

Students

Anaphylaxis Prevention, Response, and Management Program¹

School attendance may increase a student's risk of exposure to allergens that could trigger anaphylaxis. Students at risk for anaphylaxis benefit from a School Board policy that coordinates a planned response in the event of an anaphylactic emergency. Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Common allergens include animal dander, fish, latex, milk, shellfish, tree nuts, eggs, insect venom, medications, peanuts, soy, and wheat. A severe allergic reaction usually occurs quickly; death has been reported to occur within minutes. An anaphylactic reaction can also occur up to one to two hours after exposure to the allergen.

While it is not possible for the District to completely eliminate the risks of an anaphylactic emergency² when a student is at school, an Anaphylaxis Prevention, Response, and Management Program using a cooperative effort among students' families, staff members, students, health care

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¹ 105 ILCS 5/2-3.190(d), added by P.A. 102-413 and renumbered P.A. 102-813, required school boards to update or implement an anaphylactic policy by 8-17-22 (six months after the Ill. State Board of Education (ISBE) distributed its model on 2-17-22) in accordance with the model policy developed by ISBE, titled *Anaphylaxis Response Policy for Illinois Schools, (ISBE Model)*, available at: www.isbe.net/Documents/Anaphylactic-policy.pdf. Administrative procedures referencing the *ISBE Model* must support this policy in order to comply with the law. See the discussion in f/n 4 below and 7:285-AP, *Implementing an Anaphylaxis Prevention, Response, and Management Program* for a sample implementation procedure.

The law requires the *ISBE Model*, and in turn a district's policy based on the *ISBE Model*, to include: (a) a procedure and treatment plan, including emergency protocols and responsibilities for school nurses and other appropriate school personnel, for responding to anaphylaxis, (b) requirements for a training course for appropriate school personnel on prevention and responding to anaphylaxis, (c) a procedure and appropriate guidelines for the development of an individualized emergency health care plan for children with a food or other allergy that could result in anaphylaxis, (d) a communication plan for intake and dissemination of information provided by Illinois regarding children with a food or other allergy that could result in anaphylaxis, including a discussion of methods, treatments, and therapies to reduce the risk of allergic reactions, including anaphylaxis, (e) strategies for reducing the risk of exposure to anaphylactic causative agents, including food and other allergens, and (f) a communication plan for discussion with children who have developed adequate verbal communication and comprehension skills and with the parents or guardians of all children about foods that are safe and unsafe and about strategies to avoid exposure to unsafe food. 105 ILCS 5/2-3.190(b), added by P.A. 102-413 and renumbered by P.A. 102-813.

The *ISBE Model* is primarily focused on item (a). Little to no guidance for schools regarding items (b) – (f) exists in it other than to generally cite to voluminous resources made available by the Centers for Disease Control and Prevention (CDC) and National Association of School Nurses (NASN). See f/n 8, below. This policy and its implementing procedures are designed to supplement the *ISBE Model* and further lead school officials to resources regarding items (b) – (f). 105 ILCS 5/2-3.182(b)(1-6), added by P.A. 102-413 and renumbered by P.A. 102-813.

² The *ISBE Model* does not provide a specific definition for *anaphylactic emergency*, but it appears to use that term and *anaphylaxis* interchangeably.

providers, emergency medical services, and the community helps the District reduce these risks and provide accommodations and proper treatment for anaphylactic reactions.³

The Superintendent or designee shall develop and implement an Anaphylaxis Prevention, Response, and Management Program for the prevention and treatment of anaphylaxis that:⁴

1. Fully implements the Ill. State Board of Education (ISBE)'s model policy required by the School Code that: (a) relates to the care and response to a person having an anaphylaxis reaction, (b) addresses the use of epinephrine in a school setting, (c) provides a full food allergy and prevention of allergen exposure plan, and (d) aligns with 105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540.⁵
2. Ensures staff members receive appropriate training, including: (a) an in-service training program for staff who work with students that is conducted by a person with expertise in anaphylactic reactions and management, and (b) training required by law for those staff members acting as *trained personnel*, as provided in 105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540.⁶

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³ This ends statement requires board work and should be discussed (what effect or impact will this district statement have on the students and the community?) and altered accordingly before board adoption. The *ISBE Model* provides that students at risk for anaphylaxis benefit from a policy that coordinates a planned response in the event of an anaphylactic emergency, and it emphasizes that an emergency plan should include all stakeholders. For more information on ends statements and governance, see IASB's *Foundational Principles of Effective Governance* at: www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/.

The clause "using a cooperative effort among students' families, staff members, students, health care providers and emergency medical services, and the community" is optional and can be removed. The purpose of the clause is to share responsibility for management among all stakeholders.

⁴ 105 ILCS 5/10-20. To balance the requirement to implement a policy based upon the *ISBE Model* (105 ILCS 5/2-3.190(d)) with the practicalities of managing a district, this paragraph delegates the board's implementation duty to the superintendent.

⁵ Number one outlines the goals that the legislature directed ISBE to include in the topics covered by the *ISBE Model*. 105 ILCS 5/2-3.190(b), added by P.A. 102-413 and renumbered by P.A. 102-813. The *ISBE Model* is based on the *Virginia Dept. of Education Anaphylaxis Policy*, available at: www.doe.virginia.gov/programs-services/student-services/specialized-student-support-services/school-health-services/school-health-guidance-resources/anaphylaxis-epinephrine-training, and it incorporates NASN recommendations for a comprehensive anaphylaxis school policy. See the *NASN Sample Anaphylaxis Policy*, at: www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis. Boards may add further expectations and include additional goals that reflect those expectations here. Ensure that any additional expectations or goals align with policy 7:270, *Administering Medicines to Students*.

⁶ Number two includes the in-service training program required by 105 ILCS 5/10-22.39(b-5)(2), added by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, and training required by 105 ILCS 5/22-30(g) for those staff members who will be trained personnel, authorized by 105 ILCS 5/22-30(b-10), to provide or administer undesignated epinephrine in specific situations. The law authorizes school nurses and trained personnel to administer undesignated epinephrine. See sample policy 5:100, Staff Development Program, and sample administrative procedure 7:270-AP2, *Checklist for District Supply of Undesignated Medication(s)*, for detail on training requirements. 105 ILCS 5/22-30(b-5) does not specifically state that staff members authorized to administer (student-specific) epinephrine under a student's specific individual plan must also complete the more rigorous training required for trained personnel. However, the *ISBE Model* is clear that "[o]nly trained personnel should administer epinephrine to a student believed to be having an anaphylactic reaction," and it requires each building-level administrator to identify at least two employees, in addition to the school nurse (if any), to be trained personnel. The more in-depth training for staff members who may administer epinephrine (whether student-specific or undesignated) is also a best practice emphasized in the CDC Guidelines, which is referenced in the *ISBE Model* (see f/n 8, below).

3. Implements and maintains a supply of undesignated epinephrine in the name of the District, in accordance with policy 7:270, *Administering Medicines to Students*.⁷
4. Follows and references the applicable best practices specific to the District's needs in the Centers for Disease Control and Prevention's *Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs* and the *National Association of School Nurses Allergies and Anaphylaxis Resources/Checklists*.⁸
5. Provides annual notice to the parents/guardians of all students to make them aware of this policy.⁹
6. Complies with State and federal law and is in alignment with Board policies.

Monitoring¹⁰

Pursuant to State law and policy 2:240, *Board Policy Development*, the Board reviews and makes any necessary updates to this policy at least once every three years. The Superintendent or designee shall assist the Board with its review and any necessary updates.

LEGAL REF.: 105 ILCS 5/2-3.190, 5/10-22.39, and 5/22-30.
23 Ill.Admin.Code §1.540.

Anaphylaxis Response Policy for Illinois Schools, published by ISBE.

CROSS REF.: 4:110 (Transportation), 4:120 (Food Services), 4:170 (Safety), 5:100 (Staff Development Program), 6:120 (Education of Children with Disabilities), 6:240 (Field Trips), 7:180 (Prevention of and Response to Bullying, Intimidation and Harassment), 7:250 (Student Support Services), 7:270 (Administering Medicines to Students), 8:100 (Relations with Other Organizations and Agencies)

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⁷ Optional. Delete number three if a board has not adopted the **School District Supply of Undesignated Epinephrine Injectors** subhead in policy 7:270, *Administering Medicine to Students*.

⁸ Number four refers to the CDC's *Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs*, at: www.cdc.gov/healthyschools/foodallergies/pdf/20_316712-A_FA_guide_508tag.pdf (CDC *Guidelines*), which is cited in the *ISBE Model* as a resource for a "full food allergy and prevention of allergen exposure plan." Adopting the entire, voluminous CDC *Guidelines* document as policy is not practical. The CDC *Guidelines* also state that not every recommendation will be appropriate or feasible for every district's needs. The *National Association of School Nurses Allergies and Anaphylaxis Resources/Checklists*, at: <http://www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis>, are also linked as a resource in the *ISBE Model*. The *ISBE Model* acknowledges that not all schools have access to school nurses or other health staff on a regular basis, and it encourages districts to take this into consideration when developing building-level plans.

⁹ Number five is required by 105 ILCS 5/2-3.190(c), added by P.A. 102-413 and renumbered by P.A. 102-813. The notification must include contact information for parents/guardians to engage further with the district to learn more about individualized aspects of the policy. For ease of administration, districts may want to include this notification in student handbook(s). The Ill. Principal's Association (IPA) maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook* (MSH), at: www.ilprincipals.org/msh/.

¹⁰ 105 ILCS 5/2-3.190(e), added by P.A. 102-413 and renumbered by P.A. 102-813, provides that ISBE shall review and update its model policy at least once every three years. Although this section does not expressly state that boards must also conduct a review within this time frame, that is the logical conclusion based on a board's duty in 105 ILCS 5/10-16.7 to direct the superintendent through policy. The policy should be updated in accordance with any revisions made to the *ISBE Model*.

Students

Administrative Procedure - Anaphylaxis Prevention, Response, and Management Program¹

The following procedure implements policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, which is based upon the Ill. State Board of Education's (ISBE) *Anaphylaxis Response Policy for Schools (ISBE Model)*, available at: www.isbe.net/Documents/Anaphylactic-policy.pdf (105 ILCS 5/2-3.190, added by P.A. 102-413 and renumbered by P.A. 102-813). The District's Anaphylaxis Prevention, Response, and Management Program is developed and collectively implemented by local school officials, District staff, students and their families, and the community. This administrative procedure contains three sections as follows:

1. Glossary of Terms
2. Anaphylaxis Prevention, Response, and Management Program
3. Individual Allergy Management (Three Phases)
 - Phase One: Identification of Students with Allergies
 - Phase Two: Plan to Reduce Risk of Allergic Reactions
 - Phase Three: Response to Allergic Reactions

Glossary of Terms

The Terms Related to This Model Anaphylaxis Response Policy of the ISBE Model (p. 4) is incorporated here by reference. In this procedure, the term **epinephrine injector** is used in lieu of **epinephrine auto-injector** (*ISBE Model*, p. 4) because that is the term used in the School Code, but they have the same meaning.

Anaphylaxis - A severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. An anaphylactic reaction can occur up to one to two hours after exposure to the allergen. Common allergens include animal dander, fish, latex, milk, shellfish, tree nuts, eggs, insect venom, medications, peanuts, soy, and wheat.

The footnotes should be removed before the material is used.

¹ "Note:" messages appear throughout this procedure to highlight legal issues and available customization options. This format is a departure from the PRESS publication's general format, which usually provides finished procedures that are ready for immediate use and implementation. This procedure follows the legal requirements for what an anaphylaxis prevention, response, and management program must include, but development and implementation of the actual program is subject to a district's resources and circumstances, i.e., the size of the school district, conditions in individual buildings, and an individual student's needs.

The first paragraph's second sentence is optional. Remove it if the board removed the optional clause discussed in f/n 3 of sample policy 7:285, *Anaphylaxis Prevention, Response, and Management Program* (Program). The purpose of the sentence is to allocate responsibility for allergy management among the district, staff, and allergic students and their families and alert the community that successful implementation relies upon everyone to understand the seriousness of food and non-food allergies.

The Ill. State Board of Education (ISBE)'s *Anaphylaxis Response Policy for Schools (ISBE Model)* does not prescribe or suggest any particular sample forms to be used as part of a district's Program. This procedure suggests sample forms that are made available through resources cited by the *ISBE Model*. Given the expansion of State law to address not only food allergies, but other allergies that could result in anaphylaxis, districts should ensure that whatever forms they use can accommodate both food and non-food allergies.

Anaphylaxis Prevention, Response, and Management Program (Program) - The overall process that the Superintendent and other District-level administrators use to implement policy 7:285, *Anaphylaxis Prevention, Response and Management Program*, which is based upon the *ISBE Model*.

Anaphylaxis Prevention, Response, and Management Committee (Committee) - A District-level team that the Superintendent creates to develop an Anaphylaxis Prevention, Response, and Management Program. It monitors the District's Anaphylaxis Prevention, Response, and Management Program for effectiveness and establishes a schedule for the Superintendent to report information back to the Board once every three years.

CDC Guidelines - The *Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs*, published by the Centers for Disease Control and Prevention (2013) and available at: www.cdc.gov/healthyschools/foodallergies/pdf/20_316712-A_FA_guide_508tag.pdf. The CDC Guidelines are referred to in the *ISBE Model* as "a full food allergy and prevention of allergen exposure plan." The CDC Guidelines are focused on the management of food allergies, but they also mention other allergens that may result in anaphylaxis (p. 21).

Individual Allergy Management - The process at the building level used to manage and prevent anaphylaxis. The process identifies: (a) students with allergies, (b) procedures to prevent exposure to known allergens, and (c) appropriate responses to allergic reactions. It is synonymous with the third section in this sample administrative procedure.

