b>Heightened Surveillance</b> response. See 4:180-AP2, <i>Pandemic Influenza Surveillance and Reporting</i> . Begin checklist again if an outbreak recurs.

### **Local Health Department:**

\_\_\_\_\_

Name

\_\_\_\_\_

Address

\_\_\_\_\_

Telephone

### **Regional Office of Education:**

\_\_\_\_\_

Name

\_\_\_\_\_

Address

\_\_\_\_\_

Telephone



**Emergency Management Agencies:**

Name	Name
Address	Address
Telephone	Telephone

**Important Resources**

The Illinois State Board of Education and Department of Public Health released a publication titled *School Guidance During an Influenza Pandemic, December 2006*, online at:

[www.idph.state.il.us/pandemic\\_flu/schoolguide.htm](http://www.idph.state.il.us/pandemic_flu/schoolguide.htm).

The resource is meant to guide and supplement, not replace school districts' existing plans.

Further information on pandemic influenza can be found by calling 1-800-CDC-INFO or at the following websites:

[www.pandemicflu.gov](http://www.pandemicflu.gov)

[www.cdc.gov/flu](http://www.cdc.gov/flu)

[www.redcross.org](http://www.redcross.org)

[www.cchealth.org](http://www.cchealth.org)

## Operational Services

### **Administrative Procedure - Pandemic Influenza Surveillance and Reporting**

During all levels of a pandemic flu outbreak, monitoring and documenting the number of students and faculty who are absent and report having influenza is critical. Keeping track of these numbers helps health officials determine whether: (1) the outbreak is increasing in scope, (2) to declare an epidemic and (3) to close schools.

The following information assists officials to monitor illness rates and the potential for an epidemic:

- Basic surveillance level definitions and response actions with instructions as outlined below.
- Website links to reporting form(s) to submit to the local public health department.
- Sample attendance log to document flu-related absences.

<b>Surveillance Levels</b>	<b>Response Actions</b>
<b>Standard Surveillance -</b> Reported illnesses are within expected range.	Monitor attendance for increased reports of absence due to flu-like illness.  Do not report absences to the local health department.
<b>Heightened Surveillance -</b> Reported illnesses exceed expected range.	Monitor weekly attendance for flu-like illness/absences on <i>Weekly Influenza Census</i> , online at: <a href="http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_weekly_census.pdf">www.idph.state.il.us/pandemic_flu/school_guide/sppg_weekly_census.pdf</a> .  Begin morning <i>flu check</i> first hour of school; screen those who report positive for symptoms.  Log absences due to flu-like illness on <i>Daily Pandemic Influenza Census Log</i> , a sample is available online at: <a href="http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_daily_census.pdf">www.idph.state.il.us/pandemic_flu/school_guide/sppg_daily_census.pdf</a> .  Send weekly absence report to local health department upon request.
<b>Intensive Surveillance -</b> Reported illnesses significantly exceed expected range.	Monitor daily attendance and log absences on <i>Daily Influenza Census</i> or <i>Daily Pandemic Influenza Log</i> , online at: <a href="http://www.idph.state.il.us/pandemic_flu/school_guide/sppg_daily_census.pdf">www.idph.state.il.us/pandemic_flu/school_guide/sppg_daily_census.pdf</a> .  Continue morning <i>flu check</i> .  Send daily absence report to local health department upon request.  Begin preparation for potential school closure.

#### Important Resources

School Guidance During an Influenza Pandemic, *Section III. Surveillance*, online at:  
[www.idph.state.il.us/pandemic\\_flu/schoolguide.htm](http://www.idph.state.il.us/pandemic_flu/schoolguide.htm).

## **General Personnel**

### **Expenses** <sup>1</sup>

The School Board shall reimburse employees for expenses necessary for the performance of their duties, provided the expenses have been approved by the Superintendent or designee. If the anticipated expense amount exceeds budgeted amounts, prior Board approval is required.

Employees must submit to the Superintendent an itemized, signed voucher showing the amount of actual expenses, attaching receipts to the voucher if possible. Expense vouchers shall be presented to the Board in its regular bill process.

LEGAL REF.: 105 ILCS 5/10-22.32.

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<sup>1</sup> 105 ILCS 5/10-22.32 states that “[t]he school board may advance to teachers and other certified employees the anticipated actual and necessary expenses incurred in attending meetings which are related to that employee’s duties and will contribute to the professional development of that employee.” This policy expands beyond those two categories of employees, and the limited purpose of attending meetings, to reimburse all employees for approved expenses necessary for the employee to perform his or her duties.

This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. If a local collective bargaining agreement contains a provision on expenses, it will supersede this policy and the board policy should state, “Please refer to the following current Agreement: [actual title of Collective Bargaining Agreement (*not including dates*)].”

## **General Personnel**

### **Administrative Procedure - Expenses** <sup>1</sup>

#### Registration Fees

When possible, registration fees will be paid by the District in advance.

#### Transportation Costs

The least expensive transportation shall be used. Employees will be reimbursed for:

1. Air travel at the coach or single class commercial airline rate. Copies of airline tickets must be attached to the expense voucher.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets will be attached to the expense voucher to substantiate amounts.
3. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for personal automobile use in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense voucher.
5. Taxis, airport limousines, or other local transportation costs.

#### Hotel/Motel Charges

Employees should request conference rate or *mid-fare* room accommodations. A single room rate will be reimbursed. Other expenses incurred by employees will be reimbursed when specifically related to School District business. The expense voucher or hotel bill must explain the types of expenses incurred.

Employees shall pay personal expenses that are charged to hotel room bills at check-out. If this is not possible, deductions for the charges should be made on the expense voucher.

#### Meal Charges

Meal charges to the School District should represent *mid-fare* selections for the hotel/meeting facility or general area and generally should not exceed \$ \_\_\_\_\_ per day. <sup>2</sup> Tips shall be included with the meal charges. Expense vouchers must explain the meal charges incurred.

#### Personal Charges

All personal travel costs must be excluded from the expense voucher.

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<sup>1</sup> If a local collective bargaining agreement contains a provision on expenses, it will supersede this policy and the school board policy should state, "Please refer to the following current Agreement: [actual title of Collective Bargaining Agreement (*not including dates*)]."

<sup>2</sup> Alternatively, a board could set a daily limit on meal costs, such as:  
Employees will be reimbursed for meal costs and tips up to \$ \_\_\_\_\_ per day.

## General Personnel

### Exhibit - Employee Travel Expense Voucher

*Submit to the Superintendent*

Name: \_\_\_\_\_ Request date: \_\_\_\_\_

Destination: \_\_\_\_\_ Purpose: \_\_\_\_\_

Departure date: \_\_\_\_\_ Return date: \_\_\_\_\_

*Please print and attach receipts for all expenditures.*

<b>Expense Voucher</b>									
* Auto Travel Allowance: _____ per mile									
Date	Mileage * Miles	Cost	Lodging	Breakfast	Meals Lunch	Dinner	Other Item	Cost	Daily Total
<b>Total</b>									\$

**Board Action:**      ☐ **Approved**      ☐ **Denied**

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date

## **General Personnel**

### **Religious Holidays** <sup>1</sup>

The Superintendent shall grant an employee's request for time off to observe a religious holiday if the employee gives at least 5 days prior notice and the absence does not cause an undue hardship. <sup>2</sup>

Employees may use earned vacation time, or personal leave to make up the absence, provided such time is consistent with the District's operational needs. A per diem deduction may also be requested by the employee. <sup>3</sup>

LEGAL REF.: Religious Freedom Restoration Act, 775 ILCS 35/15.  
Illinois Human Rights Act, 775 ILCS 5/2-101 and 5/2-102.

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<sup>1</sup> State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. If a local collective bargaining agreement contains a provision on religious holidays, it will supersede this policy and the board policy should state, "Please refer to the following current Agreement: [actual title of Collective Bargaining Agreement (not including dates)]."

<sup>2</sup> "Religion" includes "all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business," (775 ILCS 5/2-101(F)). School employers may require employees to provide up to 5 days notice before being absent for a religious holiday (775 ILCS 5/2-102(E)).

<sup>3</sup> Not provided by law and optional.

## **General Personnel**

### **Court Duty** <sup>1</sup>

The District will pay full salary during the time an employee is absent due to court duty or, pursuant to a subpoena, serves as a witness or has a deposition taken in any school-related matter pending in court. <sup>2</sup>

The District will deduct any fees that an employee receives for such duties, less mileage and meal expenses, from the employee's compensation, or make arrangements for the employee to endorse the fee check to the District. <sup>3</sup>

An employee should give at least 5 days' prior notice of pending court duty to the District. <sup>4</sup>

LEGAL REF.: 105 ILCS 5/10-20.7.

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<sup>1</sup> State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. If a local collective bargaining agreement contains a provision on court duty, it will supersede this policy and the board policy should state, "Please refer to the following current Agreement: [actual title of Collective Bargaining Agreement (not including dates)]."

For more information about subpoenas of school district employees and responding to all types of subpoenas generally, see the Ill. Council of School Attorneys guidance document titled *Answer to FAQs Responding to a Subpoena*, at: [www.iasb.com/law/FAQsubpoena.pdf](http://www.iasb.com/law/FAQsubpoena.pdf).

<sup>2</sup> State law mandates this provision for certificated employees only (105 ILCS 5/10-20.7).

<sup>3</sup> State law permits these deductions but does not mandate them (105 ILCS 5/10-20.7).

<sup>4</sup> State law does not provide a deadline and a district cannot refuse to pay full salary to an employee who fails to follow the policy's deadline.

## **General Personnel**

### **Recognition for Service** <sup>1</sup>

The School Board will periodically recognize those District employees who contribute significantly to the educational programs and welfare of the students.

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<sup>1</sup> Nothing in this policy is required by law and districts should customize it to meet their needs.

School districts and communities can honor local people for their contributions to local elementary and secondary schools through the annual Those Who Excel/Illinois Teacher of the Year Program. Awards of Excellence, Merit, Recognition, and Honorable Mention are generally given in seven categories – classroom teacher (certified), educational service personnel (noncertificated), early career educator, school administrator, school board member/community volunteer, student support personnel (certificated), and team. Award of Excellence winners in the classroom teacher category are eligible to become finalists for Illinois Teacher of the Year. Nominations for the awards are sent to the Illinois State Board of Education (ISBE) by June 15. An awards banquet is held in the fall. Questions regarding the program should be directed to ISBE, Public Information at 217/782-4648. Other information is available online at: [www.isbe.net/those\\_who\\_excel.htm](http://www.isbe.net/those_who_excel.htm).



## **General Personnel**

### **Responsibilities Concerning Internal Information 1**

District employees are responsible for maintaining: (1) the integrity and security of all internal information, and (2) the privacy of confidential records, including but not limited to: student school records, personnel records, and the minutes of, and material disclosed in, a closed School Board meeting. Internal information is any information, oral or recorded in electronic or paper format, maintained by the District or used by the District or its employees. The Superintendent or designee shall manage procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

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<sup>1</sup> State and federal law control the content of this policy to the extent that: (1) the unauthorized disclosure of student school records is prohibited by the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and the Illinois School Student Records Act, 105 ILCS 10/, (2) 5 ILCS 140/7 protects school security and response plans and maps from disclosure, (3) if a district offers a self-insured group health plan or flexible spending account, it must establish clear procedures to protect the employees' health information (45 C.F.R. §164.502), (4) private information, personal information, and personnel file information is exempt from a request for disclosure under the Freedom of Information Act (5 ILCS 140/7), and (5) the Ill. Personnel Record Review Act governs the release of an employee's disciplinary action (820 ILCS 40/). These are just examples of the laws requiring the safekeeping of district and school records.

This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. If a local collective bargaining agreement contains a provision on these responsibilities, it will supersede this policy and the board policy should state, "Please refer to the following current Agreement: [actual title of Collective Bargaining Agreement (not including dates)]."

This sample policy's intent is to safeguard district records accessed or created by employees. This includes protecting the district from unauthorized release of confidential records or the destruction of records. While the legal guidance is sparse, districts should take steps to avoid security breaches. Some districts may have more legal obligations than others. School districts that are considered "covered entities" under the Health Insurance Portability and Accountability Act (HIPAA) are required to comply with the HIPAA Security Rule. Furthermore, districts that allow foreign exchange students to attend their schools may need to put safeguards in place in order to protect data that is transferred to the Student and Exchange Visitor Information System (SEVIS).

To help maintain the integrity of records, districts should prevent their over-accumulation. Not all internal information must be preserved even if it is a *public record* for purposes of the Freedom of Information Act, 5 ILCS 140/. According to the Local Records Act, 50 ILCS 205/, a record must be retained only when it contains: (1) evidence of the district's organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. While this is a slippery slope without definitive parameters, recorded information may generally be deleted that are conversational or personal, meeting notices, spam, email of a transient nature, duplicate material sent from other staff members, and draft material. However, no district record, no matter its form, may be destroyed if it is subject to a litigation hold. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. For guidance on Board member use and retention of email, see 2:140-E, *Guidance for Board Member Communications, Including Email Use*.

LEGAL REF.: Family Educational and Privacy Rights Act, 20 U.S.C. §1232g.  
Uses and Disclosures of Protected Health Information; General Rules, 45 C.F.R.  
§164.502.  
Ill. Freedom of Information Act, 5 ILCS 140/.  
Local Records Act, 50 ILCS 205/.  
105 ILCS 10/.  
Personnel Record Review Act, 820 ILCS 40/.

CROSS REF.: 2:140 (Communications To and From the Board), 2:250 (Access to District  
Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

## **General Personnel**

### **Administrative Procedure - Email Retention** <sup>1</sup>

Email, including attachments, that are sent or received by the District or District employees may be, depending on their content, subject to disclosure under the Freedom of Information Act and/or discovery in litigation as evidence in support of a claim. Employees must use the same standards of judgment, propriety, and ethics with email as they do with other forms of school business-related communications.

Accordingly, employees have the same responsibilities for email messages as they do for any other communication and must distinguish between record and non-record messages. This allows for the proper storage or disposal of email. However, no District record, no matter its form, may be destroyed if it is subject to a litigation hold. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. For guidance on School Board member use and retention of email, see 2:140-E, *Guidance for Board Member Communications, Including Email Use*.

#### **Non-Record Messages**

Email messages are “non-record messages” if they do not evidence the District’s organization, function, policies, procedures, or activities; or contain informational data appropriate for preservation. These are generally informal or preliminary drafts, notes, recommendations, or memoranda that do not contain official action. Examples include:

1. Personal correspondence not received or created in the course of District or school business, such as, “What’s for dinner?” or “I’ll be glad to drive to the meeting.”
2. Notices concerning meetings or workshops, dates, discussion topics, and material to prepare for or to be discussed during a meeting.
3. Publications or promotional materials from vendors and similar materials that are available to anyone.
4. Correspondence containing recommendations or opinions that are preliminary to a decision.
5. Informal correspondence to parents/guardians concerning school activities or an individual student’s progress or assignments provided the messages do not contain notice of final or official action.
6. Draft material.

If the email is a “non-record message,” the employee should delete it as soon as its purpose is fulfilled unless the email is subject to a litigation hold. The goal is to control excessive accumulation of material.

#### **Official Record Messages**

Email messages are “official record messages” if they are evidence of the District’s organization, function, policies, procedures, or activities or contain informational data appropriate for preservation. Examples include:

1. Policy documents or contract related documents.

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<sup>1</sup> The process for managing email storage and disposition is generally a local matter subject to the Local Records Act (50 ILCS 205/; governs which documents must be kept until destroyed pursuant to an approved record retention schedule); the Freedom of Information Act (5 ILCS 140/; governs the disclosure of public records; and Federal Rules of Civil Procedure, Rules 16 and 26, prohibits the destruction of material during a discovery hold). See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. For guidance on Board member use and retention of email, see 2:140-E, *Guidance for Board Member Communications, Including Email Use*.

2. Correspondence, e.g., letters, memos, emails from individuals, companies, or organizations requesting information about the District or school policies or practices and the responses to these requests.
3. Project reports.
4. Correspondence dealing with significant aspects of District administration or a school executive office, including messages containing information concerning policies, programs, fiscal and personnel matters, and contracts.

Official record messages should routinely be transferred to the records maintenance location identified by the Records Custodian or Head of Information Technology (IT). Before transferring the message, the employee should identify it as belonging in one of the categories of records established by the Record Custodian or Head of IT. Once transferred, it becomes the official copy and the original electronic version may be deleted according to the District's approved record preservation and retention schedule. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*.

## **General Personnel**

### **Solicitations By or From Staff** <sup>1</sup>

District employees shall not solicit donations or sales, nor shall they be solicited for donations or sales, on school grounds without prior approval from the Superintendent.

CROSS REF.: 8:90 (Parent Organizations and Booster Clubs)

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<sup>1</sup> This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. If a local collective bargaining agreement contains a provision on this issue, it will supersede this policy and the board policy should state, "Please refer to the following current Agreement: [actual title of Collective Bargaining Agreement (not including dates)]."

**Professional Personnel****Exhibit - Unsatisfactory Performance Report for Substitute Teachers**

*To be submitted to the Building Principal. Please print.*

---

Substitute's name

---

ID #

---

School

---

Assignment

---

Classroom teacher's name

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Date of substitution

Areas of concern with a brief explanation:

- ☐ Arrived late and/or left early \_\_\_\_\_
- ☐ Inappropriate dress \_\_\_\_\_
- ☐ Improper language \_\_\_\_\_
- ☐ Lack of classroom control \_\_\_\_\_
- ☐ Accurate records not kept \_\_\_\_\_
- ☐ Failed to provide written feedback \_\_\_\_\_
- ☐ Physical aggression against student \_\_\_\_\_
- ☐ Received parental complaint \_\_\_\_\_
- ☐ Did not follow lesson plans or routines \_\_\_\_\_
- ☐ Other \_\_\_\_\_

Reported by: ☐ Student ☐ Staff ☐ Both

In the future, please do not assign this substitute to:

- ☐ Classroom/Teacher's name \_\_\_\_\_
- ☐ Grade level \_\_\_\_\_
- ☐ Building \_\_\_\_\_
- ☐ In any capacity \_\_\_\_\_

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Building Principal's signature

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Date

## **Professional Personnel**

### **Maintaining Student Discipline** <sup>1</sup>

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness. The Superintendent shall ensure that all teachers, other certificated employees, and persons providing a student's related service(s): (1) maintain discipline in the schools as required in the School Code, and (2) follow the School Board policies and administrative procedures on student conduct and discipline.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student. If the unacceptable behavior continues, the teacher should consult with the Building Principal and/or discuss the problem with the parent(s)/guardian(s). A teacher may remove any student from the learning setting whose behavior interferes with the lessons or participation of fellow students. <sup>2</sup> A student's removal must be in accordance with Board policy and administrative procedures.

