

Operational Services

Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors 1

Child sexual abuse and grooming behaviors harm students, their parents/guardians, the District's environment, its school communities, and the community at large, while diminishing a student's ability to learn. The Board has a responsibility and obligation to increase awareness and knowledge of:² (1) issues regarding child sexual abuse, (2) likely warning signs that a child may be a victim of sexual abuse, (3) grooming behaviors related to child sexual abuse and grooming, (4) how to report child sexual abuse, (5) appropriate relationships between District employees and students based upon State law, and (6) how to prevent child sexual abuse.

To address the Board's obligation to increase awareness and knowledge of these issues, prevent sexual abuse of children,³ and define prohibited grooming behaviors,⁴ the Superintendent or designee shall implement an Awareness and Prevention of Sexual Abuse and Grooming Behaviors Program. The Program will:

1. Educate students with:

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¹ Required by *Erin's Law*, 105 ILCS 5/10-23.13, amended by P.A. 102-610. Also infused into this policy are concepts from HB 1975 text, which did not pass in the first half of the 102nd Ill. General Assembly; however, its content (a) includes the results of collaboration to implement some of the recommendations of the *Make Sexual and Severe Physical Abuse Fully Extinct (Make S.A.F.E.) Taskforce* and was endorsed by Stop Educator Sexual Abuse Misconduct & Exploitation (S.E.S.A.M.E.), a national organization working to prevent sexual exploitation, abuse, and harassment of students by teachers and other school staff, and (b) provides helpful guidance for districts to implement P.A. 102-610 due to P.A. 102-610's vagueness. Three additional statutes address a district's responsibility to provide age-appropriate sexual abuse and assault awareness and prevention education programs:

1. 105 ILCS 110/3, Critical Health Problems and Comprehensive Health Education Act (requires districts to establish a Comprehensive Health Education Program that includes age-appropriate sexual abuse and assault awareness and prevention education in grades pre-K through 12) (see sample policy 6:60, *Curriculum Content*, and administrative procedure 6:60-AP1, *Comprehensive Health Education Program*);
2. 105 ILCS 5/27-9.1a(b), added by P.A. 102-552 (requires comprehensive personal health and safety and comprehensive sexual health education a/k/a National Sex Education Standards (NSES) to: (a) be age and developmentally appropriate, medically accurate, complete, culturally appropriate, inclusive, and trauma informed, (b) replicate evidence-based or evidence-informed programs or substantially incorporate elements of evidence-based programs or evidence-informed programs or characteristics of effective programs, (c) provide information about local resources where students can obtain additional information and confidential services related to sexual violence (including sexual abuse and assault), and (d) provide information about State laws related to mandated reporting of child abuse and neglect, and school policies addressing the prevention of and response to sexual violence) (see sample policy 6:60, *Curriculum Content*, and administrative procedure 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*); and
3. 105 ILCS 5/27-13.2 (addresses (a) written objections to sexual abuse prevention instruction and notice provisions (minimum five days) for students in grades K through 8, and (b) distribution by the Ill. State Board of Education (ISBE) and Ill. Dept. of Children and Family Services (DCFS) of information for districts to provide to their communities about this instruction) (see sample policy 6:60, *Curriculum Content*, and administrative procedure exhibit 6:60-AP1, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs*).

² 105 ILCS 5/10-23.13, amended by P.A. 102-610, at (b)(1).

³ *Id.* at (b).

⁴ *Id.* at (b).

- a. An age-appropriate and evidence-informed health and safety education⁵ curriculum that includes methods for how to report child sexual abuse and grooming behaviors to authorities,⁶ through policy 6:60, *Curriculum Content*; ⁷
 - b. Information in policy 7:250, *Student Support Services*, about: (i) District counseling options, assistance, and intervention for students who are victims of or affected by sexual abuse,⁸ and (ii) community-based Children's Advocacy Centers and sexual assault crisis centers and how to access those serving the District. ⁹
2. Train District employees about child sexual abuse and grooming behaviors by January 31 of each school year with materials that include: ¹⁰
 - a. A definition of prohibited grooming behaviors and boundary violations pursuant to policy 5:120, *Employee Ethics; Conduct; and Conflict of Interest*;
 - b. Evidence-informed¹¹ content on preventing, recognizing, reporting, and responding to child sexual abuse, grooming behaviors, and boundary violations pursuant to policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Sexual Harassment Grievance Procedure*; 5:90, *Abused and Neglected Child Reporting*; 5:100, *Staff Development Program*; and 5:120, *Employee Ethics; Conduct; and Conflict of Interest*; and
 - c. How to report child sexual abuse, grooming behaviors, and/or boundary violations pursuant to policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Sexual Harassment Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*.
 3. Provide information to parents/guardians in student handbooks about the warning signs¹² of child sexual abuse, grooming behaviors, and boundary violations with evidence-informed educational information that also includes: ¹³

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⁵ *Id.* at (b)(1).

⁶ *Id.* at (b)(4).

⁷ 105 ILCS 5/10-23.13(b). See policy 6:60, *Curriculum Content*, and administrative procedure 6:60-AP1, *Comprehensive Health Education Program*, for information on school board choices related to health and safety education, including sex education.

⁸ *Id.* at (b)(2) and (3).

⁹ *Id.* at (b)(5). See policy 5:90, *Abused and Neglected Child Reporting*, and administrative procedure 5:90-AP, *Coordination with Children's Advocacy Center*, for more information on Children's Advocacy Centers.

¹⁰ Citations for each letter:

- a. 105 ILCS 5/10-23.13(b).
- b. *Id.* at (b), (b)(1.5), and (c).
- c. *Id.* at (b) and (b)(1.5).

¹¹ Two Illinois laws address "evidence-informed." *Evidence-informed* per *Erin's Law* means modalities that were created utilizing components of evidence-based treatments or curriculums. 105 ILCS 5/10-23.13(a), added by P.A. 102-610. Contrast with NSES at 105 ILCS 5/27-9.1a(a), added by P.A. 102-552, which defines an *evidence-informed program* as "a program that uses the best available research and practice knowledge to guide program design and implementation."

¹² 105 ILCS 5/10-23.13(b) and (b)(1); warning signs and *likely* warning signs are mentioned twice in the law. This policy uses *likely* in the purpose introduction. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with PRESS material, Online Model Student Handbook (MSH), at: www.ilprincipals.org/resources/model-student-handbook.