Individualized Educational Program/Plan (IEP) - A plan or program developed to ensure that a child who has a disability identified under the law and is attending a public elementary or secondary school receives specialized instruction and related services.

Individual Health Care Plan (IHCP) - A document that outlines an allergic student's needs, and at minimum, includes the precautions necessary for allergen avoidance and emergency procedures and treatments. Its function is similar to a 504 Plan (see below). **Important:** Consult the Board Attorney about whether the Program should implement a 504 Plan or IHCP. This Program's procedures implement 504 Plans only. Insert IHCP in place of or in addition to 504 Plan in this document if the District will also implement IHCPs.

504 Plan - A document that outlines an allergic student's needs, necessary accommodations, and individual staff member responsibilities. Its function is identical to an IHCP while also including procedural protections (see above). This Program's procedures implement 504 Plans only. Important: Consult the Board Attorney about whether implementing only 504 Plans is the best method. Many attorneys agree that a 504 Plan is the best (although not universal) practice for a student with a diagnosis of an allergy. ²

504 Team - A building-level team that implements the phases of Individual Allergy Management in a student's 504 Plan. Insert "IHCP Team" in place of or in addition to "504 Team" if the district will also implement IHCPs. **Note:** If the District implements IHCPs, gathering information, identifying

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² Prior to the 2008 amendments to the Americans with Disabilities Act, courts frequently found that allergies were not disabilities under Section 504 (see, e.g., *Smith v. Tangipahoa Parish Sch. Bd.*, 2006 WL 3395938 (D.Ct. LA 2006)). As a result, schools commonly drafted Individual Health Care Plans (IHCP) and Emergency Action Plans (EAP) for allergic students instead of Section 504 Plans. The ADA Amendments Act of 2008 (Pub. L. 110-325) significantly broadened the definition of *substantially limits* to include disabilities that are inactive or in remission. These amendments generally support Section 504 entitlement for students with allergies because an allergic reaction will *substantially limit* the major life activity of *breathing* when anaphylaxis occurs.

methods to prevent exposure, and assigning staff responsibilities will rely heavily on the Nurse/Designated School Personnel (DSP)³, not a 504 Team.

Anaphylaxis Prevention, Response and Management Program

This section relies heavily upon District-level administrators to implement the Program even if the District has no students with food or other allergies. 105 ILCS 5/2-3.190, added by P.A. 102-413 and renumbered by P.A. 102-813. This is because identification of students at risk of anaphylaxis cannot be predicted, and it is possible that a student who has not been identified could have his or her first reaction at school. CDC Guidelines, p. 9. This section references the *ISBE Model* and aligns with governance principles so that District-level administrators can: (a) integrate the Program into the District's existing policies and procedures, (b) engage in ongoing monitoring of the Program, (c) assess the Program's effectiveness, and (d) inform the Board about the Program along with recommendations to enhance its effectiveness.

Note: Modify this section based upon the District's specific implementation needs. The only mandate in 105 ILCS 5/2-3.190 was that school boards implement a policy based upon the ISBE Model by 8-17-22. Implementation methods are many; this Program provides one method.

| Actor | Action |
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| Superintendent or designee | <p>Establish a District-wide Anaphylaxis Prevention, Response, and Management Committee (Committee) to operate as a Superintendent committee. Consider including:</p> <ul style="list-style-type: none"> District-level administrators Building Principals (Building Principals are mandatory for successful implementation of the Program) District Safety Coordinator (see 4:170-AP1, <i>Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities</i>) District 504 Coordinator (see 6:120, <i>Education of Children with Disabilities</i> and 6:120, AP1, E1 <i>Notice to Parents/Guardians Regarding Section 504 Rights</i>) Staff members, e.g., school nurse/health aide, teachers, paraprofessionals, food service staff, bus drivers, athletic coaches Parents/Guardians Community members, e.g., individuals with expertise in allergens and anaphylaxis Students |

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³ The term *designated school personnel* does not appear in the *ISBE Model* or *CDC Guidelines*, but it is used in this procedure to refer to staff members who are assigned duties because some districts do not have a nurse on staff.

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| | <p>Chair and convene Committee meetings for the purpose of implementing the Program. Note: The Committee is not required by State law. However, establishing it provides a best practice for aligning with governance principles and examining implementation issues specific to each individual school district. While smaller school districts, i.e., one-building districts, may be able to implement a Program through one meeting, larger school districts will likely require the uniform coordination that this Committee provides. Some school districts may choose to use the <i>ISBE Model</i> document, available at: www.isbe.net/Documents/Anaphylactic-policy.pdf, or create a document that is consistent with the requirements of the <i>ISBE Model</i>, but also reflects the specific needs of the school district.</p> <p>Inform the School Board of the Committee's progress and needs by adding information items to the Board's agendas at least once every three years.</p> |
| Anaphylaxis Prevention, Response, and Management Committee | <p>Identify existing policies, procedures, and exhibits that affect implementation of the Program, including, but not limited to:</p> <ul style="list-style-type: none"> 1:20, <i>District Organization, Operations, and Cooperative Agreements</i> 2:20, <i>Powers and Duties of the School Board; Indemnification</i> 2:240, <i>Board Policy Development</i> 4:110, <i>Transportation</i> 4:120, <i>Food Services</i> 5:100, <i>Staff Development Program</i> 5:100-AP, <i>Staff Development Program</i> 6:65, <i>Student Social and Emotional Development</i> 6:120, <i>Education of Children with Disabilities</i> 6:120-AP1, <i>Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities</i> 6:240, <i>Field Trips</i> 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i> 7:250, <i>Student Support Services</i> 7:270, <i>Administering Medicines to Students</i> 7:270-AP1, <i>Dispensing Medication</i> 7:270-AP2, <i>Checklist for District Supply of Undesignated Medication(s)</i> ⁴ 7:270-E1, <i>School Medication Authorization Form</i> 7:285-AP, E, <i>Allergy and Anaphylaxis Emergency Plan</i> 8:100, <i>Relations with Other Organizations and Agencies.</i> <p>At least once every three years, recommend to the Superintendent any necessary policy changes that must be brought to the School Board for consideration. See policy 2:240, <i>Board Policy Development</i>.</p> <p>Recommend to the Superintendent any amendments to administrative procedures. Note: The Committee may want to utilize 7:285-AP, E, <i>Allergy and Anaphylaxis Emergency Plan (AAEP)</i>, for allergy management purposes. The</p> |

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⁴ Delete this procedure from the list if a board has not adopted the **School District Supply of Undesignated Epinephrine Injectors** subhead in sample policy 7:270, *Administering Medicines to Students* (see f/n 12). See also sample policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, at f/n 7.

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| | <p>sample exhibit is an adaptation of the <i>American Academy of Pediatrics'</i> sample emergency action plan form, <i>Allergy and Anaphylaxis Emergency Plan</i> available at: https://downloads.aap.org/AAP/PDF/AAP_Allergy_and_Anaphylaxis_Emergency_Plan.pdf; it includes the parent/guardian acknowledgment of district immunity and the hold harmless/indemnification agreement required by 105 ILCS 5/22-30 and 5/22.21b. See 7:270, <i>Administering Medicines to Students</i>, at f/n 7, for more information.</p> <p>The Committee should also assess the feasibility of adding staff training during a Periodic Emergency Response Drill (CDC Guidelines, p. 50) to the District's School Safety Drill Plan (see 4:170-AP1, <i>Comprehensive Safety and Security Plan</i>, paragraph F., School Safety Drill Plan). Adding this suggested drill is not required and exceeds the mandate contained in 105 ILCS 128/. If added, revise paragraph E., Annual Safety Review of 4:170-AP1, <i>Comprehensive Safety and Security Plan</i> to include the applicable bolded items (a)-(f) listed in the CDC Guidelines on preparation for food allergy emergencies (p. 31-34).</p> <p>Convene a District-wide meeting with all Building Principals, other appropriate administrative and special education staff, and the Board Attorney to discuss this Program and the <i>ISBE Model</i>, and to prepare each individual Building Principal to implement it in his or her building. Note: The Board Attorney will be a necessary participant in the District's efforts to manage anaphylaxis management issues. The Superintendent may want to authorize individual Building Principals to consult with the Board Attorney in some circumstances. If so, the Superintendent should outline this process during this meeting.</p> <p>Educate and train all staff by coordinating, through the Superintendent or Building Principals, the required annual in-service training program(s) for staff working with students. The in-service must be conducted by a person with expertise in anaphylactic reaction management and include administration of medication with an injector (105 ILCS 5/10-22.39(b-5)(2), added by P.A. 103-542, eff. 1-1-24 and operative 7-1-24). This training will also be incorporated into new school employee training. Note: State law requires the in-service training to be conducted within six months of employment and renewed at least once every five years, but the <i>ISBE Model</i> states that schoolwide training be conducted annually, when new employees are onboarded, and when an individual is identified as being at risk. <i>Person</i> with expertise is not defined, but the use of the word <i>expertise</i> suggests that using a lay person to provide training is not appropriate. Consider the list of training resources in the CDC Guidelines (p. 100-101). This training should include (CDC Guidelines, p. 36):</p> <ul style="list-style-type: none"> • A review of policies and building procedures • An overview of food allergies • Definitions of key terms, including <i>food allergy, major allergens, epinephrine, and anaphylaxis</i> • The difference between a potentially life-threatening food allergy and other food-related problems • Signs and symptoms of a food allergy reaction and anaphylaxis (see <i>ISBE Model</i>, p. 5) and information on common emergency medications • General strategies for reducing and preventing exposure to allergens (in |
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| | <p>food and non-food items)</p> <ul style="list-style-type: none"> • Policies on bullying and harassment and how they apply to children with food allergies • The District's emergency plans, including who will be contacted in the case of an emergency, how staff will communicate during a medical emergency, and what essential information they will communicate <p>Consider implementing the above issues by informing staff of the goals established in each of the following Board policies:</p> <p>6:65, <i>Student Social and Emotional Development</i>. This policy requires the District's educational program to incorporate student social and emotional development into its educational program and be consistent with the social and emotional development standards in the Ill. Learning Standards.</p> <p>7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>. This policy prohibits students from engaging in bullying, intimidation, and harassment, which diminish a student's ability to learn and a school's ability to educate. It states that preventing students from engaging in these disruptive behaviors is an important District goal. Note: Including bullying and sensitivity awareness in the required in-service exceeds State law requirements. Because State law requires districts to have policies addressing bullying (105 ILCS 5/27-23.7) and social and emotional development (405 ILCS 49/) and the CDC Guidelines highlight that increasing awareness of these issues is a best practice consideration, the required in-service is a logical place to include this education. Be sure locally adopted board policies contain the referenced policy language. In grades K-8, provide developmentally appropriate allergy education for students as part of a curriculum topic, e.g., health, physical education, general science, consumer science, character education, so that students can: (1) identify signs and symptoms of anaphylaxis, (2) know and understand why it is wrong to tease or bully others, including people with allergies, (3) know and understand the importance of finding a staff member who can help respond to suspected anaphylaxis, and (4) understand rules on hand washing, food sharing, allergen-safe zones, and personal conduct.⁵ In grades 9-12, provide instruction, study, and discussion on the dangers of allergies. See 6:60-AP1, <i>Comprehensive Health Education Program</i>.⁶</p> <p>Provide community outreach through Building Principals by providing information to students and their parents/guardians about the Program. A successful Program needs support and participation from parents of children with and without allergies. Parents and families need to learn about the District's food allergy policy and practices through communications from administrators, school health staff, classroom teachers, and food service staff. See CDC Guidelines, p. 38 and p. 100-102 (National Nongovernmental Resources, including resources for Parent Education).</p> <p>Monitor the Program by assessing its effectiveness at least once every three</p> |
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⁵ Optional. Including food allergy awareness education in the curriculum for grades K-8 exceeds State law requirements; it is included in the *CDC Guidelines* as a best practice. *CDC Guidelines*, p. 38.

⁶ 105 ILCS 110/3, amended by P.A. 103-212, eff. 1-1-24.

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| | <p>years.</p> <p>Incorporate updated medical best practices into all areas of the Program.</p> <p>Establish a schedule for the Superintendent to report any recommendations to enhance the Program’s effectiveness to the Board for consideration.</p> |
| Building Principal | <p>Inform the school community of the Program by providing the information to students and their parents/guardians. For an outline of a sample letter, see www.stlouischildrens.org/sites/legacy/files/2022-09/FAMEToolkit2022-section3-Admin.pdf, p. 14. Inform the school community of the opportunities to better understand food allergy management issues.</p> <p>Implement the Program in the building by meeting with the Nurse or, if a nurse is not available, other designated school personnel (DSP) and special education staff in the building to examine the <i>ISBE Model</i>. Identify and follow:</p> <p style="padding-left: 40px;">All best practices that apply to the conditions in the school building, including classrooms and the cafeteria, as well as on school transportation, at school-sponsored events (including activities before and after school, and field trips), and during physical education/recess to reduce exposure to allergens. See <i>ISBE Model</i>, p.3, and CDC Guidelines, p. 43-45.</p> <p style="padding-left: 40px;">All items from the actions for School Administrators and Registered School Nurses that apply to the working conditions in the school settings listed immediately above. CDC Guidance, p. 59-64.</p> <p>Educate staff members about the Program and their likely involvement with the daily management of food (or non-food) allergies for individual students (Individual Allergy Management). CDC Guidelines, p. 27-31. Inform staff members about healthy and active non-food rewards, see: www.actionforhealthykids.org/activity/healthy-active-non-food-rewards/</p> <p>Identify at least two employees in the building, in addition to the Nurse/DSP, to be trained in the administration of epinephrine by auto-injection. Only <i>trained personnel</i> may administer epinephrine to a student believed to be having an anaphylactic reaction. (<i>ISBE Model</i>, p. 6). For training requirements, see 7:270-AP2, <i>Checklist for District Supply of Undesignated Medication(s)</i>. Note: Although 105 ILCS 5/22-30 permits any “personnel authorized” under a student’s specific individual plan to administer an undesignated epinephrine injector, the <i>ISBE Model</i> makes no such distinction and requires all personnel administering epinephrine (whether prescribed to a student or undesignated) to a student to complete the training required of <i>trained personnel</i>.</p> <p>Annually notify parents/guardians in the student handbook(s) of policy 7:285, <i>Anaphylaxis Prevention, Response, and Management Program</i>, and include the contact information of a staff member who parents/guardians can contact if they have questions about how the policy applies to their child. To increase awareness of the bullying issues faced by students with allergies, consider including information for students and their parents/guardians about the goals established in Board policy 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>.</p> |
| School Board | <p>Monitor policy 7:285, <i>Anaphylaxis Prevention, Response, and Management Program</i>, at least once every three years, and consider changes recommended by</p> |

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| | <p>the Committee. See policy 2:240, <i>Board Policy Development</i>.</p> <p>Consider all policy changes recommended by the Superintendent.</p> <p>Provide the appropriate resources for the Superintendent to successfully implement the Program.</p> |
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Individual Allergy Management

This section's procedures are implemented each time the school identifies a student with an allergy. It follows policy 6:120, *Education of Children with Disabilities*, and references additional considerations based upon the *ISBE Model*. It relies heavily upon Building Principals and the Nurse/DSP to identify the necessary accommodations for each student and determine which staff members are responsible to provide them. Accommodations are impacted by a number of factors, e.g., the student's age, the allergen(s) involved, the facilities at each school building, etc.

