

## School Board

### Administrative Procedure - Superintendent Committees

The Superintendent creates Superintendent committees as deemed necessary, makes all appointments, and directs all activities. Superintendent committees report to the Superintendent. <sup>1</sup> The listed Superintendent committees are optional, unless otherwise indicated, and include:

#### Communicable and Chronic Infectious Disease Program Task Force

This task force assists in the development and review of a chronic and infectious disease program consistent with the District's policies and State and federal laws and regulations. Appointments are made to the task force only if the Superintendent determines that its input is desirable. See policies 5:40, *General Personnel - Communicable and Chronic Infectious Disease*; and 7:280, *Students - Communicable and Chronic Infectious Disease*.

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

#### Communicable and Chronic Infectious Disease Review Team

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

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

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

The review team is guided by the Board's policies, Illinois Department of Public Health rules and regulations, and all other applicable State and federal laws. See also policies 5:40, *Communicable and Chronic Infectious Disease*, and 7:280, *Students - Communicable and Chronic Infectious*

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<sup>1</sup> Superintendent committees are generally not governed by the Open Meetings Act, but the operation and function of specific committees may make the Act applicable. For example, any committee, whether superintendent or board, having as members at least a majority of the quorum (3 out of 7) of the board, will be subject to the Open Meetings Act (5 ILCS 120/1.02). Factors to determine whether a committee is governed by the Open Meetings Act include "who appoints the members of the entity, the formality of their appointment, and whether they are paid for their tenure; the entity's assigned duties, including duties reflected in the entity's bylaws or authorizing statute; whether its role is solely advisory or whether it also has a deliberative or investigative function; whether the entity is subject to government control or otherwise accountable to any public body; whether the group has a budget; its place within the larger organization or institution of which it is a part; and the impact of decisions or recommendations that the group makes." University Professionals v. Stukel, 801 N.E.2d 1054 (Ill.App.1, 2003).

Consult the board attorney concerning the status of two mandatory district committees – the PERA (Performance Educational Reform Act) joint committee and the RIF (reduction in force) joint committee (105 ILCS 5/24A-4(b) and 5/24-12(c), respectively). See f/n 7 in policy 2:150, *Committees*, for an explanation.

*Disease*. The review team consults the employee's or the student's personal physician and local health department officials before making any recommendations.

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

#### Food Allergy Management Committee

This committee develops and implements the District's Food Allergy Management Program. It monitors the program for effectiveness and establishes a schedule for the Superintendent to report this information back to the Board. See policy 7:285, *Food Allergy Management Program*, which is based upon the *ISBE/IDPH Guidelines* at:

[www.isbe.net/nutrition/pdf/food\\_allergy\\_guidelines.pdf](http://www.isbe.net/nutrition/pdf/food_allergy_guidelines.pdf).

Committee members include District-level administrators, Building Principals, the District Safety Team Program Coordinator (see 4:170-AP1, *Administrative Procedure - Comprehensive Safety and Crisis Program*, Part A, Safety Team), District 504 Coordinator (see 6:120, *Education of Children with Disabilities*), staff members, parents/guardians, community members, and students.

#### Employee Drug Abuse Committee

This committee makes recommendations regarding employee drug abuse, and:

1. Cooperates with community and State agencies on drug abuse programs.
2. Gathers information about drug abuse and suggests methods to disseminate it to staff.
3. Develops a support network that encourages employees to self-refer for treatment and suggests procedures for early identification and treatment.
4. Recommends procedures that would protect the privacy of employees while taking into consideration the Board's obligation to provide a safe environment and to ensure high quality performance.
5. Recommends a method to explicitly inform employees of District policy and the consequences of drug abuse.

Committee members include the Superintendent or designee, the District's medical advisor, and employee representatives from both professional and educational support personnel. The committee is guided by Board policies, administrative procedures, and relevant State and federal statutes. See policy 5:50, *Drug- and Alcohol-Free Workplace; [Tobacco Prohibition](#)*.

#### Pandemic Planning Team

This team builds a strong relationship with the local health department and emergency medical agencies and uses their assistance to develop and implement a comprehensive pandemic influenza school action plan and build awareness of the final plan among staff, students, and community. See policy 4:180, *Pandemic Preparedness*, and 4:180-AP1, *Administrative Procedure - School Action Steps for Pandemic Influenza*.

Team members include one or two Board members, 2 administrators, and staff members.

#### Sex Equity Committee

This committee supports the District's efforts to eliminate sexual harassment by advising the Superintendent on prevention, intervention, and education. Committee members may include

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<sup>2</sup> Id.

community representatives, District administrators, teachers, and students. See policies 5:10, *Equal Employment Opportunity and Minority Recruitment*; 5:20, *Workplace Harassment Prohibited*; 7:10, *Equal Educational Opportunities*; and 7:20, *Harassment of Students Prohibited*.

#### Targeted School Violence Prevention Team

This team ~~builds awareness about and~~ supports the development ~~of a Targeted School Violence Prevention Plan to identify, assess, and manage threatening communications and situations, and it oversees implementation of~~ the District's:

1. Targeted School Violence Prevention Program. See 4:170, *Safety*; and 4:170-AP7, *Administrative Procedure - Targeted School Violence Prevention Program*.
2. Anti-bullying program, when and as appropriate. See 7:180, *Preventing Bullying, Intimidation, and Harassment*; and 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying and School Violence*.

Team members must include Building Principals. Other team members may include the District's Safety Team Program Coordinator (see 4:170-AP1, *Administrative Procedure - Comprehensive Safety and Crisis Program, Part A, Safety Team*), law enforcement representatives, Board attorney, District psychologist(s), mental health workers and/or social service agencies, faith leaders, community members, and students.

#### Title I Advisory Committee <sup>3</sup>

This committee is required if the District receives or desires to receive Title I funds. See policy 6:170, *Title I Programs*; 20 U.S.C. §6312; 34 C.F.R. §§200.41, 200.50, and 200.52(a)(1); and 105 ILCS 5/2-3.25d (for Illinois requirements). The committee supports the development and implementation of the District's Title I plan. Its activities may include, at the Superintendent's directive:

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

Committee members include parents/guardians and teachers of Title I children.

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<sup>3</sup> Delete this committee if the district does not receive Title I funds.

## Operational Services

### Administrative Procedure - Targeted School Violence Prevention Program

Threat assessment procedures work best when incorporated into an overall Targeted School Violence Prevention Program (Program) strategically developed and collectively implemented by local school officials, District staff, student body members, and the community. <sup>1</sup> Under a properly implemented Program, schools can respond to student behavior that raises safety concerns. This administrative procedure contains four sections as follows:

1. Glossary of Terms
2. Targeted School Violence Plan
3. Preparedness for a Targeted School Violence Crisis, Response, and Recovery
4. Threat Assessment (Three Phases)
  - Phase One: Identification
  - Phase Two: Inquiry investigation
  - Phase Three: Investigation Response

#### Glossary of Terms

**Threat** - An expression of intent to harm someone that may be spoken, written, or expressed communicated in some other way, such as through gestures.

**Targeted School Violence** - Includes school shootings and other school-based attacks where the school was deliberately selected as the location for the attack and was not simply a random site of opportunity.

**Targeted School Violence Prevention Program (Program)** - The overall process used to create a District and school environment that is conducive to learning by identifying, managing, and preventing threats and acts of Targeted School Violence.

**Targeted School Violence Prevention Plan (TSVP Plan)** - The strategic procedures used to integrate a Targeted School Violence Prevention Program into a District's existing policies and procedures.

The footnotes should be removed before the material is used.

<sup>1</sup> Hanks, J. (2004). School Violence: From Discipline to Due Process. *Section of State and Local Government Law, American Bar Association*, p. 145, citing *U.S. Secret Service & U.S. Department of Education, Threat Assessment In School: A Guide to Managing Threatening Situations and To Creating Safe School Climates* (Washington, D.C., May 2002), p. 5-6. Several resources to assist with the collective implementation of a targeted school violence prevention program are available. They include but are not limited to:

1. *School Violence: Prevention*, developed by the Centers for Disease Control (CDC). Its materials state that "[n]o one factor in isolation causes school violence, so stopping school violence involves using multiple prevention strategies that address the many individual, relationship, community, and societal factors that influence the likelihood of violence. Prevention efforts should ultimately reduce risk factors and promote protective factors at these multiple levels of influence." See [www.cdc.gov/violenceprevention/youthviolence/schoolviolence/prevention.html](http://www.cdc.gov/violenceprevention/youthviolence/schoolviolence/prevention.html).
2. *Youth and School Violence Prevention*, developed by the Safe Schools/Healthy Students (SS/HS) Initiative, created through collaboration between the U.S. Depts. of Health and Human Services, Education, and Justice. See [www.sshs.samhsa.gov/initiative/about.aspx](http://www.sshs.samhsa.gov/initiative/about.aspx).
3. *School Connectedness: Strategies for Increasing Protective Factors Among Youth*, developed by the CDC. See [www.cdc.gov/healthyyouth/adolescenthealth/pdf/connectedness.pdf](http://www.cdc.gov/healthyyouth/adolescenthealth/pdf/connectedness.pdf).

**Targeted School Violence Prevention Team (TSVP Team)** - A District level team that the Superintendent creates to develop a Targeted School Violence Prevention Plan and oversee the District's Targeted School Violence Prevention Program and anti-bullying program. The SVP team utilizes the expertise of its members to ensure that the District develops school violence prevention plans that comply with applicable civil rights and other federal and State laws.

**Threat Assessment** - A rational approach to prevent school violence through evaluating students that demonstrate potentially dangerous behavior. Developed by the U.S. Secret Service and adapted for use in school settings, it aims to first assess the seriousness of the threat and then the appropriate response to resolve it and ultimately prevent an act of Targeted School Violence.

**Threat Assessment Team** - A building-level team that performs a threat assessment when activated by the Building Principal.

It may include the Building Principal, Assistant Building Principal, School Resource Officer, School Psychologist, and School Counselor or Social Worker.

Targeted School Violence Prevention Plan

Following are the strategic procedures to integrate a Targeted School Violence Prevention Program into the District's existing policies and procedures.

Actor	Action
Superintendent	<p>Select a <b>Targeted</b> School Violence Prevention Team (TSVP Team) from throughout the community to include:</p> <ul style="list-style-type: none"> <li>Building Principals (Building Principals are mandatory for successful implementation of a TSVP Plan).</li> <li>District Safety Team Program Coordinator (see 4:170-AP1, <i>Comprehensive Safety and Crisis Program, Part A, Safety Team</i>) <sup>2</sup></li> <li><u>Teachers</u></li> <li>Law enforcement representatives</li> <li>Board attorney <sup>3</sup></li> <li>District psychologist(s)</li> <li>Mental health workers and/or social service agencies</li> <li>Faith leaders</li> <li>Community members</li> <li>Students</li> </ul> <p>Chair and convene TSVP Team meetings for purpose of completing District-level TSVP Plan.</p> <p><u>Determine whether to recommend that the Board assess the District's conditions for development and learning (see 7:180-AP1, <i>Prevention, Identification, Investigation, and Response to Bullying and School Violence</i> for resources and more discussion).</u></p>

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<sup>2</sup> Federal agencies are moving toward renaming *Comprehensive Safety and Crisis Program* to *Incident Command System (ICS)*. See *w* Replace *Comprehensive Safety and Crisis Program* with the term that the district prefers.

<sup>3</sup> Consult the board attorney about creating methods for exchange of information in a manner that complies with applicable State and federal laws. See footnote 3 infra f/n 4 below.