¹³ This information is listed in 7:190-E2, *Student Handbook Checklist*. Citations for each letter:

- a. 105 ILCS 5/10-23.13(b) and (b)(1).

- a. Assistance, referral, or resource information, including how to recognize grooming behaviors,¹⁴ appropriate relationships between District employees and students based upon policy 5:120, *Employee Ethics; Conduct; and Conflict of Interest*, and how to prevent child sexual abuse from happening;
 - b. Methods for how to report child sexual abuse, grooming behaviors, and/or boundary violations to authorities; and
 - c. Available counseling and resources for children who are affected by sexual abuse, including both emotional and educational support for students affected by sexual abuse, so that the student can continue to succeed in school pursuant to policy 7:250, *Student Support Services*.
4. Provide parents/guardians of students in any of grades K through 8 with not less than five days' written notice before commencing any class or course providing instruction in recognizing and avoiding sexual abuse, as well as the opportunity to object in writing.¹⁵

LEGAL REF.: 105 ILCS 5/10-23.13, 5/27-9.1a, and 5/27-13.2.
 105 ILCS 110/3, Critical Health Problems and Comprehensive Health Education Act.
 325 ILCS 5/, Abused and Neglected Child Reporting Act.
 720 ILCS 5/11-25, Criminal Code of 2012.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Conduct; and Conflict of Interest), 6:60 (Curriculum Content), 7:20 (Harassment of Students Prohibited), 7:250 (Student Support Services)

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- b. Id. at (b)(4) and (5).
- c. Id. at (b).

¹⁴ Providing information to parents/guardians about how to recognize grooming behaviors is not in *Erin's Law*; it only addresses informing parents/guardians about the methods for increasing their awareness and knowledge of grooming behaviors. 105 ILCS 5/10-23.13(b)(1). This policy requires the district to provide information to parents/guardians about how to recognize grooming behaviors to: (1) effect the purpose of *Erin's Law*, (2) align with the intent of the statutes cited in f/n 1, above (educating all students to recognize and avoid sexual abuse and assault), and (3) align with the notification requirements in 105 ILCS 5/27-13.2 (parents/guardians of K-8 students prior to commencing instruction in recognizing and avoiding sexual abuse (see f/n 15, below)).

¹⁵ Required by 105 ILCS 5/27-13.2. See 6:60-AP1, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs*. Delete for high school districts.

Instruction

Curriculum Content 1

The curriculum shall contain instruction on subjects required by State statute or regulation as follows:

1. In kindergarten through grade 8, subjects include: (a) language arts, (b) reading, (c) other communication skills, (d) science, (e) mathematics,² (f) social studies, (g) art, (h) music,³ and (i) drug and substance abuse prevention including the dangers of opioid abuse.⁴ A reading opportunity of 60 minutes per day will be promoted for all students in kindergarten through grade 3 whose reading levels are one grade level or more lower than their current grade level.⁵ Daily time of at least 30 minutes (with a minimum of at least 15 consecutive minutes if divided) will be provided for supervised, unstructured, child-directed play for all students in kindergarten through grade 5.⁶ Before the completion of grade 5, students will be offered

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¹ Districts must have a policy on physical education (23 Ill.Admin.Code §1.425, ~~amended by 42 Ill. Reg. 11540~~) and what grade level(s) students will be offered cursive writing instruction (105 ILCS 5/27-20.7, ~~added by P.A. 100-548~~). Policies on the remaining topics in this policy are optional. State or federal law controls this policy's content. 23 Ill.Admin.Code §1.420, ~~amended at 42 Ill. Reg. 11527~~, recommends that activities, including student internships and observations of government in action, be a part of the instructional program where appropriate.

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

² 105 ILCS 5/2-3.156 requires the Ill. State Board of Education (ISBE) to coordinate, adapt and develop middle and high school math curriculum models. There is no consistent definition for *middle school* or *high school* in either State or federal law. Districts are not required to use ISBE's models and may develop their own mathematics curricula.

The purpose of the math curriculum models will be to aid school districts and teachers in implementing the *Common Core Standards*. The ISBE has adopted new math and English language arts (ELA) standards for K-12 education referred to as the *New Ill. State Learning Standards Incorporating the Common Core*. The goal of incorporating the *Common Core Standards* into the *State Goals for Learning* is to better prepare Ill. students for success in college and the workforce in a competitive global economy. See www.isbe.net/Documents/ccs-faq-0813.pdf.

The terms *Common Core Standards* and the *New Ill. State Learning Standards Incorporating the Common Core* are synonymous. Referencing the *Ill. Learning Standards* includes them both. That is because they are incorporated by reference into ISBE's rules and *State Goals for Learning*. A district that wants to include the term *Common Core Standards* in its policy may do so; however, districts should understand that referring to the *Common Core Standards* only will cover only math and ELA learning standards and goals and not any other subject areas that the *Ill. Learning Standards* cover. The best practice is to continue using *Ill. Learning Standards*, which includes the *Common Core Standards*.

³ 23 Ill.Admin.Code §1.430.

⁴ 105 ILCS 5/27-13.2, ~~amended by P.A. 102-195~~, requires that in addition to instruction, study, and discussion of effective methods for the prevention and avoidance of drugs and substance abuse, the subject must also cover the dangers of opioid abuse. ~~House Resolution 824 (98th General Assembly, 2014) urges all Illinois schools to educate youth about the dangers of using heroin and the rising numbers of accidental deaths from heroin overdoses through comprehensive drug education programs, including the Drug Abuse Resistance Education (DARE) program. No guidance on age appropriate instruction for heroin abuse is provided in the resolution.~~

⁵ 105 ILCS 5/10-20.53.

⁶ 105 ILCS 5/27-6.3, ~~added by P.A. 102-357~~. Schools must provide at least 30 minutes of play time for any school day five clock hours or longer in length. For any school days less than that, the total time allotted during the school day must be at least one-tenth of a day of attendance for the student. Time spent dressing or undressing for outdoor play may not count towards the daily time allotment. Play time must be computer-, tablet-, phone-, and video-free. Play time may be withheld as a disciplinary or punitive action only if a student's participation poses an immediate threat to the safety of the student or others. Id.

at least one unit of cursive instruction.⁷ ~~Beginning with the 2020-2021 school year, in grades 6, 7, or 8, students must receive at least one semester of civics education in accordance with Illinois Learning Standards for social science.~~⁸

2. In grades 9 through 12, subjects include:⁹ (a) language arts, (b) writing intensive courses, (c) science, (d) mathematics,¹⁰ (e) social studies including U.S. history, American government and one semester of civics,¹¹ (f) foreign language,¹² (g) music, (h) art, (i) driver and safety education,¹³ and (j) vocational education.