Phase One: Identification of Students with Allergies

| Actor | Action |
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| Parent/Guardian | <p>Inform the Building Principal of the student's food allergy.</p> <p>Complete an Allergy History Form, (for a sample, see the <i>Family Food Allergy Health History Form</i>, available at: www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis and AAEP. Return them to the Building Principal or Nurse/DSP.</p> <p>If the District participates in the U.S. Dept. of Agriculture's Child Nutrition Programs and the student has a disability that requires meal modifications, complete a medical statement signed by a licensed healthcare provider. CDC Guidelines, p. 28. See www.isbe.net/Documents/2017-ACCOM-MANUAL-SP40.pdf for information and the <i>Medical Authority Modified Meal Request Form</i> at: www.isbe.net/layouts/Download.aspx?SourceUrl=/Documents/Medical-Authority-Modified-Meal-Request-Form.docx.</p> <p>Cooperate with school staff to provide the medical information necessary directly from the student's health care provider to develop plans for managing individual care and emergency actions. CDC Guidelines, p. 27.</p> <p>Participate in all meetings to assess and manage the individual student's health needs.</p> |
| Building Principal and/or Nurse/DSP | Follow the District's procedural safeguards for convening a meeting to assess the individual student's allergy management needs. |
| IEP or 504 Team | <p>Modify this section if the District implements IHCPs. See Glossary above for more information.</p> <p>For a student who is not already identified as a student with a disability, determine whether a referral for an evaluation is warranted using the District's evaluation procedures for determining whether a student is a student with a disability within the meaning of IDEA or Section 504 (see Board policy 6:120, <i>Education of Children with Disabilities</i>).</p> <p>For a student with an existing IEP or Section 504 plan, or who qualifies for one on the basis of his or her allergy, determine:</p> <ol style="list-style-type: none"> 1. Whether the student's allergy requires <i>related services</i> to ensure the |

| Actor | Action |
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| | <p>provision of a “free appropriate public education” (FAPE), and/or</p> <p>2. Whether the student’s allergy requires appropriate <i>reasonable accommodations</i> for the student’s disability.</p> <p>If the answer to either of the above questions is negative, notify the parent/guardian in writing of the reasons for the denial and the right to appeal. Provides any required procedural safeguard notices. See 23 Ill.Admin.Code §226.510; Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Parts 104 and 300); and 6:120-AP1, E1, <i>Notice to Parents/Guardians Regarding Section 504 Rights</i>.</p> <p>If the answer to either of the above questions is positive:</p> <ol style="list-style-type: none"> 1. Gather appropriate health information by using the completed <i>Allergy History Form</i> and AAEP. 2. Identify all necessary accommodations and complete a 504 Plan (use the District’s established forms). For meal substitutions, the parent/guardian must submit a medical statement signed by a licensed healthcare provider. 3. Determine which staff provides the identified accommodations. Remember that accidental exposures are more likely to happen when an unplanned event or non-routine event occurs, and special care should be taken to address procedures for staff members who provide transportation, substitute teaching, coaching or other activities, field trips, and classroom celebrations. For staff members to consider, see CDC Guidelines, Sec. 3, <i>Putting Guidelines into Practice: Actions for School Administrators and Staff</i>, p. 59-80. 4. Assign responsibilities to individual staff members for providing the identified accommodations. Inform staff members absent during the creation of the 504 Plan of their responsibilities. 5. Identify willing 504 Team members trained in emergency response to respond to any allergic reactions the student may have. Only <i>trained personnel</i> may administer epinephrine to a student believed to be having an anaphylactic reaction. <i>ISBE Model</i>, p. 6. Note: Consult the Board Attorney if options are limited or the classroom teacher is not willing to administer epinephrine. While classroom teachers are a logical choice to provide emergency response due to their continual close proximity to students, such an assignment may: (1) impact terms and conditions of employment and may trigger collective bargaining rights, and/or (2) violate 105 ILCS 5/10-22.21b, which states that under no circumstances shall teachers or other non-administrative school employees, except certified school nurses and non-certificated registered professional nurses, be required to administer medication to students. 6. Provide the required procedural safeguard notices. See 23 Ill.Admin.Code §226.510; Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Parts 104 and 300); and 6:120-AP1, E1, <i>Notice to Parents/Guardians Regarding Section 504 Rights</i>. |

Phase Two: Plan to Reduce Risk of Allergic Reactions

| Actor | Action |
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| Building Principal and/or Nurse/DSP | <p>Convene a meeting to educate all the staff members who will provide the identified 504 Plan accommodations about their responsibilities.</p> <p>Ensure individual staff members are properly trained and perform their responsibilities and provide the necessary accommodations for the student's individual health needs.</p> <p>Facilitate the dissemination of accurate information in the building about the student's allergy while respecting privacy rights.</p> <p>Note: Request permission from the Superintendent to consult the Board Attorney about best practices for disclosures to volunteers (e.g., field trip chaperones or room parents) of confidential medical information without parental consent. Generally Building Principals have discretion, but these situations are fact- specific. Ideally the District should attempt to get parental permission to disclose the information about the allergy, but practically this cannot always occur. Many agree that safety trumps confidentiality in these situations, especially when volunteers have a legitimate educational interest if knowledge of the information is related to their ability to perform their duties (See, <i>Letter to Anonymous</i>, 107 LRP 28330 (FPCO 2007)).</p> <p>Provide a medical alert to parents/guardians that does not name the student. See CDC Guidelines, p. 71, #5. The communication should inform other students and their parents/guardians about the importance of keeping their educational setting free of the food allergen. For a sample letter, see <i>Notification of a Food Allergy in the Classroom – Parent Letter</i>, available at: www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis.</p> <p>Note: Request permission from the Superintendent to consult the Board Attorney about disclosures and providing joint communications from the Building Principal and the parent/guardian of the food allergic student. While joint communications allow the school to exchange the information needed to protect the food allergic student and balance competing educational interests without violating federal or State laws that govern student records, they can also present other risks (i.e., re-disclosure of the confidential information). See Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and its implementing rules at 34 C.F.R. Part 99; Ill. School Student Records Act, 105 ILCS 10/, and its implementing rules at 23 Ill.Admin.Code Part 375. FERPA prohibits schools from disclosing personally identifiable information from students' education records without the consent of a</p> |

| Actor | Action |
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| | <p>parent or eligible student, unless an exception applies. See policy 7:340, <i>Student Records</i>.</p> <p>Prepare a list of answers to anticipated questions about managing the student's health needs.</p> <p>Check with the Nurse/DSP regarding any known competing educational interests with the student's health needs among other students attending the school (i.e., diabetes, service animals, etc.). Manage identified students' competing educational interests by:</p> <ol style="list-style-type: none"> 1. Consulting the Board Attorney. 2. Creating a method to monitor identified competing educational interests between students. 3. Responding to future unidentified competing educational interests and managing them immediately. 4. Modifying any other conditions as the facts of the situation require. |
| IEP or 504 Team | <p>Implement and follow all identified responsibilities in the 504 Plan. Understand that accidental exposures are more likely to occur when an unplanned event occurs, which makes it critical to follow the exact accommodations in the student's 504 Plan.</p> <p>Practice emergency procedures outlined in the student's AAEP and be prepared to follow them. <i>ISBE Model</i>, p. 5.</p> |
| Parent/Guardian | <p>Implement and follow the applicable items at: www.foodallergy.org/resources/getting-started-school, to assist the District in managing food allergies in the school setting.</p> |
| Student | <p>Implement and follow developmentally appropriate steps for allergy self-management, such as reading labels, asking questions about foods in the school meal and snack programs, avoiding unlabeled or unknown foods, using epinephrine injectors when needed, and recognizing and reporting an allergic reaction to an adult. CDC Guidelines, p. 31.</p> |

Phase Three: Response to Allergic Reactions

| Actor | Action |
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| IEP or 504 Team | Follow the student's 504 Plan and AAEP. |
| Nurse/DSP or any Staff Member trained in the District's emergency response procedures (if a Nurse is not immediately available) | <p>If the student does not have an AAEP and there is a suspected case of anaphylaxis, and the District does not maintain an undesignated supply of epinephrine (<i>ISBE Model</i>, p. 5-6):</p> <ol style="list-style-type: none"> 1. Instruct another staff member to call 911 immediately. 2. Stay with the person until emergency medical services (EMS) arrive. 3. Monitor the person's airway and breathing. 4. If school nurse or other <i>trained personnel</i> are not at the scene, implement local emergency notification to activate the nurse or |

| Actor | Action |
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| | <p><i>trained personnel</i> to respond.</p> <ol style="list-style-type: none"> 5. Direct a staff member to call parent/guardian (if applicable). 6. Administer CPR, if needed. 7. EMS transports individual to the emergency room. Document the individual's name, date, time of onset of symptoms, and possible allergen. Even if symptoms subside, EMS must still respond, and the individual must be evaluated in the emergency department or by the individual's health care provider. A delayed or secondary reaction may occur, which can be more severe than the first-phase symptoms. 8. Do not allow a student to remain at school or return to school on the day epinephrine is administered. |
| <p>Anyone implements item #1 of the first numbered list</p> <p>Nurse/DSP or other <i>Trained Personnel</i> implements the remaining items</p> | <p>If the Nurse or <i>trained personnel</i> have a good faith belief that a person is having an anaphylactic reaction, and the District needs to use its undesignated (not student-specific) supply of epinephrine to respond (<i>ISBE Model</i>, p. 5-6): ⁷</p> <ol style="list-style-type: none"> 1. Call the Nurse or front office personnel and advise of the emergency situation so that trained personnel can be activated to respond with undesignated epinephrine dose(s). 2. Instruct someone to call 911 immediately. 3. Implement the District's undesignated epinephrine standing protocol. See 7:270-AP2, <i>Checklist for District Supply of Undesignated Medication(s)</i>. 4. Select the appropriate dose according to the standing protocol and administer epinephrine. Note the time. Act quickly. It is safer to give epinephrine than to delay treatment. This is a life-and-death decision. 5. Stay with the person until EMS arrives. 6. Monitor the person's airway and breathing. 7. Reassure and attempt to calm the person, as needed. 8. Direct another staff member to call the parent/guardian, or emergency contact (if known). 9. If symptoms continue and EMS is not on the scene, administer a second dose of epinephrine five to 15 minutes after the initial injection. Note the time. 10. Administer CPR, if needed. 11. EMS transports the individual to the emergency room. Document the individual's name, date, and time the epinephrine was administered on the epinephrine injector that was used and give to EMS to accompany individual to the emergency room. Even if symptoms subside, EMS must still respond, and the individual must be evaluated in the emergency department or by the individual's health care |

The footnotes should be removed before the material is used.

⁷ Delete this entire row if the district does not maintain an undesignated supply of epinephrine.

| Actor | Action |
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| | <p>provider. A delayed or secondary reaction may occur, which can be more severe than the first-phase symptoms.</p> <p><u>Post-Event Actions</u></p> <ol style="list-style-type: none"> 1. Document the incident and complete all reporting requirements. See 7:270-AP2, <i>Checklist for District Supply of Undesignated Medication(s)</i>. 2. Replace epinephrine stock medication, according to the District's standing protocol. Reorder epinephrine stock medication, as necessary. |
| Nurse/DSP | <p>If a student has no AAEP and 504 Plan, provide the parent/guardian with the AAEP and <i>Allergy History</i> forms and refer them to the process outlined in the Identification of Students with Allergies phase above.</p> <p>After each allergy emergency, review how it was handled with the Building Principal, health aides/assistants (if applicable), parents/guardians, staff members involved in the response, and the student to identify ways to prevent future emergencies and improve emergency response. CDC Guidelines, p. 63.</p> <p>Assist students with allergies with transitioning back to school after an emergency. CDC Guidelines, p. 63.</p> <p><u>Storage, Access, and Maintenance of Undesignated Supply of Epinephrine (105 ILCS 5/22-30(f); ISBE Model, p. 6-7) ⁸</u></p> <ol style="list-style-type: none"> 1. Store, access, and maintain the stock of undesignated epinephrine injectors as provided in the District's standing protocol. 2. Maintain the supply of undesignated epinephrine in accordance with the manufacturer's instructions. Epinephrine should be stored in a safe, unlocked, and accessible location in a dark place at room temperature (between 59-86 degrees F). Epinephrine should not be maintained in a locked cabinet or behind locked doors. Trained staff should be made aware of the storage location in each school. It should be protected from exposure to hot, cold, or freezing temperatures. Exposure to sunlight will hasten deterioration of epinephrine more rapidly than exposure to room temperatures. The expiration date of epinephrine solutions should be periodically checked; the drug should be replaced if it is approaching the expiration date. The contents should periodically be inspected through the clear window of the injector. The solution should be clear; if it is discolored or contains solid particles, replace the unit. 3. Regularly (e.g., monthly) check stock epinephrine to ensure proper storage, expiration date, and medication stability. |

The footnotes should be removed before the material is used.

