7:255-AP1

Students

<u>Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence ¹</u>

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

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

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

Glossary of Terms 2

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

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

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

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 and amended by P.A. 104-391. Ensure that this sample administrative procedure is aligned with the district's policies, procedures, and practices.

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

Complainant³ – A student who is a survivor of domestic or sexual violence and/or a student who is a parent or expectant parent who is alleged to be the victim of conduct that could constitute a violation of 105 ILCS 5/26A (Article 26A). To the extent that the complainant is a minor student, the student's parent/guardian may be a complainant on behalf of their child.

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

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

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

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

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

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

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

The footnotes should be removed before the material is used.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

violence, domestic violence, dating violence, or stalking, and understanding the behavior of perpetrators.

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

Notification.	Roles.	and	Responsibilities

Notification, Roles, and Actor	Action
Superintendent or Designee	Ensures that Board policy 7:255, Students Who are Parents, Expectan Parents, or Victims of Domestic or Sexual Violence, and procedures for requesting supportive services or filing a complaint are (105 ILCS 5/26A-20(d), added by P.A. 102-466, a/k/a ESS Law, eff. 7-1-25):
	 Posted on the District's website, if any (see exhibit 2:250-E2 Immediately Available District Public Records and Web-Posted Reports and Records); Distributed to each student at the beginning of each school year and
	3. Available for inspection and copying at no cost to students and parents/guardians at each school.
	Ensures that each Building Principal designates at least one staff member in each school building as a resource person for Article 26A Students (Article 26A Resource Person). 105 ILCS 5/26A-35(a), added by P.A 102-466, a/k/a ESS Law, eff. 7-1-25.
	Identifies all individuals who will resolve complaints of Article 26A violations. 105 ILCS 5/26A-25(b), added by P.A. 102-466, a/k/a ESS Law, and amended by P.A. 104-391eff. 7-1-25. Such individuals will include the District's Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Manager(s). See administrative procedure 7:255-AP2, Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence.
	The District must have enough individuals trained to resolve complaints so that (1) a substitution can occur in the case of a conflict of interest or recusal, (2) an individual with no prior involvement in the initial determination may hear an appeal, and (3) the complaint resolution procedure proceeds in a timely manner. <u>Id</u> .
	Notifies all District employees and agents that, upon learning or suspecting that a student is a parent, expectant parent, or victim of domestic or sexual violence, they must refer the student to a designated Article 26A Resource Person. 105 ILCS 5/26A-40(e), added by P.A. 102-466, a/k/a ESS Law, eff. 7-1-25.
	Annually notifies all District personnel and students 12 years of age or older, in writing, of the availability of counseling without

The footnotes should be removed before the material is used.

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

Actor	Action
	parent/guardian consent under 405 ILCS 5/3-550. See Board policy 7:250, Student Support Services.
	Every two years, along with the Building Principal(s), building-level Student Support Committee(s), and building-level Article 26A Resource Person(s), reviews all Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and recommends any necessary updates. 105 ILCS 5/26A-20(a), added by P.A. 102-466, a/k/a ESS Law, eff. 7 1-25. See the Policy and Procedure Review subhead below for a suggested list. Based upon that review, recommends to the Board on any necessary updates to Board policy 7:255, Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence, and any other relevant Board policies.
Building Principal(s)	Designates at least one staff member as a resource person for Article 26A Students (Article 26A Resource Person). Note: add lines for Resource Persons for each building, as needed.
	Article 26A Resource Person for [insert school name]:
	Name
	Address
	Email
	Telephone
	The Article 26A Resource Person must be employed at least part-time and be a licensed school social worker, school psychologist, school counselor, school nurse, or school administrator. 105 ILCS 5/26A-35(a), added by P.A. 102-466, a/k/a ESS Law, eff. 7 1-25.
	The Article 26A Resource Person may be a member of the building-level Student Support Committee as established under administrative procedure 7:250-AP2, <i>Protocol for Responding to Students with Social, Emotional, or Mental Health Needs</i> .
	Ensures the building-level Student Support Committee performs the duties listed in the Student Support Committee row, below.
	Annually distributes the name and contact information of the building-level Article 26A Resource Person to all employees, students, and parents/guardians by including it in any building-specific website and student handbook. ⁵ See exhibits 2:250-E2, <i>Immediately Available</i>