Students otherwise eligible to take a driver education course must receive a passing grade in at least eight courses during the previous two semesters before enrolling in the course. The Superintendent or designee may waive this requirement if he or she believes a waiver to be in

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⁷ 105 ILCS 5/27-20.7, ~~added by P.A. 100-548~~, requires districts to offer students a unit of cursive instruction before they complete grade 5. Other than before completing grade 5, the law is silent about what grade level(s) in which students must receive their unit of cursive instruction. This provides an opportunity for a board to have a conversation with the superintendent about local community expectations and direct him or her to determine the appropriate grade level(s) in which students will be offered a unit of cursive instruction.

Use the following alternative if the board wants to specify grade level(s) before the end of grade 5 in which cursive instruction will be offered:

A unit of cursive instruction will be offered in grade(s) _____.

⁸ 105 ILCS 5/27-3.10, added by P.A. 101-254, ~~eff. 7-1-20~~. The statute specifically states that school districts may utilize private funding available for offering civics education.

⁹ 105 ILCS 5/27-22, ~~amended by P.A.s 101-643 and 654; 23 Ill.Admin.Code §1.440. ISBE may adopt rules to modify these requirements for students in grades 9 through 12 if the Governor declares a disaster due to a public health emergency pursuant to 20 ILCS 3305/7. 105 ILCS 5/27-22(e)(3.5), amended by P.A. 101-654 requires "a year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject."~~ Because computer literacy may be included within another subject, it is not listed here, but in number 6 of this policy with f/n 25, below.

¹⁰ 105 ILCS 5/2-3.156. See f/n 2.

105 ILCS 5/27-22(e)(3), amended by P.A. 101-464, ~~eff. 1-1-20~~, allows the substitution of an advanced placement computer science course for a year of mathematics. For specific requirements, see 6:300-E2, *State Law Graduation Requirements*, and 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-entering Students*.

¹¹ 105 ILCS 5/27-22(e)(5). The statute specifically states that school districts may utilize private funding available for offering civics education.

¹² The General Assembly encouraged school boards to implement American Sign Language courses into the school foreign language curriculum. 105 ILCS 5/10-20.52. Senate Joint Resolution 68 (96th General Assembly, 2010) encourages school districts to explore the introduction of Arabic as a foreign language in their curriculums.

¹³ The ISBE rule on driver education personnel is found at 23 Ill.Admin.Code §252.40, ~~amended at 42 Ill. Reg. 8957~~. School districts may contract with a commercial driver training school (CDTS) for driver education. 105 ILCS 5/27-24.2, amended by P.A.s ~~100-465 and 101-450~~. To qualify to contract with a school district, a CDTS must: (a) hold a valid license issued by the Ill. Sec. of State; (b) provide teachers who meet the educator licensure and endorsement requirements under 105 ILCS 5/21B; and (c) follow the same evaluation and observation requirements that apply to non-tenured teachers under 105 ILCS 5/24-Aa. *Id.* A district contracting with a CDTS must provide a list to ISBE of the CDTS instructors. *Id.* The list must include the name, personal ISBE identification number, birth date and driver's license number of each instructor who will teach driver education. *Id.* Although a formal waiver for outsourcing of driver's education is no longer required, districts must consider their applicable collective bargaining agreement(s), board policy, and the reduction in force (RIF) provisions of the School Code as they relate to outsourcing of instructional staff. Consult the board attorney for guidance.

A school district may decide to allow a student to take a portion of the driver education course through a distance learning course. This is determined on a case-by-case basis and must be approved by the district's administration, the student's driver's education teacher, and the student's parent/guardian. 105 ILCS 5/27-24.2, amended by P.A. 101-183, ~~eff. 1-1-20; 23 Ill.Admin.Code §252.20(c)(2)~~.

the student's best interest.¹⁴ The course shall include: (a) instruction necessary for the safe operation of motor vehicles, including motorcycles, to the extent that they can be taught in the classroom,¹⁵ (b) classroom instruction on distracted driving as a major traffic safety issue,¹⁶ (c) instruction on required safety and driving precautions that must be observed at emergency situations, highway construction and maintenance zones, and railroad crossings and their approaches,¹⁷ and (d) instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.¹⁸ Automobile safety instruction covering traffic regulations and highway safety must include instruction on the consequences of alcohol consumption and the operation of a motor vehicle.¹⁹ The eligibility requirements contained in State law for the receipt of a certificate of completion from the Secretary of State shall be provided to students in writing at the time of their registration.²⁰

3. In grades 7 through 12, as well as in interscholastic athletic programs, steroid abuse prevention must be taught.²¹
4. In kindergarten through grade 12, provided it can be funded by private grants or the federal government, violence prevention and conflict resolution must be stressed, including: (a) causes of conflict, (b) consequences of violent behavior, (c) non-violent resolution, and (d) relationships between drugs, alcohol, and violence.²² In addition, anti-bias education and intergroup conflict resolution may be taught as an effective method for preventing violence and lessening tensions in schools; these prevention methods are most effective when they are

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¹⁴ 105 ILCS 5/27-24.1, amended by P.A. 102-455, eff. 1-1-22, and 5/27-24.2, amended by P.A. 100-465; 23 Ill.Admin.Code §252.20(c)(2).

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

¹⁹ 105 ILCS 5/27-17.

²⁰ The Ill. Vehicle Code, 625 ILCS 5/6-408.5, contains these requirements; they are paraphrased below and may be added to the policy or otherwise disseminated.

Before a certificate of completion will be requested from the Secretary of State, a student must receive a passing grade in at least eight courses during the two semesters last ending before requesting the certificate. A certificate of completion will not be requested for any person less than 18 years of age who has dropped out of school unless the individual provides:

1. Written verification of his or her enrollment in a high school equivalency or alternative education program or a high school equivalency certificate (formerly GED certificate);
2. Written verification that before dropping out, the individual had received passing grades in at least eight courses during the two previous semesters last ending before requesting a certificate;
3. Written consent from the individual's parent/guardian and the Regional Superintendent; or
4. Written waiver from the Superintendent of the School District in which the individual resides or resided at the time he or she dropped out of school, or from the chief school administrator with respect to a dropout who attended a non-public high school. A waiver may be given if the Superintendent or chief administrator deems it to be in the individual's best interests.