Actor	Action
	Inform School Board of the TSVP Team's progress and needs by adding information item to Board's agendas as needed.
<p><del>Targeted School Violence Prevention Team</del></p> <p><u>SVP Team</u></p>	<p>Develop processes to identify, assess, and manage threatening communications and situations.</p> <p>Identify policies and procedures which possibly affect a TSVP Plan, including but not limited to:</p> <ul style="list-style-type: none"> <li>1:20, <i>District Organization, Operations, and Cooperative Agreements</i></li> <li>2:150, <i>Committees</i></li> <li>2:240, <i>Board Policy Development</i></li> <li>3:40, <i>Superintendent</i></li> <li>3:60, <i>Administrative Responsibility of the Building Principal</i></li> <li>4:170, <i>Safety</i></li> <li><u>5:100, <i>Staff Development Program</i></u></li> <li><u>5:130, <i>Responsibilities Concerning Internal Information</i></u></li> <li>5:230, <i>Maintaining Student Discipline</i></li> <li>6:65, <i>Student Social and Emotional Development</i></li> <li>6:120, <i>Education of Children with Disabilities</i></li> <li>6:235, <i>Access to Electronic Networks</i></li> <li>7:20, <i>Harassment of Students Prohibited</i></li> <li>7:130, <i>Student Rights and Responsibilities</i></li> <li>7:140, <i>Search and Seizure</i></li> <li>7:150, <i>Agency and Police Interviews</i></li> <li>7:170, <i>Vandalism</i></li> <li>7:180, <i>Preventing Bullying, Intimidation, and Harassment</i></li> <li>7:190, <i>Student Discipline</i></li> <li>7:200, <i>Suspension Procedures</i></li> <li>7:210, <i>Expulsion Procedures</i></li> <li>7:230, <i>Misconduct by Students with Disabilities</i></li> <li>7:250, <i>Student Support Services</i></li> <li>7:340, <i>Student Records</i> 4</li> <li>8:10, <i>Connection with the Community</i></li> </ul>

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4 Guidance about the application of State (Illinois School Student Records Act, 105 ILCS 10/) and federal (Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g) laws concerning student privacy issues in the context of preventing targeted school violence is a crucial element to implementing a successful TSVP Plan because school officials may need to share confidential information. Note that information kept by law enforcement professionals working in a school is not considered a *school student record* (105 ILCS 10/2). School officials will also need guidance regarding the release of confidential information given by a student to a therapist (e.g., school counselor or psychologist) as those issues are governed by the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/.

A good resource for use during FERPA discussions comes from the State of Illinois Campus Security Task Force Report to the Governor, Appendix C, Part II, pp. 227-233. (2008); the document is online at: [www.ibhe.state.il.us/campussafety/materials/cstfreport.pdf](http://www.ibhe.state.il.us/campussafety/materials/cstfreport.pdf). A multi-disciplinary task force comprised of Illinois' top leaders in education, mental health, public safety, and law enforcement created the report in response to the Northern Ill. University tragedy in February 2008. While the document addresses many issues pertaining to higher education campus security, it contains helpful information for school officials regarding student privacy and other prevention of targeted school violence management issues.

Actor	Action
	<p>8:95, <i>Parental Involvement</i>  <u>8:100, <i>Relations with Other Organizations and Agencies</i></u></p> <p>Recommend, through the Superintendent, all policy changes to the School Board for consideration. See policy 2:240, <i>Board Policy Development</i>.</p> <p>Appoint Building Principals <u>or designees</u> as a “point of contact” to <u>encourage and</u> accept reports of threats.</p>
Building Principal	<p>Establishes and leads building level Threat Assessment Teams consisting of available personnel such as the Assistant Principal, School Counselor/School Psychologist, and School Law Enforcement/Resource Officer. (The building level team composition can be adapted to meet the staffing patterns for different schools and may include other disciplines.) <sup>5</sup></p> <p>Ensures 4:170 AP1, <i>Administrative Procedure - Comprehensive Safety and Crisis Program, Part C, Site Based Safety Plan</i>, is available throughout schools (do <b>not</b> limit to office); distributes to and discusses with local law enforcement; regularly reviews plan with the building staff.</p> <p>Publicizes and educates staff, parents/guardians, students, and community members: (1) to report students and situations of concern to any school administrators or other authorities (i.e., local law enforcement), and (2) how school officials will address these concerns. This can be accomplished by distributing 4:170-<u>AP7, E3, Targeted School Violence Prevention and Threat Assessment Education and 7:180-AP1, E2, Be a Hero by Reporting Bullying and School Violence</u>, and discussing what Threat Assessment Teams are and what they do when they learn of <u>a-threats and/or school violence.</u><sup>6</sup></p> <p>Assess the feasibility of forming an anonymous tip line and</p>

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<sup>5</sup> Threat assessment requires careful consideration of the threat’s environmental context. Building level teams make it easier to assess threats as part of the regular school routine and also increase the likelihood that threats are reported. Cornell, D., Sheras, P. (2006). *Guidelines for Responding to Student Threats of Violence*, p. 13. See also f/n 3 above.

<sup>6</sup> Creating a school climate in which students believe the school staff wants to hear from them about threats or possible attacks is critical to ensuring that students come forward. Students should be encouraged to come forward regardless of the amount of information they have, and school staff should convey to the students that their reports will be taken seriously. It is also important to communicate to students that their reports may stay anonymous. If students do not feel that they will be treated with respect and listened to in a non-judgmental manner, or that the information will not be protected, they will not come forward and the school will lose an opportunity to intervene in a possible attack, as well as to assist a troubled student. See *Prior Knowledge of Potential School-Based Violence: Information students learn may prevent a targeted attack*, U.S. Secret Service and U.S. Dept. of Education, at: [www.secretservice.gov/ntac/bystander\\_study.pdf](http://www.secretservice.gov/ntac/bystander_study.pdf).

For more school climate discussions, see also *Guide for Developing High-Quality School Emergency Operations Plans*, discussed and cited about in f/n 2, and 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying and School Violence*, 7:180-AP1, E1, *Resource Guide for Bullying and School Violence Prevention*, 7:180-AP1, E3 *Memo to Staff Regarding Bullying and School Violence*, and 7:180-AP1, E5, *Report Form for Bullying and School Violence*.

Actor	Action
	<p>organizing its management.</p> <p>When a tip or concern is raised, proceed with <b>Threat Assessment section, - Phase One: Identification of Threat</b> procedures.</p> <p>Provide follow-up acknowledgements to those who provide information, e.g., “we appreciate your bringing this situation to our attention” or “we have carefully considered the information you shared with us.”</p>
School Board	<p>Monitor 4:170, <i>Safety</i>, and make changes recommended by the TSVP Team. See policy 2:240, <i>Board Policy Development</i>.</p> <p>Provide both the TSVP and Threat Assessment Teams with appropriate resources. <u>This may include providing resources to and access for staff to professional development opportunities. These opportunities should train staff to properly respond to students who provide them with information about a threat or school safety concern.</u> <sup>7</sup></p>
Superintendent/Building Principal	<p>Ensures the student disciplinary policies referred to in student handbooks notify students that threatening behavior could subject a student to disciplinary consequences. See 7:180, <i>Preventing Bullying, Intimidation, and Harassment</i> and 7:190, <i>Student Discipline</i>.</p> <p><u>Ensures that staff responds to students who provide them with information about a threatening or disturbing situation.</u></p>

Preparedness for a Targeted School Violence Crisis, Response, and Recovery

This portion follows 4:170-AP1, *Comprehensive Safety and Crisis Program* and suggests additional steps specific to managing preparing for a Targeted School Violence crisis that school officials may want to incorporate in the District’s existing Safety and Crisis Program.

Actor	Action
Superintendent, Building Principal, and <del>Targeted School Violence Prevention SVP</del> Team	Examines 4:170-AP1, <i>Comprehensive Safety and Crisis Program</i> procedures and recommend any changes to existing procedures to Superintendent or Safety Team Program Coordinator.
Safety Team Program Coordinator	<p>Meet with TSVP Team to foster an understanding of what additional items the District’s Safety Team might add to its procedures to accomplish a response and recovery.</p> <p>Add an agenda item to the 4:170-AP1, <i>Comprehensive Safety and Crisis Program, Part A. Safety Team</i> meetings specific to Targeted School Violence; consider inviting the Board attorney and local law</p>

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<sup>7</sup> See *Prior Knowledge of Potential School-Based Violence: Information students learn may prevent a targeted attack, United States Secret Service and United States Dept. of Education, p. 10, at: [www.secretservice.gov/ntac/bystander\\_study.pdf](http://www.secretservice.gov/ntac/bystander_study.pdf).*



Actor	Action
	<p>enforcement and emergency responders to this meeting.</p> <p><b>Note:</b> During a crisis, legal counsel <del>should</del> <u>will</u> be a crucial <del>element to part of</del> crisis response and management (<del>but not necessarily public relations and communication</del>) because school officials must make split second decisions, often with legal consequences to the District; local law enforcement’s familiarity with <del>who</del> <u>the identity of</u> the District’s legal counsel <del>is</del> <u>before</u> a crisis occurs will assist with a faster connection between legal counsel and the school officials involved in the early stages of a Targeted School Violence Crisis the immediate response to it.</p> <p><u>Consider designating a trained public relations and communication manager to inform parents and the community during a crisis and to keep pace with social media information.</u></p>
<p>Superintendent and Building Principal(s)</p>	<p>For crisis preparedness and response, ensure:</p> <p>4:170-AP1, <i>Comprehensive Safety and Crisis Program</i>, Part I Site Based Safety Plan, reflects each individual building’s needs.</p> <p>4:170-AP1, <i>Comprehensive Safety and Crisis Program</i>, Part D School Safety Drill Program, supports a TSVP Plan, specifically consider whether to add a law enforcement drill if the school does not already participate.</p> <p>4:170-AP1, <i>Comprehensive Safety and Crisis Program</i>, Part H reflects the District’s and each building’s needs, especially the section on “Weapons and Explosives on Campus” <del>and</del>. <u>It</u> also ensures that multiple copies of these plans exist, and <u>it directs that</u> appropriate persons have access to <del>them (the plans, e.g., local law enforcement authorities, etc.</del>. One copy in <u>the</u> Building Principal’s office is insufficient).</p> <p>For crisis recovery, ensures:</p> <p>4:170-AP1, <i>Comprehensive Safety and Crisis Program</i>, Parts J and K, reflects District needs and that the Board attorney is aware of the plans.</p> <p>Recommend to the Safety Team Program Coordinator any other additional crisis recovery items that the safety team deems necessary.</p>

Threat Assessment <sup>8</sup>

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<sup>8</sup> The Threat Assessment procedures, modeled after a research-based manual, *Guidelines for Responding to Student Threats of Violence (Guidelines)* explain how to form individual school teams to assess and resolve student threats of violence. The ~~manual~~ Guidelines, based upon a joint U.S. Secret Service and Department of Education report in 2002 (Fein et al., 2002) provides detailed instruction for school administrators, psychologists, counselors, and law enforcement officers in a seven-step threat assessment and intervention process. The approach helps school personnel understand why a student made a threat and how to address the underlying cause of the threat. Cornell, D., Sheras, P. (2006). *Guidelines for Responding to Student Threats of Violence*. More information is available online at: [youthviolence.edschool.virginia.edu/guidelinesmanual80305.html](http://youthviolence.edschool.virginia.edu/guidelinesmanual80305.html).

The procedures of this section rely heavily upon Building Principals to lead Threat Assessment Teams through the use of 4:170-AP7, E1, E2, and E3 to identify, assess, and manage threatening behavior.

**Phase One: Identification of Threat**

Actor	Action
Anyone	Identifies student or situation to applicable Building Principal.
Building Principal (alone or with Threat Assessment Team)	<p>Assesses the question: “How much time do we have?” If time is critical, <del>refer matter</del> <u>proceeds directly to local the crisis management procedures outlined in 4:170-AP1, Comprehensive Safety and Crisis Program (this procedure outlines when to involve law enforcement immediately).</u></p> <p>Notifies the Superintendent.</p> <p>If <u>4:170-AP1, Comprehensive Safety and Crisis Program</u> is not immediately <del>referred to local law enforcement</del> <u>necessary</u>, uses 4:170-<u>AP7, E1, Threat Assessment Decision Tree</u>, and follows steps to evaluate the threat (generally, a Building Principal can quickly resolve the first three steps without engaging the full Threat Assessment Team in a comprehensive threat assessment).</p> <p><b>Step 1: Evaluate threat.</b></p> <p>Using 4:170-<u>AP7, E2, Threat Assessment Documentation and Response</u>, thoroughly and promptly collects information and evaluates threat by:</p> <ol style="list-style-type: none"> <li>1. Interviewing student with a standard set of questions and documenting the facts;</li> <li>2. Notifying the student’s parent(s)/guardian(s) (use 7:190-<u>E1, Aggressive Behavior Reporting Letter and Form</u>, when appropriate);</li> <li>3. Notifying the parent(s)/guardian(s) of the <del>recipient(s)/victim</del> <u>target(s)</u>; and</li> <li>4. Assessing the need for confidentiality of the information gathered from students and other witnesses during the threat assessment <del>inquiry or</del> <u>investigation and response</u> phases.</li> </ol> <p><b>Step 2: Decide whether threat is clearly transient or substantive.</b></p> <p>Considers the context of how the threat was made and categorizes the level of risk as transient or substantive. The most important distinction between transient and substantive threats is that substantive threats require protective action to prevent the threat from</p>

The First Amendment does not protect threats when the speech: (1) is a “true threat” (see Watts v. United States, 394 U.S. 705, 708 (1969) that held expressions such as obscenity, defamation, and fighting words have slight social value and do not justify First Amendment protection); or (2) justifies a reasonable suspicion by school officials that it may disrupt the school environment (see Tinker v. Des Moines Indp. Cmty. Sch. Dist., 393 U.S. 503, 512-13 (1969)).

