

Moline, Illinois

## **Notice of Meeting**

Members of the Board of Education

Ladies and Gentlemen:

You are hereby notified that there will be a Regular of the Board of Education, School District No. 40, at 6:00 PM, on Monday, July 28, 2025, at the Moline Education Center, 1900 52nd Avenue, Moline, Illinois 61265.

Dr. Brian Prybil  
Secretary, Board of Education

### **AGENDA AND RECOMMENDATIONS**

Board of Education  
Moline, Illinois  
Monday, July 28, 2025

Join from a device:

<https://us02web.zoom.us/j/83352632423?pwd=xjgDEbgB5WS5YSZDuuigulZQfPFrAm.1>  
Passcode:691920

#### **1. Opening of Meeting - Roll Call**

A. Approval of any Board of Education Member Participating Remotely

#### **2. Recitation of Pledge of Allegiance**

#### **3. Moline Police Department and the Moline-Coal Valley School District No. 40 Safety Partnership Opportunity Presentation - Dr. Savage and Chief Gault**

#### **4. Approval of Minutes**

A. Minutes of the Open Session of the Regular Board of Education meeting of June 23, 2025

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Moline, Illinois, June 23, 2025  
Minutes  
Board of Education  
School District No. 40

The meeting of the Board of Education was called to order by Board President Chet DeSmet at 6:00 p.m. at the Moline Education Center 1900 52nd Avenue, Moline, IL 61265.

### **Roll Call**

Members Present: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Lindsey Hines, Geoff Manis, Laura Sivertsen

Member Absent: None

Student Member Present: None

Student Member Absent: Abigail Greenlee

The Board of Education Members led those in attendance in reciting the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

The minutes of the Open Session of the Regular Board of Education Meeting of May 27, 2025 were presented for approval as presented.

A motion was made by Audrey Adamson, seconded by Lindsey Hines, all in favor, that the minutes of the Open Session of the Regular Board of Education meeting of May 27, 2025 be approved as presented and placed on file.

The minutes of the Closed Session of the Regular Board of Education Meeting on May 27, 2025 were presented for approval as presented.

A motion was made by Geoff Manis, seconded by Laura Sivertsen, all in favor, that the minutes of the Closed Session of the Regular Board of Education meeting of May 27, 2025 be approved as presented and placed on file.

### **COMMUNICATION, PUBLIC COMMENT AND PARTICIPATION**

Jennifer Serieyssol-Moyer, a parent, advocate and former school nurse, spoke at the meeting advocating for better compensation for school nurses. Ms. Serieyssol-Moyer highlighted the critical role nurses play in the health and safety of students, including providing medical care, crisis management, and support for families.

### **SINGLE BID OPENING**

Transportation Services - Mr. Vince Gallo, Chief Financial Officer, requested the Board of Education to allow him to open the transportation services bid since they only received one response.

### **PUBLIC HEARING PROPOSED 2025-2026 SCHOOL DISTRICT BUDGET**

Open Hearing - Board President Chet DeSmet opened the hearing at 6:05 p.m.

Mr. Gallo presented the FY26 Budget Summary that is requested by school code to be shared before a public hearing; this summary shows each beginning fund balance comparing revenue and expenditures, and then shows the ending fund balances.

Public Comment - Hearing no public comment

Close Hearing - Board President Chet DeSmet closed the hearing at 6:08 p.m.

### **CONSENT AGENDA**

-The Board of Education considered Consent Agenda Items **A** through **I**, **J2** through **R** and **T** through **OO** as presented:

A motion was made by Lindey Hines, seconded by Jason Farrell, that the Board of Education approve the actions contained in Consent Agenda Items A through I, J2 through R and T through OO as presented.

#### **A. Employment – Certified Staff**

- 1) the regular employment of the following named certified staff members for the 2025-2026 school year with wages in accordance with District schedules:

Alongi, Jennifer

ML Specialist, Washington Elementary  
M.A. Degree, Western Illinois University  
To serve on a regular contract basis  
Thirty-five years previous experience

Bolden, Aaron

Music, Logan and Butterworth Elementary  
M.A. Degree, Northern Illinois University  
To teach on a temporary contract basis  
Twenty years previous experience

Fritz, Shelby

Life Skills, Bicentennial Elementary  
M.A. Degree, Western Illinois University  
To teach on a regular contract basis  
Two years previous teaching experience

Stone Gallagher, Lillie

Counselor, High School  
M.A. Degree, Western Illinois University  
To serve on a regular contract basis  
Eleven years previous experience

Stroup, Carin

Grade 3 Dual Language, Lincoln-Irving Elementary  
M.A. Degree, Grand Canyon University

To teach on a regular contract basis  
Sixteen years previous teaching experience

- 2) the temporary employment of the following named certified substitute teachers for the 2025-2026 school year with wages according to District schedules:

Porter, Max  
Young, Emily

- 3) the temporary employment of the following named Certified Hourly Instructors for the 2025-2026 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Location</u>
Anderson, Adrienne	Willard
Baker, Kimberly	Seton
Claude, Matthew	Washington
Crawford, Amy	Hamilton
DeRoo, Janice	Hamilton
Do, Brian	Franklin/Willard
Fairbairn, Mattie Shirley	Franklin
Fischer, Jessica	Bicentennial
Haines, Karen	Jane Addams
Hull, Elneta	Logan
Hull, Emily	Butterworth
Larvenz, Casandra	Roosevelt
Luebbers, Jennifer	Willard
Mosley, Elizabeth	Roosevelt
Murphy, Cynthia	Hamilton
Nelson, Christine	Lincoln-Irving
Papish, Michelle	Jane Addams
Peralta-Gonzalez, Luis	Lincoln-Irving
Steele, Patricia	Logan
Stuedemann, Erin	Logan
Tiry, Michael	High School
VanDaele, Denise	High School

**B. Salary Reclassification - Certified Staff**

a change in salary classification for the following certified staff effective at the beginning of the 2025-2026 school year:

McCollum, Timothy from B.A. to B.A. +15  
Perea-Vyncke, Patricia from B.A. +15 to M.A.

**C. Approval of Appointment to Position of Dean of Students at Wilson Middle School**

that the Board of Education approve the appointment of Jamie Trost to the position of Dean of Students at Wilson Middle School, effective for the 2025-2026 school year.

**D. Summer Employment – Certified Staff**

- 1) the employment of the following named certified staff members for the Extended School Year Special Education Summer Learning Program with wages as determined in accordance with established rates of pay:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Anderson, Adrienne	Certified Hourly Instructor	Hamilton
Anderson, Stacey	Teacher	Hamilton
Claude, Matthew	Certified Hourly Instructor	Washington
Claude, Rachael	Teacher	Jane Addams
Larson, Jessica	Teacher	Jane Addams
Reiff, Kendra	Substitute Teacher	Hamilton/High School
Ulam, Jennifer	Teacher	Hamilton

- 2) the employment of the following named substitute personnel for the Extended School Year Summer Learning Program with wages as determined in accordance with established rates of pay:

<u>Name</u>	<u>Position</u>
Agent, Jadelyn	Substitute Teacher

**E. 2025-2026 Administrator Assignments**

that the Board of Education approve the 2025-2026 administrator assignments as contained in **See Exhibit A in the official minutes.**

**F. Resignation for the Purpose of Retirement - Certified Staff**

the resignation for the purpose of retirement of the following named certified staff member, effective at the end of the 2028-2029 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Pfaff, Wendy	High School	Math

**G. Resignation/Termination - Certified Staff**

the resignation/termination of the following named certified staff members:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Carlin, Sarah	ELA	John Deere
Lewis, Gabrielle	Vocal Music	Hamilton

**H. Resignation from Differential Assignment - Certified Staff**

the resignation from differential assignment of the following named certified staff member:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Finneran, Shannon	Interact Club Adviser	High School

**I. Approval of Family Medical Leave Act – Certified Staff**

that the Board of Education grant approval of a family medical leave for the following certified staff member:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Putnam, McKayla	Math	Wilson	Beginning tentatively 09/25/25 and not to exceed 60 days

**J. Employment – Education Support Professionals**

2) the temporary employment of the following named education support professional for the 2025-2026 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Schaefer, Michelle	Elementary Building Supervisor	Butterworth	08/13/25

3) the temporary employment of the following named substitute education support professionals for the 2025-2026 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>
Phillips, Shirley	Lunchroom Aide	08/15/25
Ramirez, Marcy	Lunchroom Aide	08/15/25
Rangel, Maria	Custodian	06/24/25

**K. Transfer/Reassignment**

1) the transfer of Tyler Hahn from 1st Shift Custodial position at Lincoln-Irving Elementary to the 1st Shift Custodial position at Roosevelt Elementary, effective August 1, 2025.

2) the transfer of Richard Rea from 2nd Shift Custodial position at Wilson Middle School to the 1st Shift Custodial position at Lincoln-Irving Elementary, effective August 1, 2025.

3) the transfer of Taylor Hannah from 2nd Shift 1st floor Custodial position at Wilson Middle School to the 2nd Shift 2nd floor position at Wilson Middle School, effective August 1, 2025.

**L. Summer Employment - Education Support Professionals**

the employment of the following named education support professionals for the Extended School Year Special Education Summer Learning Program with wages as determined in accordance with established rates of pay:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Braud, David	Paraprofessional	Hamilton
Reiff, Kendra	Paraprofessional	Hamilton/High School

**M. Resignation/Termination - Education Support Professionals**

the resignation/termination from employment of the following named education support professionals:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Chaudhary, Amitaben	Lunchroom Aide	Jefferson	05/29/25
Davis, Alice	Parent Coordinator	Jefferson	06/13/25
DePrez, Rebecca	Lunchroom Aide	Logan	05/29/25
Evans, Mary Ann	Lunchroom Aide	Roosevelt	06/11/25
Hotchkiss, Emily	Lunchroom Aide	Franklin	05/20/25
Urban, Lisa	Reading/Math Interventionist	Washington	05/30/25
Wiborg, Jane	Special Ed Paraprofessional	Roosevelt	05/30/25

**N. Appointment to Differential Assignment - Non-Certified Staff**

the temporary appointment of the following named non-certified staff members to differential assignment, effective for the 2025-2026 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Geever, Miranda	Assistant Varsity Girls Basketball	High School
McCoy, George	Varsity Boys Bowling	High School
Parkins, David	Assistant Grade 7 Football	John Deere
Phelps, Jacqueline	Assistant Sophomore Girls Basketball	High School

**O. Payments for Board Approval**

approval of payments:

Fund 1 Educational	2,269,288.12
Fund 2 Operations & Maintenance	833,823.18
Fund 3 Debt Service	0.00
Fund 4 Transportation	186,573.37
Fund 5 Retirement	0.00
Fund 6 Capital Projects	153,326.06
Fund 7 Working Cash	0.00
Fund 8 Tort Fund	13,207.27
Fund 9 Life Safety Code	114,220.11

Fund 10 Group Insurance	56,910.55
Fund 11 Student Activity	<u>98,079.08</u>
TOTAL	3,725,427.74

**See Exhibit B in the official minutes.**

**P. Freedom of Information Act Requests**

- 1) A Freedom of Information Act request was received from the Indiana-Illinois-Iowa Foundation for Fair Contracting for any Request for Qualifications (RFQ) posted for the Browning Field/Shiplely tract project, administrative procedures concerning procurement of construction services and technical services that were in place from January 1, 2024 to May 22, 2025, and all interview notes and scoring rubrics used for evaluation and selection of construction services (including architectural, engineering, and construction management services) for the last five years to May 22, 2025. The District has responded to this request.
- 2) A Freedom of Information Act request was received from Records Retrieval Solutions for all purchase orders issued by the Moline-Coal Valley School District 40 from January 1, 2020, through March 31, 2025, across all departments. The District has responded to this request.
- 3) A Freedom of Information Act request was received from Califf Harper for the School District's grading criteria used to evaluate contractors for past construction projects; 2. The School District's ordinance or rules regarding bids for construction work; 3. The School District's ordinance or files governing the evaluation process for contractors that submitted a bid for the Moline Schools 2025 Improvements Project; 4. Copies of responses given to the School District from the five (5) references Valley Commercial Construction submitted with regard to the Moline Schools 2025 Improvements Project; 5. Any and all notices "to cure", emails, text messages or other correspondence sent to Valley Commercial Construction regarding performance issues relating to the Welding Lab Project; 6. Copies of the letter from the Orion School District to the School District referenced during the meeting with Valley Commercial Construction on May 12, 2025 at Legat Architects in Moline; 7. Copies of any and all emails, text messages and phone records between Builders Sales and Service (Moline) and any and all School District officials between February 1, 2025 and May 14, 2025; and 8. Copies of any and all emails, text messages and phone records between any School District officials in reference to Valley Commercial Construction or Valley Construction Co. between February 1, 2025 and May 14, 2025. The District has responded to this request.
- 4) A Freedom of Information Act request was received from Califf Harper for any and all communications (of any format) between Moline School District and Legat Engineering regarding Valley Commercial Construction and Valley Construction from October 1, 2024 to June 6, 2025. The District has responded to this request.

**Q. Facility Usage Request Recommended for Approval Subject to Compliance with Board of Education Policy 8:20**

- 1) Coolidge gymnasium beginning October 6, 2025 through March 19, 2026 from 5:30 p.m. until 9:00 p.m. on Mondays through Thursdays by the Moline Girls Basketball

- Association (MGBA). Building rental fees are to be waived. Compensation to be received only for custodial services required as a result of their program in the amount of \$54 per hour.
- 2) Hamilton Elementary gymnasium beginning October 6, 2025 through March 18, 2026 from 5:30 p.m. until 9:00 p.m. on Mondays and Wednesdays by the Moline Girls Basketball Association (MGBA). Building rental fees are to be waived. Compensation to be received only for custodial services required as a result of their program in the amount of \$54 per hour.
  - 3) Bicentennial Elementary gymnasium beginning October 7, 2025 through March 19, 2026 from 5:30 p.m. until 9:00 p.m. on Tuesdays and Thursdays by the Moline Girls Basketball Association (MGBA). Building rental fees are to be waived. Compensation to be received only for custodial services required as a result of their program in the amount of \$54 per hour.
  - 4) Roosevelt Elementary gymnasium beginning October 6, 2025 through March 19, 2026 from 5:30 p.m. until 9:00 p.m. on Mondays through Thursdays by the Moline Girls Basketball Association (MGBA). Building rental fees are to be waived. Compensation to be received only for custodial services required as a result of their program in the amount of \$54 per hour.
  - 5) Lincoln-Irving Elementary gymnasium beginning October 6, 2025 through March 19, 2026 from 5:30 p.m. until 9:00 p.m. on Tuesdays and Thursdays by the Moline Girls Basketball Association (MGBA). Building rental fees are to be waived. Compensation to be received only for custodial services required as a result of their program in the amount of \$54 per hour.
  - 6) John Deere Middle School gymnasium beginning September 29, 2025 through December 31, 2026 from 6:30 p.m. until 9:00 p.m. on Mondays through Thursdays by the Moline Girls Basketball Association (MGBA). Building rental fees are to be waived. Compensation to be received only for custodial services required as a result of their program in the amount of \$54 per hour.
  - 7) Wilson Middle School gymnasium beginning September 29, 2025 through December 31, 2026 from 6:30 p.m. until 9:00 p.m. on Mondays through Thursdays by the Moline Girls Basketball Association (MGBA). Building rental fees are to be waived. Compensation to be received only for custodial services required as a result of their program in the amount of \$54 per hour.
  - 8) Bicentennial Elementary parking lot by Robert R. Jones Library on Saturday, June 21, 2025 from 10:00 a.m. until noon for Under the Helmet: Motorcycle Awareness and Stop the Bleed Program. Rental fees are to be waived.
  - 9) Bicentennial Elementary parking lot by Robert R. Jones Library on Monday, July 28, 2025 and Tuesday, July 29, 2025 from 11:00 a.m. until 5:00 p.m. each day for the Mobile Museum of Tolerance. Rental fees are to be waived.
  - 10) Butterworth Elementary field by Moline Youth Football and Cheer beginning July 7, 2025 through October 23, 2025 on Mondays through Thursdays from 5:30 p.m. until 8:00 p.m. for practices. Rental fees are to be waived.

- 11) John Deere Middle School field by Moline Youth Football and Cheer beginning September 6, 2025 through October 18, 2025 on Saturdays from 8:00 a.m. until 5:00 p.m. for games. Rental fees are to be waived.
- 12) Browning Field by Moline Youth Football and Cheer on Saturday, October 25, 2025 from 8:00 a.m. until 8:00 p.m. for end of the season games. Rental fees are to be waived.

**R. Approval to Purchase Pilot Materials for K-8 ELA**

that the Board of Education approve the purchase of K-8 Amplify ELA pilot materials from Amplify, Brooklyn, New York, at a cost not to exceed \$35,000. Additionally, the Board of Education approves the purchase of Arts & Letters from Great Minds, Richmond Virginia, at a cost not to exceed \$20,000. **See Exhibit C in the official minutes.**

**T. Approval to Purchase Vista Higher Learning Newcomer Resource**

that the Board of Education approve the purchase of Vista Higher Learning, the multilingual K-5 resource, from Vista Higher Learning, Boston, Massachusetts, for a total cost not to exceed \$38,000. **See Exhibit E in the official minutes.**

**U. Approval to Purchase HMH English 3D Secondary Multilingual Resource**

that the Board of Education approve the purchase of HMH English 3D, the multilingual grade level 6-12 resource, from HMH Education Company, Chicago, Illinois, for a total cost not to exceed \$85,000. **See Exhibit F in the official minutes.**

**V. Approval of Corrected Fees for the 2025-2026 School Year and Summer 2026**

that the Board of Education approve the recommendation of the Administration for corrected fees in the 2025-2026 school year and for summer 2026. **See Exhibit G in the official minutes.**

**W. Authorize Release of Payments - Fiscal Year 2025-2026**

that the Board of Education authorizes the Chief Financial Officer to release payments to pay bills within the approved budget for the 2026 Fiscal Year (2025-2026 school year) for those months the Board only meets once a month. **See Exhibit H in the official minutes.**

**X. Award of Bid - 3-Year Chiller Service Preventive Maintenance Contract**

that the Board of Education award the bid for the 3-year chiller service preventive maintenance contract to Ruyle Mechanical Services, Rock Island, Illinois, in the amount of \$95,214. **See Exhibit I in the official minutes.**

**Y. Engage Educational Services & Software Agreements - Various Vendors**

that the Board of Education approve the various educational services and software agreements used districtwide for the fiscal year July 1, 2025 through June 30, 2026, at the various amounts listed on the attached sheet. **See Exhibit J in the official minutes.**

**Z. Engage Services - Athletic Training Services**

that the Board of Education engage the services of Genesis Physical Therapy, Moline, Illinois to perform the athletic training services for the 2025-2026 school year for a cost of \$38,000. **See Exhibit K in the official minutes.**

**AA. Engage Services - Treasurer's Bond**

that the Board of Education approve the renewal of the Treasurer's Bond for fiscal year July 1, 2025 through June 30, 2026 with Lohman Companies, Moline, Illinois, not to exceed \$35,000, as required by the Illinois School Code. **See Exhibit L in the official minutes.**

**BB. Engage Services - Center for Model Schools Professional Learning: Leadership & Instructional Support in Building a Culture of Excellence for Ambitious Instruction**

that the Board of Education approve engaging the services of the Center for Model Schools, Boston, Massachusetts, a division of Houghton Mifflin Harcourt, to provide leadership coaching and support for the 2025-2026 school year, including 12 on-site coaching days and virtual support with the flexibility to add additional coaching days as needed, for a total cost not to exceed \$79,500. **See Exhibit M in the official minutes.**

**CC. Engage Services - VLP Consulting and Leadership Development, LLC**

that the Board of Education engage the services of Victor Simon III of VLP Consulting and Leadership Development, LLC, Lockport, Illinois, for 5Essentials professional development services for a total cost not to exceed \$26,500. **See Exhibit N in the official minutes.**

**DD. Engage Services - Professional Services for the 2025 Hamilton Parking Lot**

that the Board of Education engage the services of Legat Architects, Moline, Illinois, for professional services for the 2025 Hamilton Parking Lot Improvement for an estimated cost of \$38,100. **See Exhibit O in the official minutes.**

**EE. Expansion Purchase of Imagine Learning - Homebound Students**

that the Board of Education approve the purchase of Imagine Learning license from Imagine Learning Inc., Provo, Utah, for homebound services at a cost of \$8,000. **See Exhibit P in the official minutes.**

**FF. Resolution Directing Transfer (Temporary Loan) of Funds from the Working Cash Fund of Moline-Coal Valley School District No. 40, Rock Island County, Illinois**

that the Board of Education approve the Resolution Directing the Transfer of Funds (Temporary Loan) from the Working Cash Fund of Moline-Coal Valley School District No. 40, Rock Island County, Illinois. **See Exhibit Q in the official minutes.**

**GG. Resolution Authorizing Expenditures for the Group Insurance Fund**

that the Board of Education approve the Resolution authorizing the expenditures of staff salaries and other expenses directly attributable to the operation of the Group Insurance Fund as listed. **See Exhibit R in the official minutes.**

**HH. Resolution Authorizing Interest Income**

that the Board of Education approve the Resolution stating that interest earned on monies invested in any District fund and accrued to the balance of such District fund during fiscal year 2026 (July 1, 2025 - June 30, 2026) or during any fiscal year prior to fiscal year 2026, shall remain interest during fiscal year 2026, and is available for transfer as interest to other funds. **See Exhibit S in the official minutes.**

**II. Resolution Authorizing Expenditures for the Operations & Maintenance Fund**

that the Board of Education approve the Resolution authorizing the expenditures of the custodial salaries and other expenses from the Operations and Maintenance Fund, consistent with the Illinois School Code and prior practice as listed. **See Exhibit T in the official minutes.**

**JJ. Resolution to Regulate Travel Expense Reimbursement**

that the Board of Education approve the Resolution to Regulate Expense Reimbursement as required by the Local Government Travel Expense Control Act. **See Exhibit U in the official minutes.**

**KK. School Improvement Plans for 2025-2026 School Year**

that the Board of Education approve the first draft 2025-2026 School Improvement Plans, as presented. **See Exhibit V in the official minutes.**

**LL. Approval to Purchase - CLEAR Residency Verification**

that the Board of Education approve the one-year subscription for the CLEAR Residency Verification system from Thomas Reuters, Ann Arbor, Michigan, for a cost not to exceed \$15,000 for the 2025-2026 school year. **See Exhibit W in the official minutes.**

**MM. Engage Services and Agreements - Facilities Department**

that the Board of Education approve the various engaged services and agreements in the Facilities Department for the fiscal year July 1, 2025 through June 30, 2026, at the various amounts listed. **See Exhibit X in the official minutes.**

**NN. Engage Services - GoFan and NFHS Camera East Gym**

that the Board of Education engage in services with GoFan and the NFHS network. **See Exhibit Y in the official minutes.**

**OO. Engage Services - High School Athletic Charter Bus Services**

that the Board of Education engage the services of Tri-State Travel, Davenport, Iowa, to provide Moline High School athletic charter transportation services for a cost not to exceed \$80,000 to support the winter/spring sports for 2025-2026 school year. **See Exhibit Z in the official minutes.**

Ayes: Lindsey Hines, Geoff Manis, Laura Sivertsen, Audrey Adamson, Ramona Dixon, Jason Farrell, Chet DeSmet

Nays: None

-The Board of Education considered Consent Agenda Items **J1** as presented:

A motion was made by Audrey Adamson, seconded by Ramona Dixon, that the Board of Education approve the actions contained in Consent Agenda Item J1 as presented.

**J. Employment – Education Support Professionals**

- 1) the employment of the following named education support professionals for the 2025-2026 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Abel, Amber	Digital Learning Support Assistant	Hamilton	8/14/25
Adams, Christine	Special Ed Paraprofessional	High School	8/14/25
Adams, Rachel	Health Professional (RN)	Hamilton	8/14/25
Ainke, Elida	Safe Schools Paraprofessional	ASPIRE	8/14/25
Aittarhouzaft, Loubna	Special Ed Paraprofessional	Washington	8/14/25
Alvarez, Maria	Preschool Paraprofessional	Butterworth	8/14/25
Andrews, Tresa	Parent Coordinator	Wilson	8/14/25
Antle, Anna	Special Ed Paraprofessional	Butterworth	8/14/25
Aumuller, Tim	Ed Tech Paraprofessional	High School	7/08/25

Avila, Kelli	Health Professional (RN)	High School	8/14/25
Awi, Law	Parent Coordinator I	Jane Addams	8/14/25
Barbosa, Antonia	Lunchroom Aide	Lincoln-Irving	8/15/25
Bargren, Mary	Special Ed Paraprofessional	High School	8/14/25
Bauer, Dixie	Special Ed Paraprofessional	Bicentennial	8/14/25
Benson, Sarah	Parent Coordinator II	Roosevelt	8/14/25
Bitner, Connie	Library Paraprofessional	Hamilton/Franklin	8/14/25
Blackert, Jamie	Health Professional (RN)	Wilson	8/14/25
Blucker, Courtney	Special Ed Paraprofessional	Hamilton	8/14/25
Boehle, Kerri	Lunchroom Aide	Roosevelt	8/15/25
Bowman, Theresa	Special Ed Paraprofessional	Roosevelt	8/14/25
Braud, David	Special Ed Paraprofessional	Washington	8/14/25
Brooke, Charles	DLSA	Roosevelt	8/14/25
Brotherton, Jessica	Health Professional (RN)	Roosevelt	8/14/25
Bryant, Elizabeth	Academic/Behavior Para	John Deere	8/14/25
Bullock, Bridget	Elementary Building Supervisor	Bicentennial	8/12/25
Burrill, Jennifer	Reading/Math Interventionist	Roosevelt	8/14/25
Calderone-Williams, Margaret	Special Ed Paraprofessional	Bicentennial	8/14/25
Callahan, Amie	Accompanist	High School	8/14/25
Campbell, Heidi	Special Ed Paraprofessional	Roosevelt	8/14/25
Campos, Lindsay	Special Ed Paraprofessional	Roosevelt	8/14/25
Carnahan, Dawn	Health Professional (RN)	John Deere	8/14/25
Carpenter, Sarah	Special Ed Paraprofessional	Washington	8/14/25
Carroll, Mary	Accompanist	John Deere/Wilson	8/14/25
Castillo, Nikki	Academic/Behavior Para	Wilson	8/14/25
Chappell, Lydia	Special Ed Paraprofessional	Roosevelt	8/14/25
Clendenny, Elizabeth	Health Clinic Clerk	John Deere/Hamilton/Wilson	8/14/25
Compton, Christin	Special Ed Paraprofessional	Wilson	8/14/25
Condit, Alyssa	Administrative Assistant	Jane Addams	7/22/25
Connor, Isabelle	Special Ed Paraprofessional	Jefferson	8/14/25
Covington, John	Special Ed Paraprofessional	Washington	8/14/25
Cruz, Ashley	Digital Learning Support Assistant	Roosevelt	8/14/25
Cruz, Morgan	Special Ed Paraprofessional	Bicentennial	8/14/25
Cruz, Tara	Special Ed Paraprofessional	Hamilton	8/14/25
Curtin, Rosa	Special Ed Paraprofessional	Jefferson	8/15/25
Daniels, Ikuyo	Reading/Math Interventionist	Jane Addams	8/14/25
Dare, Kayla	Health Professional (RN)	Butterworth	8/14/25
Davis, Stephanie	Reading/Math Interventionist	Jane Addams	8/14/25
DeGryse, Becky	Special Ed Paraprofessional	Jefferson	8/14/25
Devlin, Christina	Special Ed Paraprofessional	Franklin	8/14/25
DeVrieze, Tara	Digital Learning Support Assistant	Logan	8/14/25
Douglas, Karin	Lunchroom Aide	Willard	8/15/25
Duffy, Beverly	Special Ed Paraprofessional	Bicentennial	8/14/25
Duyvejonck, Kimberly	Breakfast/Lunchroom Aide	Logan	8/15/25
Dykhuizen, Tara	Special Ed Paraprofessional	Logan	8/14/25
Ekstrom, Jennifer	Lunchroom Aide	Bicentennial	8/15/25
Ellis, Aminn	Lunchroom Aide	Franklin	8/15/25
Engling, Tracy	Lunchroom Aide	Butterworth	8/15/25
Evans, Mary Ann	Elementary Building Supervisor	Logan	8/12/25
Evans, Sydney	Breakfast/Lunchroom Aide	Jane Addams	8/15/25
Farrell, Kate	Parent Coordinator II	Butterworth	8/15/25

Ferry, Mary	Breakfast/Lunchroom Aide	Washington	8/14/25
Finch, Elizabeth	Hall Security	Wilson	8/14/25
Finch, Julia	Special Ed Paraprofessional	High School	8/14/25
Flores, Martha	Lunchroom Aide	Lincoln-Irving	8/15/25
Fox, Traci	Ed Tech Paraprofessional	High School	7/08/25
Francis, Robyn	Lunchroom Aide	Hamilton	8/15/25
Franks, Dorinda	Lunchroom Aide	Wilson	8/15/25
Freeborn, Erin	Special Ed Paraprofessional	Butterworth	8/14/25
Garcia Vargas, Maria	Lunchroom Aide	Lincoln-Irving	8/15/25
Garcia, Griselda	Special Ed Paraprofessional	Lincoln-Irving	8/14/25
Garrison, Lynn	DLSA	Butterworth	8/14/25
Gellerstedt, Sabrina	Special Ed Paraprofessional	Wilson	8/14/25
Giza, Elizabeth	Health Professional (RN)	Bicentennial	8/14/25
Gonzales, Helen	Lunchroom Aide	Hamilton	8/15/25
Gottwalt, Christine	Lunchroom Aide	Franklin	8/15/25
Greiner, Samantha	Lunchroom Aide	Jefferson	8/15/25
Griffin, Dana	Special Ed Paraprofessional	Roosevelt	8/14/25
Gutierrez, Camila	Special Ed Paraprofessional	Lincoln-Irving	8/14/25
Hacker, Catalina	Digital Learning Support Assistant	Willard	8/14/25
Harper, Karlee	Special Ed Paraprofessional	Jane Addams	8/15/25
Hawotte, Terri	Lunchroom Aide	Butterworth	8/15/25
Hayes, Amy	Special Ed Paraprofessional	Roosevelt	8/14/25
Hernandez, Susanna	Special Ed Paraprofessional	Bicentennial	8/14/25
Hernandez Villasenor, Veronica	Lunchroom Aide	John Deere	8/15/25
Hodson, Katie	Lunchroom Aide	Logan	8/15/25
Hoffstatter, Lauryn	Special Ed Paraprofessional	Logan	8/14/25
Holman, Julie	Reading/Math Interventionist	Roosevelt	8/14/25
Holman, Julie	Breakfast Aide	Roosevelt	8/15/25
Hoogheem, Amber	Health Professional (RN)	High School	8/14/25
Hovonick, Brandy	Special Ed Paraprofessional	John Deere	8/14/25
Hoyt, Amber	Special Ed Paraprofessional	Bicentennial	8/14/25
Hull, Elizabeth	Special Ed Paraprofessional	Hamilton	8/14/25
Hunt, Cynthia	Special Ed Paraprofessional	John Deere	8/14/25
Hurd, Lori	Special Ed Paraprofessional	High School	8/14/25
Irambona, Jeanine	ML Paraprofessional	John Deere	8/14/25
Jackson, Pamela	Health Professional (RN)	Logan	8/14/25
Jacobs, Patricia	Breakfast/Lunchroom Aide	Willard	8/15/25
Jasper, Matthew	Special Ed Paraprofessional	ASPIRE	8/14/25
Jecks, Aunica	Parent Liaison	Butterworth	8/14/25
Johanson, Lindsey	Special Ed Paraprofessional	High School	8/14/25
Johnson, Julie	Bilingual Paraprofessional	Jefferson	8/14/25
Kale, Stephen	Special Ed Paraprofessional	High School	8/14/25
Keesecker, David	Special Ed Paraprofessional	Willard	8/14/25
Kelly, Rhonda	Special Ed Paraprofessional	High School	8/14/25
Killian, Erica	Health Professional (RN)	Washington	8/14/25
King, Beverly	Hall Security	Wilson	8/14/25
Koffecto, Delali	ML Paraprofessional	Roosevelt	8/14/25
Kookan, Leslie	Reading/Math Interventionist	Hamilton	8/14/25
Kpego, Paula	Preschool Paraprofessional	Jefferson	8/14/25
Krontz, Joni	Lunchroom Aide	Bicentennial	8/15/25
Lahoti, Rajeshree	Preschool Paraprofessional	Jefferson	8/14/25

Lamrabet, Zainab	Parent Coordinator I	Washington	8/14/25
Lara, Ana	Special Ed Paraprofessional	John Deere	
08/14/25			
Lara, Miguel	Alternate Ed Paraprofessional	ASPIRE	8/14/25
Lara, Monica	Reading/Math Interventionist	Lincoln-Irving	8/14/25
Larson, Connie	Special Ed Paraprofessional	John Deere	8/14/25
Lauer, Kathryn	Special Ed Paraprofessional	High School	8/14/25
Lawhorn, Ashley	Reading/Math Interventionist	Washington	8/14/25
Leslie, Wilma	Special Ed Paraprofessional	High School	8/14/25
Liendo, Jessica	Health Professional (RN)	Willard	8/14/25
Limon, Maria	Preschool Paraprofessional	Jefferson	8/14/25
Lopez de Villagomez, Marina	Lunchroom Aide	Hamilton	8/15/25
Lopez, Anita	Breakfast Aide	Jane Addams	8/15/25
Lopez, Bailly	Special Ed Paraprofessional	Hamilton	8/14/25
Lopez, Carrie	Special Ed Paraprofessional	Wilson	8/14/25
Lueth, Lana	Lunchroom Aide	Logan	8/15/25
Luzano, Kelly	Special Ed Paraprofessional	Hamilton	8/14/25
Mandle, Catherine	Lunchroom Aide	Logan	8/15/25
Mandolini, Anthony	Special Ed Paraprofessional	High School	8/14/25
Marlow, Eden	Lunchroom Aide	Jane Addams	8/15/25
Martinez, Lilia	Preschool Paraprofessional	Butterworth	8/14/25
Martinez, Linda	Breakfast/Lunchroom Aide	Franklin	8/15/25
Masias, Heidi	Special Ed Paraprofessional	High School	8/14/25
McBride, Janice	Hall Security	John Deere	8/14/25
McGrew, Essence	Reading/Math Interventionist	Franklin	8/14/25
McGuire, Jeanne	Reading/Math Interventionist	Hamilton	8/14/25
McMillion, Joe	Breakfast Aide	Butterworth	8/15/25
Medina, Concepcion	Digital Learning Support Assistant	Lincoln-Irving	8/14/25
Mendoza, Erica	Personal Care Attendant	Hamilton	8/15/25
Mielke, Amber	Health Professional (RN)	Jefferson	8/14/25
Miley, Tara	Library Paraprofessional	Butterworth/L-I/Willard	8/14/25
Miller, Isaac	Preschool Paraprofessional	Butterworth	8/14/25
Miner, Carrie	Special Ed Paraprofessional	Wilson	8/14/25
Mock, Jennifer	Health Professional (RN)	Jane Addams	8/14/25
Moore, Charles	Ed Tech Paraprofessional	John Deere	7/08/25
Moreno, Maria	Special Ed Paraprofessional	Wilson	8/14/25
Morris, Heather	Reading/Math Interventionist	Logan	8/15/25
Moseng, Lisa	Breakfast/Lunchroom Aide	Washington	8/14/25
Myers, Brandi	Special Ed Paraprofessional	John Deere	8/14/25
Naab, Ethan	Hall Security	High School	8/14/25
Navarro, Rico	Reading/Math Interventionist	Butterworth	8/14/25
Neal, Tammy	Special Ed Paraprofessional	Washington	8/14/25
Nelson, Deanne	Special Ed Paraprofessional	Logan	8/14/25
O'Brien, Lisa	Preschool Paraprofessional	Jefferson	8/14/25
O'Brien, Tamera	Digital Learning Support Assistant	Franklin	8/14/25
Padilla, Ashley	Special Ed Paraprofessional	Hamilton	8/14/25
Pancrazio, Jennifer	Health Professional (RN)	Lincoln-Irving	8/14/25
Park, Margery	Reading/Math Interventionist	Bicentennial	8/14/25
Parry, Beth	Library Paraprofessional	High School	8/14/25
Pearson, Michelle	Preschool Paraprofessional	Jefferson	8/14/25
Perez Ayala, Hermelinda	Breakfast/Lunchroom Aide	Lincoln-Irving	8/15/25

Perez, Jaquelin	Preschool Paraprofessional	Butterworth	8/14/25
Pettit, Elizabeth	Library Paraprofessional	Logan/Jane Addams	8/14/25
Pitman, Alecia	Special Ed Paraprofessional	Wilson	8/14/25
Plascencia Perez, Blanca	Breakfast/Lunchroom Aide	Lincoln-Irving	8/15/25
Pottebaum, Stephanie	Parent Coordinator II	Hamilton	8/14/25
Powell, Megan	Health Professional (RN)	Franklin	8/14/25
Prado Avila, Juana	Lunchroom Aide	Lincoln-Irving	8/15/25
Prybil, Lindsay	Lunchroom Aide	Hamilton	8/15/25
Randle, Jamal	Special Ed Paraprofessional	Logan	8/14/25
Raya Pena, Maria	Lunchroom Aide	Lincoln-Irving	8/15/25
Redell, Noell	Special Ed Paraprofessional	Bicentennial	8/14/25
Reiff, Kendra	Special Ed Paraprofessional	High School	8/14/25
Resch, Kristi	Digital Learning Support Assistant	Washington	8/14/25
Rhea, Melissa	Health Clinic Clerk	High School	8/14/25
Riner, Tabitha	Preschool Paraprofessional	Jefferson	8/14/25
Roach, Kimberly	Lunchroom Aide	Willard	8/15/25
Roberts, Richard	Special Ed Paraprofessional	John Deere	8/14/25
Rosario-Ramirez, Brianna	Special Ed Paraprofessional	Bicentennial	8/14/25
Rose, Amy	Special Ed Paraprofessional	Roosevelt	8/14/25
Rubingh, Heather	Special Ed Paraprofessional	Wilson	8/14/25
Rumley, Janice	Reading/Math Interventionist	Willard	8/14/25
Sancen, Gabriela	Lunchroom Aide	Butterworth	8/15/25
Sanchez, Brandon	Special Ed Paraprofessional	High School	8/14/25
Sanderson, Jozelynn	Special Ed Paraprofessional	Logan	8/14/25
Self, Meggan	Special Ed Paraprofessional	Wilson	8/14/25
Sierra, Michelle	Reading/Math Interventionist	Washington	8/14/25
Smet, Deanna	Digital Learning Support Assistant	Logan	8/14/25
Sparks, Monica	Lunchroom Aide	Roosevelt	8/15/25
Spirowka, Katherine	Special Ed Paraprofessional	High School	8/14/25
Stanley, Michele	Ed Tech Paraprofessional	Wilson	7/08/25
Stevens, Shayna	Special Ed Paraprofessional	Logan	8/14/25
Sullivan, Cynthia	Lunchroom Aide	Jane Addams	8/15/25
Sullivan, Eleanor	Special Ed Paraprofessional	Jefferson	8/14/25
Summer, Kelly	Special Ed Paraprofessional	John Deere	8/14/25
Taylor, Mona	Hall Security	John Deere	8/14/25
Terry, Angelica	Lunchroom Aide	John Deere	8/15/25
Townsend, Danielle	Special Ed Paraprofessional	Butterworth	8/14/25
Urbina, Simbry	Parent Coordinator I	Lincoln-Irving	8/14/25
Valdivia, Amanda	Digital Learning Support Assistant	Hamilton	8/14/25
Valenzuela, Alicia	Preschool Paraprofessional	Jefferson	8/14/25
VanDam, Stacy	Library Paraprofessional	Roosevelt/Washington	8/14/25
Vanlandschoot, Mary	Special Ed Paraprofessional	Butterworth	8/14/25
VanSpeybroeck, Kevin	Bilingual Paraprofessional	Wilson	8/14/25
Verscha, Kari	Special Ed Paraprofessional	John Deere	8/14/25
Vicuna, Jahaira	Special Ed Paraprofessional	Hamilton	8/14/25
Villagomez, Gabriela	Special Ed Paraprofessional	Logan	8/14/25
Vital-Tapia, Maria	Special Ed Paraprofessional	John Deere	8/14/25
Walker, Nicole	Special Ed Paraprofessional	High School	8/14/25
Waydeman, Patricia	Lunchroom Aide	Franklin	8/15/25
Whiles, Chris	Breakfast/Lunch Aide	Bicentennial	8/15/25
White, Lauryn	Breakfast Aide	Hamilton	8/15/25

White, Lesley	Digital Learning Support Assistant	Jane Addams	8/14/25
Wiese, Molly	Digital Learning Support Assistant/Library Paraprofessional	Bicentennial	8/14/25
Wiley, Penny	Special Ed Paraprofessional	Hamilton	8/14/25
Williams, Rebecca	Special Ed Paraprofessional	Logan	8/14/25
Witherspoon, Conni	Special Ed Paraprofessional	High School	8/14/25
Wood, Patricia	Special Ed Paraprofessional	Hamilton	8/14/25
Wyffels, Krista	Digital Learning Support Assistant	Bicentennial	8/14/25
Yerrapothu, Sarada	ML Paraprofessional	Jefferson	8/14/25
Young, Emily	Special Ed Paraprofessional	Washington	8/14/25
Zinke, Andrew	Alternate Ed Paraprofessional	ASPIRE	8/14/25
Zinke, Elida	Safe School Paraprofessional	ASPIRE	8/14/25
Zinke, Miranda	Special Ed Paraprofessional	ASPIRE	8/14/25

Ayes: Geoff Manis, Laura Sivertsen, Audrey Adamson, Ramona Dixon, Lindsey Hines

Nays: None

Abstain: Jason Farrell, Chet DeSmet

-The Board of Education considered Consent Agenda Items **S** as presented:

A motion was made by Jason Farrell, seconded by Geoff Manis, that the Board of Education approve the actions contained in Consent Agenda Item **S** as presented.

**S. Approval of Sponsored Continuing Education Course Credit with Rock Island-Milan School District 41 and Western Illinois University**

that the Board of Education approve a cooperative sponsorship by Moline-Coal Valley Unit School District No.40 for Western Illinois University, Moline, Illinois, to provide continuing education courses for Moline-Coal Valley School District No. 40 teachers pursuing their Multilingual Endorsement, for a total cost not to exceed \$15,000 for the 2025-2026 school year. **See Exhibit D in the official minutes.**

Ayes: Laura Sivertsen, Ramona Dixon, Jason Farrell, Lindsey Hines, Geoff Manis, Chet DeSmet

Nays: None

Abstain: Audrey Adamson

**RESOLUTION TO ADOPT SCHOOL DISTRICT BUDGET FOR 2025-2026 FISCAL YEAR**

A motion was made by Laura Sivertsen, seconded by Audrey Adamson, that the Board of Education approve the Resolution authorizing the adoption of the Budget for the 2025-2026 fiscal year. **See Exhibit AA in the official minutes.**

Ayes: Audrey Adamson, Ramona Dixon, Jason Farrell, Lindsey Hines, Geoff Manis, Laura Sivertsen, Chet DeSmet

Nays: None

**APPROVAL OF CONSOLIDATED DISTRICT PLAN**

A motion was made by Audrey Adamson, seconded by Lindsey Hines, that the Board of Education approve the District's Consolidated District Plan for the 2025-2026 school year, as required by the Illinois State Board of Education. **See Exhibit BB in the official minutes.**

Ayes: Ramona Dixon, Jason Farrell, Lindsey Hines, Geoff Manis, Laura Sivertsen, Audrey Adamson, Chet DeSmet

Nays: None

**APPROVAL OF CLINICAL EXPERIENCE AGREEMENT FOR STUDENT TEACHING PROGRAM - MONMOUTH COLLEGE**

A motion was made by Geoff Manis, seconded by Lindsey Hines, that the Board of Education approve the Clinical Experience Agreement for the Student Teaching Program between Monmouth College and Moline School District for the 2025-2026 school year. **See Exhibit CC in the official minutes.**

Ayes: Jason Farrell, Lindsey Hines, Geoff Manis, Laura Sivertsen, Audrey Adamson, Ramona Dixon, Chet DeSmet

Nays: None

**APPROVAL OF FIRST READING OF UPDATED BOARD OF EDUCATION POLICY SECTION 4 - OPERATIONAL SERVICES**

A revised motion was made by Audrey, seconded by Laura Sivertsen, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading of Board of Education Policies; 4:15 - Identity Protection and 4:120 - Food Services, as presented. **See Exhibit DD in the official minutes.**

Ayes: Lindsey Hines, Geoff Manis, Laura Sivertsen, Audrey Adamson, Ramona Dixon, Jason Farrell, Chet DeSmet

Nays: None

**APPROVAL OF FIRST READING OF UPDATED BOARD OF EDUCATION POLICY 4:55 - USE OF CREDIT & PROCUREMENT CARDS**

A revised motion was made by Lindsey Hines, seconded by Jason Farrell, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading of Board of Education Policy 4:55 - Use of Credit & Procurement Cards, as presented. **See Exhibit EE in the official minutes.**

Ayes: Geoff Manis, Laura Sivertsen, Audrey Adamson, Ramona Dixon, Jason Farrell, Lindsey Hines, Chet DeSmet

Nays: None

Board Member Ramona Dixon inquired on why this policy change was not in the PRESS updates. Mr. Gallo stated this is an internal change due to the number of vendors no longer accepting purchase orders, so the district would like to increase the purchase limit for purchasing with the district credit card.

**APPROVAL OF FIRST READING OF UPDATED BOARD OF EDUCATION POLICY 4:80 - ACCOUNTING & AUDITS**

A revised motion was made by Adurey Adamson, seconded by Laura Sivertsen, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education Policy 4:80 - Accounting & Audits, as presented. **See Exhibit FF in the official minutes.**

Ayes: Laura Sivertsen, Audrey Adamson, Ramona Dixon, Jason Farrell, Lindsey Hines, Geoff Manis, Chet DeSmet

Nays: None

**APPROVAL OF FIRST READING OF REVISED BOARD OF EDUCATION POLICY 4:150 - FACILITY MANAGEMENT & BUILDING PROGRAMS**

A revised motion was made by Audrey Adamson, seconded by Ramona Dixon, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education Policy 4:150 - Facility management & Building Programs, as presented. **See Exhibit GG in the official minutes.**

Ayes: Audrey Adamson, Ramona Dixon, Jason Farrell, Lindsey Hines, Geoff Manis, Laura Sivertsen, Chet DeSmet

Nays: None

**APPROVAL OF FIRST READING OF UPDATED BOARD OF EDUCATION POLICY FOR SECTION 7 - STUDENTS**

A revised motion was made by Ramona Dixon, seconded by Jason Farrell, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education Policies 7:10 - Equal Educational Opportunities; 7:20 - Harassment of Students Prohibited; 7:180 - Prevention of and Response to Bullying, Intimidation, and Harassment; and 7:185 - Teen Dating Violence Prohibited, as presented. **See Exhibit HH in the official minutes.**

Ayes: Ramona Dixon, Jason Farrell, Lindsey Hines, Geoff Manis, Laura Sivertsen, Audrey Adamson, Chet DeSmet

Nays: None

**APPROVAL OF FIRST READING OF REVISED BOARD OF EDUCATION POLICY 7:270 - ADMINISTERING MEDICINES TO STUDENTS**

A revised motion was made by Audrey Adamson, seconded by Ramona Dixon, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education Policy 7:270 - Administering Medicines to Students, as presented. **See Exhibit II in the official minutes.**

Ayes: Jason Farrell, Lindsey Hines, Geoff Manis, Laura Sivertsen, Audrey Adamson, Ramona Dixon, Chet DeSmet

Nays: None

**APPROVAL OF FIRST READING OF UPDATED BOARD OF EDUCATION POLICY 8:30 - VISITORS TO AND CONDUCT ON SCHOOL PROPERTY**

A revised motion was made by Lindsey Hines, seconded by Geoff Manis, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board Policy 8:30 - Visitors to and Conduct on School Property, as presented. **See Exhibit JJ in the official minutes.**

Ayes: Lindsey Hines, Geoff Manis, Laura Sivertsen, Audrey Adamson, Ramona Dixon, Jason Farrell, Chet DeSmet

Nays: None

**AWARD OF BID - TRANSPORTATION SERVICES**

A motion was made by Audrey Adamson, seconded by Jason Farrell, that the Board of Education award the bid for transportation services for the 2025-2026, 2026-2027, 2027-2028 school years to Johannes Bus Service, with the respective increase of 9%, 5%, and 5%. **See Exhibit KK in the official minutes.**

Ayes: Geoff Manis, Laura Sivertsen, Audrey Adamson, Ramona Dixon, Jason Farrell, Lindsey Hines, Chet DeSmet

Nays: None

**REPORTS, REQUESTS, AND OPEN DISCUSSION**

**Superintendent's Report**

Joining the meeting via zoom, Dr. Rachel Savage, Superintendent, first gave a shout out to Dr. Prybil, Mr. Beem, and Mr. Etheridge this afternoon for sharing our story and our strategies of using the 5 essentials survey to drive improvement across all of our schools to a packed room here at the Model Schools Conference. They did an excellent job and will be repeating their session tomorrow. Also tomorrow, Principal Lynsy Oswald and a team from Hamilton Elementary will be presenting their pathway to becoming a 2025 model elementary school two times as well. They, along with teacher teams from John Deere and Wilson are representing our district well and I could not be more proud. School

improvement is never done and while we have made gains in many areas, there is still much to do. We are looking forward to continuing this work across all of our schools this coming school year.

Next, I want to thank Mr. Gallo and Mr. Karstens for the great work they are doing keeping track of all of our summer facilities projects, most notably all of the work taking place at Browning Field and the front entries at both John Deere and Wilson. I know for many departments, summer is a slower time, a time to take a break and step back from the action, but for finance and facilities there is much to get done in a very short period of time and I am grateful for all that they do, never taking their foot off the gas, making sure that our schools are ready for staff and kids for the first day of school.

Dr. Savage, also gave a big thanks to Mr. DeTaeye and the Human Resources department for wrapping up nearly all of our hires for the coming year. It has been incredibly busy but they got an early jump, especially on our hard to fill positions, and it has paid off. Our district continues to remain insulated from the national teacher shortage and I am confident we will be starting the school year with all of our positions filled with highly qualified professionals, and that is a huge win for our kids and our schools.

Lastly, within the past few weeks we have received the results from this spring's 5 essentials survey and will be digging into that data throughout the next month. We are also looking forward to receiving the unofficial results of our other performance data from this past school year in the coming weeks as well so we can finalize our new PACE goals and get them ready to present them to the Board of Education in late July or early August.

#### Financial Report - July 2024 through April 2025

Mr. Vince Gallo, Chief Financial Officer, provided a year-to-date financial review, highlighting revenue and expense trends, with a focus on the first, second, and last pages of each packet for year-to-date data and month end balances.

#### Student Board of Education Member Report

Abigail Greenlee, Student Board of Education Member, was not in attendance at the meeting.

#### Board of Education Member Open Discussion

Audrey Adamson, Board Member, expressed appreciation for the district's summer programs, highlighting the ability to provide engaging and impactful experiences for students, particularly through partnerships with community resources like WQPT's Summer of Adventure.

Board Member Jason Farrel informed all that Moline will be hosting the next Blackhawk Division meeting in September.

Board Member Ramona Dixon thanked Dr. DeBaene for his service to the Moline School District and wished him well in his new role as Superintendent of Morrison, Illinois.

Chet DeSmet, Board Member, mentioned that Bob Beem was recognized a few weeks ago at the 8th grade recognition and what a tremendous impact Mr. Beem has had at Wilson Middle School. The staff honored Mr. Beem by naming an award in his honor.

A motion was made by Geoff Manis, seconded by Jason Farrell, all in favor, that the Board of Education meeting be adjourned. Time: 6:35 p.m.

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President

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Secretary

**5. Communications, Public Comment and Participation**

**6. Consent Agenda**

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*Recommended Motion:* that the Board of Education approve the actions contained in the Consent Agenda as presented.