²¹ 105 ILCS 5/27-23.3.

²² 105 ILCS 5/27-23.4.

respectful of individuals and their divergent viewpoints and religious beliefs, which are protected by the First Amendment to the Constitution of the United States.²³

5. In grades kindergarten through 12, age-appropriate Internet safety must be taught, the scope of which shall be determined by the Superintendent or designee. The curriculum must incorporate policy 6:235, *Access to Electronic Networks*, and, at a minimum, include: (a) education about appropriate online behavior, (b) interacting with other individuals on social networking websites and in chat rooms, and (c) cyberbullying awareness and response.²⁴

6. In all grades, students must receive developmentally appropriate opportunities to gain computer literacy skills that are embedded in the curriculum.²⁵

5.7. In all grades, character education must be taught including respect, responsibility, fairness, caring, trustworthiness, and citizenship in order to raise students' honesty, kindness, justice, discipline, respect for others, and moral courage.²⁶ Instruction in all grades will include

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²³ Optional. 105 ILCS 5/27-23.6 entitled *Anti-bias education* allows districts to incorporate activities to address intergroup conflict, with the objectives of improving intergroup relations on and beyond the school campus, defusing intergroup tensions, and promoting peaceful resolution of conflict.

Boards that adopt a policy to incorporate activities to address intergroup conflict pursuant to this law must make information available to the public that describes the manner in which the district has implemented the activities. Methods for making this information available include: the district's website, if any, and in the district's offices upon request. See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. Districts may also include the information in a student handbook and in district newsletters. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with PRESS material. Online Model Student Handbook (MSH), at: www.ilprincipals.org/resources/model-student-handbook.

See f/n 12 in sample policy 6:180, *Extended Instructional Programs*, and ensure that these policies align.

²⁴ 47 C.F.R. § 54.520 and 105 ILCS 5/27-13.3 control this section. "Grades kindergarten through 12" is used because federal law requires school districts that receive E-rate funding to certify that they have an Internet safety education policy for all minors. 47 C.F.R. § 54.520(c)(1)(i). This federal law defines *minors* as any individual who has not attained the age of 17 years. 47 C.F.R. § 54.520(a)(4)(i).

105 ILCS 5/27-13.3 only requires a unit on Internet safety for students in grades 3 or above. It recommends seven topics for the unit on Internet safety and required ISBE to "make available resource materials for educating children regarding child online safety." It also invites schools to "adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12."

For boards that do not receive E-rate funds and do not want to exceed the requirements of the School Code, replace this section with the following sentence:

In grades 3 or above, the curriculum contains a unit on Internet safety, the scope of which shall be determined by the Superintendent or designee.

For boards that do not receive E-rate funds, but want to exceed the requirements of the 105 ILCS 5/27-13.3 to include grades K-2, replace this section with the following sentences:

In grades 3 or above, the curriculum contains a unit on Internet safety, the scope of which shall be determined by the Superintendent or designee. In kindergarten through grade 2, age-appropriate Internet safety must be taught.

²⁵ 105 ILCS 5/10-20.73 (final citation pending), 5/10-20.74, and 5/27-22(e)(3.5), added by P.A. 101-654, 105 ILCS 5/10-20.74, added by P.A. 101-654, requires that districts submit an annual report to ISBE regarding educational technology capacities and policies. See the subhead *Educational Technology Committee* and f/n 20 in 2:150-AP, *Superintendent Committees*.

²⁶ 105 ILCS 5/27-12.

examples of behaviors that violate policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.²⁷

6-8. In all schools, citizenship values must be taught, including: (a) American patriotism, (b) democratic principles of representative government (the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois), freedom, justice, and equality, (c) proper use and display of the American flag, (d) the Pledge of Allegiance, and (e) the voting process.²⁸

7-9. In all grades, physical education must be taught including a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. Unless otherwise exempted, all students are required to engage in a physical education course with such frequency as determined by the Board after recommendation from the Superintendent,²⁹ but at a minimum of three days per five-day week.³⁰ For exemptions and substitutions, see policies 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students* and 7:260, *Exemption from Physical Education*.³¹

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²⁷ Required as part of a district's Bullying Prevention and Response Plan pursuant to 105 ILCS 5/27-23.7. Because of the negative outcomes associated with bullying in schools, the Ill. General Assembly has found "that [school districts] should educate students, parents, and [school district personnel] about what behaviors constitute prohibited bullying." 105 ILCS 5/27-23.7(a). This language aligns with policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, which requires bullying prevention instruction as part of a district's Bullying Prevention and Response Plan.

The Ill. General Assembly invited boards to "make suitable provisions for instruction in gang resistance education and training in all grades and include such instruction in the courses of study regularly taught in those grades." See 105 ILCS 5/27-23.10(c). A board that shares this concern may add the following option: "In addition, in all grades gang resistance education and training must be taught."

²⁸ 105 ILCS 5/27-3 requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. See also *Palmer v. City of Chicago*, 466 F. Supp. 600 (N.D. Ill. 1979) (teacher would not teach and direct the Pledge of Allegiance to the flag of the United States for religious reasons and was terminated for not doing so because it was part of the curriculum). Requirements for displaying a U.S. flag at each school and in each classroom are found in 5 ILCS 465/3 and 465/3a.

Note that the Illinois statute does not require every student to recite the *Pledge* – that kind of mandatory participation would violate the U.S. Constitution. Schools may not coerce a student into saying the *Pledge*, nor may they punish students for refusing to participate in any aspect of the flag ritual, including standing, saluting the flag, and reciting the *Pledge*. *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943); *Sherman v. Community Consol. Sch. Dist. 21 of Wheeling Township*, 980 F.2d 437 (7th Cir. 1992). Consider using permissive rather than mandatory language to introduce the recitation of the *Pledge*, such as, "You may now stand to recite the *Pledge*." Schools may, of course, require that non-participants maintain order and decorum appropriate to the school environment.

²⁹ The phrase "after recommendation by the Superintendent" is optional. If a superintendent does not bring this topic to the board for discussion, the board may not have a trigger to make the determination.

³⁰ 23 Ill.Admin.Code §1.425(b), ~~amended at 42 Ill. Reg. 11540~~. Boards that want their daily physical education requirement to align with their goal in policy 6:50, *School Wellness*, may replace "minimum of three days per five-day week" with their local daily requirements. See f/n 10 in policy 6:50, *School Wellness*.