Off-campus threats, including cyber threats, also require a close and thorough examination of the circumstances. See, 6:235-AP2, Web Publishing Guidelines footnote f/n 10 and 7:190, Student Discipline footnotes f/ns 18 and & 19.

Actor	Action
	<p>being carried out. Serious discipline violations do not always constitute substantive threats.</p> <p>Transient threats proceed to <b>Step 3</b>: Respond to transient threat. Substantive threats <b>skip Step 3</b> and proceeding directly to <b>Step 4: Assess whether the substantive threat is serious or very serious</b>, below <del>in using Threat Assessment <u>Inquiry—Building Level</u></del>. <b>Phase Two: <u>Investigation</u></b>.</p> <p><b>Step 3: Respond to transient threat.</b></p> <p>When the threat is transient, the full threat assessment team does not need to perform a comprehensive threat assessment; determines appropriate management and discipline considerations and responds accordingly. When a transient threat is sparked by an argument or conflict, may involve other Threat Assessment Team members to determine the appropriate management and discipline considerations to resolve the problem.</p> <p>See policies 7:190, <i>Student Discipline</i>; <u>7:180, Preventing Bullying, Intimidation, and Harassment</u>; and/or 6:120, <i>Education of Children with Disabilities</i>.</p>

**Phase Two: Inquiryinvestigation**

Actor	Action
<p>Building Principal and Threat Assessment Team</p>	<p><b>Step 4: Assess substantive threat as serious or very serious.</b></p> <p>Keep Superintendent informed.</p> <p>Assess whether the threat is <i>serious</i> or <i>very serious</i> by examining the intended severity of the threatened injury/action. Consult with notes on 4:170-AP7, E2, <i>Threat Assessment Documentation and Response</i>.</p> <p><i>Serious threats</i> (generally threats to physically harm) proceed to <b>Step 5</b>.</p> <p><i>Very serious threats</i> (generally threats involving the use of a weapon, murder, sexually assault, or severely injure others) <b>skip Step 5</b>, proceeding directly to <b>Step 6</b> below in <b>Threat Assessment - Phase Three: Response</b>, Local Law Enforcement.</p> <p>Manage the student of concern; consider contacting the Board Attorney; and ensure discreteness of situation. See, 7:130, <i>Student Rights and Responsibilities</i>; 7:140, <i>Student Search and Seizure</i>; 7:180, <i>Preventing Bullying Intimidation and Harassment</i>; 7:250 <i>Student Support Services</i>; and 7:250-AP2 <i>Protocol for Responding to Students with Social Emotional, or Mental Health Problems</i>.</p> <p><b>Step 5: Respond to serious substantive threat.</b></p> <p>Notify and protect all potential target(s) and notify their parents/guardians. Use 4:170-AP7, E2, <i>Threat Assessment Documentation and Response</i>, to ensure that protective action reflects</p>

Actor	Action
	<p>the circumstances of the threat.</p> <p>Caution the student about the consequences of carrying out the threat and keep student’s parent(s)/guardian(s) informed.</p> <p>Determine the appropriate management and discipline considerations to resolve the problem. See 6:120, <i>Education of Children with Disabilities</i>; 7:190, <i>Student Discipline</i>; 7:200, <i>Suspension Procedures</i>; and 7:210, <i>Expulsion Procedures</i>.</p>

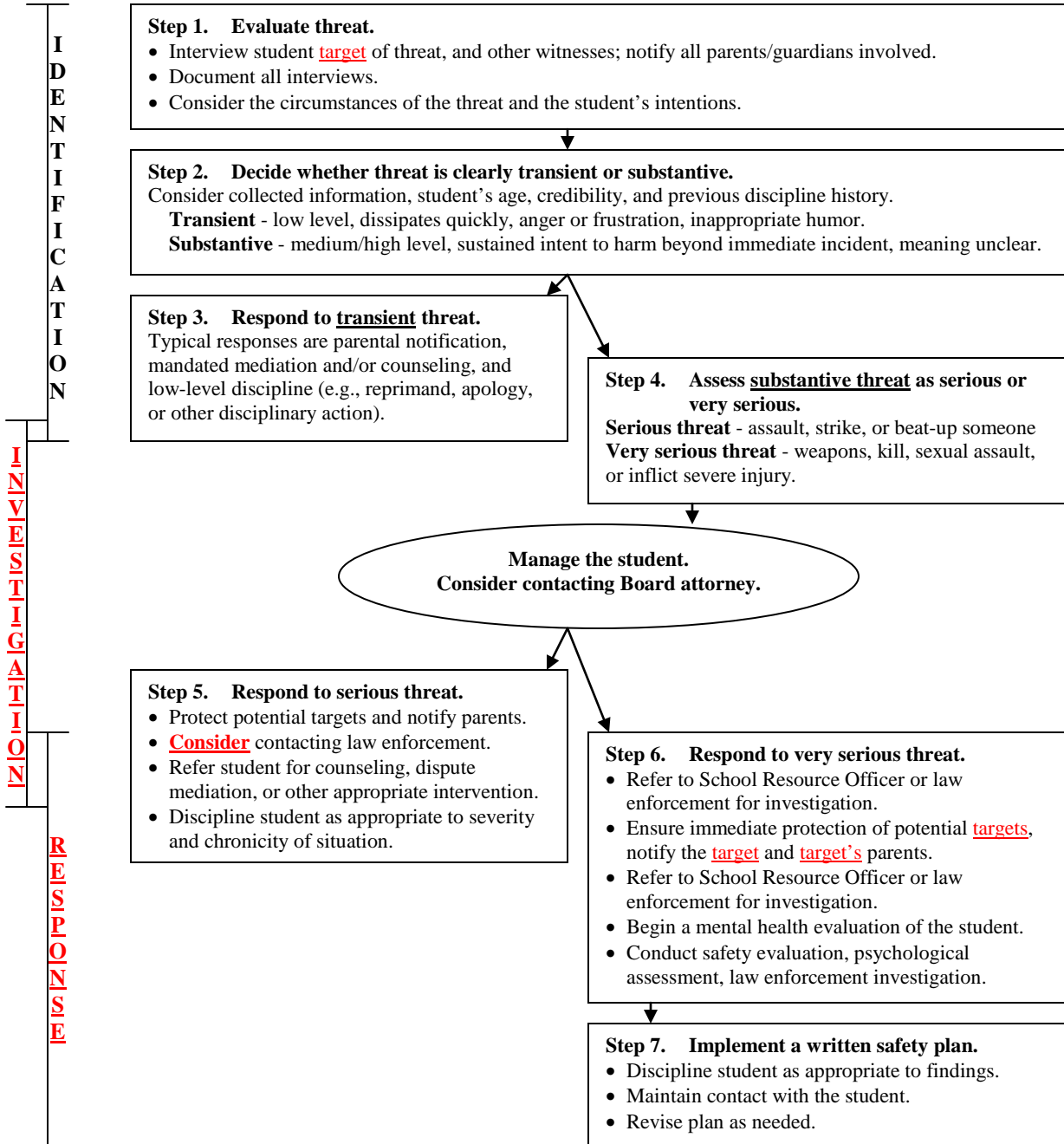
**Phase Three: Response**

Actor	Action
<p>Building Principal and Threat Assessment Team <u>in conjunction with Local Law Enforcement Investigators</u></p>	<p><b>Step 6: Respond to Very Serious Threat</b></p> <p>Determine whether <del>the threat is serious or very serious by examining the intended severity</del> <u>to conduct safety evaluation, psychological assessment, or law enforcement investigation.</u></p> <p><u>Consider suspension to ensure immediate protection of the threatened injury/action. Consult with notes on all potential targets and notify their parents/guardians.</u></p> <p><u>Use 4:170-AP7, E2, Threat Assessment Documentation and Response, to ensure that protective action reflects the circumstances of the threat.</u></p> <p><u>Refer student of concern; consider contacting for mental health evaluation; manage the student(s); contact Board attorney; and ensure discreteness of situation. 7:200, Suspension Procedures; 7:250, Student Support Services; and 7:250-AP2, Protocol for Responding to Students with Social, Emotional, or Mental Health Problems.</u></p> <p><u>Refer matter to the school resource officer and/or local law enforcement to investigate and engage other resources within the community.</u></p>
<p>School Resource Officer and/or Local Law Enforcement</p>	<p>Issue findings and recommendations of investigation to Threat Assessment Team.</p>
<p>Building Threat Assessment Team</p>	<p>Determines appropriate management and discipline; recommend suspension or expulsion based upon the findings and recommendations of local law enforcement. See, 7:200, <i>Suspension Procedures</i>; 7:210, <i>Expulsion Procedures</i>; 7:250, <i>Student Support Services</i>; and 7:250-AP2, <i>Protocol for Responding to Students with Social, Emotional, or Mental Health Problems</i>.</p> <p><b>Step 7: Implement a written safety plan.</b></p> <p>If student returns to school, integrate findings and recommendations of investigation to create a written safety plan that <u>manages responds to the incident through management and</u> protection of potential <u>recipients/victims target(s)</u> while addressing student(s)’ educational</p>

Actor	Action
	<p>needs. The plan should, among other things:</p> <ul style="list-style-type: none"> <li>• Describe conditions the student must meet to return and stay in school;</li> <li>• Implement procedures to monitor the student if he or she returns to the school;</li> <li>• Include feedback from the student(s)' parent(s)/guardian(s) (when appropriate); and</li> <li>• Include other items as deemed appropriate by the Threat Assessment Team.</li> </ul> <p><i>See 6:120, Education of Children with Disabilities; 7:250, Student Support Services; and 7:250-AP2, Protocol for Responding to Students with Social, Emotional or Mental Health Problems.</i></p>

## Operational Services

### Exhibit - Threat Assessment Decision Tree 1



1 Adapted from Cornell, D., Sheras, P., (Sopris West 2006). *Guidelines for Responding to Student Threats of Violence*, p. 16.

## Operational Services

### Exhibit - Threat Assessment Documentation and Response

Below is a sample threat assessment documentation and response form. Each section contains foundational investigation questions designed to help threat assessment teams gather information to evaluate, manage and prevent threats of violence at or related to school. School threat assessment teams should modify the questions and spacing of the form to fit their needs. Consult Board policy, 7:340, *Student Records*, for appropriate recordkeeping procedures for placement of this information in the student's temporary record. Adapted from Cornell, D., Sheras, P., (Sopris West 2006). *Guidelines for Responding to Student Threats of Violence*, p. 110.

Your name	Title
Student <u>who made threat</u>	School
Date learned of threat	Date threat occurred
Threat reported by <u>(or circle anonymous)</u>	Location of threat
<b>Threat type:</b> <input type="checkbox"/> Transient <input type="checkbox"/> Serious Substantive <input type="checkbox"/> Very Serious Substantive	
What student said or did to express a threat (quote student if possible, write exact content of threat):	

### Interview Guidelines

#### **Student Interview of Student who made threat**

Use ~~as the~~ interview foundation for investigation; modify and use additional pages as needed and attach to this form.

1. Do you know why I wanted to talk with you? Tell me.
2. What happened today when you were (refer to place of incident)?
3. What exactly did you say? And what exactly did you do? (write down student's exact words)
4. What did you mean when you said/did that? (ascertain the student's motives/goals)
5. How do you think (recipient/victim target) feels about what you said/did? (~~See if~~ determine whether student believes it frightened or intimidated the recipient/victim target of threat)

6. What was the reason you said/did made this threat? (Find out if there is prior conflict or history to this threat, e.g., bullying between the target and the student. Note: Identification of bullying incidents will require an additional investigation, see policy 7:180, Preventing Bullying, Intimidation, and Harassment, and exhibits 7:180-AP1, E5, Report Form for Bullying and School Violence and/or 7:180-AP1, E6, Interview Form for Bullying and School Violence Investigation.)
7. What are you going to do now that you have made this threat? (Does determine whether the student intends to carry out threat?)
8. Can you think of a different, more desirable and acceptable, effective way to address this conflict?

