

OK as is
Share w/ Scott,
Melissa, Stena, Jessica,
Jen
NEW

April 2025

7:255-AP2

Students

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

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

Table of Contents

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

Sections

A. Overview of Article 26A Complaint Resolution Procedure

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

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

The footnotes should be removed before the material is used.

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

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

The footnotes should be removed before the material is used.

² Optional. This is a suggested best practice.

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

Information Required by 105 ILCS 5/26A-20(c)	Possible Sources
<p>The name and contact information for the Article 26A Resource Person, Title IX Coordinator, school district resource officers or security, and any community-based domestic or sexual violence organization(s), as appropriate.</p>	<p>The name and contact information for each building-level Article 26A Resource Person appears in administrative procedure 7:255-AP1, <i>Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence</i>, as well as in any building-specific website and/or student handbook. See exhibits 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>, and 7:190-E2, <i>Student Handbook Checklist</i>.</p> <p>The name and contact information of the District's Title IX coordinator(s) are available in policy 2:265, <i>Title IX Grievance Procedure</i>, on the District's website, and in student handbooks.</p> <p>Contact each school's administrative office for information about building-level resource officers or security and local community-based domestic or sexual violence organization(s).</p>
<p>The name, title, and contact information for any confidential resources and a description of what confidential reporting means.</p>	<p>See exhibit 2:265-E, <i>Title IX Glossary of Terms</i>, for a definition of <i>confidential employee</i>. Consult the board attorney to determine whether the district has any confidential resources.</p>
<p>An option for the student or their parent/guardian to electronically, anonymously, and confidentially report the incident.</p>	<p>Electronic, anonymous, confidential reporting is available via the Safe2Help Illinois helpline, www.safe2helpil.com/. Helpline information is published in student handbooks (see exhibit 7:190-E2, <i>Student Handbook Checklist</i>) and on district-issued student identification cards, if any (see administrative procedure 7:290-AP, <i>Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program</i>).</p>
<p>An option for reports by third parties and bystanders.</p>	<p>Third parties and bystanders may report an alleged incident of domestic or sexual violence using any of the following policies, as appropriate:</p> <ul style="list-style-type: none"> 2:260, <i>Uniform Grievance Procedure</i> 2:265, <i>Title IX Grievance Procedure</i> 5:90, <i>Abused and Neglected Child Reporting</i> 7:20, <i>Harassment of Students Prohibited</i> 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i> 7:185, <i>Teen Dating Violence Prohibited</i> 7:190, <i>Student Behavior</i>

<p>Information regarding the various individuals, departments, or organizations to whom a student may report an incident of domestic or sexual violence, specifying for each individual or entity (a) the extent of the individual's or entity's reporting obligation to the District's administration, Title IX Coordinator, or other personnel or entity, (b) the individual or entity's ability to protect the student's privacy, and (c) the extent of the individual's or entity's ability to have confidential communications with the student or their parent/guardian.</p>	<p>Students may report an alleged incident of domestic or sexual violence via the Safe2Help Illinois helpline (www.safe2helpil.com/), by contacting any staff member or school resource officer, or using any of the following policies:</p> <ul style="list-style-type: none"> 2:260, <i>Uniform Grievance Procedure</i> 2:265, <i>Title IX Grievance Procedure</i> 7:20, <i>Harassment of Students Prohibited</i> 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i> 7:185, <i>Teen Dating Violence Prohibited</i> 7:255, <i>Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence</i> <p>Information regarding local community-based domestic or sexual violence organizations may also be available in each school's administrative office.</p> <p>The extent of an individual or entity's reporting obligations, ability to protect student privacy, and ability to have confidential communications is fact-specific and impractical to include in district-level policy or procedures. It is also beyond the scope of the District's work to know an outside individual's or entity's reporting obligations, ability to protect student privacy, and ability to have confidential communications. Consult the Board Attorney for guidance.</p>
--	---

10. Standard of Proof. All determinations are based upon the *preponderance of evidence* standard. Id. at (c)(1). Preponderance of the evidence is defined to mean "the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force." Black's Law Dictionary, 11th ed. 2019.
11. Right to Appeal. The Complainant, Respondent, or any named perpetrator directly impacted by the results of the Complaint Resolution Procedure may appeal as described in **Section D. Appeals**, below.