6. **Consent Agenda**

*Recommended Motion:* that the Board of Education approve the actions contained in Consent Agenda Items A through U as presented:

A. **Employment – Certified Staff**

- 1) the regular employment of the following named certified staff members for the 2025-2026 school year with wages in accordance with District schedules:

Hill, Ryan

ELA, John Deere Middle School  
M.A. Degree, St. Ambrose University  
To teach on a regular contract basis  
Sixteen years previous teaching experience

Schimmel, Elizabeth

ELA, Wilson Middle School  
B.A. Degree, Illinois State University  
To teach on a regular contract basis  
Four years previous teaching experience

White, Olivia

Grade 1, Jane Addams Elementary School  
B.A. Degree, Augustana College  
To teach on a regular contract basis  
One year previous teaching experience

- 2) the temporary employment of the following named certified substitute teachers for the 2025-2026 school year with wages in accordance with District schedules:

Anderson, Marcus  
McCoy, Raleigh

B. **Employment - Summer School**

the employment of the following named certified staff member for the Jump Start Summer Learning Program with wages as determined in accordance with established rates of pay:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Bousson, Anna	Teacher	Jane Addams

C. **Salary Reclassification – Certified Staff**

a change in salary classification for the following certified staff effective at the beginning of the 2025-2026 school year:

Dick, Stephanie from B.A. to B.A. +15  
 Fiems, Ali from M.A. to M.A. +30  
 Fournier, Maggie from M.A. to M.A. +30  
 Frakes, Anthony from BA. +15 to M.A.  
 Frederick, Jenna from B.A. +15 to M.A.  
 Harpole, Carol from B.A. to B.A. +15  
 Haverland, Max from M.A. to M.A. +30  
 McMillion, Lacey from B.A. to B.A. +15  
 O'Donnell, Samantha from B.A. to B.A. +15  
 Peterson, Rebecca from M.A. to M.A. +30  
 Stribling, Bradley from M.A. to M.A. +30  
 Swanson, Kara from B.A. to M.A.  
 Wetherell, Anna from M.A. to M.A. +30  
 Wismer, MacKenzie from M.A. to M.A. +30

**D. Resignation for the Purpose of Retirement - Certified Staff**

the resignation for the purpose of retirement of the following named certified staff members, effective at the end of the 2028-2029 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Beem, Kelly	Grade 4	Franklin
Brown, Daniel	Dean of Students	High School
Comp, Rebecca	Grade 1	Hamilton

**E. Resignation/Termination - Certified Staff**

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Hobin, David	Special Education	High School	05/30/25
Hoffstatter, Renee	Early Childhood SpEd	Jefferson Early Childhood Center	05/30/25

**F. Approval of Family Medical Leave Act – Certified Staff**

that the Board of Education grant approval of a family medical leave for the following certified staff members:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Bennison, Logan	Social Studies	John Deere	Beginning tentatively 10/24/25 and lasting a total of 15 days

**G. Appointment to Differential Assignment - Certified Staff**

the appointment of the following named certified staff member to differential assignment, effective for the 2025-2026 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
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Graf, Amy	Grade Level Chair (Grade 1) (.50)	Bicentennial
Holke, Jacquelyn	Grade Level Chair (Grade 1) (.50)	Bicentennial

#### H. **Employment – Education Support Professional**

the employment of the following named education support professional for the 2025-2026 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Castaneda, Karen	Read/Math Interventionist	Lincoln-Irving	08/14/25
Erickson, Tiffani	Special Education Paraprofessional	Washington	08/14/25
Ferguson, Emily	Health Professional (RN)	Roosevelt	08/14/25
Rangel, Maria	Custodian	Wilson	08/01/25

#### I. **Transfer/Reassignment**

- 1) the transfer of Mary Vanlandschoot from Special Education Paraprofessional at Jefferson Elementary to Special Education Paraprofessional (PFAE) at Butterworth Elementary, effective August 14, 2025.
- 2) the transfer of Casey Wallace from Split Shift Cafeteria/Deliveries/Exterior Custodial position at the High School to the Split Shift Cafeteria/Kitchen Custodial position at the High School, effective 08/01/25.
- 3) the transfer of Sarada Yerrapothu from ML Paraprofessional at Jefferson Early Childhood Center to Special Education Paraprofessional at Jefferson Early Childhood Center, effective 08/14/25.
- 4) the transfer of Julie Johnson from Bilingual Paraprofessional at Jefferson Early Childhood Center to Special Education Paraprofessional at Jefferson Early Childhood Center, effective 08/14/25.

#### J. **Summer Employment - Education Support Professional**

the temporary employment of the following named education support professional for the Extended School Year Special Education Summer Learning Program with wages as determined in accordance with established rates of pay:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Avila, Kelli	Health Professional (RN)	Hamilton/High School

#### K. **Resignation/Termination - Education Support Professional**

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Brotherton, Jessica	Health Professional (RN)	Roosevelt	07/08/25
Davis, Alice	Parent Coordinator II	Jefferson	07/16/25

Garcia, Griselda	Special Education Paraprofessional	Lincoln-Irving	06/24/25
Gonzales, Helen	Lunch Aide	Hamilton	07/15/25
McCleary, Michael	Custodian	High School	07/03/25

**L. Appointment to Differential Assignment - Non-Certified**

the appointment of the following named non-certified staff members to differential assignment, effective for the 2025-2026 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Alvarez, Adrian	Assistant Grade 7 Football	Wilson
Kirkhove, Chad	Head Wrestling	Wilson
Mama, Antaru	Assistant Grade 7/8 Boys Soccer	Wilson
Michna, Aiden	Head Grade 7/8 Girls Tennis	Wilson

**M. Resignation/Termination to Differential Assignment - Non Certified**

<u>Name</u>	<u>Position</u>	<u>Location</u>
Ventris, Austin	Assistant 7/8 Wrestling	Wilson
Ventris, Joseph	Head 7/8 Wrestling	Wilson

**N. Payments for Board Approval**

approval of payments:

Fund 1 Educational	3,741,024.87
Fund 2 Operations & Maintenance	699,994.78
Fund 3 Debt Service	0.00
Fund 4 Transportation	26,711.98
Fund 5 Retirement	458,524.83
Fund 6 Capital Projects	677,323.24
Fund 7 Working Cash	0.00
Fund 8 Tort Fund	386,625.10
Fund 9 Life Safety Code	2,760.00
Fund 10 Group Insurance	1,567,485.88
Fund 11 Student Activity	<u>24,125.86</u>
TOTAL	7,584,576.54

**See Attachment No. 1.**

**O. Freedom of Information Act Requests**

- 1) A Freedom of Information Act request was received from SmartProcure requesting all current employee/staff contact information as of July 7, 2025. The District has responded to this request.
- 2) A Freedom of Information Act request was received from Mackinac Center for Public Policy requesting the number of people (union members) who are having dues withdrawn from their paycheck and the total number of people covered by collective bargaining

agreements for the first pay period in June 2025. The District has responded to this request.

**P. Acceptance of Gifts**

- 1) A donation in the amount of \$2,000 from BankORION to be utilized to further the district's mission.
- 2) A grant in the amount of \$4,800 from Quad Cities Community Foundation - James and Michelle Russell Charitable Fund to be allocated to the Bicentennial Fun Run 2025.

**Q. Facility Usage Request Recommended for Approval Subject to Compliance with Board of Education Policy 8:20**

- 1) Bartlett Performing Arts Center by Backstage Dance Company on Saturday, May 9, 2026 from 8:30 a.m. until 4:00 p.m. Building rental fees as stated in the contract.
- 2) Moline High School PE Center by Quad City Shockers Basketball for tryouts on Saturday, September 13, 2025 from 5:00 p.m. until 8:00 p.m., Sunday, September 14, from 10:00 a.m. until 1:00 p.m., and Wednesday, September 17, 2025 from 6:00 p.m. until 9:00 p.m. Custodial fees will be billed at \$54 per hour (Monday-Saturday) and \$62 per hour on Sundays.
- 3) Bartlett Performing Arts Center lobby by City of Moline for documentary film screening and community club fair on Wednesday, August 20, 2025 from 4:00 p.m. until 9:00 p.m. Building rental fees will be waived.
- 4) Wharton Field House parking lot by City of Moline Fire Department for water hose testing on August 11, 2025 through August 13, 2025 from 7:00 a.m. until 6:00 p.m. Building rental fees will be waived.
- 5) Butterworth Elementary gymnasium by Moline Youth Football for picture day on August 21, 2025 from 4:30 p.m. until 7:00 p.m. Building rental fees will be waived.
- 6) Moline High School PE Center by Moline Blackhawks Baseball feeder program from November 1, 2025 through April 1, 2026. Various times to be scheduled in closed coordinated with Moline's Athletic Director, Todd Thompson. Building rental fees will be waived. Custodial fees will be billed at \$54 per hour (Monday-Saturday) and \$62 per hour on Sundays.

**R. Approval of Employee Code of Professionalism**

that the Board of Education approve the distribution of the Employee Code of Professionalism. **See Attachment No. 2.**

**S. Approval of Flexible Savings Account**

that the Board of Education approve the District Insurance Committee's recommendation to update the Flexible Savings Account and use TASC for administering and processing reimbursements. **See Attachment No. 3.**


**T. Engage Services - ECRA Group, Inc.**

that the Board of Education approve the one-year agreement with ECRA Group, Inc., Arlington Heights, Illinois, at a cost not to exceed \$39,500 for the 2025-2026 school year, with services supporting school improvement and data-driven instructional practices districtwide. **See Attachment No. 4.**

**U. Engage Services - Educational Services & Software Agreements - Corrections**

that the Board of Education approve the corrections for various educational services and software agreements used districtwide for the fiscal year July 1, 2025 through June 30, 2026, at the various amounts listed on the attached sheet. **See Attachment No. 5.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources 

DATE: July 24, 2025

SUBJECT: Approval of Employee Code of Professionalism

Reason for Board Consideration: Board of Education approval is required for distribution.

Action Necessary: Board of Education approval is requested to distribute the Employee Code of Professionalism to new and existing employees.

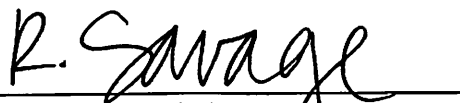
Facts: The Employee Code of Professionalism (ECOP) was created by a leadership team consisting of representatives from all employee groups, the community, and the Board of Education. The goal of the ECOP is to establish a set of standards that clearly articulate the district's expectations for employee behavior and conduct. In addition, the ECOP helps to create an atmosphere of integrity and consistency for all employees. Should the ECOP be approved for distribution, all employees will receive a copy of these expectations at the time of hire and an electronic copy at the beginning of each school year.

The administration is requesting that each Board Member sign the ECOP. Each signature signifies the highest level of commitment to uphold the highest caliber of professionalism to provide a quality education for all students.

Cost: N/A

Recommended Action: That the Board of Education approve the distribution of the Employee Code of Professionalism.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

TO: Members of the Board of Education

FROM: Vince Gallo, Chief Financial Officer  
Todd DeTaeye, Assistant Superintendent for Administration & Human Resources *b.*

DATE: July 24, 2025

SUBJECT: Approval of Flexible Savings Account

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested.

Facts: At the May 27, 2025 Board of Education meeting, the Board approved the Insurance Committee's recommendation to update the District's Flexible Spending Account and approve the proposal from HSA Bank. On July 10, 2025, HSA Bank withdrew their proposal. After receiving multiple quotes from other carriers, Total Administrative Service Corporation (TASC) is the most favorable option.

Cost/Revenue: The cost for an Annual Membership with TASC is \$200 each plan year.


Recommended Action: That the Board of Education approve the District Insurance Committee's recommendation to update the Flexible Savings Account and use TASC for administering and processing reimbursements.

Approve for Submission to the Board of Education



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Dr. Rachel Savage  
Superintendent of Schools

TO: Members of the Board of Education  
FROM: Dr. Brian Prybil, Deputy Superintendent   
DATE: July 24, 2025  
SUBJECT: Approval to Engage in Services with ECRA Group, Inc.

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Approval is requested to engage in a one-year agreement with ECRA Group, Inc. for services aligned to school improvement and professional development for the 2025–2026 school year.

Facts: To strengthen instructional leadership, use data more strategically, and support schools identified for targeted improvement, the Moline-Coal Valley School District will partner with ECRA Group, Inc., an approved IL-Empower learning partner. Through this partnership, all schools will have access to ECRA's school intelligence platform, which includes the School Improvement and My Students applications. These tools provide building-level and classroom-level access to student academic growth and assessment data, support progress monitoring, and help evaluate the academic return on investment (ROI) of interventions and programs. Additionally, seven of our schools designated for IL-Empower support will receive tailored professional development sessions from ECRA to assist leadership teams in adopting evidence-based practices. ECRA's support will focus on leveraging assessment projection models for student goal setting and using data analytics to improve outcomes. These services align directly with the District's School Improvement Plans and Title 1003 funding priorities.

Cost: The total cost for services will not exceed \$39,500 for the 2025–2026 school year. This includes: \$18,150 for districtwide platform licensing and support. Up to \$21,350 for IL-Empower professional development services across seven schools. Funding will be provided through Federal Title 1003 funds and other designated federal grant resources.


Recommended Action: That the Board of Education approve the one-year agreement with ECRA Group, Inc., Arlington Heights, Illinois, at a cost not to exceed \$39,500 for the 2025–2026 school year, with services supporting school improvement and data-driven instructional practices districtwide.

Approved for Submission to the Board of Education



Dr. Rachel Savage  
Superintendent of Schools

**TO:** Members of the Board of Education

**FROM:** Dr. Brian Prybil, Deputy Superintendent   
Craig Reid, Director for Technology

**DATE:** July 21, 2025

**SUBJECT:** Engage Educational Services & Software Agreements - Corrections

**Reason for Board Consideration:** Board of Education approval is required.


**Action Necessary:** Board of Education approval is requested to enter into various educational services and software agreements.

**Facts:** At the June 23rd meeting, the Board of Education approved a list of various software agreements for the 2025-2026 school year. This letter outlines some corrections to the amounts and vendors after receiving invoices since that meeting.

**Cost:** The corrected costs vary (see attached).

**Recommended Action:** That the Board of Education approve the corrections for various educational services and software agreements used districtwide for the fiscal year July 1, 2025 through June 30, 2026, at the various amounts listed on the attached sheet.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

Product Name	Vendor	Funding Source	Approved Amount	Adjusted Amount	Correction Comments
Embrace Digital Records	Embrace	EdTech	500	1,000	Embrace charges 500 for import and export
Google Enterprise License	Amplified IT	EdTech	37,500	37,500	Wrong vendor listed.
Palo Alto Firewall	Heartland Bus Systems	EdTech	50,000	50,500	Increased amount for firewall services renewal.
Palo Alto Firewall URL Filtering	Heartland Bus Systems	EdTech	0	15,000	URL filtering is a separate renewal.
Raptor Guest -Non MHS	Raptor	EdTech	9,000	10,000	Increased from last year.
SMART Advantage	Bradfield	EdTech	0	25,000	Our license expires in November 2025.
VM Server Support	Heartland	EdTech	25,000	25,000	Wrong vendor listed.
Remind 101	Remind	Title	30,000	38,000	Increased cost.

**7. Approval of Memorandum of Understanding between the City of Moline and the Moline-Coal Valley School District No. 40 for the School-City Partnership Agreement on Public Safety Drone Infrastructure**

37

*Recommended Motion:* that the Board of Education approve the Memorandum of Understanding between the City of Moline and the Moline-Coal Valley School District No. 40 for the School-City Partnership Agreement on Public Safety Drone Infrastructure from August 1, 2025, through July 31, 2030. **See Attachment No. 6.**

**SCHOOL-CITY PARTNERSHIP AGREEMENT ON PUBLIC SAFETY DRONE  
INFRASTRUCTURE**

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between the CITY OF MOLINE, ILLINOIS, a municipal corporation, hereinafter referred to as "City", and, the BOARD OF EDUCATION OF MOLINE – COAL VALLEY SCHOOL DISTRICT NO. 40, a body politic and corporate, hereinafter referred to as "School Board" or "District".

**WITNESSETH:**

WHEREAS, 105 ILCS 5/101 et seq., provides that school boards have control of school property and are responsible for pupil and staff safety; and

WHEREAS, Art. VII, § 10, Ill. Const. provides that school districts and cities may contract to share any power not prohibited by law; and

WHEREAS, the City, with a population greater than 25,000, has plenary police powers pursuant to Art. VII, § 6(a), Ill. Const.; and

WHEREAS, both the School Board and the City believe that installing an exterior police drone and dock will increase pupil and staff safety and will benefit the community public safety in a three-mile radius of Moline High School; and

WHEREAS, the City is willing to install such equipment at its expense if the School Board permits such access.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained hereinbelow, the parties hereto agree as follows:

**Article I. Purpose.**

The purpose of this Agreement is to establish the terms and conditions under which the City of Moline Police Department will place and operate a Skydio drone and automated docking station on the rooftop of Moline High School, located at 3600 Avenue of the Cities, Moline, Illinois, to support public safety operations in the area. Furthermore, the purpose of this Agreement is to establish certain operational guidelines, termination rights, and division of liability.

**Article II. Term.**

The term of this Agreement is from August 1, 2025, to July 31, 2030, and can be extended by mutual agreement.

### Article III. Termination Rights.

3.1 Either party may terminate this Agreement for cause upon ninety (90) days written notice delivered to the other party. "For cause" is defined for purposes herein as written notice of deficiency which deficiency is not corrected to the mutual satisfaction of both parties within fifteen (15) days after receipt of such notice.

3.2 Either party may terminate this Agreement without cause upon ninety (90) days written notice delivered to the other party.

3.3 Termination of this Agreement under either 3.1 or 3.2 shall not relieve either party of any obligation incurred up to and including the date of termination.

### Article IV. City's Duties.

4.1 The City will furnish and install a Skydio drone and automated docking station ("Equipment") on the roof of Moline High School, 3600 Avenue of the Cities, Moline.

4.2 The City shall be solely responsible for all costs, including: purchase of the drone and dock, installation of the Equipment, electrical work and internet cabling necessary for functionality, and ongoing maintenance, repair, or replacement of the Equipment.

4.3 Following the installation of the Equipment, the City shall be responsible for maintaining the Equipment for the duration of the term.

4.4 At the conclusion of the term, the City shall promptly remove the Equipment from the property and restore the roof to its condition as it was prior to installation, or request an extension of the term. Should the District need to access the roof for repair or replacement where the Equipment is located, the City shall immediately move the Equipment upon request from the District.

4.5 The City shall ensure that operation of the Equipment complies with all federal, state, and local laws, including FAA regulations, and privacy rights under the Illinois Constitution and the Fourth Amendment. Any drone use involving surveillance, audio, or visual recording shall be conducted only under a valid legal basis, including but not limited to exigent circumstances or judicial warrant, as may be required.

### Article V. School Board Duties.

5.1 The District agrees to provide roof access to the City and its authorized contractors for the purposes of installation, inspection, maintenance, servicing and eventual removal of the Equipment.

5.2 The District consents to allow access for the physical network connections required from the automated docking station ("Equipment") to the City of Moline's dedicated backbone switch located in room D100 of the Moline High School. This switch is managed solely by Geneseo Communications and the City of Moline's IT

Department. The City of Moline is responsible for all network cabling, switch configuration (via Geneseo Communications), and any additional data monthly charges as determined by Geneseo Communications. Data captured by the drone is the exclusive property of the Moline Police Department and will not be transmitted to the District's network at any point.

~~The District consents to provide internet connectivity to support the operations of the Equipment. The City will coordinate with the District's IT personnel to ensure network compatibility and cybersecurity protocols are followed.~~

#### Article VI. Ownership.

6.1 All Equipment installed pursuant to this Agreement shall remain the sole property of the City of Moline Police Department.

6.2 Any data captured by the drone is the exclusive property of the Moline Police Department for public safety use only and will follow retention set forth by laws of the State of Illinois and policy of the Moline Police Department.

#### Article VII. Miscellaneous

7.1 . Each party agrees to mutually indemnify, defend, and hold harmless the other party, its officers, agents and employees, for any and all claims and demands, and resulting damages, costs and expenses, including reasonable attorneys' fees, of any kind or nature whatsoever arising from the negligent or willful and wanton acts of such indemnifying party's officers, employees, and agents. The City further agrees to indemnify, defend, and hold harmless the District, its officers, agents and employees, for any and all claims and demands, and resulting damages, costs and expenses, including reasonable attorneys' fees, of any kind or nature whatsoever arising from the use of the Equipment. Whenever a demand or suit is made or filed against the beneficiary of such duty to defend, indemnify, and hold harmless, that party shall promptly notify in writing the burdened party of such demand or suit and such burdened party shall promptly notify the benefited party of the name of the individual assigned to handle and defend such demand or suit

7.2 Any change to this Agreement shall be in writing and approved by the governing bodies of both parties. The Chief of Police and the designated School Board representative may, however, approve nonsubstantive changes, i.e., matters not affecting the daily charge, the billing cycle, or the scope of authority, by reducing same to writing and executing same for the respective parties.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized agents to sign and seal, if any, these presents the day and year first above written.

MOLINE-COAL VALLEY  
SCHOOL DISTRICT NO. 40

CITY OF MOLINE, ILLINOIS  
a Municipal Corporation

By \_\_\_\_\_  
Board President

By \_\_\_\_\_

Mayor

Attest:

Attest:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
City Clerk

**8. Approval of Memorandum of Understanding with Project NOW Head Start**

42

*Recommended Motion:* that the Board of Education approve the Memorandum of Understanding between Project NOW Head Start and the Moline-Coal Valley School District #40 for the 2025-2026 school year. **See Attachment No. 7.**



MEMORANDUM OF UNDERSTANDING  
**2025 – 2026**

This is a collaborative agreement between **Project NOW Head Start** and the **Moline – Coal Valley School District #40**. It describes the intention and detailed plans for these entities to work in partnership to support the early childhood care and education of the families of this community.

In order to support comprehensive services and support for the low-income families of the service area, both parties agree to:

1. Establish and maintain lines of communication with participating Birth-to-Three Parental Training (hereafter called 0-3), Pre-K At Risk, Preschool For All Children, Preschool for All Extended Day Children and other formally recognized Early Care and Education programs (hereafter called ECE programs).
2. Provide one another with eligibility criteria for program enrollment and waiting list priorities. Utilize these criteria to make recommendations to families about the array of services for which they may be eligible and how to apply for those services.
3. Establish and implement a process for making referrals of families from Project NOW Head Start to the ECE partner programs vice versa, based on needs identified by the families and program and space availability. This includes a process to:
  - Expedite the transfer of screening results, determination and/or diagnosis of needs, and other records between programs.
  - Coordinate to provide dual enrollment options for as many eligible children as possible both ECE and either home-based or center-based Head Start.
  - Collaborate with IEP development process and the implementation of stated goals.
  - Per federal mandates, provide Development, Speech, Hearing and Vision screenings to the children enrolled in the program within 45 days of enrollment.
  - Collaborate in shared parent education activities to provide families with support in knowledge and skill development.
  - Collaborate in providing joint opportunities for staff training and networking.
  - Coordinate with schools to support children and families in making the transition Head Start to Kindergarten through activities and interactions with the schools throughout the Head Start Program year.
  - Coordinate, where possible, other activities outlined by the Improving Head Start for School Readiness Act of 2007. These include review and evaluation of curriculum objectives, joint staff training and implementation of smooth transitions to public school.

This agreement remains in effect for the 2025 - 2026 school year. It will be reviewed, revised as needed, and signed prior to the beginning of the next school year.

Signatures:

\_\_\_\_\_  
Authorized Representative of Moline – Coal Valley School District #40

\_\_\_\_\_  
Date

*Andrea Flannery*

*6/25/2025*

\_\_\_\_\_  
Authorized Representative of Project NOW Head Start

\_\_\_\_\_  
Date

**9. Approve the Moline-Coal Valley School District strategic PACE goals and new set of Community Commitments**

44

*Recommended Motion:* that the Board of Education approve the Moline-Coal Valley School District's strategic PACE goals and new set of Community Commitments. **See Attachment No. 8.**

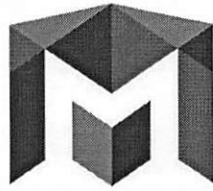


**Moline - Coal Valley School District**  
**2025-2026 DRAFT Strategic P.A.C.E. Goals**



Aligned to the Illinois 5 Essentials for School Improvement, Effective Leadership Sets the PACE

<p><b>People</b> <b>Collaborative Teachers/ Staff</b> The staff is committed to the school, receives strong professional development, works together to improve.</p>	<p>Strengthen support systems for high-achieving secondary students, meeting a defined set of criteria, by creating a new advanced academic advising service called "ASCEND" to include such elements as: expanded learning opportunities; increased high school transition planning; family-involved goal setting; strategic course selection; and alternative scheduling options. A targeted professional learning plan for counselors and other identified staff will accompany this goal. <i>Product</i></p>	<p>Create a Portrait of a Moline-Coal Valley School District Leader with a collaborative group of stakeholders and further enhance the Portrait of an Educator by creating a new recognition system for students to honor educators reflecting the core competencies at exemplary levels. <i>Product</i></p> <hr/> <p>Establish a district stakeholder committee to develop an implementation plan and guidelines for responsible use of Artificial Intelligence (AI) in our schools. <i>Product</i></p>
<p><b>Achievement</b> <b>Ambitious Instruction</b> Classes are academically demanding, engaging for students by emphasizing application of knowledge.</p>	<p>Implement a new rigorous digital learning platform and blended teaching model, including differentiated learner schedules for initial and recovered credit at the Aspire Education Center and finalize policies for recovered credit acquisition at Moline High School. <i>Product</i></p> <hr/> <p>Increase the number of students in grades 3-8 scoring at or above the 70th percentile by 5% from fall to spring, on the Measures of Academic Progress assessment in both English Language Arts and Math. <i>Quantitative</i></p>	<p>Develop and pilot a new pre-apprenticeship career pathway in early childhood education, leading to a post-high school Department of Labor Apprenticeship through a partnership with Skip-a-Long (S.A.L.) Family and Community Services. <i>Product</i></p> <hr/> <p>By summer of <u>2028</u>, MCV will meet or exceed the state average in English Language Arts, Math, and Science proficiency on the Illinois Assessment of Readiness (IAR), and all schools will be rated "Commendable" on the Illinois School Report Card. <i>Quantitative</i></p>
<p><b>Community</b> <b>Involved Families/ Community</b> Strong relationships are built across the community to support learning.</p>	<p>Reduce chronic absenteeism by 10% by launching a new attendance campaign, strengthening monitoring systems, and setting individual school attendance goals which will include increased opportunities for family engagement. <i>Quantitative</i></p>	<p>Expand district marketing, branding, social media engagement, and realtor outreach, with the launch of a new district tagline, enhanced promotion of career pathways, district fast facts, an updated community newsletter, a refreshed district website, and the addition of video reels to broaden our digital reach. <i>Product</i></p>
<p><b>Environment</b> <b>Supportive Environments</b> School is safe, clean, conducive to learning. Teachers have high expectations, students have support.</p>	<p>By summer of <u>2028</u>, all five categories of the Illinois 5 Essentials survey (effective leaders, ambitious instruction, collaborative teachers, involved families, and supportive environment) will be rated "Strong" <i>Quantitative</i></p>	<p>Reduce minor discipline referrals by 10% by onboarding two tier 1 behavior support systems at identified schools: "Capturing Kids Hearts" at Wilson and John Deere Middle Schools and "Boys Town" at Aspire, Lincoln-Irving and Willard. <i>Quantitative</i></p>



MOLINE-COAL VALLEY  
SCHOOL DISTRICT  
1900 52ND AVENUE, MOLINE, IL 61265

## **2025 Revised District Purpose Statement**

We are here to ignite a love for learning, build confidence, and empower every student to dream big, overcome challenges, and shape their own future—with the support of a strong and caring community.

## **2025 Revised District Set of Community Commitments**

1. **Foster Student Growth-** We commit to providing students with the tools, resources, and support they need to explore their interests, develop their strengths, and achieve their full potential.
2. **Create a Safe and Welcoming Space-** We commit to ensuring every student feels valued, respected, and supported every day.
3. **Innovate for Learning-** We commit to embracing innovative teaching practices and personalized learning approaches to meet the diverse needs of all students.
4. **Strengthen Community Partnerships-** We commit to actively engaging families, businesses, and community organizations to expand learning opportunities beyond the classroom.
5. **Cultivate Resilience-** We commit to creating a culture that encourages perseverance, problem-solving, and adaptability in an ever-changing world.

**10. Approval of First Reading of Updated Board of Education Policy 2:260 - Uniform Grievance Procedure and 2:265 - Title IX Grievance Procedure**

47

*Recommended Motion:* that the Board of Education accepts for first reading the updated Board of Education Policies 2:260 - Uniform Grievance Procedure and 2:265 - Title IX Grievance Procedure, as presented. **See Attachment No. 9.**

TO: Members of the Board of Education  
FROM: Dr. Brian Prybil, Deputy Superintendent (BP)  
DATE: July 24, 2025  
SUBJECT: Approve Updated Board Policies 2:260 - Uniform Grievance Procedure  
and 2:265 – Title IX Grievance Procedure

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: As part of the District's ongoing policy review process and alignment with recent PRESS recommendations, Policy 2:260 – Uniform Grievance Procedure has been updated. The updates address the ruling in State of Tennessee v. Cardona, which struck down the 2024 Title IX sex discrimination regulations and restored the 2020 Title IX regulations. The policy was also revised for continuous improvement.


Additionally, the footnotes were updated to reflect the recent amendments to the Whistleblower Act (740 ILCS 174) by Public Act 103-867, which broaden the scope of legal protections for whistleblowers.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accepts for first reading the updated Board of Education Policies 2:260 – Uniform Grievance Procedure and 2:265 – Title IX Grievance Procedure, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## School Board

### Uniform Grievance Procedure<sup>1</sup>

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or its agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy<sup>2</sup>, or has a complaint regarding any one of the following:<sup>3</sup>

1. Title II of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.<sup>4</sup>

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

<sup>1</sup> State or federal law requires this subject matter be covered by policy and controls this policy's content. 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. Employee grievance procedures are a mandatory subject of bargaining and cannot be changed without the employee exclusive representative's consent. This policy and its companion sample policy 2:265, *Title IX Grievance Procedure*, are in addition to, and not a substitute for, the employee grievance procedure contained in a collective bargaining agreement.

A grievance procedure is required by many civil rights acts and implementing regulations, including those listed. For the sake of consistency and ease of administration, this policy consolidates all board grievance procedures, excluding Title IX sexual harassment complaints (see sample policy 2:265, *Title IX Grievance Procedure*) into one policy, except those contained in collective bargaining agreements. See the cross references for the policies referring to this uniform grievance procedure policy.

<sup>2</sup> Including the phrase "guaranteed by the State or federal Constitution, State or federal statute, or Board policy" broadens the scope of this policy beyond the items listed. Consult the board attorney regarding whether to retain this phrase and/or to otherwise limit the scope of this policy.

<sup>3</sup> The Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §1400 et seq.) is not included in the list of statutes that may serve as the basis of a grievance, and attorneys disagree whether it should be. Many believe that IDEA provides the exclusive remedy; others believe that including IDEA allows parents/guardians an opportunity to get their position before the board. Unique and specific complaint resolution mechanisms are expressly provided under IDEA. Article 14 of the School Code, and their respective implementing regulations. These mechanisms follow: (1) IDEA at 20 U.S.C. §1415 (procedural safeguards-mediation and due process); (2) IDEA regulations at 34 C.F.R. §§300.151-300.153 (state complaints), 300.506 (mediation), and 300.507 et seq. (due process); (3) School Code at §§105 ILCS 5/14-8.02a (mediation and due process) and 5/14-8.02b (expedited due process); and (4) special education regulations at 23 Ill.Admin.Code §§226.560 (Mediation), 226.570 (State Complaint Procedures), and Subpart G (due process). A board that would like to include IDEA should consult the board attorney.

<sup>4</sup> The Americans with Disabilities Act Amendments Act (ADAAA) (Pub. L. 110-325), made significant changes to the Americans with Disabilities Act's definition of disability by broadening the scope of coverage. The ADAAA also overturned a series of U.S. Supreme Court decisions that interpreted the Americans with Disabilities Act of 1990 in a way that made it difficult to prove that impairments were a disability. The U.S. Equal Employment Opportunity Commission's (EEOC) regulations, 29 C.F.R. Part 1630, are at: [www.eeoc.gov/eeoc-disability-related-resources/laws-and-regulations-related-disability-discrimination-www.eeoc.gov/laws/types/disability-regulations.cfm](http://www.eeoc.gov/eeoc-disability-related-resources/laws-and-regulations-related-disability-discrimination-www.eeoc.gov/laws/types/disability-regulations.cfm).

Boards should consult with their attorneys regarding how the ADAAA and its implementing regulations impact their districts.

Title II of the ADA of 1990 also includes website accessibility. The *Web Content Accessibility Guidelines* (WCAG) Version 2.1, Level AA is the formal federal legal standard for public accommodation websites, including school districts. The compliance date for districts is 4-24-26 or 4-26-27, depending upon the size of the population where the district is located. 28 C.F.R. §§35.104 and 35.200 et seq. See the U.S. Dept. of Justice's *Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments* (4-3-8-24), at: <https://www.ada.gov/resources/2024-03-08-web-rule/>. WCAG 2.1 is available at: [www.w3.org/TR/WCAG21](http://www.w3.org/TR/WCAG21). 105 ILCS 5/10-20.75, added by P.A. 102-238, also requires school districts to ensure their *Internet websites or web services* comply with Level AA of the WCAG 2.1 or any revised version of those guidelines. *Internet website or web service* means "any third party online curriculum that is made available to enrolled students or the public by a school district through the Internet." *Id.*

2. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., excluding Title IX complaints governed by Board policy 2:265, *Title IX Grievance Procedure*
- 2.3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.<sup>5</sup>
- 3.4. Discrimination and/or harassment on the basis of race, color, or national origin prohibited by the Illinois Human Rights Act, 775 ILCS 5/; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.; and/or Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (see Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*)<sup>6</sup>
- 4.5. Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (see also number 4, above, for discrimination and/or harassment on the basis of race, color, or national origin)
- 5.6. Sexual harassment prohibited by the State Officials and Employees Ethics Act<sup>7</sup>, 5 ILCS 430/70-5(a); Illinois Human Rights Act, 775 ILCS 5/; and Title VII of the Civil Rights Act of

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<sup>5</sup> See f/n 4's discussion of website accessibility above. See also the discussion in f/n 2 of sample policy 8:70, *Accommodating Individuals with Disabilities*.

<sup>6</sup> 105 ILCS 5/22-95(b)(1)(B), added by P.A. 103-472, requires a district to have an internal process for filing a complaint regarding a violation of its policy (or policies) prohibiting discrimination and harassment on the basis of race, color, national origin, and retaliation. Sample policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*, utilizes this policy as an internal complaint process. See also sample administrative procedure 2:270-AP, *Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin*, which includes additional procedures to be followed when responding to complaints of discrimination and harassment on the basis of race, color, and national origin.

<sup>7</sup> 5 ILCS 430/70-5(a) requires governmental entities (including school districts) to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment that contains certain prescribed elements. See sample policy 5:20, *Workplace Harassment Prohibited*, at f/n 3 and subhead **Complaints of Sexual Harassment Made Against Board Members by Elected Officials** in sample policy 2:105, *Ethics and Gift Ban*, for further detail. Complaints of sexual harassment made against board members by fellow board members or other elected officials of governmental units must undergo an *independent review*, which is not a term defined in the statute. Unlike the powers granted by the Ill. General Assembly to municipalities to pass ordinances, school boards govern by rules referred to as *policies*. 105 ILCS 5/10-20.5. Further, school boards may only exercise powers given to them that are consistent with the School Code that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. 105 ILCS 5/10-20. School districts are also required to create, maintain, and implement an age-appropriate sexual harassment policy. 105 ILCS 5/10-20.69. See sample policy 7:20, *Harassment of Students Prohibited*, and its f/n 9 for further information.

50 ILCS 205/3c requires a school district to post on its website and make available to news media specific information about severance agreements that it enters into because an employee or contractor was "found to have engaged in sexual harassment or sexual discrimination, as defined by the Ill. Human Rights Act or Title VII of the Civil Rights Act of 1964." Consult the board attorney about the word *found*. It raises many practical application questions, e.g., when does the word *found* trigger a board's compliance responsibility pursuant to this law. Such questions include, but are not limited to:

1. Must a school board make a *finding* to trigger this requirement? If the severance agreement is entered into post-termination, a record of board *findings* rarely exists.
2. Are charges for termination *findings*? Often superintendents submit charges for termination, but these are not technically *findings*.
3. Are charges based on a complaint manager's report and determination(s) *findings* under the law when a board still has the ability to review and reject the complaint manager's determination(s)?

Next, contrast the above publication law with the Government Severance Pay Act (GSPA), 5 ILCS 415/10(a)(2). GSPA prohibits an employee of a school district with contract provisions for severance pay from receiving any severance if he or she is fired for *misconduct* by the board. GSPA defines *misconduct* to include sexual harassment and/or discrimination. *Id.* at 415/5.

Consult the board attorney about how to reconcile whether sexual harassment and/or sexual discrimination is misconduct for which a severance would be prohibited under the GSPA, and therefore, not available to be published under 50 ILCS 205/3c. And for further discussion and other applicable transparency laws that apply to this issue, see also f/n 16 in sample policy 5:20, *Workplace Harassment Prohibited*.

- 1964, 42 U.S.C. §2000e et seq. (Title IX sexual harassment complaints are addressed under Board policy 2:265, *Title IX Grievance Procedure*)<sup>8</sup>
- 6.7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60<sup>9</sup>
- 7.8. Bullying, 105 ILCS 5/27-23.7<sup>10</sup>
- 8.9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children<sup>11</sup>
- 9.10. Curriculum, instructional materials, and/or programs
- 10.11. Victims' Economic Security and Safety Act, 820 ILCS 180/
- 11.12. Illinois Equal Pay Act of 2003, 820 ILCS 112/
- 12.13. Provision of services to homeless students
- 13.14. Illinois Whistleblower Act, 740 ILCS 174/<sup>12</sup>
- 14.15. Misuse of genetic information prohibited by the Illinois Genetic Information Privacy Act, 410 ILCS 513/; and Titles I and II of the Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.<sup>13</sup>

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<sup>8</sup> Consult the board attorney regarding proper filing and storage of these investigation documents, including whether certain student-related investigation documents are *sole possession records*, a Family Policy Compliance Office (FPCO)-created an exemption to the Family Education Rights Privacy Act (FERPA) (20 U.S.C. §1232g). See *Letter to Ruscio*, 115 LRP 18601 (FPCO 12-17-14).

<sup>9</sup> 105 ILCS 5/10-20.60 requires schools to implement the Ill. sex equity grievance procedures when processing student complaints about breastfeeding accommodations. Complainants must be informed that the board's decision may be appealed to the Regional Superintendent (or appropriate Intermediate Service Center Executive Director) and, thereafter, to the State Superintendent. 23 Ill.Admin.Code §200.40. **Note:** Certain claims brought under 105 ILCS 5/10-20.60 may also be covered by the anti-discrimination protections of Title IX; consult the board attorney for further advice. Guidance from U.S. Dept. of Education on Title IX requirements for pregnant and parenting students (June 2013) is available at: [www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/sex-issue03.html](http://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/sex-issue03.html).

<sup>10</sup> All districts must have a policy on bullying. 105 ILCS 5/27-23.7. See sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. The inclusion of *bullying* in the list of topics that may serve as the basis of a grievance furthers the obligation to communicate this policy to students and their parents/guardians.

<sup>11</sup> Parents/guardians of educationally disadvantaged children may sue a district for misuse of funds allocated by State law for the benefit of such children. *Novola v. Bd. of Educ.*, 179 Ill.2d 121 (Ill. 1997) (affirming the appellate court's conclusion in *Novola v. Bd. of Educ.*, 284 Ill.App.3d 128 (1st Dist. 1996) that parents/guardians may pursue a claim to enforce the requirements of the School Code but holding that the proper action for enforcement is by means of mandamus not an implied right of action).

<sup>12</sup> The Whistleblower Act (740 ILCS 174/), amended by P.A. 103-867, includes school districts in the definition of employer. It protects employees from employer retaliation for disclosing information to a government or law enforcement agency. Section 15 also 740 ILCS 174/15, amended by P.A. 103-867, contains language prohibiting employers from retaliating against employees who disclose information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding initiated by a public body where the employee has reasonable cause to believe a good faith belief that the information an activity, policy, or practice of the employer: (1) violates-reveals a violation of a State or federal law, rule, or regulation; or (2) poses a substantial and specific danger to employees, public health, or safety. The Ill. False Claims Act (740 ILCS 175/) includes school districts in its definition of *State*. A strict interpretation of this language appears to allow school boards to collect civil penalties and costs against someone making a false claim. Before disciplining any employee, boards should thoroughly investigate the ramifications of these acts in consultation with their attorney and liability insurance carriers.

<sup>13</sup> The Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. §2000ff et seq.) is a federal law. Title I addresses the use of genetic information pertaining to health insurance. Title II protects job applicants, current and former employees, labor union members, and apprentices and trainees from discrimination based on their genetic information. GINA covers employers with 15 or more employees.

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to this grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parent(s)/guardian(s)); this includes mediation.

#### Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable<sup>15</sup> resolution of a complaint filed under this policy shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

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GINA broadly defines genetic information to include information about an individual's genetic tests, their family members, and, among other things, the manifestation of a disease or disorder in the individual or the individual's family members. Information about an individual's or family member's age or gender is excluded from genetic information. Its remedies mirror those available under a Title VII of the Civil Rights Act claim: back pay, reinstatement, attorneys' fees and compensatory and punitive damages. Retaliation against an individual who brings a claim under GINA is also prohibited. Federal regulations are available at 29 C.F.R. Part 1635, and background information on these regulations is available at: [www.eeoc.gov/genetic-information-discrimination](http://www.eeoc.gov/genetic-information-discrimination)~~www.eeoc.gov/regulations-related-genetic-discrimination~~. An FAQ entitled *FAQs on the Genetic Information Nondiscrimination Act* is available at: [www.dol.gov/agencies/ebsa/laws-and-regulations/laws/gina](http://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/gina).

The Ill. Genetic Information Protection Act (GIPA) (410 ILCS 513/) also prohibits employers from making employment decisions on the basis of any employee's genetic testing information and from penalizing employees who do not want to disclose their genetic information as part of a workplace wellness program. GIPA includes the federal GINA's definition of genetic information and creates more stringent obligations on Ill. employers. While the federal GINA exempts small employers (those with less than 15 employees), Illinois' GIPA covers all employers, even those with one employee. GIPA also provides penalties for negligent and intentional mishandling of genetic information. Note that Title II of GINA does not preempt GIPA's greater protections to Illinois employees.

Before using any sort of genetic information, consult the board attorney for guidance regarding GINA's and GIPA's specific applications to the district and how these laws integrate with other related federal laws, such as the Family and Medical Leave Act (29 U.S.C. §2612 *et seq.*) and the ADA, and State laws governing time off for sickness and workers' compensation.

<sup>14</sup> 820 ILCS 70/. Unless a satisfactory credit history is an *established bona fide occupational requirement* of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report; (2) inquire about an applicant's or employee's credit history; or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, when the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. 820 ILCS 70/10(b). A person who is injured by a violation of this Act may bring a civil action to obtain injunctive relief and/or damages. 820 ILCS 70/25. The court must award costs and reasonable attorneys' fees to a prevailing plaintiff. *Id.*

<sup>15</sup> The phrase "prompt and equitable resolution" comes from Title IX implementing regulation 34 C.F.R. §106.8(c)(2) which requires schools to "adopt, ~~and publish, and implement~~ grievance procedures ~~---~~ that provide for the prompt and equitable resolution of ~~complaints made by students, and employees, or other individuals who are participating or attempting to participate in the recipient's education program or activity~~ complaints" ~~of alleging sex discrimination.~~

### Deadlines

All deadlines under this policy may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, *school business days* means days on which the District's main office is open.

### Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender.<sup>16</sup> The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For any complaint alleging bullying and/or cyberbullying of students, the Complaint Manager or designee shall process and review the complaint under Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

For any complaint alleging sex discrimination that, if true, would implicate Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 *et seq.*), the Title IX Coordinator or designee<sup>17</sup> shall process and review the complaint under Board policy 2:265, *Title IX Grievance Procedure*.

For any complaint alleging harassment on the basis of race, color, or national origin, the Nondiscrimination Coordinator or a Complaint Manager or designee shall process and review the complaint under Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*, in addition to any response required by this policy.

For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, the Nondiscrimination Coordinator or a Complaint Manager or designee shall process and review the complaint according to that policy, in addition to any response required by this policy, and shall consider whether an investigation under Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*,<sup>18</sup> should be initiated.

### Investigation Process

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf.<sup>19</sup> The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law, this policy, or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

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<sup>16</sup> This is a best practice.

<sup>17</sup> "Title IX Coordinator or designee" is used where Title IX is implicated. In contrast, if Title IX is not implicated, "Nondiscrimination Coordinator or a Complaint Manager or designee" is used (see the last paragraph under the **Filing a Complaint** subhead).

<sup>18</sup> See sample administrative procedure 5:120-AP2, *Employee Conduct Standards*, and its exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*.

<sup>19</sup> This policy gives complaint managers the flexibility to appoint another individual to conduct an investigation, which may be appropriate in cases where the neutrality or efficacy of the complaint manager is an issue, and/or where the district wishes to have the expertise and related attorney-client and work product privileges that an in-house or outside attorney may afford an investigation. Such alternative appointments are often made in consultation with the superintendent or other district-level administrator (except in cases involving complaints about those individuals).

The identity of any student witnesses will not be disclosed except: (1) as required by law, this policy, or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this policy about the status of the investigation. Within 30 school business days after the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time from the Superintendent.

The Superintendent will keep the Board informed of all complaints.

If a complaint contains allegations involving the Superintendent or Board member(s), the written report shall be filed directly with the Board, which will make a decision in accordance with paragraph four of the following section of this policy.

#### Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Superintendent shall provide his or her written decision to the Complainant and the accused<sup>20</sup> as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.<sup>21</sup>

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board.

Within 30 school business days after an appeal of the Superintendent's decision, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within five school business days after the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

For complaints containing allegations involving the Superintendent or Board member(s), within 30 school business days after receiving the Complaint Manager's or outside investigator's report, the Board shall provide its written decision to the Complainant and the accused,<sup>22</sup> as well as to the Complaint Manager.

This policy shall not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.<sup>23</sup>

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<sup>20</sup> Using a consistent delivery method that allows the district to verify the date of receipt is a best practice, e.g., registered mail, return receipt requested, and/or personal delivery.

<sup>21</sup> *Preponderance of evidence* is a standard of proof used in civil cases. It means "the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force." See *Black's Law Dictionary, 11th ed. 2019*.

<sup>22</sup> See fn 20, above.

<sup>23</sup> The Ill. sex equity regulations require districts to have "specific timelines for completion of each step and rendering of a written decision, and shall provide for final appeal of grievance decisions made at the system level to the system's governing board." 23 Ill.Admin.Code §200.40(c)(1). To avoid arguments over these timelines, this sample policy provides that the failure to strictly follow the timelines does not prejudice any party. The grievance procedure is worthless if complaints are not thoroughly and promptly investigated.

Appointing a Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers <sup>24</sup>

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others.

~~The Nondiscrimination Coordinator also serves as the District's Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX.~~ <sup>25</sup>

The Superintendent shall appoint at least one Complaint Manager to administer this policy. If possible, the Superintendent will appoint two Complaint Managers, each of a different gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the Nondiscrimination Coordinator, Title IX Coordinator, and the Complaint Managers. <sup>26</sup>

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<sup>24</sup> While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

~~A district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator. Best practice is that throughout the board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.~~

<sup>25</sup> Title IX regulations require districts to designate and authorize an employee to coordinate efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number. Id. If a district has more than one Title IX Coordinator, it should designate one of its Title IX Coordinators to retain ultimate oversight to ensure the district's consistent compliance with its responsibilities under Title IX and its implementing regulations.

~~A district must prominently display its Title IX nondiscrimination policies (this policy 2:260, *Uniform Grievance Procedure*, and policy 2:265, *Title IX Grievance Procedure*) and contact information for its Title IX Coordinator on its website, if any, and in each handbook made available to students, applicants for employment, parents/guardians, employees, and collective bargaining units. 34 C.F.R. §106.8(a) and (b). Notifications must state that nondiscrimination extends to employment, and that inquiries about the application of Title IX and its regulations may be referred to the district's Title IX coordinator, to the U.S. Dept. of Education's Assistant Secretary of Education, or both. 34 C.F.R. §106.8(b). See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, delete "The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator." insert a hard return to create a new paragraph, and insert "The Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX." Then, list the Title IX and Nondiscrimination Coordinators' names and contact information separately in this policy.~~

~~Best practice is that throughout the board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.~~

<sup>26</sup> The board may include the following option to address publication of such contact information:

~~"The Superintendent or designee shall ensure that students, parents/guardians, employees, and members of the community are informed of the contact information for the District's Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers on an annual basis."~~

~~Publicizing the contact information for the Nondiscrimination Coordinator and Complaint Managers through personnel handbooks, student handbooks, and/or on the district's website is a best practice. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: [www.ilprincipals.org/msh/](http://www.ilprincipals.org/msh/).~~

**Nondiscrimination Coordinator:**

**Title IX Coordinator:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

**Complaint Managers:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

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LEGAL REF.: 8 U.S.C. §1324a et seq., Immigration Reform and Control Act.  
 20 U.S.C. §1232g, Family Education Rights Privacy Act.  
 20 U.S.C. §1400, The Individuals with Disabilities Education Act.  
 20 U.S.C. §1681 et seq., Title IX of the Education Amendments; 34 C.F.R. Part 106.  
 29 U.S.C. §206(d), Equal Pay Act.  
 29 U.S.C. §621 et seq., Age Discrimination in Employment Act.  
 29 U.S.C. §791 et seq., Rehabilitation Act of 1973.  
 29 U.S.C. §2612, Family and Medical Leave Act.  
 42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act of 1964.  
 42 U.S.C. §2000c et seq., Title VII of the Civil Rights Act of 1964.  
 42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act.  
 42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.  
 42 U.S.C. §12101 et seq., Americans With Disabilities Act; 28 C.F.R. Part 35.  
 105 ILCS 5/2-3.8, 5/3-10, 5/10-20, 5/10-20.5, 5/10-20.7a, 5/10-20.60, 5/10-20.69,  
 5/10-20.75, 5/10-22.5, 5/22-19, 5/22-95 (final citation pending), 5/24-4, 5/27-1,  
 5/27-23.7, and 45/1-15.  
 5 ILCS 415/10(a)(2), Government Severance Pay Act.  
 5 ILCS 430/70-5(a), State Officials and Employees Ethics Act.  
 410 ILCS 513/, Ill. Genetic Information Privacy Act.  
 740 ILCS 174/, Whistleblower Act.  
 740 ILCS 175/, Ill. False Claims Act.  
 775 ILCS 5/, Ill. Human Rights Act.  
 820 ILCS 70/, Employee Credit Privacy Act.  
 820 ILCS 112/, Equal Pay Act of 2003.  
 820 ILCS 180/, Victims' Economic Security and Safety Act; 56 Ill.Admin.Code Part  
 280.  
 23 Ill.Admin.Code §§1.240, 200.40, 226.50, and 226.570.

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Grievance Procedure), 2:270  
 (Discrimination and Harassment on the Basis of Race, Color, and National Origin  
 Prohibited), 5:10 (Equal Employment Opportunity and Minority Recruitment),  
 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:90  
 (Abused and Neglected Child Reporting), 6:120 (Education of Children with  
 Disabilities), 6:140 (Education of Homeless Children), 6:170 (Title I Programs),  
 6:260 (Complaints About Curriculum, Instructional Materials, and Programs),  
 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights),  
 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to  
 Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence  
 Prohibited), 7:310 (Restrictions on Publications; Elementary Schools), 7:315  
 (Restrictions on Publications; High Schools), 8:70 (Accommodating Individuals  
 with Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and  
 Concerns)

## School Board

### Title IX Grievance Procedure<sup>1</sup>

Sexual harassment affects a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from sexual harassment is an important District goal. The District does not discriminate on the basis of sex in any of its education programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106) concerning everyone in the District's education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.

### Title IX Sexual Harassment Prohibited

Sexual harassment as defined in Title IX (Title IX Sexual Harassment) is prohibited. Any person, including a District employee or agent, or student, engages in Title IX Sexual Harassment when that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:<sup>2</sup>

1. A District employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;<sup>3</sup> or

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

<sup>1</sup> Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. §1681 *et seq.*) requires this subject matter be covered by policy and controls this policy's content. This policy contains items 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. Employee grievance procedures are a mandatory subject of bargaining and cannot be changed without the employee exclusive representative's consent. This policy and its companion policy 2:260, *Uniform Grievance Procedure*, are in addition to, and not a substitute for, the employee grievance procedure contained in a collective bargaining agreement.

For the sake of consistency and ease of administration, this policy addresses only Title IX sexual harassment grievances, except those contained in collective bargaining agreements. See the cross references for the policies referring to this Title IX sexual harassment grievance procedure policy.

A district must have at least one policy explicitly stating it does not discriminate on the basis of sex in its education programs or activities under Title IX and its implementation regulations (34 C.F.R. Part 106). 34 C.F.R. §106.8(b)(1). Title IX jurisdiction is geographically limited to discrimination against a person in the United States. 34 C.F.R. §106.8(d). While all complaints of sexual harassment may not constitute sexual harassment under Title IX, Title IX's reach is broad because an alleged complainant or alleged respondent may be *anyone* in the District's educational program or activity in the United States – including applicants for employment, students, parents/guardians, any employee, and third parties.

<sup>2</sup> 34 C.F.R. §106.30. The definition of *sexual harassment* in the policy and in Title IX includes *unwelcome* conduct. *Id.* However, case law does not always distinguish between *welcome* and *unwelcome* conduct. See *Mary M. v. North Lawrence Community Sch. Corp.*, 131 F.3d 1220 (7th Cir. 1997) (8th grade student did not need to show that a school employee's sexual advances were *unwelcome* in order to prove sexual harassment).

<sup>3</sup> 34 C.F.R. §106.30. This behavior is commonly called *quid pro quo* sexual harassment. See 85 Fed. Reg. 30036, f/n 94. By using the term *individual*, Title IX regulations do not limit *quid pro quo* sexual harassment to situations where the provision of an aid, benefit or service by an employee is conditioned on a current *student's* participation in unwelcome sexual conduct. By way of example, *quid pro quo* Title IX sexual harassment involving an employee and an individual other than a current student may be implicated when: an employee tells a former student she can only get a letter of recommendation if she participates in unwelcome sexual conduct; an employee selects a volunteer for a coveted field trip chaperone position if he participates in unwelcome sexual conduct; or a supervisory employee subjects a subordinate employee to unwelcome sexual conduct in exchange for a promotion.