⁸ Delete this section if the district does not maintain an undesignated supply of epinephrine.

| Actor | Action |
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| | <p>Maintain documentation when checks are conducted. Expired injectors or those with discolored solutions or solid particles should not be used.</p> <p>4. Dispose of epinephrine injectors in a sharps container.</p> |

LEGAL REF: 105 ILCS 5/2-3.190, 5/10-22.21b, 5/10-22.39, and 5/22-30.
23 Ill.Admin.Code §1.540
Anaphylaxis Response Policy for Illinois Schools, published by the Ill. State Board
of Education.

Students

Suicide and Depression Awareness and Prevention ¹

Youth suicide impacts the safety of the school environment. It also affects the school community, diminishing the ability of surviving students to learn and the school's ability to educate. Suicide and depression awareness and prevention are important Board goals.

Suicide and Depression Awareness and Prevention Program

The Superintendent or designee shall develop, implement, and maintain a suicide and depression awareness and prevention program (Program) that advances the Board's goals of increasing awareness and prevention of depression and suicide. This program must be consistent with the requirements of *Ann Marie's Law* listed below; each listed requirement, 1-6, corresponds with the list of required policy components in the School Code Section 5/2-3.166(c)(2)-(7). The Program shall include:

1. Protocols for administering youth suicide awareness and prevention education to students and staff. ²
 - a. For students, implementation will incorporate Board policy 6:60, *Curriculum Content*, which implements 105 ILCS 5/2-3.139 and 105 ILCS 5/27-7 (requiring education for students to develop a sound mind and a healthy body).
 - b. For staff, implementation will incorporate Board policy 5:100, *Staff Development Program*, and teacher's institutes under 105 ILCS 5/3-14.8 (requiring coverage of the warning signs of suicidal behavior).
2. Procedures for methods of suicide prevention with the goal of early identification and referral of students possibly at risk of suicide.³ Implementation will incorporate:

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¹ A suicide awareness and prevention policy is required by 105 ILCS 5/2-3.166(c). The first sentence of this policy is required by 105 ILCS 5/2-3.166(c)(1).

This policy contains an item on which collective bargaining may be required. See 105 ILCS 5/10-22.24b. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

² Required by 105 ILCS 5/2-3.166(c)(2). While this law is titled Youth Suicide Awareness and Prevention, it requires the policy to include protocols for administering youth suicide awareness and prevention education to *staff* and students.

For student protocols, see 105 ILCS 5/2-3.139 and 105 ILCS 5/27-7.

For staff protocols, see 105 ILCS 5/3-14.8, which requires the regional superintendents to cover the warning signs of suicidal behavior in teacher's institutes. In suburban Cook County, an Intermediate Service Center will perform the responsibilities that are performed in other locations by the regional superintendent.

³ Required by 105 ILCS 5/2-3.166(c)(3). This policy adds *with the goal of* and *possibly* to modify the statute's use of "at risk of suicide." *With the goal of* acknowledges that identifying every student at risk of suicide is impossible. *Possibly* is added to inform the public that these identifications are not definitive. School staff members are not licensed medical professionals who are fully trained to make definitive determinations about whether a student is at risk of suicide, and parents/guardians should not take any referral under this requirement as such.

- a. The training required by 105 ILCS 5/10-22.39 for all District staff who work with students to identify the warning signs of suicidal behavior in youth along with appropriate intervention and referral techniques, including methods of prevention, procedures for early identification, and referral of students at risk of suicide; and
 - b. Ill. State Board of Education (ISBE)-recommended guidelines and educational materials for staff training and professional development, along with ISBE-recommended resources for students containing age-appropriate educational materials on youth suicide and awareness, if available pursuant to *Ann Marie's Law* on ISBE's website.
3. Methods of intervention, including procedures that address an emotional or mental health safety plan for use during the school day and at school-sponsored events for a student identified as being at increased risk of suicide including those students who: (A) suffer from a mental health disorder; (B) suffer from a substance abuse disorder; (C) engage in self-harm or have previously attempted suicide; (D) reside in an out-of-home placement; (E) are experiencing homelessness; (F) are lesbian, gay, bisexual, transgender, or questioning (LGBTQ); (G) are bereaved by suicide; or (H) have a medical condition or certain types of disabilities. Implementation will incorporate paragraph number 2, above, along with Board policies:⁴
- a. 6:65, *Student Social and Emotional Development*, implementing the goals and benchmarks of the Ill. Learning Standards and 405 ILCS 49/15(b) (requiring student social and emotional development in the District's educational program);
 - b. 6:120, *Education of Children with Disabilities*, implementing special education requirements for the District;
 - c. 6:140, *Education of Homeless Children*, implementing provision of District services to students who are homeless;
 - d. 6:270, *Guidance and Counseling Program*, implementing guidance and counseling program(s) for students, and 105 ILCS 5/10-22.24a and 22.24b, which allow a qualified guidance specialist or any licensed staff member to provide school counseling services;

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

Through 6-30-24, 105 ILCS 5/10-22.39 requires licensed school personnel and administrators who work with students in kindergarten through grade 12 to be trained to identify the warning signs of suicidal behavior in youth along with appropriate intervention and referral techniques. 105 ILCS 5/10-22.39(b-20), added by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, requires teachers, administrators, and school support personnel who work with pupils be trained on identifying warning signs of mental illness, trauma, and suicidal behavior in youth. Such training must include, but is not limited to, appropriate intervention and referral techniques, including resources and guidelines as outlined in 105 ILCS 5/3.166. 105 ILCS 5/10-22.39, amended by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, uses the phrase *teachers, administrators, and school support personnel*, but for brevity this material uses the phrase *all District staff*.

While very little guidance is available for students in grades 6 and below, *Ann Marie's Law* directs the Ill. State Board of Education (ISBE) to compile, develop and post these items on its website. Districts may use the Ill. Mental Health training program, established under the Ill. Mental Health First Aid Training Act, to provide the training for this in-service requirement.

Ann Marie's Law requires ISBE to develop and recommend materials. See the discussion in f/n 7, below, on ISBE-recommended materials.

See f/n 1 in sample policy 4:170, *Safety*, for information on the U.S. School Safety Clearinghouse website at: www.schoolsafety.gov.

See sample policy 5:100, *Staff Development Program*, for further discussion of these training requirements.

⁴ Required by 105 ILCS 5/2-3.166(c)(4), amended by P.A. 102-267. For further discussion of 105 ILCS 5/10-22.24b, see f/n 2 in sample policy 6:270, *Guidance and Counseling Program*. This policy adds "for use during the school day and at school-sponsored events" to inform the public about the limitations concerning what schools can realistically provide students and their parent(s)/guardian(s). See the discussion in f/n 3, above, regarding the addition of the word *possibly*.

- e. 7:10, *Equal Educational Opportunities*, and its implementing administrative procedure and exhibit, implementing supports for equal educational opportunities for students who are LGBTQ;
 - f. 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, implementing State law requirements related to students who are in foster care;
 - g. 7:250, *Student Support Services*, implementing the Children's Mental Health Act, 405 ILCS 49/ (requiring protocols for responding to students with social, emotional, or mental health issues that impact learning ability); and
 - h. State and/or federal resources that address emotional or mental health safety plans for students who are possibly at an increased risk for suicide, if available on the ISBE's website pursuant to *Ann Marie's Law*.
4. Methods of responding to a student or staff suicide or suicide attempt. Implementation of this requirement shall incorporate building-level Student Support Committee(s) established through Board policy 7:250, *Student Support Services*.⁵
 5. Reporting procedures. Implementation of this requirement shall incorporate Board policy 6:270, *Guidance and Counseling Program*, and Board policy 7:250, *Student Support Services*, in addition to other State and/or federal resources that address reporting procedures.⁶
 6. A process to incorporate ISBE-recommended resources⁷ on youth suicide awareness and prevention programs, including current contact information for such programs in the District's Suicide and Depression Awareness and Prevention Program.⁸

Illinois Suicide Prevention Strategic Planning Committee

The Superintendent or designee shall attempt to develop a relationship between the District and the Illinois Suicide Prevention Strategic Planning Committee, the Illinois Suicide Prevention Coalition Alliance, and/or a community mental health agency. The purpose of the relationship is to discuss how to incorporate the goals and objectives of the Illinois Suicide Prevention Strategic Plan into the District's Suicide Prevention and Depression Awareness Program.⁹

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

⁵ Required by 105 ILCS 5/2-3.166(c)(5). See 7:250-AP2, *Protocol for Responding to Students with Social, Emotional, or Mental Health Needs* for information about building-level Student Support Committees. When sharing information from therapists and counselors, these committees are required to follow the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/, and the Children's Mental Health Act, 405 ILCS 49/, amended by P.A. 102-899.

⁶ Required by 105 ILCS 5/2-3.166(c)(6).

⁷ 105 ILCS 5/2-3.166(b)(2), directs ISBE to "compile, develop, and post on its publicly accessible Internet website both of the following, which may include materials already publicly available: (A) [r]ecommended guidelines and educational materials for training and professional development, and (B) [r]ecommended resources and age-appropriate educational materials on youth suicide awareness and prevention."

ISBE has created the *Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers, and Staff*, at: www.isbe.net/Documents/Suicide-Prevention-Procedures.pdf, as well as listing other resources at: www.isbe.net/Pages/Suicide-Prevention.aspx.

⁸ Required by 105 ILCS 5/2-3.166(c)(7).

⁹ Optional. The *Illinois Suicide Prevention Strategic Plan* may be found at:

<https://dph.illinois.gov/content/dam/soi/en/web/idph/files/publications/illinoisstrategicplan2020reduced.pdf>. Its goals and objectives reflect the input of public and private organizations and stakeholders that are concerned with mental health. It is designed to reduce suicide through a positive public health approach. See also the Suicide Prevention Resource Center page at <https://sprc.org/> for more information.

Monitoring ¹⁰

The Board will review and update this policy pursuant to *Ann Marie's Law* and Board policy 2:240, *Board Policy Development*.

Information to Staff, Parents/Guardians, and Students

The Superintendent shall inform each school district employee about this policy and ensure its posting on the District's website.¹¹ The Superintendent or designee shall provide a copy of this policy to the parent or legal guardian of each student enrolled in the District.¹² Student identification (ID) cards, the District's website, and student handbooks and planners will contain the support information as required by State law.¹³

Implementation

This policy shall be implemented in a manner consistent with State and federal laws, including the Student Confidential Reporting Act, 5 ILCS 860/, Children's Mental Health Act, 405 ILCS 49/, Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/, and the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

The District, Board, and its staff are protected from liability by the Local Governmental and Governmental Employees Tort Immunity Act. Services provided pursuant to this policy: (1) do not replace the care of a physician licensed to practice medicine in all of its branches or a licensed medical practitioner or professional trained in suicide prevention, assessments and counseling services, (2) are strictly limited to the available resources within the District, (3) do not extend

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

¹⁰ Required by 105 ILCS 5/2-3.166(d).

¹¹ Id. See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. Consult the board attorney about whether a signature is required to prove compliance with the law's specific requirement that *each school district employee* and *each student enrolled in the district* are informed of and/or provided a copy of the policy.

¹² Id. Consult the board attorney about placing the policy in the student handbook instead of and/or in addition to providing a hard copy to each student's parent/guardian. Members of the Ill. Principals Assoc. (IPA) may subscribe to the IPA's Model Student Handbook Service, which are aligned with IASB's policy services. For more information, see: <https://ilprincipals.org/msh/>.

¹³ 105 ILCS 5/10-20.76, added by P.A. 102-134 and renumbered by P.A. 102-813 (district-issued ID cards for students, and information on districts' websites); 105 ILCS 5/10-20.81, added by P.A. 102-416, renumbered by P.A. 102-813, and amended by P.A. 103-143 (districts must insert contact information for the National Suicide Prevention Lifeline, the Crisis Text Line, and the Safe2Help Illinois helpline on student ID cards, and contact information must identify each helpline that may be contacted through text messaging; the same must be included in student handbooks and planners (if a student planner is custom printed by a district or its schools for distribution to students in any of grades 6 through 12)). See f/n 1 in sample administrative procedure 7:290-AP, *Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program*, for further information regarding Safe2Help Illinois.

beyond the school day and/or school-sponsored events, and (4) cannot guarantee or ensure the safety of a student or the student body. ¹⁴

LEGAL REF.: 42 U.S.C. § 12101 et seq., Individuals with Disabilities Education Act.
105 ILCS 5/2-3.166, 105 ILCS 5/2-3.139, 5/3-14.8, 5/10-20.76, 5/10-20.81, 5/10-22.24a, 5/10-22.24b, 5/10-22.39, 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b, 5/27-7.
5 ILCS 860/, Student Confidential Reporting Act.
405 ILCS 49/, Children's Mental Health Act.
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.
745 ILCS 10/, Local Governmental and Governmental Tort Immunity Act.