³¹ 105 ILCS 5/27-5 requires school boards to provide for students' physical education and allows the P.E. course offered in grades 5 through 10 to include the health education courses required by State law. See also 23 Ill.Admin.Code §1.425, ~~added at 40 Ill. Reg. 2990~~.

105 ILCS 5/27-6, ~~amended by P.A. 100-465~~, describes when students may be excused from P.E. See also 23 Ill.Admin.Code §1.425(d), ~~amended at 42 Ill. Reg. 11540~~.

105 ILCS 5/27-6, ~~amended by P.A. 100-465~~, contains an exception to the minimum of three days per five-day week P.E. requirement for schools engaged in block scheduling; if this is applicable, substitute this sentence for the second-to-last sentence in this paragraph:

- 8.10. In all schools, health education must be stressed, including:³² (a) proper nutrition, (b) physical fitness, (c) components necessary to develop a sound mind in a healthy body, (d) dangers and avoidance of abduction, and (e) age-appropriate and evidence-informed sexual abuse and assault awareness and prevention education in all grades.³³ The Superintendent shall implement a comprehensive health education program in accordance with State law.³⁴

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Unless otherwise exempted, all students are required to engage with such frequency as determined by the Board, but at a minimum of three days per five-day week, during the school day, except on block scheduled days, in a physical education course.

105 ILCS 5/27-6.5 describes physical fitness assessments required, beginning with the 2016-17 school year and every school year thereafter, for grades 3-12 in an effort to meet State Goal 20 of the Illinois Learning Standards for Physical Development and Health at: www.isbe.net/Pages/Physical-Education-and-Health.aspx. See also 23 Ill.Admin.Code §1.425 (f) and (h), ~~amended at 42 Ill. Reg. 11540~~; ISBE's *IL Fitness Assessments and Data Reporting Requirements Questions and Answers* (Rev. 2017-15-18) at: ~~www.isbe.net/Documents/fitness-assmt-faq.pdf~~.

~~www.isbe.net/Documents/Physical_Fitness_Assessment_FAQ.pdf#search=Fitness%20Assessments%20and%20Data%20Reporting%20Requirements%20Questions%20and%20Answers~~
~~www.isbe.net/Documents/Physical_Fitness_Assessment_FAQ.pdf#search=Fitness%20Assessments%20and%20Data%20Reporting%20Requirements%20Questions%20and%20Answers~~

105 ILCS 5/27-7 describes the goals and requirements for P.E. courses; these are re-stated in this sample policy.

³² Citations for letters (a) - (e), ~~required by the Comprehensive Health Education Program (105 ILCS 110/3)~~ in this paragraph follow:

- (a) 105 ILCS 5/2-3.139 and 105 ILCS 5/27-7 (proper nutrition) and see also policy 6:50, *School Wellness*.
- (b) *Id.* (physical fitness) and see also policy 6:50, *School Wellness*.
- (c) *Id.* (sound mind and healthy body).
- (d) 105 ILCS 5/27-13.2 (dangers and avoidance of abduction). The Ill. Dept. of State Police and ISBE must develop instruction on child abduction prevention. 20 ILCS 2605/2605-480.
- (e) 105 ILCS 110/3 and 105 ILCS 5/10-23.13, ~~amended by P.A. 102-610 a/k/a Erin's Law~~ (child sexual abuse prevention). While 105 ILCS 5/10-23.13(b) states ~~pre-K through 12th~~, this policy uses *all grades* for brevity and ease of administration. *Erin's Law* requires a policy addressing child sexual abuse prevention and curriculum content on that subject (see sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*). A sentence in 6:60-AP1, *Comprehensive Health Education Program*, restates the basic recommendations for a child sexual abuse prevention program from page 16 of the *Erin's Law* Taskforce Final Report (Report) to Governor Quinn at: www.isbe.net/Documents/erins-law-final0512.pdf, which was the basis for HB 1975 text, which did not pass in the first half of the 102nd Ill. General Assembly but is used as the basis for sample content to implement P.A. 102-610 due to that Public Act's vagueness. The professional educator training component of *Erin's Law* is addressed in policies 5:90, *Abused and Neglected Child Reporting* and 5:100, *Staff Development Program*. The Report also encouraged parental involvement because parents play a key role in protecting children from child sexual abuse.

³³ See *fn 11* in sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*, for a definition of *evidence-informed*. 105 ILCS 5/10-23.13, amended by P.A. 102-610.

³⁴ 105 ILCS 110/3, amended by P.A.s 101-305 and P.A. 102-464; ~~eff. 1-1-20~~; and 23 Ill.Admin.Code §1.420(n). Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act, 105 ILCS 110/.

More detailed *critical health problems* and comprehensive health education program content is described in administrative procedure 6:60-AP1, *Comprehensive Health Education Program*. That procedure follows the Comprehensive Health Education Program Law (CHEP), 105 ILCS 110/3, amended by P.A. 102-464, and ~~it formerly included~~ the requirements for the development of ~~the now-repealed family life and sex education programs in~~ (105 ILCS 5/27-9.1 and 9.2, amended by P.A.s 100-684, and 101-579; ~~eff. 1-1-20~~, 102-412 and repealed by P.A. 102-522).

The former family life and sex education programs were replaced with the National Sex Education Standards (NSES) (105 ILCS 5/27-9.1a, added by P.A. 102-522) and a developmentally appropriate consent education curriculum (105 ILCS 5/27-9.1b, added by P.A. 102-522), and But at the time of PRESS Issue 108's publication, the term *family life*, "including evidence-based and medically accurate information regarding sexual abstinence," remained in the CHEP (105 ILCS 110/3, amended by P.A. 102-464). The CHEP, also includes many among other health education topics that all elementary and secondary schools in Illinois must provide, including *teen dating violence* (105 ILCS 110/3.10, see 7:185, *Teen Dating Violence Prohibited*, for the required "teen dating violence policy") and cardiopulmonary resuscitation and automated external defibrillator use. ~~(105 ILCS 110/3)Id.~~

- 9.11. In all schools, career/vocational education must be taught, including: (a) the importance of work, (b) the development of basic skills to enter the world of work and/or continue formal education, (c) good work habits and values, (d) the relationship between learning and work, and (e) if possible, a student work program that provides the student with work experience as

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For ease of administration, 6:60-AP1, *Comprehensive Health Education Program*, content includes reference to the new NSES curriculum that is outlined in more detail at 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*. 105 ILCS 5/27-9.1a, added by P.A. 102-522. While the NSES law is effective immediately, ISBE has until 8-1-22 to develop its learning standards and resources, and at the time of PRESS Issue 108's publication, no guidance existed about whether districts that provide the now-repealed family life and sex education programs formerly in 105 ILCS 5/27-9.1 and 9.2, repealed by P.A. 102-522, could continue to do so for: (a) their 21-22 school years, and/or (b) continuing into the 22-23 school year and school years beyond that into the future. Consult the board attorney if the district offered the now-repealed family life and sex education program to assess whether that program may continue during the 21-22 school and/or school years beyond.