Teachers shall not use disciplinary methods that may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment (including slapping, paddling, or prolonged maintenance of a student in physically painful positions, and intentional infliction of bodily harm) may not be used. Teachers may use reasonable force as needed to keep students, school personnel, and others safe, or for self-defense or defense of property. <sup>3</sup>

LEGAL REF.: 105 ILCS 5/24-24.  
23 Ill.Admin.Code §1.280.

CROSS REF.: 2:150 (Committees), 7:190 (Student Discipline), 7:230 (Misconduct by Students with Disabilities)

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<sup>1</sup> State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. If this policy's subject matter is superseded by a bargaining agreement, the board policy can state, Please refer to the following current Agreement: [*actual title of Collective Bargaining Agreement (not including dates)*]."

<sup>2</sup> Teachers must be given the authority to remove disruptive students from the classroom (105 ILCS 5/24-24).

<sup>3</sup> Required by 105 ILCS 5/24-24. See sample policy 7:190, *Student Discipline*, for a discussion of corporal punishment.

## **Professional Personnel**

### **Administrative Procedure - School Visitation Leave** <sup>1</sup>

#### Eligible employees

These administrative procedures apply to both professional staff and educational service personnel. An employee is eligible for a school visitation leave if he or she has worked for the District at least 6 consecutive months immediately before the request and works at least one-half of the full-time equivalent position. 820 ILCS 147/40. Periods when school is not in session will not count as a break in consecutive service. <sup>2</sup>

#### School Conference and Activity Leave 820 ILCS 147/15.

An employee is entitled to 8 hours during any school year, no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee's child, if the conference or activity cannot be scheduled during non-work hours. Employees must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the employee, except sick and disability leave.

#### Request 820 ILCS 147/30.

An employee must request a school conference and activity leave in writing at least 7 days in advance; in an emergency situation, 24 hours' notice is required. The employee must consult with the employer to schedule the leave so as to minimize disruption. A leave request may be denied if granting the leave would result in more than 5% of the work force, or work force shift, taking leave at the same time. 820 ILCS 147/49.

#### Compensation

A school visitation leave is unpaid. The District will attempt, however, to give the employee the opportunity to make-up the time taken for such a leave. 820 ILCS 147/20. The employee taking a visitation leave will not lose any benefits. 820 ILCS 147/35.

#### Verification 820 ILCS 147/30.

An employee returning from a school visitation leave must provide the Building Principal with verification of the visitation from the school administrator of the school visited. Failure to provide this verification within 2 working days of the visitation will subject the employee to the standard disciplinary procedures for unexcused absences from work.

LEGAL REF.: 820 ILCS 147/.

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<sup>1</sup> The School Visitation Rights Act applies to only those districts employing at least 50 people (820 ILCS 147/40). Modify this procedure to align with board policy. Customize it to reflect the district's practice, particularly to specify the district's treatment of eligible employees.

<sup>2</sup> This provision is not in State law, but is consistent with other laws concerning school employees.



**Educational Support Personnel****Exhibit - Notice of Employment***On District letterhead*

To \_\_\_\_\_ Date \_\_\_\_\_

Please accept this letter as an acknowledgment that you have been or are being offered employment with the School District under the terms and conditions as stated in this letter, School Board policy, and any applicable employee handbook or collective bargaining agreement. If you wish to accept this offer, you need to sign below and return this letter to the central administrative office.

Job position or title \_\_\_\_\_

Date and time on which you are to report to work \_\_\_\_\_

Job location \_\_\_\_\_

☐ Full time    ☐ Part-time

Your hourly rate or weekly salary is \$ \_\_\_\_\_

The remaining terms and conditions of your employment, as well as any employment benefits, are contained in Board policy and any applicable employee handbook and/or collective bargaining agreement. These items will be discussed during your orientation.

\_\_\_\_\_  
Board President or Secretary\_\_\_\_\_  
Date\_\_\_\_\_  
Superintendent\_\_\_\_\_  
Date**For employee** (*Sign and return to the central administrative office.*)

I understand that I am an employee-at-will and that my employment may be terminated at anytime with or without cause. I agree to comply with the Board's policies, administration's procedures, and supervisors' instructions.

\_\_\_\_\_  
Employee\_\_\_\_\_  
Date

## **Educational Support Personnel**

### **Duties and Qualifications** <sup>1</sup>

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to School Board policies as they may be changed from time to time at the Board's sole discretion.

### **Paraprofessionals and Teacher Aides** <sup>2</sup>

Paraprofessionals and teacher aides are noncertificated personnel with supervised instructional duties; the terms are synonymous. Service as a paraprofessional or teacher aide requires a *statement of approval* issued by the Illinois State Board of Education (ISBE), unless the individual holds any certificate indicative of completion of at least a bachelor's degree or a provisional vocational certificate, is completing an approved clinical experience, and/or is student teaching.

A paraprofessional or teacher aide in a targeted assistance program that is paid with federal funds under Title I, Part A, or in a school-wide program that is supported with such funds, shall hold a "statement of approval," issued by the ISBE, for this purpose. <sup>3</sup>

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals or teacher aides and the requirements in this section do not apply. In addition, individuals who are completing their clinical experiences and/or student teaching do not need to comply with this section, provided they otherwise qualify for instructional duties under ISBE rules. <sup>4</sup>

### **Noncertificated Personnel Working with Students and Performing Non-Instructional Duties**

Noncertificated personnel performing non-instructional duties may be used:

1. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio) detention and discipline areas, and school-sponsored extracurricular activities; <sup>5</sup>
2. As supervisors, chaperones, or sponsors for non-academic school activities; or <sup>6</sup>
3. For non-teaching duties not requiring instructional judgment or student evaluation. <sup>7</sup>

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval. <sup>8</sup>

<sup>1</sup> State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

<sup>2</sup> 23 Ill.Admin.Code §25.510; 23 Ill.Admin.Code §1.630(b)(2). **Important:** Speech-Language paraprofessional approval phase-out. After the 2013-2014 school year, districts and special education joint agreements will no longer be able to seek approval from ISBE to use speech language paraprofessionals to provide speech-language services when they are unable to hire certified speech-language pathologists. Educators currently serving as speech language paraprofessionals who wish to continue providing speech-language services after the 2013-2014 school year will need to obtain certification as a certified speech-language pathologist (23 Ill.Admin.Code §§25.45 and 25.252), speech-language pathologist intern (23 Ill.Admin.Code §25.255), or speech-language pathology assistant (105 ILCS 5/14-6.03). For more information, see ISBE's *Weekly Message* from Feb. 27, 2012, at: [www.isbe.net/board/archivemessages/2012/message\\_022712.pdf](http://www.isbe.net/board/archivemessages/2012/message_022712.pdf).

<sup>3</sup> 23 Ill.Admin.Code §25.510(d).

<sup>4</sup> 105 ILCS 5/10-22.34(d); 23 Ill.Admin.Code §1.630(f).

<sup>5</sup> 105 ILCS 5/10-22.34(a)(2).

<sup>6</sup> 105 ILCS 5/10-22.34a.

<sup>7</sup> 105 ILCS 5/10-22.34(a)(1); 23 Ill.Admin.Code §1.630(a).

### Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership. **9** Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automated External Defibrillator user according to rules adopted by the Illinois Department of Public Health. **10** Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law. **11**

### Bus Drivers

All school bus drivers must have a valid school bus driver permit. **12** The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver, that the bus driver permit holder has been called to active duty. **13** New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in

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**8** 105 ILCS 5/10-22.34b, last paragraph; 23 Ill.Admin.Code §1.630(d). Noncertificated personnel may be used to provide specialized instruction in a field that an individual is particularly qualified by reason of specialized knowledge or skill (23 Ill.Admin.Code §1.630(g)). Districts that frequently use noncertificated individuals to provide such instruction may consider adding the following optional sentence:

When appropriate, the Superintendent may seek approval from the responsible Regional Superintendent for a noncertificated individual to provide specialized instruction, that is not otherwise readily available in the school environment, in the field that the individual is particularly qualified by reason of specialized knowledge or skill.

**9** A district should consult the handbooks and by-laws of the appropriate associations, e.g., the Illinois High School Association, the Southern Illinois Junior High School Athletic Association, and the Illinois Elementary School Association.

An optional sentence follows:

The coach for an extracurricular athletic activity sponsored or sanctioned by the Illinois High School Association (IHSA) at or above the ninth grade level must have completed the IHSA's educational program and competency testing on preventing abuse of performance-enhancing substances.

Until July 1, 2011, 105 ILCS 25/2(c) required this training for coaches. As of the publication date for this material, IHSA did not include this requirement in its by-laws *Qualification for Coaches*, sub-sections 2.071-2.079 or its annual *Administrative Procedures, Guidelines and Policies* document. Both are available at: [www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx](http://www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx).

**10** Optional and may be amended. The first requirement identifies a basic competency and the second two requirements are intended to ensure coaches are trained emergency responders. For AED training program requirements, see Automated External Defibrillator Act (410 ILCS 4/15) and Automated External Defibrillator Code (77 Ill.Admin.Code Part 525).

**11** 225 ILCS 5/3 and 5/4.

**12** The regional superintendent is authorized to conduct school bus driver instruction courses and investigate whether persons hired to operate school buses have valid school bus driver permits (105 ILCS 5/3-14.23).

School bus driver permits are issued by the Secretary of State (625 ILCS 5/6-106.1). Districts must conduct a pre-employment interview with bus driver candidates, distribute bus driver applications and medical forms, and submit the applicant's fingerprint cards to the State Police for criminal background investigations. Districts must also certify in writing to the Secretary of State that all pre-employment conditions were completed, including an Illinois-specific criminal background investigation through the State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information (*Id.*). The applicant presents this certification to the Secretary of State when submitting the school bus driver permit application (*Id.*).

A school bus driver operating a school bus at the time of an accident is deemed by the implied consent law to agree to submit to tests at the direction of a law enforcement officer of the driver's breath, blood, or urine to determine the presence of alcohol, or other drugs, in the person's system (625 ILCS 5/6-516).

Anyone driving a bus chartered to transport students to or from interscholastic athletic or interscholastic or school sponsored activities must have a valid school bus driver permit; this does not apply to any driver employed by a public transportation provider when the bus is on a regularly scheduled route for transporting other fare paying passengers (625 ILCS 5/6-104(d-5)).

**13** This sentence is optional but the notification is required by 625 ILCS 5/6-106.1(h). "Active duty" is defined in the statute as active duty pursuant to an executive order of the U.S. President, an act of the Congress, or an order of the Governor. Upon notification, the Secretary of State will characterize the permit as inactive until a permit holder renews the permit pursuant to 625 ILCS 5/6-106.1(b).

Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: No Child Left Behind Act of 2001, 20 U.S.C. §6319(c).  
34 C.F.R. §§200.58 and 200.59.  
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.  
625 ILCS 5/6-104 and 5/6-106.1.  
23 Ill.Admin.Code §§25.510, 25.520.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

## **Educational Support Personnel**

### **Evaluation 1**

The Superintendent is responsible for designing and implementing a program for evaluating the job performance of each educational support staff member according to standards contained in School Board policies as well as in compliance with State law and any applicable collective bargaining agreement. The standards for the evaluation program shall include, but not be limited to:

1. Each employee shall be evaluated annually, preferably before the annual salary review.
2. The direct supervisor shall provide input.
3. The employee's work quality, promptness, attendance, reliability, conduct, judgment, and cooperation shall be considered.
4. The employee shall receive a copy of the annual evaluation.
5. All evaluations shall comply with State and federal law and any applicable collective bargaining agreement.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:150  
(Personnel Records)

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<sup>1</sup> This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. A collective bargaining agreement may contain provisions which supersede the policy, in which case, the policy should state: Please refer to the following current Agreement: [*actual title of Collective Bargaining Agreement (not including dates)*].”

State law does not address evaluation of educational support personnel, except to require a district to report on the annual ISBE salary and benefit survey whether the district's salary program, policies or provisions are based upon merit or performance evaluation of individual educational support personnel for the school year covered by the survey (105 ILCS 5/2-3.103, amended by P.A. 96-1423). The survey is provided by ISBE to each school district.

The numbered items are at the local board's discretion. One important consideration for evaluations involves accurate job descriptions. They assist with meaningful evaluations, wage and salary surveys, and help provide an equitable wage and salary structure.

## **Instruction**

### **Curriculum Development** <sup>1</sup>

#### **Adoption** <sup>2</sup>

The Superintendent shall recommend a comprehensive curriculum that is aligned with:

1. The District's educational philosophy and goals,
2. Student needs as identified by research, demographics, and student achievement and other data,
3. The knowledge, skills, and abilities required for students to become life-long learners,
4. The minimum requirements of State and federal law and regulations for curriculum and graduation requirements, <sup>3</sup>
5. The curriculum of non-District schools that feed into or from a District school, provided that the necessary cooperation and information is available, <sup>4</sup>
6. The Illinois State Learning Standards and any District learning standards, and
7. Any required State or federal student testing.

The School Board will adopt, upon recommendation of the Superintendent, a curriculum that meets the above criteria. <sup>5</sup>

#### **Experimental Educational Programs and Pilot Projects** <sup>6</sup>

The Superintendent may recommend experimental educational programs and/or pilot projects for Board consideration. Proposals must include goals, material needs, anticipated expenses, and an evaluation process. The Superintendent shall submit to the Board periodic progress reports for programs that exceed one year in duration and a final evaluation with recommendation upon the program's completion.

#### **Single-Gender Classes and Activities** <sup>7</sup>

The Superintendent may recommend a program of nonvocational single-gender classes and/or activities to provide diverse educational opportunities and/or meet students' identified educational needs. Participation in the classes or activities must be voluntary, both genders must be treated with substantial equality, and the program must otherwise comply with State and federal law and with Board policy 7:10, *Equal Educational Opportunities*. The Superintendent must periodically evaluate

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

<sup>2</sup> This section is not dictated by State or federal law, but reflects board work regarding curriculum. Each board should dwell over this section to ensure it articulates the board's intent.

<sup>3</sup> State law mandates certain courses of study, but local school boards may set requirements exceeding State law-mandated courses of study (105 ILCS 5/10-20.8 and 5/27-1 et seq.).

<sup>4</sup> Alternative for unit districts:

5. The curriculum District-wide and articulated across all grade levels.

<sup>5</sup> The following is an alternative for boards that do not want the sample language's degree of delegation:

The School Board will consider the Superintendent's recommendation and adopt a curriculum that meets the above criteria.

<sup>6</sup> Experimental educational programs may require the approval of the State Board of Education and an agreement with the affected exclusive bargaining agent (105 ILCS 5/10-19). State law addresses pilot programs for teachers in relation to clinical schools, restructuring, and providing special assistance and support to beginning teachers (105 ILCS 5/2-3.52A).

<sup>7</sup> The U.S. Dept. of Education (DOE) amended its Title IX regulation to make it easier for schools to have single-sex classes and extracurricular activities (34 C.F.R. Part 106). Title IX generally protects students from discrimination on the basis of sex. However, the DOE added flexibility to its rules on single-sex classes and activities back in 2006, citing research that suggests that some students benefit in single-sex classes. The rules are very specific and should be reviewed with the board attorney when designing single-sex classes or activities.

any single-gender class or activity to ensure that: (1) it does not rely on overly broad generalizations about the different talents, capabilities, or preferences of either gender, and (2) it continues to comply with State and federal law and with Board policy 7:10, *Equal Educational Opportunities*.

#### Development 8

The Superintendent shall develop a curriculum review program to monitor the current curriculum and promptly suggest changes to make the curriculum more effective, to take advantage of improved teaching methods and materials, and to be responsive to social change, technological developments, student needs, and community expectations.

The Superintendent shall report to the Board as appropriate, the curriculum review program's efforts to:

1. Regularly evaluate the curriculum and instructional program.
2. Ensure the curriculum continues to meet the stated adoption criteria.
3. Include input from a cross-section of teachers, administrators, parents/guardians, and students, representing all schools, grade levels, disciplines, and specialized and alternative programs.
4. Coordinate with the process for evaluating the instructional program and materials.

#### Curriculum Guides and Course Outlines

The Superintendent shall develop and provide subject area curriculum guides to appropriate staff members.

LEGAL REF.: 34 C.F.R. Part 106.  
105 ILCS 5/10-20.8 and 5/10-19.

CROSS REF.: 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:70 (Teaching About Religions), 6:80 (Teaching About Controversial Issues) 6:100 (Using Animals in the Educational Program), 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), 6:130 (Program for the Gifted), 6:140 (Education of Homeless Children), 6:145 (Migrant Students), 6:150 (Home and Hospital Instruction), 6:160 (English Language Learners), 6:170 (Title I Programs), 6:180 (Extended Instructional Programs), 7:15 (Student and Family Privacy Rights)

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<sup>8</sup> The last two sections of this policy provide a process for the board to monitor the extent that its ends for curriculum development are being pursued. However, a board may be concerned that these sections offend the board's efforts to delegate authority to the superintendent to manage the district. If so, these sections should be deleted. See the IASB's "Foundational Principles of Effective Governance," [www.iasb.com/principles\\_popup.cfm](http://www.iasb.com/principles_popup.cfm).

## **Instruction**

### **Exhibit - Notice to Parents/Guardians of Students Enrolled in Family Life and Sex Education Classes <sup>1</sup>**

Date \_\_\_\_\_

Class and Time \_\_\_\_\_

Teacher \_\_\_\_\_

#### **Classes or Courses on Sex Education, Family Life Instruction, Instruction on Diseases, Recognizing and Avoiding Sexual Abuse, or Donor Programs for Organ/Tissue, Blood Donor, and Transplantation**

For your information, all classes that teach sex education emphasize that abstinence from sexual activity is the expected norm. Family life courses are designed to promote a wholesome and comprehensive understanding of the emotional, psychological, physiological, hygienic and social responsibility aspects of family life, and for grades 6 through 12, the prevention of AIDS.

#### **Request to Examine Instructional Material**

A sample of the District's instructional materials and course outline for these classes or courses are available from the classroom teacher for your inspection. If you are requesting to examine this material, please complete the following statement and return it to your child's classroom teacher within 5 days. <sup>2</sup>

☐ **I request to examine the instructional materials and course outline for this class.**

#### **Class Attendance Waiver Request**

According to State law, no student is required to take or participate in these classes or courses. There is no penalty for refusing to take or participate in such a course or program.