**Witness Interview**     Recipient/victim Target of threat    or     Witness to threat, but not recipient/victim target *Duplicate this portion to accommodate the number*  
*Use as another component of witness interviews investigation; modify and use additional pages as needed and attach to this form.*

Witness name and grade/title: \_\_\_\_\_

1. What exactly happened today when you were--- (Refer to place of incident)?
2. What exactly did (recipient/victim target) you say/do? (Write down student's exact words.)
3. What do you think he/she meant when he/she said/did that?
4. How did you feel about what he/she said/did? Are you concerned he/she might really do it?
5. What was the reason he/she said/did that?

Assessment of Threat

**Risk Factors for Violence of Student Who Made Threat**

*Use these questions when threat is substantive.*

Family Dynamics

1. Does student have access to guns at home?
2. Is there evidence at home of preparations for an attack at school?
3. What is the home life of the student like?

School Dynamics

1. What do we know about the student at school?
2. Does his or her locker harbor a weapon?
3. Was the student angry or brooding when he or she made a threat?
4. What else can be learned?

Social Dynamics

1. What do we know about the student's life in the community?
2. Does he or she have a juvenile record? Criminal record? Prior station adjustments? For what?

Personal Dynamics



1. What do the student's closest acquaintances know about him or her?
2. Does the student have a fascination with violent electronic media or weapons?
3. Is the student showing outward signs of the need for mental turmoil health services?

**Student Who Made Threat**

Grade: \_\_\_\_\_ Gender: M F  
 Race: \_\_\_\_\_  
 SPED (if applicable): LD OHI MR  
ED Other: \_\_\_\_\_

- Y N Had or sought accomplices
- Y N Reported threat as a specific plan
- Y N Written plans/list, engaged in attack related behaviors
- Y N Repeated threat over time
- Y N Weapon mentioned or used in threat
- Y N Inappropriate interest in school attacks, attackers, mass violence, terrorism
- Y N Student's "story" consistent with actions
- Y N Student & recipient target had prior conflict (>1 day)
- Y N Student previously bullied the recipient target
- Y N Reported threat as a specific plan

**Recipient/Victim Target of Threat**

# of VietimsTargets: \_\_\_\_\_  
 Primary recipient: \_\_\_\_\_ target: Student  
Teacher  
Administrator Parent Other  
 Grade: \_\_\_\_\_ Gender: M F  
 Race: \_\_\_\_\_  
 SPED (if applicable): LD OHI MR  
ED Other: \_\_\_\_\_

- Y N Recipient/victim Target witnessed threat
- Y N Recipient/victim Target previously bullied the student
- Y N Student previously bullied by recipient/victim target
- Y N Concerns about student's potential to carryout act or potential for violence
- Y N Recipient(s)/victim Target(s) previously bullied the student

**Threat Responses (Management and prevention)**

**Disciplinary Action**

- Y N Parent conference
- Y N In school time-out
- Y N Detention (# of days): \_\_\_\_\_
- Y N Suspension (# of days): \_\_\_\_\_
- Y N Expulsion recommended
- Y N Other response

**Interventions and Safety Precautions**

- Y N Law enforcement consulted
- Y N Law enforcement contact with student who made threat  
 Consequence of legal action (Station adjustment, supervision, conditional discharge, adjudication of delinquent minor, release into parents custody)
- Y N Student might be eligible for special education services, referred for evaluation
- Y N Student already receiving special education services, referred to IEP team for review
- Y N Student referred for 504 plan
- Y N Mental health assessment conducted by school-based staff
- Y N Mental health assessment conducted by outside agency (court, Dept. of Probation, DCFS, other psychologist)
- Y N Parents of threat recipient target notified of threat
- Y N Conflict mediation
- Y N School based counseling
- Y N Alter student's schedule to increase supervision or minimize contact with recipient target
- Y N Alternative educational placement (alternative school, day treatment program)
- Y N Change in transportation (bus suspension, special transportation, etc.)
- Y N Inpatient mental health services
- Y N Outpatient mental health services (counseling/therapy with outside mental health provider)
- Y N Other mental health services (~~counseling/therapy with outside mental health provider~~)

| Y N Other safety precautions (*if yes, please list them.*)

## Operational Services

### Exhibit - Targeted School Violence Prevention and Threat Assessment Education

*On District letterhead*

Date:

To: District Staff and Parents

From: Building Principal

Re: Targeted School Violence Prevention Program

~~Our Student safety is our District's top priority. To maximize safety, the District has must have a standard procedure for responding process to student identify threats of violence. Below is a brief synopsis of situations where school officials want individuals to bring forth information identifying a threat or situation of concern to the Building Principal. Once identified, the Building Principal will determine whether a threat exists and whether to engage in further investigation.~~

~~Any situation or student of concern should be brought forward. Threat assessment is a valuable component of a comprehensive approach to preventing prevent targeted school violence. This process is part of the Targeted School Violence Prevention Program (Program). The identification of Program is a portion of the preparedness and response phases of the District's Safety Plan for emergency operations plans and disaster management.~~

~~The District wishes to create a climate that encourages sharing any information about a safety concern with a trusted adult who can help. Sharing information about threats and safety concerns is everyone's responsibility: our students, parents, staff, and community members. The question and answer section below is designed to help students, staff and parents understand when school officials want individuals to share information about a safety concern with the Building Principal.~~

#### What Is a Threat?

A threat ~~is an expression of~~ expresses intent to harm someone ~~that or something~~. It may be spoken, written, or expressed in ~~some other another~~ way, ~~such as through gestures~~. Threats may be direct ("I'm going to beat you up" or "I'm going to blow this place up!") or indirect ("Come and watch what I am going to do to him/her."). A threat can be vague ("I'm going to hurt him.") or implied ("You better watch out."). Any possession of a weapon or mention of one is a possible threat. Sometimes students make threats that ~~are in fun may seem funny~~ or ~~may be~~ "just kidding," but sometimes a threat is very serious and/or criminal. When you are in doubt as to whether the statement is kidding or serious, the responsible thing to do is to ~~report it~~ tell a trusted adult who can help.

#### What Is Targeted School Violence?

Targeted School Violence includes school shootings and other school-based attacks where the school was deliberately selected as the location for the attack and was not simply a random site of opportunity.

#### What Is the Connection Between Targeted School Violence and Bullying?

The Ill. State Board of Education's School Bullying Prevention Taskforce report identifies bullying and targeted school violence as "part and parcel of the same issue: interpersonal aggression." In all

its forms, interpersonal aggression negatively impacts students, school personnel, and communities and should be reported, investigated, and responded to with appropriate interventions.

What Can Staff and Parents Do?

Educate students about what a threat is, encourage students not to make threats or “just kidding” statements in the first place, and reiterate that seeking help to prevent someone from getting hurt or hurting another is appropriate. See 7:180 AP1, E2, *Be a Hero by Reporting Bullying and School Violence*.

## General Personnel

### Administrative Resource - Sample Questions for Conducting the Internal Sexual Harassment in the Workplace Investigation

State and federal law prohibit sexual harassment. For the purpose of this procedure, sexual harassment includes harassment on the basis of sexual orientation, which means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity. The person charged with conducting the internal sexual harassment investigation must ascertain whether the sexual conduct is unwelcome and whether it affects a term or condition of employment (29 C.F.R. §1604.11(a)). The questions that follow are designed to help the investigator uncover this evidence. They are not all-inclusive and the exact questions must be designed for the specific allegations in each case.

#### **Is the conduct complained of unwelcome sexual conduct?**

*Unwelcome sexual conduct* is that verbal or physical sexual conduct which the employee did not solicit or incite and that which the employee regarded as undesirable or offensive. It is difficult to discern because the line between welcome and unwelcome sexual conduct is often quite fuzzy. The EEOC evaluates the issue of welcomeness in sexual harassment cases on a case-by-case basis. It looks at the record as a whole, considering the totality of the circumstances. The wise investigator will do the same.

Below are sample questions that can be used to formulate actual questions for this part of the investigation.

1. Who is the alleged sexual harasser? What is his/her name? Is he/she a co-worker or a supervisor?
2. Is the sexual conduct complained of ~~verbal or physical?~~ physical, verbal, and/or committed using an electronic device, such as, through email, text message, or a social networking website?
3. If physical, describe with specificity the nature of the physical conduct. ~~including where~~ Describe all locations on the complainant's body that were touched, and indicate when, how often, how he/she was approached, who witnessed the physical conduct, and where was the complainant when the conduct took place? Did the physical conduct involve an injury to or destruction of the complainant's possession(s) and, if so, what was the property, what was the nature of the injury, when did it happen, and where is the property now?
4. If the unwelcome conduct was verbal, what was stated, when, how often, where were the parties when the statements were made, and who witnessed the statements being made?
5. If the conduct was committed using an electronic device (e.g., through email, text message, or social networking website) what was stated, where, when, how often, who saw it?
6. Did the complainant retain any evidence of the offensive conduct such as a picture, email message, text message, or video or audio recording?
7. Was medical treatment required? If so, when was he/she treated, how often, by whom, where was he/she treated, and what was the diagnosis?
8. If medical treatment was not required, was a complaint or protest made to anyone employed by the District or to anyone else? If so, to whom did he/she complain, when was the

- complaint made, what was stated therein, and were there any witnesses to this or these complaints?
9. What was the complainant's response to the conduct? Did he/she tell him/her to stop? Did he/she complain to others about his/her behavior? Did he/she ask co-workers, supervisors or managers to make the harassment stop? If so, obtain all relevant details.
  10. Did the complainant engage in any conduct with the alleged harasser that could have encouraged his/her behavior? If so, what was the conduct, when and where did it occur, how often and who witnessed it?
  11. Did the complainant and the alleged harasser have a prior consensual relationship? If so, how long did it last and when did that relationship end?
  12. Did the complainant make the alleged harasser aware at the point when the sexual advances became unwelcome? If so, when, how was this done, what was communicated to the alleged harasser, and were there any witnesses?
  13. Did the complainant complain about the harassment to the alleged harasser, his/her supervisors, other managers or others? If so, when were the complaints made, what was said, who was present, and what was the response to each complaint?
  14. If no complaints about the alleged harassment were made, why not?
  15. What other actions, if any, did the complainant take to indicate to the alleged harasser that his/her conduct was unwelcome?
  16. Did the complainant engage in any conduct which elicited the unwelcome conduct of the alleged harasser? For example, how did he/she demean him or herself in the workplace, how did he/she dress, did he/she use sexual and provocative language, did he/she engage in sexually provocative conduct, and was this conduct directed towards the alleged harasser?
  17. If they lack knowledge about the harassment, did co-workers, supervisors or managers notice any changes in charging party's behavior at work or in the alleged harasser's treatment of the charging party?
  18. Has the alleged harasser been accused of sexual harassment by other employees? If so, when, and were the allegations investigated? If so, what was the result of the investigation, and what was management's response, i.e., what remedy was imposed?
4. ~~Was medical treatment required? If so, when was he/she treated, how often, by whom, where was he/she treated, and what was the diagnosis?~~
  5. ~~If medical treatment was not required, was a contemporaneous complaint or protest made to anyone employed by the District or to anyone else? If so, to whom did he/she complain, when was the complaint made, what was stated therein and were there any witnesses to this or these complaints?~~
  6. ~~If the unwelcome conduct was verbal, what was stated, when, how often, where were the parties when the statements were made, and who witnessed the statements being made?~~
  7. ~~Was medical treatment required to address the impact of the verbal conduct? If so, when was he/she treated, how often, by whom, where was he/she treated, and what was the diagnosis?~~
  8. ~~If medical treatment was not required to address the impact of the verbal conduct, was a contemporaneous complaint or protest made to anyone employed by the employer or to anyone else? If so, to whom did he/she complain, when was the complaint made, what was stated therein and were there any witnesses to this or these complaints?~~
  9. ~~What was the complainant's response to the physical or verbal conduct? Did he/she tell him/her to stop? Did he/she complain to others about his/her behavior? Did he/she ask co-~~