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's educational program or activity; or
3. *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(11), *domestic violence* as defined in 34 U.S.C. §12291(a)(12), or *stalking* as defined in 34 U.S.C. §12291(a)(36).<sup>4</sup>

Examples of sexual harassment include, but are not limited to, touching, rape, sexual battery, sexual abuse, sexual coercion, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities.

Definitions from 34 C.F.R. §106.30

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.<sup>5</sup>

*Education program or activity* includes locations, events, or circumstances where the District has substantial control over both the *Respondent* and the context in which alleged sexual harassment occurs.<sup>6</sup>

*Formal Title IX Sexual Harassment Complaint* means a document filed by a *Complainant* or signed by the Title IX Coordinator<sup>7</sup> alleging sexual harassment against a *Respondent* and requesting that the District investigate the allegation.<sup>8</sup>

*Respondent* means an individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.<sup>9</sup>

*Supportive measures* mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the *Complainant* or the *Respondent* before or after the filing of a Formal Title IX Sexual Harassment Complaint or where no Formal Title IX Sexual Harassment Complaint has been filed.<sup>10</sup>

Title IX Sexual Harassment Prevention and Response

The Superintendent or designee will ensure that the District prevents and responds to allegations of Title IX Sexual Harassment as follows:

1. Ensures that the District's comprehensive health education program in Board policy 6:60, *Curriculum Content*, incorporates (a) age-appropriate sexual abuse and assault awareness and

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<sup>4</sup> See sample exhibit 2:265-E, *Title IX Glossary of Terms*, for these definitions and other definitions of italicized terms in this policy. Title IX regulations at 34 C.F.R. §106.30 contain pinpoint citations to the Violence Against Women Act (VAWA) (34 U.S.C. §12291 et seq.) for the definitions of *dating violence*, *domestic violence*, and *stalking*. VAWA was reauthorized in 2022 and the citations changed; however, 34 C.F.R. §106.30 has not been updated. This policy uses the updated VAWA citations.

<sup>5</sup> 34 C.F.R. §106.30.

<sup>6</sup> 34 C.F.R. §106.44(a).

<sup>7</sup> See fn 17 in sample policy 2:260, *Uniform Grievance Procedure*.

<sup>8</sup> 34 C.F.R. §106.30.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* See sample administrative procedure 2:265-AP1, *Title IX Response*, for further discussion of supportive measures.

prevention programs in grades pre-K through 12,<sup>11</sup> and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12.<sup>12</sup> This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.

2. Incorporates education and training for school staff as recommended by the Superintendent, Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager.<sup>13</sup>
3. Notifies applicants for employment,<sup>14</sup> students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the District's website, if any, and in each handbook made available to such persons.<sup>15</sup>

### Making a Report

A person who wishes to make a report under this Title IX grievance procedure may make a report to the Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any employee with whom the person is comfortable speaking.<sup>16</sup>

School employees shall respond to incidents of sexual harassment by promptly making or forwarding the report to the Title IX Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.

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<sup>11</sup> Required by 105 ILCS 110/3 and 105 ILCS 5/10-23.13 (*Erin's Law*).

<sup>12</sup> Required by *Id.* at 110/3.

<sup>13</sup> 105 ILCS 110/3. Detailed training requirements exist for Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. 34 C.F.R. §106.45(b)(1)(iii). Title IX rules "[leave districts] discretion to determine the kind of training to other employees that will best enable the [district], and its Title IX Coordinator, to meet Title IX obligations." 85 Fed. Reg. 30114. Many attorneys agree the best practice is to train all district staff about the definition of sexual harassment, the scope of the district's education program or activity, all relevant district policies and procedures, and the necessity to promptly forward all reports of sexual harassment to the Title IX coordinator. See sample administrative procedure 2:265-API, *Title IX Response*.

<sup>14</sup> If your district is covered by Subpart C of Title IX, which "applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education," amend this to state "applicants for admission or employment." 34 C.F.R. §106.15(d).

<sup>15</sup> 34 C.F.R. §106.8. See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

<sup>16</sup> Using "or any employee with whom the Complainant is comfortable speaking" ensures Title IX compliance because Title IX deems "any employee" of an elementary or secondary school who has notice of sexual harassment or allegations of sexual harassment to have *actual knowledge*. Therefore, a report to any employee triggers a district's duty to respond. 34 C.F.R. §106.30. This policy contains an item upon which collective bargaining may be required. Any policy that impacts 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.

The Superintendent shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX Coordinator. <sup>17</sup>

**Title IX Coordinator:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

**Processing and Reviewing a Report**

Upon receipt of a report made under this Title IX grievance procedure, the Title IX Coordinator and/or designee will promptly contact the Complainant to: (1) discuss the availability of supportive measures, (2) consider the *Complainant's* wishes with respect to *supportive measures*, (3) inform the Complainant of the availability of supportive measures with or without the filing of a Formal Title IX Sexual Harassment Complaint, and (4) explain to the Complainant the process for filing a Formal Title IX Sexual Harassment Complaint. <sup>18</sup>

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it.<sup>19</sup> For any report received, the Title IX Coordinator shall review Board policies 2:260, *Uniform Grievance Procedure*; 5:20, *Workplace Harassment Prohibited*; 5:90, *Abused and Neglected Child Reporting*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*;<sup>20</sup> 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; 7:185, *Teen Dating Violence Prohibited*; and 7:190, *Student Behavior*, to determine if the allegations in the report require further action.

\_\_\_\_\_  
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<sup>17</sup> Title IX regulations require districts to designate and authorize an employee to coordinate its efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number. *Id.* If a district has more than one Title IX Coordinator, it should designate one of its Title IX Coordinators to retain ultimate oversight to ensure the district's consistent compliance with its responsibilities under Title IX and its implementing regulations. A district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator. See sample policy 2:260, *Uniform Grievance Procedure*.

The Title IX Coordinator with ultimate oversight should be listed in this policy. While the name and contact information is required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the name and contact information when necessary. It is important for updated name and contact information to be inserted into this policy and regularly monitored.

<sup>18</sup> Required by 34 C.F.R. §106.44(a) and (b) regardless of whether a formal Title IX sexual harassment complaint is filed.

<sup>19</sup> See sample exhibit 2:265-E, *Title IX Glossary of Terms*, for a discussion of Title IX sexual harassment and non-Title IX sexual harassment. Consult the board attorney for further guidance.

<sup>20</sup> See sample administrative procedure 5:120-AP2, *Employee Conduct Standards*.

Reports of alleged sexual harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

#### Formal Title IX Sexual Harassment Complaint Grievance Process

When a Formal Title IX Sexual Harassment Complaint is filed, the Title IX Coordinator will investigate it or appoint a qualified person to undertake the investigation. <sup>21</sup>

The Superintendent or designee shall implement procedures to ensure that all Formal Title IX Sexual Harassment Complaints are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45.<sup>22</sup> The District's grievance process shall, at a minimum: <sup>23</sup>

1. Treat *Complainants* and *Respondents* equitably by providing remedies to a *Complainant* where the *Respondent* is determined to be responsible for sexual harassment, and by following a grievance process that complies with 34 C.F.R. §106.45 before the imposition of any disciplinary sanctions or other actions against a *Respondent*.
2. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a *Complainant*, *Respondent*, or witness.
3. Require that any individual designated by the District as a Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process:
  - a. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent*.
  - b. Receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially. <sup>24</sup>
4. Require that any individual designated by the District as an investigator receiving training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

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<sup>21</sup> This policy gives Title IX coordinators the flexibility to appoint another qualified individual to conduct an investigation. This may be appropriate when the neutrality or efficacy of the Title IX coordinator is an issue, and/or where the district wishes to have the expertise that an in-house or outside attorney may afford to an investigation. Alternative appointments are often made in consultation with the superintendent or other district-level administrator (except in cases involving complaints about those individuals) and the board attorney. If a complaint involves the superintendent or other district-level administrator, alternative appointments are often made in consultation with the board and the board attorney.

<sup>22</sup> 34 C.F.R. §106.45(b). See sample administrative procedures 2:265-AP1, *Title IX Response*, and 2:265-AP2, *Formal Title IX Complaint Grievance Process*.

<sup>23</sup> 34 C.F.R. §106.45(b)(1) lists the basic requirements for a grievance process.

<sup>24</sup> Aside from the general training requirements of 34 C.F.R. §106.45(b)(1)(iii), the DOE gives districts flexibility to determine certain training practices or techniques to best meet training requirements based upon their unique local conditions and resources within their educational community. 85 Fed. Reg. 30120. See also 85 Fed. Reg. 30084 (declining to specify that training of Title IX personnel must include implicit bias training, so long as training provides instruction on how to serve impartially and avoid prejudgment of the facts at issue, conflicts of interest, and bias, and that training materials avoid sex stereotypes).

5. Require that any individual designated by the District as a decision-maker receive training<sup>25</sup> on issues of relevance of questions and evidence, including when questions and evidence about the *Complainant's* sexual predisposition or prior sexual behavior are not relevant.
6. Include a presumption that the *Respondent* is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. Include reasonably prompt timeframes for conclusion of the grievance process.
8. Describe the range of possible disciplinary sanctions and remedies the District may implement following any determination of responsibility.
9. Base all decisions upon the *preponderance of evidence* standard.<sup>26</sup>
10. Include the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.
11. Describe the range of *supportive measures* available to *Complainants* and *Respondents*.
12. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.<sup>27</sup>

### Enforcement

Any District employee who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with

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<sup>25</sup> While live hearings are only required for postsecondary institutions, elementary and secondary schools may choose to offer them as part of their grievance process. **Consult the board attorney if the board wants the district to use a live hearing in its grievance process.**

If using a live hearing during the grievance process, amend #5 by inserting the following underscored text: "Require that any individual designated by the District as a decision-maker receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the *Complainant's* sexual predisposition or prior sexual behavior are not relevant."

<sup>26</sup> 34 C.F.R. §106.45(b)(1)(vii) requires the Title IX sexual harassment grievance process to state the standard of proof it will use to determine responsibility of the respondent. The standard of proof selected must be applied "consistently to formal complaints alleging Title IX sexual harassment regardless of whether the respondent is a student or an employee." 85 Fed. Reg. 30373. This sample policy uses the *preponderance of evidence* standard of proof, not the *clear and convincing evidence* standard of proof. *Preponderance of evidence* is a standard of proof used in civil cases. It means "the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force." See *Black's Law Dictionary, 11th ed. 2019*. *Preponderance of evidence* is the standard of proof used in sample policy 2:260, *Uniform Grievance Procedure*. *Clear and convincing* is a higher standard of proof, requiring more than *preponderance of evidence* but less than proof beyond a reasonable doubt. It means "evidence indicating that the thing to be proved is highly probable or reasonably certain." See *Black's Law Dictionary, 11th ed. 2019*. **Consult the board attorney regarding the appropriate standard of proof for the district, as well as implications if a different standard of proof is used in this policy than in 2:260, *Uniform Grievance Procedure*.** For boards that choose the *clear and convincing evidence* standard of proof, delete "*preponderance of*" and insert "*clear and convincing*." Ensure the same standard of proof is used in 2:265-AP2, *Formal Title IX Complaint Grievance Process*.

<sup>27</sup> Examples of legally recognized privileges include attorney-client privilege, doctor-patient privilege, and spousal privilege. See 85 Fed. Reg. 30277.

student behavior policies.<sup>28</sup> Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law.<sup>29</sup>

#### Retaliation Prohibited<sup>30</sup>

The District prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation using Board policy 2:260, *Uniform Grievance Procedure*.<sup>31</sup>

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.  
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).  
Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence)

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<sup>28</sup> See sample policies 7:190, *Student Behavior*, and 7:230, *Misconduct by Students with Disabilities*. See also sample policies 7:200, *Suspension Procedures*, and 7:210, *Expulsion Procedures*, for due process requirements when student suspension or expulsion is recommended following a determination of responsibility for Title IX sexual harassment.

<sup>29</sup> Examples of rights the district or parties may exercise ancillary to this Title IX grievance procedure include, but are not limited to: disciplinary processes for suspensions and expulsions of students under 105 ILCS 5/10-22.6; tenured teacher dismissal proceedings under 105 ILCS 5/24-12; any other pre-termination process required by an applicable collective bargaining agreement, employment policy or procedure, or employment contract; and student appeal of a sex equity grievance decision under 23 Ill. Admin. Code §200.40 (see sample policy 7:10, *Equal Educational Opportunities*).

<sup>30</sup> 34 C.F.R. §106.71.

<sup>31</sup> Retaliation complaints must be processed under sample policy 2:260, *Uniform Grievance Procedure*, because they are covered under the district's grievance procedure for resolving non-sexual harassment Title IX complaints. See 34 C.F.R. §106.8(c). Title IX sexual harassment regulations state that "[c]omplaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under §106.8(c)." 34 C.F.R. §106.71.

**11. Approval of First Reading of Updated Board of Education Policies for Section 5 - Personnel**

65

*Recommended Motion:* that the Board of Education accept for first reading revised Board of Education Policies for Personnel Section 5:60 - Expenses, as presented. **See Attachment No. 10.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources *td.*

DATE: July 24, 2025

SUBJECT: Approve Updated Board of Education Policies for Section 5 - Personnel

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.


Facts: In the continuing quest to update the District's Board Policies, attached are a portion of Section 5 with suggested changes based on PRESS recommendations. Administration is requesting the Board accept updates for Section 5, Personnel which are minor in stylistics, footnote or reference changes. Recall the underlined text represents suggested new additions; whereas, the strikethrough text represents suggested deletions.

Based on PRESS recommendation and administration review, it is the recommendation of administration that the Board of Education accept for first reading revised Board of Education policies for Personnel Section 5:60, Expenses.

Cost: None.

Recommended Motion: That the Board of Education accept for first reading revised Board of Education Policies for Personnel Section 5:60 - Expenses, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## General Personnel

### Expenses<sup>1</sup>

The Board regulates the reimbursement of all travel, meal, and lodging expenses by resolution.<sup>2</sup> Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the employee,<sup>3</sup> (2) anyone's personal expenses,<sup>4</sup> or (3) entertainment expenses.<sup>5</sup> Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event.<sup>6</sup> The District is not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft, unless the theft was a result of the District's

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<sup>1</sup> State law controls this policy's content. 105 ILCS 5/10-9, 5/10-10, and 5/22-1 (no compensation allowed, conflicts of interest prohibited); 105 ILCS 5/10-22.32 (expense advancements); 820 ILCS 115/9.5, added by P.A. 100-1094 (regulation of employee expenditures under the Ill. Wage Payment and Collection Act)(WPCA); the Local Government Travel Expense Control Act (ECA) 50 ILCS 150/10 (regulation of travel expenses); and the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/130 (regulation of travel expenses under grants). See f/n 13 of sample policy 2:125, *Board Member Compensation; Expenses*.

105 ILCS 5/10-22.32 states that "[t]he school board may advance to teachers and other certified employees the anticipated actual and necessary expenses incurred in attending meetings that are related to that employee's duties and will contribute to the professional development of that employee." This policy expands beyond those two categories (105 ILCS 5/10-20) of employees, and the limited purpose of attending meetings, to reimburse all employees for approved expenses necessary for the employee to perform his or her duties.

The WPCA, 820 ILCS 115/9.5, added by P.A. 100-1094, defines *necessary expenditures* as all reasonable expenditures or losses required of the employee in the discharge of employment duties and that inure to the primary benefit of the employer.

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. If a local collective bargaining agreement contains a provision on expenses, consult the board attorney about how this policy may impact it.

<sup>2</sup> 50 ILCS 150/10. See f/ns 4 through 8 in sample policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

For a sample resolution, see sample exhibit 2:125-E3, *Resolution to Regulate Expense Reimbursements*.

<sup>3</sup> 105 ILCS 5/10-22.32. The final paragraph of this law prohibits money for expenses to be advanced or reimbursed to any person other than a board member or employee of the district.

<sup>4</sup> Optional. *Personal expenses* are not defined in 50 ILCS 150/25 or 105 ILCS 5/10-22.32. Consult the board attorney about this term and delete it only at the direction of the board attorney. Excluding personal expenses from advancements, reimbursements, and purchase orders is a generally-accepted best practice. The practice also aligns well with the State's widely-accepted transparency movement. Reimbursing personal expenses is also a magnet for the media.

<sup>5</sup> 50 ILCS 150/25.

<sup>6</sup> Id. at 150/5.

negligence.<sup>7</sup> Employees must submit the appropriate itemized, signed, standardized form(s) to support any requests for expense advancements, reimbursements, or purchase orders that show the following:<sup>8</sup>

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and title of the employee who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants.<sup>9</sup>
3. The date(s) of the official business on which the expense advancement, reimbursement, or purchase order will be or was expended.<sup>10</sup>
4. The nature of the official business conducted when the expense advancement, reimbursement, or purchase order will be or was expended.<sup>11</sup>

### Advancements

The Superintendent may advance expenses to teachers and other licensed employees for the anticipated actual and necessary expenses to be incurred while attending meetings that are related to their duties and will contribute to their professional development,<sup>12</sup> provided they fall below the maximum allowed in the Board's expense regulations.<sup>13</sup>

Expense advancement requests must be submitted to the Superintendent or designee on the District's standardized estimated expense approval form for employees. After spending expense advancements, employees must use the District's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts.<sup>14</sup> Any portion of an expense advancement not used must be

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

<sup>7</sup> Optional. 820 ILCS 115/9.5, added by P.A. 100-1094. The purpose of this sentence is to provide information to employees and the community about WPCA exclusions from reimbursable expenses.

<sup>8</sup> 50 ILCS 150/20. The School Code uses the term voucher for expense advancements (105 ILCS 5/10-22.32); the ECA requires submission of itemized, signed, standardized forms. Both sample exhibits 5:60-E1, *Employee Expense Reimbursement Form*, and 5:60-E2, *Employee Estimated Expense Approval Form*, incorporate voucher into the ECA's requirement to use standardized forms. See f/n 12 below, and see also f/n 20 of sample policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

Additionally, while the WPCA (820 ILCS 115/9.5(a)) allows employees to submit a signed statement regarding any receipts when supporting documentation is nonexistent, missing, or lost, 820 ILCS 115/9.5(b) outlines that employers are not liable for expenditure amounts that exceed the specifications or guidelines the employer has established for necessary expenditures. The ECA requires districts to establish such specifications and guidelines. 50 ILCS 150/10 and 20 (regulation of travel expenses).

<sup>9</sup> 50 ILCS 150/20(2) and (3). This sentence mirrors the statute. The term *offices* is not defined. Consult the board attorney about whether inserting *job titles* would be sufficient for this requirement.

<sup>10</sup> *Id.* at (4).

<sup>11</sup> *Id.*

<sup>12</sup> 105 ILCS 5/10-22.32 authorizes advancements for the listed items. This statute addresses expense advancements for certain activities; its language pre-dates the ECA and is narrower than the ECA. This policy seeks to reconcile the differences by separating advancements into a separate subhead. See f/n 8 above, and see also f/n 20 of sample policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

<sup>13</sup> 50 ILCS 150/10 and 20. This phrase recognizes that while advancements are allowed in these situations, they should remain below the maximum allowable reimbursement amount (MARA) set by the board.

<sup>14</sup> 50 ILCS 150/20.

returned to the District.<sup>15</sup> Expense advancements and vouchers shall be presented to the Board in its regular bill process.

#### Reimbursements and Purchase Orders

Expense reimbursements and purchase orders may be issued by the Superintendent or designee to employees, along with other expenses necessary for the performance of their duties, provided the expenses fall below the maximum allowed in the Board's expense regulations.

Expense reimbursements and purchase order approvals are not guaranteed and, when possible, employees should seek pre-approval of expenses<sup>16</sup> by providing an estimation of expenses on the District's standardized estimated expense approval form for employees, except in situations when the expense is diminutive. When pre-approval is not sought, employees must seek reimbursement on the District's standardized expense reimbursement form for employees. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

#### Use of Credit and Procurement Cards

Credit and procurement card usage is governed by policy 4:56 *Use of Credit and Procurement Cards*.

#### Exceeding the Maximum Allowable Expense Amount(s)<sup>17</sup>

All requests for expense advancements, reimbursements, and purchase orders exceeding the maximum allowed in the Board's expense regulations may only be approved when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting.<sup>18</sup>

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<sup>15</sup> This paragraph's provisions are required by 105 ILCS 5/10-22.32.

<sup>16</sup> Optional. Consult the board attorney to determine whether a pre-approval process is appropriate for the district. Neither 105 ILCS 5/10-22.32 (expense advancements) nor 50 ILCS 150/ (expense reimbursements and estimates) address expense *pre-approvals*. 50 ILCS 150/20 states: "an *estimate* if expenses have not been incurred ..." or "a *receipt* ... if the expenses have already been incurred," suggesting no pre-approval is necessary. However, pre-approval is a best practice, and an employee who incurs expenses without pre-approval may run the risk that his or her expenses will not be approved. On the other hand, submitting estimated expenses for approval begs a pre-approval process, and some attorneys may read the law to require pre-approval of expenses. The pre-approval process also provides school officials with better information for financial planning.

Consult the board attorney to determine whether a pre-approval process is appropriate for the district. If it is required, ensure that exhibit 2:125-E3, Resolution to Regulate Expense Reimbursements, reflects the district's specific pre-approval requirements. For an example of a standardized *estimated* expense form that could be used as a form of pre-approval, see sample exhibit 5:60-E2, Employee Estimated Expense Approval Form. The form provides three methods for employees to submit estimated expenses: providing estimated expenses (50 ILCS 150/), expense advancements for the specific activities (105 ILCS 5/10-22.32), or a purchase order.

<sup>17</sup> 50 ILCS 150/ does not define *maximum allowable reimbursement amount* (MARA). Consult the board attorney to assist with a conversation about how much authority the board wishes to delegate to the superintendent for purposes of setting the MARA. Topics for these conversations are listed in f/n 8 of sample policy 2:125, Board Member Compensation; Expenses.

<sup>18</sup> 50 ILCS 150/10 and 15. See f/n 13 in sample policy 2:125, Board Member Compensation; Expenses for more discussion.

### Registration<sup>19</sup>

When possible, registration fees will be paid by the District in advance.

### Travel

The least expensive method of travel will be used, provided that no hardship will be caused to the employee. Employees will be reimbursed for:

1. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. Fees for the first checked bag will be reimbursed.<sup>20</sup> Copies of airline tickets and baggage receipts must be attached to the expense form.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
3. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
5. Taxis, airport limousines, ride sharing services, or other local transportation costs.

### Meals

Meals charged to the District should represent mid-fare selections for the hotel/meeting facility or general area.<sup>21</sup> Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

### Lodging

Employees should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Employees should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.

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<sup>19</sup> Amend the language in subheads **Registration**, **Travel**, **Meals**, **Lodging**, and **Miscellaneous Expenses** to align with the MARA defined in the board's expense regulation resolution. See sample exhibit 2:125-E3, Resolution to Regulate Expense Reimbursements, for a sample resolution.

See f/n 4 and 8 in sample policy 2:125, Board Member Compensation: Expenses, for further discussion about the board's power to set the expense regulations by policy (105 ILCS 5/10-20) and clarify considerations and unanswered questions surrounding its statutorily-imposed duty to set a MARA (50 ILCS 150/10).

<sup>20</sup> Optional. This language reflects the standard for expenses permitted for federal awards. 41 C.F.R. §301-12.2. If the board does not reimburse baggage fees, delete this sentence and ~~and baggage receipts~~ from the next sentence.

<sup>21</sup> Alternatively, a board could set a daily limit on meal costs, such as:

Employees will be reimbursed for meal costs and tips up to \$\_\_\_ per day consistent with the maximum reimbursement amount(s) set by the Board.

But see also f/n 8 of sample policy 2:125, Board Member Compensation: Expenses, and ensure this amount is consistent with the MARA set by the board resolution.

### Miscellaneous Expenses

Employees may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

### Additional Requirements for Travel Expenses Charged to Federal and State Grants <sup>22</sup>

All grant-related travel expenses must be pre-approved by the Superintendent or designee. <sup>23</sup>

Expenses for travel, including expenses for transportation, lodging, meals, and related items incurred by employees and charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must also meet the following requirements:

1. The participation of the employee is necessary to the award, and the costs are specifically related to the award. <sup>24</sup>
2. Expenses must be permissible under the terms and conditions of the award.
3. Expenses must be reasonable and consistent with this policy. <sup>25</sup>
4. The Board does not reimburse actual expenses or pay a per diem allowance unless the employee is on official *travel status*<sup>26</sup> for more than 12 hours.<sup>27</sup> However, employees remain eligible for

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<sup>22</sup> 30 ILCS 708/130. Boards are required to follow this subhead when they use grant money to reimburse employee travel expenses charged to federal pass-through grants and State grants covered by GATA. This policy is designed to be used in conjunction with sample administrative procedure 5:60-AP, Federal and State Grant Travel Expense Procedures, to achieve compliance.

GATA adopts the uniform federal guidance for State grants, including for travel costs. 2 C.F.R. §200.475<sup>4</sup>. Additionally, under GATA, boards may charge travel expenses to grants based on their own policy, provided the policy does not exceed federal travel regulations. 30 ILCS 708/130, 41 C.F.R. Chapters 300-304 (federal travel regulations). With regard to lodging, meals, and incidentals specifically, boards not only must keep costs at or below the federal standards, but they also cannot allow costs to exceed those normally allowed by the Governor's Travel Control Board (GTCB). 30 ILCS 708/130. The federal travel regulations and the rules of the GTCB are comprehensive. This policy addresses the most common areas of travel expenses and applies the strictest standard between the State and federal travel rules. To the extent this policy does not cover certain specific types of travel expenses, GATA provides that the GTCB Rules must be followed, provided they do not exceed federal travel regulations. The federal rules are laid out in detail in a Q&A format at: [www.gsa.gov/policy-regulations/regulations/federal-travel-regulation](http://www.gsa.gov/policy-regulations/regulations/federal-travel-regulation) — [www.gsa.gov/policy-regulations/regulations/federal-travel-regulation-ftr](http://www.gsa.gov/policy-regulations/regulations/federal-travel-regulation-ftr). The GTCB Rules are at: [www.ilga.gov/commission/jcar/admincode/080/08002800sections.html](http://www.ilga.gov/commission/jcar/admincode/080/08002800sections.html). Regardless of the federal and State rules, travel expenses must still comply with the MARA set by the Board, unless approved by the board in accordance with this policy.

In GATA and throughout the IASB Policy Reference Manual, the terms *award* and *grant* are used interchangeably. The federal regulations define and use the term *federal award* or *federal financial assistance* (2 C.F.R. §200.138), but awards/*federal financial assistance* are more commonly referred to as grants.

<sup>23</sup> Federal travel regulations state that requests for authorization for actual expense reimbursement should be made in advance of travel. 2 C.F.R. §301-11.302. Sample exhibit 5:60-E2, Employee Estimated Expense Approval Form, can be used as a form for pre-approval.

<sup>24</sup> 2 C.F.R. §§200.475(b)(1)+, 200.474(b)(1).

<sup>25</sup> 2 C.F.R. §200.4754(b)(2).

<sup>26</sup> *Travel status* is not specifically defined in the federal travel regulations or in the GTCB rules, however, the Governor's Travel Council Regulation Rules, which apply to State employees and members of State boards, provide that an employee is on *travel status* while away on official business. Travel status begins when an employee leaves his or her work location or, if reporting directly to a destination, from the employee's residence or other location. It ends when an employee returns to his or her work location or, if reporting directly from the original destination, to the employee's residence or other location at the completion of the authorized travel. 80 Ill.Admin.Code §3000.140.

<sup>27</sup> 41 C.F.R. §301-11.1.

- mileage reimbursement (minus regular commuting mileage/costs) and other transportation expenses if on travel status less than 12 hours. <sup>28</sup>
5. Expenses may be charged based on an actual cost basis or on a per diem basis in lieu of actual costs incurred; however, only one method may be applied per trip. <sup>29</sup>
  6. Commercial airfare costs in excess of the least expensive coach or economy class are prohibited except when such accommodations would: (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Qualifying circumstances must be explained on the expense form, and Board approval of the additional expense is required. <sup>30</sup>
  7. Per diem rates and actual reimbursement amounts for mileage, meals, and lodging may not exceed the rates established by the Governor's Travel Control Board or federal travel regulations, whichever is less.<sup>31</sup> These limits do not apply when: (1) an employee stays in the lowest-priced room available at or near a hotel where a conference or seminar is located or in accommodations arranged by the conference/seminar organization, or (2) lodging at or below the established rate is unavailable.<sup>32</sup> In those cases, the employee will be reimbursed for actual lodging expenses with prior approval, but in no case will the reimbursement exceed 300% of the applicable maximum per diem rate.<sup>33</sup> If a conference fee includes a meal, the meal or per diem allowance will be reduced by the actual value of the meal or the applicable meal allowance, whichever is less. <sup>34</sup>
  8. Employees must use the least expensive compact car available when using a rental car for travel, unless an exception is approved.<sup>35</sup> The Board does not reimburse employees for collision damage waiver or theft insurance. <sup>36</sup>
  9. The Board will reimburse travel expenses not chargeable to an award from other District funds consistent with this policy.

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

<sup>28</sup> 41 C.F.R. §301-10.300-10.310 are the federal regulations that address mileage reimbursement and related expenses.

<sup>29</sup> 2 C.F.R. §200.4754(a).

<sup>30</sup> 2 C.F.R. §200.4754(e).

<sup>31</sup> To determine the lesser applicable amount, compare the State rates, available at: <https://cms.illinois.gov/employees/travel/travelreimbursement.html> with the federal per diem rates, available at: [www.gsa.gov/travel/plan-book/per-diem-rates](http://www.gsa.gov/travel/plan-book/per-diem-rates).

<sup>32</sup> 80 Ill.Admin.Code §2800.400; 41 C.F.R. §301-11.30.

<sup>33</sup> 41 C.F.R. §301-11.30. 300% is the maximum reimbursement amount permitted under federal travel expense regulations and may be adjusted down by the board. The board may not reimburse over the MARA even if the expense is under the 300% threshold, unless it meets the requirements of the ECA. See f/n 17. above. See sample procedure 5:60-AP. *Federal and State Award-Grant Travel Expense Procedures*, for details on lodging requirements, including excessive lodging requests.

<sup>34</sup> 80 Ill.Admin.Code §2800.500.

<sup>35</sup> See 41 C.F.R. §301-10.450 for a list of authorized exceptions.

<sup>36</sup> 41 C.F.R. §301-10.451. Federal regulations generally prohibit reimbursement for collision damage waiver and theft insurance in part because the government has negotiated full insurance coverage into its agreements with rental companies. Similarly, the State has negotiated the cost of damage collision waivers into its preferred vendor agreement. Districts may wish to pursue similar arrangements for additional coverage. Employees will often have coverage for rental car damage through their own personal auto policies. The federal regulations permit employees on official business to be reimbursed for their out-of-pocket deductibles. Id.

LEGAL REF.: 2 C.F.R. §200.4754.  
30 ILCS 708/130, Grant Accountability and Transparency Act.  
50 ILCS 150/, Local Government Travel Expense Control Act.  
105 ILCS 5/10-22.32.  
820 ILCS 115/9.5, Ill. Wage Payment and Collection Act.

CROSS REF.: 2:125 (Board Member Compensation; Expenses), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards)


DRAFT

**12. Approval of First Reading of Revised Board of Education Policy 5:10 - Equal Employment Opportunity and Minority Recruitment**

74

*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education Policy 5:10 - Equal Employment Opportunity and Minority Recruitment, as presented. **See Attachment No. 11.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources 

DATE: July 24, 2025

SUBJECT: Approval of First Reading of Revised Board of Education Policy 5:10 - Equal Employment Opportunity and Minority Recruitment

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.


Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 5:10, Equal Employment Opportunity and Minority Recruitment, which was included as part of the April 2025 PRESS update review. Recall the underlined text represents suggested new additions; whereas, the strikethrough text represents suggested deletions.

The revised policy is updated for reasons stated in 2:265, Title IX Grievance Procedure. This update is in response to case law, striking down 2024 Title IX sex discrimination regulations, and restoring the 2020 Title IX regulations. The footnotes were also updated.

Cost: None.

Recommended Motion: That the Board of Education accept for first reading the revised Board of Education Policy 5:10 - Equal Employment Opportunity and Minority Recruitment, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## General Personnel

### Equal Employment Opportunity and Minority Recruitment<sup>1</sup>

DRAFT

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

<sup>1</sup> Federal and State law (see the policy's Legal References) require that all districts have a policy on equal employment opportunities and control this policy's content. **This is a complex, confusing, and highly litigated area of the law; consult the board attorney for advice on the application of these laws to specific situations.**

The School District shall provide equal employment opportunities<sup>2</sup> to all persons regardless of their race;<sup>3</sup> color; creed; religion;<sup>4</sup> national origin; sex;<sup>5</sup> sexual orientation;<sup>6</sup> age;<sup>7</sup> ancestry; marital status;<sup>8</sup>

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<sup>2</sup> *Equal employment opportunities* apply to virtually all terms and conditions of employment, e.g., discharge, hire, promotion, pay, demotion, and benefits (see the policy's Legal References). The Ill. Constitution protects the following categories from discrimination in employment: race, color, creed, national ancestry, sex, and handicap. Art. I, §§17, 18, and 19. The Ill. Human Rights Act (IHRA) protects the following categories from discrimination in employment, whether *actual* or *perceived*: race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, order of protection status, sexual orientation, pregnancy, reproductive health decisions, unfavorable discharge from military service, arrest record, conviction record (unless authorized by law), citizenship status, work authorization status. 775 ILCS 5/1-102(A), amended by P.A.s 102-233, and 103-785, eff. 1-1-25; 5/1-103, amended by P.A.s 102-419, and 102-1102 and 103-785, eff. 1-1-25; and 775 ILCS 5/2-103.1. The IHRA also prohibits employers from using artificial intelligence (AI) in a manner that subjects employees to unlawful discrimination, and it requires employers to provide notice to employees when it uses AI with respect to recruitment, hiring, promotion, renewal of employment, selection for training, discharge, discipline, tenure, or the terms, privileges, or conditions of employment. 775 ILCS 5/2-102(L), added by P.A. 103-804, eff. 1-1-26. For resources on the use of AI in employment decisions, see [www.eeoc.gov/ai](http://www.eeoc.gov/ai).

The IHRA requires employers to annually disclose to the Ill. Dept. of Human Rights (IDHR) certain information about adverse judgments and administrative rulings where there was a finding of sexual harassment or unlawful discrimination under any federal, State, or local law, as well as data regarding settlement agreements, if requested by an IDHR investigator. 775 ILCS 5/2-108 (scheduled to be repealed on 1-1-30).

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits discrimination because of an individual's race, color, religion, sex, or national origin. 42 U.S.C. §2000e *et seq.*, amended by The Lilly Ledbetter Fair Pay Act of 2009 (LLFPA), Pub.L. 111-2.

Under the Workplace Transparency Act (WTA) (820 ILCS 96/), employers may not, as a condition of employment or continued employment, prevent prospective or current employees from making truthful statements or disclosures about alleged unlawful employment practices, including discrimination. *Id.* at 96/1-25.

The LLFPA clarifies that a discriminatory compensation decision or other practice occurs each time an employee is paid or receives a last benefits check pursuant to the discriminatory compensation decision as opposed to only from the time when the discriminatory compensation decision or other practice occurred. The LLFPA has no legislative history available to define what the phrase *or other practice* might mean beyond a discriminatory compensation decision; however, in a guidance document, the U.S. Equal Employment Opportunity Commission (EEOC) states that practices "may include employer decisions about base pay or wages, job classifications, career ladder or other noncompetitive promotion denials, tenure denials, and failure to respond to requests for raises." See *Equal Pay Act of 1963 and Lilly Ledbetter Fair Pay Act of 2009* (2014), at: [www.eeoc.gov/laws/guidance/equal-pay-act-1963-and-lilly-ledbetter-fair-pay-act-2009](http://www.eeoc.gov/laws/guidance/equal-pay-act-1963-and-lilly-ledbetter-fair-pay-act-2009).

The Ill. Equal Pay Act of 2003 (EPA) offers additional protection by prohibiting the payment of wages to one sex less than the opposite sex or to an African-American less than a non-African-American *for the same or substantially similar work*. 820 ILCS 112/. The Ill. Dept. of Labor (IDOL) enforces the EPA. The EPA also prohibits employers from requesting or requiring applicants to disclose wage or salary history as a condition of being considered for employment or as a condition of employment. *Id.* at 112/10(b-5). If an applicant voluntarily offers such information without prompting, an employer still cannot use that information in making an offer or determining future pay. See sample administrative procedure 5:30-API, *Interview Questions*, for sample permissible inquiries on this topic. Employers may seek wage or salary history from an applicant's current or former employer if that information is a matter of public record under the Freedom of Information Act (FOIA); however, districts that wish to undertake such searches should exercise caution; the fact a district seeks out publicly available wage information could still be used against it in a pay discrimination claim. *Id.* at 112/10(b-10). Consult the board attorney for further guidance.

While not exhaustive, other laws protecting these and additional classifications are named in subsequent footnotes.

<sup>3</sup> The IHRA defines race to include traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists. 775 ILCS 5/1-103(M-5), added by P.A. 102-1102. The law allows employers to implement dress codes or adopt grooming policies that include restrictions on attire, clothing, or facial hair to maintain workplace safety or food sanitation. 775 ILCS 5/2-102(E-5). Title VII does not have a definition of race, but EEOC guidance provides that "[r]ace discrimination includes discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features." See the EEOC's *Questions and Answers about Race and Color Discrimination in Employment*, at: [www.eeoc.gov/laws/guidance/questions-and-answers-about-race-and-color-discrimination-employment](http://www.eeoc.gov/laws/guidance/questions-and-answers-about-race-and-color-discrimination-employment).

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

<sup>4</sup> 775 ILCS 5/2-102 of the IHRA, amended by P.A. 102-233, contains a *religious discrimination* subsection. It expressly prohibits employers from requiring a person to violate a sincerely held religious belief to obtain or retain employment unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business. Religious beliefs include, but are not limited to: the wearing of any attire, clothing, or facial hair in accordance with the requirements of his/her religion. 775 ILCS 5/2-102(E-5). Employers may, however, enact a dress code or grooming policy that restricts attire, clothing, or facial hair to maintain workplace safety or food sanitation. *Id.*

Regarding accommodation of an employee's religious practice under Title VII EEOA, the U.S. Supreme Court held in the case *Groff v. DeJoy*, 600 U.S. 447 (2023), that *undue hardship* means a burden that is "substantial in the overall context of an employer's business", rather than a mere *de minimis* standard. *Id.* at 468. In addition to the IHRA and Title VII (also discussed in f/n 2), see 775 ILCS 35/, Religious Freedom Restoration Act.

<sup>5</sup> Discrimination on the basis of sex under Title VII includes discrimination on the basis of sexual orientation or transgender status. *Bostock v. Clayton Cnty.*, 140 S.Ct. 1731 (2020); *Hively v. Ivy Tech*, 853 F.3d 339 (7th Cir. 2017). In addition to the IHRA and Title VII (discussed in f/n 2), see Title IX of the Education Amendments of 1972 (Title IX). 20 U.S.C. §1681 *et seq.*; 34 C.F.R. Part 106. See sample policy 2:265, *Title IX Grievance Procedure*. The federal Equal Pay Act prohibits an employer from paying persons of one sex less than the wage paid to persons of the opposite sex for equal work. 29 U.S.C. §206(d). See f/n 2 above for more information on State equal pay protections, including on the basis of sex. The LLFPA defines *date of underpayment* as each time wages are underpaid. Employees have one year from the time they become aware of the underpayment to file a complaint with the IDOL. 820 ILCS 112/15(b).

<sup>6</sup> *Sexual orientation* means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity; it does not include a physical or sexual attraction to a minor by an adult. 775 ILCS 5/1-103(O-1).

<sup>7</sup> Age Discrimination in Employment Act (ADEA) (29 U.S.C. §621 *et seq.*), amended by LLFPA (see f/n 2), 29 C.F.R. Part 1625, amended the EEOC regulations under ADEA to reflect the U.S. Supreme Court's decision in *General Dynamic Systems, Inc. v. Cline*, 540 U.S. 581 (2004), holding the ADEA permits employers to favor older workers because of age. Thus, favoring an older person over a younger person is not unlawful discrimination, even when the younger person is at least 40 years old.

<sup>8</sup> 105 ILCS 5/10-22.4 and 775 ILCS 5/1-103(Q). The term *marital status* means an individual's legal status of being married, single, separated, divorced, or widowed. 775 ILCS 5/1-103(J). This statutory definition does not encompass the identity of one's spouse. Thus, school districts may adopt no-spouse policies. *Boaden v. Dept. of Law Enforcement*, 171 Ill.2d 230 (Ill. 1996).

arrest record;<sup>9</sup> military status; order of protection status;<sup>10</sup> unfavorable military discharge;<sup>11</sup> citizenship status provided the individual is authorized to work in the United States;<sup>12</sup> work authorization status;<sup>13</sup> use of lawful products while not at work;<sup>14</sup> being a victim of domestic violence, sexual violence, gender

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<sup>9</sup> Districts may not make employment decisions on the basis of arrest history, but may use job-disqualifying criminal convictions provided specific conditions are met. 775 ILCS 5/2-103 and 5/2-103.1. See *fn* 21, below. The Job Opportunities for Qualified Applicants Act, 820 ILCS 75/15, prohibits an employer from asking about a criminal record until the employer determines that the applicant is qualified for the position; however, this does not apply when employers are required to exclude applicants with certain criminal convictions from employment. School employers should limit their requests for criminal convictions to *job-disqualifying* convictions, as permitted by the IHRA. 775 ILCS 5/2-103.1. See also the IDHR's guidance, *Conviction Record Protection – Frequently Asked Questions*, at: <https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html> and the EEOC's guidance, *Consideration of Arrest and Conviction Records in Employment Decisions* (2012), at: [www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm).

<sup>10</sup> 775 ILCS 5/1-103(Q). The term *order of protection status* means a person protected under an order of protection issued pursuant to the Ill. Domestic Violence Act of 1986 (750 ILCS 60/), Article 112A of the Code of Criminal Procedure of 1963 (725 ILCS 5/112A-1.5), the Stalking No Contact Order Act (740 ILCS 21/), the Civil No Contact Order Act (740 ILCS 22/), or an order of protection issued by a court of another state. 775 ILCS 5/1-103(K-5).

<sup>11</sup> *Military status* means a person's status on active duty or in status as a veteran in the U.S. Armed Forces, veteran of any reserve component of U.S. Armed Forces, or current member or veteran of the Ill. Army National Guard or Ill. Air National Guard. 775 ILCS 5/1-103(J-1). *Unfavorable military discharge* does not include those characterized as RE-4 or *dishonorable*. 775 ILCS 5/1-103(P). The Uniformed Services Employment and Reemployment Rights Act of 1994 prohibits employers from discriminating or retaliating against any person for reasons related to past, present, or future service in a *uniformed service*. 38 U.S.C. §4301 *et seq.*

<sup>12</sup> 775 ILCS 5/1-102(C). According to the Immigration Reform and Control Act of 1986, all employers must verify that employees are either U.S. citizens or authorized to work in the U.S. 8 U.S.C. §1324(a) *et seq.*

<sup>13</sup> 775 ILCS 5/2-102(A), amended by P.A. 102-233. *Work authorization status* means the status of being a person born outside of the United States, and not a U.S. citizen, who is authorized by the federal government to work in the United States. 775 ILCS 5/2-101(L), added by P.A. 102-233. Under the IHRA, it is a civil rights violation for an employer to refuse to honor a legal work authorization; however, employers are not required to sponsor any applicant or employee to obtain or modify work authorization status, unless required by federal law. 775 ILCS 5/2-102(G), amended by P.A. 102-233; 775 ILCS 5/2-104(D), added by P.A. 102-233.

<sup>14</sup> The Right to Privacy in the Workplace Act prohibits discrimination based on use of lawful products, e.g., alcohol, cannabis, and tobacco, off premises during non-working hours. 820 ILCS 55/5.

violence, or any other crime of violence;<sup>15</sup> genetic information;<sup>16</sup> physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation;<sup>17</sup> pregnancy, childbirth, or related medical conditions;<sup>18</sup> reproductive health decisions;<sup>19</sup> credit history, unless a satisfactory credit history is an established bona fide occupational

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

<sup>15</sup> 820 ILCS 180/30, amended by P.A.s 102-487 and 102-890, Victims' Economic Security and Safety Act (VESSA). *Gender violence* means: (1) one or more acts of violence or aggression that are a criminal offense under State law committed, at least in part, on the basis of a person's actual or perceived sex or gender, (2) a physical intrusion or invasion of a sexual nature under coercive conditions that is a criminal offense under State law, or (3) a threat to commit one of these acts. 820 ILCS 180/10(12.5). In certain circumstances, an employer can be held liable for gender-related violence that occurs in the workplace if the employer failed to investigate complaints or failed to supervise, train, or monitor an employee who engaged in the violence. 740 ILCS 82/11, added by P.A. 103-202, Gender Violence Act. *Other crime of violence* under VESSA means conduct prohibited by 720 ILCS 5/9 (homicide), 720 ILCS 5/11 (sex offenses), 720 ILCS 5/12 (bodily harm), 720 ILCS 5/26.5 (harassing and obscene communications), 720 ILCS 5/29D (terrorism), and 720 ILCS 5/33A (armed violence), or similar provision of the Criminal Code of 1961. 820 ILCS 180/10(2.5), added by P.A. 102-487.

An employer is prohibited from discriminating against any individual, e.g., an applicant for employment, because he or she "is an employee whose employer is subject to Section 21 of the Workplace Violence Prevention Act." The Workplace Violence Prevention Act allows an employer to seek a *workplace protection restraining order* when there is a credible threat of violence at the workplace. 820 ILCS 275/. The law requires the employer seeking a *workplace protection restraining order* to notify the employee who is a victim of *unlawful violence*. 820 ILCS 275/21.

<sup>16</sup> Illinois' Genetic Information Privacy Act (GIPA) (410 ILCS 513/25) and Title II of Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. §2000ff *et seq.*). Both laws protect job applicants and current and former employees from discrimination based on their genetic information. Note that GIPA provides greater protections to Illinois employees than Title II of GINA. GIPA prohibits employers from penalizing employees who do not disclose genetic information or do not choose to participate in a program requiring disclosure of the employee's genetic information. See f/n 12 in sample policy 2:260, *Uniform Grievance Procedure*, for the definition of genetic information and a detailed description of both statutes, including of Title I of GINA affecting the use of genetic information in health insurance. The EEOC vacated certain 2016 ADA and GINA wellness program regulations following an adverse court ruling. 83 Fed. Reg. 65296. Those rules provided guidance to employers on the extent to which they could use incentives (such as discounted health plan costs) to encourage employees to participate in wellness programs that asked for employee and family health information. Consult the board attorney for guidance regarding specific application of ADA and GINA and how they integrate with other related laws, e.g., the Family Medical Leave Act and other State laws governing time off for sickness and workers' compensation.

<sup>17</sup> Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §12101 *et seq.*), amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) (Pub. L. 110-325) and modified by the LLFPA: Rehabilitation Act of 1973 (29 U.S.C. §701 *et seq.*).

<sup>18</sup> 775 ILCS 5/2-102(1). Employers must provide reasonable accommodations to employees with conditions related to pregnancy, childbirth, or related conditions. 775 ILCS 5/2-102(J). Guidance from the IDHR is available at: <https://dhr.illinois.gov/publications/pregnancy-rights.html>. Employers are required to post a notice summarizing the right to be free from unlawful discrimination and the right to certain reasonable accommodations. 775 ILCS 5/2-102(K). The IDHR is required to prepare such a notice, retrievable from its website, which employers may use.

Federal law also prohibits employers from discriminating against employees and applicants on the basis of pregnancy, childbirth, or related medical conditions. 42 U.S.C. §2000e(k). Similar to the IHRA, the federal Pregnant Workers Fairness Act (PWFA) (42 U.S.C. §2000gg *et seq.*), added by Pub.L 117-328 and implemented by 29 C.F.R. Part 1636, requires employers to provide reasonable accommodations to an employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship. For further information about implementation of the PWFA, see the EEOC's *Summary of Key Provisions of EEOC's Final Rule to Implement the PWFA*, at: [www.eeoc.gov/summary-key-provisions-eeoc-final-rule-implement-pregnant-workers-fairness-act-pwfa](http://www.eeoc.gov/summary-key-provisions-eeoc-final-rule-implement-pregnant-workers-fairness-act-pwfa). Pregnant workers with pregnancy-related impairments may also have disabilities for which they may be entitled to reasonable accommodation under the ADA. Guidance from the EEOC is available at: [www.eeoc.gov/pregnancy-discrimination](http://www.eeoc.gov/pregnancy-discrimination). State law also prohibits the State, which includes school districts, from interfering with or discriminating against an individual's fundamental right to continue a pregnancy or to have an abortion. 775 ILCS 55/.

<sup>19</sup> 775 ILCS 5/1-102(A) and 5/1-103(Q), amended by P.A. 103-785, eff. 1-1-25. *Reproductive health decisions* means a person's decisions regarding their use of: contraception; fertility or sterilization care; assisted reproductive technologies; miscarriage management care; healthcare related to the continuation or termination of pregnancy; or prenatal, intranatal, or postnatal care. *Id.* at 5/1-103(O-2).

requirement of a particular position;<sup>20</sup> conviction record, unless authorized by law;<sup>21</sup> family responsibilities;<sup>22</sup> or other legally protected categories.<sup>23 24 25 26</sup> No one will be penalized solely for

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

<sup>20</sup> 820 ILCS 70/, Employee Credit Privacy Act. Unless a satisfactory credit history is an *established bona fide occupational requirement* of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report; (2) inquire about an applicant's or employee's credit history; or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. *Id.* at 70/10.

<sup>21</sup> 775 ILCS 5/2-103.1(A). The IHRA prohibits an employer from *disqualifying* or taking other *adverse action* against an applicant or employee based on a *conviction record* unless: (1) otherwise authorized by law; (2) there is a *substantial relationship* between the criminal offense and the employment sought; or (3) granting the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. *Id.* Disqualification or adverse action includes refusal to hire, segregation, and actions with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges, or conditions of employment. *Id.* If a board wants to terminate or take other adverse action against a *current* district employee based in whole or in part on a conviction record, it still must comply with all applicable statutory, policy, and bargaining agreement provisions. Boards should consult the board attorney to ensure all legal obligations are met.

Districts that wish to disqualify or take other adverse action against an applicant or employee based on a conviction record must first engage them in an *interactive assessment*, providing the individual with the opportunity to submit evidence in mitigation or to dispute the accuracy of the conviction record. See sample policy 5:30, *Hiring Process and Criteria*, at f/n 5, and sample administrative procedure 5:30-AP2, *Investigations*, for more information.

<sup>22</sup> 775 ILCS 5/2-102(A), amended by P.A. 103-797, eff. 1-1-25, prohibits an employer from refusing to hire, segregating, harassing, or making other employment-related decisions on the basis of an employee's family responsibilities. *Family responsibilities* means an employee's actual or perceived provision of *personal care* to a *covered family member*, as those terms are defined in the Employee Sick Leave Act, 820 ILCS 191/5.

<sup>23</sup> Insert the following optional sentence (775 ILCS 5/1-103(A) and 29 U.S.C. §631):

*Age*, as used in this policy, means the age of a person who is at least 40 years old.

<sup>24</sup> Insert the following optional provision (29 U.S.C. §705(10)(A)-(B), (20)(C)(v), (20)(D) and 42 U.S.C. §12114):

*Handicap* and *disability*, as used in this policy, excludes persons:

1. Currently using illegal drugs;
2. Having a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, are unable to perform the duties of the job; or
3. Whose current alcohol use prevents them from performing the job's duties or constitutes a direct threat to the property or safety of others.

Persons who have successfully completed or are participating in a drug rehabilitation program are considered *disabled*.

<sup>25</sup> Districts may not make residency in the district a condition of employment for teachers or educational support personnel. 105 ILCS 5/24-4.1, 5/10-23.5. This ban on residency requirements for teachers applies only to instructional personnel, and not, for example, to assistant principals. *Owen v. Kankakee Sch. Dist.*, 261 Ill.App.3d 298 (3rd Dist. 1994). Districts also may not ask an applicant, or the applicant's previous employer, whether the applicant ever received, or filed a claim for, benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act. 820 ILCS 55/10(a). Districts are also prohibited from requiring, requesting, or coercing an employee or potential employee to provide a user-name and password or any password or other related account information to gain or demand access to his or her personal online account. 820 ILCS 55/10(b). While the law does not prohibit employers from viewing public information, consult the board attorney before engaging in this practice.

<sup>26</sup> School districts must accommodate employees who choose to continue breastfeeding after returning to work. See 740 ILCS 137/, Right to Breastfeed Act; 820 ILCS 260/, Nursing Mothers in the Workplace Act (NMWA); and 29 U.S.C. §218d, added by Pub.L. 117-328. At least one court has ruled an implied private right of action may exist under the NMWA. *Spriessch v. City of Chicago*, 2017 WL 4864913 (N.D.Ill. 2017). See sample language for a personnel handbook in sample administrative procedure 5:10-AP, *Workplace Accommodations for Nursing Mothers*.

his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/.<sup>27</sup>

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager under Board policy 2:260. *Uniform Grievance Procedure*, or in the case of denial of equal employment opportunities on the basis of race, color, or national origin, Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she: (1) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by the Illinois Human Rights Act, or (2) initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.<sup>28</sup>

#### Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent or a Complaint Manager under Board policy 2:260. *Uniform Grievance Procedure*. ~~The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.~~

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

<sup>27</sup> 410 ILCS 130/40; 77 Ill.Admin.Code Part 946. To legally use medical cannabis, an individual must first become a *registered qualifying patient*. Their use of cannabis, e.g., permissible locations, is governed by the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/. There are many situations in which no one, even a registered qualifying patient, may possess or use cannabis except as provided under *Ashley's Law* (105 ILCS 5/22-33), including in a school bus or on the grounds of any preschool, or primary or secondary school. 410 ILCS 130/30(a)(2) & (3). See sample policy 5:50. *Drug- and Alcohol-Free Workplace: E-Cigarette, Tobacco, and Cannabis Prohibition*, at f/n 9 for further discussion.