If you do not want your child to participate in these classes or courses, please complete the following **class attendance waiver** statement and return it to your child's classroom teacher within 5 school days. <sup>3</sup>

**I request that the District waive the class attendance of my child in a class or courses on:**

- ☐ **Comprehensive sex education, including in grades 6-12, instruction on the prevention, transmission, and spread of AIDS**
- ☐ **Family life instruction, including in grades 6-12, instruction on the prevention, transmission, and spread of AIDS**
- ☐ **Instruction on diseases**

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<sup>1</sup> Schools are not required to notify parents/guardians of their rights as explained in this form. A district must modify this form to match its curriculum. Students may not be required to take or participate in classes or courses on:

1. Comprehensive sex education, including in grades 6-12, instruction on the prevention, transmission, and spread of AIDS (105 ILCS 5/27-9.1).
2. Family life instruction, including in grades 6-12, instruction on the prevention, transmission, and spread of AIDS (105 ILCS 5/27-9.2).
3. Instruction on diseases (105 ILCS 5/27-11).
4. Recognizing and avoiding sexual abuse (105 ILCS 5/27-13.2).
5. Instruction on donor programs for organ/tissue, blood donor, and transplantation (105 ILCS 5/27-23.5).

<sup>2</sup> Schools are not required to provide a means for parents to request to examine material; this sentence and the following check box may be omitted.

<sup>3</sup> Schools are not required to provide a means for parents to request a class attendance waiver; this sentence and the following check box may be omitted. If kept, the check boxes should be modified to match the curriculum.



- ☐ **Recognizing and avoiding sexual abuse**
- ☐ **Instruction on donor programs for organ/tissue, blood donor, and transplantation**

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Student (*please print*)

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Parent/Guardian (*please print*)

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Parent/Guardian Signature

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Date

## Instruction

### Teaching About Religions <sup>1</sup>

The School District's curriculum may include the study of religions as they relate to geography, history, culture, and the development of various ethnic groups. The study of religions shall give neither preferential nor derogatory treatment to any single religious belief or to religion in general. The study of religions shall be treated as an academic subject with no emphasis on the advancement or practice of religion. <sup>2</sup>

LEGAL REF.: School Dist. of Abington Twp v. Schempp, 374 U.S. 203 (1963).  
Allegheny County v. ACLU Pittsburgh Chapter, 492 U.S. 573, 109 S.Ct. 3086, 106 L.Ed.2d 472 (1989).

CROSS REF.: 6:20 (School Year Calendar and Day), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:255 (Assemblies and Ceremonies)

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

<sup>2</sup> Conducting or sponsoring religious practices in public schools violates the First Amendment to the U.S. Constitution. A school district may not provide for religious instruction on public school property. (McCollum v. Board of Educ., 333 U.S. 203 (1948); reciting a prayer (Engel v. Vitale, 370 U.S. 421 (1962); bible reading and prayer (School Dist. of Abington Twp v. Schempp, 374 U.S. 203 (1963) and Chamberlin v. Dade Co. Board of Public Instruction, 377 U.S. 402 (1964); posting of the Ten Commandments (Stone v. Graham, 449 U.S. 39 (1980); a moment of silence for "meditation and prayer." (Wallace v. Jaffree, 472 U.S. 38 (1985).

See also Kitzmiller v. Dover Area School Dist., 400 F.Supp.2d 707 (M.D.Pa., 2005). This decision struck a policy on the teaching of intelligent design in high school biology class. The policy required students to hear a statement mentioning intelligent design as an alternative to Darwin's theory of evolution. The court held that it amounted to an endorsement of religion in violation of the Establishment Clause and violated the Establishment Clause.

The Establishment clause, however, permits teaching about religion as part of a balanced, secular education. Thus, the study of the Bible or religion is permissible when presented objectively as part of a secular education. School Dist. of Abington v. Schempp, 374 U.S. 203 (1963).

Generally, holiday observations will survive constitutional scrutiny if they advance society's cultural and religious heritage or provide an opportunity for students to perform a full range of music, poetry, and drama that is likely to interest the students and their audience. Florey v. Sioux Falls School Dist., 619 F.2d 1311 (8th Cir. 1980), approved a school board policy concerning holiday observations. That policy acknowledged that the school district would not promote a religious belief or non-belief. The policy allowed the historical and contemporary values and origins of religious holidays to be explained in an unbiased and objective manner. Furthermore, it permitted the use of religious music, art, literature, and symbols if presented in an objective manner and as part of the cultural and religious heritage of the particular holiday. The Court believed that Christmas programs, including Christmas carols, allowed students to learn about this country's customs and cultural heritage. Of course, a student who objects to participating in such programs must be accommodated.

Public schools are prohibited from appearing to endorse or promote religion through religious holiday displays. Whether a particular display endorses or promotes religion will depend upon the particular context in which it appears. A display that is purely religious and located prominently may send the message that the school is endorsing religion. Mixing secular symbols with the religious symbols and injecting cultural and historical messages into the holiday display will more likely make it acceptable. Allegheny County v. Pittsburgh ACLU, 446 A.2d 334, appeal after remand, 471 A.2d 128, cert. denied, 488 U.S. 815 (1989).

See also Skoros v. City of New York, 437 F.3d 1 (2d Cir., 2006). This decision upheld a holiday display policy restricting displays to "secular" symbols, including Christmas trees, menorahs, and the star and crescent, but not allowing displays of a crèche or nativity scene. The ruling was not on the question of whether a public school ever could include a crèche in a display. Instead, the case upheld the board's decision to classify Christmas trees, menorahs, and the star and crescent as either secular or as being both religious and secular, whereas a crèche "is solely a religious symbol."

## **Instruction**

### **Administrative Procedure - Teaching About Religions**

The following are guidelines for teaching about religions:

1. Instruction must be age appropriate to ensure that students will not believe the District is sponsoring religion.
2. Instruction may expose students to religious views, but may not impose any particular views.
3. Instruction must be informational, not indoctrination.
4. Instruction must be academic, not devotional.
5. Instruction may study what people believe, but may not teach a student what to believe.
6. Instruction should strive for student awareness of a variety of religions, but should not press for student acceptance of any one religion.

Within the parameters of the academic study of religion, teachers may display objects, artifacts, and symbols that illustrate a variety of religious customs, beliefs, and expressions. Any classroom and school display presented as a part of religious studies or holiday activities must meet the following criteria:

1. The display will be exhibited on a temporary basis.
2. The display will be constructed in a manner that presents no endorsement, favoritism, or promotion of a single religion or religious belief.
3. The display will include non-secular as well as secular symbols.
4. The display will include appropriate descriptive labels attached to the symbols.

Individual student participation in the preparation of a religious study display or a religious holiday display is strictly voluntary. If the display is a class activity, any student who wishes not to participate must be given an alternative assignment.

## **Instruction**

### **Teaching About Controversial Issues** <sup>1</sup>

The Superintendent shall ensure that all school-sponsored presentations and discussions of controversial or sensitive topics in the instructional program, including those made by guest speakers, are:

- Age-appropriate. Proper decorum, considering the students' ages, should be followed.
- Consistent with the curriculum and serve an educational purpose. <sup>2</sup>
- Informative and present a balanced view.
- Respectful of the rights and opinions of everyone. Emotional criticisms and hurtful sarcasm should be avoided.
- Not tolerant of profanity or slander. Disruptive conduct is prohibited and may subject a student to discipline.

The District specifically reserves its right to stop any school-sponsored activity that it determines violates this policy, is harmful to the District or the students, or violates State or federal law.

CROSS REF.: 6:40 (Curriculum Development), 6:255 (Assemblies and Ceremonies)

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<sup>1</sup> This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Before adopting this policy, a school board should review the scope of any clause on academic freedom contained in a collective bargaining agreement.

While this sample policy and its contents are discretionary with each board, its implementation should respect the constitutional rights of students and teachers to free speech and free association. The intent of this policy is to inform students, staff members, and the community that the board has established standards for the teaching and discussion of controversial topics in order to avoid culture wars from being fought in school.

<sup>2</sup> Public employee First Amendment issues involve the balance between the importance of the speech and the district's interest in maintaining order and effective school operations. The First Amendment "does not entitle primary and secondary teachers, when conducting the education of captive audiences, to cover topics, or advocate viewpoints, that depart from the curriculum adopted by the school system." See Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7th Cir. 2007). Nor is the First Amendment likely to entitle a teacher to protection for purely personal speech that does not touch on a matter of public concern. See Pickering v. High School Dist. 205, 391 U.S. 563 (1968). However, when public employees speak as private citizens on their own time about matters of public concern, they may face only those speech restrictions that are necessary for their employers to operate efficiently and effectively (Garcetti v. Ceballos, 547 U.S. 410 (2006)).

## **Instruction**

### **Exhibit - Notice to Parents/Guardians Regarding Section 504 Rights**

*On District letterhead*

Date:

Dear Parent/Guardian:

Re: Section 504 Rights

The Rehabilitation Act of 1973, commonly referred to as *Section 504*, is a nondiscrimination statute enacted by the U.S. Congress. The Act's purpose is to: (1) protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Dept. of Education (ED), and (2) assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who: has a record of having, or is regarded as having, a *physical or mental impairment* which substantially limits a *major life activity* as defined by 34 C.F.R. §104.3.

This notice describes the rights assured by Section 504 to those disabled students who do not qualify under IDEA. The intent of this notice is to keep you fully informed concerning decisions about your student and to inform you of your rights if you disagree with any decisions in reference to Section 504.

***Please keep this explanation for future reference.***

Parents/Guardians and/or students have the right to:

1. Be informed by the School District of your rights and procedural safeguards under Section 504 in an understandable language. 34 C.F.R. Parts 104 and 300. The purpose of this notice is to advise parents/guardians and/or students of these rights. 23 Ill.Admin.Code §§226.500, 510 and 610.
2. An appropriate education designed to meet a student's individual educational needs as adequately as the needs of non-disabled students are met. 34 C.F.R. §104.33.
3. Free educational services except for those fees that are imposed on non-disabled students or their parents/guardians. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 C.F.R. §§104.33 and 300.14; 23 Ill. Admin Code §22.240.
4. A placement in the least restrictive environment. 34 C.F.R. §104.34.
5. Facilities, services, and activities that are comparable to those provided for non-disabled students. 34 C.F.R. §104.34.
6. An evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 C.F.R. §104.34.
7. Testing and other evaluation procedures conforming to the requirements of 34 C.F.R. §104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical conditions, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent/guardian observations, anecdotal reports and standardized test scores. 34 C.F.R. §104.35; 23 Ill. Admin. Code §226.110.
8. Placement decisions made by a group of persons, i.e., a Section 504 committee, including the parent(s)/guardian(s) persons knowledgeable about the student, the meaning of the evaluation data, the placement options and the legal requirements for the least restrictive environment and comparable facilities. 34 C.F.R. §§ 104.34 and 104.35.

9. Periodic reevaluations. 34 C.F.R. §104.35.
10. A notice prior to any action by the District in regard to the identification, evaluation, or placement of the student. 34 C.F.R. §104.36.
11. Examine relevant records. 34 C.F.R. §104.36.
12. An impartial due process hearing regarding the student's identification, evaluation or educational placement including an opportunity for parental participation in the hearing and representation by an attorney. 34 C.F.R. §104.36.

You must file a written *Parental Request for an Impartial Due Process Hearing* with the District Section 504 compliance coordinator or designee, if you disagree with the decision of the Section 504 committee. The request must be submitted to the District Section 504 compliance coordinator within 10 calendar days from the time you received the written notice of the District's Section 504 committee decision. The *Parental Request for an Impartial Due Process Hearing Officer*, is designed to assist parents in requesting an impartial due process hearing and is available online at: [www.isbe.state.il.us/spec-ed/pdfs/dp\\_parental\\_19-86a.pdf](http://www.isbe.state.il.us/spec-ed/pdfs/dp_parental_19-86a.pdf).

The hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing. The hearing will conform to the requirements of 34 C.F.R. §300.512 and Section 14-8.02a of the School Code (105 ILCS 5/14-8.02a.). 34 C.F.R. §104.36; 23 Ill.Admin.Code §226.625. The impartial hearing officer shall issue a written decision, including findings of fact and conclusions of law, within 10 days after the conclusion of the hearing and send by certified mail a copy of the decision to the parents/guardians or student (if the student requests the hearing), the School District, the Director of Special Education, legal representatives of the parties, and the State Board of Education. 105 ILCS 5/14-8.02a(h).

13. A review by a court of competent jurisdiction of the impartial hearing officer's decision. 34 C.F.R. §104.36. Any appeal must be filed in a court of competent jurisdiction within 120 days after the impartial due process hearing officer's decision is mailed to the party. 105 ILCS 5/14-8.02a(i).
14. File a complaint with the District's Section 504 coordinator or designee concerning Section 504 matters other than your student's identification, evaluation and/or placement. The Section 504 coordinator or designee will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
15. File a complaint with the Office of Civil Rights. The Illinois regional Office of Civil Rights is located in Chicago at:

Chicago Office for Civil Rights  
U.S. Department of Education  
Citigroup Center  
500 West Madison Street, Suite 1475  
Chicago, IL 60661  
Phone: 312/730-1560  
Fax: 312/730-1567  
TDD: 877/521-2172  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

If you would like more information about the differences between Section 504 and IDEA, see *Protecting Students with Disabilities FAQ about Section 504 and the Education of Children with Disabilities*, available at: [www2.ed.gov/about/offices/list/ocr/504faq.html](http://www2.ed.gov/about/offices/list/ocr/504faq.html).

Sincerely,  
Superintendent

## **Instruction**

### **Migrant Students** <sup>1</sup>

The Superintendent will develop and implement a program to address the needs of migrant children in the District.

This program will include a means to:

1. Identify migrant students and assess their educational and related health and social needs.
2. Provide a full range of services to migrant students including applicable Title I programs, special education, gifted education, vocational education, language programs, counseling programs, and elective classes.
3. Provide migrant children with the opportunity to meet the same statewide assessment standards that all children are expected to meet.
4. Provide advocacy and outreach programs to migrant children and their families and professional development for District staff.
5. Provide parents/guardians an opportunity for meaningful participation in the program.

### **Migrant Education Program for Parents/Guardians Involvement**

Parents/guardians of migrant students will be involved in and regularly consulted about the development, implementation, operation, and evaluation of the migrant program.

Parents/guardians of migrant students will receive instruction regarding their role in improving the academic achievement of their children.

LEGAL REF.:      20 U.S.C. §6391 et seq.  
                         34 C.F.R. §200.80 et seq.

CROSS REF.:      6:170 (Title I Programs)

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<sup>1</sup> State or federal law controls this policy's content. The first sentence of this policy allows a school board to consider the goals for its migrant education program and to amend the sample policy accordingly. The Migrant Education Program is a federally funded program authorized under Title I, Part C, of NCLB (20 U.S.C. §6391 et seq.). To qualify for the program, a migrant child must have moved within the last 3 years across state or school district lines with a parent or guardian or on his/her own to obtain qualifying temporary or seasonal work in agriculture or fishing. Although most of the requirements are directed to State agencies, local school districts that receive State money for these programs will be held to many of the same requirements by the State. For additional information, see NCLB, Non-Regulatory Guidance, "Education of Migratory Children," 10-23-03, at: [www.ed.gov/programs/mep/mepguidance2003.doc](http://www.ed.gov/programs/mep/mepguidance2003.doc); ISBE's collection of material about the Migrant Education Program in Illinois is available at [www.isbe.net/bilingual/htmls/migrant.htm](http://www.isbe.net/bilingual/htmls/migrant.htm).

## **Instruction**

### **Extended Instructional Programs** <sup>1</sup>

The District may offer the following programs in accordance with State law and the District's educational philosophy:

1. Nursery schools for children between the ages of 2 and 6 years. <sup>2</sup>
2. Before-and after-school programs for students in grades K-6. <sup>3</sup>
3. Child care and training center for pre-school children and for students whose parents work. <sup>4</sup>
4. Model day care program in cooperation with the State Board of Education. <sup>5</sup>
5. Tutorial program. <sup>6</sup>
6. Adult education program. <sup>7</sup>
7. Outdoor education program. <sup>8</sup>
8. Summer school, whether for credit or not. <sup>9</sup>
9. Independent study, whether for credit or not. <sup>10</sup>
10. Chemically dependent prevention program for students who are, or whose parents/guardians are, chemically dependent. <sup>11</sup>
11. Activities to address intergroup conflict. <sup>12</sup>
12. Volunteer service credit program. <sup>13</sup>
13. Vocational academy. <sup>14</sup>

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<sup>1</sup> State or federal law controls this policy's content. However, all programs listed in this policy are optional. The district may charge a fee for programs numbered 1-4, 6, and 9.

<sup>2</sup> 105 ILCS 5/10-23.2.

<sup>3</sup> 105 ILCS 5/10-22.18b.

<sup>4</sup> 105 ILCS 5/10-22.18a.

<sup>5</sup> 105 ILCS 5/10-22.18c.

<sup>6</sup> 105 ILCS 5/10-22.20c.

<sup>7</sup> 105 ILCS 5/10-22.20. A school board may appoint a director of adult education (105 ILCS 5/10-22.20b).

<sup>8</sup> 105 ILCS 5/10-22.29.

<sup>9</sup> 105 ILCS 5/10-22.33A and 5/10-22.33B. Each course offered for high school graduation must provide at least 60 hours of classroom instruction for the equivalent of one semester of high school course credit (105 ILCS 5/27-22.1). 105 ILCS 5/10-22.33B authorizes districts to conduct a "high quality" summer school program. Students at risk in language arts or mathematics may be required to attend such programs.

<sup>10</sup> Independent study allows students to expand their knowledge in curricular areas not offered as part of the district's basic program.

<sup>11</sup> 105 ILCS 110/3.

<sup>12</sup> 105 ILCS 5/27-23.6. The statutory objectives of such a program are to "improve intergroup relations on and beyond the school campus, defusing intergroup tensions, and promoting peaceful resolution of conflict." A board that incorporates activities to address intergroup conflict shall inform the public. Requirements for disseminating information about these activities are in 105 ILCS 5/27-23.6.

<sup>13</sup> 105 ILCS 5/27-22.3.

<sup>14</sup> Vocational Academies Act (105 ILCS 433/). The Act's purpose is to "integrate workplace competencies and career and technical education with core academic subjects." School districts are permitted to partner with community colleges, local employers, and community-based organizations to establish a vocational academy that functions as a 2-year school within a school for grades 10 through 12. Grant funds may be available from ISBE.



LEGAL REF.: 105 ILCS 5/10-22.18a, 5/10-22.18b, 5/10-22.18c, 5/10-22.20, 5/10-22.20b, 5/10-22.20c, 5/10-22.29, 5/10-22.33A, 5/10-22.33B, 5/10-23.2, 5/27-22.1, 5/27-22.3, 5/27-23.6, 110/3, and 433/.