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

Actor	Action
	District Public Records and Web-Posted Reports and Records, and 7:190-E2, Student Handbook Checklist.
	Every two years, assists the Superintendent or designee, Student Support Committee, and Article 26A Resource Person to review all Board policies and procedures that may act as barriers to the enrollment and reenrollment, attendance, graduation, and success in school of any Article 26A Student and to recommend any necessary updates. 105 ILCS 5/26A-20(a), added by P.A. 102-466, a/k/a ESS Law, eff. 7-1-25.
Student Support Committee	Assists the building-level Article 26A Resource Person to identify inschool and non-school-based support service options for Article 26A Students.
	Every two years, assists the Superintendent or designee, Building Principal, and Article 26A Resource Person to review all Board policies and procedures that may act as barriers to the enrollment and reenrollment, attendance, graduation, and success in school of any Article 26A Student and to recommend any necessary updates. <u>Id</u> .
Article 26A Resource Person	With the assistance of the Student Support Committee, identifies inschool and non-school-based support service options for Article 26A Students.
	Connects Article 26A Students to appropriate in-school services or other agencies, programs, or services as needed. 105 ILCS 5/26A-35(a), added by P.A. 102-466, a/k/a <i>ESS Law</i> , eff. 7–1–25.
	Coordinates the implementation of the District's policies, procedures, and protocols in cases involving student allegations of domestic or sexual violence. <u>Id</u> .
	Coordinates the implementation of the District's policies, procedures, and protocols concerning Article 26A Students. <u>Id</u> .
	Assists Article 26A Students in their efforts to exercise and preserve their rights as set forth in 105 ILCS 5/26A. <u>Id</u> .
	Assists in providing staff development to establish a positive and traumasensitive learning environment for Article 26A Students. <u>Id</u> .
	Every two years, assists the Superintendent or designee, Building Principal, and Student Support Committee to review all Board policies and procedures that may act as barriers to the enrollment and reenrollment, attendance, graduation, and success in school of any Article 26A Student and to recommend any necessary updates. 105 ILCS 5/26A-20(a), added by P.A. 102-466, a/k/a ESS Law, eff. 7-1-25. See Policy and Procedure Review subhead, below.
All District employees and agents	Upon learning or suspecting that a student is a parent, expectant parent, or victim of domestic or sexual violence, refers the student to a designated Article 26A Resource Person. 105 ILCS 5/26A-40(e), added by P.A. 102-466, a/k/a ESS Law, eff. 7-1-25.

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Training	
Actor	Action
Superintendent or Designee	Ensures that (105 ILCS 5/26A-35, added by P.A. 102-466, a/k/a ESS Law, eff. 7 1 25):
Designee	 Law, eff. 7-1-25): All designated Article 26A Resource Persons are trained to understand, provide information and referrals, and address issues pertaining to students who are parents, expectant parents, or victims of domestic or sexual violence in a survivor-centered, trauma responsive, culturally responsive, confidential, and sensitive manner. Training must include:
	104-391. Training must be conducted by individuals with expertise in domestic or sexual violence among youth and
	expertise in developmentally appropriate communications with K-12 students regarding topics of a sexual, violent, or sensitive
	nature. <u>Id</u> .

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

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

Actor	Action
Article 26A Resource Person	Assists the Superintendent or designee in providing staff development to establish a positive and trauma-sensitive learning environment for Article 26A Students. 105 ILCS 5/26A-35(a)(5), added by P.A. 102-466, a/k/a ESS Law, eff. 7-1-25.
	Informs all building staff that any Article 26A Student who is unable to participate in classes on a particular day or days or at a particular time of day due to circumstances related to their Article 26A status must (105 ILCS 5/26A-40(d), added by P.A. 102-466, a/k/a ESS Law, eff. 7 1 25):
	 Be excused; and Upon request of the Article 26A Student or his or her parent/guardian, be given a meaningful opportunity to make up any examination, study, or work requirement that the student missed.