~~workers, supervisors or managers to make the harassment stop? If so, obtain all relevant details.~~

- ~~10. Did the complainant engage in any conduct with the alleged harasser that could have encouraged his/her behavior? If so, what was the conduct, when and where did it occur, how often and who witnessed it?~~
- ~~11. Did the complainant and the alleged harasser have a prior consensual relationship? If so, how long did it last and when did that relationship end?~~
- ~~12. Did the complainant make the alleged harasser aware at the point when the sexual advances became unwelcome? If so, when, how was this done, what was communicated to the alleged harasser, and were there any witnesses?~~
- ~~13. Did the complainant complain about the harassment to the alleged harasser, his/her supervisors, other managers or others? If so, when were the complaints made, what was said, who was present, and what was the response to each complaint?~~
- ~~14. If no complaints about the alleged harassment were made, why not?~~
- ~~15. What other actions, if any, did the complainant take to indicate to the alleged harasser that his/her conduct was unwelcome?~~
- ~~16. Did the complainant engage in any conduct which elicited the unwelcome conduct of the alleged harasser? For example, how did he/she demean him or herself in the workplace, how did he/she dress, did he/she use sexual and provocative language, did he/she engage in sexually provocative conduct, and was this conduct directed towards the alleged harasser?~~
- ~~17. If they lack knowledge about the harassment, did co-workers, supervisors or managers notice any changes in charging party's behavior at work or in the alleged harasser's treatment of the charging party?~~
- ~~18. Has the alleged harasser been accused of sexual harassment by other employees? If so, when, and were the allegations investigated? If so, what was the result of the investigation, and what was management's response, i.e., what remedy was imposed?~~

### **Did the work environment become hostile?**

To ascertain whether unwelcome sexual conduct ~~risers to the level of a~~ creates an unlawful *hostile environment* ~~in violation of Title VII~~, the major inquiry is whether the conduct “unreasonably interferes with an individual’s performance” or creates “an intimidating, hostile, or offensive working environment.” (29 C.F.R. §1601.11(a)(3)). Thus, trivial or annoying conduct such as sexual flirtation or innuendo or vulgar language would probably not establish a hostile environment. The challenged conduct must substantially affect the work environment of a reasonable person for a violation to be found.

Consider the following additional questions for this part of the inquiry:

1. What effect, if any, did the alleged harassment have upon the complainant’s ability to perform his/her job?
2. What effect, if any, did the alleged harassment have upon the complainant’s mental or physical health or well-being?
3. What was the sexual character of the work environment before the complainant entered the environment? Were sexual comments and actions common? If so, what types, when did they occur? Who was involved? Were supervisors involved or just co-workers?
4. Did the character of the workplace change after complainant joined the workplace? If so, how? What was complainant’s behavior? How did the accused and other co-workers or supervisors respond to complainant’s behavior?
5. Was the complaint of verbal or physical behavior directed at persons other than complainant? If so, who were they? What conduct was directed towards them, when, how frequently, who

was present, where did it occur and who witnessed it? How did these persons react to the physical or verbal conduct?

6. Did the alleged harasser single out the charging party? If so, how, when, where, and why?
7. Did others join in perpetrating the harassment? If so, who? What was done; when, where, who witnessed the conduct, and were others harassed too?
8. If the complaint of conduct was verbal, what were the remarks? Were they hostile and derogatory? What was the frequency and context of the comments? Were the parties in or out of the workplace when the comments were made?
9. Was the alleged harassment observed by supervisors, managers, or other co-workers? If so, by whom, when, where, and what was observed?
10. Was the alleged harassment observed by former employees or others outside the workplace? If so, by whom, when, where, and what was seen?

### **Was the harassment committed by a supervisor?**

The employer will always be held responsible for acts of sexual harassment committed by the employee's supervisor, meaning someone who was authorized by the employer to have authority over the complainant's terms and conditions of employment. To investigate sexual harassment committed by the complainant's supervisor, include questions such as the following:

1. What sexual conduct is the supervisor accused of? When, where, how often did it occur, and who observed?
2. Was the supervisor authorized to grant or deny tangible job benefits to the complainant? If so, what was the scope of that authority and what documents evidence it? If not, were his/her recommendations concerning the complainant's terms and conditions of employment typically or routinely followed?

### **Was the harassment *quid pro quo*? (do this for that)?**

An employer will always be held responsible for acts of *quid pro quo* sexual harassment, meaning that tangible job benefits were either (1) conditioned on submitting to sexual favors, or (2) denied because of the complainant's rejection of a sexual advance or request for sexual favors.

1. How was the complainant's employment affected by the alleged harassment? Was he/she denied a salary increase, a promotion, a job transfer, etc.? If so, when?
2. Was the complainant treated differently from similarly situated employees in regard to the denied salary increase, promotion, job transfer, etc.? If so, who was treated differently by this same supervisor?
3. What other management employees were involved in decisions to grant or deny the tangible job benefit(s) to the complainant? Did they have knowledge of the sexual conduct?

~~In order to properly ascertain the employer's liability for sexual harassment, it is important to distinguish between hostile environment cases and those involving *quid pro quo* harassment. An employer will always be held responsible for acts of *quid pro quo* harassment since this conduct occurs in situations in which a supervisor is exercising authority over terms and conditions of employment granted to him/her by his/her employer. Liability will be assessed for *quid pro quo* sexual harassment unless the employer took definite and prompt action to stop the harassment. In hostile environment cases, on the other hand, employers are liable where they knew or should have known of the alleged misconduct.~~



To further ferret out any *quid pro quo* harassment and the employer's response to it, include questions such as the following:

1. ~~What sexual conduct is the supervisor accused of? When, where, how often did it occur, and who observed?~~
2. ~~Was the supervisor asked by the complainant to stop? If so, when, where, how often, and who observed?~~
3. ~~If no complaint was made, did the complainant's co-workers engage in any conduct that would have put management on notice that he/she was being sexually harassed?~~
4. ~~If no complaint was made, did the complainant's behavior change in any way that would have put management on notice that he/she was being sexually harassed?~~
5. ~~If no complaint was made, did the complainant's co-workers engage in any conduct that would have put management on notice that he/she was being sexually harassed?~~
6. ~~How was the complainant's employment affected by the alleged supervisor's harassment? Was he/she denied a salary increase, a promotion, a job transfer, etc.? If so, when?~~
7. ~~Was the complainant treated differently from similarly situated employees in regard to the denied salary increase, promotion, job transfer, etc.? If so, who was treated differently by this same supervisor?~~
8. ~~Were the supervisor's sexual attentions to other employees different from those directed to the complainant? If so, how? Who witnessed these differences?~~
9. ~~Was anything done by management to stop the supervisor's misconduct? If so, what, when, and was this communicated to the victim?~~
10. ~~Did the alleged misconduct occur on or off the employee's premises? Were there any witnesses? If so, who and what was observed?~~

## Students

### Administrative Procedure - Prevention, Identification, Investigation, and Response to Bullying and School Violence <sup>1</sup>

The strategic components for integrating an anti-bullying program into the District's existing policies and procedures are listed below. Each component lists specific implementation steps along with resources and accompanying exhibits. The Superintendent or designee, at the District-level, or the Building Principal or designee, at the Building-level, is responsible for the integration of these components. Use the local conditions of the community and other available resources to determine the best implementation methods. At times, support from the School Violence Prevention Team (see 4:170-AP7, *Targeted School Violence Prevention Program*) may be appropriate as bullying and threats of school violence often arise from the same behavior pattern(s), i.e., interpersonal aggression.

<sup>2</sup>

#### Preventing Bullying and School Violence

1. Review 7:180-AP1, E1, *Resource Guide for Bullying and School Violence Prevention*.
2. Assess the District's Conditions for Development and Learning. Below are resources that discuss and provide information about how to implement school climate measurement instruments:

School Bullying Prevention Task Force Report, *Selection of School Climate Measures*, p. 19 at: [www.isbe.state.il.us/sbptf/pdf/sbptf\\_report\\_030111.pdf](http://www.isbe.state.il.us/sbptf/pdf/sbptf_report_030111.pdf).

*Safe Supportive Learning's* School Climate Measurement compendium at: [safesupportiveschools.ed.gov/index.php?id=133](http://safesupportiveschools.ed.gov/index.php?id=133).

#### Identifying Bullying and School Violence

1. Post 7:180-AP1, E2, *Be a Hero by Reporting Bullying and School Violence*, in school buildings, student handbooks, online, etc.
2. Train staff to recognize and accept reports of bullying and school violence, 7:180-AP1, E3, *Memo to Staff Regarding Bullying and School Violence*.
3. Inform parents about the District's anti-bullying program, 7:180-AP1, E4, *Memo to Parents/Guardians Regarding Bullying and School Violence*.
4. Inform students how to make a report, i.e., complete and submit 7:180-AP1, E5, *Report Form for Bullying and School Violence*.

#### Investigating Reports of Bullying and School Violence

1. Conduct a prompt, thorough and impartial investigation upon receiving a report.
2. Review the report, i.e., 7:180-AP1, E5, *Report Form for Bullying and School Violence*.

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The footnotes should be removed before the material is used.

<sup>1</sup> A section of the Prevent School Violence Act (PSVA) directed ISBE to create a School Bullying Prevention Task Force to explore and report about all aspects of bullying in Ill. schools. (105 ILCS 5/27-23.9, added by P.A. 96-952 and repealed on 3/2/11). A link to the ISBE Task Force's report is cited above and throughout the exhibits to this procedure.

<sup>2</sup> See the School Bullying Prevention Task Force Report, p. 22 at: [www.isbe.state.il.us/sbptf/pdf/sbptf\\_report\\_030111.pdf](http://www.isbe.state.il.us/sbptf/pdf/sbptf_report_030111.pdf).

3. Interview the listed aggressor(s), target(s) and witnesses using 7:180-AP1, E6, *Interview Form for Bullying and School Violence Investigation*.

#### Responding to Bullying and School Violence

1. Complete 7:180-AP1, E7, *Response to Bullying and School Violence*.
2. Notify the District's Non-Discrimination Coordinator if the findings indicate that the behavior was based upon the protected statuses listed in 7:20, *Harassment of Students Prohibited*.
3. Communicate and partner with the parents/guardians of the students involved. Ask parents/guardians, "How can we help you and your child?"
4. Stop the behavior(s).
5. Eliminate any hostile environment(s) and its effects (see **Preventing Bullying and School Violence #2**, above). **3**
6. Prevent the bullying from happening again.
7. Implement appropriate interventions for the target, aggressor, and District.
8. Address any findings of repeated inaccurate accusations against an alleged-aggressor that are beginning to impede his or her education, e.g., reverse bullying.
9. Follow-up with target, aggressor and their parent(s)/guardian(s) to ensure subsequent bullying has not occurred and no new concerns have arisen.

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The footnotes should be removed before the material is used.

**3** Zeno v. Pine Plains Central School Dist., 702 F.3d 655 (2d Cir., 2012) (holding district liable for taking little action to address systemic discriminatory issues in the school environment, i.e., school climate).

## Students

### Exhibit - Resource Guide for Bullying and School Violence Prevention

#### General Resources

ISBE's *School Bullying Prevention Task Force Report*:  
[www.isbe.state.il.us/SBPTF/pdf/sbptf\\_report\\_030111.pdf](http://www.isbe.state.il.us/SBPTF/pdf/sbptf_report_030111.pdf).

Resources section of the website managed by the U.S. Department of Health & Human Services:  
[www.stopbullying.gov/index.html](http://www.stopbullying.gov/index.html).

Bullying in Schools - Cops - Department of Justice:  
[www.cops.usdoj.gov/Publications/e07063414-guide.pdf](http://www.cops.usdoj.gov/Publications/e07063414-guide.pdf).

#### Restorative Discipline Resources

Positive Behavior Intervention & Supports (PBIS):  
[www.pbis.org/school/default.aspx](http://www.pbis.org/school/default.aspx).

Social and Emotional Learning Standards:  
[www.isbe.net/ils/social\\_emotional/standards.htm](http://www.isbe.net/ils/social_emotional/standards.htm).

Dignity in Schools:  
[www.dignityinschools.org/files/DRAFT\\_Model\\_Code.pdf](http://www.dignityinschools.org/files/DRAFT_Model_Code.pdf).