Two choices exist for school boards related to providing students with a sex education curriculum:

1. No sex education; or
2. NSES a/k/a *Comprehensive Personal Health and Safety and Sexual Health Education Program* (105 ILCS 5/27-9.1a, added by P.A. 102-522, and see 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*).

While boards are not required to include sex education curriculum information in their policies, if they offer it, the new law requires them to identify the curriculum their districts use along with the name and contact information, including an email address, of a school staff member who can respond to inquiries about instruction and materials. 105 ILCS 5/27-9.1a(e), added by P.A. 102-522. Methods for making this information available include: the district's website, if any, and in the district's offices upon request. See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

For boards that do offer NSES but do not wish to communicate it in this policy, ensure that superintendents: (1) identify the curriculum along with the name and contact information, including an email address of the school staff member designated to respond to inquiries about instruction and materials (see 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*); and (2) implement both 6:60-AP1, *Comprehensive Health Education Program*, and 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.

For boards that want to communicate to their communities in this policy that they offer NSES, insert the following text into the last sentence in number 10:

The Superintendent shall implement a comprehensive health education program in accordance with State law, including a personal health and safety and sexual health education program (National Sex Education Standards) pursuant to 105 ILCS 5/27-9.1a.

Legal Reference insertions are not necessary with the statute in the text of the policy. Ensure: (1) the implementation of both 6:60-AP1, *Comprehensive Health Education Program* and 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*, align with this policy; and (2) that the superintendent identifies the curriculum along with the name and contact information, including an email address of the school staff member designated to respond to inquiries about instruction and materials (see 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*).

For boards that communicated NSES in this policy and also want to communicate that they additionally offer developmentally appropriate consent education curriculum, insert the following sentence as the last sentence of the number 10 paragraph:

The Superintendent shall also implement a developmentally appropriate consent education curriculum pursuant to 105 ILCS 5/27-9.1b.

Legal Reference insertion is not necessary with the statute in the text of the policy. Ensure the implementation of 6:60-AP3, *Developmentally Appropriate Consent Education*, aligns with this policy.

For boards that do offer NSES and do not communicate that in policy AND/OR boards that do not offer NSES, but want to communicate that they offer developmentally appropriate consent education curriculum, insert the following text into the last sentence in number 10:

The Superintendent shall implement a comprehensive health education program in accordance with State law, including a developmentally appropriate consent education curriculum pursuant to 105 ILCS 5/27-9.1b.

Legal Reference insertion is not necessary with the statute in the text of the policy. Ensure that implementation of 6:60-AP3, *Developmentally Appropriate Consent Education*, aligns with this policy.

an extension of the regular classroom. A career awareness and exploration program must be available at all grade levels. ³⁵

12. In grades 9 through 12, consumer education must be taught, including: (a) financial literacy, including consumer debt and installment purchasing (including credit scoring, managing credit debt, and completing a loan application); budgeting; savings and investing; banking (including balancing a checkbook, opening a deposit account, and the use of interest rates); understanding simple contracts; State and federal income taxes; personal insurance policies; the comparison of prices; higher education student loans; identity-theft security; and homeownership (including the basic process of obtaining a mortgage and the concepts of fixed and adjustable rate mortgages, subprime loans, and predatory lending); and (b) the roles of consumers interacting with agriculture, business, labor unions and government in formulating and achieving the goals of the mixed free enterprise system. ³⁶ ³⁷
13. Beginning in the fall of 2022, in grades 9 through 12, intensive instruction in computer literacy, which may be included as a part of English, social studies, or any other subject. ³⁸
14. Beginning in the fall of 2022, in grades 9 through 12, a unit of instruction on media literacy that includes, but is not limited to, all of the following topics: (a) accessing information to evaluate multiple media platforms and better understand the general landscape and economics of the platforms, and issues regarding the trustworthiness of the source of information; (b) analyzing and evaluating media messages to deconstruct media representations according to the authors, target audience, techniques, agenda setting, stereotypes, and authenticity to distinguish fact from opinion; (c) creating media to convey a coherent message using multimodal practices to a specific target audience that includes, but is not limited to, writing blogs, composing songs, designing video games, producing podcasts, making videos, or coding a mobile or software application; (d) reflecting on media consumption to assess how media affects the consumption of information and how it triggers emotions and behavior; and (e) social responsibility and civics to suggest a plan of action in the class, school, or

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³⁵ 23 Ill.Admin.Code §1.420(i). See 105 ILCS 435/, Vocational Education Act.

A unit or high school district may offer workplace preparation instruction in grades 9 through 12 that covers legal protections in the workplace, including protection against sexual harassment and racial and other forms of discrimination and protections for employees. 105 ILCS 5/27-23.1413 (final citation pending), added by P.A. 101-347, eff. 1-1-20.

For high school and unit boards, insert “5/27-23.1413 (final citation pending),” after 105 ILCS 5/27-23.11 in the Legal References or if a board offers a course on hunting safety as part of its curriculum during the school day (see the option in f/n 52 below), after its Legal Reference 105 ILCS 5/27-23.13, and the following text to the end of number 11-10 if the board wants to offer workplace preparation instruction:

In grades 9-12, workplace preparation instruction will be offered, covering legal protections in the workplace, including protection against sexual harassment and racial and other forms of discrimination and protections for employees.

³⁶ 105 ILCS 5/27-12.1, amended by P.A. 99-284; 23 Ill.Admin.Code §1.420(k). P.A. 99-284 added these new subjects to the required consumer education course: consumer debt, higher education student loans, and identity-theft security.

³⁷ For high school and unit boards that want to offer a unit of instruction about the process of naturalization pursuant to 105 ILCS 5/27-23.15, added by P.A. 102-472, insert an optional number 13, and amend numbers after it accordingly.

13. In grades 9 through 12, a unit of instruction about the process of naturalization by which a foreign citizen or foreign national becomes a U.S. citizen that includes content from the components of the naturalization test administered by the U.S. Citizenship and Immigration Services.