Initial Response

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

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

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

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

c. Once the student's status has been verified, the District cannot request additional verification for a status claim involving the same perpetrator or same incident of violence. Id.

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

Article 26A Support Services

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

In addition:

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

In-School Support Services

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

- 1. Enabling a student to meet with counselors or other service providers by providing the student with a private setting sufficient to ensure confidentiality and time off from class.
- 2. Assisting the student with a student success plan.
 - a. For a student *at risk of academic failure* or who displays *poor academic performance* as defined above, this may include providing the student with or referring the student

The footnotes should be removed before the material is used.

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

to education and support services designed to assist the student in meeting Ill. Learning Standards. 105 ILCS 5/26A-40(c), added by P.A. 102-466, a/k/a ESS Law, eff. 7 1-25.

- 3. Transferring a victim of domestic or sexual violence or the student perpetrator to a different classroom or school, if available.
- 4. Changing a seating assignment.
- 5. Implementing safety procedures in school, on school grounds, and on school buses.
- 6. Honoring court orders, including orders of protection and no-contact orders, to the fullest extent possible.
- 7. Providing any other supports that may facilitate the student's full participation in the education program, including but not limited to those available via the following Board policies:
 - a. 6:110, Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program. This policy sets eligibility requirements for pregnant or parenting students to enroll in a graduation incentives program. It also provides that any Article 26A Student at risk of academic failure may request in-school support services and information about non-school-based support services designed to assist the student in meeting learning standards by using Board policy 7:255, Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence.
 - b. 6:120, Education of Children with Disabilities. This policy provides all students with disabilities a free appropriate public education in the least restrictive environment as required by the Individuals with Disabilities Education Act and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act. 8
 - c. 6:150, *Home and Hospital Instruction*. This policy permits home instruction for students who are unable to attend school due to pregnancy or pregnancy-related conditions, the fulfillment of parenting obligations related to the health of the child, or health and safety concerns arising from domestic or sexual violence.
 - d. 7:10, *Equal Educational Opportunities*. This policy requires equal educational opportunities for students without regard to sex, physical or mental disability, and actual or potential parental status, including pregnancy.
 - e. 7:60, *Residence*. This policy states that nonresident students may attend District schools pursuant to an intergovernmental agreement, which may include an agreement for interdistrict transfer of Article 26A Students.
 - f. 7:70, Attendance and Truancy. This policy specifies that valid cause for absence includes attendance at a verified medical or therapeutic appointment (including a victim services provider) and, for Article 26A Students, also includes the fulfillment of a parenting responsibility and addressing circumstances resulting from domestic or sexual violence.
 - i. Fulfillment of a parenting responsibility includes, but is not limited to, arranging and providing childcare, caring for a sick child, attending prenatal or other medical appointments for the expectant student, and attending medical appointments for a child. 105 ILCS 5/26-2a, amended by P.A. 102-466, a/k/a ESS Law, eff. 7 1-25.

The footnotes should be removed before the material is used.

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

- ii. Circumstances resulting from domestic or sexual violence includes, but is not limited to, experiencing domestic or sexual violence, recovering from physical or psychological injuries, seeking medical attention, seeking services from a domestic or sexual violence organization as defined in 105 ILCS 5/26A-10, seeking psychological or other counseling, participating in safety planning, temporarily or permanently relocating, seeking legal assistance or remedies, or taking any other action to increase the safety or health of the student or to protect the student from future domestic or sexual violence. Id.
- g. 7:250, Student Support Services. This policy provides that annually, students 12 years of age and older will be notified, in writing, of the availability of counseling without parent/guardian consent under 405 ILCS 5/3-550. It also requires the designation of at least one staff member in each building as the Article 26A Resource Person and outlines their duties.

Information Regarding Non-School-Based Support Services

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

Ability to Make Up Work

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

Confidentiality 9

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

The footnotes should be removed before the material is used.