#### Conditions for Development and Learning; Data Collection Resources

Centers for Disease Control and Prevention (CDC)'s *Measuring Bullying Victimization, Perpetration, and Bystander Experiences: A Compendium of Assessment Tools*:  
[www.cdc.gov/violenceprevention/pdf/bullyCompendiumbk-a.pdf](http://www.cdc.gov/violenceprevention/pdf/bullyCompendiumbk-a.pdf).

Safe Supportive Learning's School Climate Measurement Compendium:  
<http://safesupportiveschools.ed.gov/index.php?id=133>.

Positive Behavior Intervention & Supports (PBIS):  
[www.pbis.org/school/default.aspx](http://www.pbis.org/school/default.aspx).

CDC's *Youth Violence: Measuring Violence-Related Attitudes, Behaviors, and Influences Among Youths: A Compendium of Assessment Tools - Second Edition*:  
[www.cdc.gov/ViolencePrevention/pub/measuring\\_violence.html](http://www.cdc.gov/ViolencePrevention/pub/measuring_violence.html).

CDC's *Intimate Partner Violence and Sexual Violence Victimization Assessment Instruments for Use in Healthcare Settings, Version 1*:  
[www.cdc.gov/ncipc/pub-res/images/ipvandsvscreening.pdf](http://www.cdc.gov/ncipc/pub-res/images/ipvandsvscreening.pdf).

World Health Organization (WHO) Information Series on School Health's *Document 10, Creating an Environment for Emotional and Social Well-Being*:  
[www.who.int/school\\_youth\\_health/media/en/sch\\_childfriendly\\_03\\_v2.pdf](http://www.who.int/school_youth_health/media/en/sch_childfriendly_03_v2.pdf).

## Students

### Exhibit - Be a Hero by Reporting Bullying and School Violence

<b>Who reports?</b>	YOU, if you have information about bullying, harassment, school violence, and/or a threat of one of these actions. It doesn't matter whether you are the target of bullying or think someone is being bullied, please report it!
<b>What do I report?</b>	<p>Any activity that targets someone to be hurt. Bullying, harassment, school violence, and threats take many forms. One thing they have in common – someone is targeted to be hurt. Examples of these hurtful behaviors include unwanted teasing, intimidation, physical violence, humiliation, spreading false rumors, social exclusion, or theft or destruction of property.</p> <p>Bullying, harassment, school violence, and threats may occur almost anywhere students go – in school buildings, on school grounds or busses, at bus stops, for example. Bullying or harassing may also occur using social networking sites or cell phones.</p>
<b>When should I report?</b>	As soon as possible.
<b>Where or how do I report?</b>	<p>Tell any school staff member. You may do this in person, by phone, or by email. You may be asked to complete 7:180-AP1, E5, <i>Report Form for Bullying and School Violence</i>.</p> <p>You may make an anonymous tip.</p>
<b>Why should I report?</b>	Fear and abuse have no place in our school. Be a hero and report bullying. If you are being bullied, a report will help you and other students who may also be targeted for bullying.
<b>What will happen after I report?</b>	<p>An Administrator will:</p> <ol style="list-style-type: none"> <li>1. Acknowledge and review your report.</li> <li>2. Treat your report with privacy and respect.</li> <li>3. Investigate your report. The school will not bring students who bully and those they bully into the same room to confront each other. All interviews will be private.</li> <li>4. Take appropriate action that may include increased monitoring and supervision, restructuring schedules, additional resources, and disciplinary action for conduct code violations, among others.</li> <li>5. Provide you with feedback, if appropriate.</li> </ol>

## Students

### Exhibit - Memo to Staff Regarding Bullying and School Violence

*On District Letterhead*

Date

Re: Bullying

All staff members:

Please join me in stopping and preventing student bullying in our school. The purpose of this letter is to introduce you to our three-pronged approach that will help accomplish this goal.

**First** - If a student reports bullying or school violence to you, respond immediately and with compassion. Ask for the basic facts (who-what-when-where). You will need to evaluate the situation to determine if an immediate referral to my office is needed. Give the student our form for reporting bullying, 7:180-AP1, E5, *Report Form for Bullying and School Violence*.

**Second** - Provide me your feedback and concerns. Do you know of any bullying *hot spots* that need additional supervision or monitoring? Are there known bullies or targets of bullying?

**Third** - Intervene immediately to stop a bullying incident. When teachers or adults ignore bullying, students interpret it as acceptable behavior. Immediately contact building security and or law enforcement if the incident involves a weapon or other illegal activity.

Bullying is defined in the School Board policy as follows:

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student in reasonable fear of harm to the student's person or property.
2. Causing a substantially detrimental effect on the student's physical or mental health.
3. Substantially interfering with the student's academic performance.
4. Substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, intimidation, and/or harassment may take various forms, including without limitation: threats, stalking, physical violence, sexual harassment, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.

The Board's entire policy 7:180, *Preventing Bullying, Intimidation, and Harassment*, may be found on the District's website. Please let me know if you have any questions or concerns.

Sincerely,

Building Principal

## Students

### **Exhibit - Memo to Parents/Guardians Regarding Bullying and School Violence**

*On District Letterhead*

Date

Re: Bullying

Dear Parents/Guardians:

At our school, bullying of any kind, by any person, is unacceptable. All students should be free from worries about being bullied. Students who bully others must be taught other, appropriate ways of interacting with peers. The purpose of this letter is to provide you with information concerning the School District's anti-bullying program and to encourage you to help us identify students who are being bullied.

The School Board policy on bullying begins with this goals statement:

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors is an important District goal.

Bullying is defined as follows:

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student in reasonable fear of harm to the student's person or property.
2. Causing a substantially detrimental effect on the student's physical or mental health.
3. Substantially interfering with the student's academic performance.
4. Substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, intimidation, and/or harassment may take various forms, including without limitation: threats, stalking, physical violence, sexual harassment, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.

I asked our school staff members to respond immediately and with compassion to a student who reports bullying or school violence. After evaluating the situation to determine if an immediate referral to my office is needed, a staff member will give the student our form for reporting bullying, 7:180-AP1, E5, *Report Form for Bullying and School Violence*. I will inform you whenever your child is involved in a bullying report.

I also asked our staff members for their feedback and concerns specifically regarding locations that may be bullying *hot spots* needing additional supervision or monitoring or if there are any known bullies or targets of bullying in our building. I want to ask you to do the same thing. Please inform me

if you know of any bullying *hot spots* in or around our school, or if you are aware of a known bully or target of bullying.

Finally, I requested our staff members to intervene immediately to stop a bullying incident. They will immediately contact building security and or law enforcement if the incident involves a weapon or other illegal activity.

Below are some of the signs that a young person is being bullied:

- Does not want to go to school and refuses to explain the reason
- Talks about not having any friends
- Has unexplained bruises, cuts, scratches, or abrasions
- Has unexplained damage to clothing, possessions, books, etc.
- Frequently loses money or possessions
- Loses interest in school and/or has declining grades
- Becomes withdrawn and/or has stress or depression symptoms

These signs do not necessarily mean your child is being bullied, but if present, ask your child whether he or she is being bullied.

Please let me know if you have any questions or concerns.

Sincerely,

Building Principal



**Students**

**Exhibit - Report Form for Bullying and School Violence**

*To be completed by the bullying target, witness, or person with information about an incident of bullying or school violence and submitted to the Building Principal's office. Make readily accessible via website(s) and other publicized designated areas in schools.*

*Please print and check appropriate boxes.*

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Student  Parent  Staff  Other \_\_\_\_\_

Indicate here if you prefer to remain anonymous.  Yes  No

Are you the target of the bullying or school violence that you are reporting?  Yes  No

Date of incident: \_\_\_\_\_ Time of incident: \_\_\_\_\_

Person(s) being reported as targets of bullying or school violence:

Name: \_\_\_\_\_  Student  Staff  
 Name: \_\_\_\_\_  Student  Staff  
 Name: \_\_\_\_\_  Student  Staff

Person(s) being reported as aggressors engaged in bullying or school violence:

Name: \_\_\_\_\_  Student  Staff  Other  
 Name: \_\_\_\_\_  Student  Staff  Other  
 Name: \_\_\_\_\_  Student  Staff  Other

Person(s) who witnessed the bullying or school violence:

Name: \_\_\_\_\_  Student  Staff  Other  
 Name: \_\_\_\_\_  Student  Staff  Other  
 Name: \_\_\_\_\_  Student  Staff  Other

Was the incident based on any of these characteristics? (Check all that apply.)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Race   | <input type="checkbox"/> Color                      | <input type="checkbox"/> Nationality         |
| <input type="checkbox"/> Sex  | <input type="checkbox"/> Sexual orientation         | <input type="checkbox"/> Gender identity     |
| <input type="checkbox"/> Gender-related identity  | <input type="checkbox"/> Gender-related expression  | <input type="checkbox"/> Ancestry            |
| <input type="checkbox"/> Age  | <input type="checkbox"/> Religion                   | <input type="checkbox"/> Physical disability |
| <input type="checkbox"/> Mental disability  | <input type="checkbox"/> Order of protection status | <input type="checkbox"/> Homeless status     |
| <input type="checkbox"/> Marital status   | <input type="checkbox"/> Parental status            | <input type="checkbox"/> Pregnancy           |
| <input type="checkbox"/> Associated with person/group with one or more of the above actual or perceived characteristics |   |  |
| <input type="checkbox"/> Other _____  |   |  |
| <input type="checkbox"/> I do not know.   |   |  |

Student(s) were targeted for bullying in the following way(s): (Check all that apply.)

- Electronic devices (e.g., internet, Social media platforms, text, email, cyberbullying, etc.)
- Written communication (e.g., handwritten notes, other written documents, email, etc.)
- Physical act or conduct (e.g., pushing, hitting, destruction of property, stalking, etc.)
- Verbal act or conduct (e.g., rumors, lies, name-calling, using derogatory slurs, etc.)
- Social (e.g., purposeful exclusion, causing psychological harm, etc.)
- Items depicting implied hatred or prejudice were worn, possessed or displayed
- Other (*please explain*): \_\_\_\_\_

Student(s) were targeted for bullying in the following place(s): (Check all that apply.)

- Classroom
- Hallway
- Cafeteria
- Restroom
- Gym
- Other \_\_\_\_\_
- Locker room
- Extracurricular activity
- Bus
- Bus stop
- School or related activity or event

Please tell us about the incident in your own words. Use as much detail as possible - what time did the incident(s) take place, who witnessed it, what was said, what types of interactions occurred (physical, written, social, electronic, etc.)

The above information is true and accurate to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Students

### Exhibit - Interview Form for Bullying and School Violence Investigation

*To be completed by the Building Principal or designee to obtain information about a bullying report. Use this form as a coversheet for each person interviewed during the investigation.*

Name of person interviewed: \_\_\_\_\_ Date: \_\_\_\_\_

Name of interviewer: \_\_\_\_\_ Title: \_\_\_\_\_

#### Instructions for Interviewer

1. Protect the identity of the student who reports. Begin a prompt, thorough and impartial investigation by interviewing witnesses separately in a private location with a school colleague present (not the school resource officer). Use the **Questions** section below to guide your notes while you interview the person listed above. Attach to 7:180-AP1, E7, *Response to Bullying and School Violence*.
2. Make your notes on a separate document and attach them to this form.
3. Review and preserve any videos, photos, screenshots or other physical evidence and label it.
4. File this form, notes, and any other evidence provided in a designated investigation and response folder.
5. Use this form to complete 7:180-AP1, E7, *Response to Bullying and School Violence*.
6. Create a *Basic Facts* section, i.e., who, what, where, when, why and how.
7. Record the actions and behavior that were experienced or observed (follow-up with leading questions to complete the description of what happened and its consequences, if necessary).
8. Include open-ended questions. For example, ask “How are you feeling?” “How has what happened affected you?”

#### Questions

1. Has this happened before?
2. Do you fear for your safety? How? Where (just at school, home, or both places)?
3. Do you fear that harm would come to any of your personal property? How?
4. Age appropriately ask whether the target’s health (physical, emotional, and/or mental) has been affected. How (seen by a doctor, missing school)?
5. Has your academic performance been affected? How (increase in tardiness/absences, grades going down, missed assignments)?
6. Have you quit or modified attendance in any extracurricular activities?
7. Have you changed any of your usual routines at school (using different hallway, skipping lunch in lunchroom or using different lunch period, taking different route to school, etc.)?
8. Why do you think this behavior is happening?
9. What will help make you feel safe?