CROSS REF.: 6:310 (Credit for Alternative Courses and Programs, and Course Substitutions), 6:320 (High School Credit for Proficiency)

## **Instruction**

### **Access to Electronic Networks** <sup>1</sup>

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

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

### **Curriculum and Appropriate Online Behavior**

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

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

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<sup>1</sup> State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. This policy concerns an area in which the law is unsettled.

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

<sup>2</sup> This goal is repeated in exhibit 6:235-E2, *Authorization for Electronic Network Access*.

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

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

<sup>5</sup> Required by 47 U.S.C. §254(h)(5)(B)(iii) and 47 C.F.R. §54.520(c)(i) only for districts that receive *E-rate* discounts for Internet access or plan to become participants in the *E-rate* discount program. Beginning July 1, 2012, all boards receiving an *E-rate* funding for Internet access must certify that they have updated their Internet safety policies. See, *FCC Report and Order 11-125* (August 11, 2011). This sentence is optional if the district only receives discounts for telecommunications, such as telephone service, unless the district plans to participate in the *E-rate* discount program.

<sup>6</sup> School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. *Hazelwood School District v. Kuhlmeier*, 108 S.Ct. 562 (1988). This policy allows such control by clearly stating that school-sponsored network information resources are not a "public forum" open for general student use but are, instead, part of the curriculum.

## Acceptable Use 7

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

## Internet Safety 11

Technology protection measures shall be used on each District computer with Internet access. They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by federal law and as determined by the Superintendent or designee. 12 The Superintendent or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other

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7 This paragraph provides general guidelines for acceptable use regardless of whether Internet use is supervised. The specific rules are provided in exhibit 6:235-E2, *Authorization for Electronic Network Access* (see also footnote 11). This paragraph's application to faculty may have collective bargaining implications.

8 The "privilege, not a right" dichotomy is borrowed from cases holding that a student's removal from a team does not require due process because such participation is a privilege rather than a right. The deprivation of a privilege typically does not trigger the Constitution's due process provision. Clements v. Board of Education of Decatur Public School District No. 61, 478 N.E.2d 1209 (Ill.App.4, 1985). Nevertheless, before access privileges are revoked, the user should be allowed to give an explanation.

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

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

The Harassing and Obscene Communications Act criminalizes harassing and obscene electronic communication (720 ILCS 135/0.01).

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

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

School officials will not intentionally inspect the contents of email without the consent of the sender or an intended recipient, unless as required to investigate complaints regarding email that are alleged to contain material in violation of this policy or the *Authorization for Electronic Network Access*.

11 Supra f/n #1.

12 This sample policy language is broader than the requirements in federal law (20 U.S.C. §6777, 47 U.S.C. §254, and 47 C.F.R. §54.520(c)(i)). It does not distinguish between minors (children younger than 17) and non-minors. The terms, *minor*, *obscene*, *child pornography*, and *harmful to minors* have not changed, but are now explicitly referred to in the regulations at 47 C.F.R. §54.520(a). Federal law defines *harmful to minors* as:

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

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

authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent or system administrator. <sup>13</sup> The Superintendent or designee shall include measures in this policy's implementation plan to address the following: <sup>14</sup>

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

#### Authorization for Electronic Network Access <sup>16</sup>

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

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

The failure of any student or staff member to follow the terms of the *Authorization for Electronic Network Access*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

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<sup>13</sup> Permitted by 20 U.S.C. §6777(c). The policy's provision for prior approval is not in the law and may be omitted. The entire sentence may be eliminated if a board does not want the filtering device to be disabled.

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

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

CIPA also requires this policy and its documentation to be retained for at least 5 years after the last day of service delivered in a particular funding year. This means the 5 year retention requirement begins on the last day of service delivered under E-rate not from the day the policy was initially adopted. Consult the board attorney about this requirement and the best practices for your individual board.

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

<sup>16</sup> The *Authorization for Electronic Network Access* (6:235-E2), rather than this board policy, specifies appropriate conduct, ethics, and protocol for Internet use. This is consistent with the principle that detailed requirements are not appropriate for board policy; instead, they should be contained in separate district documents that are authorized by board policy. Keeping technical rules specifying acceptable use out of board policy will allow for greater flexibility, fewer changes to the policy manual, and adherence to the belief that board policy should be confined to governance issues and the provision of guidance on significant district issues.

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

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

LEGAL REF.: No Child Left Behind Act, 20 U.S.C. §6777.  
Children's Internet Protection Act, 47 U.S.C. §254(h) and (l).  
Enhancing Education Through Technology Act, 20 U.S.C §6751 et seq.  
47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.  
720 ILCS 135/0.01.

CROSS REF.: 5:100 (Staff Development Program), 5:170 (Copyright), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:210 (Instructional Materials), 6:230 (Library Media Program), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:190 (Student Discipline), 7:310 (Restrictions on Publications)

ADMIN PROC.: 6:235-AP1 (Administrative Procedure - Acceptable Use of Electronic Networks), 6:235-AP1, E1 (Student Authorization for Electronic Network Access), 6:235-AP1, E2 (Exhibit - Staff Authorization for Electronic Network Access)

## **Instruction**

### **Complaints About Curriculum, Instructional Materials, and Programs**

Persons with suggestions or complaints about curriculum, instructional materials, and programs should complete a curriculum objection form and/or use the Uniform Grievance Procedure. A parent/guardian may request that his/her child be exempt from using a particular instructional material or program by completing a curriculum objection form. <sup>1</sup>

CROSS REF.: 2:260 (Uniform Grievance Procedure), 8:110 (Public Suggestions and Concerns)

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<sup>1</sup> A school district is not required to automatically accommodate a student's or his/her parents' religious beliefs by allowing the student to opt out of reading required materials or programs. A student is entitled to accommodation only if a district's requirement *burdens* his/her free exercise of religion and the requirement is not justified by a *compelling state interest*. Mozert v. Hawkins Co. Board of Educ., 827 F.2d 1058 (6th Cir., 1987). A student's free exercise right would unlikely be burdened by compelling the student to be exposed to ideas with which his/her religion disagrees. On the other hand, compelling a student to perform an act which violates the student's religious beliefs would burden his/her free exercise right and the school district would need to justify the requirement with a compelling state interest in order to be able to enforce it.

**Instruction****Exhibit - Curriculum Objection**

*Please complete this form and return it to the Building Principal who will submit it to the District Complaint Manager. Please print.*

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Subject area

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Classroom teacher

Please state, as precisely as possible, the specific curriculum area, instructional material, or program to which the user objects (*include name, title, author, and any other identifying information*).

---

How did you become aware of the curriculum area, instructional material, or program?

☐ by classroom observation      ☐ by review

☐ by word-of-mouth      ☐ other \_\_\_\_\_

To what in the curriculum area, instructional material, or program do you object? Be specific.

---

Do you want your child excluded from participation?      ☐ Yes      ☐ No

In place of participation in the curriculum area, what course of study would you recommend for your child?

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Complainant name (*please print*)

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Telephone

Complainant represents:      ☐ Student      ☐ Parent/guardian of student

☐

Other \_\_\_\_\_

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Complainant address

---

Signature of complainant

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Date

## **Instruction**

### **Homework**

Homework is part of the District's instructional program and has the overarching goal of increasing student achievement. Homework is assigned to further a student's educational development and is an application or adaptation of a classroom experience. <sup>1</sup> The Superintendent shall provide guidance to ensure that homework:

1. Is used to reinforce and apply previously covered concepts, principles, and skills;
2. Is not assigned for disciplinary purposes;
3. Serves as a communication link between the school and parents/guardians;
4. Encourages independent thought, self-direction, and self-discipline; and
5. Is of appropriate frequency and length, and does not become excessive, according to the teacher's best professional judgment.

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<sup>1</sup> This policy's contents are at the local school board's discretion; a board should customize the list of standards for homework to reflect the district's practices. Below are two optional provisions to add at the end of the sample policy:

- Option 1: Recognizing the importance of parental involvement in homework, the Superintendent or designee shall ensure that parents/guardians are informed of, (1) whom to contact with questions or concerns about homework assignments, and (2) methods to facilitate homework completion.
- Option 2: The Superintendent or designee shall annually report to the Board on the effectiveness of homework assignments on increasing student achievement.





## **Instruction**

### **Achievement and Awards <sup>1</sup>**

*[High school and unit districts only]*

#### **Grade Point Average, Class Rank, and Class Honor Roll**

The Superintendent shall maintain a uniform process for secondary schools to calculate, on at least a yearly basis, each student's grade point average and class rank, as well as an honor roll for each class.

*[All districts]*

#### **Awards and Honors**

The Superintendent shall maintain a uniform process for presenting awards and honors for outstanding scholarship, achievement, and/or distinguished service in school activities in such a way as to minimize bias and promote fairness. <sup>2</sup> The Superintendent shall supervise the selection of the recipient(s).

All donations for awards, honors, and scholarships must receive the School Board's prior approval.

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<sup>1</sup> This policy's contents are at the local board's discretion; a board should customize it to reflect the district's practices.

<sup>2</sup> As an alternative, a board may want to list the awards and honors, such as in the following:

The School District annually presents the following awards and honors to students for outstanding scholarship and distinguished service in District activities: *[insert list]*

For high school or unit districts, a board may want to recognize a valedictorian and salutatorian, such as by inserting the following:

In addition to other awards, the Superintendent shall maintain a uniform process for identifying a high school senior as a valedictorian and one as a salutatorian.

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## **Students**

### **School Admissions and Student Transfers To and From Non-District Schools <sup>1</sup>**

#### **Age** *[Elementary or Unit Districts only]*

To be eligible for admission, a child must be 5 years old on or before September 1 of that school term. <sup>2</sup> A child entering first grade must be 6 years of age on or before September 1 of that school term. <sup>3</sup> Based upon an assessment of the child's readiness, a child will be allowed to attend first grade if he or she attended a non-public preschool, continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately certified teacher, and will be 6 years old on or before December 31. <sup>4</sup> A child with exceptional needs who qualifies for special education services is eligible for admission at 3 years of age. <sup>5</sup> <sup>6</sup>

#### **Admission Procedure**

All students must register for school each year on the dates and at the place designated by the Superintendent. Parents/guardians of students enrolling in the District for the first time must present:

1. A certified copy of the student's birth certificate. If a birth certificate is not presented, the Superintendent or designee shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified copy of the student's birth certificate. A student will be enrolled without a birth certificate. <sup>7</sup> When a certified copy of the birth certificate is

<sup>1</sup> State law requires some of the subject matter contained in this sample policy to be covered by policy and controls this policy's content. Boards must adopt a policy on school admissions (105 ILCS 5/10-21.2) and restricting a student from transferring from another school while under a suspension or expulsion from that school (105 ILCS 5/10-22.6).

<sup>2</sup> 105 ILCS 5/10-20.12. The district may, however, establish a kindergarten for children between the ages of 4 and 6 years old (105 ILCS 5/10-20.19a and 5/10-22.18). Any child between the ages of 7 and 17 (unless the child has already graduated from high school) must attend public or private school, with certain exceptions allowed for physical and mental disability, lawful employment, or other reasons as specified by statute (105 ILCS 5/26-1). The phrase "a child between the ages of 7 and 17" is liberally construed to fully carry out the true intent and meaning of the General Assembly (5 ILCS 70/1.01), which is to ensure that students graduate from high school (105 ILCS 5/26-1). Therefore "the ages of 7-17" means a child is 17 until his or her 18<sup>th</sup> birthday.

<sup>3</sup> Optional sentence.

<sup>4</sup> Required by 105 ILCS 5/10-20.12. Use the following alternative in a district operating on a full year school basis:

To be eligible for admission, a child must be at least 5 years old within 30 days after the commencement of that school term. Based upon an assessment of the child's readiness, a child may attend first grade if he or she attended a non-public preschool and continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately certified teacher, and will attain age 6 within 4 months after the commencement of the term.

<sup>5</sup> 105 ILCS 5/14-1.02 and 5/14-1.03a. An ISBE rule states: "Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 C.F.R. §300.131) who may be eligible for special education and related services," (23 Ill.Admin.Code §226.100). Note that after a child is determined to be eligible for special education services, the child must be placed in the appropriate program no later than the beginning of the next school semester (105 ILCS 5/14-8.02(b)).

<sup>6</sup> 105 ILCS 5/10-20.12. Districts that wish to permit early admission may add the following optional paragraph:

Parents/guardians may request early admission for a child. The Superintendent or designee shall assess the child's readiness to attend school and make the decision accordingly.

Districts that implement this option should also consider implementing specific and objective criteria for early admissions and address such issues as who pays the costs for assessments, etc.

<sup>7</sup> Presenting a certified copy of a student's birth certificate is a missing children's law enforcement issue that may not be used for denying enrollment. 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 documentation of identity. To balance the tension between the missing children's laws reporting requirements and *Plyler v. Doe*, many attorneys advise not to report a student's failure to produce a birth certificate; however always consult the board attorney for assistance based upon the specific facts of the enrollment situation (see f/n 8 below).

presented, the school shall promptly make a copy for its records, place the copy in the student's temporary record, and return the original to the person enrolling the child. If a person enrolling a student fails to provide a certified copy of the student's birth certificate, the Superintendent 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 case will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, the Superintendent or designee shall so refer the case. The Superintendent or designee shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content. <sup>8</sup>

2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students*. <sup>9</sup>

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. <sup>10</sup>

### Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required for enrollment. <sup>11</sup> Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

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<sup>8</sup> Two almost identical laws govern this requirement: Missing Children Records Act (325 ILCS 50/) and Missing Children Registration Law (325 ILCS 55/). We reconciled their differences as much as possible but chiefly used the language from the Registration Law because it has the clearest explanation. The statutory enforcement requirements, as nonsensical as they may seem, are quoted in the policy. **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*, 102 S.Ct. 2382 (1982). See also f/n 12 below.

According to the State Police, a certified copy of the student's birth certificate is the only acceptable proof of the child's identity and age (20 Ill.Admin.Code §1290.60(a). For more discussion about acceptable proof of identity, see f/n 1 in 7:50-AP, *School Admissions and student Transfers To and From Non-District Schools*. The Missing Children's Records Act requires schools to make prompt copies of these certified copies. Once made, schools need not request another certified copy with respect to that child for any other year in which the child is enrolled in that school or other entity. While the Act does not mandate where the copy should be kept, it is appropriate for placement in the student's temporary record. See 23 Ill.Admin.Code §375.10. The school person who receives the copy of the certified birth certificate should initial and date the document. That way, if there is a question or an investigation (which can happen even years after enrollment) there will not be an issue as to who received the document and the date it was processed.

A district must also *flag* a student's record on notification by the State police of the student's disappearance and report to the State police any request for a *flagged* student record.

<sup>9</sup> Each school must maintain records for each student that reflect compliance with the examinations and immunizations required by 105 ILCS 5/27-8.1; 23 Ill.Admin.Code §1.530(a). A Tuberculosis skin test is required if the student lives in an area designated by the Dept. of Public Health as having a high incidence of Tuberculosis.

<sup>10</sup> While this paragraph for optional in this policy, it states a requirement in 105 ILCS 5/22-65, added by P.A. 97-505. Each school district must report this enrollment information as aggregate data to ISBE (*Id.*).

<sup>11</sup> Required by 105 ILCS 45/ and the McKinney Homeless Assistance Act, 42 U.S.C. §11431 *et seq.*, amended by the No Child Left Behind Act. See §11432(g)(3)(C)(i).



## Student Transfers To and From Non-District Schools 12

A student may transfer into or out of the District according to State law and procedures developed by the Superintendent. A student seeking to transfer into the District must serve the entire term of any suspension or expulsion, imposed for any reason by any public or private school, in this or any other state, before being admitted into the School District.

## Foreign Students [*High School or Unit Districts only*] 13

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**12** 105 ILCS 5/2-3.13a requires each transferor (original) school to keep documentation of transfers in the student's record. It also requires "notification [by the transferee (recipient) school] of the transfer on or before July 31 following the school year during which the student withdraws from the transferor school or school district or the student shall be counted in the calculation of the transferor school's or school district's annual student dropout rate." ISBE rule, 23 Ill.Admin.Code §375.75(e), as amended on 1-24-2012, is consistent with this requirement. The amended rule also requires the transferring school or district to 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.

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 5/10-8.1). See also 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*.

A board has 2 basic options for students transferring into the district who are serving a suspension or expulsion. Under option one, it may comply with the minimum requirements of section 2-3.13a by refusing to allow a student transferring from any public school to attend classes until the period of any suspension or expulsion has expired when the penalty was for: (1) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act, (2) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or (3) battering a staff member of the school. Under option two, a board may require a student who was suspended or expelled for *any* reason from any public or private school in this or any other state to complete the entire term of the suspension or expulsion before being admitted to the school district. The sample policy uses the second, more simple, more comprehensive alternative.

A board may adopt a policy providing that if a student is suspended or expelled for any reason from any school, anywhere, the student must complete the suspension's or expulsion's entire term in an alternative school program under Article 13A or an alternative learning opportunities program under Article 13B before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program (105 ILCS 5/2-3.13a; 5/10-22.6, amended by P.A. 97-495). If a board wants to provide for this alternative, it may add the following to either of the above options:

The Superintendent is authorized to allow a student who was suspended or expelled from any public or private school to be placed in an alternative school program established under Article 13A of the School Code for the remainder of the suspension or expulsion.

**13** Generally, a citizen of a foreign country who wishes to enter the U.S. must first obtain either: (1) a nonimmigrant visa (for temporary stay for tourism, medical treatment, business, temporary work, or study), or (2) an immigrant visa for permanent residence. Common visas presented by foreign students are:

1. J-1 nonimmigrant visas for participants in educational and cultural exchange programs designated by the U.S. Department of State, Exchange Visitor Program, and Designation Staff. These students are enrolled provided they otherwise qualify for admission. For information about J-1 visas and the Exchange Visitor Program, see [j1visa.state.gov/programs](http://j1visa.state.gov/programs).
2. F-1 nonimmigrant student visa. F-1 visas are not issued for attendance at an elementary or middle school (K-8). Before obtaining an F-1 student visa, the individual must submit evidence that the school district has been reimbursed for the unsubsidized per capita cost of the education. These students are enrolled provided they otherwise qualify for admission. However, attendance at U.S. public high schools cannot exceed a total of 12 months.
3. B-2 visitor nonimmigrant visas. There is disagreement over whether these students must be enrolled tuition free. Their "visitor" visa is evidence of non-resident status. Call INS or the district's attorney for guidance.
4. The qualified school-age child of an alien who holds another type of visa (i.e., A, E, H, I, L, etc.), other than a visitor visa. These students are enrolled provided they otherwise qualify for admission. Likewise, dependents of foreign nationals on long-term visas are enrolled provided they otherwise qualify for admission.
5. No immigration documentation. *Plyler v. Doe*, 102 S.Ct. 2382 (1982). A school cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. Thus, undocumented aliens are enrolled, provided they otherwise qualify for admission.
6. Immigrant visa. These students are enrolled provided they otherwise qualify for admission.