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

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

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

In addition:

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

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

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

Recordkeeping

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

Policy and Procedure Review

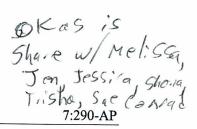
Every two years, the Superintendent or designee, along with the Building Principal(s), building-level Student Support Committee(s), and building-level Article 26A Resource Person(s), must review all

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

Board policies and procedures that may act as barriers to the enrollment and re-enrollment, attendance, graduation, and success in school of any Article 26A Student and recommend any necessary updates. The review may include, but is not limited to, the following Board policies and administrative procedures:

- 6:110, Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program
- 6:120, Education of Children with Disabilities
- 6:150, Home and Hospital Instruction
- 7:10, Equal Educational Opportunities
 - 7:10-AP2, Accommodating Breastfeeding Students
- 7:50, School Admissions and Student Transfers To and From Non-District Schools 7:50-AP, School Admissions and Student Transfers To and From Non-District Schools
- 7:60, Residence
- 7:70, Attendance and Truancy
- 7:190, Student Behavior
- 7:200, Suspension Procedures
- 7:210, Expulsion Procedures
- 7:250, Student Support Services
 - 7:250-AP, Protocol for Responding to Students with Social, Emotional, or Mental Health Needs
- 7:255, Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence 7:255-AP1, Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence
 - 7:255-AP2, Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence
- 7:340, Student Records
 - 7:340-AP1, School Student Records



Students

<u>Administrative Procedure - Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program</u>

The Superintendent or designee, at the District level, and the Building Principal or designee, at the building level, are responsible for implementing the Board's goals of increasing awareness and prevention of depression and suicide in Board Policy 7:290, Suicide and Depression Awareness and Prevention. The Superintendent and/or Building Principal(s) may want to assign Student Support Committees as established under administrative procedure 7:250-AP2, Protocol for Responding to Students with Social, Emotional, or Mental Health Needs, to assist them with the implementation of these goals. Use other locally available resources, including, but not limited to those listed below to determine the best implementation methods.

Listed below are the six policy implementation components of *Ann Marie's Law*, 105 ILCS 5/2-3.166(c), in Board policy 7:290, *Suicide and Depression Awareness and Prevention*. Each component lists specific implementation steps, along with any applicable sample **PRESS** policies, administrative procedures and/or exhibits, available State and/or federal resources, and examples if available. The Ill. State Board of Education (ISBE) has created the *Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers, and Staff*, available at: www.isbe.net/Pages/Suicide-Prevention.aspx, and provides other resources at the same website to guide the District in the implementation of policy 7:290, *Suicide and Depression Awareness and Prevention*.

Confirm the resources listed in this procedure, and any information provided in the hyperlinks, with the Board Attorney before the Superintendent, Building Principal, and/or Student Support Committees apply them to a specific situation in the District.

Policy Implementation Components of Ann Marie's Law

- 1. Awareness and Prevention Education Protocols for Students and Staff (105 ILCS 5/2-3.166(c)+(2)).
 - a. For students, (i) review policy 6:60, *Curriculum Content* (requiring health education for developing a sound mind and a healthy body); (ii) review policy 7:250, *Student Support Services* (requiring protocols for responding to students with social, emotional, or mental health issues that impact learning ability); (iii) if the District issues identification (ID) cards to its students and District staff serving grades 6-12, insert the contact information for the National Suicide Prevention Lifeline (NSPL), the Crisis Text Line (CTL), and the Safe2Help Illinois helpline on the back of theeach student ID cards and identify each helpline that may be contacted through text messaging (105 ILCS 5/10-20.81, added by P.A. 102 416, renumbered by P.A. 102 813, and amended by P.A.s 103-143 and 104-264); and (iv) include NSPL, CTL, and Safe2Help contact information in student handbooks and student planners (if a student

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¹ Safe2Help Illinois is managed and administered by the Ill. State Police working in consultation with the Ill. Emergency Management Agency, Ill. State Board of Education, Ill. Dept. of Human Services, and Ill. Dept. of Children and Family Services. Student Confidential Reporting Act, 5 ILCS 860/10(a), added by P.A. 102-752. Any locally operated school violence helpline must work in conjunction with Safe2Help Illinois as needed. Id. at 10(d).

planner is custom printed by the District or its schools for distribution to students in any of grades 6 through 12) (105 ILCS 5/10-20.81, added by P.A. 102 416, renumbered by P.A. 102 813, and amended by P.A. 103-143)). Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers and Staff, Module 1: Prevention - Engaging and Educating Students, pp. 20-21, at: www.isbe.net/Pages/Suicide-Prevention.aspx. See also Illinois' Safe2Help Illinois program at: www.safe2helpil.com/ (designed to offer students a safe, confidential way to share information that might help prevent suicides and other school safety-related information).