CROSS REF.: 2:240 (Board Policy Development), 5:100 (Staff Development Program), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:120 (Education of Children with Disabilities), 6:270 (Guidance and Counseling Program), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:250 (Student Support Services)

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

¹⁴ Consult the board attorney for guidance concerning liability in this area. Except for cases of willful and wanton conduct, the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/, likely protects districts from liability for failure to properly identify and/or respond to a student's mental health issue that results in suicide. See 745 ILCS 10/3-108 and *Grant v. Bd. of Trustees of Valley View Sch. Dist. No. 365-U*, 286 Ill.App.3d 642 (3rd Dist. 1997). However, attorneys have concerns that failing to inform parents/guardians that services required under *Ann Marie's Law* are limited may open districts to potential litigation if services provided under the policy fail or are deemed inadequate. Every situation is fact specific and the issues require careful evaluation. A disclaimer, such as the one presented here, may not be sufficient. A district may take several actions, after discussion with its board attorney, to minimize liability, such as adding limiting phrases (see discussions in f/ns 3 & 4) and ensuring other policies are followed. Ultimately, the best way to minimize liability is to be sure that the district's insurance policies cover the training and other requirements under *Ann Marie's Law*.

In addition to the Tort Immunity Act, school officials and districts may also be entitled to qualified immunity in civil rights lawsuits that seek to hold them liable for a suicide. See *Sanford v. Stiles*, 456 F.3d 298 (3d Cir. 2006); *Martin v. Shawano-Gresham Sch. Dist.*, 295 F.3d 701 (7th Cir. 2002); *Armijo v. Wagon Mount Pub. Schs.*, 159 F.3d 1253 (10th Cir. 1998). Yet, recent trends in student-on-student harassment cases are emerging where parents whose children die of suicide allege that a school's failure to properly identify or respond to the child's mental health issues was a contributing cause for the suicide.

In these cases, the parents ask courts to apply *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629 (1999), to *Section 504* cases. Under the *Davis standard*, parents must prove that: (1) their child was an individual with a disability; (2) their child was harassed based upon his or her disability; (3) the harassment was sufficiently severe or pervasive that it altered the condition of the child's education and created an abusive educational environment; (4) the school district knew about the harassment; and (5) the school district was deliberately indifferent to the harassment.

While not precedential in Illinois, several cases illustrate the uncertainty of a school district's liability in the emerging area of suicide prevention liability and/or failure to properly respond to a student's mental health issues and may indicate a trend toward courts allowing juries to determine a district's liability: *Armijo* (denying summary judgment to two individual defendant district employees based on a state-created danger theory and as to all defendant employees based on a special relationship theory); *Estate of Barnwell ex rel. Barnwell v. Watson*, 44 F.Supp.3d 859 (E.D. Ark. 2014) (allowing plaintiff parents to move forward in litigation alleging that school district's *Section 504* failures contributed to their son's suicide, but summary judgment in favor of school district eventually granted); and *Walsh v. Tehachapi Unified Sch. Dist.*, 997 F.Supp.2d 1071 (E.D. Ca. 2014) (denying summary judgment because the school district's conduct may have been the proximate cause of the student suffering an uncontrollable impulse to commit suicide). But see *Estate of Lance v. Lewisville Indep. Sch. Dist.*, 743 F.3d 982 (5th Cir. 2014) (finding in favor of the school district because the claimed special relationship theory and state-created danger theories were not actionable).

Students

Administrative Procedure - Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program

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

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

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

Policy Implementation Components of *Ann Marie's Law*

1. Awareness and Prevention Education Protocols for Students and Staff (105 ILCS 5/2-3.166(c)(2)).
 - a. For students, (i) review policy 6:60, *Curriculum Content* (requiring health education for developing a sound mind and a healthy body); (ii) review policy 7:250, *Student Support Services* (requiring protocols for responding to students with social, emotional, or mental health issues that impact learning ability); (iii) if the District issues identification (ID) cards to its students, insert the contact information for the National Suicide Prevention Lifeline (NSPL), the Crisis Text Line (CTL), and the Safe2Help Illinois helpline¹ on the back of each student ID card and identify each helpline that may be contacted through text messaging (105 ILCS 5/10-20.81, added by P.A. 102-416, renumbered by P.A. 102-813, and amended by P.A. 103-143); and (iv) include NSPL, CTL, and Safe2Help contact information in student handbooks

The footnotes should be removed before the material is used.

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

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

- b. For staff, review policy 5:100, *Staff Development Program*, discussing in-service training and citing required teacher institute training concerning the warning signs of suicidal behavior, and assess incorporating information from the following resources:

Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers and Staff, Module 1: Prevention – Professional Learning Opportunities for Staff and Choosing a Preventative Training Program for Staff, pp. 18-19, available at: www.isbe.net/Pages/Suicide-Prevention.aspx

Preventing Suicide: A Toolkit for High Schools (SAMHSA Toolkit), Chapter 4: Staff Education and Training including Tools, pp. 111 through 123, available at: www.store.samhsa.gov/product/Preventing-Suicide-A-Toolkit-for-High-Schools/SMA12-4669.

2. Methods of Prevention, Early Identification, and Referral (105 ILCS 5/2-3.166(c)(3)).

- a. For staff, review: policy 5:100, *Staff Development Program*, discussing required behavioral training for school personnel; policy 6:60, *Curriculum Content* (see above for description); 7:250, *Student Support Services* (see above for description); and administrative procedure 7:250-AP2, *Protocol for Responding to Students with Social, Emotional, or Mental Health Needs*, establishing Student Support Committees to identify, prevent, and refer students with mental health challenges for services.

- b. For staff, assess incorporating information from the following resources:

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

SAMHSA Toolkit, available at: www.store.samhsa.gov/product/Preventing-Suicide-A-Toolkit-for-High-Schools/SMA12-4669.

Chapter 1: Getting Started pp. 15-22; Tool 1.A, Suicide Prevention: Facts for Schools, p. 24; and Tools 1.D-1.H, pp. 32-51 (includes various youth suicide prevention topics).

Chapter 4: Staff Education and Training including Tools, pp. 111-123.

Chapter 7: Screening, and Resources: Staff Education and Screening including Tools, pp. 157-171.

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

Illinois Suicide Prevention Strategic Plan, available at:

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

Resources for mental health support are available from The Trevor Project at:

www.thetrevorproject.org/resources/article/resources-for-mental-health-support/.

Risk and Protective Factors for Suicide, available at:

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

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

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

Identification of the At-Risk Student

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

- An employee having any reason to believe a student is considering or threatening suicide is to contact the Building Principal and District social worker/counselor.
 - The social worker/counselor or Building Principal will meet with the student.
 - The social worker/counselor will call the student's parent(s)/guardian(s) and arrange a meeting. All calls and meetings with parent(s)/guardian(s) will be documented and a copy of the documentation sent by certified mail to the parent(s)/guardian(s).
 - The social worker/counselor will suggest to the parent(s)/guardian(s) that the State or community mental health agency be contacted. This suggestion shall be a part of the documentation sent to the parent(s)/guardian(s). A student should never be left alone if an employee reasonably believes the student is at imminent risk of suicide. An employee should immediately contact the student's parent(s)/guardian(s).
3. Methods of Intervention; Emotional or Mental Health Safety Plans for At-Risk Students, including those students who suffer from a mental health disorder; suffer from a substance abuse disorder; engage in self-harm or have previously attempted suicide; reside in an out-of-home placement; are experiencing homelessness; are lesbian, gay, bisexual, transgender, or questioning (LGBTQ); are bereaved by suicide; or have a medical condition or certain types of disabilities. 105 ILCS 5/2-3.166(c)(4), amended by P.A. 102-267.
- Review policies 6:65, *Student Social and Emotional Development*, incorporating student social and emotional development into the District's educational program as required by the goals and benchmarks of the Ill. Learning Standards and 405 ILCS 49/15(b); policy 6:270, *Guidance and Counseling Program*, requiring the District to have guidance counseling available to implement the protocols directed in 7:250, *Student Support Services*; and administrative procedure 7:250-AP2, *Protocol for Responding to Students with Social, Emotional, or Mental Health Needs*, requiring protocols for responding to students with social, emotional, or mental health needs that impact learning ability as required by the Children's Mental Health Act, 405 ILCS 49/, amended by P.A. 102-899.

- Train staff pursuant to 105 ILCS 5/10-22.24b, which allows school counseling services to be used for suicide issues and intervention.
- Assess incorporating information from the following resources:

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

SAMHSA Toolkit, available at: www.store.samhsa.gov/product/Preventing-Suicide-A-Toolkit-for-High-Schools/SMA12-4669.

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

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

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

Illinois Suicide Prevention Strategic Plan, available at:

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

Cyberbullying Research Center website at:

<https://cyberbullying.org/>.

U.S. School Safety Clearinghouse website at:

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

4. Methods of Responding to a Suicide Attempt (105 ILCS 5/2-3.166(c)(5)).

- Review policies listed above in number 3.a.
- Assess incorporating information from the following resources:

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

SAMHSA Toolkit, available at: www.store.samhsa.gov/product/Preventing-Suicide-A-Toolkit-for-High-Schools/SMA12-4669.

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

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

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

<https://sprc.org/wp-content/uploads/2022/12/AfteraSuicideToolkitforSchools-3.pdf>.

(some

material adaptable to a suicide attempt)

5. Reporting Procedures (105 ILCS 5/2-3.166(c)(6)).

- a. Review policy 6:270, *Guidance and Counseling Program*, providing a counseling program that the Superintendent may designate as responsible for development of the District's depression awareness and suicide prevention program procedures; policy 7:250, *Student Support Services*, identifying District support services that will be ultimately responsible for properly implementing the reporting procedures; and administrative procedure 7:250-AP2, *Protocol for Responding to Students with Social, Emotional, or Mental Health Needs*, establishing Student Support Committees for purposes of identifying, preventing and referring for services students with mental health needs.

- b. Assess incorporating information from the following resources:

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

SAMHSA Toolkit, available at: www.store.samhsa.gov/product/Preventing-Suicide-A-Toolkit-for-High-Schools/SMA12-4669.

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

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

Documentation Regarding the At-Risk Student

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

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

- d. Provide training for staff regarding identification procedures that the District will implement.

6. Resources and Contact Information (105 ILCS 5/2-3.166(c)(7)).

- a. Illinois suicide prevention organizations and State contacts at:
www.sprc.org/states/illinois:

Jennifer L. Martin, Injury Prevention Coordinator (at time of publication)
Ill. Dept. of Public Health
535 West Jefferson, 2nd Floor
Springfield, IL 62761
Jennifer.L.Martin@illinois.gov
(217) 558-4081

Steve Moore, J.D., Co-Chair, Illinois Suicide Prevention Alliance Board member (at time of publication)
Smooore200400@yahoo.com
(312) 391-8056

- b. Primary implementation resources for 7:290-AP, *Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program*:

ISBE *Suicide Prevention* website, including recommended guidelines and educational materials for training and professional development and ISBE-recommended resources containing age-appropriate educational materials on youth suicide and awareness pursuant to Ann Marie's Law (105 ILCS 5/2-3.166(b)(2)(B)) and the *Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers and Staff*, at:
www.isbe.net/Pages/Suicide-Prevention.aspx.

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

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

Illinois Suicide Prevention Strategic Plan, available at:

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

- c. Other available resources:

American Foundation for Suicide Prevention, Illinois Chapter at:

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

The Ill. Dept. of Human Services (DHS) is required by 20 ILCS 1705/76 to develop an online database of mental health resources geared toward school counselors, parents, and teachers at: www.dhs.state.il.us/page.aspx?item=29751.

DHS is also required by 20 ILCS 1705/76.2, added by P.A. 103-222, eff. 1-1-24, to partner with ISBE to provide technical assistance for the provision of mental

health care during schools days with the goal of increasing the availability and accessibility of mental health resources for students.

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

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

Students

Use of Educational Technologies; Student Data Privacy and Security¹

Educational technologies used in the District shall further the objectives of the District's educational program, as set forth in Board policy 6:10, *Educational Philosophy and Objectives*, align with the curriculum criteria in policy 6:40, *Curriculum Development*, and/or support efficient District operations. The Superintendent shall ensure that the use of educational technologies in the District meets the above criteria.

The District and/or vendors under its control may need to collect and maintain data that personally identifies students in order to use certain educational technologies for the benefit of student learning or District operations.

Federal and State law govern the protection of student data, including school student records and/or covered information.² The sale, rental, lease, or trading of any school student records or covered

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¹ The Student Online Personal Protection Act (SOPPA) (105 ILCS 85/) controls the content of this policy. SOPPA specifically requires boards to adopt a policy for designating which district employees are authorized to enter into agreements with operators (see **Operator Contracts** subhead). SOPPA is the State law that governs how educational technology companies, schools, and the Ill. State Board of Education (ISBE) use and protect covered information of students. The amendments to SOPPA were intended to strengthen protections for online student data, in part by centralizing the vetting and contracting process within schools, and to give parents ready access to information about how their children's data is being used at school. SOPPA does not, however, require a district to obtain parent opt-in or separate consent for the use of online services or applications, nor is such consent required if the operator is acting as a school official pursuant to the delineated exception in the Family Educational Rights and Privacy Act's (FERPA)(20 U.S.C. §1232g) implementing regulations. See 34 C.F.R. §99.3(a). A helpful resource published by the Ill. Council of School Attorneys, *Answers to FAQs Regarding the Student Online Personal Protection Act and Public Schools*, is available to IASB members on IASB's website at: www.iasb.com/policy-services-and-school-law/guidance-and-resources/student-online-personal-protection-act/. Additional SOPPA resources are available through ISBE at: www.isbe.net/Pages/Educational-Technology.aspx.

105 ILCS 5/10-20.74, requires districts to submit to the ISBE an annual report about its educational technology capacity and policies, including device availability for students, school-based access and infrastructure, professional learning and development training opportunities, and documentation of developmentally appropriate computer literacy instruction embedded in the district's curriculum at each grade level. See 2:150-AP, *Superintendent Committees*, at f/n 20, for a list of sample PRESS policies that apply to this submission. See also policy 6:60, *Curriculum Content*, at f/n 26, and 6:300-E2, *State Law Graduation Requirements*, for more information about computer literacy requirements.