The District accepts foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration. Exchange students on a J-1 visa are not required to pay tuition. **14**

Privately sponsored exchange students on an F-1 visa may be enrolled if an adult resident of the District has temporary guardianship, and the student lives in the home of that guardian. Exchange students on an F-1 visa are required to pay tuition at the established District rate. **15** F-1 visa student admission is limited to high schools, and attendance may not exceed 12 months.

The Board may limit the number of exchange students admitted in any given year. Exchange students must comply with District immunization requirements. Once admitted, exchange students become subject to all District policies and regulations governing students.

**Re-enrollment** **16** [*High School or Unit Districts only*]

Re-enrollment shall be denied to any individual 19 years of age or above who has dropped out of school and who could not earn sufficient credits during the normal school year(s) to graduate before his or her 21st birthday. However, at the Superintendent's or designee's discretion and depending on program availability, the individual may be enrolled in a graduation incentives program established under 105 ILCS 5/26-16 or an alternative learning opportunities program established under 105 ILCS 5/13B-1 (see 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*). Before being denied re-enrollment, the District will offer the individual due process as required in cases of expulsion under policy 7:210, *Expulsion Procedures*. A person denied re-enrollment will be offered counseling and be directed to alternative educational programs, including adult education programs that lead to graduation or receipt of a GED diploma. This section does not apply to students eligible for special education under the Individuals with Disabilities Education Improvement Act or accommodation plans under the Rehabilitation Act, Section 504.

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The Student and Exchange Visitor Information System (SEVIS) is an Internet-based system that provides tracking and monitoring, with access to accurate and current information on nonimmigrant students (F and M visas) and exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). See §641, Illegal Immigration Reform and Immigrant Responsibility Act. Section 641 is an exception to the Family Educational Rights and Privacy Act. See 8 C.F.R. §214.1(h). SEVIS enables schools and program sponsors to transmit electronic information and event notifications, via the Internet, to the INS and Department of State throughout a student's or exchange visitor's stay. SEVIS will provide system alerts, event notifications, and reports to the end-user schools and programs, as well as for INS and DOS offices.

According to federal regulations, students who apply for F-1, M-1, F-3, or M-3 visas must pay a \$100 fee, and students who apply for J-1 visas must pay a \$35 fee, to the Department of Homeland Security. The regulations describe when and how the fee is to be paid, who is exempt from the fee, and the consequences for failure to pay (8 C.F.R. Parts 103, 214, and 299).

**Important:** Admitting students on an F-1 visa may require the district to admit students transferring from another district under NCLBA's school choice provisions. See policy 7:60, *Residence*.

**14** State law allows, but does not require, boards to waive nonresident tuition for these students (105 ILCS 5/10-22.5a).

**15** Exchange students on F-1 visas must pay the full-unsubsidized public education costs before entering the U.S. (8 U.S.C. §1101). Boards may not waive the fee.

**16** 105 ILCS 5/26-2(b). The requirements in this section are provided in State law, that is: (1) it is mandatory that a district deny re-enrollment as provided in this section, (2) it is permissive whether to enroll the individual in a district graduation incentives program or alternative learning opportunities program (although depending on circumstances, a student below the age of 20 may be entitled to enroll in a graduation incentives program), (3) it is mandatory to provide due process before denying re-enrollment, (4) it is mandatory to offer the individual who is denied re-enrollment counseling and to direct that person to alternative educational programs, and (5) it is mandatory that this section not apply to students eligible for special education.

105 ILCS 5/26-2(c) allows a district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. See policy 7:70, *Attendance and Truancy*.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
Family Educational Rights and Privacy Act, 20 U.S.C. §1232.  
Illegal Immigrant and Immigrant Responsibility Act of 1996, 8 U.S.C. §1101.  
Individuals With Disabilities Education Improvement Act, 20 U.S.C. §1400 et seq.  
Rehabilitation Act, Section 504, 29 U.S.C. §794.  
105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-2,  
5/27-8.1, 10/8.1, 45/, and 70/.  
325 ILCS 50/ and 55/.  
410 ILCS 315/2e.  
20 Ill.Admin.Code Part 1290, Missing Person Birth Records and School  
Registration.  
23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 6:30 (Organization of Instruction), 6:110 (Programs for Students At Risk of  
Academic Failure and/or Dropping out of School and Graduation Incentives  
Program), 6:140 (Education of Homeless Children), 6:300 (Graduation  
Requirements), 6:310 (Credit for Alternative Courses and Programs, and Course  
Substitutions), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:100 (Health,  
Eye, and Dental Examinations; Immunizations; and Exclusion of Students),  
7:340 (Student Records)

## Students

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

#### 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.

#### 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 <sup>1</sup>	<p>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 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 Dept. of State Police any affidavit explaining the inability to produce a copy of the birth certificate that appears inaccurate or suspicious in form or</p>

<sup>1</sup> 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 [Ill. Dept. of State Police], of the child's identity and age and an affidavit explaining the inability to produce a copy of the birth certificate."

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. Dept. of 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 a best practice. 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 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*, 102 S.Ct. 2382 (1982). See also f/n 11 in policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.

Steps	Requirements and Actions That Must Be Completed
	<p>content. 325 ILCS 50/5 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).</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: <a href="http://www.isbe.net/accountability/pdf/33-78_student_transfer.pdf">www.isbe.net/accountability/pdf/33-78_student_transfer.pdf</a>, 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.</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.</p> <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. The Superintendent or designee may, upon the request of the parent(s)/guardian(s), place the student in an alternative school program established under the School Code. 105 ILCS 5/2-3.13a; 5/10-22.6, amended by P.A. 97-495. <sup>2</sup></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</p>

<sup>2</sup> Amend this paragraph as necessary to be consistent with board policy (see f/n #12, policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools* and policy 7:190, *Student Discipline*).

Steps	Requirements and Actions That Must Be Completed
	<p>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 5/10-8.1.</p>
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 6:140, <i>Education of Homeless Children</i> and 6:140-AP; <i>Education of Homeless Children</i>. 42 U.S.C. §11432(g)(3)(C)(i)(McKinney Homeless Assistance Act) and 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) and 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 an individualized education program to a new school, the student must be placed in a program in accordance with the IEP. 105 ILCS 5/10-20.12A.</p> <p>The Building Principal or designee shall administer 6:160-E1, <i>Student Home Language Survey</i>, to each student entering the District's schools for the first time. 23 Ill.Admin.Code §228.15.</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), as amended 1-24-2012.</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 5/22-65, added by P.A. 97-505.</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 <b>Student Biometric Information Collection</b> subhead in 7:340, <i>Student Records</i>. 105 ILCS 5/10-20.40 and 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) and 375.75(b).</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.] 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>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 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; 23 Ill.Admin.Code §375.70(d).</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 <b>Student Biometric Information Collection</b> 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). Destruction of a student's biometric</p>

Steps	Requirements and Action That Must Be Completed
	information is not subject to authorization by the appropriate Local Record Commission. 50 ILCS 205/7. 23 Ill.Admin.Code §375.40(c).
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's Act; if flagged, the copy shall not be forwarded and the requested school must notify the local law enforcement authority and Dept. of State Police of the request. 325 ILCS 55/5 and 50/5.</p> <p>If the Dept. of State Police 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 the Dept. of State Police.</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: <a href="http://www.isbe.net/accountability/pdf/33-78_student_transfer.pdf">www.isbe.net/accountability/pdf/33-78_student_transfer.pdf</a>), and, if a transferring student is currently suspended or expelled, indicate: 105 ILCS 5/2-3.13a.</p> <ol style="list-style-type: none"> <li>1. The date and duration of the suspension or expulsion, and</li> <li>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. §8921 <i>et seq.</i>), 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.</li> </ol>
Compliance with the Illinois Domestic Violence Act	<p>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.</p> <p>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.</p>
Compliance with requirements for tracking transfer	<p>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), as amended 1-24-2012.</p>



LEGAL REF.:      Family Educational Rights and Privacy Act, 20 U.S.C. §1232.  
Missing Children Records Act, 325 ILCS 50/.  
Missing Children Registration Law, 325 ILCS 55/.  
105 ILCS 5/2-3.13a , 10/8.1, and 45/1-20.  
750 ILCS 60/222.  
20 Ill.Admin.Code §1290.60(a).  
23 Ill.Admin.Code §370.70 and §375.75.

## **Students**

### **Release Time for Religious Instruction/Observance <sup>1</sup>**

A student shall be released from school, as an excused absence, to observe a religious holiday or for religious instruction. The student's parent/guardian must give written notice to the Building Principal at least 5 calendar days before the student's anticipated absence(s). <sup>2</sup> This notice shall satisfy the District's requirement for a written excuse when the student returns to school.

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

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

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

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

<sup>2</sup> Five days is the most prior notice that can be required (105 ILCS 5/26-1(5)).

<sup>3</sup> 105 ILCS 5/26-2b.

## **Students**

### **Student Rights and Responsibilities** <sup>1</sup>

All students are entitled to enjoy the rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting. <sup>2</sup> These rights include the right to voluntarily engage in individually initiated, non-disruptive prayer that, consistent with the Free Exercise and Establishment Clauses of the U.S. and Illinois Constitutions, is not sponsored, promoted, or endorsed in any manner by the school or any school employee. <sup>3</sup> Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures. <sup>4</sup>

LEGAL REF.: 20 U.S.C. §7904.  
105 ILCS 20/5.  
Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969).

CROSS REF.: 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:190 (Student Discipline)

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

<sup>2</sup> In 1969 the U.S. Supreme Court changed the relationship between schools and students by finding that students "do not shed their constitutional rights at the schoolhouse door." Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969).

<sup>3</sup> 105 ILCS 20/5. In addition, federal law requires districts to certify that "no [district] policy... prevents, or otherwise denies participation in, constitutionally protected prayer in both public elementary and secondary schools," (20 U.S.C. §7904). The State provides certification instructions and the U.S. Dept. of Education provides guidance on constitutionally protected prayer in public schools ("Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools," [www.ed.gov/policy/gen/guid/religionandschools/prayer\\_guidance.html](http://www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)).

<sup>4</sup> Consult the board attorney to ensure the district's non-discrimination coordinator and complaint managers are trained to appropriately respond to allegations of discrimination based upon bullying and/or sexual violence under Title IX's sexual harassment umbrella. The U.S. Dept. of Education's guidance states that while acts of sexual violence are crimes, they may also be discrimination under Title IX. See *Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts*, 111 LRP 23852 (OCR 04/04/11), at [www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html).

## Students

### Search and Seizure <sup>1</sup>

In order to maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects. “School authorities” includes school liaison police officers. <sup>2</sup>

#### School Property and Equipment as well as Personal Effects Left There by Students

School authorities may inspect and search school property and equipment owned or controlled by the school (such as, lockers, desks, and parking lots), as well as personal effects left there by a student, without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there. <sup>3</sup>

The Superintendent may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. <sup>4</sup>

<sup>1</sup> State or federal law controls this policy’s content. This policy concerns an area in which the law is unsettled. Consult the board’s attorney with questions about implementing this policy and searching students or seizing their possessions.

According to Fourth Amendment cases, a search by the police requires “probable cause” supported by a warrant. However, in a U.S. Supreme Court decision, cited in every student search case, the Court upheld the warrantless search of a student. A search is: (1) justified at its inception when there are reasonable grounds for suspecting the search of a particular student will turn up evidence that the student violated the law or school rules, and (2) permissible in its scope when it is reasonably related to the search’s objective and not excessively intrusive. T.L.O. v. New Jersey, 105 S.Ct. 733 (1985).

<sup>2</sup> The Ill. Supreme Court upheld a search conducted by a school liaison officer, saying: “Decisions ... that involve police officers in school settings can generally be grouped into three categories: (1) those where school officials initiate a search or where police involvement is minimal, (2) those involving school police or liaison officers acting on their own authority, and (3) those where outside police officers initiate a search. Where school officials initiate the search or police involvement is minimal, most courts have held that the reasonable suspicion test [applies]. ... The same is true in cases involving school police or liaison officers acting on their own authority. ... However, where outside police officers initiate a search, or where school officials act at the behest of law enforcement agencies, the probable cause standard has been applied. In the present case, the record shows that Detective Ruettiger was a liaison police officer on staff at the Alternate School, which is a high school student with behavioral disorders. ... We hold that the reasonable suspicion standard applies under these facts.” People v. Dilworth, 661 N.E.2d 310 (Ill., 1996).

<sup>3</sup> A State statute allows school officials to inspect the personal effects left by a student on property owned or controlled by the school, e.g., lockers, desks, and parking lots (105 ILCS 5/10-22.6(e)). This law does not mean that school officials have an excuse for unjustifiably opening students’ possessions looking for contraband (see footnote 1). See Doe v. Little Rick School Dist., 380 F.3d 349 (8th Cir., 2004) (Searches conducted pursuant to the following policy were unconstitutional: “[B]ook bags, backpacks, purses and similar containers are permitted on school property as a convenience for students,” and “if brought onto school property, such containers and their contents are at all time subjects to random and periodic inspections by school officials.”).

The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. While case law supports that lockers, as school property, may be searched without individualized suspicion of wrongdoing, many cases suggest that in order to search a student’s possessions left in the locker, school officials need individualized suspicion of wrongdoing. This paragraph, as well as 105 ILCS 5/10-22.6(e), attempts to avoid Fourth Amendment protection for personal property left by students on school property by telling students not to expect privacy in these places or in their personal property left there. **This is an unsettled area of the law and should be reviewed with the school board’s attorney.**

Option for high school and unit districts:

This paragraph applies to student vehicles parked on school property. In addition, Building Principals shall require each high school student, in return for the privilege of parking on school property, to consent in writing to school searches of his or her vehicle, and personal effects therein, without notice and without suspicion of wrongdoing.

<sup>4</sup> 105 ILCS 5/10-22.6(e). The sample policy may be amended to name other staff members who are authorized to request law enforcement aid.

## Students <sup>5</sup>

School authorities may search a student and/or the student's personal effects in the student's possession (such as, purses, wallets, knapsacks, book bags, lunch boxes, etc.) when there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating either the law or the District's student conduct rules. <sup>6</sup> The search itself must be conducted in a manner that is reasonably related to its objective and not excessively intrusive in light of the student's age and sex, and the nature of the infraction. <sup>7</sup>

When feasible, the search should be conducted as follows: <sup>8</sup>

1. Outside the view of others, including students,
2. In the presence of a school administrator or adult witness, and
3. By a certificated employee or liaison police officer of the same sex as the student.

Immediately following a search, a written report shall be made by the school authority who conducted the search, and given to the Superintendent.

## Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities. <sup>9</sup>

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<sup>5</sup> For more information about searches, seizures and interviews of students, see *Guidelines for Interviews of Students at School by Law Enforcement Authorities*, published by the Ill. Council of School Attorneys and available at: [www.iasb.com/law/icsaguidelines.cfm](http://www.iasb.com/law/icsaguidelines.cfm).

<sup>6</sup> TLO, 105 S. Ct. at 743. An unsubstantiated tip from a student may serve as the grounds for a search. People v. Pruitt, 662 N.E.2d 540 (Ill.App.1, 1996).

<sup>7</sup> 105 ILCS 5/10-22.6(e) and TLO, 105 S. Ct. at 735.

<sup>8</sup> Optional; these are practical guidelines that will help to ensure that all searches comply with constitutional requirements. State or federal law requires nothing in this paragraph. For an alternative to intrusive pat-down searches and guidelines on strip searches, see Cornfield v. Consolidated High School Dist. No. 230, 991 F.2d 1316 (7th Cir. 1993). There, school officials had reason to believe that a high school student was concealing illegal drugs in his crotch area. Believing a pat down to be excessively intrusive and ineffective at detecting drugs, the school officials required the student to change into his gym clothes in a locked locker room while male school officials observed him. The search was upheld. But see, Stuczynski v. Bremen High School, 423 F.Supp.2d 823 (N.D.Ill., 2006) (The requisite individualized, reasonable suspicion to conduct a strip search was missing where the only reason for the strip search was the dean's belief that the students were the last students in a locker room before the money was reported missing.). See also, Safford Unified School Dist. v. Redding, 129 S. Ct. 2633 (2009) (finding a strip search of student was not justified under the circumstances even though the asst. principal had reasonable suspicion but still awarded qualified immunity to the asst. principal because the law was unclear).

A school district may randomly conduct a mass search by using a metal detector. People v. Pruitt, 662 N.E.2d 540 (Ill.App.1, 1996). The use of a metal detector must be according to the district's standards for when and how metal detector searches are to be conducted.

The U.S. Supreme Court upheld a random drug testing policy for student athletes and extracurricular participants, (Vernonia School Dist. 47J v. Acton, 115 S.Ct. 2386 (1995); and Independent School Dist. of Pottawatomie County v. Earls, 122 S.Ct. 2559 (2002)). The circumstances justifying random drug searches do not exist for the entire student body; thus, random drug tests of the student body would probably not survive constitutional scrutiny.

<sup>9</sup> See 105 ILCS 5/10-22.6(e).

LEGAL REF.: 105 ILCS 5/10-20.14, 5/10-22.6, and 5/10-22.10a.  
Cornfield v. Consolidated High School Dist. No. 230, 991 F.2d 1316 (7th Cir., 1993).  
People v. Dilworth, 661 N.E.2d 310 (Ill., 1996), *cert. denied*, 116 S.Ct. 1692 (1996).  
People v. Pruitt, 662 N.E. 2d 540 (Ill.App.1, 1996), *app. denied*, 667 N.E. 2d 1061 (Ill.App.1, 1996).  
T.L.O. v. New Jersey, 105 S.Ct. 733 (1985).  
Vernonia School Dist. 47J v. Acton, 115 S.Ct. 2386 (1995).  
Safford Unified School Dist. No. 1 v. Redding, 129 S. Ct. 2633 (2009).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:150 (Agency and Police Interviews), 7:190 (Student Discipline)

## **Students**

### **Administrative Procedure - Use of Metal Detectors for Student Safety**

Nothing in this procedure shall limit the authority of school officials to search a student in accordance with School Board policy, 7:140, *Search and Seizure*. All property removed as a result of this procedure that may be legitimately brought onto District property will be returned to the individual. Property removed from a student, possession of which is violation of Board policy, shall be confiscated and the student disciplined in accordance with the Board policy.

Students who fail to cooperate with school personnel performing their duties may be subject to discipline for insubordination. Individuals who fail to cooperate will be asked to leave District property.