- b. For staff, review <u>Board</u> policy 5:100, *Staff Development Program*, discussing inservice training and citing required teacher institute training concerning the warning signs of suicidal behavior, and assess incorporating information from the following resources:
- Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers and Staff, Module 1: Prevention — Professional Learning Opportunities for Staff and Choosing a Preventative Training Program for Staff, pp. 18-19, available at: www.isbe.net/Pages/Suicide-Prevention.aspx
- Preventing Suicide: A Toolkit for High Schools (SAMHSA Toolkit), Chapter 4: Staff Education and Training including Tools, pp. 111 through 123, available at: https://downloads.microscribepub.com/il/press/federal_resources/SAMHSA_SMA12-4669_20250808.pdfwww.store.samhsa.gov/product/Preventing-Suicide A Toolkit for High Schools/SMA12-4669.2
- 2. Methods of Prevention, Early Identification, and Referral (105 ILCS 5/2-3.166(c)(3)).
 - a. For staff, review: Board policiesy 5:100, Staff Development Program, discussing required behavioral training for school personnel; policy 6:60, Curriculum Content (see above for description); 7:250, Student Support Services (see above for description); and administrative procedure 7:250-AP2, Protocol for Responding to Students with Social, Emotional, or Mental Health Needs, establishing Student Support Committees to identify, prevent, and refer students with mental health challenges for services.
 - b. For staff, assess incorporating information from the following resources:

Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers and Staff, Module 2: Intervention, Procedure: Students at Risk, pp. 26-27, available at: www.isbe.net/Pages/Suicide-Prevention.aspx.

3. SAMHSA Toolkit, available at: <a href="https://downloads.microscribepub.com/il/press/federal_resources/SAMHSA_SMA12-4669_20250808.pdf\text{www.store.samhsa.gov/product/Preventing_Suicide_A_Toolkit_for_High_Schools/SMA12-4669}.

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² Note: This resource may no longer be available on a federal government website but is being maintained at PRESS Online to provide consistent subscriber access.

- Chapter 1: Getting Started pp. 15-22; Tool 1.A, Suicide Prevention: Facts for Schools, p. 24; and Tools 1.D-1.H, pp. 32-51 (includes various youth suicide prevention topics).
- Chapter 4: Staff Education and Training including Tools, pp. 111-123.
- Chapter 7: Screening, and Resources: Staff Education and Screening including Tools, pp. 157-171.

ISBE Suicide Prevention at: www.isbe.net/Pages/Suicide-Prevention.aspx.

Illinois Suicide Prevention Strategic Plan, available at:

 $\underline{www.dph.illinois.gov/topics-services/prevention-wellness/suicide-prevention}.$

Resources for mental health support are available from The Trevor Project at: www.thetrevorproject.org/resources/article/resources-for-mental-health-support/.

Risk and Protective Factors for Suicide, available at:

www.isbe.net/Pages/Suicide-Prevention.aspx.

https://sprc.org/risk-and-protective-factors/.

a. Review and train staff on appropriate identification procedures (see example below):

Identification of the At-Risk Student

Note: A more detailed procedure may be developed with the aid of the resources in 2.b., above.

- 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.
- The social worker/counselor or Building Principal will meet with the student.
- The social worker/counselor will call the student's parent(s)/guardian(s) and arrange a meeting. 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).
- 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). A student should never be left alone if an employee reasonably believes the student is at imminent risk of suicide. An employee should immediately contact the student's parent(s)/guardian(s).
- 1. Methods of Intervention; Emotional or Mental Health Safety Plans for At-Risk Students, including those students who suffer from a mental health disorder; suffer from a substance abuse disorder; engage in self-harm or have previously attempted suicide; reside in an out-of-home placement; are experiencing homelessness; are lesbian, gay, bisexual, transgender, or questioning (LGBTQ); are

bereaved by suicide; or have a medical condition or certain types of disabilities. 105 ILCS 5/2-3.166(c)(4), amended by P.A. 102 267.