² See sample policy 7:340, *Student Records*, and its implementing sample administrative procedure, 7:340-API, *School Student Records*, for requirements addressing school student records under federal and State law. SOPPA does not override or otherwise supersede the requirements of FERPA or the Ill. School Student Records Act (ISSRA) (105 ILCS 10/). 105 ILCS 85/30(9). Additionally, the Children's Online Privacy Protection Act (COPPA)(15 U.S.C. §6501 et seq.; 16 C.F.R. Part 312), requires certain operators of commercial websites and online services to obtain verifiable parental consent before collecting personal information of children under 13. Under certain conditions, operators can rely upon school districts to consent on behalf of parents when the programs being offered are solely for the benefit of students or a district. See www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions at section N for more information.

Covered information is a broader concept than student records and may include information that does not qualify as a student record. However, even if the covered information is not maintained as a student record, it may still qualify as a public record under the Local Records Act (50 ILCS 205/), such that a district would have an obligation to maintain it. Consult the board attorney for guidance on these issues.

information by the District is prohibited.³ Protecting such information is important for legal compliance, District operations, and maintaining the trust of District stakeholders, including parents, students and staff.⁴

Definitions⁵

Covered information means personally identifiable information (PII) or information linked to PII in any media or format that is not publicly available and is any of the following: (1) created by or provided to an operator by a student or the student's parent/guardian in the course of the student's or parent/guardian's use of the operator's site, service or application; (2) created by or provided to an operator by an employee or agent of the District; or (3) gathered by an operator through the operation of its site, service, or application.

Operators are entities (such as educational technology vendors) that operate Internet websites, online services, online applications, or mobile applications that are designed, marketed, and primarily used for K-12 school purposes.⁶

Breach means the unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of covered information maintained by an operator or the District.⁷

Operator Contracts

The Superintendent or designee designates which District employees are authorized to enter into written agreements with operators for those contracts that do not require separate Board approval.⁸ Contracts between the Board and operators shall be entered into in accordance with State law and

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³ 105 ILCS 85/26(1). SOPPA includes a clarification that schools and operators are not prohibited from producing and distributing, free or for consideration, student class photos and yearbooks to the school, students, parents, or others authorized by parents, as long as there is a written agreement between the operator and district. 105 ILCS 85/30(10).

⁴ SOPPA permits, but does not require, districts to designate an appropriate staff person as a Privacy Officer, who may also be an official records custodian under ISSRA, to carry out the duties and responsibilities assigned to schools and to ensure a district's compliance with the requirements of SOPPA. 105 ILCS 85/27(f). For boards that wish to designate a Privacy Officer, add the below sentence to the end of the paragraph. Boards may designate an individual other than the Superintendent to serve in the capacity of Privacy Officer, such as a Business Manager, IT Director, or District Records Custodian.

The Board designates the Superintendent to serve as Privacy Officer, who shall ensure the District complies with the duties and responsibilities required of it under the Student Online Personal Protection Act, 105 ILCS 85/.

⁵ 105 ILCS 85/5. See f/n 3 above for more discussion about *covered information*.

⁶ SOPPA specifically provides that it does not apply to general audience websites, online services, online applications, or mobile applications, even if login credentials are required to access the general audience sites, services, or applications. 105 ILCS 85/30(3). Consult the board attorney for guidance regarding whether certain applications that may be widely used by schools, but which may not have been originally marketed to K-12 (e.g., certain video conference applications), come within the scope of SOPPA.

⁷ Operators must notify districts of a breach of covered information within the most expedient time possible and without reasonable delay, but no later than 30 calendar days after the determination that a breach has occurred. 105 ILCS 85/15(5).

⁸ This statement is required by 105 ILCS 85/27(b). SOPPA provides that any agreement entered into in violation of SOPPA "is void and unenforceable as against public policy." *Id.* SOPPA does not provide for a private right of action against school districts; the Ill. Attorney General has enforcement authority under SOPPA through the Consumer Fraud Deceptive Trade Practices Act. 105 ILCS 85/35.

Board policy 4:60, *Purchases and Contracts*, and shall include any specific provisions required by State law.⁹

Security Standards

The Superintendent or designee shall ensure the District implements and maintains reasonable security procedures and practices that otherwise meet or exceed industry standards designed to protect covered information from unauthorized access, destruction, use, modification, or disclosure.¹⁰ In the event the District receives notice from an operator of a breach or has determined a breach has occurred, the Superintendent or designee shall also ensure that the District provides any breach notifications required by State law.¹¹

LEGAL REF.: 20 U.S.C. §1232g, Family and Educational Rights and Privacy Act; 34 C.F.R. Part 99.
105 ILCS 10/, Ill. School Student Records Act.
105 ILCS 85/, Student Online Personal Protection Act.
23 Ill. Admin. Code Part 380.

CROSS REF.: 4:15 (Identity Protection), 4:60 (Purchases and Contracts), 6:235 (Access to Electronic Networks), 7:340 (Student Records)

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

⁹ SOPPA requires specific provisions be included in a contract with any operator that seeks to receive covered information from a school district. 105 ILCS 85/15(4) and 85/27(g). See 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*, for details.

¹⁰ 105 ILCS 85/27(e). SOPPA does not provide specifics regarding security procedures or practices, nor is there a formal, nationalized standard specific to K-12, but the law does require ISBE to make available on its website guidance for schools pertaining to reasonable security procedures and practices. 105 ILCS 85/28. ISBE has endorsed a security best practices document published by the Learning Technology Center of Illinois (an ISBE grant-funded program) as its guidance that all districts should follow, which is available at: www.isbe.net/Pages/Educational-Technology.aspx (see Reasonable Security Practices dropdown). The Learning Technology Center of Illinois offers cybersecurity training to administrators and educators throughout the State. See www.ltc.org. The U.S. Dept. of Education has also issued multiple guidance documents on security best practices for schools, available at: <https://studentprivacy.ed.gov/security>, and the federal Cybersecurity and Infrastructure Security Agency issued an online toolkit and report, *Protecting Our Future: Partnering to Safeguard K-12 Organizations from Cybersecurity Threats* (Jan. 2023), which includes recommended cybersecurity guidelines for K-12 schools, at: www.cisa.gov/protecting-our-future-cybersecurity-k-12. Additional resources, including *Digital Infrastructure Briefs* (Aug. 2023), are also available at: <https://tech.ed.gov/infrastructure/>.

¹¹ In the event of a breach of covered information of students, SOPPA requires school districts to provide two types of notices: (1) individual notices to the parents of students whose covered information was involved in the breach and (2) a more general notice about the breach on the district's website (or at the district administrative office, if it does not maintain a website) if the breach involved 10% or more of the district's student enrollment. 105 ILCS 85/27(a)(5) & (d). See sample administrative procedure 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*, for details about the required notices.

Students

Administrative Procedure – Use of Educational Technologies; Student Data Privacy and Security

Use this procedure to establish a process for evaluating the use of educational technologies for student learning and/or District operations, and to facilitate compliance with the Student Online Personal Protection Act (SOPPA).

Definitions (105 ILCS 85/5)

Covered information means personally identifiable information (PII) or information linked to PII in any media or format that is not publicly available and is any of the following: (1) created by or provided to an operator by a student or the student's parent/guardian in the course of the student's or parent/guardian's use of the operator's site, service or application; (2) created by or provided to an operator by an employee or agent of the District; or (3) gathered by an operator through the operation of its site, service, or application.

Operators are entities (such as educational technology vendors) that operate Internet websites, online services, online applications, or mobile applications that are designed, marketed, and primarily used for K-12 school purposes.

K-12 school purposes means purposes that are directed by, or that customarily take place at the direction of, a teacher, school, or school district; aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents; or are otherwise for the use and benefit of a school.

Breach means the unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of covered information maintained by an operator or the District.

Parent means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student.

Educational Technologies Evaluation and SOPPA Implementation

| Actor | Action |
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| Superintendent or Designee or Privacy Officer | 1. Establishes an Educational Technology Committee (Ed Tech Committee) to operate as a Superintendent committee for the purposes of: (1) evaluating the use of specific online applications and other educational technologies within the District, (2) establishing a list of applications or other services approved for use within the District, (3) developing a process for the approval of online sites, applications, or services not already approved for District use which staff members may wish to use, and (4) supporting the District's submission of an annual report to the Ill. State Board of Education (ISBE) regarding educational technology capacities and policies. See 2:150-AP, <i>Superintendent Committees</i> . Consider including: Head of Information Technology (IT) Other district-level administrators, such as Curriculum Director, Student Services Director, Business Manager Building Principals |

| Actor | Action |
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| | <p style="text-align: center;">Teachers</p> <p>Note: This procedure establishes an administrative committee. The administrative committee centralizes the local decision-making process regarding the use of educational technologies in a district, which in turn should help districts comply with the provisions of SOPPA governing the use of covered information by operators, contractual requirements, and security standards.</p> <ol style="list-style-type: none"> 2. Informs the School Board of the Ed Tech Committee's progress. 3. Makes recommendations to the Board about operator contracts, as needed and in alignment with Board policy 7:345, <i>Use of Educational Technologies; Student Data Privacy and Security</i>. 4. Designates which District employee(s) are authorized to enter into written agreements with operators when prior board approval of the contract is not otherwise required by Board policy 4:60, <i>Purchases and Contracts</i>, and list them below: <div style="margin-left: 40px;"> <div style="display: flex; justify-content: space-between; width: 100%;"> <div style="border-bottom: 1px solid black; width: 45%;"></div> <div style="border-bottom: 1px solid black; width: 45%;"></div> </div> <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 10px;"> <div style="border-bottom: 1px solid black; width: 45%;"></div> <div style="border-bottom: 1px solid black; width: 45%;"></div> </div> </div> <ol style="list-style-type: none"> 5. Assigns the following activities to the Head of IT and the Records Custodian: <ol style="list-style-type: none"> a. Develop and maintain a protocol to manage parent requests for copies (electronic and paper) of students' covered information. b. Develop and maintain a protocol to manage parent requests for corrections to factual inaccuracies contained in a student's covered information. c. Develop and maintain a protocol to manage parent requests for deletion of a student's covered information maintained by an operator. 6. Ensures that the parent of any student whose covered information was involved in a breach is provided with a breach notification letter no later than 30 calendar days after the District determines a breach has occurred or has been notified by an operator of a breach, unless an appropriate law enforcement agency has requested in writing that the District not provide breach notifications because doing so would interfere with a criminal investigation. See 7:345-AP, E3, <i>Parent Notification Letter for Student Data Breach</i>. 7. As appropriate, notifies the District's liability carrier of any third party claims made against the District regarding a data breach. 8. Consults with the Board Attorney for guidance as needed to ensure the District complies with the provisions of SOPPA. |
| Head of IT or Privacy Officer | <ol style="list-style-type: none"> 1. Implements and maintains reasonable cybersecurity practices to protect covered information, such as technical, administrative, and |

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| | <p>physical safeguards that are consistent with ISBE guidance¹, at: www.isbe.net/Pages/Educational-Technology.aspx and 6:235-API, <i>Acceptable use of the District's Electronic Networks</i>. Coordinates with the Superintendent to implement any staff training on such practices. Coordinates with the Business Manager regarding any recommendations for purchases of equipment or software related to cybersecurity.</p> <p>2. Creates, maintains, and regularly updates an internal inventory of all Internet websites, online services, online applications, and mobile applications that are being used in the District for K-12 purposes. Note: The inventory does not need to include general audience websites, online services, online applications, or mobile applications, even if login credentials are required to access the general audience sites, services, or applications. The inventory list should include the following, and any other information deemed pertinent: ²</p> <ul style="list-style-type: none"> a. Name of Operator b. Contract term and expiration/renewal date c. K-12 purpose for which the online service, application, etc. is being used (e.g., curriculum content area and grade level(s)) d. A listing of the <i>data elements</i>³ of covered information that the District collects, maintains, or discloses to the operator. e. A layperson explanation of the data elements listed for each operator including how the district uses the information, to whom or what entities it discloses the information, and for what purpose(s) the information is used. <p>3. Ensures the following information is posted on the District's website⁴ and updated (if needed) by Jan. 31 and July 31 each year (105 ILCS 85/27(a)) (See 7:345-AP, E1, <i>Student Covered Information Reporting</i></p> |

The footnotes should be removed before the material is used.

¹ 105 ILCS 85/27 required the Ill. State Board of Education (ISBE) to make available on its website a guidance document for schools pertaining to reasonable security procedures and practices. ISBE has endorsed a list of security best practices developed by the Learning Technology Center of Illinois. Included in the guidance is a recommendation that schools have "written incident response plans that define roles of personnel as well as phases of incident handling/management." Having a plan is important so that districts can recover more quickly after a cyber incident, and it may be required by insurers to maintain cyber liability coverage. Sample plans and additional information are available at: www.cisa.gov/sites/default/files/publications/Incident-Response-Plan-Basics_508c.pdf, <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-61r2.pdf>, and www.k12six.org/essentials-series.

² Creating an internal inventory list as an initial step is a best practice to ensure a district complies with the posting requirements in item #3 in this row.

³ The term *data elements* is not defined in the Student Online Personal Protection Act (SOPPA) (105 ILCS 85/). However, compare that term with the requirement in SOPPA that operator contracts include "a listing of the categories or types of covered information to be provided to the operator," which suggests that *data elements* is a term that is different than and distinguishable from categories or types. Consult the board attorney for guidance on the level of detail to include in the posting of data elements.