<sup>28</sup> 775 ILCS 5 6-101, amended by P.A. 103-472. Discrimination on the basis of a request for or use of a reasonable accommodation is a civil rights violation under the IHRA. Id. Most discrimination laws prohibit retaliation against employees who oppose practices made unlawful by those laws, including, for example, Title VII, Title IX, ADA, ADEA, VESSA, the EPA, and the Ill. Whistleblower Act (IWA).

The IWA prohibits employers from retaliating against employees who disclose or threaten to disclose information to a government or law enforcement agency about an employer's activity, policy, or practice that the employee believes, in good faith: (1) violates a State or federal law, rule, or regulation, or (2) poses a substantial and specific danger to employees, public health, or safety. 740 ILCS 174/15(b), amended by P.A. 103-867, eff. 1-1-25. See 740 ILCS 174/15, 20, 20.1, and 20.2, amended by P.A. 103-867, eff. 1-1-25, for other specific categories of retaliation prohibited by the IWA.

The Ill. False Claims Act defines *State* to include school districts. 740 ILCS 175/2(a). Thus, boards may seek a penalty from a person for making a false claim for money or property. 740 ILCS 175/4. For information regarding the IWA and the tort of retaliatory discharge, see Thomas v. Guardsmark, 487 F.3d 531 (7th Cir. 2007)(discussing the elements of retaliatory discharge and IWA); Sherman v. Kraft General Foods, Inc., 272 Ill.App.3d 833 (4th Dist. 1995)(finding employee who reported asbestos hazard had a cause of action for retaliatory discharge).

The Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX.<sup>29</sup>

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers.<sup>30</sup>

**Nondiscrimination Coordinator:<sup>34</sup>**

**Title IX Coordinator:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

**Complaint Managers:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

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

<sup>29</sup> Title IX regulations require districts to designate and authorize at least one employee to coordinate efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number. *Id.* See fns 24 and 25 in sample policy 2:260, *Uniform Grievance Procedure*. A district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator. The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, delete "The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator." insert a hard return to create a new paragraph, and insert "The Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX." Then, list the Title IX and Nondiscrimination Coordinators' names and contact information separately in this policy.

<sup>30</sup> Title IX regulations require districts to designate and authorize at least one employee to coordinate their efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number. *Id.* See fns 22 and 23 in sample policy 2:260, *Uniform Grievance Procedure*.

Best practice is that throughout the district's board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs. While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

<sup>34</sup> Best practice is that throughout the district's board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.

The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks.<sup>32</sup>

### Minority Recruitment <sup>33</sup>

The District will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant minority enrollments. This policy, however, does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

DRAFT

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

<sup>32</sup> In addition to notifying employees of the Uniform Grievance Procedure, a district must notify them of the person(s) designated to coordinate the district's compliance with Title IX and the Rehabilitation Act of 1973. 34 C.F.R. §§106.8(a), 104.8(a). ~~The Nondiscrimination Coordinator may be the same individual for both this policy and sample policy 7-10, *Equal Educational Opportunities*, as well as a Complaint Manager for sample policy 2-260, *Uniform Grievance Procedure*. A comprehensive faculty handbook can provide required notices, along with other important information, to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and school board. Any *working conditions* contained in the handbook may be subject to mandatory collective bargaining.~~

<sup>33</sup> All districts must have a policy on minority recruitment. 105 ILCS 5/10-20.7a. Unlike minority recruitment efforts, affirmative action plans are subject to significant scrutiny because of the potential for reverse discrimination. The U.S. Constitution's guarantee of equal protection prohibits school districts from using racial hiring quotas without evidence of past discrimination. See 29 C.F.R. §1608.1 *et seq.* (EEOC's guidelines for affirmative action plans); Wygant v. Jackson Bd. of Ed., 476 U.S. 267 (1986) (The goal of remedying societal discrimination does not justify race-based layoffs.); City of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989) (Minority contractor quota struck: quotas must be narrowly tailored to remedy past discrimination and the city failed to identify the need for remedial action and whether race-neutral alternatives existed.).

The IHRA states that it shall not be construed as requiring any employer to give preferential treatment or special rights based on sexual orientation or to implement affirmative action policies or programs based on sexual orientation. 775 ILCS 5/1-101.1.

LEGAL REF.: 8 U.S.C. §1324a et seq., Immigration Reform and Control Act.  
 20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106.  
 29 U.S.C. §206(d), Equal Pay Act.  
 29 U.S.C. §218d, Fair Labor Standards Act.  
 29 U.S.C. §621 et seq., Age Discrimination in Employment Act.  
 29 U.S.C. §701 et seq., Rehabilitation Act of 1973.  
 38 U.S.C. §4301 et seq., Uniformed Services Employment and Reemployment Rights Act (1994).  
 42 U.S.C. §1981 et seq., Civil Rights Act of 1991.  
 42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act of 1964; 34 C.F.R. Part 100.  
 42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964; 29 C.F.R. Part 1601.  
 42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act of 2008.  
 42 U.S.C. §2000gg et seq., Pregnant Workers Fairness Act; 29 C.F.R. Part 1636.  
 42 U.S.C. §2000e(k), Pregnancy Discrimination Act.  
 42 U.S.C. §12111 et seq., Americans with Disabilities Act, Title I.  
 Ill. Constitution, Art. I, §§17, 18, and 19.  
 105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.  
 410 ILCS 130/40, Compassionate Use of Medical Cannabis Program Act.  
 410 ILCS 513/25, Genetic Information Privacy Act.  
 740 ILCS 174/, Ill. Whistleblower Act.  
 775 ILCS 5/1-103, 5/2-101, 5/2-102, 5/2-103, 5/2-103.1, 5/2-104(D) and 5/6-101, Ill. Human Rights Act.  
 775 ILCS 35/, Religious Freedom Restoration Act.  
 820 ILCS 55/10, Right to Privacy in the Workplace Act.  
 820 ILCS 70/, Employee Credit Privacy Act.  
 820 ILCS 75/, Job Opportunities for Qualified Applicants Act.  
 820 ILCS 112/, Ill. Equal Pay Act of 2003.  
 820 ILCS 180/30, Victims' Economic Security and Safety Act.  
 820 ILCS 260/, Nursing Mothers in the Workplace Act.


CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment At-Will, Compensation, and Assignment), 5:300 (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

**13. Approval of First Reading of Revised Board of Education Policy 5:20 -  
Workplace Harassment Prohibited**

86

*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education Policy 5:20 - Workplace Harassment Prohibited, as presented. **See Attachment No. 12.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources 

DATE: July 24, 2025

SUBJECT: Approval of First Reading of Revised Board of Education Policy 5:20 - Workplace Harassment Prohibited

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.


Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 5:20, Workplace Harassment Prohibited, which was included as part of the April 2025 PRESS update review. Recall the underlined text represents suggested new additions; whereas, the strikethrough text represents suggested deletions.

The revised policy is updated for reasons stated in 2:265, Title IX Grievance Procedure. This update is in response to case law, striking down 2024 Title IX sex discrimination regulations, and restoring the 2020 Title IX regulations. The footnotes were also updated.

Cost: None.

Recommended Motion: That the Board of Education accept for first reading the revised Board of Education Policy 5:20 - Workplace Harassment Prohibited, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## General Personnel

### Workplace Harassment Prohibited<sup>1</sup>

The School District expects the workplace environment to be productive, respectful, and free of unlawful discrimination, including harassment. District employees shall not engage in harassment or

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

<sup>1</sup> State or federal law controls this policy's content. Federal law requires districts to take action to prevent sexual harassment and to disseminate a policy regarding its prohibition of sex discrimination. 29 C.F.R. §1604.11(f); 34 C.F.R. §106.8(b). State law requires districts to establish a policy to prohibit sexual harassment. 5 ILCS 430/70-5(a). See fn 4 below. Harassment based on a protected status is a form of discrimination that violates many State and federal laws (see the policy's Legal References).

Workplace harassment policies have typically focused on *sexual* harassment since it receives the most attention. However, the broad prohibitions against discrimination in State and federal civil rights laws will cover harassing conduct that is motivated by animus against any protected status. See *Porter v. Eric Foods Int'l, Inc.*, 576 F.3d 629 (7th Cir. 2009) (recognizing a cause of action for race harassment). For a list of protected statuses, see sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. This policy prohibiting harassment has a separate section on sexual harassment because of the extensive statutory and case law regarding it.

Under the Ill. Human Rights Act (IHRA), harassment is unlawful if it has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. 775 ILCS 5/2-101(E-1). *Working environment* is not limited to a physical location to which an employee is assigned. *Id.* Harassment is unlawful on the basis of the specifically-listed categories in this policy whether that status is *actual* or *perceived*. *Id.*

An employer is liable under Title VII of the Civil Rights Act of 1964 (Title VII) for an employee's harassment of a co-worker if the employer was negligent with respect to the offensive behavior by, for example, failing to take remedial action when it knew or should have known about the harassment. 42 U.S.C. §2000e *et seq.* An employer is liable under the IHRA for harassment by its nonmanagerial and nonsupervisory employees if it becomes aware of the conduct and fails to take reasonable corrective measures. 775 ILCS 5/2-102(A). However, when the perpetrator is the victim's supervisor, the employer will be vicariously liable for the supervisor's actions. Lack of knowledge of a supervisor's misconduct is no defense. *Burlington Indus. v. Ellerth*, 524 U.S. 742 (1998); *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998). A *supervisor* is someone who has the authority to demote, discharge, or take other negative job action against the victim. *Vance v. Ball State Univ.*, 570 U.S. 421 (2013). Note that the IHRA (775 ILCS 5/2-102(D)) imposes strict liability on the employer when an employee has been sexually harassed by supervisory personnel regardless of whether the harasser has any authority over the complainant. *Sangamon Cnty. Sheriff's Dept. v. Ill. Human Rights Com'n*, 233 Ill.2d 125 (Ill. 2009). Additionally, under the IHRA, an employer is liable for the harassment of *nonemployees* by nonmanagerial and nonsupervisory employees if it becomes aware of the conduct and fails to take reasonable corrective measures. 775 ILCS 5/2-102(A-10) and (D-5). Nonemployees are those who are directly performing services for an employer pursuant to a contract, such as contractors or consultants. *Id.*

Not all harassing conduct is unlawful discrimination, even if it is disruptive and hurtful. If a board wants to include language in this policy prohibiting employees from engaging in intimidating or offensive conduct that is *not* a civil rights violation, it should consult the board attorney.

For additional resources, see the EEOC's *Enforcement Guidance on Harassment in the Workplace* at: [www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace](http://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace) and its accompanying summary at: [www.eeoc.gov/summary-key-provisions-eeoc-enforcement-guidance-harassment-workplace](http://www.eeoc.gov/summary-key-provisions-eeoc-enforcement-guidance-harassment-workplace).

abusive conduct on the basis of an individual's actual or perceived race<sup>2</sup>, color, religion<sup>3</sup>, national origin, ancestry, sex, sexual orientation, age, citizenship status, work authorization status, disability, pregnancy, marital status, family responsibilities,<sup>4</sup> reproductive health decisions,<sup>5</sup> order of protection status, military status, or unfavorable discharge from military service, nor shall they engage in harassment or abusive conduct on the basis of an individual's other protected status identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*; 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; and 7:185, *Teen Dating Violence Prohibited*.

The District will take remedial and corrective action to address unlawful workplace harassment, including sexual harassment.

### Sexual Harassment Prohibited<sup>6</sup>

The District shall provide a workplace environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by

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

<sup>2</sup> See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at ¶n 3, for information about the definition of race.

<sup>3</sup> The IHRA contains a *religious discrimination* subsection. 775 ILCS 5/2-102(E-5). It expressly prohibits employers from requiring a person to violate a sincerely held religious belief to obtain or retain employment unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business. See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at ¶n 4, for further discussion. Religious beliefs include, but are not limited to: the wearing of any attire, clothing, or facial hair in accordance with the requirements of his/her religion. *Id.* Employers may, however, enact a dress code or grooming policy that restricts attire, clothing, or facial hair to maintain workplace safety or food sanitation. *Id.*

<sup>4</sup> 775 ILCS 5/2-101(E-1), amended by P.A. 103-797, eff. 1-1-25. See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at ¶n 22, for additional information.

<sup>5</sup> 775 ILCS 5/1-102(A) and 5/1-103(Q), amended by P.A. 103-785, eff. 1-1-25. See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at ¶n 19, for additional information.

<sup>6</sup> The IHRA (775 ILCS 5/2-102(D)) provides that sexual harassment is a civil rights violation:

For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by non-employees or non-managerial and non-supervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

See sample policy 2:265, *Title IX Grievance Procedure*, for the definition of Title IX sexual-based harassment (20 U.S.C. §1681 et seq.; 34 C.F.R. §106.2), and see ¶n 3 of it for examples of employee sexual-based harassment that may violate Title IX. Title IX's reach is broad because an *alleged complainant* or *alleged respondent* may be *anyone who was participating or attempting to participate in the district's educational program or activity at the time of the alleged sex discrimination*, and *respondent* means a person alleged to have violated the district's prohibition on sex discrimination. 34 C.F.R. §106.2. This includes applicants for employment, students, parents/guardians, any employee, and third parties. Districts are liable for Title IX sexual harassment when *any* district employee has information about conduct that may reasonably constitute sex discrimination *actual knowledge of sexual harassment or allegations of sexual harassment* against anyone in the district (*except when the only employee with knowledge is the perpetrator of the alleged sexual harassment*). 34 C.F.R. §106.3044(e)(1).

State and federal law. The District provides annual sexual harassment prevention training in accordance with State law.<sup>7</sup>

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.<sup>8</sup> Sexual harassment prohibited by this policy includes, but is not limited to, verbal, physical, or other conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

#### Making a Report or Complaint

Employees and *nonemployees*<sup>9</sup> (persons who are not otherwise employees and are directly performing services for the District pursuant to a contract with the District, including contractors, and consultants) are encouraged to promptly report information regarding violations of this policy. Individuals may

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The State Officials and Employees Ethics Act (SOEEA) (5 ILCS 430/70-5(a)) requires governmental entities (including school districts) to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment. Unlike the powers granted by the Ill. General Assembly to municipalities to pass ordinances, school boards govern by rules referred to as *policies*. 105 ILCS 5/10-20.5. Further, school boards may only exercise powers given to them that are consistent with the School Code that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. 105 ILCS 5/10-20.

The policy must include, at a minimum: (1) a prohibition on sexual harassment; (2) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Ill. Dept. of Human Rights (IDHR); (3) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the SOEEA, the Whistleblower Act (740 ILCS 174/), and the IHRA (775 ILCS 5/); (4) the consequences: (a) of a violation of the prohibition on sexual harassment and (b) for knowingly making a false report; and (5) a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit. 5 ILCS 430/70-5(a). Sample policy 2:105, *Ethics and Gift Ban*, covers item (5) of this list.

<sup>7</sup> 775 ILCS 5/2-109. See sample policy 5:100, *Staff Development Program*. Districts may use a free, online model program to be offered by the Ill. Dept. of Human Rights (IDHR), develop their own program, or utilize a combination of the two, as long as it includes the following, at a minimum: (1) an explanation of sexual harassment consistent with the IHRA, (2) examples of conduct that constitutes unlawful harassment, (3) a summary of relevant federal and State law concerning sexual harassment and remedies available to victims of sexual harassment, and (4) a summary of responsibilities of employers in the prevention, investigation, and corrective measures of sexual harassment. *Id.* at 5/2-109(B). For IDHR's online model program, see its *Model Sexual Harassment Prevention Training Program* page at: <https://www2.illinois.gov/dhr/Training/Pages/State-of-Illinois-Sexual-Harassment-Prevention-Training-Model.aspx>. Employers that fail to comply with this training requirement may face financial penalties. *Id.* Training on other types of workplace harassment is not required by law; however it is best practice.

<sup>8</sup> This definition is from State and federal law. 775 ILCS 5/2-101(E) and 29 C.F.R. §1604.11. *Working environment* is not limited to a physical location to which an employee is assigned. 775 ILCS 5/2-101(E). The harassing conduct must be severe or pervasive so as to alter the conditions of the employee's work environment by creating a hostile or abusive situation. *Williams v. Waste Mgmt.*, 361 F.3d 1021 (7th Cir. 2004). The surrounding circumstances, expectations, and relationships will distinguish between teasing or rough-housing and conduct that a reasonable person would find severely hostile or abusive. In addition, while same-sex gender harassment claims are actionable, the victim must show that s/he suffered disadvantageous employment conditions to which members of the other sex were not exposed. *Oncale v. Sundowner Offshore Servs.*, 523 U.S. 75 (1998).

<sup>9</sup> 775 ILCS 5/2-102(A-10) and (D-5). See also fn 1. above, for discussion regarding nonemployees.

choose to report to a person of the individual's same gender. Every effort should be made to file such reports or complaints as soon as possible, while facts are known and potential witnesses are available.

Aggrieved individuals, if they feel comfortable doing so, should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.

#### Whom to Contact with a Report or Complaint <sup>10</sup>

An employee should report claims of harassment, including making a confidential report, to any of the following: his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, Title IX Coordinator, and/or a Complaint Manager. <sup>11</sup>

An employee may also report claims using Board policy 2:260, *Uniform Grievance Procedure*. If a claim is reported using Board policy 2:260, then the Complaint Manager shall process and review the claim according to that policy, in addition to any response required by this policy.

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator,<sup>12</sup> and Complaint Managers. ~~The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.~~ <sup>13</sup>

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

<sup>10</sup> While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

<sup>11</sup> 5 ILCS 430/70-5(a) requires that a school board policy prohibiting sexual harassment include details for reporting an allegation of sexual harassment, including options for making a confidential report to a supervisor and an ethics officer. 5 ILCS 430/20-23 defines ethics officers as being designated by State agencies under the jurisdiction of the Executive Ethics Commission. School districts are not State agencies (5 ILCS 430/1-5) and do not have ethics officers; thus, this sample policy substitutes Complaint Manager for ethics officer. Note also that the IDHR has established a Sexual Harassment Hotline Call Center and website to help the public find resources and assistance for the filing of sexual harassment complaints. The hotline can be reached Monday through Friday with the exception of State holidays, between the hours of 8:30 a.m. and 5:00 p.m., at 1-877-236-7703. See <https://shdh.illinois.gov/>. All communications received by the IDHR are exempt from disclosure under the Freedom of Information Act (FOIA).

<sup>12</sup> Title IX regulations require districts to identify the Title IX Coordinator by name, office address, email address, and telephone number. For further discussion of the Title IX Coordinator, see f/n 174 in sample policy 2:265, *Title IX Grievance Procedure*. A district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator.

<sup>13</sup> ~~Title IX regulations require districts to designate and authorize at least one employee, referred to as the Title IX Coordinator, who is responsible for coordinating the district's compliance efforts identify the name, office address, email address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. 34 C.F.R. §106.8(a). For further discussion of the Title IX Coordinator, see f/n 181 in sample policy 2:265, *Title IX Grievance Procedure*. A district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator.~~

~~The Nondiscrimination and Title IX Coordinators need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, delete "The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator," and supplement the previous sentence to state "The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers." Then, list the Title IX and Nondiscrimination Coordinators' names and contact information separately in this policy.~~

**Nondiscrimination Coordinator:**

**Title IX Coordinator:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

**Complaint Managers:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

**Investigation Process**

Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator, Title IX Coordinator, or a Complaint Manager.<sup>14</sup> Any employee who fails to promptly forward a report or complaint may be disciplined, up to and including discharge.

Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain a workplace environment that is productive, respectful, and free of unlawful discrimination, including harassment.

For any report or complaint alleging sexual-based harassment that, if true, would implicate Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), the Nondiscrimination Title IX Coordinator or designee<sup>15</sup> shall consider whether action under Board policy 2:265, *Title IX Grievance Procedure*, should be initiated.

For any report or complaint alleging harassment on the basis of race, color, or national origin, the Nondiscrimination Coordinator or a Complaint Manager or designee shall investigate under Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*.

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

~~14 If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, supplement this sentence to state "Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator, Title IX Coordinator, or a Complaint Manager."~~

~~15 "Nondiscrimination Coordinator or designee" is used where Title IX is potentially implicated. In contrast, if Title IX is likely not implicated then "Nondiscrimination Coordinator or a Complaint Manager or designee" is used (see next paragraph in policy text). If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, delete "Nondiscrimination" and insert "Title IX" in its place.~~

For any other alleged workplace harassment that does not require action under Board policies 2:265, *Title IX Grievance Procedure*, or 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under Board policy 2:260, *Uniform Grievance Procedure*, and/or 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*,<sup>16</sup> should be initiated, regardless of whether a written report or complaint is filed.

#### Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel<sup>17</sup>

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A(b), that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to Board policy 5:90, *Abused and Neglected Child Reporting*. In addition to reporting the suspected abuse, the complaint shall also be processed under Board policy 2:265, *Title IX Grievance Procedure*, or Board policy 2:260, *Uniform Grievance Procedure*.

#### Enforcement<sup>18</sup>

A violation of this policy by an employee may result in discipline, up to and including discharge.<sup>19</sup> A violation of this policy by a third party will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent/guardian, invitee.

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<sup>16</sup> See sample administrative procedure 5:120-AP2, *Employee Conduct Standards* and its exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*.

<sup>17</sup> Required for districts located within a county served by an accredited Children's Advocacy Center (CAC). Delete this subhead if your school district is within a county not served by an accredited CAC. 105 ILCS 5/22-85 (governing the investigation of an *alleged incident of sexual abuse* of any child within any Illinois counties served by a CAC). For further discussion see f/n 14 in sample policy 5:90, *Abused and Neglected Child Reporting*.

<sup>18</sup> See *Berry v. Delta Airlines*, 260 F.3d 803, 811 (7th Cir. 2001) ("If an employer takes reasonable steps to discover and rectify the harassment of its employees ... it has discharged its legal duty.")

In addition to violating other civil rights laws, a school district violates the *public accommodations* article in the IHRA if it fails to take corrective action to stop severe or pervasive harassment. 775 ILCS 5/5-102 and 5/5-102.2, amended by P.A.s 102-1102 and 103-472.

<sup>19</sup> 5 ILCS 430/70-5(a)(consequences of a violation of the prohibition on sexual harassment). When discharge is the penalty, examine 50 ILCS 205/3c. It requires a school district to post on its website and make available to news media specific information about severance agreements that it enters into because an employee or contractor was found to have engaged in sexual harassment or sexual discrimination, as defined by the IHRA or Title VII. *Id.* Additionally, under the Workplace Transparency Act (WTA), employers may not require confidentiality clauses in settlement or termination agreements involving alleged unlawful employment practices under federal or State civil rights laws, except under specific conditions. 820 ILCS 96/1-30.

Prior to the passage of 50 ILCS 205/3c and the WTA, members of the public could already access copies of severance agreements between school districts and their former employees under FOIA. The Ill. Atty. Gen. Public Access Counselor (PAC) directed a public body to release a settlement agreement that arose out of claims of sexual harassment. PAO 14-4. The PAC noted that the public body could not withhold the entire settlement agreement under 5 ILCS 140.7(1)(c), which exempts personal information that would constitute a clearly unwarranted invasion of privacy. Instead, it could redact personal information from the agreement, such as the complainants' names in order to protect their privacy. *Id.* However, data regarding settlement agreements involving allegations of sexual harassment or other unlawful discrimination that an employer must report to IDHR under 775 ILCS 5/2-108 is categorically exempt from FOIA. 5 ILCS 140/7.5(ss). See f/n 7 in sample policy 2:260, *Uniform Grievance Procedure*, for more discussion about reconciling 50 ILCS 205/3c with another new law, the Government Severance Pay Act (GSPA) (5 ILCS 415/10(a)(1)), which prohibits school district employees with contract provisions for severance pay to receive any severance pay if they are fired for *misconduct* by the board.

etc. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, which for an employee that may be up to and including discharge. <sup>20</sup>

### Retaliation Prohibited

An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing complaints or providing information about harassment is prohibited (see Board policies 2:260, *Uniform Grievance Procedure*, 2:265, *Title IX Grievance Procedure*, and 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*), and depending upon the law governing the complaint, whistleblower protection may be available under the State Officials and Employees Ethics Act (5 ILCS 430/), the Whistleblower Act (740 ILCS 174/), and/or the Ill. Human Rights Act (775 ILCS 5/). <sup>21</sup>

An employee should report allegations of retaliation to his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

Employees who retaliate against others for reporting or complaining of violations of this policy or for participating in the reporting or complaint process will be subject to disciplinary action, up to and including discharge.

### Recourse to State and Federal Fair Employment Practice Agencies <sup>22</sup>

The District encourages all employees who have information regarding violations of this policy to report the information pursuant to this policy. The following government agencies are available to assist employees: the Ill. Dept. of Human Rights and the U.S. Equal Employment Opportunity Commission.

The Superintendent shall also use reasonable measures to inform staff members, applicants, and nonemployees of this policy, which shall include posting on the District website and/or making this policy available in the District's administrative office, and including this policy in the appropriate handbooks. <sup>23</sup>

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<sup>20</sup> 5 ILCS 430/70-5(a)(consequences for knowingly making a false report of sexual harassment).

<sup>21</sup> *Id.* (prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the SOEEA, the Whistleblower Act (740 ILCS 174/), and the IHRA (775 ILCS 5/)).

*Crawford v. Metro. Gov't of Nashville & Davidson Cnty.*, 555 U.S. 271 (2009) (holding the anti-retaliation provision in Title VII protects an employee who spoke out about harassment, not only on his or her own initiative, but also in answering questions during an employer's internal investigation).

<sup>22</sup> 5 ILCS 430/70-5(a)(how an individual can report an allegation of sexual harassment, including options for making a confidential report to the Inspector General or the IDHR). This sample policy does not reference the Inspector General because the Inspector General does not have jurisdiction over public school districts. See 5 ILCS 430/20 (executive inspectors general), 5 ILCS 430/25 (legislative inspector general). School districts must also annually disclose to IDHR certain data about *adverse judgment or administrative rulings* made against them where there was a finding of sexual harassment or unlawful discrimination under federal, State, or local laws. 775 ILCS 5/2-108 (scheduled to be repealed on 1-1-30). See IDHR's *FAQ for Employers under Section 5/2-108*, at: <https://dhr.illinois.gov/legal/report-adverse-judgments-and-administrative-rulings.html>.

<sup>23</sup> A district must notify employees and applicants for employment of its prohibition of sex discrimination, the grievance procedure, and the person(s) designated to coordinate the district's compliance with Title IX, how to locate the district's nondiscrimination policy and grievance procedures, how to report information about conduct that may constitute sex discrimination, and how to make a complaint under Title IX. 34 C.F.R. §106.87(e). A comprehensive faculty/employee handbook can provide required notices, along with other important information to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. Any *working conditions* contained in the handbook may be subject to mandatory collective bargaining.

LEGAL REF.: 42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964; 29 C.F.R. §1604.11.  
20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106.  
5 ILCS 430/70-5(a), State Officials and Employees Ethics Act.  
775 ILCS 5/2-101(E) and (E-1), 5/2-102(A), (A-10), (D-5), 5/2-102(E-5), 5/2-109, 5/5-102, and 5/5-102.2, Ill. Human Rights Act.  
56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.  
Vance v. Ball State Univ., 570 U.S. 421 (2013).  
Crawford v. Metro. Gov't of Nashville & Davidson Cnty., 555 U.S. 271 (2009).  
Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005).  
Oncale v. Sundowner Offshore Servs., 523 U.S. 75 (1998).  
Burlington Indus. v. Ellerth, 524 U.S. 742 (1998).  
Faragher v. City of Boca Raton, 524 U.S. 775 (1998).  
Harris v. Forklift Systems, 510 U.S. 17 (1993).  
Franklin v. Gwinnett Co. Public Schools, 503 U.S. 60 (1992).  
Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).  
Porter v. Erie Foods Int, Inc., 576 F.3d 629 (7th Cir. 2009).  
Williams v. Waste Mgmt., 361 F.3d 1021 (7th Cir. 2004).  
Berry v. Delta Airlines, 260 F.3d 803 (7th Cir. 2001).  
Sangamon Cnty. Sheriff's Dept. v. Ill. Human Rights Com'n, 233 Ill.2d 125 (Ill. 2009).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 4:60 (Purchases and Contracts), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 7:20 (Harassment of Students Prohibited), 8:30 (Visitors to and Conduct on School Property)

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Informing nonemployees is generally not required by law. However, given the potential for employer liability under the IHRA for harassment of nonemployees, best practice is to publicize this policy to those individuals as well.

**14. Approval of First Reading of Revised Board of Education Policy 5:100 - Staff Development Program**

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*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education Policy 5:100 - Staff Development Program, as presented. **See Attachment No. 13.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources *td*

DATE: July 24, 2025

SUBJECT: Approval of First Reading of Revised Board of Education Policy 5:100 - Staff Development Program

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.


Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 5:100, Staff Development Program, which was included as part of the April 2025 PRESS update review. Recall the underlined text represents suggested new additions; whereas, the strikethrough text represents suggested deletions.

The revised policy is updated in response to case law, striking down 2024 Title IX sex discrimination regulations, and restoring the 2020 Title IX regulations. In addition, training in trauma-responsive learning environments was added for all school personnel. Finally, the addition of training for at least one staff member in each school designated as a resource for students who are parents, expectant parents, or victims of domestic or sexual violence, and for any employee whose duties include the resolution of complaints of violations of Board Policy 7:255, Students who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence. The footnotes were also updated.

Cost: None.

Recommended Motion: That the Board of Education accept for first reading the revised Board of Education Policy 5:100 - Staff Development Program, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## General Personnel

### Staff Development Program<sup>1</sup>

The Superintendent or designee shall implement a staff development program. The goal of the program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for licensed staff members shall be designed to effectuate any School Improvement Plans so that student learning objectives meet or exceed goals established by the District and State.

### Abused and Neglected Child Reporting Act (ANCRA) and Erin's Law Training

The staff development program shall include the Abused and Neglected Child Reporting Act (ANCRA) mandated reporter training and training on the awareness and prevention of child sexual abuse and grooming behaviors (*Erin's Law*) as follows (see Board policies 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*, and 5:90, *Abused and Neglected Child Reporting*):<sup>2</sup>

1. Within three months of employment, each staff member must complete mandated reporter training from a provider or agency with expertise in recognizing and reporting child abuse. Mandated reporter training must be completed again at least every three years.
2. By January 31 of every year, all school personnel must complete evidence-informed training on preventing, reporting, and responding to child sexual abuse, grooming behaviors (including *sexual misconduct* as defined in *Faith's Law*), and boundary violations.

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<sup>1</sup> State or federal law controls this policy's content. A school board may set and enforce professional growth requirements. 105 ILCS 5/24-5. Failure to meet professional growth requirements is considered remediable. *Morris v. Ill. State Bd. of Educ.*, 198 Ill.App.3d 51 (3rd Dist. 1990).

This policy contains items 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.

105 ILCS 5/2-3.62 requires the Ill. State Board of Education (ISBE) to establish a regional network of educational service centers to coordinate and combine existing services in a manner that is practical and efficient for schools. Their purposes are to provide, among other things, continuing education, in-service training, and staff development services to all local school districts in Illinois.

<sup>2</sup> 325 ILCS 5/4(j), amended by P.A. 102-604; and 105 ILCS 5/10-23.13, amended by P.A. 102-610, aka (*Erin's Law*). Sexual misconduct under *Faith's Law* is defined in 105 ILCS 5/22-85.5(c), added by P.A. 102-676.

Mandated reporter training may be in-person or web-based and must include, at a minimum, information on the following topics: (1) indicators for recognizing child abuse and child neglect; (2) the process for reporting suspected child abuse and child neglect and the required documentation; (3) responding to a child in a trauma-informed manner; (4) understanding the response of child protective services and the role of the reporter after a call has been made; and (5) implicit bias. *Implicit bias* means the attitudes or internalized stereotypes that affect people's perceptions, actions, and decisions in an unconscious manner and that exist and often contribute to unequal treatment of people based on race, ethnicity, gender identity, sexual orientation, age, disability, and other characteristics. The implicit bias topic must include, at a minimum: (1) information on implicit bias; (2) information on racial and ethnic sensitivity; and (3) tools to adjust automatic patterns of thinking and ultimately eliminate discriminatory behaviors. 325 ILCS 5/4(j), amended by P.A. 102-604. Districts must provide mandated reporter training through either the Ill. Dept. of Children and Family Services (DCFS), an entity authorized to provide continuing education through the Dept. of Financial and Professional Regulation, ISBE, the Ill. Law Enforcement Training Standards Board, the Ill. State Police, or an organization approved by DCFS to provide mandated reporter training. *Id.* *Child-serving organizations*, which are not defined in ANCRA, are "encouraged to provide in-person annual trainings." *Id.*

## In-Service Training Requirements

The staff development program shall provide, at a minimum, within six months of employment and renewed at least once every five years thereafter (unless required more frequently by other State or federal law), the in-service training of all District staff who work with pupils on:<sup>3</sup>

1. Health conditions of students,<sup>4</sup> including but not limited to training on:
  - a. Anaphylactic reactions and management, conducted by a person with expertise on anaphylactic reactions and management;
  - b. Management of asthma, prevention of asthma symptoms, and emergency response in the school setting;
  - c. The basics of seizure recognition and first aid and emergency protocols, consistent with best practice guidelines issued by the Centers for Disease Control and Prevention;
  - d. The basics of diabetes care, how to identify when a diabetic student needs immediate or emergency medical attention, and whom to contact in case of emergency;
  - e. Current best practices regarding identification and treatment of attention deficit hyperactivity disorder; and

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<sup>3</sup> This list of in-service trainings is required by State law but only Nos. 4, 5(d), and 7 are required to be specified in board policy. ~~Beginning 7-1-24, 105 ILCS 5/10-22.39, amended by P.A.s 103-41, 103-413, 103-542, and 103-603,~~ requires all teachers, administrators, and school support personnel to complete these trainings during an in-service training program conducted by their board or through other training opportunities, including institutes provided by regional superintendents and intermediate service center executive directors under 105 ILCS 5/3-11, amended by P.A.s 103-542 and 103-413. If teachers, administrators, or school support personnel obtain training outside of an in-service training program or from a previous school employer, they may present documentation showing current compliance to satisfy the requirement of receiving training within six months of first being employed. *Id.*

Different from the in-service training that school districts must provide to their staff, 105 ILCS 5/3-11, amended by P.A.s 103-542 and 103-413, contains requirements that the regional superintendents and intermediate service center executive directors must include during institutes for teachers, administrators, and school support personnel. Instruction on prevalent student chronic health conditions, as well as educator ethics and teacher-student conduct training, is also required. See also *fns* 4-12 below discussing the board's requirements in 105 ILCS 5/10-22.39.

Both 105 ILCS 5/3-11 and 5/10-22.39 use the phrase *teachers, administrators, and school support personnel*, but for brevity this material uses the phrase *all District staff*. While the language of this paragraph is not required to be in board policy, including it provides a way for boards to monitor that it is being done. It also provides an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject.

In-service training programs on the topics listed in 105 ILCS 5/10-22.39, amended by P.A.s ~~103-41, 103-413, 103-542, 103-413,~~ and 103-603, ~~eff. 1-1-25,~~ shall be credited toward hours of professional development required for license renewal as outlined in 105 ILCS 5/21B-45(e). School support personnel may be exempt from in-service training if the training is not relevant to the work they do.

<sup>4</sup> 105 ILCS 5/10-22.39(b-5), added by P.A. 103-542 and amended by P.A. 103-603-~~eff. 1-1-25~~. Nurses and school nurses, as defined by 105 ILCS 5/10-22.23 (school nurse), are exempt from training on health conditions of students. *Id.*

For No. 1(c), Consult the board attorney about whether:

1. All asthma action plans should require immediate 911 calls based upon *In re Estate of Stewart*, 406 Ill.Dec. 345 (2nd Dist. 2016); *In re Estate of Stewart*, 412 Ill.Dec. 914 (Ill. 2017) (school district's appeal denied). The court held that a teacher's failure to dial 911 immediately upon a student's asthma attack was willful and wanton conduct, subjecting the school district to liability under the Local Governmental and Governmental Employees Tort Immunity Act.
2. The duties and responsibilities of the district when it asks for but does not receive an asthma action plan from a parent/guardian and the logistics of distributing any received plans to those employees who need to know based upon *Stewart*, above.

For No. 1(d), see also 105 ILCS 150/25, amended by P.A. 103-542, and No. 6 under the subhead **Additional Training Requirements**.

For No. 1(e), see also 105 ILCS 145/25, amended by P.A. 103-542, and No. 7 under the subhead **Additional Training Requirements**.

- f. How to respond to an incident involving life-threatening bleeding, including use of a school's trauma bleeding control kit, if applicable.<sup>5</sup>
2. Social-emotional learning.<sup>6</sup> Training may include providing education to all school personnel about the content of the Illinois Social and Emotional Learning Standards, how they apply to everyday school interactions, and examples of how social emotional learning can be integrated into instructional practices across all grades and subjects.
3. Developing cultural competency,<sup>7</sup> including but not limited to understanding and reducing implicit bias, including *implicit racial bias* as defined in 105 ILCS 5/10-20.61 (implicit bias training).
4. Identifying warning signs of mental illness, trauma, and suicidal behavior in youth, along with appropriate intervention and referral techniques, including resources and guidelines as outlined in 105 ILCS 5/2-3.166 (*Ann Marie's Law*) and the definitions of *trauma*, *trauma-responsive learning environments*, and *whole child* as set forth in 105 ILCS 5/3-11.<sup>8</sup>
5. Domestic and sexual violence and the needs of expectant and parenting youth, conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth.<sup>9</sup> Training shall include, but is not limited to:
  - a. Communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth;
  - b. Connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs, and services as needed;
  - c. Implementing the District's policies and procedures regarding such youth, including confidentiality; and
  - d. Procedures for responding to incidents of teen dating violence that take place at school, on school grounds, at school-sponsored activities, or in vehicles used for school-provided transportation as outlined in 105 ILCS 110/3.10 (see Board policy 7:185, *Teen Dating Violence Prohibited*).

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<sup>5</sup> See 105 ILCS 5/10-20.85, added by P.A. 103-128, for a definition of *trauma kit*. To avoid confusion between trauma related to life-threatening bleeding and *trauma* as defined in 105 ILCS 5/3-11(b), added by P.A. 103-413, this policy uses the phrase *trauma bleeding control kit* instead of *trauma kit*.

Beginning with the 2024-25 school year, training on life-threatening bleeding must be completed within six months of employment and renewed within two years. Beginning with the 2027-28 school year, training on life-threatening bleeding must be completed within six months of employment and renewed at least once every five years thereafter. 105 ILCS 5/10-22.39(b-5)(7), added by P.A. 103-542 and amended by P.A. 103-603, ~~eff. 1-1-25~~. Trained employees using a trauma kit are generally immune from civil liability. *Id.*

<sup>6</sup> 105 ILCS 5/10-22.39(b-10), added by P.A. 103-542.

<sup>7</sup> 105 ILCS 5/10-22.39(b-15), added by P.A. 103-542.

<sup>8</sup> 105 ILCS 5/10-22.39(b-20), added by P.A. 103-542 and amended by P.A. 103-603, ~~eff. 1-1-25~~. Training on the implementation of trauma-informed practices satisfies the requirements of this subsection. *Id.* In addition, Illinois Mental Health First Aid training may satisfy the requirements of this subsection. If teachers, administrators, or school support personnel obtain mental health first aid training outside of an in-service training program, they may present a certificate of successful completion of that training to the school district to satisfy the requirements of this law. *Id.* For further information on Mental Health First Aid, see <https://namiillinois.org/resources/about-mental-illness/mental-health-first-aid/>.

<sup>9</sup> 105 ILCS 5/10-22.39(b-25), added by P.A. 103-542. See sample policy 7:185, *Teen Dating Violence Prohibited*.

6. Protections and accommodations for students,<sup>10</sup> including but not limited to training on:
  - a. The federal Americans with Disabilities Act as it pertains to the school environment; and
  - b. Homelessness.
7. Educator ethics and responding to child sexual abuse and grooming behavior (see Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*);<sup>11</sup> including but not limited to training on:
  - a. Teacher-student conduct;
  - b. School employee-student conduct; and
  - c. Evidence-informed training on preventing, recognizing, reporting, and responding to child sexual abuse and grooming as outlined in 105 ILCS 5/10-23.13 (*Erin's Law*).
8. Effective instruction in violence prevention and conflict resolution,<sup>12</sup> conducted in accordance with the requirements of 105 ILCS 5/27-23.4 (violence prevention and conflict resolution education).

#### Additional Training Requirements

In addition, the staff development program shall include each of the following:<sup>13</sup>

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<sup>10</sup> 105 ILCS 5/10-22.39(b-30), added by P.A. 103-542. Beginning with the 2024-25 school year, training on homelessness must be completed within six months of employment and renewed within two years. Beginning with the 2027-28 school year, training on homelessness must be completed within six months of employment and renewed at least once every five years thereafter. Boards may work with a community-based organization specializing in working with homeless children and youth to develop and provide this training. See 105 ILCS 5/10-22.39(b-30)(1) - (5), added by P.A. 103-542, for homelessness training content requirements. **Note:** the homelessness training content requirements in 105 ILCS 5/10-22.39(b-30)(1) - (5), added by P.A. 103-542, are nearly identical to the homelessness training content requirements in 105 ILCS 5/10-22.39(hg) (final citation pending), added by P.A. 103-41, eff. 8-20-24.

Beginning with the 2016-17 school year, institutes under 105 ILCS 5/3-11 had to include instruction on the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §12101 *et seq.*) as it pertains to the school environment at least every two years. Contact the Regional Superintendent or the appropriate Intermediate Service Center Executive Director with questions about online training for this component of a teachers' institute. Discuss with the board attorney the best practices of documenting trainings and evaluations of trainings; many attorneys in the field prefer documentation of ADA trainings to assist in their defense of any potential ADA claims against the district.

<sup>11</sup> 105 ILCS 5/10-22.39(b-35), added by P.A. 103-542. Each board may want to have a conversation with the superintendent and direct him or her to develop a curriculum for the in-services that instructs all district staff to maintain boundaries and act appropriately, professionally, and ethically with students. See also sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, and fn 11 in sample policy 4:110, *Transportation*. These expectations will be most effective when they reflect local conditions and circumstances. Employee conduct issues may be subjects of mandatory collective bargaining, therefore consulting the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing new employee conduct rules without first offering to negotiate them with the applicable exclusive bargaining representative.

<sup>12</sup> 105 ILCS 5/10-22.39(b-40), added by P.A. 103-542.

<sup>13</sup> Optional. These in-services and/or trainings are required by State and/or federal law but are not required to be specified in board policy. The only non-School Code State and/or federal law training requirements listed are from the Abused and Neglected Child Reporting Act (325 ILCS 5), Ill. Human Rights Act (775 ILCS 5/), Seizure Smart School Act (105 ILCS 150/), Care of Students with Diabetes Act (105 ILCS 150/), and Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 *et seq.*).

Putting this optional list into the policy will help the board monitor that the required in-service and training topics are being covered. While it is possible to *pick and choose*, this practice is likely to add more confusion to an already confusing responsibility. Unless noted, the School Code does not mandate the frequency with which the training must occur. Several other trainings that are mentioned in laws other than the School Code are addressed in other sample policies and procedures. Many of those policies and procedures are listed in the cross-references to this policy, e.g., training requirements under the Care of Students with Diabetes Act, 105 ILCS 145/.

1. Ongoing professional development for ~~teachers, administrators, all school personnel and school resource officers, and staff~~ regarding on the requirements of 105 ILCS 5/10-22.6 and 5/10-20.14, the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments as defined in 105 ILCS 5/3-11(b), the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates. <sup>14</sup>
2. Annual continuing education and/or training opportunities (professional standards) for school nutrition program directors, managers, and staff. Each school food authority's director shall document compliance with this requirement by the end of each school year and maintain documentation for a three-year period. <sup>15</sup>
3. All high school coaching personnel, including the head and assistant coaches, and athletic directors must obtain online concussion certification by completing online concussion awareness training in accordance with 105 ILCS 25/1.15. Coaching personnel and athletic directors hired on or after 8-19-14 must be certified before their position's start date. <sup>16</sup>
4. The following individuals must complete concussion training as specified in the Youth Sports Concussion Safety Act: coaches and assistant coaches (whether volunteer or employee) of an interscholastic athletic activity; nurses, licensed and/or non-licensed healthcare professionals serving on the Concussion Oversight Team; athletic trainers; game officials of an interscholastic athletic activity; and physicians serving on the Concussion Oversight Team. <sup>17</sup>
5. For school personnel who work with hazardous or toxic materials on a regular basis, training on the safe handling and use of such materials. <sup>18</sup>
6. For delegated care aides performing services in connection with a student's seizure action plan, training in accordance with 105 ILCS 150/, the Seizure Smart School Act. <sup>19</sup>
7. For delegated care aides performing services in connection with a student's diabetes care plan, training in accordance with 105 ILCS 145/, the Care of Students with Diabetes Act. <sup>20</sup>
8. For all District staff, annual sexual harassment prevention training. <sup>21</sup>
9. Title IX requirements for training in accordance with 34 C.F.R. §~~Part 106.8(d)~~ (see Board policy 2:265, *Title IX Grievance Procedure*). <sup>22</sup>

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<sup>14</sup> 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896. School board members are also included.

<sup>15</sup> 7 C.F.R. Parts 210 and 235. 7 C.F.R. §210.2 defines school nutrition program directors, managers and staff. 7 C.F.R. §§210.15(b)(8) (recordkeeping requirements) and 210.31(a), (c), (d), and (e) (professional standards requirements); 210.31(g)(requiring school food authority director to keep records). Food service funds may be used for reasonable, allocable, and necessary training costs. 7 C.F.R. §210.31(f). The U.S. Dept. of Agriculture (USDA) has established implementation resources that contain training opportunities and resources covering the four core training areas: nutrition, operations, administration, and communications/marketing at: [www.fns.usda.gov/en/professional-standards](http://www.fns.usda.gov/en/professional-standards).

<sup>16</sup> Required only for districts with grades 9-12 by 105 ILCS 25/1.15. Delete for elementary school districts.

<sup>17</sup> 105 ILCS 5/22-80(h).

<sup>18</sup> 105 ILCS 5/10-20.17a, amended by P.A. 103-780; 23 Ill.Admin.Code §1.330.

<sup>19</sup> 105 ILCS 150/25, amended by P.A. 103-542.

<sup>20</sup> 105 ILCS 145/25, amended by P.A. 103-542.

<sup>21</sup> 775 ILCS 5/2-109. See f/n ~~75~~ in sample policy 5:20, *Workplace Harassment Prohibited*, for further detail about this training requirement.

<sup>22</sup> 34 C.F.R. §106.~~458(d)~~. For training requirement details, see sample administrative procedures 2:265-AP1, *Title IX Response*, and 2:265-AP2, *Title IX Coordinator*.

10. Training for all District employees on the prevention of discrimination and harassment based on race, color, and national origin in school as part of new employee training and at least once every two years. <sup>23</sup>
11. Training for at least one designated employee at each school about the Prioritization of Urgency of Need for Services (PUNS) database and steps required to register students for it. <sup>24</sup>
12. Training in accordance with 105 ILCS 5/26A for at least one staff member in each school designated as a resource for students who are parents, expectant parents, or victims of domestic or sexual violence, and for any employees whose duties include the resolution of complaints of violations of 105 ILCS 5/26A (see Board policy 7:255, *Students who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*). <sup>25</sup>

The Superintendent shall develop protocols for administering youth suicide awareness and prevention education to staff consistent with Board policy 7:290, *Suicide and Depression Awareness and Prevention*. <sup>26 27</sup>

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

<sup>23</sup> 775 ILCS 5/5A-103(c), added by P.A. 103-472. For training requirement details, see sample administrative procedure 2:270-AP, *Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin*.

<sup>24</sup> 105 ILCS 5/2-3.163(c), amended by P.A. 103-504.

<sup>25</sup> 105 ILCS 5/26A-35, added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25, requires each designated Article 26A Resource Person to either (1) be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence, including training in the subjects set forth in 105 ILCS 5/26A-35(b)(i), or (2) have participated in an in-service training program under 105 ILCS 5/10-22.39(d) that includes training on the rights of minors to consent to counseling services and psychotherapy under the Mental Health and Developmental Disabilities Code within 12 months prior to designation. *Id.* However, 105 ILCS 5/10-22.39(d) was deleted by P.A. 103-542 and its training contents are in 105 ILCS 5/10-22.39(b-25).

105 ILCS 5/26A-25(b)(1), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25, requires employees whose duties include resolution of Article 26A complaints to initially complete at least eight hours of training on issues related to domestic and sexual violence and how to conduct the district's complaint resolution procedure, and to complete six hours of training annually thereafter. Such training must be conducted by individual(s) with expertise in domestic or sexual violence in youth and expertise in developmentally appropriate communications with elementary and secondary students regarding topics of a sexual, violent, or sensitive nature. *Id.* See sample administrative procedures 7:255-API, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

See pp. 28-30 of the June 2024 report of the second ESS Task Force for existing training requirements that may be suitable to fulfill Article 26A training requirements, at: [www.isbe.net/Documents\\_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf](http://www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf).

<sup>26</sup> Required by 105 ILCS 5/2-3.166(c)(2) (*Ann Marie's Law*). See sample administrative procedures 6:60-API, *Comprehensive Health Education Program*, and 7:290-AP, *Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program*.

<sup>27</sup> Districts are not required to train staff on life-saving techniques, though 105 ILCS 110/3, amended by P.A. 103-608, eff. 1-1-25, requires that all teachers, administrators, and other school personnel, as determined by school officials, be provided with information about emergency procedures and life-saving techniques within 30 days after the first day of each school year. *Id.* Such life-saving techniques must include the Heimlich maneuver, hands-only cardiopulmonary resuscitation (CPR), and automated external defibrillator (AED) use. The information provided must be in accordance with standards of the American Red Cross, the American Heart Association (AHA), or another nationally recognized certifying organization. *Id.* See e.g., <https://cpr.heart.org/en/cpr-courses-and-kits/hands-only-cpr/hands-only-cpr-resources>, <https://cpr.heart.org/en/training-programs/aed-implementation>, and [www.redeross.org/take-a-class/resources/learn-first-aid/adult-child-choking](http://www.redeross.org/take-a-class/resources/learn-first-aid/adult-child-choking).

For districts that have a practice of providing instruction in life-saving techniques and first-aid in their staff development programs, insert the following optional paragraph that aligns with 105 ILCS 5/3-11, 105 ILCS 110/3, amended by P.A. 103-608, eff. 1-1-25, and 77 Ill.Admin.Code §527.800:

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An opportunity shall be provided for all staff members to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques and first aid, including the Heimlich maneuver, cardiopulmonary resuscitation, and the use of an automated external defibrillator, in accordance with a nationally recognized certifying organization. Physical fitness facilities' staff must be trained in cardiopulmonary resuscitation and use of an automated external defibrillator.

Persons performing CPR are generally exempt from civil liability if they are trained in CPR, 745 ILCS 49/10. Persons using an AED are generally exempt from civil liability if they were trained and acted according to the standards of the AHA, 745 ILCS 49/12.

The board may also want to address other staff development opportunities. While not required to be in policy, 105 ILCS 5/27-23.10, amended by P.A. 103-542, requires a school board to collaborate with State and local law enforcement agencies on gang resistance education. It also states that ISBE may assist in the development of instructional materials and teacher training for gang resistance education and training, which may be helpful to include in the staff development program. Other mandated and recommended staff development opportunities that are not located in the School Code or ISBE rules are found in the Ill. Administrative Code or federal regulations. Many of them are cross referenced in this policy.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.  
 42 U.S.C. §1758b, Pub. L. 111-296, Healthy, Hunger-Free Kids Act of 2010; 7 C.F.R. Parts 210 and 235.  
 105 ILCS 5/2-3.62, 5/2-3.166, 5/3-11, 5/10-20.17a, 5/10-20.61, 5/10-22.6(c-5), 5/10-22.39, 5/10-23.12, 5/10-23.13, 5/22-80(h), 5/22-95, ~~and 5/24-5~~, and 5/26A.  
 105 ILCS 25/1.15, Interscholastic Athletic Organization Act.  
 105 ILCS 145/25, Care of Students with Diabetes Act  
 105 ILCS 150/25, Seizure Smart School Act.  
 105 ILCS 110/3, Critical Health Problems and Comprehensive Health Education Act.  
 325 ILCS 5/4, Abused and Neglected Child Reporting Act.  
 745 ILCS 49/, Good Samaritan Act.  
 775 ILCS 5/2-109 and 5/5A-103, Ill. Human Rights Act.  
 23 Ill.Admin.Code §§ 22.20, 226.800, and Part 525.  
 77 Ill.Admin.Code §527.800.