- Review policies 6:65, Student Social and Emotional Development, incorporating student social and emotional development into the District's educational program as required by the goals and benchmarks of the Ill. Learning Standards and 405 ILCS 49/15(b); policy 6:270, Guidance and Counseling Program, requiring the District to have guidance counseling available to implement the protocols directed in 7:250, Student Support Services; and administrative procedure 7:250-AP2, Protocol for Responding to Students with Social, Emotional, or Mental Health Needs, requiring protocols for responding to students with social, emotional, or mental health needs that impact learning ability as required by the Children's Mental Health Act, 405 ILCS 49/, amended by P.A. 102-899.
- Train staff pursuant to 105 ILCS 5/10-22.24b, amended by P.A. 103-780, which allows school
 counseling services to be used for providing educational opportunities for mental health suicide
 issues and counseling and other resources to students who are in crisis intervention.
- Assess incorporating information from the following resources:

Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers and Staff, Module 2: Intervention - Procedure: Responding to a Student Displaying Warning Signs or Student Suicide Attempt, pp. 27-29, and Guidelines: Modifying Intervention Protocols - Crafting a Protocol for Helping Students at Risk, pp. 30-31, available at: www.isbe.net/Pages/Suicide-Prevention.aspx.

SAMHSA

Toolkit, available at: https://downloads.microscribepub.com/il/press/federal resources/SAMHSA

SMA12-4669 20250808.pdfhttps://www.store.samhsa.gov/product/Preventing-Suicide-A-Toolkit-for-High-Schools/SMA12-4669.

Chapter 2: Protocols for Helping Students at Risk of Suicide, pp. 57-66 and Tools 2.A-2.B.2, pp. 68-72.

Chapter 6: Student Programs including Tools, pp. 139-156.

Resources: Getting Started, pp. 177-182; Staff Education and Training, pp. 186-192; and Student Education and Skill-Building, pp. 194-204.

Illinois Suicide Prevention Strategic Plan, available at:

 $\underline{www.dph.illinois.gov/topics-services/prevention-wellness/suicide-prevention.}$

Cyberbullying Research Center website at:

https://cyberbullying.org/.

U.S. School Safety Clearinghouse website at:

7:290-AP

www.schoolsafety.gov/, discussed in f/n 1, para. 3 of policy 4:170, Safety.

- 2. Methods of Responding to a Suicide Attempt (105 ILCS 5/2-3.166(c)(5)).
 - a. Review policies listed above in number 3.a.
 - b. Assess incorporating information from the following resources:

Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers and Staff, Module 2: Guidelines: Modifying Intervention Protocols - Crafting a Protocol for Helping Students at Risk, pp. 30-31, and Module 3: Postvention, Procedure: Responding to a Completed Student Suicide, pp. 36-39, available at: www.isbe.net/Pages/Suicide-Prevention.aspx.

SAMHSA Toolkit, available at:

https://downloads.microscribepub.com/il/press/federal_resources/SAMHSA
SMA12-4669_20250808.pdfwww.store.samhsa.gov/product/Preventing-Suicide-A-Toolkit for High Schools/SMA12-4669.

Chapter 3: After a Suicide including Tools, pp. 92-109. (some material adaptable to a suicide attempt)

Resources: Crisis Response Postvention, pp. 182-185.