## Students

### **Exhibit - Response to Bullying and School Violence**

*To be completed by the Building Principal and attached as a coversheet for the school office's designated bullying report investigation and response folder. Place a copy of the completed coversheet only (not attachments) in each listed student's temporary school student record. Redact all student names other than the student's name for which the record pertains.*

Investigator: \_\_\_\_\_ Title: \_\_\_\_\_

#### Investigation

File an interview form for each party interviewed in the designated investigation and response folder.

Check here to indicate that all interview forms have been properly completed and filed.

Target: \_\_\_\_\_ Date: \_\_\_\_\_

Aggressor: \_\_\_\_\_ Date: \_\_\_\_\_

Witnesses: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Are there any prior documented incidents by the aggressor identified above?  Yes  No (Attach information)

If yes, have incidents involved target or target group previously?  Yes  No

#### Findings

Bullying  Other: \_\_\_\_\_

Aggressor motivated by protected characteristics listed in policy 7:20, *Harassment of Students Prohibited*.

#### Bullying and School Violence Investigation Response

**Response and Plan for Target** (Check all that apply and include descriptions.)

Contact parent/guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Circle contact method: Phone Email Letter In-person Other: \_\_\_\_\_

Safety plan: \_\_\_\_\_

Increase staff supervision: \_\_\_\_\_

Education: \_\_\_\_\_

Minimize contact with aggressor: \_\_\_\_\_

District resources: (Student Services/IDEA/504) \_\_\_\_\_

Other: \_\_\_\_\_

Target follow-up scheduled date: \_\_\_\_\_ Date and initial completed: \_\_\_\_\_

Parent/guardian follow-up date: \_\_\_\_\_ Date and initial completed: \_\_\_\_\_

Circle contact method: Phone Email Letter In-person Other: \_\_\_\_\_

Provide parent/guardian with copies of Board policy 2:260 and 7:180. Date: \_\_\_\_\_

**Response and Plan for Aggressor** (Check all that apply and include descriptions.)

Contact parent/guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Circle contact method: Phone Email Letter In-person Other: \_\_\_\_\_

7:190-E1, *Aggressive Behavior Reporting Letter and Form* sent Date: \_\_\_\_\_

Provide parent/guardian with copies of Board policy 2:260 and 7:180 Date: \_\_\_\_\_

Restorative Responses

Safety plan: \_\_\_\_\_

Increase staff supervision: \_\_\_\_\_

Education: \_\_\_\_\_

Non-District affiliated psychological services: \_\_\_\_\_

Alternative school assignment: \_\_\_\_\_

Minimize contact with target: \_\_\_\_\_

District resources (Student Services/IDEA/504): \_\_\_\_\_

Other: \_\_\_\_\_

Punitive Responses

Loss of privileges: \_\_\_\_\_

Detention: \_\_\_\_\_

Suspension: \_\_\_\_\_

Expulsion: \_\_\_\_\_

Community agency service: \_\_\_\_\_

Reciprocal Reporting Act utilized:  Yes  No

Other: \_\_\_\_\_

Aggressor follow-up date: \_\_\_\_\_ Date and initial completed: \_\_\_\_\_

Circle contact method: Phone Email Letter In-person Other: \_\_\_\_\_

Parent/guardian follow-up date: \_\_\_\_\_ Date and initial completed: \_\_\_\_\_

Circle contact method: Phone Email Letter In-person Other: \_\_\_\_\_

Contact District complaint manager: \_\_\_\_\_ Date: \_\_\_\_\_

Target response implementation: \_\_\_\_\_

Aggressor response implementation: \_\_\_\_\_

Systemic culture/climate intervention: \_\_\_\_\_

Referral to address needs for ideal conditions for developmental learning: \_\_\_\_\_

Other: \_\_\_\_\_

Submit reports to:  Building Principal (if not the investigator) Date: \_\_\_\_\_

Superintendent Date: \_\_\_\_\_

Signature of investigator: \_\_\_\_\_ Date: \_\_\_\_\_

## Students

### **Administrative Procedure - School Student Records 1**

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

#### **A. Legal Citations and Definitions**

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

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

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

#### **B. School Student Records Defined**

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

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

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

1. Writings or other recorded information kept in a school staff member's sole possession that is destroyed not later than the student's graduation or permanent withdrawal, and is

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The footnotes should be removed before the material is used.

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

not accessible or revealed to any other person except a temporary substitute teacher. 105 ILCS 10/2(d).

2. Information maintained by law enforcement professionals working in the school. 105 ILCS 10/2(d).
3. Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes. This includes, without limitation, electronic recordings made on school buses, as defined in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials for disciplinary or special education purposes regarding a particular student. 23 Ill.Admin.Code §375.10.
- ~~3.4.~~ Any information, either written or oral, received from law enforcement officials pursuant to 105 ILCS 5/22-20 concerning a student less than the age of 17 years who has been arrested or taken into custody . 23 Ill.Admin.Code §375.10. 2

### C. Eligible Students Accorded the Rights of Parent/Guardian

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

### D. Official Records Custodians

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

1. Is responsible for the maintenance, care, and security of all school student records, whether or not the records are in his or her personal custody or control, and shall take all reasonable measures to ~~prevent~~ protect school student records through administrative, technical, and security safeguards against risks, such as unauthorized access ~~to~~, release, or ~~dissemination of school student records.~~ use. 105 ILCS 10/4(a)&(b); 23 Ill.Admin.Code §375.40(g).
2. Reviews student temporary records at least every 4 years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and correct inaccurate information. The records review is required in any given school year at the time a student first changes attendance centers within the District, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year. 23 Ill.Admin.Code §375.40(b).
3. When notified by the Dept. of Children and Family Services (DCFS), purges DCFS's final finding report from the student's record and returns the report to DCFS. If a school has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of the DCFS's request to the receiving school. 325 ILCS 5/8.6.

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The footnotes should be removed before the material is used.

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

4. Manages requests to access school student records.
5. Transfers a certified copy of the records of students transferring to another school and retains the original records.
6. Provides all required notices to parents/guardians and students, including without limitation, each of the following:
  - a. Upon initial enrollment or transfer to the school, notification of rights concerning school student records; the notification may be delivered by any means likely to reach parents, including direct mail or email, delivery by the student to the parent, or incorporation into a student handbook. 23 Ill.Admin.Code §375.30.
  - b. Annual notification of information that is considered to be *directory information* and of the procedures to be used by parents/guardians to request that specific information not be released. 23 Ill.Admin.Code §375.80.
  - c. Notification to secondary students and their parents/guardians that they may opt out of the disclosure of students' names, addresses, and telephone listings to military recruiters and institutions of higher learning. Sec. 9528 of the No Child Left Behind, 20 U.S.C. §7908.
  - d. Notification of their right to a hearing to challenge any entry in the school student records (except for academic grades) and Official Records Custodian's name and contact information. 23 Ill.Admin.Code §375.90.
  - e. Upon a student's graduation, transfer, or permanent withdrawal, notification of the destruction schedule for the student's permanent and temporary school student records and of their right to request a copy. 105 ILCS 10/4(h); 23 Ill.Admin.Code §375.40(c).
7. Takes all action necessary to assure that school personnel are informed of the provisions of the School Student Records Act. 105 ILCS 10/3(c).
8. Performs all actions required of the District described in this procedure and the laws governing school student records.

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

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

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

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

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s)
2. Academic transcripts, including grades, class rank, graduation date, grade level achieved, scores on college entrance examinations; (except that a parent/guardian or eligible student may request, in writing, the removal from the academic transcript of any score received on college entrance examinations), and the unique student identifier assigned and used by ISBE's Student Information System (23 Ill.Admin.Code §1.75.)
3. Attendance record
4. Health record, defined by ISBE rule as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code"



5. Record of release of permanent record information that contains the information listed in the subsection on **Record of Release**, below
6. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12)

ISBE rule provides that if not maintained in the temporary record, the *permanent record* may include:

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

No other information shall be placed in the permanent record.

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

1. Record of release of temporary record information that contains the information listed in the subsection on **Record of Release**, below
2. Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8)
3. Completed home language survey (23 Ill.Admin.Code §228.15(d).)
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction
5. Any final finding report received from a Child Protective Service Unit provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act shall be placed in the student record (23 Ill.Admin.Code §375.40(f).)
6. Health-related information, defined by ISBE rule as “current documentation of a student’s health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110) or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, documentation regarding a student athlete’s and his or her parents’ acknowledgment of the District’s concussion policy adopted pursuant to 105 ILCS 5/10-20.53, and other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports)
7. Accident report, defined by ISBE rule as “documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth ... has followed through on that request.”
8. Any documentation of a student’s transfer, including records indicating the school or school district to which the student transferred (23 Ill.Admin.Code §375.75(e).)

9. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement (23 Ill.Admin.Code §1.445.)

The *temporary record* may also consist of:

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

#### **F. Retention and Destruction of School Student Records**

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(e). The temporary record is maintained for at least 5 years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(f). Individuals adding information to a student's temporary record must include their name, signature, and position and the date the information was added. 105 ILCS 10/4(d). Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after 5 years, be transferred to the parent(s)/guardian(s) or to the eligible student. 23 Ill.Admin.Code §375.40(d).

#### **G. Social Security Numbers**

School officials, with limited exceptions, may not require students or their parents/guardians to provide social security numbers. Privacy Act of 1974, 5 U.S.C. §552a, as supplemented by Pub.L. 93-579. The collection and retention of social security numbers shall be in accordance with Board policy 4:15, *Identity Protection*.

#### **H. Access to School Student Records**

The phrase "access to a school student record" means any release or disclosure of information from a student's school record, whether or not any record is copied, and should be broadly interpreted. Access in all cases is limited to the designated portion of the record to which the consent or statutory authority applies.

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

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

#### **Access to Parent/Guardian or Eligible Student**

1. A student's parent(s)/guardian(s) or eligible student, or designee, are entitled to inspect and copy information in the student's school record; a student less than 18 years old may inspect or copy information in his or her permanent school record. 105 ILCS 10/5. A request to inspect or copy school student records shall be made in writing and directed to the Building Principal. Access to the records shall be granted within 15 school days after the receipt of such a request. 105 ILCS 10/5(c). The response to an access request for a special education student's records shall include those school student records located in the special education office.
2. The parent(s)/guardian(s) or the District may request a qualified professional to be present to interpret the student's records. 105 ILCS 10/5(b). If the District makes the request, it is responsible for securing and bearing the cost of the professional's presence.
3. Unless the District has actual notice of a court order indicating otherwise:
  - a. Divorced or separated parents/guardians are both permitted to inspect and copy the student's school student records otherwise.
  - b. The Building Principal shall send copies of the documents listed below to both parents/guardians at either's request. 105 ILCS 5/10-21.8.
    - 1) Academic progress reports or records
    - 2) Health reports
    - 3) Notices of parent-teacher conferences
    - 4) School calendar regarding the student
    - 5) Notices about open houses, graduations, and other major school events including student-parent/guardian interaction
4. The school will deny access to a student's school records to a parent against whom an order of protection was issued. 750 ILCS 60/214(b)(15). See **Orders of Protection**, below.
5. Access shall not be granted the parent(s)/guardian(s) or the student to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment or the receipt of an honor or award which were placed in the records prior to January 1, 1975, provided such letters and statements are not used for purposes other than those for which they were specifically intended. Access shall not be granted to such letters and statements entered into the record at any time if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters and statements. 105 ILCS 10/5(e).

#### **Access With Consent of Parent/Guardian or Eligible Student**

1. Access will be granted to any person possessing a written, dated consent, signed by the parent(s)/guardian(s) or eligible student, stating to whom the records may be released, the information or record to be released, and the reason for the release. 105 ILCS 10/6(a)(8); 23 Ill.Admin.Code §375.70(e). Whenever the District requests the consent to release records, the Building Principal shall inform the parent(s)/guardian(s) or eligible student in writing of the right to inspect, copy, and challenge their contents and to limit such consent to designated portions of the records. 105 ILCS 10/6(a)(8).
2. Access to any record that is protected by the Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA, 740 ILCS 110/), specifically that of a therapist, social

worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services to a student, will be granted according to the consent requirements contained in MHDDCA. 740 ILCS 110/4&5.