#### **Metal Detectors**

Metal detectors may be used when any one of the following occurs: (1) the administration has reasonable suspicion that a weapon is in the possession of unidentified students, (2) when weapons or dangerous objects were found at school, on school property, or in the vicinity of a school, (3) when violence involving weapons has occurred at a school or on school property, at school functions, or in a school's vicinity, or (4) when a mass search takes place according to the District's standards for when and how metal detector searches are to be conducted. The Building Principal shall obtain the Superintendent's permission before using a metal detector. The reasons supporting the use of a metal detector shall be documented.

Signs will be posted to inform individuals that they will be required to submit to a screening for metal as a condition of entering District property. The screening will be conducted by District staff who may be assisted by law enforcement officials.

An individual will be asked to remove metal objects from his or her person prior to use of a metal detecting device. If, after the removal of metal objects, the metal detector activates, the individual may be subjected to a *pat-down* search.

School personnel may inspect the contents of any briefcase, knapsack, purse, or parcel that activates the metal detector for the limited purpose of determining whether a weapon is concealed therein.

#### **Pat-Down Search**

When possible, the *pat-down* search will be conducted by school personnel of the same sex as that of the individual.

A *pat-down* search conducted by school personnel shall be limited to clothing for the purpose of discovering items that may have activated the metal detecting device.

If the school personnel conducting a *pat-down* search feels an object that may have activated the metal detecting device or be other prohibited contraband, the individual will be asked to remove it.

## Students

### Student Appearance <sup>1</sup>

A student's appearance, including dress and grooming, must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. Procedures for handling students who dress or groom inappropriately will be developed by the Superintendent and included in the Student Handbook. <sup>2</sup>

LEGAL REF.: 105 ILCS 5/10-22.25b.  
Tinker v. Des Moines Independent School Dist., 89 S.Ct. 733 (1969).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:165 (School Uniform), 7:190 (Student Discipline)

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<sup>1</sup> State or federal law controls this policy's content. 105 ILCS 5/10-22.25b specifically authorizes a school board to adopt a school uniform or dress code policy. **There are hundreds of decisions on dress codes and uniform policies making it imperative that a board contact its attorney for assistance in applying the law to specific fact situations.**

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

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

<sup>2</sup> A comprehensive Student Handbook can provide notice to parents and students of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The Handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board.



## Students

### Student Handbook - Hazing Prohibited <sup>1</sup>

Soliciting, encouraging, aiding, or engaging in hazing, no matter when or where it occurs, is prohibited. *Hazing* means any intentional, knowing, or reckless act directed against a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students. <sup>2</sup>

Students engaging in hazing will be subject to one or more of the following disciplinary actions:

1. Removal from the extracurricular activities,
2. Conference with parents/guardians, and/or
3. Referral to appropriate law enforcement agency.

Students engaging in hazing that endangers the mental or physical health or safety of another person may also be subject to:

1. Suspension for up to 10 days, and/or
2. Expulsion for the remainder of the school term.

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<sup>1</sup> State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled in that a school's authority to discipline a student for off-campus hazing is unclear and highly fact-sensitive.

The district itself may be liable for a civil rights violation when school officials participate in hazing rituals. Hilton v. Lincoln-Way High School, 1998 WL 26174 (N.D. Ill., 1998) (female band member, who was hazed during a required retreat, stated a cause of action under §1983).

A district must identify a connection between a student's off-campus misconduct and the school before it may suspend or expel a student. In a case involving an off-campus *powder puff* football game that evolved into senior girls physically hazing junior girls, the federal judge upheld a school's authority to discipline students saying: "When one set of students sets to prey upon another set of students in a ritualistic exercise, the consequences of which will necessarily effect the students' relationships while they are all in attendance at the same school, the ability of school officials to act in the area and discipline those who went beyond the pale of tolerable student behavior is manifest." Gendelman v. Glenbrook North High School and Northfield Township School District 225, 2003 WL 21209880 (N.D.Ill., 5/21/2003). In that case, the school handbook expressly prohibited hazing and harassment; this prohibition was not limited to school sponsored events.

Schools have greater latitude to remove students from extracurricular participation than to suspend or expel them from school. See sample policy 7:240, *Conduct Code for Participation in Extracurricular Activities*.

<sup>2</sup> According to Illinois criminal law, a person commits hazing who knowingly requires the performance of any act by a student or other person in a school, college, university, or other educational institution of this State, for the purpose of induction or admission into any group, organization, or society associated or connected with that institution if: (a) the act is not sanctioned or authorized by that educational institution; and (b) the act results in bodily harm to any person (720 ILCS 120/5 and 10). Hazing is a Class A misdemeanor, except hazing that results in death or great bodily harm is a Class 4 felony. People v. Rokita, 591 N.E.2d 461 (Ill., 1992)(hazing statute was not overbroad by punishing constitutionally protected speech because it reached only conduct that recklessly, knowing, or intentionally results in bodily injury). The handbook definition here is significantly broader and assumes that school districts have very broad authority to discipline students. Districts that desire to state a more limited scope of authority may substitute the following sentence:

*Hazing* means any intentional, knowing, or reckless act directed against a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any school-sponsored or school-recognized organization, club, or athletic team.

## Students

### Exhibit - Aggressive Behavior Reporting Letter and Form

Dear Parent(s)/Guardian(s):

Illinois law requires a school district to notify the parent or guardian of a child who engages in aggressive behavior, including such behaviors as bullying (105 ILCS 5/10-20.14). The School Board policy prohibits a student while at school from engaging in aggressive behavior that causes physical or psychological harm to someone else and/or urging other students to engage in such conduct. Prohibited aggressive behavior includes, without limitation, the use of violence, force, noise, coercion, threats, intimidation, fear, bullying, or other comparable conduct. This early notification is intended to help all of us work together to avoid repetition of the behavior.

Student \_\_\_\_\_

Incident date \_\_\_\_\_

Incident location \_\_\_\_\_

Incident time \_\_\_\_\_

Reported by \_\_\_\_\_

Reporting date \_\_\_\_\_

**Aggressive behavior description:** *(Reporters, be specific. List all pertinent information regarding the incident including: names of all parties present and involved, weapons or objects used as weapons, pertinent and/or precipitating acts or statements, description of injuries sustained and names of injured parties, etc.)*

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**The following consequence(s) is/are recommended:**

- ☐ I will telephone you to schedule an in-person meeting or telephone conference to discuss the necessary next steps.
- ☐ Counseling service \_\_\_\_\_
- ☐ Non-District affiliated psychological service \_\_\_\_\_
- ☐ Alternative school assignment \_\_\_\_\_
- ☐ Community agency service \_\_\_\_\_

Together, I am confident we can help your child understand that aggressive behavior is not allowed at school.

\_\_\_\_\_  
Building Principal

\_\_\_\_\_  
Date

## **Students**

### **Bus Conduct** <sup>1</sup>

All students must follow the District's School Bus Safety Guidelines. The Superintendent, or any designee as permitted in the School Code, is authorized to suspend a student from riding the school bus for up to 10 consecutive school days for engaging in gross disobedience or misconduct, including but not limited to, the following:

1. Prohibited student conduct as defined in School Board policy, 7:190, *Student Discipline*.
2. Willful injury or threat of injury to a bus driver or to another rider.
3. Willful and/or repeated defacement of the bus.
4. Repeated use of profanity.
5. Repeated willful disobedience of a directive from a bus driver or other supervisor.
6. Such other behavior as the Superintendent or designee deems to threaten the safe operation of the bus and/or its occupants.

If a student is suspended from riding the bus for gross disobedience or misconduct on a bus, the School Board may suspend the student from riding the school bus for a period in excess of 10 days for safety reasons. The District's regular suspension procedures shall be used to suspend a student's privilege to ride a school bus. <sup>2</sup>

### **Electronic Recordings on School Buses** <sup>3</sup>

Electronic visual and audio recordings may be used on school buses to monitor conduct and to promote and maintain a safe environment for students and employees when transportation is provided for any school related activity. Notice of electronic recordings shall be displayed on the exterior of the vehicle's entrance door and front interior bulkhead in compliance with State law and the rules of the Illinois Department of Transportation, Division of Traffic Safety.

Students are prohibited from tampering with electronic recording devices. Students who violate this policy shall be disciplined in accordance with the Board's discipline policy and shall reimburse the School District for any necessary repairs or replacement.

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<sup>1</sup> All districts must have a policy on student discipline (105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280). State law requires the parent-teacher advisory committee, in cooperation with school bus personnel, to develop with the board, school bus safety procedures (105 ILCS 5/10-20.14(c)). See 4:170-AP3, *School Bus Safety Rules*.

<sup>2</sup> 105 ILCS 5/10-22.6(b) provides procedures for suspending a student from riding a school bus.

<sup>3</sup> This section is optional; however, before using electronic audio and/or visual recording devices, the school board must adopt a policy authorizing such electronic recordings, and it must give notice of the policy by including it in student handbooks and other documents (720 ILCS 5/14-3(m)). The notice provisions in the sample policy are mandatory.

The board should consult with the board attorney concerning the status of video and/or audio recordings that were made on school buses. Confusion surrounds whether or not videotapes are *education records* for purposes of the federal Family Education Rights and Privacy Act (FERPA) and/or *school student records* as defined in the Ill. School Student Records Act (105 ILCS 10/). 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). This treatment exempts school bus videos from the multiple requirements in the Ill. School Student Records Act. However, when responding to a request under the Freedom of Information Act for recordings on school buses, a district will need to find an exemption other than the recording is a *school student record*.

LEGAL REF.: Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.  
105 ILCS 5/10-20.14, 5/10-22.6, and 10/.  
720 ILCS 5/14-3(m).  
23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 7:130 (Student Rights and  
Responsibilities), 7:170 (Vandalism), 7:190 (Student Discipline), 7:200  
(Suspension Procedures), 7:340 (Student Records)

ADMIN. PROC.: 4:170-AP3 (School Bus Safety Rules)

## **Students**

### **Administrative Procedure - Electronic Recordings on School Buses**

#### **Review of Electronic Recordings** <sup>1</sup>

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. <sup>2</sup>

#### **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.

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<sup>1</sup> The superintendent should consult with the board attorney concerning the status of video and/or audio recordings that were made on school buses. Confusion surrounds whether or not videotapes are *education records* for purposes of the federal Family Education Rights and Privacy Act (FERPA) and/or *school student records* as defined in the Ill. School Student Records Act (105 ILCS 10/). 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). This treatment exempts school bus videos from the multiple requirements in the Ill. School Student Records Act. However, when responding to a request under the Freedom of Information Act for recordings on school buses, a district will need to find an exemption other than the recording is a *school student record*.

<sup>2</sup> The Superintendent may change the number of days for keeping a video recording. The Local Records Act (LRA, 50 ILCS 205/) governs the destruction of public records. 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.

## **Students**

### **Exhibit - Consent to Participate in Extracurricular Drug and Alcohol Testing Program**

*To be returned to the Building Principal. Please print.*

**Student** \_\_\_\_\_

**School year** \_\_\_\_\_

**To be read and signed by the student-participant and his/her parent(s)/guardian(s):**

We have received, and have read and understand, the District Extracurricular Drug and Alcohol Testing Program. We voluntarily agree that our child shall be subject to its terms for his or her entire high school career (grades 9-12). We accept the method of obtaining breath and urine specimens, the testing and analyses of such specimen, and all other aspects of the program. The student-participant agrees to cooperate in furnishing urine specimens upon request.

We further agree and consent to the disclosure of the sampling, testing, and results as provided in this program. This consent is given pursuant to all State and federal privacy statutes, and is a waiver of nondisclosure rights only to the extent of the disclosures required in the program.

We understand that there is more information available on the following websites:

[www.ihsa.org/documents/sportsMedicine/Resource\\_Exchange\\_Center\\_Flyer.pdf](http://www.ihsa.org/documents/sportsMedicine/Resource_Exchange_Center_Flyer.pdf) and  
[www.ihsa.org/Resources/SportsMedicine/PerformanceEnhancingDrugsSteroidEducation.aspx](http://www.ihsa.org/Resources/SportsMedicine/PerformanceEnhancingDrugsSteroidEducation.aspx).

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian signature

\_\_\_\_\_  
Student signature

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**To be read and signed by student who is not participating:**

I have decided **not to participate** in any extracurricular activities sponsored by the School District for the remainder of this school year. In order for me to participate in the extracurricular activity program at a later date, I understand that I must submit to a urinalysis.

\_\_\_\_\_  
Student signature

\_\_\_\_\_  
Date

## **Students**

### **Student Support Services <sup>1</sup>**

The following student support services may be provided by the School District: <sup>2</sup>

1. Health services supervised by a qualified nurse. <sup>3</sup> The Superintendent or designee may implement procedures to further a healthy school environment and prevent or reduce the spread of disease, including head lice (*Pediculus Humanus Capitis*).
2. Educational and psychological testing services and the services of a psychologist as needed. In all cases, written permission to administer a psychological examination must be obtained from a student's parent(s)/guardian(s). The results will be given to the parent(s)/guardian(s), with interpretation, as well as to the appropriate professional staff.
3. The services of a social worker. A student's parent(s)/guardian(s) must consent to regular or continuing services from a social worker.
4. Guidance and counseling services.

The Superintendent or designee shall develop protocols for responding to students with social, emotional, or mental health problems that impact learning ability. <sup>4</sup> The District, however, assumes no liability for preventing, identifying, or treating such problems.

This policy shall be implemented in a manner consistent with State and federal laws, including the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

LEGAL REF.: Children's Mental Health Act of 2003, 405 ILCS 49/  
Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/.

CROSS REF.: 6:65 (Student Social and Emotional Development), 6:270 (Guidance and Counseling Program), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:280 (Communicable and Chronic Infectious Diseases), 7:340 (Student Records)

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

<sup>2</sup> All districts are required to conduct a comprehensive needs assessment to determine the scope of student personnel services needs (23 Ill.Admin.Code §1.420(q)).

<sup>3</sup> 105 ILCS 5/2-3.142 created the Ensuring Success in School Task Force. This task force developed recommendations for policies, procedures, and protocols for school boards to adopt to address the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence. The intent of the recommendations is to ensure these student populations' ability to: (1) stay in school, (2) stay safe at school and (3) successfully complete their education. A copy of this report is available at: [www.povertylaw.org/advocacy/women-and-family/essa-task-force/essa-task-force-report](http://www.povertylaw.org/advocacy/women-and-family/essa-task-force/essa-task-force-report). School boards and superintendents may want to create their own study groups to discuss implementation of the task force's recommendations for policies, procedures and protocols.

<sup>4</sup> Any nurse first employed on or after 7-1-76, whose duties require teaching or the exercise of instructional judgment or educational evaluation of students, must be certified. A non-certified registered professional nurse may perform nursing services (105 ILCS 5/10-22.23 and 5/21-25; 23 Ill.Admin.Code §1.760).

<sup>4</sup> Required by the Children's Mental Health Act of 2003, 405 ILCS 49/.

## **Students**

### **Orders to Forgo Life-Sustaining Treatment** <sup>1</sup>

Written orders from parent(s)/guardian(s) to forgo life-sustaining treatment for their child or ward must be signed by the child's physician and given to the Superintendent. This policy shall be interpreted in accordance with the Illinois Health Care Surrogate Act (755 ILCS 40/). <sup>2</sup>

Whenever an order to forgo life-sustaining treatment is received, the Superintendent shall convene a multi-disciplinary team that includes the child's parent(s)/guardian(s) and physician, as well as school personnel designated by the Superintendent. <sup>3</sup> The team shall determine specific interventions to be used by school staff members in the event the child suffers a life-threatening episode at school or a school event. The District personnel shall convey orders to forgo life-sustaining treatment to the appropriate emergency or healthcare provider.

LEGAL REF.: Health Care Surrogate Act, 755 ILCS 40/  
Cruzan v. Director, Missouri Dept. of Health, 497 U.S. 261 (1990).  
In re: C.A., a minor, 603 N.E.2d 1171 (Ill.App.1, 1992).

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<sup>1</sup> State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled in that there is no statute or binding decision resolving competing interests and providing direction to schools for handling "do not resuscitate" orders.

<sup>2</sup> The Health Care Surrogate Act grants parents the authority to decide whether to forgo life-sustaining treatment on behalf of their minor child in certain situations (755 ILCS 40/20). The child must suffer a "qualifying condition," which means the existence of a terminal condition, permanent unconsciousness, or incurable or irreversible condition. These terms are defined in the Act.

The Act does not address the obligation of school staff members to comply with orders to forgo life-sustaining treatment, including "do not resuscitate" orders. Rather, the Act is silent regarding directives on life-sustaining care outside a health care facility or performed by a non-health care provider. The law does, however, indicate who should be the ultimate decision maker – the parent(s)/guardian(s). School officials should use the Act, after consulting the school board's attorney, as a guideline.

<sup>3</sup> Implementing orders to forgo life-sustaining care implicates the laws prohibiting discrimination on the basis of a disability (IDEA, 20 U.S.C. §1401; section 504, 29 U.S.C. §794; ADA, 42 U.S.C. §12101). A school agreeing to abide by such an order does so because of the disability's severity; a less severely disabled or non-disabled student would be treated differently. The U.S. Dept. of Education's Office of Civil Rights approved a policy that provided for a multi-disciplinary team to develop individually designed interventions. School staff members must use these interventions that might require honoring an order to forgo life-sustaining care (21 IDELR 83, 3-31-94). This sample policy balances the interests of the parents with the district's obligation under federal law by using such a team.



## **Students**

### **Administrative Procedure - Adolescent Suicide and Crisis Intervention**

#### **Identification of the At-Risk Student**

- A. An employee having any reason to believe a student is considering or threatening suicide is to contact the Building Principal and District social worker/counselor.
- B. The social worker/counselor or Principal will meet with the student.
- C. The social worker/counselor will call the student's parent(s)/guardian(s) and arrange a meeting.
  1. All calls and meetings with parent(s)/guardian(s) will be documented and a copy of the documentation sent by certified mail to the parent(s)/guardian(s).
  2. The social worker/counselor will suggest to the parent(s)/guardian(s) that the State or community mental health agency be contacted. This suggestion shall be a part of the documentation sent to the parent(s)/guardian(s).
- D. A student should never be left alone if an employee reasonably believes the student is in imminent risk of suicide. An employee should immediately contact the student's parent(s)/guardian(s).

#### **Documentation Regarding the At-Risk Student**

- A. District employees shall take notes on any conversations which involve or relate to the at-risk student. The notes shall become a part of a written report to the Building Principal.
- B. Conversations which involve or relate to the at-risk student shall be confirmed in writing with the other party(s).
- C. The Superintendent shall receive a copy of all reports and documentation regarding the at-risk student.
- D. The social worker/counselor shall prepare a report of the situation for the student's records.

Other available resources include:

The Suicide Resource Center has an awareness public prevention pilot program titled "It Only Takes One," available at: [www.itonlytakesone.org/](http://www.itonlytakesone.org/).