B. Access to Support Services

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

C. Investigation and Determination

The Complaint Resolver follows these steps when investigating the allegations in a Complaint. The Complaint Resolver shall make all reasonable efforts to complete the investigation and issue a written determination regarding whether an Article 26A violation occurred within 30 school business days. The Complaint Resolver will take steps to interview all parties, view any recorded

forensic interviews, review other forms of evidence, and conduct interviews and follow-up interviews, as needed.

During the investigation, the Complainant and Respondent:

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

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

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

D. Appeals

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

The footnotes should be removed before the material is used.

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

	Within 10-15 school business days after concluding the review, affirms, reverses, or amends the Complaint Resolver's determination and notifies the parties in writing of the appeal result and rationale for the result. <u>Id.</u> at (f)(3).
--	---

DRAFT

ok as is
changes as indicated
share w/11/15/19

Students

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

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

- ☐ Undesignated Glucagon (UG)
- ☐ Undesignated Asthma Medication (UAM)
- ☐ Undesignated Epinephrine Injector(s) (UEIs)
- ☐ Undesignated Opioid Antagonist(s) (UOAs) (required by 105 ILCS 5/22-30(f), amended by P.A. 103-348, ~~eff. 1-1-24~~, unless there is a shortage, in which case the District must make a reasonable effort to maintain a supply)
- ☐ Undesignated Oxygen Tank(s) (UOT)¹
- ☐ The Superintendent, school nurse, and/or other necessary school officials should consult the Board Attorney to develop a plan to implement 105 ILCS 5/22-30, ~~amended by P.A. 102-413~~, and 105 ILCS 145/27.
- ☐ Obtain a prescription to maintain a supply of one or all of the following: undesignated asthma medication (UAM), epinephrine injector(s) (UEIs), opioid antagonist(s) (UOAs) (unless the District is able to secure a supply without a prescription), undesignated glucagon (UG), and/or undesignated oxygen tank(s) (UOTs) in the District's name pursuant to 105 ILCS 5/22-30(f), amended by P.A. 103-196, ~~eff. 1-1-24~~, and 105 ILCS 145/27.
- ☐ Designate a secure location(s) to store undesignated medication. For UAM, UEIs, and/or UOAs, this is where persons needing these medications are most at risk ~~and for UOTs~~, where a person with developmental disabilities is most at risk. 105 ILCS 5/22-30(f), amended by P.A. 103-196, ~~eff. 1-1-24~~. For UEIs ~~and UOTs~~, this includes but is not limited to locations accessible before, during, and after school, such as classrooms and lunchrooms. *Id.* For additional storage procedures for UEIs, see 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*. For UAM, this includes but is not limited to, a classroom or the nurse's office. *Id.* For UG, this is where it is immediately accessible to a school nurse or delegated care aide. 105 ILCS 145/27. For UOTs, the supply must be maintained in accordance with the manufacturer's instructions and any local fire department rules.
- ☐ Develop a method for maintaining an inventory of UAM, UEIs, UOAs, ~~UG~~, and UOTs. The inventory should list the expiration dates of the UAM, UEIs, UOAs, ~~UG~~, and UOTs.
- ☐ Identify ~~procedures~~ ^{for} a log or other recordkeeping of provisions, or administrations of UAM, UEIs, UOAs, ~~UG~~, and ~~UOTs~~.

The footnotes should be removed before the material is used.