CROSS REF.: 2:265 (Title IX Grievance Procedure); 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Environmental Quality of Buildings and Grounds), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:250 (Leaves of Absence); 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:50 (School Wellness), 6:160 (English Learners), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:250 (Student Support Services), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:270 (Administering Medicines to Students), 7:285 (Anaphylaxis Prevention, Response, and Management Program), 7:290 (Suicide and Depression Awareness and Prevention), 7:305 (Student Athlete Concussions and Head Injuries)


ADMIN. PROC.: 2:265-AP1 (Title IX Response), 2:265-AP2 (Formal Title IX Complaint Grievance Process), ~~2:265-AP3 (Title IX Coordinator)~~, 2:270-AP (Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin), 4:160-AP (Environmental Quality of Buildings and Grounds), 4:170-AP6 (Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED), 5:100-AP (Staff Development Program), 5:120-AP2 (Employee Conduct Standards), 5:150-AP (Personnel Records), 6:120-AP4 (Care of Students with Diabetes), 7:250-AP1 (Measures to Control the Spread of Head Lice at School), 7:250-AP2 (Protocol for Responding to Students with Social, Emotional, or Mental Health Needs), 7:255-AP1 (Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:255-AP2 (Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:285-AP (Anaphylaxis Prevention, Response, and Management Program), 7:290-AP (Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program)

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**15. Approval of First Reading of Updated Board Policies for Section 6 - Instruction**

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*Recommended Motion:* that the Board of Education accepts for first reading the revised Board of Education Policy 6:150 - Home and Hospital Instruction, and 6:310 - High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students, as presented. **See Attachment No. 14.**

TO: Members of the Board of Education  
FROM: Dr. Brian Prybil, Deputy Superintendent   
DATE: July 24, 2025  
SUBJECT: Approve Updated Board Policies for Section 6 – Instruction

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, a portion of Section 6 with suggested changes based on PRESS recommendations is attached. The administration requests the Board accept updates for Section 6, as listed. These changes are minor and part of a five-year review.


Attached are the suggested changes based on PRESS recommendations. The administration requests the Board accept updates for Policies 6:150 -Home and Hospital Instruction, and 6:310 High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students.

Recall the underlined text represents suggested new additions; whereas, the ~~striketrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accepts for first reading the updated Board of Education Policy 6:150 - Home and Hospital Instruction, and 6:310 - High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students, as presented.

Approved for Submission to the Board of Education

  
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Dr. Rachel Savage  
Superintendent of Schools

## Instruction

### Home and Hospital Instruction<sup>1</sup>

A student who is absent from school, or whose physician, physician assistant, or advanced practice registered nurse anticipates that the student will be absent from school, because of a medical condition may be eligible for instruction in the student's home or hospital.<sup>2</sup> Eligibility shall be determined by State law and the Ill. State Board of Education rules governing (1) the continuum of placement options for students who have been identified for special education services or (2) the home and hospital instruction provisions for students who have not been identified for special education services.<sup>3</sup> Appropriate educational services from qualified staff will begin no later than five school days after receiving a written statement from: (1) a physician licensed to practice medicine in all of its branches, (2) a licensed physician assistant, or (3) a licensed advanced practice registered nurse.<sup>4</sup> Instructional or related services for a student receiving special education services will be determined by the student's individualized education program.

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

<sup>1</sup> State or federal law controls this policy's content. The following State laws and ISBE rules govern homebound and hospital instruction: 105 ILCS 5/10-22.6a, amended by P.A. 102-466, eff. 7-1-25 (home instruction and correspondence courses for students who are pregnant, parenting, or victims of domestic or sexual violence under 105 ILCS 5/26A); 105 ILCS 5/14-13.01 (reimbursement for home and hospital instruction along with factors to qualify for it); 105 ILCS 5/18-4.5 (reimbursement for home and hospital instruction); 105 ILCS 5/10-19.05(e) (an instructional session of one clock hour may be counted as ½ day of attendance, however, a student must receive four or more instructional clock hours to count as a full day of attendance); 23 Ill.Admin.Code §226.300 (home/hospital service for a special education student); 23 Ill.Admin.Code §1.520.

See ISBE guidance, *Home/Hospital Instruction and Reimbursement Questions and Answers* available at: [www.isbe.net/Documents/Home-Hospital\\_OA.pdf](http://www.isbe.net/Documents/Home-Hospital_OA.pdf). At the time of PRESS Issue 118's publication (Apr. 2025), this guidance had not been updated to reflect changes to 105 ILCS 5/10-22.6a, amended by P.A. 102-466, eff. 7-1-25.

<sup>2</sup> 105 ILCS 5/14-13.01 defines the standards for determining when a student is eligible to receive home or hospital instruction. A student qualifies when a physician, physician assistant, or advanced practice registered nurse *anticipates* a student's absence *due* to a medical condition. The law defines "ongoing intermittent basis" to mean a medical condition of such a nature and severity that it is anticipated that the student will be absent from school due to the medical condition for periods of at least two days at a time multiple times during the school year totaling at least 10 days or more of absences.

<sup>3</sup> 105 ILCS 5/14-13.01(a-5) requires that all students provide a written statement from a physician, physician assistant, or advanced practice registered nurse stating the existence of a medical condition, the impact on the child's ability to participate in education, and the anticipated duration or nature of the child's absence from school. However, ISBE rules at 23 Ill.Admin.Code §226.300 (students qualifying for special education services) and 23 Ill.Admin.Code §1.520 (students not qualifying for special education services) have not yet been amended to reflect that this written statement may come from a physician assistant or an advanced practice registered nurse; they still state that such a written statement must come from a physician. ISBE's *Medical Certification for Home/Hospital Instruction* form, form 34-58, reflects that the written statement may come from a "physician licensed to practice medicine in all its branches, APRN, or PA." Available at: [www.isbe.net/Documents/Medical-certification-home-hospital-instruction.pdf](http://www.isbe.net/Documents/Medical-certification-home-hospital-instruction.pdf).

A student with health needs may be protected by the Individuals with Disabilities Education Act (20 U.S.C. §1401(3)) or Section 504 of the Rehabilitation Act (29 U.S.C. §794(a))

<sup>4</sup> 105 ILCS 5/14-13.01(a-5). There is no requirement that a student be absent from school for a minimum number of days before he or she qualifies for home or hospital instruction. 105 ILCS 5/14-13.01(a). The statute allows schools to begin home or hospital instruction upon receipt of a written statement from a physician, physician assistant, or advanced practice registered nurse but requires it to begin no later than five school days after receipt of the written statement.

Both 23 Ill.Admin.Code §§226.300(g) and 1.520(f) require home or hospital instructors to meet the requirements listed in 23 Ill.Admin.Code §1.610, i.e., proper licensure as required by 105 ILCS 5/21B-15.

A student who is unable to attend school because of pregnancy or pregnancy-related conditions, the fulfillment of parenting obligations related to the health of the child, or health and safety concerns arising from domestic or sexual violence as defined in 105 ILCS 5/26A, will be provided home instruction, correspondence courses, or other courses of instruction under the following circumstances:<sup>5</sup> (1)

1. ~~b~~ Before the birth of the child when the student's physician, physician assistant, or advanced practice registered nurse indicates, in writing, that she is medically unable to attend regular classroom instruction, ~~and (2) f~~
2. For up to three months after the child's birth or a miscarriage.
3. When a student must care for his or her ill child if:
  - a. The child's physician, physician assistant, or advanced practice registered nurse informs the District, in writing, that the child has a serious health condition<sup>6</sup> that would require the student to be absent from school for two or more consecutive weeks; and
  - b. The student or the student's parent/guardian informs the District, in writing, that the student needs to care for the child during this period.
4. The student must treat physical or mental health complications or address safety concerns arising from domestic or sexual violence when a health care provider or an employee of the student's domestic or sexual violence organization, as defined in 105 ILCS 5/26A, informs the District, in writing, that the care is needed by the student and will cause the student's absence from school for two or more consecutive weeks.<sup>7</sup>

The District may reassess home instruction provided to a student under No. 3 or No. 4 every two months to determine the student's continuing need for home instruction.

Periodic conferences will be held between appropriate school personnel, parent(s)/guardian(s), and hospital staff to coordinate course work and facilitate a student's return to school.

LEGAL REF.: 105 ILCS 5/10-19.05(e), 5/10-22.6a, 5/14-13.01, and 5/18-4.5.  
23 Ill.Admin.Code §§1.520, 1.610, and 226.300.

CROSS REF.: 6:120 (Education of Children with Disabilities), 7:10 (Equal Educational Opportunity), 7:250 (Student Support Services), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:280 (Communicable and Chronic Infectious Disease)

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

<sup>5</sup> 105 ILCS 5/10-22.6a, amended by P.A. 102-466, eff. 7-1-25. Number (2) does not require a written statement from a physician, physician assistant, or advanced practice registered nurse. See sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

<sup>6</sup> *Serious health condition* means an illness, injury, impairment, or physical or mental health condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider that is not controlled by medication alone. *Id.*

<sup>7</sup> 105 ILCS 5/10-22.6a, amended by P.A. 102-466, eff. 7-1-25. Number (2) does not require a written statement from a physician, physician assistant, or advanced practice registered nurse.

## Instruction

### High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students<sup>1</sup>

#### Credit for Non-District Experiences<sup>2</sup>

A student may receive high school credit for successfully completing any of the listed courses or experiences even when it is not offered in or sponsored by the District:

1. Distance learning course, including a correspondence, virtual, or online course
2. Courses in an accredited foreign exchange program
3. Summer school or community college courses<sup>3</sup>
4. College or high school courses offering dual credit at both the college and high school level<sup>4</sup>

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

<sup>1</sup> State law requires that several of the programs in this policy be covered in policy. State law controls this policy's content. Note that 23 Ill.Admin.Code §1.420(b) requires "[e]very school district [to] have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, online, or from other external sources, that can be disseminated to other schools within the State." Section 1.460 requires "[e]ach local board of education with a high school [to] adopt a policy which defines the board's position with reference to the awarding of high school credit on the basis of local examinations to pupils who have achieved the necessary proficiencies through independent study, either with or without private tutoring, or for work taken in or from another institution." 23 Ill.Admin.Code §1.460.

Sample policy 6:185, *Remote Educational Program*, provides for educational programs delivered by the district in a location outside of the school.

Sample policy 6:315, *High School Credit for Students in Grade 7 or 8*, allows students enrolled in grade 7 or 8 to enroll in a course required for high school graduation. 105 ILCS 5/27-22.10(a); 23 Ill.Admin.Code §1.440(c)(3).

<sup>2</sup> Each board may choose for which, if any, of the listed non-district experiences the district will grant high school credit. If a district does not grant credit for any of the listed activities, substitute the following alternative for all text in the entire section: "The District does not grant graduation credit for learning experiences that an enrolled student does not complete through the District."

<sup>3</sup> 105 ILCS 5/27-22.1 provides that no fewer than 60 hours of classroom instruction in summer school is required for one semester of high school course credit. Districts may accept courses completed in a community college (CC) toward graduation. 23 Ill.Admin.Code §1.440(f). Superintendents, pursuant to 105 ILCS 5/10-21.4, must annually report to the Ill. State Board of Education (ISBE) the number of students enrolled in accredited courses at any CC along with the name(s) and number(s) of the course(s) each student is taking.

<sup>4</sup> The Dual Credit Quality Act (DCQA) (110 ILCS 27/—amended by P.A. 102-516 and 102-1077, eff. 1-1-23) defines dual credit as a college course taken by a high school student for credit at both the college and high school level. 110 ILCS 27/5 and 105 ILCS 5/10-20.62(a). An instructor who teaches a dual credit course does not need the certification required by Article 21 of the School Code but must meet the standards set forth in 110 ILCS 27/20(1), (2), (2.5), or (3). Dual credit programs require: (a) a specific partnership agreement between the district and a CC containing 12 specified elements, as long as the district is in the CC's jurisdiction (110 ILCS 27/16), or (b) cooperation between the school district and the institution providing the dual credit courses (see the Higher Education Student Assistance Act at 110 ILCS 947/10 for a definition of *institution*). Partnership agreements that are entered into, amended, renewed, or extended after 1-1-23, must allow high school students who do not otherwise meet the CC's academic eligibility requirements to enroll in a dual credit course taught at the high school, but only for high school credit. 110 ILCS 27/16.5(a), added by P.A. 102-1077, eff. 1-1-23. If the district and CC cannot agree within 180 days of a district's initial request to enter into a partnership agreement, the two parties must use the model partnership agreement located referenced at 110 ILCS 27/19.

5. Foreign language courses taken in an ethnic school program approved by the Illinois State Board of Education<sup>5</sup>
6. Work-related training at manufacturing facilities or agencies in a Tech Prep Program<sup>6</sup>
7. Credit earned in a Vocational Academy<sup>7</sup>

The student must seek approval from the Superintendent or designee to receive graduation credit for any non-District course or experience. The Superintendent or designee shall determine the amount of credit and whether a proficiency examination is required before the credit is awarded. As approval is not guaranteed, students should seek conditional approval of the experience before participating in a non-District course or experience. The student assumes responsibility for any fee, tuition, supply, or other expense. The student seeking credit is responsible for (1) providing documents or transcripts that demonstrate successful completion of the experience, and (2) taking a proficiency examination, if requested. The Superintendent or designee shall determine which, if any, non-District courses or experiences, will count toward a student's grade point average, class rank, and eligibility for athletic and extracurricular activities. When applicable, the Building Principal or designee shall, prior to the first day of class, inform individual high school students enrolled in a mixed enrollment dual credit course that includes students who have and have not met the community college's criteria for dual

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Out-of-state dual credit contracts are prohibited until a district first offers the CC in the district in which the district is located the opportunity to provide a dual credit course. 110 ILCS 27/17. In addition, a district seeking to enter into an agreement with an out-of-state institution must provide notice to the Ill. State Board of Higher Education (BHE) of its intent to which the BHE will have 30 days to provide the district with a list of in-state institutions that can provide the district an equivalent dual credit opportunity. *Id.* Agreements between a district and an out-of-state institution that were in effect before 1-1-19 will ~~will~~ *were* not be affected. *Id.* A high school evaluation of a dual credit program must also incorporate the analysis of data from the ISBE statewide longitudinal data system (see the P-20 Longitudinal Education Data System Act, 105 ILCS 13/, for more information).

105 ILCS 5/10-20.62(c), requires school boards to require the district's high schools, if any, to inform all 11th and 12th grade students of dual enrollment and dual credit opportunities at public CCs for qualified students. Qualified students may enroll in an unlimited amount of dual credit courses and earn an unlimited amount of academic credits from them if the course(s) are taught by an Ill. instructor, as provided by 110 ILCS 27/. *Id.* at (b). In addition, all dual credit coursework completed by a high school student must be transferred to all public institutions in Illinois on the same basis as coursework completed by a public CC student who previously earned a high school diploma in the manner set forth under the Ill. Articulation Initiative Act. *Id.* at 27/19.

The DCQA requires partnership agreements between districts and CCs to address access to dual credit courses by individual students with disabilities. 110 ILCS 27/16, amended by P.A.s 102-516 and 102-1077, 105 ILCS 5/14-8.03, amended by P.A. 102-516 also requires districts to provide special education students with information about career and technical education (CTE) opportunities, including at the postsecondary level. See *Increasing Postsecondary Opportunities and Success for Students and Youth with Disabilities* at: [www.sites.ed.gov/idea/idea-files/qa-increasing-postsecondary-opportunities-success-for-students-youth-with-disabilities-sept-17-2019/#Letter](http://www.sites.ed.gov/idea/idea-files/qa-increasing-postsecondary-opportunities-success-for-students-youth-with-disabilities-sept-17-2019/#Letter) for information on providing transition services to high school students who have individualized education programs (IEPs), are receiving services under the IDEA, and take courses offered by a community college or other postsecondary education institution program prior to high school graduation.

<sup>5</sup> 105 ILCS 5/2-3.44 and 5/10-22.43a. An ethnic school is a part-time, private school that teaches the foreign language of a particular ethnic group as well as the culture, geography, history, and other aspects of a particular ethnic group. 105 ILCS 5/2-3.44; 23 Ill.Admin.Code §1.465(b). For requirements, see 23 Ill.Admin.Code §1.465.

<sup>6</sup> The State Superintendent and Board of Higher Education were encouraged by 105 ILCS 5/2-3.115 to establish a program of academic credit for Tech Prep work based learning for secondary school students with an interest in pursuing such career training, which could be instituted by school districts. See also 23 Ill.Admin.Code §1.445.

<sup>7</sup> Vocational Academies Act, 105 ILCS 433/. The Act's purpose is to "integrate workplace competencies and career and technical education with core academic subjects." School districts are permitted to partner with CCs, local employers, and community-based organizations to establish a vocational academy that functions as a two-year school within a school for grades 10 through 12. Grant funds may be available from ISBE when the vocational academy meets statutory requirements.

credit coursework of whether or not they are eligible to earn college credit for the course.<sup>8</sup> This section does not govern the transfer of credits for students transferring into the District.

#### Substitutions for Required Courses

**Vocational or technical education.**<sup>9</sup> A student in grades 9-12 may satisfy one or more high school courses (including physical education) or graduation requirements by successfully completing related vocational or technical education courses if:<sup>10</sup>

1. The Building Principal approves the substitution(s) and the vocational or technical education course is completely described in curriculum material along with its relationship to the required course; and
2. The student's parent/guardian requests and approves the substitution(s) in writing on forms provided by the District.

**Registered Apprenticeship Program.**<sup>11</sup> The Superintendent or designee will ensure that the District complies with State law requirements for registered apprenticeship programs.<sup>12</sup> The opportunities and requirements for registered apprenticeship programs contained in this policy will be posted on the

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<sup>8</sup> 110 ILCS 27/16.5(c) added by P.A. 102-1077, eff. 1-1-23. Written notification is not required by the law, but it is a best practice to show compliance with this requirement.

<sup>9</sup> Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/27-22.05.

<sup>10</sup> The *related* requirement is met if the course contains at least 50% of the content of the required course. *Id.* 23 Ill.Admin.Code §1.445 requires that the vocational or technical education course be completely described in the policy along with its relationship to the required course. The sample policy satisfies these requirements by referring to the courses as described in curricular material.

ISBE requires that the parent/guardian of a student under the age of 18 request the course substitution "on forms that the school district makes available" and that the request must be maintained in the student's temporary record. 23 Ill.Admin.Code §1.445. See sample exhibit 6:310-E, *Class Substitution Request*. There is no parallel recordkeeping requirement in the rules for registered apprenticeships; however, it is best practice to maintain all types of substitution requests as evidence of compliance with the form requirement.

<sup>11</sup> Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/2-3.175; renumbered by P.A. 101-84; 23 Ill.Admin.Code §255.200. A *registered apprenticeship program* is an industry-based occupational training program of study with standards reviewed and approved by the U.S. Dept. of Labor that meets characteristics set forth in State law and ISBE rules. The introductory sentence and listed items 1, 3, 4, and 6 are required to be in the policy if a board decides to allow students to participate in registered apprenticeship programs. See 23 Ill.Admin.Code §255.200(b). Item #2 is not required to be stated in policy, but is required to be included in a district's website notification (if any) to parents/guardians about registered apprenticeship opportunities. See fn 13, below.

If a board adopts a policy to allow for student participation in registered apprenticeship programs, the policy must be posted on the district's website (if any) for students, parents, and members of the business and industry community to access. 23 Ill.Admin.Code §255.200(c)(1). See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and fns 132 and 142 below for other related website posting requirements.

Employers providing apprenticeships may be eligible for seek tax credits for certain educational expenses they incur on behalf of qualifying apprentices for calendar years 2020-2025. 35 ILCS 5/231(b), added/amended by P.A. 103-1059/104-207. Districts that carry out registered apprenticeship programs should, but are not required to, aid an employer in claiming the an available credit by providing a written receipt documenting the apprenticeship education expenses paid to the school by the employer. 14 Ill.Admin.Code §522.50(c). See

<https://deco.illinois.gov/expandrelocate/incentives/ilapprenticeshiptaxcredit.html>

[www2.illinois.gov/deco/ExpandRelocate/Incentives/Pages/ILApprenticeshipTaxCredit.aspx](http://www2.illinois.gov/deco/ExpandRelocate/Incentives/Pages/ILApprenticeshipTaxCredit.aspx) for more information about the credit.

<sup>12</sup> 105 ILCS 5/2-3.175; 23 Ill.Admin.Code Part 255. In addition to the requirements listed in the policy, districts allowing for student participation in registered apprenticeship programs must also: (1) submit data on participating students through ISBE's Student Information System, (2) identify and attempt to eliminate any barriers to student participation, and (3) include the program in the Career Pathway Endorsement if the district awards endorsements under the Postsecondary and Workforce Readiness Act (110 ILCS 148'). 23 Ill.Admin.Code §255.200(d)-(f).

District's website, and parents/guardians and students will also be notified of such opportunities in the appropriate school handbook(s).<sup>13</sup>

A student in grades 9-12 who is 16 years or older may satisfy one or more high school courses (including physical education) or graduation requirements by successfully completing a registered apprenticeship program if:

1. The registered apprenticeship program meets all criteria contained in State law;
2. The registered apprenticeship program is listed by the District, or the student identifies a registered (but not listed) apprenticeship program with a business or organization if one is not offered in the District;
3. The student enrolled in a registered apprenticeship program has the opportunity to earn post-secondary credit toward a certificate or degrees, as applicable;
4. The student's parent/guardian requests and approves the substitution(s) in writing on forms provided by the District and on its website;<sup>14</sup>
5. The Building Principal approves the substitution(s); and
6. All non-academic requirements mandated by the School Code for high school graduation that would otherwise prohibit or prevent the student from participating in the registered apprenticeship program are waived.

**Advanced placement computer science.**<sup>15</sup> The advanced placement computer science course is equivalent to a high school mathematics course. A student in grades 9-12 may substitute the advanced placement computer science course for one year of mathematics, in accordance with Section 27-22 of the School Code. The transcript of a student who completes the advanced placement computer science course will state that it qualifies as a mathematics-based, quantitative course.

**Substitutions for physical education.** A student in grades 9-12, unless otherwise stated, may submit a written request to the Building Principal to be excused from physical education courses for the reasons stated below.<sup>16</sup> The Superintendent or designee shall maintain records showing that the criteria set forth in this policy were applied to the student's individual circumstances, as appropriate.<sup>17</sup>

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<sup>13</sup> 23 Ill.Admin.Code §255.200(c). The Illinois Principals Association maintains a handbook service that coordinates with PRESS material. *Online Model Student Handbook (MSH)*, at: [www.ilprincipals.org/msh](http://www.ilprincipals.org/msh). The notification to students and parents on the district's website must include: (1) a statement that a student may participate in any registered apprenticeship program listed by the district; and (2) a statement that a student may find a registered, but not listed, apprenticeship program with a business or organization, if a registered apprenticeship program is not offered in the district. 23 Ill.Admin.Code §255.200(c)(2). See *sample exhibit 2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records*. For districts that do not maintain a website, use the following alternative sentence:

Parents/guardians and students will be notified of opportunities for registered apprenticeship programs in the appropriate school handbook(s).

<sup>14</sup> 23 Ill.Admin.Code §255.200(b)(4). See *sample exhibits 6:310-E, Class Substitution Request*, and *2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records*. If the district does not maintain a website, delete ~~and on its website~~.

<sup>15</sup> Optional, but allowed by 105 ILCS 5/27-22(e)(3) ~~amended by P.A. 101-464~~, and 5/27-22(f-5).

<sup>16</sup> Optional, but allowed by 105 ILCS 5/27-6(b); 23 Ill.Admin.Code §1.425(e). A board that wants to allow any of these P.E. exemptions must include the ones it selects in a policy that excuses students on an individual basis.

<sup>17</sup> 23 Ill.Admin.Code §1.425(e).

1. Ongoing participation in a marching band program for credit;<sup>18</sup>
2. Enrollment in Reserve Officer's Training Corps (ROTC) program sponsored by the District;<sup>19</sup>
3. Ongoing participation in an *interscholastic* or *extracurricular athletic program*;<sup>20</sup>
4. Enrollment in academic classes that are required for admission to an institution of higher learning (student must be in the 11th or 12th grade);<sup>21</sup> or
5. Enrollment in academic classes that are required for graduation from high school, provided that failure to take such classes will result in the student being unable to graduate (student must be in the 11th or 12th grade).<sup>22</sup>

A student who is eligible for special education may be excused from physical education courses pursuant to 7:260, *Exemption from Physical Education*.

**Volunteer service credit.**<sup>23</sup> A student participating in the District's Volunteer Service Credit Program, if any, may earn credit toward graduation for the performance of community service. The amount of credit given for program participation shall not exceed that given for completion of one semester of language arts, math, science, or social studies.

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<sup>18</sup> 23 Ill.Admin.Code §1.425(e)(4)(A). This policy excuses students from P.E. only during the marching band season because the statute allows the exemption "for ongoing participation in such marching band program." Thus, if the marching band season is over, the student's *ongoing participation* has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue until the end of the current grading period.

<sup>19</sup> 23 Ill.Admin.Code §1.425(e)(4)(B).

<sup>20</sup> 23 Ill.Admin.Code §1.425(e)(2) and (e)(3)(A). Prior to P.A. 100-465, the statute only allowed students in grades 11 and 12 to be excused from P.E. "for ongoing participation in an interscholastic athletic program." 105 ILCS 5/27-6(b)(1). 105 ILCS 5/27-6(b) now states "on a case-by-case basis, excuse pupils in grades 7 through 12 who participate in an interscholastic or extracurricular athletic program." While the statute no longer requires such participation to be *ongoing*, 23 Ill.Admin.Code §1.425(e)(3) requires *ongoing participation*. Thus, if the athletic program is over, the student's *ongoing participation* has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue only until the end of the grading period during which the athletic program is active. 23 Ill. Admin. Code §1.425(e)(2) limits interscholastic and extracurricular athletic programs to those that are sponsored by the school district as defined in school board policy. Boards do not have the "authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district." *Id.* at §1.425(e)(6).

State statutes do not define *interscholastic athletic program* or *extracurricular athletic program*; however, 105 ILCS 5/22-80 defines *interscholastic athletic activity* as "any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling." 23 Ill.Admin.Code §1.425(e)(2) defines *interscholastic* and *extracurricular athletic programs* as "those programs that are sponsored by the school district as defined by school district policy." Boards have no authority to honor parental excuses based upon students' participation in athletic training, activities or competition conducted outside the auspices of the school district. 23 Ill.Admin.Code §1.425(e)(6).

For boards that want to explain the meaning of *interscholastic or extracurricular athletic program*, insert the following option at the end of #3:

(organized school-sponsored or school-sanctioned activities for students that are not part of the curriculum, not graded, not for credit, generally take place outside of school instructional hours, and under the direction of a coach, athletic director, or band leader)

For unit districts, ensure the definition matches the definition in policy 7:260, *Exemption from Physical Education*.

<sup>21</sup> 23 Ill.Admin.Code §1.425(e)(3)(B).

<sup>22</sup> 23 Ill.Admin.Code §1.425(e)(3)(C).

<sup>23</sup> Optional. The credit given for one semester may not exceed that stated in this policy. 105 ILCS 5/27-22.3. The program may include participation in the organization of a high school or community blood drive or other blood donor recruitment campaign. *Id.* ISBE must provide assistance to districts opting to offer the program. 105 ILCS 5/2-3.108.

## Re-Entering Students<sup>24</sup>

Individuals younger than 21 years of age may re-enter high school to acquire a high school diploma or an equivalency certificate, subject to the limitations in Board policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. Re-entering students may obtain credit through the successful completion of the following (not all of these may be available at any one time):

1. District courses
2. Non-District experiences described in this policy
3. Classes in a program established under Section 10-22.20 of the School Code, in accordance with the standards established by the Illinois Community College Board
4. Proficiency testing, correspondence courses, life experiences, and other nonformal educational endeavors
5. Military service, provided the individual making the request has a recommendation from the American Council on Education

The provisions in the section **Credit for Non-District Experiences**, above, apply to the receipt of credit for any non-District course.

LEGAL REF.: 105 ILCS 5/2-3.44, 5/2-3.108, 5/2-3.115, 5/2-3.142, 5/2-3.175, 5/10-22.43a, 5/10-20.62, 5/27-6, 5/27-22.3, and 5/27-22.05.  
110 ILCS 27/. Dual Credit Quality Act.  
23 Ill.Admin.Code §§1.425(e), 1.440(f), 1.470(c), and Part 255.

CROSS REF.: 6:180 (Extended Instructional Programs), 6:300 (Graduation Requirements), 6:315 (High School Credit for Students in Grade 7 or 8), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:260 (Exemption from Physical Education)

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

<sup>24</sup> Required by 23 Ill.Admin.Code §1.470(a). While the sample policy does not provide for it, a school board may permit adults 21 years of age or older to re-enter high school. 23 Ill.Admin.Code §1.470(b). Items #4 & #5 are optional, but must be included in a policy if credit will be granted for them. 105 ILCS 5/27-6; 27-22.05.

**16. Approval of First Reading of Updated Board of Education Policy 6:235 -  
Access to Electronic Networks**

117

*Recommended Motion:* that the Board of Education accepts for first reading the updated Board of Education Policy 6:235 - Access to Electronic Networks, as presented. **See Attachment No. 15.**

TO: Members of the Board of Education  
FROM: Dr. Brian Prybil, Deputy Superintendent   
DATE: July 24, 2025  
SUBJECT: Approve Updated Board Policy 6:235 – Access to Electronic Networks

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

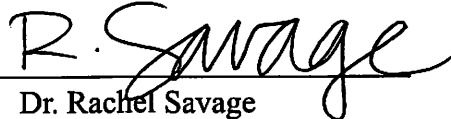
Facts: As part of the District's ongoing policy review process and alignment with recent PRESS recommendations, Policy 6:235 – Access to Electronic Networks has been updated. The revisions include a new optional subheading, Use of Artificial Intelligence-Enabled Tools, which acknowledges the emerging role of AI in enhancing student learning, educator effectiveness, and school operations. The subheading outlines expectations for the ethical and responsible use of AI, aligned with Policies 1:30 (School District Philosophy) and 7:345 (Use of Educational Technology, Student Data Privacy, and Security). Additionally, the footnotes have been revised in response to the U.S. Surgeon General's advisory on the safety of social media use for children and in support of continuous improvement practices.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accepts for first reading the updated Board of Education Policy 6:235 – Access to Electronic Networks, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage  
Superintendent of Schools

## Instruction

### Access to Electronic Networks<sup>1</sup>

Electronic networks are a part of the District's instructional program and serve to promote educational excellence by facilitating resource sharing, innovation, and communication.<sup>2</sup>

The term *electronic networks* includes all of the District's technology resources, including, but not limited to:

1. The District's local-area and wide-area networks, including wireless networks (Wi-Fi), District-issued Wi-Fi hotspots, and any District servers or other networking infrastructure;
2. Access to the Internet or other online resources via the District's networks or to any District-issued online account from any computer or device, regardless of location;
3. District-owned or District-issued computers, laptops, tablets, phones, or similar devices.

The Superintendent shall develop an implementation plan for this policy and appoint system administrator(s).<sup>3</sup>

The School District is not responsible for any information that may be lost or damaged, or become unavailable when using the network, or for any information that is retrieved or transmitted via the Internet.<sup>4</sup> Furthermore, the District will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

### Curriculum and Appropriate Online Behavior

The use of the District's electronic networks shall: (1) be consistent with the curriculum adopted by the District as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library resource

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

<sup>1</sup> State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content. 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. This policy concerns an area in which the law is unsettled.

A policy on Internet safety is necessary to receive E-rate funds under the Elementary and Secondary Education Act, Student Support and Academic Enrichment Grants (20 U.S.C. §7131) and to qualify for universal service benefits under the Children's Internet Protection Act (CIPA) (47 U.S.C. §254(h) and (l)).

Generally, federal rules prohibit schools from soliciting or accepting gifts or other things of value exceeding \$20 from Internet service providers that participate or are seeking to participate in the E-rate program. 47 C.F.R. §54.503. However, during the COVID-19 pandemic, the Federal Communications Commission (FCC) temporarily waived its rules prohibiting such gifts to enable service providers to support remote learning efforts without impacting school E-rate funding. See <https://docs.fcc.gov/public/attachments/DA-20-1479A1.pdf>.

<sup>2</sup> This goal is repeated in sample exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-AP1, E2, *Staff Authorization for Access to the District's Electronic Networks*.

<sup>3</sup> Topics for the implementation plan include integration of the Internet in the curriculum, staff training, and safety issues. The implementation plan can also include technical information regarding service providers, establishing Internet accounts, distributing passwords, software filters, menu creation, managing resources and storage capacity, and the number of access points for users to connect to their accounts. Another topic is investigation of inappropriate use.

<sup>4</sup> No system can guarantee to operate perfectly or to prevent access to inappropriate material; this policy statement attempts to absolve the district of any liability.

center materials. As required by federal law and Board policy 6:60, *Curriculum Content*, students will be educated about appropriate online behavior, including but not limited to: (1) interacting with other individuals on social networking websites and in chat rooms, and (2) cyberbullying awareness and response.<sup>5</sup> Staff members may, consistent with the Superintendent's implementation plan, use the Internet throughout the curriculum.

The District's electronic network is part of the curriculum and is not a public forum for general use.<sup>6</sup>

#### Acceptable Use<sup>7</sup>

All use of the District's electronic networks must be: (1) in support of education and/or research, and be in furtherance of the goals stated herein, or (2) for a legitimate school business purpose. Use is a privilege, not a right.<sup>8</sup> Users of the District's electronic networks have no expectation of privacy in any material that is stored on, transmitted, or received via the District's electronic networks. General rules for behavior and communications apply when using electronic networks. The District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, contains the appropriate uses, ethics,

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

<sup>5</sup> Required by 47 U.S.C. §254(h)(5)(B)(iii) and 47 C.F.R. §54.520(c)(i) only for districts that receive *E-rate* discounts for Internet access or plan to become participants in the *E-rate* discount program. All boards receiving an *E-rate* funding for Internet access were required to certify that they had updated their Internet safety policies. See, *FCC Report and Order 11-125* (August 11, 8-11-2011). This sentence is optional if the district only receives discounts for telecommunications, such as telephone service, unless the district plans to participate in the *E-rate* discount program.

<sup>6</sup> School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260 (1988). This policy allows such control by clearly stating that school-sponsored network information resources are not a "public forum" open for general student use but are, instead, part of the curriculum.

It is an unfair labor practice (ULP) under the Ill. Educational Labor Relations Act (IELRA) for an employer to discourage employees from becoming or remaining members of a union. 115 ILCS 5/14(a)(10), added by P.A. 101-620. In connection with that potential penalty, the IELRA requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources. 115 ILCS 5/14 (c-5), added by P.A. 101-620. This policy aligns with IELRA requirements by clarifying the District's electronic network is not a public forum for general use by outside parties and by limiting use of the network to the purposes stated under the *Acceptable Use* subhead. However, districts are still prohibited under the First Amendment to the U.S. Constitution from suppressing messages based on viewpoint and may be subject to liability if they affirmatively block individual senders. See *Linkke v. Freed*, 601 U.S. 187 (2024); *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983); *People for the Ethical Treatment of Animals v. Tabak*, 109 F.4th 627 (D.C. Cir. 2024); *Columbia Univ. v. Trump*, 302 F.Supp.3d 541 (S.D.N.Y. 2018). Consult the board attorney if the board wants to amend this policy to prohibit access by specific parties and/or before taking steps to "block" any specific party from the district's email system based on the content of the party's message.

<sup>7</sup> This paragraph provides general guidelines for acceptable use regardless of whether Internet use is supervised. In practice, many districts allow for incidental personal use of their networks during duty-free times. The specific rules are provided in *sample* exhibits 6:235-API, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-API, E2, *Staff Authorization for Access to the District's Electronic Networks* (see also f/n 1). This paragraph's application to faculty may have collective bargaining implications.

<sup>8</sup> The "privilege, not a right" dichotomy is borrowed from cases holding that a student's removal from a team does not require due process because such participation is a privilege rather than a right. The deprivation of a privilege typically does not trigger the Constitution's due process provision. *Clements v. Bd. of Educ. of Decatur Public Sch. Dist. No. 61*, 133 Ill.App.3d 531 (4th Dist. 1985). Nevertheless, before access privileges are revoked, the user should be notified and allowed to give an explanation.

and protocol.<sup>9</sup> Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials.<sup>10</sup>

### Internet Safety<sup>11</sup>

Technology protection measures shall be used on each District computer with Internet access.<sup>12</sup> They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by federal law and as determined by the Superintendent or designee.<sup>13</sup> The Superintendent or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent or system administrator.<sup>14</sup> The

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

<sup>9</sup> If students are allowed only supervised access and are not required to sign the *Authorization for Access to the District's Electronic Networks*, the provisions from the *Authorization* should be used as administrative procedures for covering student Internet use. See 6:235-AP1, *Acceptable Use of the District's Electronic Networks*. This is an optional sentence:

The Superintendent shall establish administrative procedures containing the appropriate uses, ethics, and protocol for Internet use.

The Harassing and Obscene Communications Act criminalizes harassing and obscene electronic communication. 720 ILCS 5/26.5.

<sup>10</sup> The Fourth Amendment to the U.S. Constitution protects individuals from searches only when the person has a legitimate expectation of privacy. This provision attempts to avoid Fourth Amendment protection for communications and downloaded material by forewarning users that their material may be read or searched, thus negating any expectation of privacy.

Email and computer files are "public records" as defined in the Ill. Freedom of Information Act (FOIA) if they are, as in this policy, "under control" of the school board. 5 ILCS 140/2. They may be exempt from disclosure, however, when they contain information that, if disclosed, "would constitute a clearly unwarranted invasion of personal privacy." 5 ILCS 140/7.

Alternatively, a school board may believe that making email semi-private enhances its educational value. The following grants limited privacy to email communications and can be substituted for the sample policy's sentence preceding this footnote:

School officials will not intentionally inspect the contents of email without the consent of the sender or an intended recipient, unless as required to investigate complaints regarding email that is alleged to contain material in violation of this policy or the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*.

<sup>11</sup> See fn 1.

<sup>12</sup> While it is best practice to do so, neither CIPA nor the rules for the E-Rate program specifically address whether school-owned computers or other mobile computing devices must be filtered when using a non-school Internet connection. Consult the board attorney for guidance on this issue.

<sup>13</sup> This sample policy language is broader than the requirements in federal law (20 U.S.C. §7131, 47 U.S.C. §254, and 47 C.F.R. §54.520(c)(i)). It does not distinguish between minors (children younger than 17) and non-minors. The terms, *minor*, *obscene*, *child pornography*, and *harmful to minors* have not changed, but are now explicitly referred to in the regulations at 47 C.F.R. §54.520(a). Federal law defines *harmful to minors* as:

...any picture, image, graphic image file, or other visual depiction that—(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The Federal Communications Commission specifically declined to find that access to social networking websites are per se *harmful to minors*. However, the U.S. Dept. of Health and Human Services issued a Surgeon General's Advisory stating there is not enough evidence to conclude that social media is safe for children. See [www.hhs.gov/surgeongeneral/reports-and-publications/youth-mental-health/social-media/index.html](http://www.hhs.gov/surgeongeneral/reports-and-publications/youth-mental-health/social-media/index.html). School officials have discretion about whether or not to block access to these and similar sites. See supra fn 3.

<sup>14</sup> Permitted by 20 U.S.C. §7131(c). The policy's provision for prior approval is not in the law and may be omitted. The entire sentence may be eliminated if a board does not want the filtering device to be disabled.

Superintendent or designee shall include measures in this policy's implementation plan to address the following: <sup>15</sup>

1. Ensure staff supervision of student access to online electronic networks, <sup>16</sup>
2. Restrict student access to inappropriate matter as well as restricting access to harmful materials,
3. Ensure student and staff privacy, safety, and security when using electronic communications,
4. Restrict unauthorized access, including "hacking" and other unlawful activities, and
5. Restrict unauthorized disclosure, use, and dissemination of personal identification information, such as, names and addresses.

#### Use of Artificial Intelligence (AI)-Enabled Tools <sup>17</sup>

The Board recognizes that AI-enabled tools are important to enhance student learning, educator effectiveness, and school operations. The use of AI-enabled tools in the District shall be implemented in a safe, ethical, and equitable manner and in accordance with Board policies 1:30, *School District Philosophy*, and 7:345, *Use of Educational Technologies: Student Data Privacy and Security*.

To implement the use of AI-enabled tools in the District, the Superintendent or designee shall:

1. Develop a District-wide AI Plan that addresses the District's approach to the integration of AI;
2. Based on the District-wide AI Plan, establish AI Responsible Use Guidelines to address the responsible use of AI in the District by students and staff;

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

<sup>15</sup> In order to qualify for universal service benefits under the federal Children's Internet Protection Act (CIPA), the district's Internet safety policy must address the items listed in the sample policy. 47 U.S.C. §254(l). The sample policy accomplishes this task by requiring these items be addressed in the policy's implementation plan or administrative procedure.

Note that federal law required school boards to hold at least one hearing or meeting to address the *initial* adoption of the Internet safety policy. Later revisions of the existing policy need not follow the public notice rule of CIPA, though a board will still need to follow its policy regarding revisions and the mandates of FOIA.

CIPA also requires this policy and its documentation to be retained for at least five years after the last day of service delivered in a particular funding year. This means the five-year retention requirement begins on the last day of service delivered under E-rate, not from the day the policy was initially adopted. Consult the board attorney about this requirement and the best practices for your individual board.

<sup>16</sup> Monitoring the online activities of *students* is broader than the requirement in federal law to monitor *minors*. The definition of minor for this purpose is "any individual who has not attained the age of 17 years." See 47 C.F.R. §54.520(a)(4)(i). The use of the word *students* is a best practice.

<sup>17</sup> Optional. Artificial intelligence is a rapidly evolving and complex technology that implicates many unsettled legal and ethical issues. This content 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.

A Statewide Generative AI and Natural Language Processing Taskforce issued a report to the General Assembly in December 2024 (<https://doit.illinois.gov/content/dam/soi/en/web/doit/meetings/ai-taskforce/reports/2024-gen-ai-task-force-report.pdf>) that recommended the Ill. State Board of Education provide guidance on the use of AI in schools, best practices, and educator training. The U.S. Dept. of Education released a toolkit to assist education leaders with the safe, ethical, and equitable integration of AI within education systems, available at: [http://downloads.microscribepub.com/il/press/federal\\_resources/FINAL-FD-OET-EdLeaders-AI-Toolkit-10.29.24\\_20250221.pdf](http://downloads.microscribepub.com/il/press/federal_resources/FINAL-FD-OET-EdLeaders-AI-Toolkit-10.29.24_20250221.pdf). Note: This resource may no longer be available on a federal government website but is being maintained at PRESS Online to provide consistent subscriber access.

Adopting policy language that addresses AI provides (a) a way for boards to monitor how this technology is being used in the district, and (b) an opportunity for the board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Before adoption of this subhead, the board may want to have a conversation with the superintendent to determine how local conditions, resources, and current practices will support the full implementation of a policy that addresses AI and its goals. The use of AI will be most effective when the policy reflects local conditions and circumstances. Consult the board attorney about these issues. See sample administrative procedure 6:235-AP3, *Development of Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines*, for a suggested framework for developing an AI plan and guidelines.

3. Ensure that AI-enabled tools comply with State and federal law;
4. Ensure that staff receive training and students receive instruction on the use of AI, as appropriate; and
5. Review the District's AI Plan and AI Responsible Use Guidelines on an annual basis and update them as needed.

#### Authorization for Electronic Network Access <sup>18</sup>

Each staff member must sign the *Authorization for Access to the District's Electronic Networks* as a condition for using the District's electronic network. Each student and his or her parent(s)/guardian(s) must sign the *Authorization* before being granted unsupervised use. <sup>19</sup>

#### Confidentiality

All users of the District's computers to access the Internet shall maintain the confidentiality of student records. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network.

#### Violations

The failure of any user to follow the terms of the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

DRAFT

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

<sup>18</sup> The District's administrative procedure, 6:235-AP1, *Acceptable Use of the District's Electronic Networks*, rather than this board policy, specifies appropriate conduct, ethics, and protocol for Internet use. This is consistent with the principle that detailed requirements are not appropriate for board policy; instead, they should be contained in separate district documents that are authorized by board policy. Keeping technical rules specifying acceptable use out of board policy will allow for greater flexibility, fewer changes to the policy manual, and adherence to the belief that board policy should be confined to governance issues and the provision of guidance on significant district issues. This sample policy only requires staff and students to sign the *Authorization*; however, all users of the District's Electronic Networks, including board members and volunteers, are bound by this policy and its implementing procedure and should be familiar with their content.

<sup>19</sup> The Superintendent's implementation plan should describe appropriate supervision for students on the Internet who are not required, or refuse, to sign the *Authorization*.

The use of personal electronic communication devices owned by students but used to gain Internet access that has been funded by *E-rate* is not addressed yet. ~~The FCC has indicated that it does plan to address the issues associated with the application of CIPA requirements to this situation.~~

- LEGAL REF.: 20 U.S.C. §7131, Elementary and Secondary Education Act.  
47 U.S.C. §254(h) and (l), Children’s Internet Protection Act.  
47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.  
115 ILCS 5/14(c-5), Ill. Educational Labor Relations Act.  
720 ILCS 5/26.5.
- CROSS REF.: 5:100 (Staff Development Program), 5:170 (Copyright), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:210 (Instructional Materials), 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct), 6:230 (Library Media Program), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)
- ADMIN. PROC.: 6:235-API (Acceptable Use of the District’s Electronic Networks), 6:235-API, E1 (Student Authorization for Access to the District’s Electronic Networks), 6:235-API, E2 (Staff Authorization for Access to the District’s Electronic Networks)

DRAFT

**17. Approval of First Reading of Updated Board of Education Policies for Section 7 - Students**

125

*Recommended Motion:* that the Board of Education accept for first reading the updated Board of Education Policies 7:50 - School Admissions and Student Transfers To and From Non-District Schools, and 7:340 - Student Records, as presented. **See Attachment No. 16.**

TO: Members of the Board of Education

FROM: Erin Terstriep, Assistant Superintendent for Student Services and Special Education ET

DATE: July 24, 2025 .

SUBJECT: Approve Updated Board Policies for Section 7 – Students

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, a portion of Section 7 with suggested changes based on PRESS recommendations are attached. The policy changes are minor and footnotes have been updated. Legal References are updated with minor style changes. Footnotes have been updated in response to changes in school code and the Ensuring Success in School law.

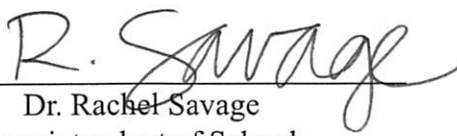
Attached are the suggested changes based on PRESS recommendations. The administration requests the Board accept updates for Policies 7:50 - School Admissions and Student Transfers To and From Non-District Schools, and 7:340 - Student Records.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the updated Board of Education Policies 7:50 - School Admissions and Student Transfers To and From Non-District Schools, and 7:340 - Student Records, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## Students

### School Admissions and Student Transfers To and From Non-District Schools<sup>1</sup>

Age [Elementary or Unit Districts only]

To be eligible for admission, a child must be five years old on or before September 1 of that school term.<sup>2</sup> A child entering first grade must be six years of age on or before September 1 of that school term.<sup>3</sup> Based upon an assessment of a child's readiness to attend school, the District may permit him or her to attend school prior to these dates.<sup>4</sup> A child will also be allowed to attend first grade based upon an assessment of his or her readiness if he or she attended a non-public preschool, continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately licensed teacher, and will be six years old on or before December 31.<sup>5</sup> A child with exceptional needs who qualifies for special education services is eligible for admission at three years of age.<sup>6</sup> Early

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

<sup>1</sup> State law requires some of the subject matter contained in this sample policy to be covered by policy and controls this policy's content. Boards must adopt a policy on school admissions (105 ILCS 5/10-21.2) and restricting a student from transferring from another school while under a suspension or expulsion from that school (105 ILCS 5/10-22.6). A *registration guidance document*, updated annually, is available from the Ill. State Board of Education (ISBE) at: [www.isbe.net/Documents/guidance\\_reg.pdf](http://www.isbe.net/Documents/guidance_reg.pdf).

<sup>2</sup> 105 ILCS 5/10-20.12. The district may, however, establish a kindergarten for children between the ages of 4 and 6 years old. 105 ILCS 5/10-22.18. Any child between the ages of 7 and 17 (unless the child has already graduated from high school) must attend public or private school, with certain exceptions allowed for physical and mental disability, lawful employment, or other reasons as specified by statute. 105 ILCS 5/26-1. The phrase "a child between the ages of 7 and 17" is liberally construed to fully carry out the true intent and meaning of the General Assembly (5 ILCS 70/1.01), which is to ensure that students graduate from high school (105 ILCS 5/26-1). Therefore, "the ages of 7-17" means a child is 17 until his or her 18th birthday.

<sup>3</sup> Optional sentence.

<sup>4</sup> 105 ILCS 5/10-20.12.

<sup>5</sup> Id. Delete the first four sentences in this paragraph if the district operates a year-round school and use the following alternative:

To be eligible for admission, a child must be at least five years old within 30 days after the commencement of that school term. Based upon an assessment of the child's readiness to attend school, the District may permit him or her to attend school prior to this date. A child may also attend first grade based upon an assessment of his or her readiness if he or she attended a non-public preschool and continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately licensed teacher, and will attain age six within four months after the commencement of the term.

<sup>6</sup> 105 ILCS 5/14-1.02 and 5/14-1.03a. An ISBE rule states: "Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 C.F.R. §300.131) who may be eligible for special education and related services." 23 Ill.Admin.Code §226.100. Note that after a child is determined to be eligible for special education services, the child must be placed in the appropriate program no later than the beginning of the next school semester. 105 ILCS 5/14-8.02; amended by P.A. 102-199.

entrance to kindergarten or first grade may also be available through Board policy 6:135, *Accelerated Placement Program*.<sup>7 8</sup>

### Admission Procedure

All students must register for school each year on the dates and at the place designated by the Superintendent. Parents/guardians of students enrolling in the District for the first time must present:

1. A certified copy of the student's birth certificate. If a birth certificate is not presented, the Superintendent or designee shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified copy of the student's birth certificate. A student will be enrolled without a birth certificate.<sup>9</sup> When a certified copy of the birth certificate is presented, the school shall promptly make a copy for its records, place the copy in the student's permanent<sup>10</sup> record, and return the certified copy to the person enrolling the child. If a person enrolling a student fails to provide a certified copy of the student's birth certificate, the Superintendent or designee shall immediately notify the local law enforcement agency, and shall also notify the person enrolling the student in writing that, unless he or she complies within ten days, the case will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that ten-day period, the Superintendent or designee shall so refer the case. The Superintendent or designee shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content.<sup>11</sup>

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<sup>7</sup> 105 ILCS 5/14A-17, Accelerated Placement Act (APA). For high school districts, delete this sentence and the cross reference to 6:135, *Accelerated Placement Program*. See sample policy 6:135, *Accelerated Placement Program*, and sample administrative procedure 6:135-AP, *Accelerated Placement Program Procedures*, for further detail.

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (*School year – School age*). See f/n 4 in sample policy 6:135, *Accelerated Placement Program* for a discussion about reconciling the APA and 105 ILCS 5/10-20.12. **Consult the board attorney for guidance.**

<sup>8</sup> Districts should consider implementing specific and objective criteria for early admissions and address such issues as who pays the costs for assessments, etc. Using this exception defeats the age requirement rules because it only relies upon a child's readiness, regardless of his or her age.

<sup>9</sup> Presenting a certified copy of a student's birth certificate is a missing children's law enforcement issue **that may not be used for denying enrollment**. See **Guidance Documents** subhead in sample administrative procedure 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*, for more information about enrollment and residency issues. Consult the board attorney if a student cannot produce a certified copy of his or her birth certificate and wishes to provide a passport, visa, or other governmental documentation of identity. To balance the tension between the missing children's laws reporting requirements and *Plyler v. Doe* (457 U.S. 202 (1982)), many attorneys advise not to report a student's failure to produce a birth certificate; however always consult the board attorney for assistance based upon the specific facts of the enrollment situation (see f/n 11 below).

<sup>10</sup> 23 Ill.Admin.Code §375.10 states that the *student permanent record* shall include basic identifying information, including the student's name, birth date and place, and gender, and evidence required under 325 ILCS 50/5(b)(1).

<sup>11</sup> Two almost identical laws govern this requirement: Missing Children Records Act (325 ILCS 50/) and Missing Children Registration Law (325 ILCS 55/). We reconciled their differences as much as possible but chiefly used the language from the Registration Law because it has the clearest explanation. The statutory enforcement requirements, as nonsensical as they may seem, are quoted in the policy. **Important:** Schools cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. See *Plyler v. Doe*. See also f/n 18 below.

2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students*.<sup>12</sup>

The individual enrolling a student shall be given the opportunity to voluntarily state whether the student has a parent or guardian who is a member of a branch of the U.S. Armed Forces and who is either deployed to active duty or expects to be deployed to active duty during the school year.<sup>13</sup> Students who are children of active duty military personnel transferring will be allowed to enter: (a) the same grade level in which they studied at the school from which they transferred, if the transfer occurs during the District's school year, or (b) the grade level following the last grade completed.<sup>14</sup>

#### Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required for enrollment.<sup>15</sup> Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

#### Foster Care Students

The Superintendent will appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Ill. Dept. of Children and Family Services (DCFS) when enrolling in or changing schools. The District's liaison ensures that DCFS' Office of

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According to the Ill. State Police, a certified copy of the student's birth certificate is the only acceptable proof of the child's identity and age. 20 Ill.Admin.Code §1290.60(a). For more discussion about acceptable proof of identity, see f/n 1 in sample administrative procedure 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*. The Missing Children Records Act requires schools to make prompt copies of these certified copies. 325 ILCS 50/5(b)(1). Once made, schools need not request another certified copy with respect to that child for any other year in which the child is enrolled in that school or other entity. *Id.* While the Act does not mandate where the copy should be kept, it is appropriate for placement in the student's permanent record. See 23 Ill.Admin.Code §375.10 and f/n 10, above. The school person who receives the copy of the certified birth certificate should initial and date the document. That way, if there is a question or an investigation (which can happen even years after enrollment) there will not be an issue as to who received the document and the date it was processed.