National Suicide Prevention Center, available at:

[www.suicidepreventionlifeline.org/GetHelp/WhatIfSomeoneIKnowNeedsHelp.aspx](http://www.suicidepreventionlifeline.org/GetHelp/WhatIfSomeoneIKnowNeedsHelp.aspx).

Assessing Tips for Suicide Risk, available at:

[www.suicidepreventionlifeline.org/App\\_Files/Media/PDF/NSPL\\_WalletCard\\_AssessingRisk\\_GRE\\_EN.pdf](http://www.suicidepreventionlifeline.org/App_Files/Media/PDF/NSPL_WalletCard_AssessingRisk_GRE_EN.pdf).

## **Students**

### **Student Records** <sup>1</sup>

School student records are confidential and information from them shall not be released other than as provided by law. <sup>2</sup> A school student record is any writing or other recorded information concerning a student and by which a student may be identified individually 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. <sup>3</sup>

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy, and challenge school student records. The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. <sup>4</sup> The District may release directory information as permitted by law, but a parent/guardian shall have the right to object to the release of information regarding his or her child. <sup>5</sup> However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or

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<sup>1</sup> State law requires school boards to adopt policy and procedures implementing the Illinois School Student Records Act and specifying the content of school student records (23 Ill.Admin.Code §§375.100 and 226.740). Both State and federal law address school student records. See the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and the School Student Records Act, 105 ILCS 10/, implemented by ISBE rules at 23 Ill.Admin.Code Part 375.

Confusion persists regarding the interplay between the FERPA and the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Privacy Rule implementing HIPAA, issued by the U.S. Dept. of Health and Human Services, addresses the disclosure of individuals' health information by *covered entities*. Generally speaking, a school district becomes a *covered entity*, and must comply with applicable sections in the Privacy Rule, if it provides health care and transmits health information in electronic form in connection with transactions. However, *educational records* as defined by FERPA are excluded from HIPAA's definition of *protected health information* (45 C.F.R. §164.501). In most cases this exception relieves school districts of complying with burdensome privacy notices and authorization forms. The board attorney should be consulted on all HIPAA-related questions.

<sup>2</sup> A plethora of statutory and decisional law protects student records. Aside from the laws identified in f/n #1, other laws protecting student records include:

1. Schools may not provide a student's *personal information* to a business organization or financial institution that issues credit or debit cards (105 ILCS 5/10-20.37).
2. Schools may not sell personal information concerning a child under the age of 16, with a few exceptions, unless a parent has consented (Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/).
3. The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is governed by the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/).
4. Schools must keep a sex offender registration form received from law enforcement separately from school student records maintained on behalf of the juvenile sex offender (730 ILCS 152/121).

Allowing students to grade each other's papers does not violate FERPA; such student work is not a *school record* until it is recorded by the teacher. *Owasso I.S.D. No. I-011 v. Falvo*, 122 S.Ct. 934 (2002). School student records are *per se* prohibited from disclosure; a district is under no obligation to redact them. *Chicago Tribune Co. v. Chicago Bd. of Ed.*, 773 N.E.2d 674 (Ill.App.1, 2002).

<sup>3</sup> 20 U.S.C. §1232g(a)(4)(A); 34 C.F.R. §99.3; 105 ILCS 10/2(d); 23 Ill.Admin.Code §375.10. Rather than listing the exceptions in the policy, a school board may choose the following alternative for this sentence:

A school student record is any writing or other recorded information concerning a student and by which a student may be identified individually that is maintained by a school or a school employee, except as provided in State or federal law.

<sup>4</sup> 23 Ill.Admin.Code §226.740.

<sup>5</sup> This sentence is required if the board allows schools to release student directory information (20 U.S.C. §1232g; 23 Ill.Admin.Code §375.80; 34 C.F.R. §99.6(a)(4)).

designee to have access to a student's school records without notice to, or the consent of, the student's parent/guardian. <sup>6</sup>

The Superintendent shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records. <sup>7</sup>

#### Student Biometric Information Collection <sup>8</sup>

The Superintendent or designee may recommend a student biometric information collection system solely for the purposes of identification and fraud prevention. <sup>9</sup> Such recommendation shall be consistent with budget requirements and in compliance with State law. Biometric information means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

Before collecting student biometric information, the District shall obtain written permission from the person having legal custody <sup>10</sup> or the student (if over the age of 18). <sup>11</sup> Upon a student's 18<sup>th</sup> birthday, the District shall obtain written permission from the student to collect student biometric information. <sup>12</sup> Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

All collected biometric information shall be stored and transmitted in a manner that protects it from disclosure. Sale, lease, or other disclosure of biometric information to another person or entity is strictly prohibited. <sup>13</sup>

The District will discontinue use of a student's biometric information and destroy all collected biometric information within 30 days after: (1) the student graduates or withdraws from the School District, or (2) the District receives a written request to discontinue use of biometric information from the person having legal custody of the student or the student (if over the age of 18). <sup>14</sup> Requests to

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<sup>6</sup> 20 U.S.C. §1232(g)(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001.

<sup>7</sup> Each school must have an *official records custodian* (105 ILCS 10/4(a). Districts must notify students and parents/guardians of their rights concerning school student records (105 ILCS 10/3; 23 Ill.Admin.Code §375.30; 34 C.F.R. §99.7). Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal, but should be reviewed and approved by the superintendent and board. See exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, and administrative procedure 7:340-AP1, *School Student Records*.

<sup>8</sup> This program is optional; however, districts either wishing to implement such a program or districts that have already engaged in the collection of student biometric information must have a policy consistent with the requirements of 105 ILCS 5/10-20.40 *et seq.* This section restates the School Code's requirements for a student biometric information policy.

<sup>9</sup> For districts already collecting biometric information the following is an alternative:

The Superintendent or designee shall maintain a biometric screening program that is consistent with budget requirements and in compliance with State law.

<sup>10</sup> 105 ILCS 5/10-20.40(b)(1) states the definition of legal custody is the same as the definition of legal custody for purposes of residency, payment of tuition, hearings, and criminal penalties at 105 ILCS 5/10-20.12b(2)(i)-(v). Several statutes define legal custody and when a court may grant it; the term requires statutory construction/interpretation and school boards should discuss this issue with their attorney prior to adopting a policy on collection of student biometric information.

<sup>11</sup> Based upon 105 ILCS 5/10-20.40, written permission is not required annually; it is valid until a request for discontinuation of the use of biometric information is received or until the student reaches the age of 18. See 7:340-AP1, E5, *Biometric Information Collection Authorization*.

<sup>12</sup> Districts must reissue 7:340-AP1, E5, *Biometric Information Collection Authorization* to students turning 18 years of age during the school year. This is because all rights and privileges accorded to a parent under the Ill. School Student Records Act become exclusively those of the student upon his or her 18<sup>th</sup> birthday, graduation from secondary school, marriage, or entry into military service, whichever comes first. 105 ILCS 10/2(g).

<sup>13</sup> State law contains two exceptions: (1) the individual who has legal custody of the student or the student (if over the age of 18) consents to the disclosure, and (2) the disclosure is required by court order. 105 ILCS 10-20.40(b)(5).

<sup>14</sup> 105 ILCS 5/10-20.40(d). No notification to or approval from the district's local records commission, pursuant to the Local Records Act, is required to destroy student biometric information.

discontinue using a student's biometric information shall be forwarded to the Superintendent or designee.

The Superintendent or designee shall develop procedures to implement this policy consistent with State and federal law. **15**

- LEGAL REF.: Chicago Tribune Co. v. Chicago Bd. of Ed., 773 N.E.2d 674 (Ill.App.1, 2002).  
Owasso I.S.D. No. I-011 v. Falvo, 122 S.Ct. 934 (2002).  
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.  
Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/.  
105 ILCS 5/10-20.21b, 20.37, 20.40, 5/14-1.01 et seq., and 10/.  
50 ILCS 205/7.  
23 Ill.Admin.Code Parts 226 and 375.
- CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights), 7:220 (Bus Conduct)
- ADMIN PROC.: 7:15-E (Notification to Parents of Family Privacy Rights), 7:340-AP1 (School Student Records), 7:340-AP1, E1 (Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records), 7:340-AP1, E3 (Letter to Parents Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information), 7:340-AP2 (Storage and Destruction of School Student Records), 7:340-AP2, E1 (Schedule for Destruction of School Student Records)

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**15** Whether the student biometric information is an education record under the FERPA, 20 U.S.C. §1232g, or falls under an exception to an education record under FERPA is an issue about which school boards should consult their board attorney. Protected Health Information under the U.S. Department of Health and Human Service's interpretations of the HIPAA excludes education records covered by FERPA, and thus HIPAA requirements are not expected to be triggered by districts collecting student biometric information. However, before implementing policies and procedures to collect student biometric information, a board should discuss these issues with the board attorney.

## Students

### **Administrative Procedure - School Student Records** <sup>1</sup>

- 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. Transmission of Records for Transfer Students
- L. Directory Information
- M. Student Record Challenges

#### **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 parenthesis indicate the location of a named law. For additional clarification regarding a requirement, the cited law should be reviewed.

Definitions are found in the Illinois School Student Records Act (105 ILCS 10/2) and the Illinois State Board of Education rules (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 (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).

*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).

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<sup>1</sup> 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.

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. 23 Ill.Admin.Code §375.10.
4. Electronic recordings made on school buses, as defined in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3. 23 Ill.Admin.Code §375.10.

### **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.

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 prevent unauthorized access to or dissemination of school student records. 105 ILCS 10/4(a)&(b).
2. Reviews student temporary records at least every 4 years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and correct inaccurate 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 notified by the Dept. of Children and Family Services (DCFS), purges DCFS's final finding report from the student's record and returns the report to DCFS. If a school has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of the DCFS's request to the receiving school. 325 ILCS 5/8.6.
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. Sec. 9528 of the No Child Left Behind, 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 of the destruction schedule for the student's permanent and temporary school student records and of their right to request a copy. 105 ILCS 10/4(h); 23 Ill.Admin.Code §375.40(c).
7. Takes all action necessary to assure 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 duty's 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 and only 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. Academic transcripts, including grades, class rank, graduation date, grade level achieved, scores on college entrance examinations, and the unique student identifier assigned and used by ISBE's Student Information System (23 Ill.Admin.Code §1.75.)
3. Attendance record
4. Health record, defined by ISBE rule as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code"
5. Record of release of permanent record information that contains the information listed in the subsection on **Record of Release**, below
6. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12)

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 the subsection on **Record of Release**, below
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 (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 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 shall be placed in the student record (23 Ill.Admin.Code §375.40(f).)
6. Health-related information, defined by ISBE rule as “current documentation of a student’s health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110) or other privacy laws, which 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, 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)”
7. 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 whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth ... has followed through on that request.”
8. 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).)
9. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement (23 Ill.Admin.Code §1.445.)

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 5 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 5 years, be transferred to the parent(s)/guardian(s) or to the eligible student. 23 Ill.Admin.Code §375.40(d).

## **G. Social Security Numbers**

School officials, with limited exceptions, may not require students or their parents/guardians to provide social security numbers. Privacy Act of 1974, 5 U.S.C. §552a, as supplemented by Pub.L. 93-579. 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**

1. 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, and should be broadly interpreted. Access in all cases is limited to the designated portion of the record to which the consent or statutory authority applies.

2. 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 Illinois School Student Records Act. 105 ILCS 10/6. Absent a court order, school officials do not provide educational records to the Immigration Customs Enforcement.

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 or Eligible Student**

1. A student's parent(s)/guardian(s) or eligible student, or designee, 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 15 school days after the receipt of such a request. 105 ILCS 10/5(c). 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) 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 indicating otherwise:
  - a. Divorced or separated parents/guardians are both permitted to inspect and copy the student's school student records otherwise.
  - b. The Building Principal shall send copies of the documents listed below to both parents/guardians at either's request. 105 ILCS 5/10-21.8.
    - 1) Academic progress reports or records
    - 2) Health reports
    - 3) Notices of parent-teacher conferences
    - 4) School calendar regarding the student

- 5) Notices about open houses, graduations, and other major school 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 was issued. 750 ILCS 60/214(b)(15). See **Orders of Protection**, below.
5. Access shall not be granted the parent(s)/guardian(s) or the student 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 January 1, 1975, 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 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 Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA, 740 ILCS 110/), 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&5.

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

1. District employees or officials of the Illinois State Board of Education 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. 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.
4. A SHOCAP (Serious Habitual Offender Comprehensive Action Program) 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. 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 the federal Family Educational Rights and Privacy Act. 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.

5. 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 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).
6. Military recruiters and institutions of higher learning will be granted access to secondary students’ names, addresses, and telephone listings, unless an objection is made by the student’s parent(s)/guardian(s). 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. Sec. 9528 of the No Child Left Behind, 20 U.S.C. §7908. For more information, see 7:340-AP1, E3, *Letter to Parents 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*. The requirements in this paragraph #6 apply only if the District receives funds under the Elementary and Secondary Education Act. Id.

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

1. 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 shall be deemed to have received the required written notice. The Building Principal shall respond to the order no earlier than 5 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).
  1. 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).
2. 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, 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.

3. 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. <sup>2</sup> No parent/guardian or student shall be precluded from copying information because of financial hardship. 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. Information released or made accessible
2. The name and signature of the Building Principal
3. The name and position of the person obtaining the release or access
4. The date of the release or grant of access
5. A copy of any consent to such release

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

#### **J. Orders of Protection**

Upon receipt of a court order of protection, the Building Principal shall file it in the temporary record of a student who is the *protected person* under the order of protection. No information or records shall be released to the Respondent named in the order of protection. 750 ILCS 60/222(e).

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

The Building Principal shall:

1. 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, 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. See policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.
2. Determine if the school or special education office has any record that is protected by the Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA, 740 ILCS

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<sup>2</sup> 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. 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."

110/) 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.

3. 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.
4. Destroy any biometric information collected and do not transfer it to another school district.
5. Retain the original records in accordance with the requirements of 105 ILCS 10/4.
6. 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: 3 23 Ill.Admin.Code §§375.75(i).

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 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.

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. §8921 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.

#### **L. Directory Information** <sup>4</sup> 23 Ill.Admin.Code §375.80

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<sup>3</sup> This practice is optional.

<sup>4</sup> Districts are not required to identify and release directory information.

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

1. Name
2. Address
3. Gender
4. Grade level
5. Birth date and place
6. Parents'/guardians' names, addresses, electronic mail addresses, and telephone numbers
7. 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
8. Academic awards, degrees, and honors
9. Information in relation to school-sponsored activities, organizations, and athletics
10. Major field of study
11. 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 object to the release of directory information. See 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*.

#### **M. 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 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: 105 ILCS 10/7; 23 Ill.Admin.Code §375.90.

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 typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten 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, within 20 school days after the decision is transmitted. The parent(s)/guardian(s), if they appeal, shall so inform the school 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 school may initiate an appeal by the same procedures.
8. The final decision of the Regional Superintendent or appropriate Intermediate Service Center may be appealed to the circuit court of the county in which the school is located.
9. The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. The school will include a copy of the statement in any release of the information in dispute. 105 ILCS 10/7(d).

LEGAL REF.:       Family Education Rights and Privacy Act, 20 U.S.C. §1232g; implemented by 34 C.F.R. Part 99.  
                      Illinois School Student Records Act, 105 ILCS 10/2; implemented by 23 Ill.Admin.Code Part 37.  
                      Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/.

## Students

### **Exhibit - Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records**<sup>1</sup>

*Upon the initial enrollment or transfer of a student to the school, the school must notify the student and the student's parent(s)/guardian(s) 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:

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This notice contains a description of your and your student'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 identified individually 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 parent(s)/guardian(s)
2. Academic transcripts, including grades, class rank, graduation date, grade level achieved, scores on college entrance examinations, and the unique student identifier assigned and used by the Illinois State Board of Education's Student Information System
3. Attendance record
4. Health record defined by the Illinois State Board of Education as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code"
5. 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
  - e. A copy of any consent to a release
6. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12)

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<sup>1</sup> This notification is based on the *Model Notification* published by the U.S. Department of Education. Changes were made to comply with the Ill. School Student Records Act, 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 7:340-AP1, *Administrative Procedure - 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.



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 shall be placed in the student record
6. Health-related information, defined by the Illinois State Board of Education 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, which 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, 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”
7. Accident report, defined by the Illinois State Board of Education 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 whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth ... has followed through on that request.”
8. Any documentation of a student's transfer, including records indicating the school or school district to which the student transferred
9. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement

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 Illinois Student Records Act 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 15 school days of the day the District receives a request for access.**

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 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 10/5a, and 750 ILCS 60/214(b)(15)).

**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 Illinois School Student Records Act 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 person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or any parent(s)/guardian(s) 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.

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; 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 5 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 5 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 4 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.**

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

Name

Address

Gender

Grade level

Birth date and place

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 parents/guardians 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 parents/guardians, or student who is 18 years of age or older, request that the information not be disclosed without prior written consent. 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. Department 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:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington DC 20202-4605

## Students

### Exhibit - Using a Photograph or Video Recording of a Student

*Distribute to parent(s)/guardian(s) at the time they register a child for school and/or annually at the beginning of the school year. Return to the Building Principal to be kept in the student's temporary record.*

**Student** \_\_\_\_\_

**School year** \_\_\_\_\_

#### Pictures of Unnamed Students

Students may occasionally appear in photographs and video recordings taken by school staff members, other students, or other individuals authorized by the Building Principal. The school may use these pictures, without identifying the student, in various publications, including the school yearbook, school newspaper, and school website. No consent or notice is needed or will be given before the school uses pictures of unnamed students taken while they are at school or a school-related activity.

#### Pictures of Named Students

Sometimes the school may want to identify a student in a school picture. For example, school officials want to acknowledge those students who participate in a school activity or deserve special recognition.

In order for the school to publish a picture with a student identified by name, one of the student's parents or guardians must sign the consent below. Please complete and sign this form to allow the school to publish and otherwise use photographs and video recordings, with your child identified, while he or she is enrolled in this school.

**I grant consent to the School District to identify a picture of my child, by full name and/or the school he or she attends, in any school sponsored material, publication, video recording, or website. This consent is valid for the entire time my child is enrolled in the District. I may revoke this consent at any time by notifying the Building Principal.**

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Parent/Guardian signature

\_\_\_\_\_  
Date

#### Pictures of Students Taken By Non-School Agencies

While the school limits access to school buildings by outside photographers, it has no control over news media or other entities that may publish a picture of a named or unnamed student. School staff members will not, however, identify a student for an outside photographer.