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

- ☐ Maintain a list in each building administrator and/or his or her corresponding school nurse's office that includes the names of *trained personnel* who have received a statement of certification pursuant to State law, or in the case of UOTs, have received appropriate training on the use and storage of emergency oxygen.²
- ☐ Develop procedures to implement any prescribed standing protocol for the provision, or administration of UAM, UEIs UOAs, UG, and/or UOTs including calling 911 and noting any instructions given by Emergency Management Services (EMS). 105 ILCS 5/22-30, amended by ~~P.A.s 102-413 and~~ P.A. 103-196, ~~eff. 1-1-24~~, and 23 Ill.Admin.Code §1.540(d). Follow administrative procedure 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, for UEI administration procedures. Upon any administration of any epinephrine injector, or opioid antagonist, procedures must include:
1. Immediate activation of the EMS system. 105 ILCS 5/22-30(f-5). 105 ILCS 5/22-30(f-5) does not address contacting EMS upon the administration of any asthma medication (so asthma medication is excluded from introductory clause above). This may mean that the Ill. General Assembly did not intend for school personnel to notify EMS when administering a student's *prescribed* asthma medication (as opposed to UAM). However, 105 ILCS 5/22-30(j-5) requires asthma action plans. Some attorneys advise that all asthma action plans mandate an immediate 911 call based upon In re Estate of Stewart, 406 Ill.Dec. 345 (2nd Dist. 2016); In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017) (school district's appeal denied) (holding that a teacher's failure to dial 911 immediately upon a student's asthma attack was willful and wanton conduct, subjecting the school district to liability and barring immunity protections under the Local Governmental and Governmental Employees Tort Immunity Act). Consult the Board Attorney about whether to contact EMS when *any* asthma medication is administered and whether to contact EMS when any oxygen is administered, as the School Code also does not address this issue.
 2. Notification to the student's parent, guardian, or emergency contact, if known. ~~Id.~~ 105 ILCS 5/22-30(f-5) and 105 ILCS 5/22-30(f), amended by P.A. 103-196, ~~eff. 1-1-24~~, do not address contacting the student's parent, guardian, or emergency contact upon the administration of any asthma medication or undesignated oxygen. See the discussion in number 1, above, about asthma action plans, and consult the Board Attorney.

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

UEI was administered:	UOA was administered:	UAM was administered:	UG was administered:
a. Physician, physician assistant, or advance practice registered nurse who provided the standing protocol or prescription for	a. The health care professional (20 ILCS 301/5-23(d)(4)) who provided the prescription for the opioid antagonist within 24 hours . 105 ILCS 5/22-30(f-10).	a. Physician, physician assistant, or advanced practice registered nurse who provided the standing protocol and a prescription for the UAM within 24 hours . 105 ILCS 5/22-30(f-10).	Immediately after administering UG to a student, notify the school nurse (if school nurse

The footnotes should be removed before the material is used.

² 105 ILCS 5/22-30(f), amended by P.A. 103-196, ~~eff. 1-1-24~~, does not address training for school staff administering UOTs. A training requirement is added to this procedure as a best practice. See sample policy 7:270, *Administering Medicines to Students*, at f/n 19, for further discussion.

UEI was administered:	UOA was administered:	UAM was administered:	UG was administered:
<p>the UEI within 24 hours. 105 ILCS 5/22-30(f-10).</p> <p>b. Ill. State Board of Education (ISBE) within three (3) days. 105 ILCS 5/22-30(i). Notification will be on an ISBE-prescribed form (www.isbe.net/Documents/34-20A-undesigned-epinephrine-rptg.pdf), and will include:</p> <p>i. Age and type of person receiving epinephrine (student, staff, visitor);</p> <p>ii. Any previously known diagnosis of a severe allergy;</p> <p>iii. Trigger that precipitated allergic episode;</p> <p>iv. Location where symptoms developed;</p> <p>v. Number of doses administered;</p> <p>vi. Type of person administering epinephrine (school nurse, trained personnel, student); and</p> <p>vii. Any other information</p>	<p>b. ISBE within three (3) days. 105 ILCS 5/22-30(i-5). Notification will be on an ISBE-prescribed form (www.isbe.net/Documents/34-20A-opioid-rptg.pdf), and will include:</p> <p>i. Age and type of person receiving the opioid antagonist (student, staff, or visitor);</p> <p>ii. Location where symptoms developed;</p> <p>iii. Type of person administering the opioid antagonist (school nurse or <i>trained personnel</i>); and</p> <p>iv. Any other information required by ISBE on the form.</p>	<p>b. ISBE within three (3) days. 105 ILCS 5/22-30(i-10). Notification will be on an ISBE-prescribed form (www.isbe.net/Documents/34-22-Undesignated-Asthma-Medication.pdf), and will include:</p> <p>i. Age and type of person receiving asthma medication (student, staff, visitor);</p> <p>ii. Any previously known diagnosis of asthma;</p> <p>iii. Trigger that precipitated respiratory distress, if identifiable;</p> <p>iv. Location where symptoms developed;</p> <p>v. Number of doses administered;</p> <p>vi. Type of person administering the asthma medication (school nurse, <i>trained personnel</i> or student);</p> <p>vii. Outcome of the asthma medication administration; and</p> <p>viii. Any other information required by ISBE on the form.</p>	<p>did not administer the UG to the student). The delegated care aide or school nurse then notifies the student's parent or guardian or emergency contact (if known) and health care provider of its use. 105 ILCS 145/27.</p>