A district must also *flag* a student's record on notification by the State police of the student's disappearance and report to the State police any request for a *flagged* student record. 325 ILCS 50/3, 50/5.

<sup>12</sup> Each school must maintain records for each student that reflect compliance with the examinations and immunizations required by 105 ILCS 5/27-8.1 and 23 Ill.Admin.Code §1.530(a). A Tuberculosis skin test is required if the student lives in an area designated by the Ill. Dept. of Public Health as having a high incidence of Tuberculosis. 105 ILCS 5/27-8.1(1).

<sup>13</sup> ~~105 ILCS 5/22-70~~ This paragraph is optional in the policy; it reflects the requirements of State and federal law. P.A. 99-30 repealed the Military Compact Act at 105 ILCS 5/22-65 because of the Educational Opportunity for Military Children Act (EOMCA, 105 ILCS 70/); this exact language is not contained in the recoded EOMCA. Districts must report this enrollment information as aggregate data to ISBE. *Id.*

<sup>14</sup> ~~Optional.~~ The Educational Opportunity for Military Children Act (105 ILCS 70/) further details enrollment and entrance requirements for children of active military personnel. 105 ILCS 70/33. After enrollment, the law allows a district to perform evaluations to ensure appropriate placement of the student. Course, program, graduation, extracurricular(s), and other placement options for this student population are further discussed in sample administrative procedure 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*.

<sup>15</sup> Required by Education for Homeless Children Act (105 ILCS 45/) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11431 *et seq.*). See §11432(g)(3)(C)(i).

Education and Transition Services receives all written notices and records pertaining to students in the legal custody of DCFS as required by State law. <sup>16</sup>

### Student Transfers To and From Non-District Schools <sup>17</sup>

A student may transfer into or out of the District according to State law and procedures developed by the Superintendent or designee. A student seeking to transfer into the District must serve the entire term

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<sup>16</sup> Required by 105 ILCS 5/10-20.59, amended by P.A. 102-199. These liaisons must be licensed under Article 21B of the School Code. 105 ILCS 5/10-20.59, amended by P.A. 102-199, directs how employees are prioritized for liaison appointment. Liaisons are “encouraged to build capacity and infrastructure within their school district to support students in the legal custody of the Department of Children and Family Services.” Schools are required to give DCFS liaisons certain notices, records, and meeting invitations. See 105 ILCS 5/10-20.77, added by P.A. 102-199 (notice and invitation to attend parent-teacher conferences and other meetings); 105 ILCS 5/10-21.8, amended by P.A. 102-199 (copies of correspondence and reports upon request of DCFS); 105 ILCS 5/13B-60.10 (notice and invitation to attend alternative learning opportunities program conference); 105 ILCS 5/14-8.02, amended by P.A. 102-199 (notices related to special education); 105 ILCS 10/, amended by P.A. 102-199 (student records). See sample administrative procedure 7:340-AP1, *School Student Records*, for more information regarding DCFS access to the student records of children in its legal custody. The law does not specifically require that a district’s DCFS liaison perform these duties; this policy assigns them to the liaison because they logically fit within the responsibilities outlined in 105 ILCS 5/10-20.59, which may include:

1. Streamlining the enrollment process for students in foster care;
2. Implementing student data tracking and monitoring mechanisms;
3. Ensuring that students in DCFS custody receive all school nutrition and meal programs available;
4. Coordinating student withdrawal from a school, record transfers, and credit recovery;
5. Becoming experts on the foster care system and State laws and policies in place that support students in DCFS custody;
6. Coordinating with child welfare partners;
7. Providing foster care-related information and training to the district;
8. Working with DCFS to help students maintain their school placement, if appropriate;
9. Reviewing student schedules to ensure students are on track to graduate;
10. Encouraging a successful transition into adulthood and post-secondary opportunities;
11. Encouraging involvement in extracurricular activities; and
12. Knowing what support is available within the district and community for students in DCFS custody.

<sup>17</sup> 105 ILCS 5/2-3.13a requires each transferor (original) school to keep documentation of transfers in the student’s record. It also requires “notification [by the transferee (recipient) school] of the transfer on or before July 31 following the school year during which the student withdraws from the transferor school or school district or the student shall be counted in the calculation of the transferor school’s or school district’s annual student dropout rate.” ISBE rule, 23 Ill.Admin.Code §375.75(e), is consistent with this requirement. The rule also requires the transferring school or district to maintain any documentation of the student’s transfer, including records indicating the school or school district to which the student transferred, in that student’s temporary record. *Id.*

Out-of-state transfer students, including children of military personnel, may use unofficial transcripts for admission to a school until official transcripts are obtained from the student’s last school district. 105 ILCS 10/8.1 and 70/32. See also sample administrative procedure 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*.

A board has two basic options for students transferring into the district who are serving a suspension or expulsion. Under option one, it may comply with the minimum requirements of 105 ILCS 5/2-3.13a by refusing to allow a student transferring from any public school to attend classes until the period of any suspension or expulsion has expired when the penalty was for: (1) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act; (2) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (3) battering a staff member of the school. Under option two, a board may require a student who was suspended or expelled for *any* reason from any public or private school in this or any other state to complete the entire term of the suspension or expulsion before being admitted to the school district. The sample policy uses the second, more simple, more comprehensive alternative.

of any suspension or expulsion, imposed for any reason by any public or private school, in this or any other state, before being admitted into the School District.

Foreign Students [High School or Unit Districts only] <sup>18</sup>

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A board may adopt a policy providing that if a student is suspended or expelled for any reason from any school, anywhere, the student must complete the suspension's or expulsion's entire term in an alternative school program under Article 13A (105 ILCS 5/13A, amended by P.A. 103-473) or an alternative learning opportunities program under Article 13B (105 ILCS 5/13B) before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program. 105 ILCS 5/2-3.13a and 5/10-22.6(g), amended by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25. If a board adopts such a policy, it must allow for the consideration of any mitigating factors (including the student's status as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A). 105 ILCS 5/10-22.6(g), amended by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. If a board wants to provide for this alternative, it may add the following to either of the above options and add 105 ILCS 5/26A to the Legal References:

The Superintendent is authorized to allow a student who was suspended or expelled from any public or private school to be placed in an alternative school program established under Article 13A of the School Code or an alternative learning opportunities program established under Article 13B of the School Code for the remainder of the suspension or expulsion. When determining whether to authorize such placement, the Superintendent shall consider any mitigating factors relating to the suspension or expulsion, including the student's status as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A.

<sup>18</sup> Generally, a citizen of a foreign country who wishes to enter the U.S. must first obtain either: (1) a nonimmigrant visa (for temporary stay for tourism, medical treatment, business, temporary work, or study), or (2) an immigrant visa for permanent residence. Common visas presented by foreign students are:

1. J-1 nonimmigrant visas for participants in educational and cultural exchange programs designated by the U.S. Dept. of State (DOS), Exchange Visitor Program, and Designation Staff. These students are enrolled provided they otherwise qualify for admission. For information about J-1 visas and the Exchange Visitor Program, see [j1visa.state.gov/programs](http://j1visa.state.gov/programs).
2. F-1 nonimmigrant student visa. F-1 visas are not issued for attendance at an elementary or middle school (K-8). Before obtaining an F-1 student visa, the individual must submit evidence that the school district has been reimbursed for the unsubsidized per capita cost of the education. These students are enrolled provided they otherwise qualify for admission. However, attendance at U.S. public high schools cannot exceed a total of 12 months.
3. B-2 visitor nonimmigrant visas. There is disagreement over whether these students must be enrolled tuition free. Their visitor visa is evidence of nonresident status. Call the district's attorney for guidance.
4. The qualified school-age child of an alien who holds another type of visa, i.e., A, E, H, I, L, etc., other than a visitor visa. These students are enrolled provided they otherwise qualify for admission. Likewise, dependents of foreign nationals on long-term visas are enrolled provided they otherwise qualify for admission.
5. No immigration documentation. *Plyler v. Doe*. A school cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. Thus, undocumented aliens are enrolled, provided they otherwise qualify for admission.
6. Immigrant visa. These students are enrolled provided they otherwise qualify for admission.

The Student and Exchange Visitor Information System (SEVIS) is an Internet-based system that provides tracking and monitoring, with access to accurate and current information on nonimmigrant students (F and M visas) and exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). See §641, *Illegal Immigration Reform and Immigrant Responsibility Act*, Section 641-8, U.S.C. §1372(c)(2), implemented by 8 C.F.R. §214.1(h), is an exception to the Family Educational Rights and Privacy Act (20 U.S.C. §1232g) authorizing and requiring districts to report information concerning an F, J, or M nonimmigrant to the extent necessary to comply with 8 U.S.C. §1372 and 8 C.F.R. §214.3(g) to certify these students for enrollment. See 8 C.F.R. §214.1(h). SEVIS enables schools and program sponsors to transmit electronic information and event notifications, via the Internet, to the U.S. Dept. of Homeland Security (DHS) and DOS throughout a student's or exchange visitor's stay. SEVIS will provide system alerts, event notifications, and reports to the end-user schools and programs, as well as for DHS and DOS offices.

According to federal regulations, students who apply for F-1, M-1, F-3, J-1, or M-3 visas must pay a fee to the DHS. The regulations describe when and how the fee is to be paid, who is exempt from the fee, and the consequences for failure to pay, 8 C.F.R. Parts 103, 214, and 299.

The District accepts foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration. Exchange students on a J-1 visa are not required to pay tuition.<sup>19</sup>

Privately sponsored exchange students on an F-1 visa may be enrolled if an adult resident of the District has temporary guardianship, and the student lives in the home of that guardian. Exchange students on an F-1 visa are required to pay tuition at the established District rate.<sup>20</sup> F-1 visa student admission is limited to high schools, and attendance may not exceed 12 months.

The Board may limit the number of exchange students admitted in any given year. Exchange students must comply with District immunization requirements. Once admitted, exchange students become subject to all District policies and regulations governing students.

Re-enrollment<sup>21</sup> [*High School or Unit Districts only*]

Re-enrollment shall be denied to any individual 19 years of age or above who has dropped out of school and who could not earn sufficient credits during the normal school year(s) to graduate before his or her 21st birthday. However, at the Superintendent's or designee's discretion and depending on program availability, the individual may be enrolled in a graduation incentives program established under 105 ILCS 5/26-16 or an alternative learning opportunities program established under 105 ILCS 5/13B-1 (see 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*). Before being denied re-enrollment, the District will offer the individual due process as required in cases of expulsion under policy 7:210, *Expulsion Procedures*. A person denied re-enrollment will be offered counseling and be directed to alternative educational programs, including adult education programs that lead to graduation or receipt of a GED diploma. This section does not apply to students eligible for special education under the Individuals with Disabilities Education Improvement Act or accommodation plans under the Rehabilitation Act, Section 504.

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<sup>19</sup> State law allows, but does not require, boards to waive nonresident tuition for these students. 105 ILCS 5/10-22.5a; amended by P.A. 102-126.

<sup>20</sup> Exchange students on F-1 visas must pay the full-unsubsidized public education costs before entering the U.S. 8 U.S.C. §1101(a)(15)(F); 8 U.S.C. §1184(m). Boards may not waive the fee.

<sup>21</sup> 105 ILCS 5/26-2(b). The requirements in this section are provided in State law, that is: (1) it is mandatory that a district deny re-enrollment as provided in this section; (2) it is permissive whether to enroll the individual in a district graduation incentives program or alternative learning opportunities program (although depending on circumstances, a student below the age of 20 may be entitled to enroll in a graduation incentives program); (3) it is mandatory to provide due process before denying re-enrollment; (4) it is mandatory to offer the individual who is denied re-enrollment counseling and to direct that person to alternative educational programs; and (5) it is mandatory that this section not apply to students eligible for special education.

105 ILCS 5/26-2(c) allows a district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. See sample policy 7:70, *Attendance and Truancy*.

LEGAL REF.: 8 U.S.C. §1101 et seq., Illegal Immigrant and Immigrant Responsibility Act of 1996.  
20 U.S.C. §1232g, Family Educational Rights and Privacy Act.  
20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act.  
29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.  
42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.  
105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-20.59, 5/10-22.5a, 5/14-1.02, 5/14-1.03a,  
5/26-1, 5/26-2, and 5/27-8.1.  
105 ILCS 10/8.1, Ill. School Student Records Act.  
105 ILCS 45/, Education for Homeless Children Act.  
105 ILCS 70/, Educational Opportunity for Military Children Act.  
325 ILCS 50/, Missing Children Records Act.  
325 ILCS 55/, Missing Children Registration Law.  
410 ILCS 315/2, Communicable Disease Prevention Act.  
20 Ill.Admin.Code Part 1290, Missing Person Birth Records and School  
Registration.  
23 Ill.Admin.Code Part 226, Special Education.  
23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 4:110 (Transportation), 6:30 (Organization of Instruction), 6:110 (Programs for  
Students At Risk of Academic Failure and/or Dropping Out of School and  
Graduation Incentives Program), 6:135 (Accelerated Placement Program), 6:140  
(Education of Homeless Children), 6:300 (Graduation Requirements), 6:310 (High  
School Credit for Non-District Experiences; Course Substitutions; Re-Entering  
Students), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:100 (Health, Eye,  
and Dental Examinations; Immunizations; and Exclusion of Students), 7:340  
(Student Records)

## Students

### Student Records<sup>1</sup>

School student records are confidential. Information from them shall not be released other than as provided by law.<sup>2</sup> A school student record is any writing or other recorded information concerning a

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<sup>1</sup> State law requires school boards to adopt a policy and procedures implementing the Illinois School Student Records Act (ISSRA) and specifying the content of school student records. 23 Ill.Admin.Code §§375.100 and 226.740. Both State and federal law address school student records. See the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) implemented by federal rules at 34 C.F.R. Part 99) and ISSRA (105 ILCS 10/, amended by P.A.102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25, 101-515, 102-199, and 102-557, implemented by ISBE rules at 23 Ill.Admin.Code Part 375).

In addition, the U.S. Dept. of Education's (DOE) *Protecting Student Privacy* webpage, a service of the Privacy Technical Assistance Center (PTAC) and the Student Privacy Policy Office, is a *one-stop* resource for education stakeholders to learn about student privacy and confidentiality, including data privacy and security practices related to student-level longitudinal data systems, at: [www.studentprivacy.ed.gov/](http://www.studentprivacy.ed.gov/). PTAC published a guide for school officials titled *Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices* (2014), at:

[www.studentprivacy.ed.gov/resources/protecting-student-privacy-while-using-online-educational-services-requirements-and-best](http://www.studentprivacy.ed.gov/resources/protecting-student-privacy-while-using-online-educational-services-requirements-and-best).

The DOE also issued a summary of resources on FERPA and virtual learning (2020) at: [www.studentprivacy.ed.gov/resources/ferpa-and-virtual-learning](http://www.studentprivacy.ed.gov/resources/ferpa-and-virtual-learning). **Boards that wish to enter into cloud computing and other operator contracts must comply with the Student Online Personal Protection Act (SOPPA), 105 ILCS 85/, amended by P.A. 101-516, and should contact the board attorney for implementation guidance.** See also f/n 2, item #7, below.

Confusion persists regarding the interplay between the FERPA and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub. L. 104-191). The Privacy Rule implementing HIPAA, issued by the U.S. Dept. of Health and Human Services (HHS), addresses the disclosure of individuals' health information by *covered entities*. 45 C.F.R. Parts 160 and 164, Subparts A and E. Generally speaking, a school district becomes a *covered entity*, and must comply with applicable sections in the Privacy Rule, if it provides health care and transmits health information in electronic form in connection with transactions. However, *educational records* as defined by FERPA are excluded from HIPAA's definition of *protected health information*. 45 C.F.R. §160.103. In most cases this exception relieves school districts of complying with burdensome privacy notices and authorization forms. In December 2019, HHS and DOE issued an update to its *Joint Guidance on the Application of FERPA and HIPAA to Student Health Records*, at:

[www.studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records](http://www.studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records).

The board attorney should be consulted on all HIPAA-related questions.

<sup>2</sup> A plethora of statutory and decisional law protects student records. Aside from the laws identified in f/n 1, other laws protecting student records include:

1. Schools may not provide a student's *personal information* to a business organization or financial institution that issues credit or debit cards. 105 ILCS 5/10-20.38.
2. Schools may not sell personal information concerning a child under the age of 16, with a few exceptions, unless a parent has consented. Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/.
3. The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is governed by the Mental Health and Developmental Disabilities Confidentiality Act. 740 ILCS 110/.
4. Schools must keep a sex offender registration form received from law enforcement separately from school student records maintained on behalf of the juvenile sex offender. 730 ILCS 152/121.
5. Divorced or separated parents/guardians with and without *parental responsibility* (formerly custody) are both permitted to inspect and copy the student's school student records. The Ill. Marriage and Dissolution of Marriage Act (IMDMA), 750 ILCS 5/602.11.
6. Schools may not provide a parent/guardian access to his or her child's school records if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. *Id.*

student and by which a student may be identified individually that is maintained by a school or at its direction by a school employee, regardless of how or where the information is stored, except as provided in State or federal law as summarized below: <sup>3</sup>

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement officers working in the school. <sup>4</sup>
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses<sup>5</sup>) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 18 years who has been arrested or taken into custody. <sup>6</sup>

State and federal law grants students, parents/guardians, and when applicable, the Ill. Dept. of Children and Family Services' Office of Education and Transition Services, certain rights, including the right to

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<sup>7.</sup> SOPPA (105 ILCS 85/, amended by P.A. 101-516) addresses a school district's obligations related to *covered information* of students and contracts with educational technology operators. In some instances, covered information as defined under SOPPA may also qualify as education records under FERPA and school student records under ISSRA. See sample policy 7:345, Use of Educational Technologies; Student Data Privacy and Security, and sample administrative procedure 7:345-AP, Use of Educational Technologies; Student Data Privacy and Security, for a description of SOPPA obligations.

<sup>7-8.</sup> School employees or agents may not disclose information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence, or a student's status as a named perpetrator of domestic or sexual violence except under certain circumstances and only upon prior notice to, and discussion with, the student, 105 ILCS 5/26A-30, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. See sample policy 7:255, Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence, and the **Confidentiality** subhead of sample administrative procedure 7:255-AP1, Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence.

**Note:** Nos. 5 and 6 above may conflict with FERPA in that they restrict a parent/guardian's right to access his or her child's school records more than is expressly permitted by FERPA. 20 U.S.C. §1232g(a)(1)(A), (B); 34 C.F.R. §99.10(a). **Consult the board attorney for guidance.**

Allowing students to grade each other's papers does not violate FERPA; such student work is not a *school record* until it is recorded by the teacher. Owasso I.S.D. No. 1-011 v. Falvo, 534 U.S. 426 (2002). School student records are *per se* prohibited from disclosure; a district is under no obligation to redact them. Chicago Tribune Co. v. Chicago Bd. of Educ., 332 Ill.App.3d 60 (1st Dist. 2002).

<sup>3</sup> 20 U.S.C. §1232g(a)(4); 34 C.F.R. §99.3; 105 ILCS 10/2(d); 705 ILCS 405/1-7 and 5-905; 23 Ill.Admin.Code §375.10. Rather than listing the exceptions in the policy, a school board may choose to end the sentence after the proviso "except as provided in State or federal law."

<sup>4</sup> For a helpful resource, see f/n 1 in sample policy 7:150, Agency and Police Interviews.

<sup>5</sup> For an explanation, see footnotes in sample policy 7:220, Bus Conduct.

<sup>6</sup> Many lawyers believe that once these records are received by a school, they are protected as *education records* under FERPA. Consult the board attorney for advice.

inspect, copy<sup>7</sup>, and/or challenge school student records.<sup>8</sup> The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child.<sup>9</sup> The District may release directory information as permitted by law, but a parent/guardian shall have the right to opt-out of the release of directory information regarding his or her child.<sup>10</sup> The District

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

<sup>7</sup> 105 ILCS 10/5(a), amended by P.A. 102-199. ISSRA does not give DCFS representatives the right to challenge student records. 105 ILCS 10/7. For more information about DCFS liaison qualifications and duties, see sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, at f/n 16.

105 ILCS 10/5(c) requires that a parent's or student's request to inspect and copy records be granted no later than 10 business days (previously 15 school days) after the date of receipt of such a request by the official records custodian.

105 ILCS 10/5(c-5) outlines how a school district may extend the 10 business day timeline for response by not more than five business days from the original due date if one or more of these six reasons applies:

1. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
2. The request required the collection of a substantial number of specified records;
3. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
4. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
5. The request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) without unduly burdening or interfering with the operations of the school district; or
6. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district among two or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

The person making the request and the school district may also agree in writing to extend the timeline for compliance for a period to be determined by the parties. *Id.*

<sup>8</sup> 23 Ill.Admin.Code §375.10 provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If the board of a unit or high school district wants to allow this, insert:

A student or the student's parent/guardian may request, in writing, that scores received on college entrance examinations be included on the student's academic transcript.

**Note:** Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and FERPA attach to *eligible students* and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

If a board allows for the inclusion of college entrance examination scores on academic transcripts, amend the district's notification to parents/guardians and students of their school student records rights with the process for requesting the inclusion. 23 Ill.Admin.Code §375.30(d)(5). See *sample exhibit 7:340-AP1, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, for an example.

<sup>9</sup> 23 Ill.Admin.Code §226.740(a).

<sup>10</sup> This sentence is required if the board allows schools to release student directory information. 20 U.S.C. §1232g; 23 Ill.Admin.Code §375.80; 34 C.F.R. §99.37. There is at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor supports that a district may not rely on the FOIA exemption for home addresses. PAO 12-3.

This ~~sample~~ **PRESS** policy does not identify the components of *directory information*, leaving that task to implementing material. Boards may want to discuss this quagmire with the superintendent knowing that there are good reasons to release directory information, e.g., to allow the district to publish information about specific students, and good reasons to not release directory information, e.g., to avoid releasing names and addresses pursuant to a FOIA request.

will comply with State or federal law with regard to release of a student's school records, including, where applicable, without notice to, or the consent of, the student's parent/guardian or eligible student.<sup>11</sup> Upon request, the District discloses school student records without parent consent to the official records custodian of another school in which a student has enrolled or intends to enroll, as well as to any other person as specifically required or permitted by State or federal law.<sup>12</sup>

The Superintendent shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records.<sup>13</sup>

#### Student Biometric Information Collection<sup>14</sup>

The Superintendent or designee may recommend a student biometric information collection system solely for the purposes of identification and fraud prevention.<sup>15</sup> Such recommendation shall be consistent with budget requirements and in compliance with State law. Biometric information means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

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

<sup>23</sup> Ill.Admin.Code §375.80(a)(1) no longer includes *gender* as information which may be designated as directory information. This is consistent with attorneys' views that Illinois' past practice of including *gender* within directory information may have violated FERPA. FERPA regulations provide that directory information "means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed" and it "includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended." 34 C.F.R. §99.3. Though FERPA regulations do not explicitly preclude the designation of *gender* as directory information, DOE guidance has consistently advised schools not to disclose a student's sex as directory information because it would be considered harmful or an invasion of privacy. See *Letter to Institutions of Postsecondary Education*, DOE Family Policy Compliance Office (September 2009). Consult the board attorney about the practical implementation of this issue. Some attorneys, for example, believe photos of the "Girls Volleyball Team" may contradict DOE guidance.

<sup>11</sup> 20 U.S.C. §1232g(j), as added by Sec. 507 of the U.S.A. Patriot Act of 2001.

<sup>12</sup> 34 C.F.R. §99.31; 105 ILCS 10/6, amended by P.A.s 102-199 and 102-557.

<sup>13</sup> Each school must have an *official records custodian*. 105 ILCS 10/4(a). Districts must notify students and parents/guardians of their rights concerning school student records. 105 ILCS 10/3; 105 ILCS 10/4, amended by P.A.s 101-161 and 102-199; 23 Ill.Admin.Code §375.30; 34 C.F.R. §99.7. Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal, but should be reviewed and approved by the superintendent and board. See [sample exhibit 7:340-AP1, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records](#), and [sample administrative procedure 7:340-AP1, School Student Records](#).

<sup>14</sup> This program is optional; however, districts either wishing to implement such a program or districts that have already engaged in the collection of student biometric information must have a policy consistent with the requirements of 105 ILCS 5/10-20.40. This section restates the School Code's requirements for a student biometric information policy.

<sup>15</sup> For districts already collecting biometric information, the following is an alternative:

The Superintendent or designee shall maintain a biometric screening program that is consistent with budget requirements and in compliance with State law.

Before collecting student biometric information, the District shall obtain written permission from the person having legal custody/parental responsibility<sup>16</sup> or the student (if over the age of 18).<sup>17</sup> Upon a student's 18th birthday, the District shall obtain written permission from the student to collect student biometric information.<sup>18</sup> Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

All collected biometric information shall be stored and transmitted in a manner that protects it from disclosure. Sale, lease, or other disclosure of biometric information to another person or entity is strictly prohibited.<sup>19</sup>

The District will discontinue use of a student's biometric information and destroy all collected biometric information within 30 days after: (1) the student graduates or withdraws from the School District, or (2) the District receives a written request to discontinue use of biometric information from the person having legal custody/parental responsibility of the student or the student (if over the age of 18).<sup>20</sup> Requests to discontinue using a student's biometric information shall be forwarded to the Superintendent or designee.

The Superintendent or designee shall develop procedures to implement this policy consistent with State and federal law.<sup>21</sup>

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

<sup>16</sup> Several statutes define legal custody and when a court may grant it; the term requires statutory construction/interpretation and school boards should discuss this issue with their attorney prior to adopting a policy on collection of student biometric information.

105 ILCS 5/10-20.40(b)(1) states the definition of legal custody is the same as the definition of legal custody for purposes of residency, payment of tuition, hearings, and criminal penalties at 105 ILCS 5/10-20.12b(2)(i)-(v).

The IMDMA, 750 ILCS 5/, changed the terms *custody* and *visitation to parental responsibility and parenting time*, respectively. It also requires a *parenting plan* that allocates: (1) significant decision-making responsibilities; and (2) each parent's right to access his or her child's school records. The IMDMA does not amend ISSRA or the School Code.

<sup>17</sup> Based upon 105 ILCS 5/10-20.40, written permission is not required annually; it is valid until a request for discontinuation of the use of biometric information is received or until the student reaches the age of 18. See sample exhibit 7:340-AP1, E5, Biometric Information Collection Authorization.

<sup>18</sup> Districts must reissue exhibit 7:340-AP1, E5, Biometric Information Collection Authorization to students turning 18 years of age during the school year. This is because all rights and privileges accorded to a parent under ISSRA become exclusively those of the student upon his or her 18th birthday, graduation from secondary school, marriage, or entry into military service, whichever comes first. 105 ILCS 10/2(g).

<sup>19</sup> State law contains two exceptions: (1) the individual who has legal custody/parental responsibility of the student or the student (if over the age of 18) consents to the disclosure; and (2) the disclosure is required by court order. 105 ILCS 5/10-20.40(b)(5).

<sup>20</sup> 105 ILCS 5/10-20.40(d). No notification to or approval from the district's local records commission, pursuant to the Local Records Act, is required to destroy student biometric information. See f/n 15 for a discussion about the terms *custody* and *parental responsibility*.

<sup>21</sup> Whether the student biometric information is an education record under FERPA or falls under an exception to an education record under FERPA is an issue about which school boards should consult their board attorney. Protected Health Information under the DHS's interpretations of HIPAA excludes education records covered by FERPA, and thus HIPAA requirements are not expected to be triggered by districts collecting student biometric information. However, before implementing policies and procedures to collect student biometric information, a board should discuss these issues with the board attorney.

LEGAL REF.: 20 U.S.C. §1232g, Family Educational Rights and Privacy Act; 34 C.F.R. Part 99.  
50 ILCS 205/7, Local Records Act.  
105 ILCS 5/10-20.12b, 5/10-20.40, and 5/14-1.01 et seq., and 5/26A-30.  
105 ILCS 10/, Ill. School Student Records Act.  
105 ILCS 85/, Student Online Personal Protection Act.  
325 ILCS 17/, Children's Privacy Protection and Parental Empowerment Act.  
750 ILCS 5/602.11, Ill. Marriage and Dissolution of Marriage Act.  
23 Ill.Admin.Code Parts 226 and 375.  
Owasso I.S.D. No. I-011 v. Falvo, 534 U.S. 426 (2002).  
Chicago Tribune Co. v. Chicago Bd. of Ed., 332 Ill.App.3d 60 (1st Dist. 2002).

CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights), 7:220 (Bus Conduct), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)

ADMIN. PROC.: 7:15-E (Notification to Parents of Family Privacy Rights), 7:255-API (Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:340-API (School Student Records), 7:340-API, E1 (Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records), 7:340-API, E3 (Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information), 7:340-API, E4 (Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information), 7:340-API, E5 (Biometric Information Collection Authorization), 7:340-AP2 (Storage and Destruction of School Student Records), 7:340-AP2, E1 (Letter Containing Schedule for Destruction of School Student Records)

**18. Approval of First Reading of Revised Board of Education Policy 7:60 -  
Residence**

140

*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education Policy 7:60 - Residence, as presented. **See Attachment No. 17.**

TO: Members of the Board of Education  
FROM: Erin Terstriep, Assistant Superintendent for Student Services and Special Education  
DATE: July 24, 2025  
SUBJECT: Approve Revised Board Policy for 7:60 - Residence

ET

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, a portion of Section 7 with suggested changes based on PRESS recommendations are attached. Legal References are updated, and Footnotes have been updated in response to changes in school code and the Ensuring Success in School law.

Attached are the suggested changes to the below section of 7:60, Residence, based on PRESS updates, footnote options and current district policies and practices.

Admission of Nonresident Students Pursuant to an Agreement or Order

Nonresident students may attend District schools pursuant to:


1. *Option 1 is not included for approval, as this option does not align with our current BOE policies and practices.*
2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and nonresident pupils of charitable institutions.
3. According to an intergovernmental agreement.
4. Whenever any State or federal law or a court order mandates the acceptance of a nonresident student.

Recall, the underlined text represents suggested new additions; whereas, the ~~striketrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education Policy 7:60 - Residence, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## Students

### Residence<sup>1</sup>

#### Resident Students

Only students who are residents of the District may attend a District school without a tuition charge, except as otherwise provided below or in State law.<sup>2</sup> A student's residence is the same as the person who has legal custody of the student.<sup>3</sup>

A person asserting legal custody over a student, who is not the child's natural or adoptive parent, shall complete a signed statement, stating: (a) that he or she has assumed and exercises legal responsibility for the child, (b) the reason the child lives with him or her, other than to receive an education in the District, and (c) that he or she exercises full control over the child regarding daily educational and medical decisions in case of emergency. If the District knows the current address of the child's natural or adoptive parent, the District shall request in writing that the person complete a signed statement or affidavit stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency.<sup>4</sup>

A student whose family moves out of the District during the school year will be permitted to attend school for the remainder of the year without payment of tuition.<sup>5</sup>

When a student's change of residence is due to the military service obligation of the student's legal custodian, the student's residence is deemed to be unchanged for the duration of the custodian's military

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

<sup>1</sup> State or federal law controls this policy's content. For a resource, see the Ill. State Board of Education's non-regulatory guidance, *Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers* at [www.isbe.net/Pages/Student-Registration-and-Enrollment-Guidance.aspx](http://www.isbe.net/Pages/Student-Registration-and-Enrollment-Guidance.aspx).

<sup>2</sup> In certain cases, no tuition may be charged for nonresident children placed: (1) by the Ill. Dept. of Children and Family Services (DCFS) with a foster parent or child care facility, (2) by DCFS with a foster parent, child care facility, relative caregiver or non-custodial parent, as part of a safety plan (105 ILCS 5/10-20.12b, amended by P.A. 103-629); or (23) with a person who (i) has temporary custody of a child of a person who is on active military duty, and (ii) is responsible for making decisions for that child (105 ILCS 70/).

<sup>3</sup> In the case of divorced or divorcing parents, the Ill. Marriage and Dissolution of Marriage Act (IMDMA), 750 ILCS 5/, provides that "for purposes of Section 10-20.12b of the School Code only, the parent with the majority of parenting time is considered to have legal custody." See 750 ILCS 5/606.10. See also the Ill. Council of School Attorneys' *Answers to FAQs Regarding Students with Divorced or Divorcing Parents*, at [www.iasb.com/IASB/media/Documents/FAQDivorcedorDivorcingParents.pdf](http://www.iasb.com/IASB/media/Documents/FAQDivorcedorDivorcingParents.pdf). The IMDMA also requires a parenting plan that sets forth a child's residential address for school enrollment purposes. 750 ILCS 5/602.10(f)(6). **Consult the board attorney when the residential address set forth in a parenting plan is not the address of the parent with the majority of parenting time.**

<sup>4</sup> 105 ILCS 5/10-20.12b. In order to establish residence, a school district may not require a parent to transfer custody/guardianship to the person with whom the child is living. *Israel S. by Owens v. Bd. of Educ. of Oak Park and River Forest High Sch. Dist. 200*, 235 Ill.App.3d 652 (5th Dist. 1992). See also *Joel R. v. Bd. of Educ. of Manheim Sch. Dist. 83*, 292 Ill.App.3d 607 (1st Dist. 1997).

<sup>5</sup> 105 ILCS 5/10-20.12a(a).

service obligation if the student's custodian made a written request. The District, however, is not responsible for the student's transportation to or from school. <sup>6</sup>

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within six months after the time of initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition. <sup>7</sup>

#### Residence of Students with Disabilities <sup>8</sup>

The residence of a child with a disability is determined in accordance with 105 ILCS 5/14-1.11, 5/14-1.11a, and 5/14-1.11b.

#### Requests for Nonresident Student Admission <sup>9</sup>

Nonresident students may attend District schools upon the approval of a request submitted by the student's parent(s)/guardian(s) for nonresident admission. The Superintendent may approve the request subject to the following: <sup>10</sup>

1. The student will attend on a year-to-year basis. Approval for any one year is not authorization to attend a following year.
2. The student will be accepted only if there is sufficient room.
3. The student's parent(s)/guardian(s) will be charged the maximum amount of tuition as allowed by State law. <sup>11</sup>
4. The student's parent(s)/guardian(s) will be responsible for transporting the student to and from school.

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

<sup>6</sup> 105 ILCS 5/10-20.12b(a-5).

<sup>7</sup> 105 ILCS 5/10-22.5a(a-5), amended by P.A. 102-126. Military personnel must provide proof that the child will be living within the district within six months after the date of initial enrollment. Proof of residency may include postmarked mail addressed to the military personnel and sent to an address located within the district, a lease agreement for occupancy of a residence located within the district, or proof of ownership of a residence located within the district.

<sup>8</sup> When special education services are provided, a student's resident district is determined by 105 ILCS 5/14-1.11 (when the resident district is the district in which the parent/guardian resides), 14-1.11a, amended by P.A. 102-514103-676 (when the resident district is the district in which the student resides), and 14-1.11b (applying the provisions of 105 ILCS 5/14-1.11 and 14-1.11a to determine the resident district in all cases in which special education services and facilities are provided).

<sup>9</sup> Optional. A district that wants to include this subhead should specify and customize the listed criteria to match local conditions. Consult the board attorney regarding cost exceptions that may be applicable to specific student populations such as students with disabilities.

<sup>10</sup> 105 ILCS 5/10-20.12a(a), amended by P.A.s 103-111 and 103-780, allows boards to adopt a policy to waive nonresident tuition if the student is the child of a district employee. A *child* means a district employee's child who is a biological child, adopted child, foster child, stepchild, or a child for which the employee serves as legal guardian. Id. If a board wishes to accept requests from district employees for their nonresident children to attend school in the district on a tuition-free basis, insert the following language as its own paragraph after the numbered list:

For a nonresident student who is the child of a District employee, if the Superintendent approves the request for nonresident admission for the student, the tuition cost is waived pursuant to 105 ILCS 5/10-20.12a(a).

<sup>11</sup> 105 ILCS 5/10-20.12a specifies a formula for calculating the maximum amount a district can charge nonresident students.

## Admission of Nonresident Students Pursuant to an Agreement or Order <sup>12</sup>

Nonresident students may attend District schools pursuant to:

1. A written agreement with an adjacent school district to provide for tuition-free attendance by a student of that district, provided both the Superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.
2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and nonresident pupils of charitable institutions.
3. According to an intergovernmental agreement, including, but not limited to, an agreement for interdistrict transfer of students who are parents, expectant parents, or victims of domestic or sexual violence under 105 ILCS 5/26A.
4. Whenever any State or federal law or a court order mandates the acceptance of a nonresident student.

## Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required to establish residency.<sup>13</sup> School Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

## Challenging a Student's Residence Status <sup>14</sup>

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a nonresident of the District for whom tuition is required to be charged, he or she on behalf of the School Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall detail the specific reasons why the Board believes that the student is a nonresident of the District<sup>15</sup> and shall be given by certified mail, return receipt requested. The person who enrolled the student may challenge this determination and request a hearing as provided by the School Code, 105 ILCS 5/10-20.12b.

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

<sup>12</sup> The agreement described in #1 is optional (105 ILCS 5/10-22.5a(a)) and districts are not required to enter into such agreements nor to alter existing transportation services due to the attendance of such nonresident students. The agreement described in #2 is optional (105 ILCS 5/10-22.5a(a)); districts should be sure it is consistent with sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.

An example of an agreement described in #3 is one to accept nonresident students; entering into such an agreement is optional. Nonresident students may include students who are parents, expectant parents, or victims of domestic or sexual violence under 105 ILCS 5/26A, added by P.A. 102-466, a/k/a *Ensuring Success in School Law*, eff. 7-1-25. Interdistrict transfer is not required by Article 26A, but including language about it in this policy is recommended in the 2024 Ensuring Success in School (ESS) Task Force Report to the Governor and the General Assembly, available here: [www.isbe.net/Documents/ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf](http://www.isbe.net/Documents/ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf). For further information about the 2024 ESS Task Force, see f/n 1 in sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

<sup>13</sup> Required by 105 ILCS 45/ and the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq. See §11432 (g)(3)(C)(i).

<sup>14</sup> Id. See sample administrative procedure 7:60-AP1, *Challenging a Student's Residence Status*, for sample procedures implementing this paragraph.

<sup>15</sup> 105 ILCS 5/10-20.12b.

LEGAL REF.: 42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.  
105 ILCS 5/10-20.12a, 5/10-20.12b, 5/10-22.5, 5/10-22.5a, 5/14-1.11, 5/14-1.11a,  
~~and~~ 5/14-1.11b, and 5/26A.  
105 ILCS 45/, Education for Homeless Children Act.  
105 ILCS 70/, Educational Opportunity for Military Children Act.  
23 Ill.Admin.Code §1.240.  
Israel S. by Owens v. Bd. of Educ. of Oak Park and River Forest High Sch. Dist.  
200, 235 Ill.App.3d 652 (5th Dist. 1992).  
Joel R. v. Board of Education of Manheim School District 83, 292 Ill.App.3d 607  
(1st Dist. 1997).  
Kraut v. Rachford, 51 Ill.App.3d 206 (1st Dist. 1977).

CROSS REF.: 6:140 (Education of Homeless Children), 7:50 (School Admissions and Student  
Transfers To and From Non-District Schools), 7:70 (Attendance and Truancy),  
7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or  
Sexual Violence)

Draft

**19. Approval of First Reading of Updated Board of Education Policy 7:70 -  
Student Attendance and Truancy**

146

*Recommended Motion:* that the Board of Education accept for first reading the updated Board of Education Policy 7:70 - Attendance and Truancy, as presented.

**See Attachment No. 18.**

TO: Members of the Board of Education

FROM: Erin Terstriep, Assistant Superintendent for Student Services and Special Education AT

DATE: July 24, 2025

SUBJECT: Approval Updated Board Policy 7:70 - Student Attendance and Truancy

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 7:70, Attendance and Truancy, which was included as part of the April 2025 PRESS update review. The policy and footnotes are updated in response to changes to school code and the addition of the Ensuring Success in Schools (ESS) Law, Public Act 102-466, Effective 7-1-25, creates new School Code Article 26A, for children and students who are parents, expectant parents, or victims of domestic or sexual violence.


A valid cause for absence from school must include verified therapeutic appointments. Also, for students who are parents, expectant parents or victims of domestic or sexual violence, a valid cause for absence now includes fulfillment of a parenting responsibility, and/or addressing circumstances resulting from domestic or sexual violence.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the updated Board of Education Policy 7:70 - Attendance and Truancy, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## Students

### Attendance and Truancy<sup>1</sup>

#### Compulsory School Attendance<sup>2</sup>

This policy applies to individuals who have custody or control of a child: (a) between the ages of six (on or before September 1) and 17 years (unless the child has graduated from high school), or (b) who is enrolled in any of grades kindergarten through 12 in the public school regardless of age.

Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because of religious reasons, including to observe a religious holiday, for religious instruction, or because his or her religion forbids secular activity on a particular day(s) or time of day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness (including mental or behavioral health of the student),<sup>3</sup> attendance at a verified medical or therapeutic

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

<sup>1</sup> State law requires boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/22-92, added by P.A. 102-157 and renumbered by P.A. 102-813; 23 Ill. Admin Code Part 207. Any school receiving public funds must develop and annually communicate to its students and their parents/guardians an absenteeism and truancy policy. *Id.* The Ill. Principals Association (IPA) maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook* (MSH), at: [www.ilprincipals.org/msh/](http://www.ilprincipals.org/msh/).

This policy must be updated every two years and filed with the Ill. State Board of Education (ISBE) and the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate]. 105 ILCS 5/22-92(b), added by P.A. 102-157 and renumbered by P.A. 102-813; 23 Ill. Admin. Code §207.30(a). 105 ILCS 5/3-0.01 states that any references to *regional superintendent* include the chief administrative officer of Intermediate Service Centers established under 105 ILCS 5/2-3.62. See the **Monitoring** subhead and fn 21, below.

<sup>2</sup> 105 ILCS 5/26-2 addresses enrolled students below or over set compulsory attendance ages. The law also requires any persons having custody or control of a child who is enrolled in grades kindergarten through 12 in the public school to cause the child to attend school.

105 ILCS 5/26-1, amended by P.A.s 102-106, 102-266, 102-321, and 102-981, contains the compulsory school age exemptions. Each listed exception is specifically included in the statute, except the reference to *home school*. See sample policy 7:40, *Nonpublic School Students, Including Parochial and Home-Schooled Students*, regarding assigning students who enroll from a non-public school. See sample policy 6:150, *Home and Hospital Instruction*, regarding providing instruction to a pregnant student or other student who is medically unable to attend school.

<sup>3</sup> 105 ILCS 5/26-1 and 5/26-2a, amended by P.A.s 102-266 and 102-321. A student may be absent for mental or behavioral health for up to five days without providing a medical note, and the student must be given an opportunity to make up any missed school work. *Medical note* is not defined, but the same portion of the statute discusses a student's inability to attend school due to a disability being certified by an Illinois licensed physician, chiropractic physician, advanced practice registered nurse, or physician assistant; presumably, any of these individuals could provide a *medical note*. After the second mental health day used, the student may be referred to the appropriate school support personnel. *Id.* See sample policy 7:250, *Student Support Services*.

appointment (including a victim services provider),<sup>4</sup> observance of a religious holiday, death in the immediate family, attendance at a civic event,<sup>5</sup> family emergency, other situations beyond the control of the student as determined by the Board, voting pursuant to policy 7:90, *Release During School Hours* (10 ILCS 5/7-42 and 5/17-15), other circumstances that cause reasonable concern to the parent/guardian for the student's mental, emotional, or physical health or safety, or other reason as approved by the Superintendent or designee.<sup>6</sup> For students who are parents, expectant parents, or victims of domestic or sexual violence, valid cause for absence also includes the fulfillment of a parenting responsibility and addressing circumstances resulting from domestic or sexual violence.<sup>7</sup> Students absent for a valid cause may make up missed homework and classwork assignments in a reasonable timeframe.<sup>8</sup>

#### Absenteeism and Truancy Program

The Superintendent or designee shall manage an absenteeism and truancy program in accordance with the School Code and School Board policy. The program shall include but not be limited to:

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

<sup>4</sup> 105 ILCS 5/26-2a, amended by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25.

<sup>5</sup> 105 ILCS 5/26-1 and 5/26-2a, amended by P.A. 102-981. Subject to ISBE guidelines, a middle or high school student shall be permitted one school day-long excused absence per school year to engage in a *civic event*, defined as "an event sponsored by a non-profit organization or governmental entity that is open to the public. *Civic event* includes, but is not limited to, an artistic or cultural performance or educational gathering that supports the mission of the sponsoring non-profit organization. Schools may require students to provide an appropriate administrator with reasonable advance notice of the intended absence and documentation of participation.

<sup>6</sup> 105 ILCS 5/22-92(a)(1), added by P.A. 102-157 and renumbered by P.A. 102-813, requires a policy with a definition of valid cause for absence in accordance with 105 ILCS 5/26-2a. These reasons are in 105 ILCS 5/26-2a except that (1) "other reason as approved by the Superintendent," and (2) absences for students to vote authorized by 10 ILCS 5/7-42 and 5/17-15 were added. An ISBE rule requires that the absenteeism and truancy policy define valid causes for absence. 23 Ill.Admin.Code §1.290.

For elementary districts, delete the following phrase from the second sentence of this paragraph: "~~voting pursuant to policy 7:90, Release During School Hours (10 ILCS 5/7-42 and 5/17-15),~~" and delete 7:90, *Release During School Hours*, from the Cross References.

For high school and unit districts that do not wish to include the **Voting** subhead in policy 7:90, *Release During School Hours*, amend the second sentence of this paragraph as follows: "~~policy 7:90, Release During School Hours (the Election Code, 10 ILCS 5/7-42 and 5/17-15),~~" and delete 7:90, *Release During School Hours* from the Cross References.

<sup>7</sup> 105 ILCS 5/26-2a, amended by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. *Fulfillment of a parenting responsibility* includes, but is not limited to, arranging and providing child care, caring for a sick child, attending prenatal or other medical appointments for the expectant student, and attending medical appointments for a child. *Id.* *Circumstances resulting from domestic or sexual violence* includes, but is not limited to, experiencing domestic or sexual violence, recovering from physical or psychological injuries, seeking medical attention, seeking services from a domestic or sexual violence organization as defined in 105 ILCS 5/26A-10, seeking psychological or other counseling, participating in safety planning, temporarily or permanently relocating, seeking legal assistance or remedies, or taking any other action to increase the safety or health of the student or to protect the student from future domestic or sexual violence. *Id.* Before an absence of three or more consecutive days that is related to domestic or sexual violence, a district may require a student to verify his or her claim of domestic or sexual violence under 105 ILCS 5/26A-45. *Id.* See sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and sample administrative procedure 7:255-API, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

<sup>8</sup> See fn 3. In addition, 105 ILCS 5/10-20.78, added by P.A. 102-471 and renumbered by P.A. 102-813, requires a written policy related to absences and missed homework or classwork assignments as a result of or related to a student's pregnancy. It makes sense to apply such a policy to all students who are absent for a valid cause.

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified.<sup>9</sup>
2. A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran.<sup>10</sup>
3. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings.<sup>11</sup>
4. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification.<sup>12</sup>
5. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in 105 ILCS 5/26-2a.
6. A description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem.<sup>13</sup>
7. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, ~~and information about available community agency services relevant to such~~

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<sup>9</sup> Any child "necessarily and lawfully employed" may be exempted from attendance by the superintendent "on certification of the facts by and the recommendation of the school board." 105 ILCS 5/26-1. The policy's language serves to delegate this "certification of the facts" to the superintendent or designee. The following option allows a board to consider and include specific criteria in the policy:

A student may be excused, at the Superintendent's discretion, when: (1) the student has a last period study hall, (2) the parent/guardian provides written permission, (3) the student's employer provides written verification of employment, (4) the student provides evidence of a valid work permit, or (5) other reason deemed justifiable by the Superintendent.

Child Labor laws include: 29 C.F.R. Part 570 (minimum age standards, occupations, conditions, etc.); Child Labor Law of 2024, 820 ILCS 206205/, amended by P.A. 102-32 and 103-201, eff. 1-1-24 added by P.A. 103-721 (child labor law); 56 Ill.Admin.Code Part 250 (child labor regulations). To streamline the employment certificate process for minors, the Ill. Dept. of Labor (IDOL) has a paperless certification system for districts to provide IDOL with the name and contact information of the superintendent or designee as the *issuing officer*. The *school issuing officer* will then be granted access to electronically complete and submit either the IDOL's *Employment Certificate Form* or *Temporary Employment Certificate Form*, at: [www2.illinois.gov/idol/Laws-Rules/FLS/Pages/Employment-Certificates-Minors.aspx](http://www2.illinois.gov/idol/Laws-Rules/FLS/Pages/Employment-Certificates-Minors.aspx).

<sup>10</sup> 105 ILCS 5/26-1. A student must notify the building principal or other administrator at least two days prior to the absence providing the date, time, and location of the military honors funeral. This requirement may be waived if the student did not receive notice at least two days in advance, but the student shall notify the administration as soon as possible of the absence.

A student whose absence is excused to sound *Taps* shall be counted in attendance for purposes of calculating the average daily attendance of students in the district. The district must allow the student reasonable time to make up school work and if school work is satisfactorily completed, the day of absence is counted as an attendance day for the student.

<sup>11</sup> 105 ILCS 5/26-1. Such a student must be granted five days of excused absences in any school year and, at the board's discretion, may be granted additional excused absences to visit the student's parent/guardian. The student and his/her parent/guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his/her return to school from the excused absence period. *Id.*

<sup>12</sup> This notification is required by 105 ILCS 5/26-3b. ~~Delete for high school districts.~~

<sup>13</sup> 105 ILCS 5/22-92(a)(2); added by P.A. 102-157 and renumbered by P.A. 102-813.

students' needs.<sup>14</sup> See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.

8. A process for the collection and review of chronic absence data and to:
  - a. Determine what systems of support and resources are needed to engage chronically absent students and their families, and
  - b. Encourage the habit of daily attendance and promote success.<sup>15</sup>
9. Reasonable efforts to provide ongoing professional development to ~~teachers, administrators~~ all school personnel, Board members, and school resource officers, ~~and staff~~ on the appropriate and available supportive services for the promotion of student attendance and engagement.<sup>16</sup>
10. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered.<sup>17</sup>
11. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records.<sup>18</sup>

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

<sup>14</sup> *Id.* at (3), added by P.A. 102-157 and renumbered by P.A. 102-813. The School Code references to dropout prevention include: 105 ILCS 5/26-3a (regional superintendent activities and annual report); 105 ILCS 5/10-20.25a (annual report by boards); and 105 ILCS 5/1A-4(E), amended by P.A. 102-894 (ISBE report).

<sup>15</sup> 105 ILCS 5/22-92(a)(4), added by P.A. 102-157 and renumbered by P.A. 102-813, requires the incorporation of provisions relating to chronic absenteeism in accordance with 105 ILCS 5/26-18. 105 ILCS 5/26-18 requires districts to collect and review chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. 105 ILCS 5/26-18(c). The review must include an analysis of chronic absence data from each attendance center. *Id.* Districts are also encouraged to: (1) provide a system of support to students at risk of reaching or exceeding chronic absence levels, i.e., those available through the Illinois Multi-tiered Systems of Support Network; and (2) make resources available to families, i.e., those available through ISBE's Family Engagement Framework, to support and engage students and their families. 105 ILCS 5/26-18(d). *Chronic absence* means "absences that total 10% or more of school days of the most recent school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student." 105 ILCS 5/26-18(a). In contrast, a *chronic or habitual truant* is "a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days." 105 ILCS 5/26-2a.

<sup>16</sup> 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896.

<sup>17</sup> Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

<sup>18</sup> 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services. 705 ILCS 405/3-33.5, amended by P.A. 102-456 and 103-379. Truant minors in need of supervision may be required by the court to perform reasonable public service that does not interfere with school hours, school-related activities, or work commitments of the minor or the minor's parent, guardian, or legal custodian. *Id.* Fees or costs may not be ordered or imposed in contempt proceedings related to the minor's adjudication as a truant minor in need of supervision. *Id.*

12. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student. <sup>19</sup>
13. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. <sup>20</sup>

[For high school and unit districts only]

14. A process for a 17-year-old resident to participate in the District's various programs and resources for truants.<sup>21</sup> The student must provide documentation of his/her dropout status for the previous six months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.
15. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. <sup>22</sup>

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Counties may regulate truants by ordinance and impose fines and/or community services on truants, as permitted by law, or, if the truant is under 10 years of age, on the parent or custodian. 55 ILCS 5/5-1078.2; 55 ILCS 5/5-1101.3, amended by P.A. 103-379. Municipalities may regulate truants by ordinance and impose fines and/or community services on truants, as permitted by law, or, if the truant is under 13 years of age, on the parent or custodian. 65 ILCS 5/11-5-9. Local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as: (a) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (b) *juvenile authorities* within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Ill. School Student Records Act. 105 ILCS 10/6(a)(6.5). **Id.** **A superintendent should consult with the board attorney before disclosing school student records to non-district entities.** See 7:340-AP1, *School Student Records*, for a sample procedure for release of such records to juvenile authorities.

Passed in response to a ProPublica article series entitled *The Price Kids Pay*, at: [www.propublica.org/series/the-price-kids-pay](http://www.propublica.org/series/the-price-kids-pay). P.A. 103-379 restricts the ability of the juvenile courts and certain county boards to assess fines, fees, assessments, and costs to minors and the minor's parents/guardians, subject to the minor's adjudication under various ordinances and statutes.