³⁸ 105 ILCS 5/27-22(e)(3.5), added by P.A. 101-654. At the time of PRESS Issue 108’s publication, no definition or further information from ISBE existed about what computer literacy means. A common sense approach presumes the term includes those concepts carved out of computer science, such as everyday use of computers, keyboarding, accessing the Internet, etc.

community for engaging others in a respectful, thoughtful, and inclusive dialogue over a specific issue using facts and reason. ³⁹

~~10-15.~~Beginning in the fall of 2023, in grades 9 through 12, an opportunity for students to take at least one computer science course aligned to Illinois learning standards. *Computer science* means the study of computers and algorithms, including their principles, hardware and software designs, implementation, and impact on society. Computer science does not include the study of everyday uses of computers and computer applications; e.g., keyboarding or accessing the Internet. ⁴⁰

~~11-16.~~In all schools, conservation of natural resources must be taught, including: (a) home ecology, (b) endangered species, (c) threats to the environment, and (d) the importance of the environment to life as we know it. ⁴¹

~~12-17.~~In all schools, United States (U.S.) history must be taught, including: (a) the principles of representative government, (b) the Constitutions of the U.S. and Illinois, (c) the role of the U.S. in world affairs, (d) the role of labor unions, (e) the role and contributions of ethnic groups, including but not limited to, the African Americans, Albanians, Asian Americans, Bohemians, Czechs, French, Germans, Hispanics (including the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression), Hungarians, Irish, Italians, Lithuanians, Polish, Russians, Scots, and Slovaks in the history of this country and State, (f) a study of the roles and contributions of lesbian, gay, bisexual, and transgender (LGBT) people in the history of the U.S. and Illinois, and (g) Illinois history, and (h) the contributions made to society by Americans of different faith practices, including, but not limited to, Muslim Americans, Jewish Americans, Christian Americans, Hindu Americans, Sikh Americans, Buddhist Americans, and any other collective community of faith that has shaped America. ⁴²

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³⁹ 105 ILCS 5/27-20.08, added by P.A. 102-55. *Media literacy* means the ability to access, analyze, evaluate, create, and communicate using a variety of objective forms, including, but not limited to, print, visual, audio, interactive, and digital texts.

⁴⁰ Optional until fall 2023; 105 ILCS 5/27-23.15(b), added by P.A. 101-654.

⁴¹ 105 ILCS 5/27-13.1; 23 Ill.Admin.Code §1.420(l), amended at 42 Ill. Reg. 11535.

⁴² 105 ILCS 5/27-21, amended by P.A.s 101-227, eff. 7-1-20 (adding the roles and contributions of LGBT people in U.S. and Illinois), and P.A. 101-341, eff. 1-1-20 (beginning with the 2020-2021 school year, adding Illinois history), -101-643 (during a public health emergency, allowing schools to obtain demonstrated evidence from students remotely that they have comprehensive knowledge of United States history), and 102-411 (adding contributions made to society by Americans of different faith practices); 23 Ill.Admin.Code §1.420(r). "[O]btain demonstrated evidence from students remotely" is not clear. The practical reading is that it refers to teachers collecting evidence through remote assessments when students are engaged in a remote learning program during a disaster declaration due to a public health emergency.

105 ILCS 5/27-21, amended by P.A. 101-643, does not specify at what grade level districts must cover these topics as part of U.S. history instruction; however, no student may graduate from grade 8 unless the student has received instruction in U.S. history and demonstrated comprehensive knowledge of the subject matter.

For guidance about the requirements of adding the roles and contributions of LGBT people in U.S. and Illinois, see:

1. *Inclusive Curriculum Law Frequently Asked Questions (FAQs)* at: www.phimec.org/wp-content/uploads/2020/05/Inclusive-Curriculum-FAQs.pdf;
2. *Inclusive Curriculum Law Overview* at: www.phimec.org/wp-content/uploads/2020/05/Inclusive-Curriculum-One-Pager.pdf; and
3. *Inclusive Curriculum Implementation Guidance (Condensed Edition)* at: www.isbe.net/Documents/Support-Students-Implementation-Guidance.pdf.

In addition, all schools shall hold an educational program on the United States Constitution on Constitution Day, each September 17, commemorating the September 17, 1787 signing of the Constitution. However, when September 17 falls on a Saturday, Sunday, or holiday, Constitution Day shall be held during the preceding or following week. ⁴³

~~13.18.~~In grade 7 and all high school courses concerning U.S. history or a combination of U.S. history and American government, students must view a Congressional Medal of Honor film made by the Congressional Medal of Honor Foundation, provided there is no cost for the film. ⁴⁴

~~14.19.~~In all schools, the curriculum includes instruction as determined by the Superintendent or designee on the Holocaust and crimes of genocide, including Nazi atrocities of 1933-1945, Armenian Genocide, the Famine-Genocide in Ukraine, and more recent atrocities in Cambodia, Bosnia, Rwanda, and Sudan. ⁴⁵

~~15.20.~~In all schools, the curriculum includes instruction as determined by the Superintendent or designee on the history, struggles, and contributions of women. ⁴⁶

~~16.21.~~In all schools, the curriculum includes instruction as determined by the Superintendent or designee on Black History, including the history of the pre-enslavement of Black people from 3,000 BCE to AD 1619, the African slave trade, slavery in America, the study of the reasons why Black people came to be enslaved, and the vestiges of slavery in this country, the study of the American civil rights renaissance. as well as the struggles and contributions of African-Americans. ⁴⁷

~~17.22.~~In all schools offering a secondary agricultural education program, the curriculum includes courses as required by 105 ILCS 5/2-3.80. ⁴⁸

~~23.~~In all schools, instruction during courses as determined by the Superintendent or designee on disability history, awareness, and the disability rights movement. ⁴⁹

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⁴³ Section 111 of Division J of Pub. L. 108-447, the Consolidated Appropriations Act, 2005, 12-8-04; 118 Stat. 2809, 3344-45 (Section 111). Section 111(b) states: “[e]ach educational institution that receives Federal funds for a fiscal year shall hold an educational program on the U.S. Constitution on September 17 of such year for the student served by the educational institution.”

⁴⁴ 105 ILCS 5/27-3.5. The Congressional Medal of Honor film is available on ISBE’s website for no cost at: www.isbe.net/Pages/Medal-of-Honor.aspx.