⁴ This procedure requires a number of postings of specific information be made available on a district's website. For districts that do not maintain a website, replace that text with "Makes the following information available for inspection by the general public at the District's administrative office or on the District's website, if one becomes available."

| Actor | Action |
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| | <p><i>Form</i>):</p> <ol style="list-style-type: none"> a. A list of operators with which the District has written contracts. 105 ILCS 85/27(a)(2). b. Copies of the District's written contracts with operators, with redactions as permitted by State law and mutually agreed upon between the District and operators. 105 ILCS 85/27(a)(2). c. Business address of each operator. 105 ILCS 85/27(a)(2). d. For each operator, a list of any subcontractors to whom covered information may be disclosed or a link to a page on the operator's website that clearly lists that information. 105 ILCS 85/27(a)(3). e. An explanation that is clear and understandable by a layperson, of the following (105 ILCS 85/27(a)(1)): <ol style="list-style-type: none"> i. The <i>data elements</i>⁵ of covered information that the District collects, maintains, or discloses to any person, entity, third party, or governmental agency. ii. To whom or to what entities the covered information is disclosed. iii. How the covered information is used. iv. The purpose of the disclosure of the covered information. f. For breaches involving 10% or more the District's enrolled students, a list of any breaches of covered information maintained by the District or by an operator that includes the following information (105 ILCS 85/27(a)(5)): <ol style="list-style-type: none"> i. The number of students whose covered information was involved in the breach, unless the breach involves the <i>personal information</i> of students, as defined by the Personal Information Protection Act, 815 ILCS 530/5. Personal information means either: <ol style="list-style-type: none"> 1. A student's first name or first initial and last name in combination with any one or more of his or her (a) social security number, (b) driver's license number or State ID card number, (c) financial account information (with any required security codes or passwords), (d) medical information, (e) health insurance information, and/or (f) unique biometric data or other unique physical or digital representation of biometric data, when either the name or data elements are not encrypted or redacted or are encrypted or redacted but the keys to |

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⁵ See f/n 1, above.

| Actor | Action |
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| | <p>unencrypt or unredact or otherwise read the name or data elements have been acquired through the breach of security; or</p> <p>2. A student's username or email address, in combination with a password or security question and answer that would permit access to an online account, when either the username or email address or password or security question and answer are not encrypted or redacted or are encrypted or redacted, but the keys to unencrypt or unredact or otherwise read the data elements have been obtained through the breach of security.</p> <p>g. A written description of the procedures a parent may use to carry out their rights to: (1) inspect and review his/her child's covered information; (2) request electronic or paper copies of his/her child's covered information and (3) request corrections to his/her child's inaccurate covered information under SOPPA. 105 ILCS 85/27(4). See 7:345-AP, E4, <i>Notice of Parent Rights Regarding Student Covered Information</i>.</p> <p>4. Posts on the District's website any new operator contracts within 10 business days of the District entering into the contract, along with the information required in items 3.a. through 3.e. listed immediately above.⁶ 105 ILCS 85/27(c).</p> <p>5. Promptly notifies the Superintendent of any breach of covered information or other personal information of students so that appropriate notices can be provided.</p> |
| Business Manager or Privacy Officer | <p>1. Assists Head of IT in creating, maintaining, and updating the internal inventory list referenced in the row above.</p> <p>2. Reviews operator contracts (including electronic agreements, click wrap agreements, or other terms and conditions a user must agree to before using the product or service) before approval to ensure they contain the provisions required by SOPPA (this can also be accomplished through the Business Manager's participation in the Committee described above).</p> <p>The following provisions are required for contracts entered into, renewed, or amended as of 7-1-21, if the operator is seeking in any manner any covered information from the District (105 ILCS 85/15(4) and 85/27(e)):</p> <p>a. A listing of the categories or types of covered information to be provided to the operator.</p> |

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⁶ SOPPA is silent on the manner in which a district may comply with posting requirements in items 3.a-3.e above, e.g., whether a district complies if it simply posts a contract, if the contract also contains all the required information in some form, or if a district must also separately list each piece of information on its website. Consult the Board attorney for guidance on this specific implementation issue.

| Actor | Action |
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| | <ul style="list-style-type: none"> b. A statement of the product or service being provided to the District by the operator. c. A statement that, pursuant to the federal Family Educational Rights and Privacy Act of 1974 (FERPA), the operator (1) is acting as a school official with a legitimate educational interest, (2) is performing an institutional service or function for which the District would otherwise use employees, (3) is under the direct control of the District, with respect to the use and maintenance of covered information, (4) is using the covered information only for an authorized purpose and (5) may not re-disclose covered information to third parties without the District's permission or pursuant to a court order. d. A description of how, if a breach is attributed to the operator, any costs and expenses incurred by the District in investigating and remediating the breach will be allocated between the operator and District. The costs and expenses may include, but are not limited to: (1) providing notification to parent of those students whose covered information was compromised and to regulatory agencies or other entities as required by law or contract, (2) providing credit monitoring to those students whose covered information was exposed in a manner during the breach that a reasonable person would believe that it could impact his or her credit or financial security, (3) legal fees, audit costs, fines, and any other fees or damages imposed against the school as a result of the security breach; and (4) providing any other notifications or fulfilling any other requirements adopted by the ISBE or of any other State or federal laws e. A statement that the operator must delete or transfer to the school all covered information if the information is no longer needed for the purposes of the written agreement and to specify the time period in which the information must be deleted or transferred once the operator is made aware that the information is no longer needed for the purposes of the written agreement. f. If the District maintains a website, a statement that the District must publish the written agreement on the District's website. If the school does not maintain a website, a statement that the District will make the written agreement available for inspection by the general public at its administrative office. g. A provision requiring the operator to implement and maintain reasonable security procedures and practices that otherwise meet or exceed industry standards designed to protect covered information from unauthorized access, destruction, use, modification, or disclosure. <p>3. As permitted by State law, obtains the operator's agreement regarding</p> |

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| | <p>what provisions, if any, of the contract will be redacted in the copy that is posted on the District's website. Items 2.a, 2.b, and 2.c in the list immediately above may NOT be redacted in the posted copy.</p> <ol style="list-style-type: none"> 4. Ensures that the District also has written agreements in place that include the provisions listed in #2 above whenever it shares, transfers, discloses, or provides access to a student's covered information to an entity or individual, other than the student's parent, school personnel, Board members, or ISBE, unless the disclosure or transfer is (1) required by court or State or federal law or (2) to ensure legal or regulatory compliance. 105 ILCS 85/26(2).⁷ 5. With the authorization of the Superintendent, consults with the Board Attorney as needed for contract review. 6. Provides a copy of all operator contracts to the Head of IT for posting on the District's website. |
| Head of IT and Records Custodian or Privacy Officer | <ol style="list-style-type: none"> 1. Develops and maintains a protocol to manage parent requests to inspect and review their child's covered information, whether it is maintained by the District, ISBE, or an operator. 105 ILCS 85/33(c)(1). If the covered information is a <i>school student record</i>, then follow the procedures and timelines for responding to student record requests in 7:340-AP1, <i>School Student Records</i>. 2. Develops and maintains a protocol to manage parent requests for copies (electronic and paper) of students' covered information. Aligns the protocol with the following requirements (105 ILCS 85/33(c)(2)): <ol style="list-style-type: none"> a. A parent must submit the request on a signed and dated form that includes the parent's name, address, phone number, and the student's name, and the school from which the request is being made. 23 Ill.Admin.Code §380.20(b). See 7:345-AP, E5, <i>Parent Request Form for Student Covered Information</i>. b. The District must provide the parent with a copy of the student's covered information within 45 days of receipt of the request. 23 Ill.Admin.Code §380.20(a). c. If the parent requests an electronic copy of the student's covered information, the District must provide an electronic copy of the information at no cost, unless the District does not maintain it in an electronic format and reproducing the information in an electronic format would be unduly burdensome to the District. 23 Ill.Admin.Code §§380.20(a), 380.30(a). d. If the parent requests a paper copy of the student's covered |

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⁷ Under the Ill. School Student Records Act's implementing regulations, districts are required to transfer the records of a student to another school in which a student has enrolled or intends to enroll upon request of the records custodian of the other school or student, with prior written notice to the parent. 23 Ill.Admin.Code §§375.70, 375.75. It therefore appears that SOPPA does not require a written agreement in such circumstance, to the extent the covered information being shared with another school is part of a student's records being transferred. SOPPA does not address disclosure of covered information to the board attorney. Consult with the board attorney for guidance on this issue.

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| | <p>information, after providing the first 50 pages at no cost, the District may charge the parent the actual cost of copying, not to exceed \$0.15 per page. However, the parent may not be denied a copy of the information due to the parent's inability to pay the cost of copying. 23 Ill.Admin.Code §380.30(b).</p> <ul style="list-style-type: none"> e. A parent may make no more than two requests per student per fiscal quarter. 23 Ill.Admin.Code 380.20(d). f. If the covered information requested includes data on more than one student, the parent may inspect and review only the covered information relevant to the parent's child. g. If the covered information is a <i>school student record</i>, then follow the procedures and timelines for responding to student record requests in 7:340-AP1, <i>School Student Records</i>. <p>3. Develops and maintains a protocol to manage parent requests for corrections to factual inaccuracies contained in a student's covered information. See 7:345-AP, E6, <i>Parent Request Form for Correction of Student Covered Information</i>. Aligns the protocol with the following requirements (105 ILCS 85/33(c)(3)):</p> <ul style="list-style-type: none"> a. The District must determine whether the factual inaccuracy exists. b. If the District determines that a factual inaccuracy exists, and the District maintains or possesses the covered information, it must correct the inaccuracy and confirm the same with the parent within 90 calendar days after receiving the parent's request. c. If the District determines that a factual inaccuracy exists and an operator or ISBE maintains or possesses the information, the District must notify the operator or ISBE of the factual inaccuracy and correction to be made. The operator or ISBE must confirm the correction with the District within 90 calendar days after it receives the District's notice. The District must then confirm the correction with the parent within 10 business days after receiving confirmation of the correction from the operator or ISBE. d. If the covered information is a <i>school student record</i>, and the parent requests a hearing to challenge the accuracy of the record(s), follow the procedures and timelines in 7:340-AP1, <i>School Student Records</i>. <p>4. Develops and maintains a protocol to manage parent requests for deletion of a student's covered information maintained by an operator. Align the protocol with the following requirements:</p> <ul style="list-style-type: none"> a. Deny the request if granting it would result in a violation of the Ill. School Student Records Act or other records laws, such as the deletion of a <i>school student record</i> (temporary or permanent) that the District is required by law to maintain for a certain period of time. 105 ILCS 85/27(g). b. Consider denying the request if granting it would effectively |

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| | result in the student being unable to participate in all or a portion of the District's curriculum through the site, service, or application being used. ⁸ |
| Building Principal(s) or Privacy Officer | <ol style="list-style-type: none"> 1. Ensures that parents are provided with 7:345-AP, E2, <i>Student Data Privacy; Notice to Parents About Educational Technology Vendors</i>, at the beginning of each school year through distribution of school handbooks or other means generally used by the building to provide such notices to parents.⁹ 105 ILCS 85/28(e). 2. Promptly communicates any parent requests for copies of, corrections to, or deletion of students' covered information to the Records Custodian and Head of IT. |
| Staff Members | <ol style="list-style-type: none"> 1. Participate in any District-required trainings on the privacy and security of student data. 2. Refrain from using any new online sites, services, or applications that collect any student data or covered information that have not be pre-approved for use by the District. 3. Be familiar with and abide by policy 6:235, <i>Access to Electronic Networks</i>, and 6:235-AP1, <i>Acceptable Use of the District's Electronic Networks</i>. |
| <p>K-12 Data Privacy and Cybersecurity Resources:</p> <p>www.isbe.net/Pages/Educational-Technology.aspx https://studentprivacy.ed.gov/ https://tech.ed.gov/infrastructure/ www.ltcillinois.org/focus/data-privacy/ www.cisa.gov/protecting-our-future-cybersecurity-k-12 www.studentprivacycompass.org www.k12six.org/ www.cosn.org/edtech-topics/student-data-privacy/</p> <p>Attai, Linnette. <i>Student Data Privacy: Building a School Compliance Program</i>. (Rowman & Littlefield, 2018).</p> | |

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⁸ 105 ILCS 85/27(g) does not list this item as an exception to a parent request for deletion; however, it is included to help districts manage a potentially common scenario.

⁹ Members of the Ill. Principals Association (IPA) may subscribe to the IPA's Model Student Handbook Service, which is aligned with IASB's policy services. For more information, see www.ilprincipals.org/msh/.

Community Relations

Visitors to and Conduct on School Property ¹

The following definitions apply to this policy:

School property - District and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. ²

Visitor - Any person other than an enrolled student or District employee.

All visitors to school property are required to report to the Building Principal's office and receive permission to remain on school property. All visitors must sign a visitors' log, show identification, and wear a visitor's badge. When leaving the school, visitors must return their badge. On those occasions when large groups of parents/guardians, friends, and/or community members are invited onto school property or when community members are attending Board meetings, visitors are not required to sign in but must follow school officials' instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution. ³

Except as provided in the next paragraph, any person wishing to confer with a staff member should contact that staff member to make an appointment. Conferences with teachers are held, to the extent possible, outside school hours or during the teacher's conference/preparation period.

Requests to access a school building, facility, and/or educational program, or to interview personnel or a student for purposes of assessing the student's special education needs, should be made at the

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

¹ State or federal law controls this policy's content. Boards may make and enforce reasonable rules of conduct and sportsmanship for school events and deny future admission to school events to violators for up to one year provided a notice and hearing are given. 105 ILCS 5/24-24. See ¶n 20 below.

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

² School-sponsored or school-sanctioned events or activities aligns with the text of 105 ILCS 5/27-23.7(a).