<sup>19</sup> 105 ILCS 5/26-12 prohibits punitive action "unless available supportive services and other school resources have been provided to the student." In addition, "a truant minor may not be expelled for nonattendance unless he or she has accrued 15 consecutive days of absences without valid cause and the student cannot be located by the school district or the school district has located the student but cannot, after exhausting all available supportive services, compel the student to return to school." *Id.*

<sup>20</sup> 105 ILCS 5/26-3a requires the district to "establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship."

This statute also requires the "clerk or secretary" of the board to quarterly report to the regional superintendent and Secretary of State the identity of students who were removed from the regular attendance roll, exclusive of transferees, because they were expelled; have withdrawn; left school; withdrew due to extraordinary circumstances; have re-enrolled in school since their names were removed from the attendance rolls; were certified to be chronic or habitual truants; or were previously certified as chronic or habitual truants who have resumed regular school attendance. The statute provides that the status of a driver's license or instructional permit will be jeopardized for a student who is the subject of this notification because of non-attendance unless the non-attendance is due to extraordinary circumstances as determined by the local district. State Superintendent Koch announced in his *Weekly Message*, 8-28-07, see **Funding & Disbursements** subhead, p.2, at: [www.isbe.net/Documents/Superintendent\\_Weekly\\_Message/message\\_082807.pdf](http://www.isbe.net/Documents/Superintendent_Weekly_Message/message_082807.pdf), that ISBE is delaying implementing this statute based upon legal guidance from the U.S. Dept. of Education's Family Policy Compliance Office that its implementation would violate the federal Family Educational Rights and Privacy Act.

<sup>21</sup> A district must allow this participation; the length of the drop-out period and the documentation requirement contained in the next sentence are permissive. 105 ILCS 5/26-14.

<sup>22</sup> Optional, but provided in 105 ILCS 5/26-2(c)(3); ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

Monitoring-Updating<sup>23</sup>

Pursuant to State law and Board policy 2:240, Board Policy Development, the Board updates this policy at least once every two years. The Superintendent or designee shall assist the Board with its update.

LEGAL REF.: 105 ILCS 5/22-92 and 5/26-1 through 5/26-3, 5/26-5 through 5/26-16, ~~and 5/26-18,~~  
and 5/26A.  
705 ILCS 405/3-33.5, Juvenile Court Act of 1987.  
23 Ill.Admin.Code §§1.242 and Part 207.

CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:90 (Release During School Hours), 7:190 (Student Behavior), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:340 (Student Records)

Draft

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


<sup>23</sup> 105 ILCS 5/22-92(b), added by P.A. 102-157 and renumbered by P.A. 102-813. Every two years this policy must be updated and, even if no updates are made, filed with ISBE and the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate]. Id.; 23 Ill.Admin.Code §207.30. The policy must contain all requirements of 105 ILCS 5/22-92, indicate the date of adoption (by month, day, and year) and any revision dates, and be filed electronically by September 30 each review year through ISBE's Web Application Security (IWAS) system. 23 Ill.Admin.Code §§207.20(a), 207.30(a). If, after review and re-evaluation of the policy, the district determines that no updates are necessary, either a copy of board minutes clearly indicating the policy was re-evaluated and no changes were deemed necessary or a signed statement from the board president indicating the policy was re-evaluated and no changes were deemed necessary must be submitted to IWAS. 23 Ill.Admin.Code §207.30(a)(3). ISBE has stated that for districts that update the adoption date listed on a policy whenever the policy is updated, the date of adoption is sufficient to also indicate the revision date. See ISBE *Absenteeism and Truancy Policy FAQ*, at: [www.isbe.net/Documents/Absenteeism-Truancy-Policy-FAQ.pdf](http://www.isbe.net/Documents/Absenteeism-Truancy-Policy-FAQ.pdf).

**20. Approval of First Reading of Updated Board of Education Policy 7:190 - Student Behavior**

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*Recommended Motion:* that the Board of Education accept for first reading the updated Board of Education Policy 7:190 - Student Behavior, as presented. **See Attachment No. 19.**

TO: Members of the Board of Education

FROM: Erin Terstriep, Assistant Superintendent for Student Services and Special Education 

DATE: July 24, 2025

SUBJECT: Approval Updated Board Policy 7:190 - Student Behavior

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 7:190, Student Behavior, which was included as part of the April 2025 PRESS update review. The policy and footnotes are updated in response to changes to school code, Criminal Code of 2012, and Public Acts 104-825, 103-896, 103-594, & 103-806.

The addition of

- a definition for *sexting* that includes Criminal Code of 2012, criminalizing the non-consensual dissemination of sexually explicit digitized depictions.
- defining the term *corporal punishment*, and permitting school employees to only use reasonable force with respect to a student
- requiring the district to report via the state's SIRS reporting system, instances of firearms, drugs, or battery against staff by July 31st annually.
- requiring districts to make reasonable efforts to provide ongoing professional development to school personnel on trauma-responsive learning environments
- prohibiting the expulsion of children in early childhood programs until 7-1-26, which is when this prohibition will be included in the Dept. of Early Childhood Act.

The deletion of


- the provision that required an immediate transfer of students to an alternative program who are suspended in excess of 20 school days.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the updated Board of Education Policy 7:190 - Student Behavior, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## Students

### Student Behavior<sup>1</sup>

The goals and objectives of this policy are to provide effective discipline practices that: (1) ensure the safety and dignity of students and staff; (2) maintain a positive, weapons-free, and drug-free learning environment; (3) keep school property and the property of others secure; (4) address the causes of a student's misbehavior and provide opportunities for all individuals involved in an incident to participate in its resolution; and (5) teach students positive behavioral skills to become independent, self-disciplined citizens in the school community and society.<sup>2</sup>

### When and Where Conduct Rules Apply<sup>3</sup>

A student is subject to disciplinary action for engaging in prohibited student conduct, as described in the section with that name below, whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

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

<sup>1</sup> All districts must have a policy on student discipline, including school searches and bullying prevention (105 ILCS 5/10-20.14, amended by P.A. 103-896); re-engagement of students returning from an exclusionary discipline or an alternative school (105 ILCS 5/10-22.6(b-25), amended by P.A. 103-896); and corporal punishment (105 ILCS 5/24-24). See also 23 Ill.Admin.Code §1.280. See the Cross References for policies on searches and bullying. Each district must furnish a copy of the discipline policy to parents/guardians within 15 days after the beginning of the school year, or within 15 days after starting classes for a student who transfers into the district. 105 ILCS 5/10-20.14(a), amended by P.A. 103-896. The school board must require that each school inform its pupils of the discipline policy's contents. *Id.*

School boards, along with the parent-teacher advisory committee, must annually review their pupil discipline policies, those policies' implementation, and any other factors related to the safety of their schools, students, and staff. *Id.* For more information about the parent-teacher advisory committee, see sample policy 2:150, *Committees*. The parent-teacher advisory committee, in cooperation with local law enforcement agencies, must develop, with the school board, a reciprocal reporting system. 105 ILCS 5/10-20.14(b), amended by P.A. 103-896. See sample administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students*. School districts are encouraged to create memoranda of understanding that define law enforcement's role in schools. See sample exhibit 7:190-E3, *Memorandum of Understanding. In consultation with stakeholders, the Ill. State Board of Education (ISBE) must draft and publish guidance for development of reciprocal reporting systems by 7-1-25. Id.*

Given the unique concerns facing school officials, school disciplinary codes are not required to be drafted as narrowly or with the same precision as criminal statutes. *Bethel Sch. Dist. v. Fraser*, 478 U.S. 675 (1986).

<sup>2</sup> The goals and objectives in this policy give the board a focus for monitoring it. This list can be deleted, replaced, or modified by the board. Data on student discipline is available at: [www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx](http://www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx).

See ¶n 1 in sample policy 4:170, *Safety*, for information on the U.S. School Safety Clearinghouse website at: [www.schoolsafety.gov](http://www.schoolsafety.gov).

<sup>3</sup> Board policy should provide a jurisdictional statement telling students and staff the circumstances under which the district will take disciplinary action. Jurisdictional rules in board policy should generally be as broad as possible to give staff members authority to unforeseen situations. Taking jurisdiction over off-campus misconduct generally survives the test of reasonableness when the misconduct has a direct nexus to the school. A countervailing interest concerns liability for off-campus student injuries, i.e., the greater the jurisdiction a district is willing to impose, the greater the scope of liability it may be assuming. Ultimately, a decision whether to discipline for off-campus misconduct requires a thorough factual inquiry to determine the degree of nexus and impact on the school. Consult the board attorney in these situations.

1. On, or within sight of, school grounds before, during, or after school hours or at any time;
2. Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;
3. Traveling to or from school or a school activity, function, or event; or
4. Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. <sup>4</sup>

#### Prohibited Student Conduct <sup>5</sup>

The school administration is authorized to discipline students for gross disobedience or misconduct, including but not limited to:

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes. <sup>6</sup>

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A U.S. Supreme Court decision and many lower court decisions address disciplining a student for off-campus misconduct. See Mahanoy Area Sch. Dist. v. B.L., 594 U.S. 180 441 S.Ct. 2038 (2021), discussed in f/n 3 of sample policy 7:240, Conduct Code for Participants in Extracurricular Activities; and J.S. v. Blue Mountain Sch. Dist., 650 F.3d 915 (3rd Cir. 2011), combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3d Cir. 2011), cert. denied 565 U.S. 1156 (2012)(absent evidence that parodies of school personnel caused, or could cause, substantial disruption, school districts may not punish out-of-school expressive conduct, even if it is lewd, indecent, or offensive speech).

In contrast, the 7th Circuit Court of Appeals upheld a student's expulsion for an article in an underground newspaper titled "So You Want to be a Hacker." The article's instructions for hacking into the school's computers clearly interfered with the school's operations. Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield, 134 F.3d 821 (7th Cir. 1998). See also Wisniewski v. Bd. of Educ. of the Weedsport Central Sch. Dist., 494 F.3d 34 (2nd Cir. 2007), cert. denied 552 U.S. 1296 (2008), (holding a student's transmission of an icon of a pistol with blood splattering and the words "Kill Mr. VanDer Molen" crossed the boundary of protected speech and posed a reasonably foreseeable risk that the icon would come to the attention of school authorities and materially and substantially disrupt the school).

Historically, schools have had more leeway in disciplining participants in athletics and extracurricular activities; however, the Mahanoy decision raises unresolved questions about the degree of leeway now afforded to school officials. See sample policy 7:240, Conduct Code for Participants in Extracurricular Activities at f/n 3 for further discussion.

A judge may transfer a student to another school for committing stalking or non-consensual sexual contact against another student, or for aiding and abetting such an act; the parents/guardians are responsible for transportation and other costs associated with the transfer, Stalking No Contact Order Act and the Civil No Contact Order Act, 740 ILCS 21/80 and 22/213. A school district is seldom notified when a transfer order is requested. When notified, school officials should immediately seek the board attorney's advice concerning available options.

<sup>4</sup> The factual context will determine the appropriateness of taking jurisdiction. Contact the board attorney before disciplining a student for off-campus conduct. See, e.g., Doe v. Superintendent of Schs. of Stoughton, 767 N.E.2d 1054 (Mass. 2002)(suspension for off-campus commission of a felony was upheld). See f/n 3, above.

<sup>5</sup> Consult the board attorney for advice on deleting or modifying any of the items in this section on prohibited student conduct.

<sup>6</sup> 105 ILCS 5/10-20.5b prohibits use of tobacco on school property. Federal law prohibits smoking within schools by anyone. Pro-Children Act of 2004, 20 U.S.C. §7971 *et seq.* Districts that fail to comply risk a civil penalty of up to \$1,000 per violation per day. 20 U.S.C. §7973(e)(1). See sample policy 8:30, Visitors to and Conduct on School Property, for more information.

The U.S. Food and Drug Administration now regulates electronic cigarettes. 21 C.F.R. Parts 1100, 1140, and 1143. An electronic or e-cigarette resembles a regular cigarette and contains a battery-operated heating element that turns a liquid into a mist for inhaling. The liquid may contain nicotine. E-cigarettes are sometimes referred to as e-cigs, vapes, e-hookahs, vape pens, and electronic nicotine delivery systems (ENDS), and they are generally involved in *vaping*. Vaping is the act of inhaling and exhaling the aerosol, often referred to as vapor that is produced by an e-cigarette or similar device. An e-cigarette resembles a cigarette and contains a battery-operated heating element that turns a liquid into a mist for inhaling. Some e-cigarettes do not look like tobacco products and are shaped like other objects, such as USB flash drives, and are more easily concealed.

2. Using, possessing, distributing, purchasing, or selling alcoholic beverages.<sup>7</sup> Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
  - a. Any illegal drug or controlled substance, or cannabis (including marijuana, hashish, and medical cannabis unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*).<sup>8</sup>
  - b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription.<sup>9</sup>
  - c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription.<sup>10</sup>
  - d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited

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Information and resources are available at:

[www.isbe.net/Pages/School-Health-Issues.aspx](http://www.isbe.net/Pages/School-Health-Issues.aspx)

[www.fda.gov/tobacco-products](http://www.fda.gov/tobacco-products)

[www.cdc.gov/tobacco/e-cigarettes/index.html](http://www.cdc.gov/tobacco/e-cigarettes/index.html)[www.cdc.gov/tobacco/basic\\_information/e-cigarettes/index.htm](http://www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm)

[www.dph.illinois.gov/topics-services/prevention-wellness/tobacco/e-cigarettes-and-vapes](http://www.dph.illinois.gov/topics-services/prevention-wellness/tobacco/e-cigarettes-and-vapes)

[www.drugabuse.gov/drugs-abuse/tobacco/nicotine-vaping](http://www.drugabuse.gov/drugs-abuse/tobacco/nicotine-vaping)<https://nida.nih.gov/research-topics/tobacco/nicotine-vaping>

<sup>7</sup> *Alcoholic beverages* are defined in 235 ILCS 5/1-3.01 to 3.05.

<sup>8</sup> *Controlled substance* is defined in 720 ILCS 570/102(f); *cannabis* is defined in 720 ILCS 550/3(a) and in 410 ILCS 705/1-10. Either spelling, *marihuana* or *marijuana*, is correct; however, *marijuana* is more common. See f/n 11 for a discussion of medical cannabis and *Ashley's Law*.

<sup>9</sup> *Anabolic steroid* is defined in 720 ILCS 570/102(c-1).

<sup>10</sup> See sample policies 7:240, *Conduct Code for Participants in Extracurricular Activities*, and 7:300, *Extracurricular Athletics*.

unless the student is authorized to be administered a medical cannabis infused product under Ashley's Law. <sup>11</sup>

- e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.
- f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form. <sup>12</sup>
- g. *Look-alike* or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy. <sup>13</sup>

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<sup>11</sup> To legally use medical cannabis, 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, 410 ILCS 130/. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis. This includes in a school bus or on the grounds of any preschool, or primary or secondary school unless the student meets the requirements of 105 ILCS 5/22-33, a/k/a *Ashley's Law*. 410 ILCS 130/30(a)(2) and (3). *Ashley's Law* provides that school districts "shall authorize a parent or guardian or any other individual registered with the Department of Public Health as a designated caregiver of a student who is a registered qualifying patient to administer a medical cannabis infused product to the student on the premises of the child's school or on the child's school bus if both the student (as a registered qualifying patient) and the parent or guardian or other individual (as a registered designated caregiver) have been issued registry identification cards under the Compassionate Use of Medical Cannabis Program Act." 105 ILCS 5/22-33(b). Once the product is administered, the designated caregiver must remove the product from the school premises/bus. *Id.* 105 ILCS 5/22-33(b-5) allows a properly trained school nurse or administrator to administer medical cannabis infused products to a student while at school, a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus. The product may not be administered in a manner that would (in the school or district's opinion) create a disruption or expose other students to the product, and schools are not required to authorize use of the product if the school or district would lose federal funding as a result. 105 ILCS 5 22-33(c). For more information, see f/ns 22+32+ in sample policy 7:270, *Administering Medicines to Students*. Contact the board attorney for advice concerning medical cannabis, including whether a federal or State law requires the district to accommodate a student who is a *registered qualifying patient*. See Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq.*; Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §1400 *et seq.*; Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794; 105 ILCS 5/14-1.01 *et seq.*, 5/14-7.02, and 5/14-7.02b; and 23 Ill.Admin.Code Part 226.

<sup>12</sup> The Powdered Caffeine Control and Education Act states: "No person may sell, offer for sale, give away, or provide free samples of powdered pure caffeine to any person under age 18 located within the State or to any person under age 18 making the purchase from within the State." A limited exception to this prohibition exists for "the sale of any powdered pure caffeine product that receives explicit approval as safe and effective for its intended use under the federal Food, Drug, and Cosmetic Act or is lawfully marketed under an over-the-counter monograph issued by the United States Food and Drug Administration." 410 ILCS 647/20.

<sup>13</sup> *Counterfeit* and *look-alike substances* are defined in 720 ILCS 570/102(g) and (y). This provision is broader because it would apply, for example, if a student represents a powdered vitamin to be pure caffeine – pure caffeine is prohibited on campus even though it is a legal substance. Look-alike drugs should be defined; an unpublished Ill. appellate decision in 2000 found a policy prohibiting possession of *look-alikes* had vagueness problems.

- h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances. <sup>14</sup>

Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.

4. Using, possessing, controlling, or transferring a *weapon* as that term is defined in the **Weapons** section of this policy, or violating the **Weapons** section of this policy. <sup>15</sup>
5. Using or possessing an electronic paging device. <sup>16</sup>
6. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. ~~Prohibited conduct specifically includes, without limitation, creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person through the use of a computer, electronic communication device, or cellular phone. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered off or silenced and out-of-sight<sup>17</sup> during the regular school day unless: (a) the supervising teacher grants permission; (b) use of the device is provided in a student's individualized education program (IEP) or Section 504 plan; (c) it is used during the student's lunch period, or (d) it is needed in an emergency that threatens the safety of students, staff, or other individuals.~~ <sup>18</sup>
- ~~4.7. *Sexting*, which, for purposes of this policy, is the act of creating, sending, sharing, viewing, receiving, or possessing sexually explicit messages, images, or videos electronically, regardless of whether they are authentic or computer-generated, through the use of a computer, electronic communication device, or cellular phone. *Sexting* also includes creating, sending, sharing,~~

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<sup>14</sup> *Drug paraphernalia* is defined in 720 ILCS 600/2(d). Contact the board attorney for advice concerning a student who is a *registered qualifying patient*, as explained in f/n 11.

<sup>15</sup> This language is broader than the **Weapons** section of this policy. The **Weapons** section contains the statutorily required punishment for "a student who is determined to have brought" a weapon to school along with the statutory definition of *weapon*. 105 ILCS 5/10-22.6(d). The language in item #4 is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the **Weapons** section. See the footnotes in the **Weapons** section for a discussion of the Firearm Concealed Carry Act's provisions.

<sup>16</sup> 105 ILCS 5/10-21.10.

<sup>17</sup> Delete "and out-of-sight" if the district wants to provide greater flexibility. A board should, in consultation with the superintendent and board attorney, carefully review its policy on the use of electronic devices to ensure it aligns with building-level practices and any student handbook provisions addressing student use of personal mobile devices, including, but not limited to, cell phones, smartwatches, and smart glasses.

<sup>18</sup> 105 ILCS 5/10-21.10 prohibits student possession of electronic paging devices, but State law leaves to local boards the discretion whether to prohibit student possession of cellular phones. 105 ILCS 5/10-20.28. The misuse of camera phones can seriously invade a student's privacy. A board wanting a sweeping prohibition may use the following alternative for item #65:

Using or possessing a cellular telephone, electronic signaling device, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.

Operating transmitters designed to jam or block wireless communications violates the federal Communications Act of 1934. 47 U.S.C. §§301, 302a, and 333. Fines are as high as \$10,000 for each violation and/or imprisonment, and the device may also be seized. 47 U.S.C. §§501-510.

Making a video recording or live video transmission of another person without their consent in a restroom, locker room, or changing room is a Class 4 felony. 720 ILCS 5/26-4. A minor who distributes or disseminates an indecent visual depiction of another minor through the use of a computer or electronic communication device may be subject to adjudication as a minor in need of supervision. 705 ILCS 405/3-40.

viewing, receiving, or possessing *indecent visual depictions, non-consensual dissemination of private sexual images, and non-consensual dissemination of sexually explicit digitized depictions*, as defined in State law.<sup>19</sup>

- 5.8. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
- 6.9. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.
- 7.10. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, using a writing service and/or generative artificial intelligence technology in place of original work unless specifically authorized by staff,<sup>20</sup> wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
- 8.11. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct.<sup>21</sup>

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<sup>19</sup> This definition of *sexting* is adapted from Merriam-Webster's definition at [www.merriam-webster.com/dictionary/sexting](http://www.merriam-webster.com/dictionary/sexting), and it incorporates offenses under State law that address the dissemination of explicit images. A district may wish to use another definition or create its own with the board attorney. See sample administrative procedure 7:190-AP6, *Guidelines for Investigating Sexting Allegations*, for definitions of the italicized terms in this paragraph and their accompanying citations. See also sample administrative procedure 7:190-AP5, *Student Handbook - Electronic Devices*.

<sup>20</sup> Optional. *Generative artificial intelligence (Gen AI)* is defined in State law as "an automated computing system that, when prompted with human prompts, descriptions, or queries, can produce outputs that simulate human-produced content, including, but not limited to, the following: (1) textual outputs, such as short answers, essays, poetry, or longer compositions or answers; (2) image outputs, such as fine art, photographs, conceptual art, diagrams, and other images; (3) multimedia outputs, such as audio or video in the form of compositions, songs, or short-form or long-form audio or video; and (4) other content that would be otherwise produced by human means." 775 ILCS 5/2-101(N), added by P.A. 103-804, eff. 1-1-26, a broad label used to describe any AI system that generates, with varying levels of autonomy, content such as complex text, images, audio, or video. When not used for academic dishonesty purposes, generative-Gen AI tools may present innovative learning opportunities for students and teaching opportunities for educators. For further information, see the International Society for Technology in Education webpage on AI exploration for educators at: [www.iste.org/areas-of-focus/AI-in-education](http://www.iste.org/areas-of-focus/AI-in-education) sample policy 6:235, *Access to Electronic Networks*, and its f/n 17, and sample administrative procedure 6:235-AP3, *Development of an Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines*.

<sup>21</sup> All districts must have a policy on bullying. 105 ILCS 5/27-23.7(d), amended by P.A. 103-47. Sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the statutory definition of bullying. Districts must also have an age-appropriate policy on sexual harassment. 105 ILCS 5/10-20.69. See sample policy 7:20, *Harassment of Students Prohibited*, and its f/n 97 for further detail.

105 ILCS 5/10-20.14(d), amended by P.A. 103-896, requires boards, in consultation with their parent-teacher advisory committees and other community-based organizations, to include provisions in their student discipline policy to address aggressive behavior, including bullying. These provisions must include procedures for notifying a student's parents/guardians about his/her aggressive behavior and early intervention procedures based upon available community-based and district resources. See sample exhibit 7:190-E1, *Aggressive Behavior Reporting Letter and Form*. In consultation with stakeholders, ISBE must draft and publish guidance for evidence-based intervention procedures, including examples, by 7-1-25. *Evidence-based intervention* means an intervention that has demonstrated a statistically significant effect on improving student outcomes, documented in a peer-reviewed scholarly journal. *Id.*

Suspending students for hazing was upheld in *Gendelman v. Glenbrook North High Sch. and Northfield Twp. Sch. Dist.* 225, 2003 WL 21209880 (N.D.Ill. 2003). This decision may have been legislatively overturned by amending 105 ILCS 5/10-20.14.

- 9.12. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.
- 10.13. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*.<sup>22</sup>
- 11.14. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.<sup>23</sup>
- 12.15. Entering school property or a school facility without proper authorization.
- 13.16. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.
- 14.17. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants.<sup>24</sup>
- 15.18. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member.<sup>25</sup>
- 16.19. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia.<sup>26</sup>
- 17.20. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.

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The failure of a school official (including any administrator, teacher, counselor, support staff, or coach) to report hazing is a Class B misdemeanor. 720 ILCS 5/12C-50.1.

A person commits a felony hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she commits assault, battery, aggravated assault, intimidation, stalking, cyberstalking, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, transmission of obscene message, harassment by telephone, or harassment through electronic communications as these crimes are defined in the Criminal Code. 720 ILCS 5/12-7.1. The penalty is heightened when the offense is committed in a school or administrative facility.

720 ILCS 5/26-1(a)(3.5) and (b) make transmitting a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

<sup>22</sup> All school boards must have a policy on prohibited teen dating violence. 105 ILCS 110/3.10. Verify that the board adopted the policy listed and amend its title in this policy, if necessary.

<sup>23</sup> 720 ILCS 5/26-1(a)(3.5) and (b) make threatening to destroy a school building or school property, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

<sup>24</sup> 105 ILCS 5/26-2a, amended by P.A.s 102-266, 102-321, and 102-981; 5/26-9; and 5/26-12. See sample policies 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*, and 7:70, *Attendance and Truancy*.

<sup>25</sup> State law requires schools to suspend or expel any student who engages in this activity. 105 ILCS 5/31-3.

<sup>26</sup> See *Kelly v. Bd. of Educ. of McHenry Cmty. High Sch. Dist. 156*, 2007 WL 114300 (N.D.Ill. 2007) (upheld student's expulsion for drawing gang symbols while at school; testimony that the danger posed by gang signs and the presence of gangs at school supported the board's insistence on strict enforcement of board policy prohibiting gang related behavior and made expulsion a proper remedy).

740 ILCS 147/15 *et seq.* allows a school district to bring a civil suit against a gang, gang officers, or gang members for losses it suffers due to their criminal activity.

~~18~~.21. Making an explicit threat on an Internet website against a school employee, a student, or any school-related personnel if the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school. <sup>27</sup>

~~19~~.22. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Superintendent or designee. <sup>28</sup>

~~20~~.23. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. <sup>29</sup>

For purposes of this policy, the term possession includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student's person; (b) contained in another item belonging to, or under the control of, the student, such as in the student's clothing, backpack, or automobile; (c) in a school's student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event. <sup>30</sup>

Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The Superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident.<sup>31</sup> The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

No disciplinary action shall be taken against any student that is based totally or in part on the refusal of the student's parent/guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. <sup>32</sup>

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<sup>27</sup> This statement of misconduct restates 105 ILCS 5/10-22.6(d-5). The following alternative provides a shorter statement but will require the administrator to check the statute before imposing discipline based on it:

Making an explicit threat on an Internet website against a school, employee, or any school-related personnel under circumstances described in 105 ILCS 5/10-22.6(d-5).

<sup>28</sup> For more information regarding unmanned aircraft systems, see [www.faa.gov/uas](http://www.faa.gov/uas).

<sup>29</sup> A catchall provision, e.g., this one, gives staff members authority to respond to unforeseen situations.

If the board adopts a mandatory uniform policy (see sample policy 7:165, *School Uniforms*), add the following item to the list as number 22: "Failing to comply with the mandatory uniform policy, but only after repeated attempts to secure compliance, such as conferences with parents/guardians, have been unsuccessful."

<sup>30</sup> *Possession* should be defined to avoid vagueness problems.

<sup>31</sup> See f/n ~~20~~49.

<sup>32</sup> Mandated by 105 ILCS 5/10-20.36.

### Disciplinary Measures <sup>33</sup>

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary discipline before using out-of-school suspensions or expulsions.<sup>34</sup> School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.<sup>35</sup> Potential disciplinary measures include, without limitation, any of the following: <sup>36</sup>

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property. <sup>37</sup>
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised. <sup>38</sup>

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<sup>33</sup> **IMPORTANT:** The practice of suspending or expelling a student based on the number of accumulated disciplinary infractions is illegal under 105 ILCS 5/10-22.6. This includes a system of assigning points to specific infractions and then tallying the points a student receives over a period of time to determine a disciplinary exclusion from school.

Before amendments to 105 ILCS 5/10-22.6, courts used the following factors to determine if a board abused its discretion when it expelled a student: (1) the egregiousness of the student's conduct; (2) the record of the student's past conduct; (3) the likelihood that such conduct will affect the delivery of educational services to other students; (4) the severity of the punishment; and (5) the intent of the child. Robinson v. Oak Park, 213 Ill.App.3d 77 (1st Dist. 1991); Wilson ex rel. Geiger v. Hinsdale Elementary Dist., 349 Ill.App.3d 243 (2nd Dist. 2004). Whether courts will continue to use these factors is yet to be determined. The amendments to 105 ILCS 5/10-22.6 called into question the validity of relying on past misconduct in suspension or expulsion decisions. At least one Ill. appellate court has held that the Robinson factors no longer apply because the legislature incorporated specific criteria for expulsion directly into 105 ILCS 5/10-22.6 when it amended the statute. A.A. v. Summit Sch. Dist. No. 104, 2024 IL App (1st) 232451. **Consult the board attorney for guidance.**

Aside from procedural due process protection, students have a constitutional substantive due process right. This right protects them from an abuse of government power which "shocks the conscience." While the scope of substantive due process is very limited, it is available to students who believe they were subject to arbitrary and excessive discipline. Generally, however, school officials need not fear being found guilty of a substantive due process violation. Federal courts are loath to second-guess school officials. See Tun v. Whitticker, 398 F.3d 899 (7th Cir. 2005) (expulsion did not amount to a substantive due process violation because it fell short of the required *shocks the conscience* standard).

<sup>34</sup> 105 ILCS 5/10-22.6(b-5). In addition, subsection c-5 states, "[s]chool districts must make reasonable efforts to provide ongoing professional development to all school personnel—teachers, administrators, school board members, and school resource officers, and staff on the requirements of [105 ILCS 5/10-20.14], the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments, as defined in [105 ILCS 5/3-11(b)], the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates." 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896.

<sup>35</sup> 105 ILCS 5/10-22.6(h).

<sup>36</sup> Most school attorneys advise against using a grade reduction as a disciplinary measure. A decision upholding such a policy is Knight v. Bd. of Educ., 38 Ill.App.3d 603 (4th Dist. 1976). A decision striking one is Smith v. Sch. City of Hobart, 811 F.Supp. 391 (N.D.Ind. 1993) (grade reduction policy requiring 9-week grades to be reduced 4% for each day of a suspension was found unconstitutional).

<sup>37</sup> While restitution is permitted, issuing a fine or fee as a disciplinary consequence is not permitted. 105 ILCS 5/10-22.6(i). Possible parental liability for damages under the Parental Responsibility Law (740 ILCS 115/5) is discussed in f/n 2 in sample policy 7:170, *Vandalism*.

<sup>38</sup> An in-school suspension program may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel, and districts may employ a school social worker or a licensed mental health professional to oversee in-school suspension programs. 105 ILCS 5/10-22.6(l). Providing programming during in-school suspensions is not required, however providing such programming will help distinguish them from exclusionary suspensions. See f/n 4 in sample policy 5:230, *Maintaining Student Discipline*, for further discussion of in-school suspension programs.

7. After-school study or Saturday study<sup>39</sup> provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs.<sup>40</sup> The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules.<sup>41</sup>
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*.<sup>42</sup>
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*.<sup>43</sup> A student who has been suspended may also be restricted from being on school grounds and at school activities.<sup>44</sup>
12. Expulsion from school and all school activities for a definite time period not to exceed two calendar years in accordance with Board policy 7:210, *Expulsion Procedures*.<sup>45</sup> A student who has been expelled may also be restricted from being on school grounds and at school activities.<sup>46</sup>
13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code.<sup>47</sup>

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

<sup>39</sup> Teachers may not be required to teach on Saturdays. 105 ILCS 5/24-2.

<sup>40</sup> See *Herndon v. Chapel Hill-Carrboro City Bd.*, 89 F.3d 174 (4th Cir. 1996) (upheld policy requiring students to complete community service in order to graduate).

<sup>41</sup> Consult the board attorney for advice concerning confiscated devices. There is no binding Ill. court decision regarding school personnel seizing and retaining a student's property. The Supreme Court of Arkansas held that a teacher and principal did not violate a student's state or federal rights when they confiscated and retained a student's cell phone for two weeks for violating school rules on cell phones. *Koch v. Adams*, 361 S.W.3d 817 (Ark. 2010).

<sup>42</sup> 105 ILCS 5/10-22.6(b) and (b-30).

<sup>43</sup> A suspension may be imposed in only limited situations that vary according to the suspension's length. 105 ILCS 5/10-22.6(b-15)-(b-25). This is explained in sample board policy 7:200, *Suspension Procedures*, and its footnotes.

<sup>44</sup> This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

<sup>45</sup> An expulsion may be imposed in only limited situations. 105 ILCS 5/10-22.6(b-20). This is explained in sample policy 7:210, *Expulsion Procedures*, and its footnotes.

105 ILCS 5/10-22.6(d) permits expulsion for a definite period of time not to exceed two calendar years. School officials must document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

<sup>46</sup> This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

<sup>47</sup> 105 ILCS 5/10-22.6(a) and (b), amended by P.A. 103-896. Subsection 10-22.6(b) uses the phrase "is suspended in excess of 20 school days" even though a 20-consecutive day suspension should be treated as an expulsion. *Goss v. Lopez*, 419 U.S. 565 (1975). An alternative program is probably available to a student who is suspended for 11 to 20 consecutive days because that student is technically expelled and, as such, qualifies under subsection (a) of Section 10-22.6. Contact the board attorney if the district wants to interpret the statute as referring to *cumulative* school days so that it can transfer a student to an alternative program upon his or her suspension in excess of 20 *cumulative* school days.

14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), look-alikes, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies. <sup>48</sup>

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available, and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion. <sup>49</sup>

Corporal punishment is prohibited in all circumstances. *Corporal punishment* is defined as a discipline method in which a person deliberately inflicts pain upon a student in response to the student's unacceptable behavior or inappropriate language, with an aim to halt an offense, prevent its recurrence,

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105 ILCS 5/13A, amended by P.A. 103-473, *a/k/a Safe Schools Law*, governs the transfer of *disruptive students*, defined to include suspension- or expulsion-eligible students in grades 6-12, to an alternative school program. See sample administrative procedure 7:190-AP9, *Administrative Transfer to Regional Safe School Program*, and the Ill. State Board of Education (ISBE) regional safe schools program webpage at: [www.isbe.net/Pages/Regional-Safe-Schools-Program.aspx](http://www.isbe.net/Pages/Regional-Safe-Schools-Program.aspx). 105 ILCS 5/13B governs the transfer of students to an alternative learning opportunities program. See ISBE's alternative learning opportunities program webpage at: [www.isbe.net/Pages/Special-Education-Alternative-Learning-Opportunities-Programs.aspx](http://www.isbe.net/Pages/Special-Education-Alternative-Learning-Opportunities-Programs.aspx).

Contact the board attorney regarding the necessary due process procedures before imposing a disciplinary transfer to an alternative school. The court in *Leak v. Rich Twp. High Sch. Dist.*, 227 (397 Ill. Dec. 90 (1st Dist. 2015)), held that placement in an alternative school is tantamount to an expulsion. Thus, according to dicta in this decision, districts must follow expulsion procedures before a student is transferred to an alternative school. Schools may still reach agreements with parents/guardians to transfer students to such schools without completing the expulsion procedures.

The alternative program may not deny the transfer on the basis of the suspension or expulsion, except in cases in which the transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

<sup>48</sup> 105 ILCS 5/22-88, amended by P.A.s 102-197 and 102-558. See sample policy 7:150, *Agency and Police Interviews*.

<sup>49</sup> **Note:** Districts that receive early childhood block grant funding (authorized by 105 ILCS 5/1C-2, amended by P.A. 103-594, of the School Code) are prohibited from expelling children from their early childhood programs. 105 ILCS 5/2-3.71(a)(7), amended by P.A. 103-594 (making it inoperative on 7-1-26), and 105 ILCS 5/10-22.6(k), On and after 7-1-26, the Dept. of Early Childhood Act, 325 ILCS 3/15-30(a)(7) will prohibit expulsion of children enrolled in early childhood programs funded under 325 ILCS 3/1-10). A district may, however, transition a child to a new program if: (1) it has documented evidence that all available interventions and supports recommended by a qualified professional have been exhausted; (2) the program determines that transitioning a child is necessary for the well-being of the child or his or her peers and staff; and (3) the current and pending programs create a transition plan for the child with parent or legal guardian permission. 105 ILCS 5/2-3.71(a)(7)(C) (inoperative on 7-1-26); 325 ILCS 3/15-30(a)(7)(C) on and after 7-1-26. A district may temporarily remove a child from attendance in the group setting in the case of a serious safety threat to a child or others, or in the case of possession of a weapon as described in 105 ILCS 5/10-22.6(d), but it must then begin the process of documenting interventions and supports as outlined in the law. 105 ILCS 5/2-3.71(a)(7)(E) (inoperative on 7-1-26); 325 ILCS 3/15-30(a)(7) on and after 7-1-26. ISBE rules implementing these new requirements are at 23 Ill. Admin. Code §§ 235.300-235.340. For guidance on behavior support and transition plans, including links to ISBE Form 37-50A, *Early Childhood Block Grant (ECBG) Program Transition Plan*, and ISBE Form 37-50B, *Early Childhood Block Grant (ECBG) Behavior Support Plan*, see ISBE's *Frequently Asked Questions: Behavior Support and Program Transition* (March 2021) at: [www.isbe.net/Documents/EC-EAQ-Behavior-Transition-Plan.pdf](http://www.isbe.net/Documents/EC-EAQ-Behavior-Transition-Plan.pdf). Consult the board attorney for advice to ensure compliance with ISBE rules. Compliance with this law does not relieve a district of its obligations to also comply with the Individuals with Disabilities Education Improvement Act of 2004 when disciplining students with disabilities. For further information, see sample policy 7:230, *Misconduct by Students with Disabilities*. For districts that receive early childhood block grant funding, add the following:

Students enrolled in the District's State-funded preschool program(s) may be temporarily removed or transitioned to a new program in accordance with federal and State law. State law prohibits the expulsion of students from the program(s).

If this language is inserted, add 105 ILCS 5/2-3.71(a)(7) to the Legal References for this policy.

or set an example for others.<sup>50</sup> It includes slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as permitted by 105 ILCS 5/10-20.33 needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property.<sup>51</sup>

#### Isolated Time Out, Time Out, and Physical Restraint<sup>52</sup>

Neither isolated time out, time out, nor physical restraint shall be used to discipline or punish a student. These methods are only authorized for use as permitted in 105 ILCS 5/10-20.33, Ill. State Board of Education (ISBE) rules (23 Ill.Admin.Code §§ 1.280, 1.285), and the District's procedure(s).

#### Weapons<sup>53</sup>

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than two calendar years:

1. A *firearm*, meaning any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code (18 U.S.C. § 921), firearm as defined in Section 1.1 of the Firearm

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<sup>50</sup> 105 ILCS 5/22-100, added by P.A. 103-806.

<sup>51</sup> Theis last two sentences of this paragraph paraphrases 105 ILCS 5/24-24, amended by P.A. 103-806.

<sup>52</sup> *Physical restraint or restraint* does not include momentary periods of physical restriction by direct person to person contact, without the aid of material or mechanical devices, that are accomplished with limited force and that are designed to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property. 105 ILCS 5/10-22.33(b). Isolated time out, time out, or physical restraint may be used by staff members **only** if their use is authorized by policy and administrative procedure. 105 ILCS 5/2-3.130 and 5/10-20.33, both amended by P.A. 102-339; 105 ILCS 5/24-24; 23 Ill.Admin.Code §§1.280(c) and 1.285. See sample administrative procedure 7:190-AP4, Use of Isolated Time Out, Time Out, and Physical Restraint. **The sample policy allows the use of isolated time out, time out, and physical restraint pursuant only to the conditions allowed in the School Code and ISBE rules.** State statute and ISBE rules contain complex restrictions on the use of isolated time out, time out, and physical restraint. 105 ILCS 5/2-3.130 and 5/10-20.33, both amended by P.A. 102-339; 105 ILCS 5/24-24; 23 Ill.Admin.Code §§1.280(c) and 1.285. According to the ISBE rule, isolated time out, time out, and physical restraints are allowed only if a board authorizes their use in a policy containing the numerous components identified in the rule. To comply with ISBE's rule, a board must also incorporate by reference the district's procedure, i.e., 7:190-AP4, Use of Isolated Time Out, Time Out, and Physical Restraint. By doing this, the policy includes the district's procedure. **For a board that wants to prohibit the use of isolated time out, time out, and physical restraint** (1) replace the contents of this subhead with "The district prohibits the use of isolated time out, time out, and physical restraint, as defined in 105 ILCS 5/10-20.33."; (2) amend the Legal References as follows "23 Ill.Admin.Code §§1.280, 1.285," and (3) delete "Incorporated by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)."

<sup>53</sup> This section paraphrases 105 ILCS 5/10-22.6(d) and contains the statutorily required punishment for bringing a weapon to school along with the statutory definition of *weapon*. When preparing for a due process hearing, a principal needs to use the applicable State and federal law definitions of *firearm* – not just the School Code.

While subsection 105 ILCS 5/10-22.6(b-10) explicitly forbids zero tolerance policies, it provides an exception for those zero tolerance policies established by State or federal law, which includes weapons in school. Section 10-22.6(d) provides that a student who brings a weapon to school, as defined in the section, "shall be expelled for a period not less than one year," unless modified by the superintendent or board. The federal Gun-Free Schools Act (20 U.S.C. §7961 et seq.) provides for at least a one-year expulsion for students who bring firearms to school. As directed by 20 U.S.C. §7961(b)(1), 105 ILCS 5/10-22.6(d), the superintendent and the board may modify that consequence; however, the superintendent/board may decline to exercise that discretion and instead impose the maximum penalty authorized by law. Analyzing the student's circumstances on a case-by-case basis may avoid a judicial finding that an expulsion is too severe. See Washington v. Smith, 248 Ill.App.3d 534 (1st Dist. 1993).

Item #4 in the **Prohibited Student Conduct** section is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the **Weapons** section.

Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of 2012 (720 ILCS 5/24-1).

2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including *look-alikes* of any *firearm* as defined above.

The expulsion requirement under either paragraph one or two above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm.<sup>54</sup>

This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area.<sup>55</sup>

#### Re-Engagement of Returning Students<sup>56</sup>

The Superintendent or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit.<sup>57</sup>

#### Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member or is subject to a battery.<sup>58</sup> *School grounds* includes modes of transportation to school activities and any public way within 1000 feet of the school, as well as school property itself.

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

<sup>54</sup> Optional.

<sup>55</sup> The Firearm Concealed Carry Act permits a properly licensed individual to carry a concealed firearm within a vehicle into a school parking area and store it in a locked vehicle out of plain view. 430 ILCS 66/65(b). The federal Gun-Free Schools Act has a similar provision. 20 U.S.C. §7961(g). The School Code, however, contains no similar exception to the ban on firearms at schools. Contact the board attorney before permitting students to store their firearms in their vehicle's trunk while parked at school.

<sup>56</sup> Required by 105 ILCS 5/10-22.6(b-25), amended by P.A. 103-896. See sample administrative procedure 7:190-AP8, *Student Re-Engagement Guidelines*. In consultation with stakeholders, ISBE must draft and publish guidance for the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting by 7-1-25. *Id.*

<sup>57</sup> A goal for re-engagement is optional. Schools must permit students who were suspended, including students suspended from the school bus who do not have alternate transportation to school, to make-up/makeup work for equivalent academic credit. 105 ILCS 5/10-22.6(b-30).

<sup>58</sup> 105 ILCS 5/10-27.1A(a), 5/10-27.1B, amended by P.A.s 103-609 (first to pass both houses) and 103-780 (second to pass both houses and controlling), and 5/10-21.7, amended by P.A. 102-894. *School grounds* includes the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground.

Upon receiving a report of (1), above, the Building Principal or designee shall immediately notify local law enforcement. In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Superintendent or designee and any involved student's parent/guardian. <sup>59</sup>

Upon receiving a report on any of the above (1)-(3), the Superintendent or designee shall immediately notify local law enforcement. The Superintendent or designee shall also report these incidents involving battery against staff members to the Ill. State Board of Education ISBE through its web-based School Incident Reporting System as they occur during the year and no later than August 31 for the preceding school year. <sup>60</sup>

#### Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Teachers, other ~~certificated~~ licensed educational employees, and any other persons (whether or not a licensed employee) providing a related service for or with respect to a student, may only use reasonable force as permitted by 105 ILCS 5/10-20.33 needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense or defense of property. Teachers may temporarily remove students from a classroom for disruptive behavior. <sup>61</sup>

The Superintendent, Building Principal, Assistant Building Principal, or Dean of Students is authorized to impose the same disciplinary measures as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school

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<sup>59</sup> Id. State law imposes the duty to report firearm possession only on school officials; this duty may be also imposed on volunteers and community members. Only staff members, however, are vulnerable to committing a petty offense for their failure to report, and only staff members are protected from civil or criminal liability that might arise as a result of making a report (although the liability potential for anyone making a report is remote).

The building principal must notify the student's parent/guardian only when the alleged offense is firearm possession. 105 ILCS 5/10-27.1A(b). The policy expands this notification duty to include drug-related incidents and battery of a staff member; a board disinclined to do this should amend the second sentence as follows:

In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Superintendent or designee and, if a student is reportedly in possession of a firearm, also any involved student's parent/guardian.

<sup>60</sup> 105 ILCS 5/10-27.1A(e), amended by P.A.s 103-34, 103-609 (first to pass both houses) and 103-780 (second to pass both houses and controlling); 105 5/10-27.1B(b), amended by P.A.s 103-609 (first to pass both houses) and 103-780 (second to pass both houses and controlling); and 105 ILCS 5/10-21.7, amended by P.A. 102-894. To satisfy the reporting requirement, ISBE created the School Incident Reporting System (SIRS), a web-based application on iWAS for schools to report incidents electronically. See fn 6 and subhead J. Required Notices of sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.

<sup>61</sup> 105 ILCS 5/24-24, amended by P.A. 103-806, and 23 Ill. Admin. Code §1.280 requires: (1) teachers, and other certificated/licensed educational employees, and any other person (whether or not a licensed employee) providing a related service for or with respect to a student (except for individuals employed as paraprofessionals) to maintain discipline, and (2) the district to have a policy on discipline that provides that:

[A] teacher, other certificated/licensed employee, and any other person, whether or not a certificated/licensed employee, providing a related service for or with respect to a student may only use reasonable force as permitted under [105 ILCS 5/10-20.33] needed to maintain safety for the other students, school personnel or persons or for the purpose of self-defense or the defense of property, shall provide that a teacher may remove a student from the classroom for disruptive behavior, and shall include provisions which provide due process to students. The policy shall prohibit the use of corporal punishment, as defined in [105 ILCS 5/22-100], in all circumstances not include slapping, paddling or prolonged maintenance of students in physically painful positions nor shall it include the intentional infliction of bodily harm. 105 ILCS 5/24-24, amended by P.A. 103-806.

bus, up to 10 consecutive school days, provided the appropriate procedures are followed.<sup>62</sup> The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons.<sup>63</sup>

Student Handbook <sup>64</sup>

The Superintendent, with input from the parent-teacher advisory committee,<sup>65</sup> shall prepare disciplinary rules implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment.

Incorporated

Draft

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<sup>62</sup> Required by 105 ILCS 5/10-22.6(b).

<sup>63</sup> *Id.*

<sup>64</sup> 105 ILCS 5/10-20.14(a) requires schools to provide a copy of the student discipline policy to parents/guardians within 15 days after the beginning of the school year, or within 15 days after a transfer student starts classes, but it does not specify how to provide copies. For ease of administration, this policy specifies that copies will be provided via student handbooks.

<sup>65</sup> The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline. See sample policy 2:150, Committees. This policy's dissemination requirements are from 105 ILCS 5/10-20.14.

A comprehensive student handbook can provide notice of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material. *Online Model Student Handbook (MSH)*, at: [www.ilprincipals.org/msh/](http://www.ilprincipals.org/msh/).

by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)

LEGAL REF.: 20 U.S.C. §7971 et seq., Pro-Children Act of 2004.  
20 U.S.C. §7961 et seq., Gun Free Schools Act.  
105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10,  
5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/22-33, 5/22-100, 5/24-24, 5/26-12, 5/27-  
23.7, and 5/31-3.  
105 ILCS 110/3.10, Critical Health Problems and Comprehensive Health Education  
Act.  
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.  
410 ILCS 647/, Powdered Caffeine Control and Education Act.  
430 ILCS 66/, Firearm Concealed Carry Act.  
23 Ill.Admin.Code §§ 1.280, 1.285.

CROSS REF.: 2:150 (Committees), 2:240 (Board Policy Development), 5:230 (Maintaining  
Student Discipline), 6:110 (Programs for Students At Risk of Academic Failure  
and/or Dropping Out of School and Graduation Incentives Program), 7:70  
(Attendance and Truancy), 7:130 (Student Rights and Responsibilities), 7:140  
(Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student  
Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying,  
Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:200  
(Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct),  
7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for  
Participants in Extracurricular Activities), 7:270 (Administering Medicines to  
Students), 7:310 (Restrictions on Publications; Elementary Schools), 7:315  
(Restrictions on Publications; High Schools), 8:30 (Visitors to and Conduct on  
School Property)

**21. Approval of First Reading of Updated Board of Education Policies 7:200 - Suspension Procedures and 7:210 - Expulsion Procedures**

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*Recommended Motion:* that the Board of Education accept for first reading the updated Board of Education Policies 7:200 - Suspension Procedures and 7:210 - Expulsion Procedures, as presented. **See Attachment No. 20.**

TO: Members of the Board of Education

FROM: Erin Terstriep, Assistant Superintendent for Student Services and Special Education

DATE: July 24, 2025

SUBJECT: Approval Updated Board Policies 7:200 - Suspension Procedures and 7:210 -  
Expulsion Procedures

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, attached are Board Policy 7:200, Suspension Procedures and 7:210, Expulsion Procedures, which were included as part of the April 2025 PRESS update review. The policy and footnotes are updated in response to changes to school code and the addition of the Ensuring Success in Schools (ESS) Law, Public Act 102-466, Effective 7-1-25, creates new School Code Article 26A, for children and students who are parents, expectant parents, or victims of domestic or sexual violence.

For suspension or expulsion hearings, students may disclose any factor to be considered in mitigation, appear with a representative and a support person of their choosing and at their expense. In addition, if the hearing review involves allegations of sexual violence, the student cannot directly question or have contact with the alleged victim.

Recall, the underlined text represents suggested new additions; whereas, the ~~striketrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the updated Board of Education Policies 7:200 - Suspension Procedures and 7:210 - Expulsion Procedures, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage  
Superintendent of Schools

## Students

### Suspension Procedures <sup>1</sup>

#### In-School Suspension <sup>2</sup>

The Superintendent or designee is authorized to maintain an in-school suspension program. The program shall include, at a minimum, each of the following:

1. Before assigning a student to in-school suspension, the charges will be explained and the student will be given an opportunity to respond to the charges.
2. Students are supervised by licensed school personnel.
3. Students are given the opportunity to complete classroom work during the in-school suspension for equivalent academic credit.

#### Out-of-School Suspension

The Superintendent or designee shall implement suspension procedures that provide, at a minimum, for each of the following: <sup>3</sup>

1. A conference during which the charges will be explained and the student will be given an opportunity to respond to the charges before he or she may be suspended.
2. A pre-suspension conference is not required, and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. An attempted phone call to the student's parent(s)/guardian(s).

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

<sup>1</sup> State law requires districts to have a policy on student discipline. 105 ILCS 5/10-20.14, amended by P.A. 103-896; 23 Ill.Admin.Code §1.280. State or federal law controls this policy's content.

Boards may authorize *by policy* the superintendent, building principal, assistant building principal, or dean of students to suspend students guilty of gross disobedience or misconduct from school, including all school functions. 105 ILCS 5/10-22.6(b), amended by P.A. 103-896. See sample policy 7:190, *Student Behavior*, for such an authorization.

<sup>2</sup> An in-school suspension program may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel, and districts may employ a school social worker or a licensed mental health professional to oversee in-school suspension programs. 105 ILCS 5/10-22.6(l), amended by P.A. 103-896. Providing programming during in-school suspensions is not required; however, providing educational programs during in-school suspensions will help distinguish them from exclusionary suspensions. See *l/n 4* in sample policy 5:230, *Maintaining Student Discipline*, for further discussion of in-school suspension programs. Contact the board attorney for advice concerning amending this section.

20 ILCS 1705/76 requires the Ill. Dept. of Public Health to create and maintain an online database and resource page on its website that contains mental health resources specifically geared toward school social workers, school counselors, parents, teachers, and school support personnel. See the database at: [www.dhs.state.il.us](http://www.dhs.state.il.us).

<sup>3</sup> Suspension procedures are required by State law. 105 ILCS 5/10-22.6, amended by P.A. 103-896. The right to attend school is a property right protected by the due process clause of the U.S. Constitution. *Goss v. Lopez*, 419 U.S. 565 (1975). Imposing a short deprivation of this property right by suspending a student for 10 or fewer days requires only minimal due process. The student must be generally informed of the reasons for the possible suspension and be permitted to tell his/her version of the story. Making a decision to suspend before the hearing violates the basic due process requirement that the hearing be meaningful. *Sieck v. Oak Park-River Forest High Sch.*, 807 F.Supp. 73 (N.D. Ill. 1992).