UEI was administered:	UOA was administered:	UAM was administered:	UG was administered:
required by ISBE on the form.			

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

The school nurse or *trained personnel* may:

1. Provide an UAM or UEI, as applicable to the situation, that meets the prescription on file in the *SMA Form* to:
 - a. Any student for his or her self-administration only. 105 ILCS 5/22-30(a); 105 ILCS 5/22-30(b-10)(i) and(v); 105 ILCS 5/10-22.21b.
 - b. Any personnel authorized under a student's specific Individual Health Care Action Plan, emergency allergy action plan, Section 504 plan, or individualized education program plan (IEP). 105 ILCS 5/22-30(b-5) and (b-10), amended by P.A. 103-175.
2. Administer a UEI to any student that the school nurse or trained personnel in good faith believes is having an anaphylactic reaction even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the epinephrine injector. 105 ILCS 5/22-30(b-10)(iii). Follow the procedures for administration of UEIs in [administrative procedure 7:285-AP, Anaphylaxis Prevention, Response, and Management Program](#). **Note:** *Trained personnel* are different than *any personnel authorized* in 1.b., above. 105 ILCS 5/22-30(a). *Trained personnel* means any school employees or volunteer personnel who are (a) authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of the School Code, (b) annually trained online or in person to recognize and respond to anaphylaxis, an opioid overdose, or respiratory distress through a training curriculum developed by ISBE, and (c) submitting proof to their school's administration that they have completed: (i) the annual training, and (ii) a cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) certification. 105 ILCS 5/22-30(a) and (g); 23 Ill.Admin.Code §1.540(e). For training resources, see the *Allergies & Undesignated Epinephrine* drop down menu at: www.isbe.net/Pages/School-Nursing.aspx.
3. Administer a UOA to any student that the school nurse or *trained personnel* in good faith believes is having an opioid overdose even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the opioid antagonist. 105 ILCS 5/22-30(b-10)(iv). **Note:** *Trained personnel* are different than *any personnel authorized*. See number 2, directly above. 105 ILCS 5/22-30(a). *Trained personnel* means any school employees or volunteer personnel who are (a) authorized in 105 ILCS 10-22.34, 10-22.34a, and 10-22.34b, (b) trained online or in person to recognize and respond to opioid overdoses through a training curriculum that complies with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/5-23, and (c) who have submitted proof to their school's administration that they have completed the training. 105 ILCS 5/22-30(g), amended by P.A. 103-348, ~~eff. 1-1-24~~; 23 Ill.Admin.Code §1.540(e). The law does not provide a deadline for a

training curriculum, but it does require ISBE and the Ill. Dept. of Human Services to develop a Substance Abuse Prevention and Recovery Instruction Resource Guide, [available at: www.isbe.net/Pages/Substance-Use-Prevention-and-Recovery-Instruction-Resource-Guide.aspx](http://www.isbe.net/Pages/Substance-Use-Prevention-and-Recovery-Instruction-Resource-Guide.aspx) by 7-1-24. 105 ILCS 5/22-81, amended by P.A. 103-399.