³ This paragraph is up to the local board's discretion. Many public school buildings were built before school security was the concern it is now. A first step in creating a secure environment is to manage access to school buildings. Along with limiting the entrances that may be used, school officials should post signs with instructions for visitors and a warning to trespassers. Signs may be as simple as "Visitors Must Report to Office" and "No Trespassing – Violators will be Prosecuted." Applicable criminal trespass laws include: 720 ILCS 5/21-1 (criminal damage to property); 5/21-1.2 (institutional vandalism); 5/21-3 (criminal trespass to real property); 5/21-5 (criminal trespass to State supported land); 5/21-5.5 (criminal trespass to a safe school zone); 5/21-9 (criminal trespass to a place of public amusement); 5/21-11 (distributing or delivering written or printed solicitation on school property). This sample policy identifies board members as visitors.

The following optional provisions must be modified according to local conditions:

Option 1: The Superintendent or designee may post certain school facilities for the community's use on non-school days when they are not being used for school purposes.

Option 2: The Superintendent or designee shall manage a program to allow community use of the following facilities on non-school days, during the daylight, provided they are not being used for school purposes: tennis courts, playground, and track.

appropriate building. Access shall be facilitated according to guidelines from the Superintendent or designee. ⁴

The School District expects mutual respect, civility, and orderly conduct among all people on school property or at a school event. No person on school property or at a school event (including visitors, students, and employees) shall perform any of the following acts:

1. Strike, injure, threaten, harass, or intimidate a staff member, Board member, sports official or coach, or any other person. ⁵
2. Behave in an unsportsmanlike manner, or use vulgar or obscene language.
3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device. ⁶
4. Damage or threaten to damage another's property. ⁷
5. Damage or deface school property. ⁸
6. Violate any Illinois law,⁹ or town or county ordinance.
7. Smoke or otherwise use tobacco products. ¹⁰
8. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug. ¹¹

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⁴ 105 ILCS 5/14-8.02(g-5). See sample administrative procedure 6:120-AP2, *Access to Classrooms and Personnel*, and sample exhibit 6:120-AP2, E1, *Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes*.

⁵ See e.g., 720 ILCS 5/12-2 (aggravated assault); 5/12-2(b)(9) (aggravated assault against a sports official or coach); 5/12-3.05(c) (aggravated battery on public property); 5/12-3.05(d)(3) (aggravated battery against a school employee); 5/12-9 (threats to public officials); 5/24-1.2 (discharge of a firearm).

⁶ With one exception, a license to carry a firearm does not permit an individual to carry a concealed firearm on or into any building, real property, and/or parking area under the control of an elementary or secondary school, or any bus paid for in whole or part with public funds. 430 ILCS 66/65(a). The following optional provision adds that exception, which is a restatement of 430 ILCS 66/65(b), to the text in number 3:

An individual licensed to carry a concealed firearm under the Illinois Firearm Concealed Carry Act is permitted to: (a) carry a concealed firearm within a vehicle into a parking area controlled by a school or the District and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area, and/or (b) carry a concealed firearm in the immediate area surrounding his or her vehicle in a parking area controlled by a school or the District for the limited purpose of storing or retrieving a firearm within the vehicle's trunk.

Other relevant weapons laws include 705 ILCS 405/5-407 (juvenile in possession of a firearm), 720 ILCS 5/24-9 (firearms; child protection); 720 ILCS 5/24-1(c) (unlawful use of weapons in schools); 720 ILCS 5/24-1.2, 5/24-3 (discharge of firearm and unlawful delivery or sale of a firearm near school); 705 ILCS 405/5-130, 405/5-805 (minor 15 years or older who commits aggravated battery with a firearm at school is tried as an adult).

⁷ See e.g., 720 ILCS 5/2-19.5 (definition of school), 5/16-1 (theft), 5/18-1 (robbery; aggravated robbery), 5/19-1 (burglary), and 21-1 (criminal damage to property).

⁸ See e.g., 720 ILCS 5/21-1.01 (criminal damage to government supported property), 21-1.2 (institutional vandalism), and 21-1.3 (criminal defacement of property).

⁹ See e.g., 720 ILCS 5/11-9.3 (presence within school zone by child sex offenders prohibited), 5/11-14 (prostitution), and 5/11-18 (patronizing a prostitute); 720 ILCS 5/21-11 (soliciting students to commit illegal acts).

¹⁰ Required by 105 ILCS 5/10-20.5b and 410 ILCS 82/1 *et seq.* Federal law prohibits smoking inside schools (20 U.S.C. §7973); districts failing to comply with the federal no-smoking ban risk a civil penalty of up to \$1000 per violation per day.

9. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectible, regardless of when and/or where the use occurred. ¹²
10. Use or possess medical cannabis, unless he or she has complied with policy 7:270, *Administering Medicines to Students*, implementing *Ashley's Law*. ¹³
11. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner). ¹⁴
12. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Board.
13. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized District employee's directive. ¹⁵
14. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding. ¹⁶
15. Violate other District policies or regulations, or a directive from an authorized security officer or District employee.
16. Engage in any conduct that interferes with, disrupts, or adversely affects the District or a School function.

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¹¹ See 720 ILCS 570/407 (delivery of controlled substance on or within 1000 feet of a school) and 410 ILCS 705/ (Cannabis Regulation and Tax Act). See also the discussion in f/n 5 and 6 of sample policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*; this statement must be consistent with employee working conditions and employee conduct standards (see sample administrative procedure 5:120-AP2, *Employee Conduct Standards*).

¹² Each board and superintendent may want to engage in a conversation regarding how the district might partner with local law enforcement to enforce this policy and the penalties available under the Cannabis Regulation and Tax Act, e.g., posting signs barring community members from bringing in weapons, alcohol, cannabis, tobacco, etc. Signage reminding visitors of the policy may make it easier for staff and/or local law enforcement to enforce.

¹³ Managing cannabis on district property and the school setting presents many unsettled and complex legal issues. To legally use medical cannabis in Illinois, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)). 410 ILCS 130/. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis, including (a) in a school bus, (b) on the grounds of any preschool or primary or secondary school, or (c) in close physical proximity to anyone under the age of 18 years of age. 410 ILCS 130/30(a)(2), (3), and (4). However, *Ashley's Law*, 105 ILCS 5/22-33(b) and (g), allows *designated caregivers* to administer medical cannabis infused products to students who are *registered qualifying patients* at school or on the school bus, and requires school boards to adopt a policy to implement the law unless the district would lose federal funding. See sample policy 7:270, *Administering Medicines to Students* and its f/n 21.

Remember that *Ashley's Law* requires the designated caregiver to remove the product from the school premises or the school bus after administering it to the student, so as a result, policy 7:270, *Administering Medicines to Students*, requires immediate removal of medical cannabis infused products after administering them to the student (see f/n 26 of that policy for further discussions).

¹⁴ See e.g., 720 ILCS 5/21.2-1 *et seq.* (interference with a public institution of education).

¹⁵ See e.g., 625 ILCS 5/11-605 (special speed limit zones). 625 ILCS 5/12-610.1(e) prohibits wireless telephone use while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes. 625 ILCS 5/12-803(f), added by P.A. 103-404, prohibits motor vehicle drivers from making contact with any portion of a stopped school bus or making contact with a school child within 30 feet of the school bus.

¹⁶ The pivotal question in a negligence case is whether the defendant acted reasonably. A ban on roller-blading demonstrates that the district took reasonable steps to reduce the risk of injury.

Convicted Child Sex Offender ¹⁷

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender is:

1. A parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or
2. Has permission to be present from the Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Superintendent, or designee who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity.

Exclusive Bargaining Representative Agent ¹⁸

Upon notifying the Building Principal's office, authorized agents of an exclusive bargaining representative will be provided reasonable access to employees in the bargaining unit they represent in accordance with State law. Such access shall be conducted in a manner that will not impede the normal operations of the District.

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¹⁷ 720 ILCS 5/11-9.3(a). The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child's vicinity. See also the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*); Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75 - 154/105); sample policy 4:170, *Safety*; and sample administrative procedure 4:175-API, *Criminal Offender Notification Laws; Screening*.

¹⁸ 105 ILCS 5/24-25; 115 ILCS 5/3(c). If a provision contained in a collective bargaining agreement addresses this issue, it will supersede this policy for those covered employees. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement." For employees whose collective bargaining agreement does not address this subject, the policy should reflect the board's current practice. Consult the board attorney about this subhead. It is an item on which collective bargaining may be required. Any policy that impacts wages, hours, or terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Amend the language to reflect what is recommended by the board attorney.

The School Code permits bargaining representatives to meet with employees during *duty-free time* upon notice to the school office. The Ill. Educational Labor Relations Act expanded the rights of access by bargaining representatives to also include meeting with employees during the employee work day if the meeting: (1) is to investigate and discuss grievances and workplace-related complaints (no time limit is specified) or (2) is with a newly hired employee within the first two weeks of employment (or on a later date if mutually agreed upon by the employee and bargaining representative) for one hour or less. In those circumstances, the district may not dock employee pay or charge leave time. 115 ILCS 5/3(c). However, the access must be *reasonable* and "shall at all times be conducted in a manner so as not to impede normal operations." *Id.* Consult the board attorney for guidance regarding specific requests and whether, if granted, they would impede normal operations, e.g., requests for access to staff while they are performing instructional or supervisory duties. Determining whether normal operations are impeded will likely depend upon the position and duties of the employee in the district.

Enforcement

Any staff member may request identification from any person on school property; refusal to provide such information is a criminal act.¹⁹ The Building Principal or designee shall seek the immediate removal of any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from or denied admission to school property in accordance with State law.²⁰ The person also may be subject to being denied admission to school athletic or extracurricular events for up to one calendar year in accordance with the procedures below.²¹

Procedures to Deny Future Admission to Athletic or Extracurricular School Events

Before any person may be denied admission to athletic or extracurricular school events, the person has a right to a hearing before the Board. The Superintendent may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a hearing notice, delivered or sent by certified mail with return receipt requested, at least ten days before the Board hearing date. The hearing notice must contain:²²

1. The date, time, and place of the Board hearing;
2. A description of the prohibited conduct;
3. The proposed time period that admission to school events will be denied; and

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¹⁹ 105 ILCS 5/24-25. Refusal to provide such information is a Class A misdemeanor.

²⁰ 105 ILCS 5/10-20.5 (rules), 5/10-22.10 (control and supervision of school houses and school grounds); 720 ILCS 5/21-3 (criminal trespass to real property), 5/21-5 (criminal trespass to State supported land), 5/21-5.5 (criminal trespass to a safe school zone). See f/n 3, above.

²¹ See *Nuding v. Cerro Gordo Comm. Unit Sch. Dist.*, 313 Ill. App.3d 344 (4th Dist. 2000) (board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24 and to enforce conduct rules at its meetings by 105 ILCS 5/10-20.5; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting); *Jordan ex rel. Edwards v. O'Fallon Tp. High Sch. Dist.*, 302 Ill.App.3d 1070 (5th Dist. 1999) (105 ILCS 5/24-24 did not give a high school athlete the right, under the due process clause, to a notice and hearing before he could be suspended from participating in interscholastic athletics; the statute expands the schools' authority to ban people from attending school events for breaching conduct and sportsmanship code).

²² 105 ILCS 5/24-24. If a violator is a student, the hearing should be held in a closed meeting. 5 ILCS 120/2(c)(9). Otherwise, a hearing regarding denial of admission to *school events or property* pursuant to 105 ILCS 5/24-24 may take place in an open meeting or in a closed meeting so long as the board prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4.5), added by P.A. 103-311. Note: while 5 ILCS 120/2(c)(4.5), added by P.A. 103-311, refers to *school events or property*, 105 ILCS 5/24-24 only authorizes boards to deny admission to athletic and extracurricular *events*. The term *events* is arguably broader than *property* as school events may take place offsite; consult the board attorney for guidance.

Some boards prefer an open meeting hearing to make it publicly known what alleged conduct could result in someone being denied admission to athletic or extracurricular events, while others prefer a closed meeting hearing so as not to provide a public platform to someone alleged to have engaged in prohibited conduct. Consult the board attorney to determine the best approach for the district and to ensure alignment with local practices and conditions.

This text aligns with 105 ILCS 5/24-24 and only requires a hearing for denying admission to *school events*. The court in *Nuding* (see f/n 20, above) did not specifically answer whether a board meeting qualified as a *school event* under 105 ILCS 5/24-24, but it upheld the board's right to enforce conduct rules at its meetings under 105 ILCS 5/10-20.5.

Consult the board attorney if the district would like to deny an individual admission to board meetings. This issue involves a balancing of a board's interest in the orderly transaction of its public business and the efficiency of its meetings against an individual's: (a) statutory rights to attend meetings and/or comment to and ask questions of the board (105 ILCS 5/10-16 and 5 ILCS 120/2.06(g)), and (b) constitutional freedoms and rights of speech, the press, assembly, and to petition the government (U.S. Constitution, First Amendment and Ill. Constitution, Art. I, §§ 1, 2, 4, and 5).

4. Instructions on how to waive a hearing.²³

- LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000).
20 U.S.C. §7971 et seq., Pro-Children Act of 2001.
105 ILCS 5/10-20.5, 10-20.5b, 5/10-22.10, 5/22-33, 5/24-25, and 5/27-23.7(a).
115 ILCS 5/3(c), Ill. Educational Labor Relations Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
410 ILCS 705/, Cannabis Tax and Regulation Act.
430 ILCS 66/, Firearm Concealed Carry Act.
720 ILCS 5/11-9.3, 5/21-1, 5/21-1.2, 5/21-3, 5/21-5, 5/21-5.5, 5/21-9, and 5/21-11.
- CROSS REF.: 2:200 (Types of School Board Meetings), 2:230 (Public Participation at School Board Meetings and Petitions to the Board), 4:170 (Safety), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Behavior), 7:270 (Administering Medicines to Students), 8:20 (Community Use of School Facilities)

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²³ The hearing requirement is for the violator's benefit and, consequently, the violator should be able to waive it.