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

1. District employees or officials of the Illinois State Board of Education will be granted access, without parental/guardian consent or notification, when a current, demonstrable, educational or administrative need is shown. Access in such cases is limited to the satisfaction of that need. 105 ILCS 10/6(a)(2). Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest. 105 ILCS 10/6(a)(2).
2. Access will be granted, without parental/guardian consent or notification, to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent/guardian can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. 105 ILCS 10/6(a)(4).
3. The District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or the consent of the student's parent(s)/guardian(s). 20 U.S.C. §1232(g)(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001. An *ex parte* order is an order issued by a court of competent jurisdiction without notice to an adverse party.
4. A SHOCAP (Serious Habitual Offender Comprehensive Action Program) committee member will be granted access, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act. 105 ILCS 10/6(a)(10) allows disclosure to SHOCAP committee members who are "state and local officials and authorities" as those terms are used in the federal Family Educational Rights and Privacy Act. This federal law does not define "state and local officials and authorities;" rather, it limits when disclosure may be made to such officials and authorities.
5. Juvenile authorities will be granted access when necessary for the discharge of their official duties upon their request before the student's adjudication, provided they certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. *Juvenile authorities* means: (a) a circuit court judge and court staff members designated by the judge; (b) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (c) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (d) any individual, public or private agency having court-ordered custody of the child; (e) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (f) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (g) law enforcement officers and prosecutors; (h) adult and juvenile prisoner review boards; (i) authorized military personnel; and (j) individuals authorized by court. 105 ILCS 10/6(a)(6.5).
6. Military recruiters and institutions of higher learning will be granted access to secondary students' names, addresses, and telephone listings, unless an objection is made by the student's parent(s)/guardian(s). Military recruiters and institutions of higher learning have access to students' names, addresses, and phone numbers even if the District does not release directory information. Sec. 9528 of the No Child Left Behind, 20 U.S.C. §7908. For more information, see 7:340-AP1, E3, *Letter to Parents Concerning Military Recruiters*

*and Postsecondary Institutions Receiving Student Directory Information; 7:340-AP1, E4, Frequently Asked Questions Regarding Military Recruiters Access to Students and Student Information.* The requirements in this paragraph #6 apply only if the District receives funds under the Elementary and Secondary Education Act. Id.

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

1. Access will be granted pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice of such order's terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. 105 ILCS 10/6(a)(5). Parents of students who are named in a court order shall be deemed to have received the required written notice. The Building Principal shall respond to the order no earlier than 5 school days after its receipt in order to afford parents/guardians the opportunity to review, inspect, and challenge the records if the parents choose to do so. 23 Ill.Admin.Code §375.70(d).

For the purposes of these procedures, a court order is a document signed by a judge. A subpoena signed by a court clerk, an attorney, or an administrative agency official shall not be considered a court order unless signed by a judge. 23 Ill.Admin.Code §375.40(a).

2. Information may be released without parental consent, in connection with an articulable and significant threat to the health or safety of a student or other individuals, to appropriate persons if the knowledge of the requested information is necessary to protect the health or safety of the student or other individuals. The Building Principal shall make this decision taking into consideration the seriousness of the threat, the need for such records to meet the emergency, whether the persons to whom such records are released are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency. 105 ILCS 10/6(a)(7); 23 Ill.Admin.Code §375.60. The Building Principal shall notify the parent(s)/guardian(s) or eligible student, no later than the next school day after the date that the information is released, of the date of the release, the person, agency or organization to whom the release was made, and the purpose of the release.
3. The District will grant access as specifically required by federal or State statute, provided the individual complies with the requirements in 23 Ill.Admin.Code §375.70(b). 105 ILCS 10/6(a)(6). Prior to granting access, the Building Principal shall provide prompt written notice to the parent(s)/guardian(s) or eligible student of this intended action. 105 ILCS 10/6(b); 23 Ill.Admin.Code §375.70. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents. If the release relates to more than 25 students, a notice published in the newspaper is sufficient.

The District charges \$.35 per page for copying information from a student's records. <sup>3</sup> No parent/guardian or student shall be precluded from copying information because of financial hardship. 23 Ill.Admin.Code §375.50.

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The footnotes should be removed before the material is used.

<sup>3</sup> The ISBE rule allows a school to "charge the actual cost for providing a copy of school student records or any portion of such records to parents and students upon request for such copies, provided that such costs shall not exceed \$.35 per page." 23 Ill.Admin.Code §375.50. Districts may substitute the following alternative: "The District charges a fee for copying school student records that corresponds to the fee schedule for copies of records requested under the Freedom of Information Act."

## **I. Record of Release**

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

1. Information released or made accessible
2. The name and signature of the Building Principal
3. The name and position of the person obtaining the release or access
4. The date of the release or grant of access
5. A copy of any consent to such release

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

## **J. Orders of Protection**

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

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

The Building Principal shall:

1. Upon the student's request or that of the official records custodian of another school in which the student has enrolled or intends to enroll, transfer a certified copy of the student's record (that is, the student's permanent and temporary record) to the official records custodian of the appropriate school and retain the original records. See policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.
2. Determine if the school or special education office has any record that is protected by the Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA, 740 ILCS 110/) concerning the transferring student, specifically a record or report made by a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services. If so, ask the appropriate person as identified in 740 ILCS 110/4 whether to send the record protected by MHDDCA to the new school and, if *yes*, obtain a written consent for disclosure as provided in 740 ILCS 110/5.

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

3. Provide the parent/guardian or eligible student prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge it. If the parent's/guardian's address is unknown, notice may be served upon the official records custodian of the requesting school for transmittal to the parent/guardian. This service is deemed conclusive, and 10 calendar days after this service, if the parents/guardians make no objection, the records may be transferred to the requesting school.
4. Destroy any biometric information collected and do not transfer it to another school district.

5. Retain the original records in accordance with the requirements of 105 ILCS 10/4.
6. Maintain any documentation of the student's transfer, including records indicating the school or school district to which the student transferred, in that student's temporary record.

If the student has unpaid fines, fees, or tuition charged pursuant to 105 ILCS 5/10-20.12a and is transferring to a public school located in Illinois or any other state, the Building Principal shall: **4** 23 Ill.Admin.Code §§375.75(i).

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

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

1. The date and duration of the period of any current suspension or expulsion; and
2. Whether the suspension or expulsion is for, (a) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. §8921 *et seq.*); (b) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (c) battering a school staff member.

**L. Directory Information** <sup>5</sup> 23 Ill.Admin.Code §375.80

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

1. Name
2. Address
3. Gender
4. Grade level
5. Birth date and place

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The footnotes should be removed before the material is used.

<sup>4</sup> This practice is optional.

<sup>5</sup>Districts are not required to identify and release directory information. Be sure that the board policy provides for the release of directory information. There has been at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor (PAC) supports that a district may not rely on the FOIA exemption for home addresses (PAO 12-3).

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

6. Parents'/guardians' names, addresses, electronic mail addresses, and telephone numbers
7. Photographs, videos, or digital images used for informational or news-related purposes (whether by a media outlet or by the school) of a student participating in school or school-sponsored activities, organizations, and athletics that have appeared in school publications, such as yearbooks, newspapers, or sporting or fine arts programs
8. Academic awards, degrees, and honors
9. Information in relation to school-sponsored activities, organizations, and athletics
10. Major field of study
11. Period of attendance in school

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

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

#### **M. Student Record Challenges**

Parents/guardians have the right to a hearing to challenge the accuracy, relevancy, or propriety of any entry in their student's school records, exclusive of academic grades and references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring. 105 ILCS 10/7; 23 Ill.Admin.Code §375.90. A request for a hearing should be submitted to the Superintendent and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge. The following procedures apply to a challenge: 105 ILCS 10/7; 23 Ill.Admin.Code §375.90.

1. The Superintendent or designee will invite the parent(s)/guardian(s) to an initial informal conference, within 15 school days of receipt of the request for a hearing.
2. If the challenge is not resolved by the informal conference, formal procedures shall be initiated. The Superintendent will appoint a hearing officer, who is not employed in the attendance center in which the student is enrolled.
3. The hearing officer will conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parent(s)/guardian(s) and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
4. At the hearing each party shall have the right to:
  - a. Present evidence and to call witnesses;
  - b. Cross-examine witnesses;
  - c. Counsel;
  - d. A written statement of any decision and the reasons therefore; and
  - e. Appeal an adverse decision to an administrative tribunal or official to be established or designated by the State Board.
5. A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.
6. The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parent(s)/guardian(s) and the School



District. It shall be based solely on the information presented at the hearing and shall be one of the following:

- a. To retain the challenged contents of the school student record;
  - b. To remove the challenged contents of the school student record; or
  - c. To change, clarify or add to the challenged contents of the school student record.
7. Any party has the right to appeal the decision of the local hearing officer to the Regional Superintendent or appropriate Intermediate Service Center, within 20 school days after the decision is transmitted. The parent(s)/guardian(s), if they appeal, shall so inform the school and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question, and any other pertinent materials to the Regional Superintendent or appropriate Intermediate Service Center. The school may initiate an appeal by the same procedures.
  8. The final decision of the Regional Superintendent or appropriate Intermediate Service Center may be appealed to the circuit court of the county in which the school is located.
  9. The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. The school will include a copy of the statement in any release of the information in dispute. 105 ILCS 10/7(d).

LEGAL REF.:        Family Education Rights and Privacy Act, 20 U.S.C. §1232g; implemented by 34 C.F.R. Part 99.  
                         Illinois School Student Records Act, 105 ILCS 10/2; implemented by 23 Ill.Admin.Code Part ~~37~~ 375.  
                         Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/.

## Students

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

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

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

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

The *permanent record* includes:

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s)
2. Academic transcripts, including grades, class rank, graduation date, grade level achieved, scores on college entrance examinations; (except that a parent/guardian or eligible student may request, in writing, the removal from the academic transcript of any score received on college entrance examinations), and the unique student identifier assigned and used by the Illinois State Board of Education's Student Information System
3. Attendance record
4. Health record defined by the Illinois State Board of Education as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code"
5. Record of release of permanent record information that includes each of the following:
  - a. The nature and substance of the information released
  - b. The name and signature of the official records custodian releasing such information

**The footnotes should be removed before the material is used.**

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

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

- c. The name and capacity of the requesting person and the purpose for the request
  - d. The date of release
  - e. A copy of any consent to a release
6. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12)

The *permanent record* may include:

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

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

1. Record of release of temporary record information that includes the same information as listed above for the record of release of permanent records
2. Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8)
3. Completed home language survey
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction
5. Any final finding report received from a Child Protective Service Unit provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act shall be placed in the student record
6. Health-related information, defined by the Illinois State Board of Education as “current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, and other health-related information that is relevant to school participation, e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports”
7. Accident report, defined by the Illinois State Board of Education as “documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth ... has followed through on that request.”
8. Any documentation of a student’s transfer, including records indicating the school or school district to which the student transferred
9. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement

The temporary record may include:

1. Family background information
2. Intelligence test scores, group and individual

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

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

**1. The right to inspect and copy the student's education records within 15 school days of the day the District receives a request for access.**

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

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

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

Parents/guardians or eligible students may have one or more scores on college entrance exams deleted from their student's academic transcript. Students often take college entrance examinations multiple times to improve their results. Test publishers provide the results from each examination taken to the student's high school. Schools must include each of these scores on the student's transcript, which may result in the academic transcript having multiple scores from a single college entrance exam. A parent/guardian or eligible student may not want certain scores to be sent to postsecondary institutions to which the student applies. The District will remove scores on college entrance examinations upon the written request of the parent/guardian or eligible student stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be removed.

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

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

If the District decides not to amend the record as requested by the parents/guardians or eligible student, the District will notify the parents/guardians or eligible student of the decision and advise

him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

**4. The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that the FERPA or Illinois School Student Records Act authorizes disclosure without consent.**

Disclosure without consent is permitted to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or any parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest.

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

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

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

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and juvenile authorities when necessary for the discharge of their official duties who request information before adjudication of the student.

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

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. The temporary record is maintained for at least 5 years after the student transfers, graduates, or permanently withdraws. Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after 5 years, be transferred to the parent(s)/guardian(s) or to the student, if the student has succeeded to the rights of the parent(s)/guardian(s). Student temporary records are reviewed every 4 years or upon a student's change in attendance centers, whichever occurs first.

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

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

- Name
- Address
- Gender

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

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

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

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

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

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

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

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

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