## Students

### Exhibit - Letter to Parents Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information

*On District letterhead*

Date

Re: Military Recruiters and Postsecondary Institutions Receiving Student Directory Information

Dear Parents:

From time-to-time, military recruiters and postsecondary educational institutions request the names, telephone numbers, and addresses of our secondary students. The school must provide this information unless the parent(s)/guardian(s) request that it not be disclosed without their prior written consent.

**Important:** If you do not want military recruiters or institutions of higher learning to be given your secondary school student's name, address, and telephone number, please complete the form below and return it to the Building Principal.

Sincerely,

Superintendent

-----  
*To be submitted to the Building Principal.*

Please do not release my child's name, telephone numbers, and/or address, to:

\_\_\_\_\_ Military Recruiters

\_\_\_\_\_ Institutions of higher education

\_\_\_\_\_  
Student Name *(please print)*

\_\_\_\_\_  
Student ID Number

\_\_\_\_\_  
Parent/Guardian Name *(please print)*

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

## **Students**

### **Exhibit - Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information <sup>1</sup>**

**1. What do the U.S. Patriot Act and No Child Left Behind Act require of schools with regard to allowing military recruiters access to students?**

The Patriot Act has nothing to do with the military recruiter access to students or information. It requires schools to comply with an *ex parte* order issued in connection with the investigation or prosecution of terrorism. A court issues an *ex parte* order without notice to an adverse party. Student records may be disclosed pursuant to such an order without parents' consent or knowledge.

Two pieces of legislation require schools receiving funds under the Elementary and Secondary Education Act to: (1) give military recruiters the same access to secondary school students as they provide to postsecondary educational institutions or to prospective employers or an institution of higher education, and (2) provide students' names, addresses, and telephone listings to military recruiters, when requested. Those laws are:

- §9528 of the No Child Left Behind Act of 2001, 20 U.S.C. §7908.
- 10 U.S.C. §503, as amended by the National Defense Authorization Act for Fiscal Year 2002.

**2. What information about students (and which students) must be disclosed to military recruiters by our administration?**

Secondary schools must disclose names, addresses, and telephone numbers of secondary students, unless parents/guardians have requested the information not be released.

**3. What notification must schools provide to parents before disclosing students' names, addresses, and telephone numbers to military recruiters and institutions of higher education?**

Under federal and State laws governing student records, schools must provide notice to parents of the types of student information that it releases publicly. This type of student information, commonly referred to as *directory information*, includes names, addresses, and telephone numbers. The notice must include an explanation of a parent's right to request that the information not be disclosed without prior written consent. Under the No Child Left Behind Act, schools must notify parents that the school routinely discloses names, addresses, and telephone numbers to military recruiters and institutions of higher education upon request, subject to a parent/guardian's request not to disclose such information without written consent.

A notice provided through a mailing or student handbook informing parents of the above information is sufficient to satisfy the parental notification requirements. The notification must advise parents how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent opts out of providing directory information to third parties, the opt-out also applies to requests from military recruiters and institutions of higher education. For example, if the opt-out states that telephone numbers will not be disclosed to the public, schools may not disclose telephone numbers to military recruiters.

If a school does not release "directory information," it still must provide students' names, addresses, and telephone numbers to military recruiters and institutions of higher education upon

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<sup>1</sup> This document answers many questions concerning the topic for school staff members and may be distributed at will.

request. The school must notify parents that it discloses information to military recruiters and institutions of higher education, noting that parents have the right to opt their children out of this disclosure.

**4. Does recruitment take place in a private office or out in a common area?**

Neither federal nor State law addresses where recruitment takes place. These laws only require that guidelines imposed on military recruiters be the same as those imposed on postsecondary educational institutions recruiters and/or prospective employers.

**5. How frequently are recruiters present?**

Neither federal nor State law addresses how often recruiters may have access to students. These laws only require that guidelines imposed on military recruiters be the same as those imposed on postsecondary educational institutions and prospective employers.

**6. What information does a military recruiter request of students during the interview?**

The type of questions military recruiters may ask students is generally not limited. Of course, students may refuse to cooperate or even refuse to be interviewed.

**7. Can schools supervise recruiters to ensure they do not approach impressionable students too strongly?**

Federal law does not grant authority to schools to supervise military recruiting efforts. The school may, of course, require military and postsecondary recruiters to abide by the District's policy governing conduct on school property.

**8. What are parents' rights relative to military recruiters on campus?**

Parents may instruct their children to forgo being interviewed by military and/or postsecondary recruiters or prospective employers.

**9. What information do schools provide to families relative to recruiting that goes on at school?**

Aside from the notice described in #3, neither federal nor State law addresses what information schools must provide to parents regarding the recruiting that takes place at school – this is a local issue to be determined by the Superintendent or Building Principal.

**10. Where can I get more information on the requirements of 10 U.S.C. §503?**

The Office of the Secretary of Defense may be contacted for copies of the statute, or questions relating to it. Please contact the Accession Policy Directorate as follows:

Director, Accession Policy  
4000 Defense Pentagon  
Washington, DC 20301-4000  
Telephone: 703/695-5529

**11. Where can I get more information on the requirements of §9528 of the ESEA?**

The Family Policy Compliance Office (FPCO) in the Department of Education administers FERPA as well as §9528 of the ESEA (20 U.S.C. §7908), as amended by the No Child Left Behind Act of 2001. School officials with questions on this guidance, or FERPA, may contact the FPCO at [FERPA@ED.Gov](mailto:FERPA@ED.Gov) or write to the FPCO as follows:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605  
Telephone: 202/260-3887



Fax: 202/260-9001  
[www.ed.gov/offices/OM/fpco](http://www.ed.gov/offices/OM/fpco)

## **Students**

### **Exhibit - Biometric Information Collection Authorization**

*Distribute to legal custodian(s) at the time they register a child for school and to students reaching their 18<sup>th</sup> birthdays before graduation, marriage or entry into military service. Return to the Building Principal to be kept in the student's temporary record.*

**Student Name** \_\_\_\_\_

The District collects biometric information from its students only for identification and/or fraud prevention purposes. Biometric information includes any information collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition, or iris or retinal scans. The School Code requires written permission from the individual who has legal custody of the student, or from the student if he or she has reached the age of 18, before the District may collect biometric information from students.

When collecting biometric information, the School Code also requires the District to:

1. Store, transmit, and protect all biometric information from disclosure.
2. Prohibit the sale, lease, or other disclosure of biometric information to another person or entity unless: (a) prior written permission by you is granted, or (b) the disclosure is required by court order.
3. Discontinue the use of a student's biometric information under either of the following conditions:
  - (a) Upon the student's graduation or withdrawal from the school district; or
  - (b) Upon receipt in writing of a request for discontinuation by the individual having legal custody of the student or by the student if he or she has reached the age of 18.
4. Destroy all of a student's biometric information within 30 days after the occurrence of either conditions 3(a) or 3(b) above.

**I consent to the collection of biometric information of the above named student by the School District solely for identification or fraud prevention. I understand that this authorization is valid until I request that the District's use of the student's biometric information be discontinued or the student reaches the age of 18, whichever is earlier. I understand that a request for discontinuation of the use of the above named student's biometric information may be made at any time by notifying the Building Principal in writing.**

\_\_\_\_\_  
Legal Custodian (if student is under age 18) signature

\_\_\_\_\_  
Student (if age 18 or over) signature

\_\_\_\_\_  
Date

## Students

### Administrative Procedure - Storage and Destruction of School Student Records

This procedure should be used with 7:340-AP1, *Administrative Procedure - School Student Records*, which is annotated with citations to controlling statutes.

Actor	Action
Superintendent or Designee	<ol style="list-style-type: none"> <li>1. Develop and implement a process to systematically digitize or microfilm school student records.</li> <li>2. Any public record may be reproduced in a microfilm or digitized electronic format and the paper version destroyed, provided: (a) the records are reproduced on “a durable medium that accurately and legibly reproduces the original record in all details,” and “that does not permit additions, deletions, or changes to the original document images;” and (b) the Local Records Commission is notified when the original record is disposed of and also when the reproduced record is disposed of. Local Records Act, 50 ILCS 205/7.</li> <li>3. Use this web link to the Illinois Secretary State’s publication, <a href="#">Guidelines for Using Electronic Records</a>.</li> </ol> <p>Develop and implement a uniform process for storing school student records to ensure that:</p> <ol style="list-style-type: none"> <li>1. Each student’s permanent record will be kept for 60 years after the student transfers, withdraws, or graduates.</li> <li>2. Each student’s temporary record will be kept for 5 years after the student transfers, withdraws, or graduates.</li> </ol> <p>Submit to the Local Records Commission a schedule for continuing authority to destroy school student records after the expiration of the applicable period.</p>
Official Records Custodian for each School (usually the Building Principal)	<p>Send any material for a student transferring into the District that is neither a permanent or temporary record to the parent/guardian, or student who is 18 years of age or older, with the indication that the District does not include that material in school student records.</p> <p>Store student school records according to the uniform process developed by the Superintendent or designee.</p> <p>Transfer school student records as follows:</p> <ol style="list-style-type: none"> <li>1. For a student transferring within the District, send originals of all permanent and temporary records.</li> <li>2. For a student transferring to an out-of-District elementary or secondary school, follow the section in 7:340-AP1, <i>Administrative Procedure - School Student Records</i>, on <b>Transmission of Records for Transfer Students</b>. Send a copy and retain the original of all permanent and temporary records and notify the Special Education Department of the transfer.</li> </ol> <p>Provide a destruction schedule notice to the parents/guardians of students who transferred, graduated, or withdrew, or students who are 18 years of</p>

Actor	Action
	<p>age or older. See 7:340-AP2, E1, <i>Exhibit - Letter Containing Schedule for Destruction of School Student Records</i>. Retain a copy for the school's record.</p> <p>Authorize and/or order the destruction of District records after ensuring that the following steps have been performed:</p> <ol style="list-style-type: none"> <li>4. The Local Records Commission approved a schedule for continuing authority to destroy school student records after the expiration of the applicable period.</li> <li>5. Any record is retained and removed from the disposal list if it is or may be evidence in litigation, or is otherwise subject to a <i>litigation hold</i>.</li> <li>6. A Local Records Disposal Certificate was sent to the Local Records Commission, Illinois State Archives, 60 days before the disposal date and an approved copy was returned. Section 4000.40(b) of the rules of the Downstate Local Records Commission and Section 4500.40(b) of the rules of the Cook County Local Records Commission.</li> </ol>
<p><b>Links to Web-based Record Management Resources:</b></p> <p><a href="#">Cook County Local Records Commission Meetings</a></p> <p><a href="#">Cook County Local Records Commission Rules (44 Ill Admin Code Title PART 4500)</a></p> <p><a href="#">Downstate Local Records Commission Meetings</a></p> <p><a href="#">Rules of the Downstate Local Records Commission (44 Ill Admin Code Title PART 4000)</a></p> <p><a href="#">Filmed Records Certification Act (50 ILCS 210)</a></p> <p><a href="#">Filmed Records Destruction Act (50 ILCS 215)</a></p> <p><a href="#">Illinois School Student Records Act (105 ILCS 10)</a></p> <p><a href="#">Local Records Act (50 ILCS ACT 205)</a></p> <p><a href="#">Local Records Disposal Certificate</a></p>	

**Students****Exhibit - Letter Containing Schedule for Destruction of School Student Records**

*Store in the school's or Building Principal's office.*

Student's Name: \_\_\_\_\_

Parent's Name: \_\_\_\_\_

School: \_\_\_\_\_

This notice contains the destruction schedule for your or your student's school records as required by rule of the Illinois State Board of Education, Section 375.40(c).

As you or your student is permanently withdrawing, transferring, or graduating from this School District, you are notified of the schedule below for destruction of the school records. This schedule complies with the Illinois School Student Records Act, 105 ILCS 10/4(e) and (f), requirements that (1) temporary records be retained for at least 5 years after a student's transfer, withdrawal, or graduation, and (2) permanent records be retained for at least 60 years after a student's transfer, withdrawal, or graduation. The parent(s)/guardian(s), or the student if he or she is at least 18 years of age at the time of the request, may request a copy of a record at any time prior to the date of destruction listed below.

Temporary records will be destroyed no earlier than: \_\_\_\_\_  
(Date)

Permanent records will be destroyed no earlier than: \_\_\_\_\_  
(Date)

☐ Mailed or ☐ Hand delivered on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_ to the above named parent(s)/guardian(s), or the student if  
he or she is at least 18 years of age.

Sincerely,

Building Principal

## Community Relations

### Exhibit - Application and Procedures for Use of School Facilities <sup>1</sup>

*To be submitted to the Superintendent*

**This application must be approved before a non-school related group is allowed to use school facilities.** School organizations, school-sponsored programs, and organizations whose primary purpose is to provide financial assistance to the school are all considered, for the purpose of this application, to be school-related. Use of school facilities for school purposes has precedence over all other uses.

<b>Organization name</b>	<b>Requested school facility</b>
<b>Adult Supervisor from Organization</b> <i>(must be 21 years of age or older)</i>	<b>Phone/email address</b>
<b>Program/Activity</b>	<b>Date(s) and start/end time(s)</b>
<b>Equipment needed</b>	<b>Materials to be brought into facility</b>
<b>Room arrangement, including decorations</b>	<b>Food service required</b>

1. **All non-school related groups must supply adequate supervision to ensure proper care and use of school facilities.**
  - The non-school related group is responsible to the Board for the use and care of the school facility. All adult supervisors must have cell phones with them at all times.
  - Sufficient, competent adult supervision must be provided and the adult supervisor must ensure that no minor is left alone after the activity.
  - Only the cafeteria, auditorium, gymnasium, and athletic field, along with needed hallways and parking areas, are available for community use. Entering any room or area not in use by the group is prohibited. The adult supervisor will vacate the facility at the scheduled end time. Use of the school facility is not permitted past the agreed end time.
  - No furniture or equipment may be moved without prior approval from the Building Principal.
  - Signs, displays, or materials may not be attached, nailed, or otherwise affixed to walls.

\_\_\_\_\_ *Initial here if this is agreeable*
2. **All non-school related groups must agree to:**
  - Indemnify and hold harmless the District and its agents and employees for and from any and all loss including attorneys' fees, damages, expense, and liability arising out of its use of school property.
  - Pay any damages to school facilities, furniture, or equipment arising out of its use of school property whether such damage was accidental or deliberate. The cost of damages will be based on the repair

<sup>1</sup> When a policy allows for community use of school facilities, the application and implementing procedures should have provisions to protect those facilities from damage and the district from unnecessary liability. The application and procedures should also clearly identify which groups are considered "school-related," what facilities are involved, and fees (if a tax supported body within the district wants to use a school facility, a board may want its fees to cover only direct costs to the district, e.g., personnel, utilities or other out-of-pocket expenses). The application and implementing procedures should also require that non-school related groups follow the district's *Plan for Responding to a Medical Emergency at a Physical Fitness Facility* (See 4:170-AP6). No trained AED user is required on the premises when the activity is not directly supervised by an employee of the district (210 ILCS 74/5.25) and the activity occurs outside of staffed business hours (210 ILCS 74/15 (b), amended by P.A. 96-748).

or replacement cost, the choice of which is at the School Board's discretion.

- Supply proof of insurance naming [insert name of the District] as an additional insured and verifying that the group maintains adequate insurance coverage against personal injury and/or property loss: \_\_\_\_\_

Insurance provider name and contact number

\_\_\_\_\_Initial here if this is agreeable

**3. All non-school related groups must pay the following fees:**

Rental charge (unless waived by Board policy): \_\_\_\_\_

Meal and beverage service (cost as determined by the cafeteria supervisor): \_\_\_\_\_

\_\_\_\_\_Initial here if this is agreeable

**4. Payment Method:**    ☐ Check            ☐ Money Order            ☐ Credit Card

If payment is by check, please make check payable to: \_\_\_\_\_ **The District**

If payment by credit card, please indicate the following: ☐ Visa    ☐ Master Card    ☐ Am Ex

Expiration date: \_\_\_\_\_ Credit Card No. \_\_\_\_\_ Today's date \_\_\_\_\_

Authorized amount: \_\_\_\_\_ Authorized signature: \_\_\_\_\_

**5. All non-school related groups must agree to use appropriate emergency procedures including calling 9-1-1 for medical emergencies and whenever an AED is used.**

\_\_\_\_\_Initial here if this is agreeable

**6. All non-school related groups must agree to follow the District's Plan for Responding to a Medical Emergency at a Physical Fitness Facility, 4:170-AP6. Important:** The District will not supervise the activity nor will it supply trained AED users to act as emergency responders at any time, including during staffed business hours.

- ☐ Activity being proposed is not in a physical fitness facility.

\_\_\_\_\_Initial here if this is agreeable

- ☐ Copy of the District's Plan for Responding to a Medical Emergency at a Physical Fitness Facility has been provided. (77 Ill.Admin.Code §§527.400(a) and 527.800(c). **Important:** State law encourages all non-District coaches, instructors, judges, referees, or other similarly situated non-District anticipated rescuers who use the physical fitness facility in conjunction with the supervision of physical fitness activities to complete a course of instruction that would qualify them as a trained AED user under Ill. law (410 ILCS 4/10; 77 Ill.Admin.Code §527.100).

\_\_\_\_\_Initial here that a copy of the Plan was received and that the Applicant has read and understands the above note.

**7. If the request involves a physical fitness facility, the non-school related group must:**

- Designate at least one adult supervisor who agrees to be an emergency responder. All emergency responders are encouraged to be trained in CPR and trained AED users.
- Give a copy of the District's plan for responding to medical emergencies to each designated emergency responder.
- Require that 9-1-1 be called for medical emergencies and whenever an AED is used.
- Ensure that each designated emergency responder knows the location of first aid equipment and any AED.
- Ensure that only trained AED users operate an AED, unless the circumstances do not allow time for a trained AED user to arrive.
- Arrange for at least one emergency responder to have a tour of the facility before the activity.
- Ensure that if an AED is used, the Superintendent is informed and all appropriate forms are completed.

\_\_\_\_\_Initial here if this is agreeable

**I certify that I am authorized to act for the above-named organization. I understand that: (1) the granting of this request does not constitute recognition of my organization as a school-related group or activity, and (2) my organization may not represent itself or any of its activities as school-related.**

**I agree to: (1) abide by the conditions stated in this application, and (2) adhere to all Board policies and administrative procedures applicable to this use of the school's facility.**

_____ Applicant name <i>(please print)</i>	_____ Telephone number
_____ Address	_____ Email address
_____ Applicant signature	_____ Date

The Superintendent or designee will base his or her decision on the information being provided in this application as well as other criteria deemed important. *(Note to Superintendent or designee: After approving or denying this application, return a copy of it to the person making the request, keep the original in the central office, and send a copy to the appropriate Building Principal.)*

☐ **Approved**                      ☐ **Denied**

_____ Superintendent or designee	_____ Date
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