4. Administer UAM to any student that the school nurse or *trained personnel* in good faith believes is having respiratory distress even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the asthma medication. 105 ILCS 5/22-30(b-10)(vii). See numbers 2 and 3, directly above for discussions between *any personnel authorized* and *trained personnel*. For training resources, see www.isbe.net/Pages/School-Nursing.aspx.
5. Administer UG, as applicable to the situation, for a student with a completed *SMA Form* granting permission for UG use that matches the prescription listed on the form and is also consistent with the student's diabetes care plan, if the student's prescribed glucagon is not available on-site or has expired. For training resources, see www.isbe.net/Pages/School-Nursing.aspx.
6. Administer a UOT to any student that the school nurse or other personnel with appropriate training determines requires it even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the undesignated oxygen.

- ☐ Assess how to manage requests from parents/guardians who wish to *opt-out* of the UAM, UEIs, UOAs, UG, or UOTs being available to their child.

The School Code does not provide a mechanism for a student or his or her parent/guardian to *opt-out* of the administration of the District's supply of UAM, UEIs, or UOAs when a nurse and/or *trained personnel* in good faith professionally believe a student is experiencing respiratory distress, having an anaphylactic reaction, or having an opioid overdose, respectively. Nor does the law address parent/guardian *opt-out* of the administration of the District's supply of UOTs. While there may be religious, health, or other reasons that a student's parent/guardian may wish to *opt-out* of the administration of UAM, UEI, UOA, or UOT to their child, the law does not provide a way for parents/guardians to do so. Management of this issue should be discussed with the Board Attorney. For additional guidance on this issue, see Board policy 7:275, *Orders to Forgo Life-Sustaining Treatment*.

- ☐ Determine how to notify all parents/guardians about how UAM, UEIs, UOAs, and/or UOTs may be provided or administered to students.

If the District maintains a supply of UAM, UEIs, and/or UOAs, it must notify parents/guardians of the protections from liability granted to it and the prescribing physician by 105 ILCS 5/22-30(c) and (c-5). There are two groups of parents/guardians that the District must notify: (1) parents/guardians of students who have previously signed a *SMA Form*, and (2) parents/guardians of all students.

For parents/guardians who have previously signed the *SMA Form*, 105 ILCS 5/22-30(c), requires the District to provide additional notice that the physician(s)/individual(s) with prescriptive authority providing the standing protocol and prescription for the District's supply of UAM, UEIs, and UOAs are protected from liability, except for willful or wanton conduct arising from the use of UAM, UEI, or UOA regardless of whether authorization was given by the student, parent/guardian, or student's physician. Discuss with the Board Attorney whether to amend the District's form(s) to include this language.

For parents/guardians of all students, 105 ILCS 5/22-30(c), requires parents/guardians to be informed that: (1) the District maintains a supply of UAM, UEIs, and/or UOAs, and (2) the District and the prescribing physician(s)/physician assistant(s)/advanced practice registered

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

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

Students

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

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

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

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

¹ This procedure is for elementary and unit districts only. Unit districts should also use administrative procedure 7:315-AP, *Guidelines for Student Distribution of Non-School Sponsored Publications; High Schools*, for their high school students. ~~Be sure that the definition for sexting in this procedure aligns with policy 7:310, *Restrictions on Publications; Elementary Schools*, its En 7 discussion of the term, and other definitions used throughout the board's policy manual. For an example of a definition, see 7:190-AP5, *Student Handbook—Electronic Devices*. There, sexting encompasses the term *indecent visual depiction* as defined by 705 ILCS 405/3-40 and *non-consensual dissemination of private sexual images* as defined by 720 ILCS 5/11-23.5. 705 ILCS 405/3-40 defines an *indecent visual depiction* as a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the unclad or transparently clothed genitals, pubic area, buttocks, or if such person is a female, a fully or partially developed breast of the person. A district may create or have another definition of sexting that may or may not encompass statutory terms.~~

8. Whenever these guidelines require written notification, the appropriate administrator may assist the student in preparing such notification.

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

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

DRAFT