After a Suicide: A Toolkit for Schools, available at:

https://sprc.org/wpcontent/uploads/2022/12/AfteraSuicideToolkitforSchools-3.pdf. (some material adaptable to a suicide attempt)

- 3. Reporting Procedures (105 ILCS 5/2-3.166(c)(6)).
 - a. Review Board policiesy 6:270, Guidance and Counseling Program, providing a counseling program that the Superintendent may designate as responsible for development of the District's depression awareness and suicide prevention program procedures; policy 7:250, Student Support Services, identifying District support services that will be ultimately responsible for properly implementing the reporting procedures; and administrative procedure 7:250-AP2, Protocol for Responding to Students with Social, Emotional, or Mental Health Needs, establishing Student Support Committees for purposes of identifying, preventing and referring for services students with mental health needs.
 - b. Assess incorporating information from the following resources:

Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers and Staff, Module 2: Guidelines: Modifying Intervention Protocols - Crafting a Procedure for Students Exhibiting Warning Signs and for a Student Suicide, pp. 31-34, available at: www.isbe.net/Pages/Suicide-Prevention.aspx.

SAMHSA Toolkit, available at: https://downloads.microscribepub.com/il/press/federal_resources/SAMHSA

7:290-AP Page 5 of 7

SMA12-4669_20250808.pdfwww.store.samhsa.gov/product/Preventing-Suicide A Toolkit for High Schools/SMA12-4669.

Chapter 2: Protocols for Helping Students at Risk of Suicide: Tools 2.B.3-6 (pp. 70-72), 2.C (p. 79) and 2.D (pp. 70-81).

c. Review appropriate identification procedures (see example below):

Documentation Regarding the At-Risk Student

Note: A more detailed procedure may be developed with the aid of the resources in 5.b., above.

- District employees shall take notes on any conversations that involve or relate to the at-risk student. The notes shall become a part of a written report to the Building Principal.
- Conversations that involve or relate to the at-risk student shall be confirmed in writing with the other party(s).
- The Superintendent shall receive a copy of all reports and documentation regarding the at-risk student.
- The social worker/counselor shall prepare a report of the situation for the student's records.
- d. Provide training for staff regarding identification procedures that the District will implement.
- 4. Resources and Contact Information (105 ILCS 5/2-3.166(c)(7)).
 - a. Illinois suicide prevention organizations and State contacts at: www.sprc.org/states/illinois:

Suicide Prevention Coordinator
Violence and Injury Prevention Section
Office of Health Promotion

Ill. Dept. of Public Health

535 West Jefferson, 2nd Floor Springfield, IL 62761

a.<u>b.</u> Illinois Suicide Prevention Alliance Board: https://dph.illinois.gov/resource-center/advisory-boards/illinois-suicide-prevention-alliance.html#llinoisChapter of the American Foundation for Suicide Prevention

- b.c. Primary implementation resources for <u>administrative procedure</u> 7:290-AP, Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program:
- ISBE Suicide Prevention website, including recommended guidelines and educational materials for training and professional development and ISBE-recommended resources containing age-appropriate educational materials on youth suicide and awareness pursuant to Ann Marie's Law (105 ILCS 5/2-3.166(b)(2)(B)) and the Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers and Staff, at: www.isbe.net/Pages/Suicide-Prevention.aspx.

SAMHSA Toolkit: Chapter 1: Getting Started; Tools 1.I and 1.J., pp. 52-53.

Resources: Screening Program, p. 205; and National Organization and Federal Agencies with Resource and Information on Adolescent Suicide Prevention, pp. 206-208.

Illinois Suicide Prevention Strategic Plan, available at:

www.dph.illinois.gov/topics-services/prevention-wellness/suicide-prevention.

e.d. Other available resources:

American Foundation for Suicide Prevention, Illinois Chapter at:

https://afsp.org/chapter/illinois.

- The III. Dept. of Human Services (IDHS) is required by 20 ILCS 1705/76 to develop an online database of mental health resources geared toward school counselors, parents, and teachers at: www.dhs.state.il.us/page.aspx?item=29751.
- DHS is also required by 20 ILCS 1705/76.2, added by P.A. 103-222, eff. 1-1-24, to partner with ISBE to provide technical assistance for the provision of mental health care during schools days with the goal of increasing the availability and accessibility of mental health resources for students.

National Suicide and Crisis Lifeline at: https://988lifeline.org/.

Sexual Orientation, Gender Identity and Youth Suicide at: www.dph.illinois.gov/topics-services/prevention-wellness/suicide-prevention.html#resources.