⁴⁵ 105 ILCS 5/27-20.3. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee.

⁴⁶ 105 ILCS 5/27-20.5. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. House Resolution 365 (98th General Assembly, 2013) and Senate Resolution 1073 (98th General Assembly, 2014) both urge all Illinois educators to share with students of an appropriate age the story of *comfort women* when discussing the history of Asia or World War II, or the issue of human trafficking.

⁴⁷ 105 ILCS 5/27-20.4, amended by P.A. 101-654. The statute requires the school board to determine the minimum amount of instructional time. ~~The sample policy complies by delegating this responsibility to the superintendent or designee. A school may meet this curriculum requirement through an online program or course. Id. as amended by P.A. 100-634.~~

⁴⁸ 105 ILCS 5/2-3.80(e) or (f), as applicable.

18-24. Beginning in the fall of 2022, in all schools, instruction as determined by the Superintendent or designee on the events of Asian American history, including the history of Asian Americans in Illinois and the Midwest, as well as the contributions of Asian Americans toward advancing civil rights from the 19th century onward, which must include the contributions made by individual Asian Americans in government and the arts, humanities, and sciences, as well as the contributions of Asian American communities to the economic, cultural, social, and political development of the United States. ⁵⁰

19-25. In kindergarten through grade 8, education must be available to students concerning effective methods of preventing and avoiding traffic injuries related to walking and bicycling.
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⁴⁹ 105 ILCS 5/27-23.8. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. The statute requires that the instruction be founded on the principle that all students, including students with disabilities, have the right to exercise self-determination. It urges districts to request individuals with disabilities to assist with the development and delivery of this instruction and allows instruction to be supplemented by knowledgeable guest speakers.

⁵⁰ 105 ILCS 5/27-20.8, added by P.A. 102-44. Id. at (c) states that the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate] will monitor districts' compliance with this law during the annual compliance review visits. Districts may meet this law's requirements through online programs or courses. Id. at (d). 105 ILCS 5/3-0.01 states any reference to "regional superintendent" include the chief administrative officer of Intermediate Service Centers established under 105 ILCS 5/2-3.62.

⁵¹ 105 ILCS 5/27-23.11, added by P.A. 100-1056, requires districts that maintain any of the grades kindergarten through 8 to adopt a policy. The law is silent about how to educate students on this topic. See 6:60-AP¹, E2, *Resources for Biking and Walking Safety Education*, for additional information.

⁵² A school district may offer a course on hunting safety as part of its curriculum during the school day. 105 ILCS 5/27-23.13 (final citation pending), added by P.A. 101-152. No grade levels are specified in the statute. Insert "5/27-23.13 (final citation pending)," after 105 ILCS 5/27-23.11 in the Legal References, and an optional number 2624, if the board wants to offer a course on hunting safety as part of its curriculum:

In grade(s) [insert grade level(s)], a course on hunting safety will be offered during the school day.

LEGAL REF.: Pub. L. No. 108-447, Section 111 of Division J, Consolidated Appropriations Act of 2005.
 Pub. L. No. 110-385, Title II, 122 stat. 4096 (2008), Protecting Children in the 21st Century Act.
 47 C.F.R. §54.520.
 5 ILCS 465/3 and 465/3a.
 20 ILCS 2605/2605-480.
 105 ILCS 5/2-3.80(e) and (f), 5/10-20.73 (final citation pending), 5/10-23.13, 5/27-3, 5/27-3.5, 5/27-5, 5/27-6, 5/27-6.5, 5/27-7, 5/27-12, 5/27-12.1, 5/27-13.1, 5/27-13.2, 5/27-20.08, 5/27-20.3, 5/27-20.4, 5/27-20.5, 5/27-20.7, 5/27-20.8, 5/27-21, 5/27-22, 5/27-23.3, 5/27-23.4, 5/27-23.7, 5/27-23.8, 5/27-23.10, 5/27-23.11, 5/27-23.15, 5/27-24.1, and 5/27-24.2,
105 ILCS 435/, and 110/3, Comprehensive Health Education Program.
105 ILCS 435/, Vocational Education Act.
 625 ILCS 5/6-408.5, Ill. Vehicle Code.
 23 Ill.Admin.Code §§1.420, 1.425, 1.430, and 1.440.

CROSS REF.: 4:165 (Awareness and Prevention of Child Sex Abuse and Grooming Behaviors), 6:20 (School Year Calendar and Day), 6:40 (Curriculum Development), 6:70 (Teaching About Religions), 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:260 (Exemption from Physical Education)

Instruction

Teaching About Controversial Issues ¹

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

- Age-appropriate. Proper decorum, considering the students' ages, should be followed.
- Consistent with the curriculum and serve an educational purpose. ²
- Informative and present a balanced view.
- Respectful of the rights and opinions of everyone. Emotional criticisms and hurtful sarcasm should be avoided.
- Not tolerant of profanity or slander.

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

LEGAL REF.: [Garcetti v. Ceballos, 547 U.S. 410 \(2006\).](#)
 [Mayer v. Monroe Cnty. Cmty. Sch. Corp., 474 F.3d 477 \(7th Cir. 2007\).](#)

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

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

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

² Public employee First Amendment issues involve the balance between the importance of the speech and the district's interest in maintaining order and effective school operations. The First Amendment "does not entitle primary and secondary teachers, when conducting the education of captive audiences, to cover topics, or advocate viewpoints, that depart from the curriculum adopted by the school system." [Mayer v. Monroe County Community School Corp., 474 F.3d 477, 480 \(7th Cir. 2007\).](#) See also [Brown v. Chicago Bd. of Educ., 824 F.3d 713 \(7th Cir. 2016\) \(upholding discipline of a teacher for violating written policy against using racial epithets in front of students even though he did so to conduct a well-intentioned discussion of why such words are hurtful and must not be used\); Kluge v. Brownsburg Cmty. Sch. Corp., 432 F.Supp.3d 823 \(S.D.Ind. 2020\) \(upholding discipline of a teacher for violating written policy requiring employees to address students by their preferred names and genders\).](#) Nor is the First Amendment likely to entitle a teacher to protection for purely personal speech that does not touch on a matter of public concern. See [Pickering v. High School Dist. 205, 391 U.S. 563 \(1968\).](#) However, when public employees speak as private citizens on their own time about matters of public concern, they may face only those speech restrictions that are necessary for their employers to operate efficiently and effectively. [Garcetti v. Ceballos, 547 U.S. 410 \(2006\).](#)