4. A written notice of the suspension to the parent(s)/guardian(s) and the student, which shall: <sup>4</sup>
  - a. Provide notice to the parent(s)/guardian(s) of their child's right to a review of the suspension;
  - b. Include information about an opportunity to make up work missed during the suspension for equivalent academic credit; <sup>5</sup>
  - c. Detail the specific act of gross disobedience or misconduct resulting in the decision to suspend;
  - d. Provide rationale or an explanation of how the chosen number of suspension days will address the threat or disruption posed by the student or his or her act of gross disobedience or misconduct; and
  - e. Depending upon the length of the out-of-school suspension, include the following applicable information:
    - i. For a suspension of 3 school days or less, an explanation that the student's continuing presence in school would either pose: <sup>6</sup>
      - a) A threat to school safety, or
      - b) A disruption to other students' learning opportunities.
    - ii. For a suspension of 4 or more school days, an explanation: <sup>7</sup>
      - a) That other appropriate and available behavioral and disciplinary interventions have been exhausted,
      - b) As to whether school officials attempted other interventions or determined that no other interventions were available for the student, <sup>8</sup> and
      - c) That the student's continuing presence in school would either:
        - i) Pose a threat to the safety of other students, staff, or members of the school community, or
        - ii) Substantially disrupt, impede, or interfere with the operation of the school.

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

<sup>4</sup> 105 ILCS 5/10-22.6, amended by P.A. 103-896.

**Consult the board attorney** (1) about the specific documentation required in this portion of the notice, and (2) to ensure that 7:200-E1, *Short Term Out-of-School Suspension (1-3 Days) Reporting Form* and 7:200-E2, *Long Term Out-of-School Suspension (4-10 Days) Reporting Form* reflect the exact practices that the district will use to implement this requirement.

<sup>5</sup> Required by 105 ILCS 5/10-22.6(b-30).

<sup>6</sup> 105 ILCS 5/10-22.6(b-15) explains that "threat to school safety or a disruption to other students' learning opportunities" shall be determined by the school board or its designee on a case-by-case basis. **Consult the board attorney for specific advice regarding the application of these statutory terms in this context (see f/n 8, below).**

<sup>7</sup> 105 ILCS 5/10-22.6(b-20). School officials are granted the sole authority to determine on a case-by-case basis: (1) whether "appropriate and available behavioral and disciplinary interventions have been exhausted;" and (2) whether "the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community, or (ii) substantially disrupt, impede, or interfere with the operation of the school." Consult the board attorney to request specific training for school officials to apply these statutory terms in this context.

<sup>8</sup> While school officials have discretion to determine the length of suspensions, they must resolve threats, address disruptions, and minimize the length of student exclusions to the greatest extent practicable, 105 ILCS 5/10-22.6(b-20). **Consult the board attorney about the practical implementation of documenting other appropriate and available interventions for the student.**

Last, the law also requires school districts to make reasonable efforts to provide ongoing professional development to all school personnel, school board members, and school resource officers on the requirements of 105 ILCS 5/10-22.6 and 105 ILCS 5/10-20.14, adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, *trauma-responsive learning environments* as defined in 105 ILCS 5/3-11(b), appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates. 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896.

- d) ~~Of For a suspension of 4 or more school days, the information listed in section 4.3.ii. above, along with documentation by the Superintendent or designee determining what, if any, appropriate and available support services will be provided to the student during the length of his or her suspension, as determined by the Superintendent or designee.~~<sup>9</sup>
5. ~~A summary of the notice, including the reason for the suspension and the suspension length, must be given to the Board by the Superintendent or designee.~~
6. ~~Upon request of the parent(s)/guardian(s), a review of the suspension shall be conducted by the Board or a hearing officer appointed by the Board.~~<sup>10</sup>
- a. ~~At the review, the student's and his or her parent(s)/guardian(s) may appear with a representative of their choice and at their expense, be accompanied by a support person of their choice and at their expense, disclose any factor to be considered in mitigation (including the student's status as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A), and discuss the suspension with the Board or its hearing officer and may be represented by counsel. Any representative and support person must comply with hearing rules and may be prohibited from further participation if they violate the rules or engage in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or anyone else in attendance at the hearing.~~<sup>11</sup>
- b. ~~If the review involves allegations of sexual violence by the student, neither the student nor the student's representative shall directly question nor have direct contact with the alleged victim. The student or the student's representative may, at the discretion of the Board or its hearing officer, suggest questions to be posed by the Board or its hearing officer to the alleged victim.~~<sup>12</sup>
- c. ~~Whenever there is evidence that mental illness may be the cause for the suspension, the Superintendent or designee shall invite a representative from a local mental health agency to consult with the Board.~~<sup>13</sup>
- d. ~~After presentation of the evidence or receipt of the hearing officer's report, the Board shall take such action as it finds appropriate. If the suspension is upheld, the Board's written suspension decision shall specifically detail items (a) and (e) in number 4, above.~~<sup>14</sup>

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

<sup>9</sup> 105 ILCS 5/10-22.6(b-25), amended by P.A. 103-896. In consultation with stakeholders, the Ill. State Board of Education (ISBE) must draft and publish guidance for the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting by 7-1-25. *Id.*

<sup>10</sup> A board may hear student disciplinary cases in a meeting closed to the public. 5 ILCS 120/2(c)(9).

<sup>11</sup> 105 ILCS 5/10-22.6(b-35), added by P.A. 102-466, a.k.a. *Ensuring Success in School (ESS) Law*, eff. 7-1-25. A representative chosen by the parent/guardian (or by the student, if emancipated) must be permitted to represent the student "throughout the proceedings and to address the school board or its appointed hearing officer." A support person chosen by the parent/guardian (or by the student, if emancipated) must also be permitted to accompany the student to any expulsion hearing or proceeding. *Id.* For the definition of *support person*, see sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

<sup>12</sup> 105 ILCS 5/10-22.6(b-40), added by P.A. 102-466, a.k.a. *ESS Law*, eff. 7-1-25.

<sup>13</sup> 105 ILCS 5/10-22.6(c), amended by P.A. 102-539.

<sup>14</sup> 105 ILCS 5/10-22.6(b), amended by P.A. 103-896.

LEGAL REF.: Goss v. Lopez, 419 U.S. 565 (1975).  
105 ILCS 5/10-20.14, 5/10-22.6.  
23 Ill.Admin.Code §1.280.

CROSS REF.: 5:100 (Staff Development Program), 7:130 (Student Rights and Responsibilities),  
7:190 (Student Behavior), 7:220 (Bus Conduct)

Draft

## Students

### Expulsion Procedures <sup>1</sup>

The Superintendent or designee shall implement expulsion procedures that provide, at a minimum, for the following: <sup>2</sup>

1. Before a student may be expelled, the student and his or her parent(s)/guardian(s) shall be provided a written request to appear at a hearing to determine whether the student should be expelled. The request shall be sent by registered or certified mail, return receipt requested. <sup>3</sup> The request shall: <sup>4</sup>
  - a. Include the time, date, and place for the hearing.
  - b. Briefly describe what will happen during the hearing.
  - c. Detail the specific act of gross disobedience or misconduct resulting in the decision to recommend expulsion.
  - d. Inform the student and parent(s)/guardian(s) that a representative of their choice and at their expense is permitted to represent the student throughout the proceedings and to address the Board or its hearing officer.
  - e. Inform the student and parent(s)/guardian(s) that a support person of their choice and at their expense is permitted to accompany the student throughout the proceedings.
  - f. List the student's prior suspension(s).
  - g. State that the School Code allows the School Board to expel a student for a definite period of time not to exceed two calendar years, as determined on a case-by-case basis.
  - h. Ask that the student or parent(s)/guardian(s) or attorney inform the Superintendent or Board Attorney if the student will be represented by an attorney appear with a representative and/or support person and, if so, provide the attorney's name(s) and contact information for the representative and/or support person.

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

<sup>1</sup> State or federal law requires districts to have a policy on student discipline. 105 ILCS 5/10-20.14, amended by P.A. 103-896. 23 Ill.Admin.Code §1.280. State or federal law controls this policy's content. The discipline of special education students must comply with the Individuals With Disabilities Education Improvement Act of 2004 and the Illinois State Board of Education's Special Education rules. See sample policy 7:230, *Misconduct by Students with Disabilities*.

<sup>2</sup> Expulsion procedures are required by State law. 105 ILCS 5/10-22.6(a), amended by P.A. 103-896. The right to attend school is a property right protected by the due process clause of the U.S. Constitution. *Goss v. Lopez*, 419 U.S. 565 (1975). Thus, an expulsion of more than 10 days requires due process including, but not limited to, notice of the charges, an opportunity to hear the evidence in support of the charges, an opportunity to refute them, and a decision by an impartial decision maker based on the evidence presented. The adequacy of an expulsion hearing is frequently challenged; the board attorney should be consulted as every due process analysis will be highly fact-specific. See fn 9 and 12, *infra*.

<sup>3</sup> 105 ILCS 5/10-22.6(a), amended by P.A. 103-896. Whenever the term "registered mail" is used in the School Code, it shall be deemed to authorize the use of either registered mail or certified mail, return receipt requested. 105 ILCS 5/1-3.5.

<sup>4</sup> Id. Items a and b address due process, which includes the right to receive a notice with enough detail and with enough time to prepare a defense. Item c details the requirements pertaining to expulsions throughout 105 ILCS 5/10-22.6. Items d and e are required by 105 ILCS 5/10-22.6(b-35), added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25. See fn 7, below. Items df through fh are optional best practice inclusions. Consult the board attorney about the specific documentation required in this portion of the notice to ensure the district's practice matches the policy language.

2. Unless the student and parent(s)/guardian(s) indicate that they do not want a hearing or fail to appear at the designated time and place, the hearing will proceed. It shall be conducted by the Board or a hearing officer appointed by it.<sup>5</sup> If a hearing officer is appointed, he or she shall report to the Board the evidence presented at the hearing and the Board shall take such final action as it finds appropriate.
- 2.3. Whenever there is evidence that mental illness may be the cause for the recommended expulsion, the Superintendent or designee shall invite a representative from a local mental health agency to consult with the Board.<sup>6</sup>
4. During the expulsion hearing, the Board or hearing officer shall hear evidence concerning whether the student is guilty of the gross disobedience or misconduct as charged.
  - a. School officials must provide: (1) testimony of any other interventions attempted and exhausted or of their determination that no other appropriate and available interventions were available for the student, and (2) evidence of the threat or disruption posed by the student.
  - b. The student and his or her parent(s)/guardian(s) may be represented by counsel appear with a representative, be accompanied by a support person, disclose any factor to be considered in mitigation (including his or her status as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A), offer evidence, present witnesses, cross-examine witnesses who testified, and otherwise present reasons why the student should not be expelled. Any representative and support person must comply with hearing rules and may be prohibited from further participation if they violate the rules or engage in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or anyone else in attendance at the hearing.<sup>7</sup>
  - c. If the expulsion hearing involves allegations of sexual violence by the student, neither the student nor the student's representative shall directly question nor have direct contact with the alleged victim. The student or the student's representative may, at the discretion of the Board or its hearing officer, suggest questions to be posed by the Board or its hearing officer to the alleged victim.<sup>8</sup>
- 3.5. After presentation of the evidence or receipt of the hearing officer's report, the Board shall decide the issue of guilt and take such action as it finds appropriate.

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

<sup>5</sup> A board may hear student disciplinary cases in a meeting closed to the public. 5 ILCS 120/2(c)(9).

<sup>6</sup> 105 ILCS 5/10-22.6(c), amended by P.A. 102-539.

<sup>7</sup> 105 ILCS 5/10-22.6(b-35), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. For the definition of *support person*, see sample administrative procedure 7:255-API, *Supporting Students who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

A student's opportunity to offer evidence, present witnesses, cross-examine witnesses, and otherwise present reasons why the student should not be expelled generally outweighs a district's interest in not providing the student these opportunities. See, *Camlin v. Beecher Comm. Sch. Dist.*, 339 Ill.App.3d 1013 (3rd Dist. 2003) and *Colquitt v. Rich Tsp H. S. Dist.*, 298 Ill.App.3d 856 (1st Dist. 1998). Determining whether denying these opportunities would violate a student's right to due process requires a careful analysis of the facts and federal case law. See *Brown v. Plainfield Dist.*, 500 F. Supp.2d 996 (N.D. Ill. 2007) and *Coronado v. Valleyview Sch. Dist.*, 537 F.3d 791 (7th Cir. 2008).

<sup>8</sup> 105 ILCS 5/10-22.6(b-40), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

- 4.6. If the Board acts to expel the student, its written expulsion decision shall: <sup>9</sup>
- a. Detail the specific reason why removing the student from his or her learning environment is in the best interest of the school. <sup>10</sup>
  - b. Provide a rationale for the specific duration of the recommended expulsion. <sup>11</sup>
  - c. Document how school officials determined that all behavioral and disciplinary interventions have been exhausted by specifying which interventions were attempted or whether school officials determined that no other appropriate and available interventions existed for the student. <sup>12</sup>
  - d. Document how the student's continuing presence in school would (1) pose a threat to the safety of other students, staff, or members of the school community, or (2) substantially disrupt, impede, or interfere with the operation of the school. <sup>13</sup>
  - e. Upon expulsion, the District may refer the student to appropriate and available support services. <sup>14</sup>

LEGAL REF.: Goss v. Lopez, 419 U.S. 565 (1975).  
105 ILCS 5/10-20.14, 5/10-22.6.

CROSS REF.: 5:100 (Staff Development Program), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:200 (Suspension Procedures), 7:230 (Misconduct by Students with Disabilities)

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

<sup>9</sup> Consult the board attorney to request specific training for school officials to apply these statutory terms in the context of expulsions. See sample exhibit 7:210-E1, *Notice of Expulsion Hearing*. The law gives school officials discretion while also requiring them to resolve threats, address disruptions, and minimize the length of student exclusions to the greatest extent practicable. 105 ILCS 5/10-22.6(b-20). Yet, the law also requires school districts to make reasonable efforts to provide ongoing professional development to teachers, administrators, school personnel, school board members, and school resources offices, and staff on the requirements of 105 ILCS 5/10-22.6 and 105 ILCS 5/10-20.14, adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments as defined in 105 ILCS 5/3-11(b), and developmentally appropriate disciplinary methods that promote positive and healthy school climates. 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896.

<sup>10</sup> 105 ILCS 5/10-22.6(a), amended by P.A. 103-896.

<sup>11</sup> *Id.*

<sup>12</sup> 105 ILCS 5/10-22.6(b-20) requires and grants school officials the sole authority to determine on a case-by-case basis: (1) whether "appropriate and available behavioral and disciplinary interventions have been exhausted," and (2) whether "the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school."

<sup>13</sup> *Id.*

<sup>14</sup> 105 ILCS 5/10-22.6(b-25), amended by P.A. 103-896. Consult the board attorney about transfers to an alternative program pursuant to Article 13A of the School Code. See *Leak v. Bd. of Educ. of Rich Twp. High Sch. Dist.*, 227, 2015 IL App (1st) 143202, requiring *obiter dictum* that before school officials transfer students to alternative schools for extended periods of time, they must provide students with a meaningful opportunity to be heard.

**22. Approval of First Reading of Updated Board of Education Policy 7:250 - Student Support Services**

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*Recommended Motion:* that the Board of Education accept for first reading the updated Board of Education Policy 7:250 - Student Support Services, as presented. **See Attachment No. 21.**

TO: Members of the Board of Education

FROM: Erin Terstriep, Assistant Superintendent for Student Services and Special Education at

DATE: July 24, 2025

SUBJECT: Approval Updated Board Policy 7:250 - Student Support Services

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 7:250, Student Support Services, which was included as part of the April 2025 PRESS update review. The policy and footnotes are updated in response to changes to school code and the addition of the Ensuring Success in Schools (ESS) Law, Public Act 102-466, Effective 7-1-25, creates new School Code Article 26A, for children and students who are parents, expectant parents, or victims of domestic or sexual violence.

Annual notice informing all school personnel and students 12 years of age and older, in writing, of the availability of counseling without parent/guardian consent. Designation of all school counseling staff as the resource person(s) for students who are parents, expectant parents, or victims of domestic or sexual violence, who can offer support services. The district will continue to ensure respect for student privacy and confidentiality per the law.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the updated Board of Education Policy 7:250 - Student Support Services, as presented.

Approved for Submission to the Board of Education

  
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Dr. Rachel Savage  
Superintendent of Schools

## Students

### Student Support Services<sup>1</sup>

The District provides a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Ill. Dept. of Children and Family Services when enrolling in or changing schools.<sup>2</sup>

The following student support services may be provided by the School District:<sup>3</sup>

1. Health services supervised by a qualified school nurse.<sup>4</sup> The Superintendent or designee may implement procedures to further a healthy school environment and prevent or reduce the spread of disease.

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

<sup>1</sup> State or federal law controls this policy's content. The Children's Mental Health Act requires all districts to have a policy for incorporating social and emotional development into its educational program. 405 ILCS 49/15(b). The policy must address two areas: (1) teaching and assessing social and emotional skills; and (2) protocols for responding to children with social, emotional, or mental health problems, or a combination of such problems, that impact learning ability. *Id.* Sample policy 6:65, *Student Social and Emotional Development*, addresses the first required area and this sample policy addresses the second required area.

<sup>2</sup> Required by 105 ILCS 5/10-20.59, amended by P.A. 102-199. See fn 16 in sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, for liaison responsibilities and requirements.

<sup>3</sup> All districts are required to conduct a comprehensive needs assessment to determine the scope of student personnel services needs in the areas of: (1) guidance and counseling needs; (2) psychological needs; (3) social work needs; and (4) health needs. 23 Ill.Admin.Code §1.420(q). Endorsement requirements for various types of school support personnel are referenced in fns 3 through 6 below, and further information is available at: [www.isbe.net/Pages/PEL-School-Support-Ed-Lic.aspx](http://www.isbe.net/Pages/PEL-School-Support-Ed-Lic.aspx). Until 6-20-26, an individual who fails to meet the necessary qualifications for a specific school support personnel endorsement, but holds another professional license or certification approved by ISBE, may seek short-term approval for assignment to a position in situations where an unforeseen vacancy occurs. 23 Ill.Admin.Code §25.48. Short-term approvals are valid for three full fiscal years. 23 Ill.Admin.Code §25.432.

105 ILCS 5/2-3.147, added by P.A. 95-558 and repealed by P.A. 99-30, created the Ensuring Success in School Task Force. 105 ILCS 5/26A-15, added by P.A. 102-466, *a/k/a Ensuring Success in School (ESS) Law*, and scheduled to be repealed on 12-1-25, created a subsequent Ensuring Success in School Task Force. See fn 31 in sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence* 6:65, *Student Social and Emotional Development*, for further information.

<sup>4</sup> School districts may employ non-professional-educator-licensed *registered professional nurses* to perform professional nursing services. 105 ILCS 5/10-22.23, amended by P.A. 102-894; 23 Ill.Admin.Code §1.760(c). A *registered professional nurse* means any nurse who is licensed to practice professional nursing in Illinois under the Nurse Practice Act (225 ILCS 65/) and whose license is active and in good standing with the Ill. Dept. of Financial and Professional Regulation. 23 Ill.Admin.Code §1.760(b).

A *school nurse* means any registered professional nurse who also holds a professional educator license endorsed for school support services in school nursing, or any registered professional nurse who does not hold the professional educator license but was employed in the school district of current employment before 7-1-76. 23 Ill.Admin.Code §1.760(c).

105 ILCS 5/10-22.23 provides that any nurse first employed on or after 7-1-76, whose duties require teaching or the exercise of instructional judgment or educational evaluation of students, must be licensed under 105 ILCS 5/21B-25.

A school nurse may hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§1.760(c), 23.120, 25.245.

Health services may also be available through school based linked health centers implemented by the Ill. Dept. of Public Health. 105 ILCS 129; 77 Ill.Admin.Code Part 641. For further information, see: <https://dph.illinois.gov/topics-services/life-stages-populations/maternal-child-family-health-services/school-health/resources>.

2. Educational and psychological testing services and the services of a school psychologist<sup>5</sup> as needed. In all cases, written permission to administer a psychological examination must be obtained from a student's parent(s)/guardian(s). The results will be given to the parent(s)/guardian(s), with interpretation, as well as to the appropriate professional staff.
3. The services of a school social worker.<sup>6</sup> A student's parent/guardian must consent to regular or continuing services from a social worker.
4. ~~Guidance and~~ School counseling<sup>7</sup> services. The Superintendent or designee shall annually inform all school personnel and students 12 years of age and older, in writing, of the availability of counseling without parent/guardian consent under 405 ILCS 5/3-550.<sup>8</sup>

The Superintendent or designee shall develop protocols for responding to students with social, emotional, or mental health needs that impact learning ability.<sup>9</sup> The District, however, assumes no liability for preventing, identifying, or treating such needs.

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

<sup>5</sup> A *school psychologist* means a psychologist who holds a Professional Educator License with a school psychologist endorsement per 105 ILCS 5/21B-25 and either: (1) has graduated with a master's degree or higher degree in psychology or educational psychology from an institution of higher education that maintains equipment, courses of study, and standards of scholarship approved by the Ill. State Board of Education (ISBE), has had at least one school year of full-time supervised experience in the delivery of school psychological service approved by the State Superintendent of Education, and has such additional qualifications as may be required by ISBE; or (2) holds a valid Nationally Certified School Psychologist credential. 105 ILCS 5/14-1.09. School psychologists hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§1.760(a), 23.130, 25.235. The scope of school psychological services is described in 105 ILCS 5/14-1.09.1, amended by P.A. 102-894.

<sup>6</sup> A *school social worker* means a social worker who has graduated from an accredited graduate school of social work and has such additional qualifications as may be required by ISBE and who holds a Professional Educator License with a school support personnel endorsement for school social work per 105 ILCS 5/21B-25, 105 ILCS 5/14-1.09a. See 105 ILCS 5/10-22.24a, amended by P.A. 102-894, and 5/21B-25(2)(G); 23 Ill.Admin.Code §§1.760(a), 23.140, 25.215. School social workers may not provide services outside of their district employment to any student(s) attending school in the district. 105 ILCS 5/14-1.09a.

*School marriage and family therapists* are another type of school support personnel; they hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§23.150, 25.260. The scope of school social worker services is described in 105 ILCS 5/14-1.09.2, amended by P.A. 102-894.

<sup>7</sup> *School counselors* hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 105 ILCS 5/10-22.24a; 23 Ill.Admin.Code §§1.760(a), 23.110, 25.225. *School guidance counselors* refers to district employees that work in high schools to offer students advice and assistance in making career or college plans; no specific school support personnel endorsement exists for school guidance counselors. 105 ILCS 5/22-93, amended by P.A. 103-1020 added by P.A. 102-327 and renumbered by P.A. 102-813. *School counseling services may include, but are not limited to, the numerous services detailed in 105 ILCS 5/10-22.24b, amended by P.A.s 103-542 and 103-780.*

In contrast, *professional counselors* and professional counseling practice in Illinois are governed by the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act and its implementing regulations. 225 ILCS 107/; 68 Ill.Admin.Code Part 1375. The Mental Health and Developmental Disabilities Code, 405 ILCS 5/, provides that minors 12 years of age or older may request and receive up to eight 90-minute sessions (previously five 45-minute sessions) of professional counseling services or psychotherapy (provided by a clinical psychologist) without the consent of the minor's parent, guardian, or person in loco parentis. 405 ILCS 5/3-550. Most school districts do not regularly provide *professional* counseling or *clinical* psychological services to students. Instead, most districts provide *school counseling* or *school psychological* services to students, and Illinois law does not specify any limits on the number of school counseling or school psychological sessions which a minor may have before obtaining parent/guardian permission. If your district seeks to regularly provide *professional counseling* or *clinical psychological* services to students, consult with your board attorney about potential changes to board policies and administrative procedures, as well as collective bargaining issues.

<sup>8</sup> 105 ILCS 5/26A-40(h), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

<sup>9</sup> Required by the Children's Mental Health Act, 405 ILCS 49/15(b).

Erin's Law Counseling Options, Assistance, and Intervention <sup>10</sup>

The Superintendent or designee will ensure that each school building's Student Support Committee identifies counseling options for students who are affected by sexual abuse and grooming behaviors, along with District and community-based options for victims of sexual abuse and grooming behaviors to obtain assistance and intervention. Community-based options must include a Children's Advocacy Center and sexual assault crisis center(s) that serve the District, if any.

Article 26A Domestic or Sexual Violence and Parenting Resource Personnel <sup>11</sup>

The Superintendent or designee will ensure that at least one staff member in each school building is designated as a resource person (Article 26A Resource Person) for students who are parents, expectant parents, or victims of domestic or sexual violence and offers those services required by 105 ILCS 5/26A. See Board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*. The Article 26A Resource Person may be a member of the building's Student Support Committee.

The Superintendent shall ensure that ~~this policy shall be~~ implemented in a manner consistent with State and federal laws, including the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq., and that it is respectful of student privacy, including that student records are maintained and their confidentiality protected in accordance with Board policy and District procedures. <sup>12</sup>

LEGAL REF.: 105 ILCS 5/10-23.13(b), 5/10-20.59, and 5/21B-25(G), and 5/26A.  
405 ILCS 5/, Mental Health and Developmental Disabilities Code.  
405 ILCS 49/, Children's Mental Health Act.  
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.

CROSS REF.: 6:65 (Student Social and Emotional Development), 6:270 (Guidance and Counseling Program), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:255 (*Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*), 7:280 (Communicable and Chronic Infectious Disease), 7:340 (Student Records)

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

<sup>10</sup> Required by *Erin's Law*, 105 ILCS 5/10-23.13(b)(2), (3), and (5), amended by P.A. 102-640. See sample policy 5:90, *Abused and Neglected Child Reporting*, and sample administrative procedure 5:90-AP1, *Coordination with Children's Advocacy Center*, for more information on Children's Advocacy Centers.

<sup>11</sup> Required by 105 ILCS 5/26A-35, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. See sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.


<sup>12</sup> This policy text is based on recommendations of the second ESS Task Force. See pp. 13-14 of the June 2024 ESS Task Force final report, at: [www.isbe.net/Documents/ESSTaskForceFinalReportESSReportJune2024.pdf](http://www.isbe.net/Documents/ESSTaskForceFinalReportESSReportJune2024.pdf).

**23. Approval of First Reading to Adopt a NEW Board of Education Policy 7:255 - Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence**

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*Recommended Motion:* that the Board of Education accept for first reading to adopt the NEW Board of Education Policy 7:255 - Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence, as presented. **See Attachment No. 22.**

TO: Members of the Board of Education

FROM: Erin Terstriep, Assistant Superintendent for Student Services and Special Education 

DATE: July 24, 2025

SUBJECT: Approval to Adopt a NEW Board Policy 7:255 - Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, attached is a new Board Policy 7:255, Students who are parents, expectant parents, or victims of domestic or sexual violence, which was included as part of the April 2025 PRESS update review. The policy and footnotes are new and created in response to changes to school code and the addition of the Ensuring Success in Schools (ESS) Law, Public Act 102-466, Effective 7-1-25, creates new School Code Article 26A, for children and students who are parents, expectant parents, or victims of domestic or sexual violence.


The new policy ensures that districts have policies, procedures, and resources in place to provide these students with support services necessary to enable them to meet State educational standards and successfully attain a school diploma. Resource personnel will be identified per building with steps for referrals from staff and identified in-school and non-school-based support services, while ensuring confidentiality.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading to adopt the NEW Board of Education Policy 7:255, Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## Students

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

Domestic and sexual violence affect a student's ability to learn. Students who are parents or expectant parents have unique needs. Providing support services that enable students who are parents, expectant parents, or victims of domestic or sexual violence (Article 26A Students) to succeed in school are important District goals and required by 105 ILCS 5/26A (Article 26A).

The Superintendent or designee shall develop and implement a program for supporting Article 26A Students that:

1. Distributes this policy and procedures for requesting supportive services or filing a complaint to all students at the beginning of each school year.<sup>2</sup>
2. Ensures at least one staff member in each school building is designated as a resource person for Article 26A Students (Article 26A Resource Person) and receives training in accordance with 105 ILCS 5/26A-35.<sup>3</sup>
3. Notifies all District employees and agents that, upon learning or suspecting that a student is a parent, expectant parent, or victim of domestic or sexual violence, they must refer the student to a designated Article 26A Resource Person.<sup>4</sup>
4. Ensures any employees whose duties include the resolution of Article 26A complaints receive training in accordance with 105 ILCS 5/26A-25(b)(1).<sup>5</sup>

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

<sup>1</sup> State law requires this subject matter be covered by policy. 105 ILCS 5/26A, added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25. An *expectant parent* is a student who (i) is pregnant and (ii) has not yet received a diploma for completion of a secondary education as defined in 105 ILCS 5/22-22. *Id.* at 5/26A-10.

105 ILCS 5/2-3.147, added by P.A. 95-558 and repealed by P.A. 99-30, created the first Ensuring Success in School (ESS) Task Force. Supervised by the Ill. State Board of Education (ISBE), it developed policies, procedures, and protocols for school boards to adopt to address the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence; the goal was to encourage these students to stay in school, stay safe while in school, and successfully complete their education. The June 2010 report of the first ESS Task Force is available here: [www.isbe.net/Documents/ess-task-force-final-report0610.pdf](http://www.isbe.net/Documents/ess-task-force-final-report0610.pdf). 105 ILCS 5/26A-15, added by P.A. 102-466 (a/k/a *ESS Law*) and scheduled to be repealed on 12-1-25, created a second ESS Task Force supervised by ISBE, also focused on the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence. The second ESS Task Force was to: (1) draft and publish model policies and intergovernmental agreements for inter-district transfers, (2) draft and publish model complaint resolution procedures, and (3) identify current mandatory and new staff trainings needed. The June 2024 report of the second ESS Task Force is available here: [www.isbe.net/Documents\\_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf](http://www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf).

<sup>2</sup> 105 ILCS 5/26A-20(d), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

<sup>3</sup> See f/n 25 in sample policy 5:100, *Staff Development Program*, and sample administrative procedure 7:255-API, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, for further information about training requirements.

<sup>4</sup> 105 ILCS 5/26A-40(e), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. *Agents* is not defined and who is considered an agent for the district is fact-specific; consult the board attorney for guidance.

<sup>5</sup> See f/n 3, above.

5. Requires verification of a student's claim of Article 26A status relating to domestic or sexual violence in accordance with 105 ILCS 5/26A-45.<sup>6</sup>
6. Provides Article 26A Students with in-school support services, information about non-school-based support services, and the ability to make up work missed due to circumstances related to the student's Article 26A status in accordance with 105 ILCS 5/26A-40.<sup>7</sup>
7. Ensures the prompt and equitable resolution of all Article 26A complaints through a complaint resolution procedure that fully complies with 105 ILCS 5/26A-25.<sup>8</sup>
8. Ensures that all information concerning an Article 26A Student's status and related experiences, or information concerning a student who is a named perpetrator of domestic or sexual violence, provided to or otherwise obtained by the District or its employees or agents pursuant to 105 ILCS 5/26A is retained in a confidential temporary file in accordance with 105 ILCS 10/2(f).<sup>9</sup> Confidentiality procedures will:<sup>10</sup>
  - a. Provide that such information may not be disclosed to any other individual outside of the District, including any other employee, except if such disclosure is: (1) permitted by the Ill. School Student Records Act (105 ILCS 10/), the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g), or other applicable State or federal laws; or (2) requested or consented to, in writing, by the Article 26A Student or their parent/guardian if it is safe to obtain written consent from the parent/guardian; and
  - b. Comply with the requirements of 105 ILCS 5/26A-30.

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

<sup>6</sup> 105 ILCS 5/26A-45, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. See detailed verification requirements and restrictions in sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

<sup>7</sup> 105 ILCS 5/26A-40, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. Providing accommodations to ensure equal educational opportunities for students who are parents and expectant parents is also required by federal regulations implementing Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. §1681 *et seq.*) and ISBE sex equity regulations, 34 C.F.R. §106.40 and 49 C.F.R. §25.445; 23 Ill.Admin.Code §200.50. See sample policy 7:10, *Equal Educational Opportunities*, and sample administrative procedure 7:10-AP2, *Accommodating Breastfeeding Students*. Reasonable accommodations for breastfeeding students are also required by 105 ILCS 5/10-20.60.

<sup>8</sup> 105 ILCS 5/26A-25 and 5/26A-20(c), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25, list the basic requirements for a complaint resolution procedure. Live hearings are not required but may be offered as part of the complaint resolution procedure. **Consult the board attorney if the board wants the district to use a live hearing in its complaint resolution procedure.** For an Article 26A complaint resolution procedure, see sample administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*. See also sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

<sup>9</sup> 105 ILCS 5/26A-45(a), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. The *ESS Law* amended the definition of *student temporary record* in the Ill. School Student Records Act (ISSRA) (105 ILCS 10/) to include information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A. 105 ILCS 10/2(f), amended by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

<sup>10</sup> Required by 105 ILCS 5/26A-30, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. The policy text is based on recommendations of the second *ESS Task Force*. See p. 14 of the June 2024 *ESS Task Force final report*, at: [www.isbe.net/Documents\\_ESSTaskForceFinal-Report-ESS-Report-June-2024.pdf](http://www.isbe.net/Documents_ESSTaskForceFinal-Report-ESS-Report-June-2024.pdf). The phrase "including any other employee" comes directly from 105 ILCS 5/26A-30(a) and is confusing because it is unclear whose employee is being referenced. ISSRA permits student records to be disclosed to any district employees with a "current demonstrable educational or administrative interest" in a student if disclosure is "in furtherance of such interest." 105 ILCS 10/6(a)(2). **Consult the board attorney for guidance.**

9. Ensures that in the event an Article 26A Student or their parent/guardian reports an incident of alleged domestic or sexual violence, the District's procedures comply with 105 ILCS 5/26A-20(c).<sup>11</sup>
10. Complies with State and federal law and aligns with Board policies.<sup>12</sup>

Requesting Support Services

An Article 26A Student and/or their parent/guardian may request support services under this policy by contacting the building-level Article 26A Resource Person, whose name and contact information will be annually distributed to employees, students, and parents/guardians by each Building Principal.

Filing a Complaint

An Article 26A Student and/or their parent/guardian may file a complaint under this policy with the Nondiscrimination Coordinator, Title IX Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any employee with whom the person is comfortable speaking.<sup>13</sup>

The Superintendent shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers.<sup>14</sup>

**Nondiscrimination Coordinator:**

**Title IX Coordinator:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

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

<sup>11</sup> 105 ILCS 5/26A-20(c)(1)-(6), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25, states elements that must be in a district's "policy on the procedures" that a student or their parent/guardian may follow if he or she chooses to report an incident of alleged domestic or sexual violence. Having a "policy on the procedures" is a misnomer because the board does not adopt procedures but rather, through policy, directs the superintendent to establish procedures to implement policy. Only the required element at 105 ILCS 5/26A-20(c)(6), to establish a complaint resolution procedure, appears in this policy's text because the remaining elements are not board work and therefore inappropriate to include in board policy. Instead, required elements from 105 ILCS 5/26A-20(c)(1)-(5) appear in sample administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

<sup>12</sup> See sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, for a list of board policies implicated by the ESS Law and that may interact with this policy.

<sup>13</sup> By including "any employee" in this list, 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.

<sup>14</sup> While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

**Complaint Managers:**

_____	_____
Name	Name
_____	_____
Address	Address
_____	_____
Email	Email
_____	_____
Telephone	Telephone

Complaint Resolution Procedure

When a complaint is filed, the Nondiscrimination Coordinator and/or Complaint Manager or designee shall process and review it according to administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

Enforcement

Any District employee who is determined, at the conclusion of the complaint resolution procedure, to have violated Article 26A will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the complaint resolution procedure, to have violated Article 26A will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent/guardian, invitee, etc.

This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law.

Policy Review <sup>15</sup>

At least once every two years, pursuant to 105 ILCS 5/26A-20 and Board policy 2:240, *Board Policy Development*, the Board reviews and makes any necessary updates to this policy and to any other policies that may act as a barrier to their immediate enrollment and re-enrollment, attendance, graduation, and success in school of any student who is a parent, expectant parent, or victim of domestic or sexual violence. The Superintendent or designee shall assist the Board with its review and any updates.

Retaliation Prohibited <sup>16</sup>

Retaliation against an Article 26A Student or their parent/guardian for exercising or attempting to exercise their rights under Article 26A is prohibited. Individuals should report allegations of retaliation to the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

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

<sup>15</sup> 105 ILCS 5/26A-20(a), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. This provision also requires districts to review and revise any procedures that act as a barrier to Article 26A Students. Since procedure review and revision is administrator work and not board work, this requirement is addressed in sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

<sup>16</sup> 105 ILCS 5/26A-50, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

A student, employee, or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension or expulsion, with regard to students.

LEGAL REF.: 105 ILCS 5/26A.  
105 ILCS 10/, Ill. School Student Records Act.  
405 ILCS 5/, Mental Health and Developmental Disabilities Code.  
405 ILCS 49/, Children's Mental Health Act.  
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.  
23 Ill.Admin.Code §1.240 and Part 200.

CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:120 (Education of Children with Disabilities), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:250 (Student Support Services), 7:340 (Student Records)

Draft

**24. Approval of First Reading of Updated Board of Education Policies 7:310 - Restrictions on Publications (Elementary Schools) and 7:315 - Restrictions on Publications (High Schools)**

193

*Recommended Motion:* that the Board of Education accept for first reading the updated Board of Education Policies 7:310 - Restrictions on Publication (Elementary Schools) and 7:315 - Restrictions on Publications (High Schools), as presented. **See Attachment No. 23.**

TO: Members of the Board of Education

FROM: Erin Terstriep, Assistant Superintendent for Student Services and Special Education ET

DATE: July 24, 2025

SUBJECT: Approval Updated Board Policies 7:310 - Restrictions on Publications (Elementary Schools) and 7:315 - Restrictions on Publications (High Schools)

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 7:310, Restrictions on Publications (Elementary Schools) and 7:315, Restrictions on Publications (High Schools), which were included as part of the April 2025 PRESS update review. The policy and footnotes are updated in response to changes to the school code, Criminal Code of 2012, and case law.

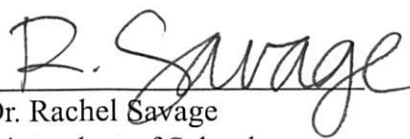
The policy and footnotes are updated to include the definition of *sexting*, to align with the updates to Board Policy 7:190, Student Behavior.

Recall, the underlined text represents suggested new additions; whereas, the ~~striketrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the updated Board of Education Policies 7:310 - Restrictions on Publications (Elementary Schools) and 7:315 - Restrictions on Publications (High Schools), as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## Students

### Restrictions on Publications; Elementary Schools<sup>1</sup>

*[For elementary or unit districts only]*

#### School-Sponsored Publications and Webs-Sites

School-sponsored publications, productions, and web-sites are part of the curriculum and are not a public forum for general student use.<sup>2</sup> School authorities may edit or delete material that is inconsistent with the District's educational mission.

All school-sponsored communications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated.

The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

#### Non-School Sponsored Publications Accessed or Distributed On-Campus<sup>3</sup>

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, (2) audio-visual material on any medium including electromagnetic media (e.g., images, digital files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, digital files, etc.) or online (e.g., any website, social networking site, database for

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

<sup>1</sup> State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled. It applies only to elementary -or unit districts (both elementary and high school students). Unit districts should adopt this policy and policy 7:315, *Restrictions on Publications; High Schools*. The Speech Rights of Student Journalists Act, 105 ILCS 80/5, applies to high school and unit districts.

<sup>2</sup> School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260 (1988). This policy allows such control by clearly stating that school-sponsored publications are not a "public forum" open for general student use but are, instead, part of the curriculum.

A school board that does not retain control of student publications can anticipate at least two problems: (1) how to keep content consistent with the district's mission, and (2) how to ensure that the Constitutional rights of third parties are not violated by student journalists. Concerning the second problem, a third party may seek to hold the district responsible for the student journalists' acts. See *Yeo v. Town of Lexington*, 131 F.3d 241 (1st Cir. 1997), *cert. denied* (1998).

<sup>3</sup> Non-school sponsored publications, like underground newspapers, cannot be subject to the same degree of regulation by school authorities as school-sponsored publications. Absent a showing of material and substantial interference with the requirements of good discipline, students retain their First Amendment free speech rights. The federal circuits disagree on whether school authorities may require prior approval before a student is allowed to distribute non-school-sponsored publications. The Seventh Circuit, which covers Illinois, refused to approve prior approval regulations. *Fujishima v. Bd. of Ed.*, 460 F.2d 1355 (7th Cir. 1972), but see *Baughman v. Freienmuth*, 478 F.2d 1345 (4th Cir. 1973). Non-school sponsored web sites should be regulated in the same manner as non-school sponsored publications.

A school policy prohibiting junior high students from distributing written material at school that is prepared by non-students was upheld in *Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118*, 9 F.3d 1295 (7th Cir. 1993).

information retrieval, etc.), or (3) information or material on electronic devices (e.g., text or voice messages delivered by cell phones, tablets, and other hand-held devices).<sup>4</sup>

Creating, distributing, and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the School District.

Students are prohibited from creating, distributing, and/or accessing at school any publication that:

1. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities;<sup>5</sup>
2. Violates the rights of others, including but not limited to material that is libelous, invades the privacy of others, or infringes on a copyright;<sup>6</sup>
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy 7:190. *Student Behavior*, and/or Student Handbooks;<sup>7</sup>
4. Is reasonably viewed as promoting illegal drug use;<sup>8</sup> or
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. Nothing herein shall be interpreted to prevent the

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<sup>4</sup> The definition of publication is optional and may be amended. This sample definition uses broad and generally understood terms to keep the policy current with rapid technology changes.

<sup>5</sup> For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school's computer. School authorities could reasonably believe the article would be disruptive. *Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield*, 134 F.3d 821 (7th Cir. 1998).

<sup>6</sup> School officials may not regulate student speech based upon their fear or apprehension of disturbance. Many decisions address the tension between students' right to free speech and restrictions of it on campus. See, for example:

*Brandt v. Bd. of Educ. of City of Chicago*, 480 F.3d 460 (7th Cir. 2007), *cert. denied* (2007) (school did not violate students' First Amendment rights when it disciplined students for wearing T-shirts with a "talentless infantile drawing" that school officials reasonably found to undermine the educational atmosphere).

*Nuxoll v. Indian Prairie Sch. Dist. #204*, 523 F.3d 668 (7th Cir. 2008) (holding that the student was likely to succeed on merits of his claim that the school would violate his speech rights by preventing him from wearing T-shirt with slogan "Be Happy, Not Gay"). But see *L.M. v. Town of Middleborough, Mass.*, 103 F.4th 854 (1st Cir. 2024) (holding a school could prohibit a student from wearing a shirt that read "There Are Only Two Genders" because the message directly attacked the personal characteristics of transgender and nonconforming students, which could cause lower grades and increased absences).

*J.C. v. Beverly Hills Unified Sch. Dist.*, 711 F.Supp.2d 1094 (C.D.Cal. 3rd Cir. 2010) (discussed the "rights of others to be secure and let alone" argument from *Tinker*, but found that the school district violated a student's First Amendment rights for disciplining her when she posted a video clip on a website).

*B.H. v. Easton Area Sch. Dist.*, 725 F.3d 293 (3rd Cir. 2013), *cert. denied* (2014) (school violated students' free speech rights by banning the wearing of cancer awareness bracelets containing the caption *I♥boobies*).

<sup>7</sup> Be sure that the board's definitions for sexting in this policy align with other definitions used throughout the board's policy manual. For example, see the discussion within sample administrative procedure 7:190-AP5, *Student Handbook-Electronic Devices*. There, *sexting* encompasses the term *indecent visual depiction* as defined by 705 ILCS 405/3-40 (Juvenile Court Act purposes), and *non-consensual dissemination of private sexual images* as defined by 720 ILCS 5/11-23.5 (Criminal Code of 2012 purposes). It defines *indecent visual depiction* as a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the buttocks, or if such person is a female, a fully or partially developed breast of the person. However, a district may create or have another definition of sexting that may or may not encompass these statutory terms and definitions.

<sup>8</sup> *Morse v. Frederick*, 551 U.S. 393 (2007).

inclusion of material from outside sources or the citation to such sources as long as the material to be distributed or accessed is primarily prepared by students.<sup>9</sup>

Accessing or distributing on-campus includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school.<sup>10</sup>

#### Non-School Sponsored Publications Accessed or Distributed Off-Campus<sup>11</sup>

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

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

<sup>9</sup> Optional. The rationale for this section is that prior to high school, students have not developed sufficient experience and education in critical review of external resource materials. Accordingly, in order to accomplish the district's educational mission, yet allow students the opportunity to communicate with their fellow students, widespread student distribution of written material in elementary and middle school may be limited to material primarily prepared by the students themselves. Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993); Leal v. Everett Public Schs., 88 F.Supp.3d 1220 (W.D.Wa. 2015).

<sup>10</sup> For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school's computer. School authorities could reasonably believe the article would be disruptive. Boucher v. Sch. Bd. of the School Dist. of Greenfield, 134 F.3d 821 (7th Cir. 1998) See ¶n 5, above.

<sup>11</sup> Optional. School officials must proceed carefully before disciplining a student for out-of-school conduct. A school's authority over off-campus expression is much more limited than expression on school grounds. Many decisions address the tension between public schools' authority to discipline students for off-campus speech and students' right to free speech. However, school officials may generally: (1) remove a student from extracurricular activities for failure to follow an extracurricular conduct code (see sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities*); and (2) suspend or expel a student from school attendance when the student's expression causes substantial disruption to school operations, as provided in this policy (see also sample policy 7:190, *Student Behavior*). For example, see:

Mahanoy Area School Dist. v. B.L., 594 U.S. 180 (2021), (a school could not suspend a student from the cheerleading team for vulgar posts that she made on a social media platform where there was no evidence of substantial disruption of a school activity; schools also have more limited authority to punish students for vulgar, off-campus speech, unless there are circumstances involving severe bullying or harassment, threats aimed at teachers or other students, failure to follow rules concerning lessons, writing of papers, use of computers, participation in other online school activities, or breaches of school security devices including school computers).

J.S. v. Blue Mountain Sch. Dist., 650 F.3d 915 (3rd Cir. 2011), combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3d Cir. 2011), *cert. denied* (2012) (schools may not punish students for their off-campus indecent and offensive parodies of their principals, absent a showing that the parodies caused, or could cause, substantial disruption in the schools).

Kowalski v. Berkeley Cnty. Sch., 652 F.3d 565 (4th Cir. 2011), *cert. denied* (2012) (upheld a student's suspension for off-campus posts to a social network site that defamed a classmate because it was foreseeable that the expression would reach the school and the student's conduct involved substantial disruption and interference with the work and discipline of the school).

The statutory definition of *bullying* includes *cyberbullying* (105 ILCS 5/27-23.7); these terms are defined in sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. See also ¶n 6 and 7:190-AP6, *Guidelines for Investigating Sexting Allegations*.

Consult the board attorney for guidance concerning off-campus speech. Every situation is fact-specific and the issues require careful evaluation.

Bullying and Cyberbullying <sup>12</sup>

The Superintendent or designee shall treat behavior that is bullying and/or cyberbullying according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

LEGAL REF.: 105 ILCS 5/27-23.7.  
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988).  
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).  
Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

CROSS REF.: 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:315 (Restrictions on Publications; High Schools), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities)

Draft

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<sup>12</sup> 105 ILCS 5/27-23.7.

## Students

### Restrictions on Publications; High Schools<sup>1</sup>

*[For high school or unit districts only]*

#### Definitions<sup>2</sup>

*Libel* means the willful or negligent publication of provably false and unprivileged statements of fact that do demonstrable harm to a living person's reputation.

*Obscene* means lewd; impure; indecent; calculated to shock the moral sense of humans by a disregard of chastity or modesty. Objectionable or offensive to accepted standards of decency.

*School official* means a Building Principal or designee.

*School-sponsored media* means any material that is prepared, substantially written, published, or broadcast by a student journalist, distributed or generally made available to members of the student body, and prepared under the direction of a student media advisor. It does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

*Slander* means the speaking of false statements of fact that seriously harm a living person's reputation.

*Student journalist* means a public high school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

*Student media adviser*<sup>3</sup> means an individual employed, appointed, or designated by the District to supervise or provide instruction relating to school-sponsored media.

#### School-Sponsored Media

School-sponsored publications, productions, and websites are governed by the Speech Rights of Student Journalists Act and School Board policies, and student journalists are responsible for determining the news, opinion, feature, and advertising content of those publications, productions, and websites.<sup>4</sup>

Student journalists must:<sup>5</sup>

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<sup>1</sup> State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled.

<sup>2</sup> Speech Rights of Student Journalists Act (SRSJA), 105 ILCS 80/5. See also *Black's Law Dictionary*, 11th ed. 2019.

<sup>3</sup> *Id.* uses *adviser*, not *advisor*. *Adviser* is used throughout this policy for consistency with the statute.

<sup>4</sup> *Id.* With some exceptions, the Act effectively restricts school authorities' power to reasonably regulate student expression in high school-sponsored publications for education-related reasons under *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260 (1988). See the last sentence in ¶n 6, below.

<sup>5</sup> Consult the board attorney about text that balances the student journalists' rights to have control of their media publications with the board's interests in (a) ensuring differing opinions are published, (b) the SRSJA is Act, and (c) providing student journalists opportunities to apply the upcoming Illinois media literacy curriculum mandates.

1. Make decisions based upon news value and guided by the Code of Ethics provided by the Society of Professional Journalists, National Scholastic Press Association, Journalism Education Association, or other relevant group;
2. Produce media based upon professional standards of accuracy, objectivity, and fairness;
3. Review material to improve sentence structure, grammar, spelling, and punctuation;
4. Check and verify all facts and verify the accuracy of all quotations;
5. In the use of personal opinions, editorial statements, and/or letters to the editor, provide opportunity and space for the expression of differing opinions within the same media to align with the District's media literacy curriculum mandate in 105 ILCS 5/27-20.08; and
6. Include an author's name with any personal opinions and editorial statements, if appropriate.

Student journalists may not create, produce, or distribute school-sponsored media that: <sup>6</sup>

1. Is libelous, slanderous, or obscene;
2. Constitutes an unwarranted invasion of privacy;
3. Violates federal or State law, including the Constitutional rights of third parties;<sup>7</sup> or
4. Incites students to: <sup>8</sup>

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Number 5 in the list is intended to align with the *media literacy* curriculum mandate for students in grades 9 through 12 that starts in the fall of 2022 and is listed at 105 ILCS 5/27-20.08, added by P.A. 102-55, and sample policy 6:60, *Curriculum Content*. *Media literacy* means the ability to access, analyze, evaluate, create, and communicate using a variety of objective forms, including, but not limited to, print, visual, audio, interactive, and digital texts. *Id.* Media literacy instruction must include a component on social responsibility and civics that includes “[s]uggesting a plan of action in the class, school, or community to engage others in a respectful, thoughtful, and inclusive dialogue over a specific issue using facts and reason.” Providing opportunity and space for expression of differing opinions in media aligns with and promotes this inclusive dialog.

For boards that provide student journalists more flexibility, make the following three edits: (1) replace “must” with: “shall strive to,” (2) amend number 5 to read: “In the use of personal opinions, editorial statements, and/or letters to the editor, determine the need to provide opportunity and space for the expression of differing opinions within the same media to align with the District’s media literacy curriculum mandate in in 105 ILCS 5/27-20.08”, and (3) delete number 6.

<sup>6</sup> 105 ILCS 80/15. A school board may retain control of material in student publications that falls within the listed exceptions. Consult the board attorney about how much control of high school student publications school officials may retain in the context of the Speech Rights of Student Journalists Act.

<sup>7</sup> 105 ILCS 80/15.

Delete “, including Constitutional rights of third parties” if the board wants only the word-for-word statutory language in its policy. Because the Constitutional rights of third parties are common controversies within the context of student-sponsored publications, the purpose of this additional text is to underscore that Constitutional rights of third parties are included under the exception of State and federal law.

While 105 ILCS 80/20 limits liability of school districts for a student journalist’s expression, except in cases of willful or wanton misconduct, some attorneys believe it may still be possible that a third party may seek to hold the district responsible for the student journalists’ acts. See *Yeo v. Town of Lexington*, 131 F.3d 241 (1st Cir. 1997), *cert. denied* (1998). See the second sentence in fn 1, above.

<sup>8</sup> 105 ILCS 80/15 broadly allows school boards to limit speech that would incite violation of any policy. This policy language follows the statute. Policies most often needing assessment are those that involve a district’s educational mission and philosophy and social appropriateness language for student body’s age(s)/maturity. School officials must be careful to understand that that law is written that student journalists using media to *incite* other students to act a certain way is the exception. Additional text may be added to (1) underscore that 105 ILCS 80/15 does not authorize or protect expression that *incites* students to violate board policies, and (2) reminds students and the community that school officials have many legal obligations to implement and enforce specific board policies and ensure school environments are safe and conducive to learning. See the second sentence in fn 1, above.

While 105 ILCS 80/20 limits liability of school districts for a student journalist’s expression, except in cases of willful or wanton misconduct, discuss with the board attorney how to balance the rights of student journalists under this law and the other policy implementation duties that face school officials with board policies and laws.

For boards that want to provide additional text to the word-for-word statutory language in their policies, add to item 4.b:

- a. Commit an unlawful act;
- b. Violate any of the District's policies; or
- c. Materially and substantially disrupt the orderly operation of the school.

The District will not engage in prior restraint of material prepared by student journalists for school-sponsored media, unless the material fits into one of the four prohibited categories listed above, in which case the Superintendent or designee and/or student media adviser may review, edit, and delete such media material before publication or distribution of the media. <sup>9</sup>

No expression made by students in the exercise of freedom of speech or freedom of the press under this policy shall be deemed to be an expression of the District or an expression of Board policy. <sup>10</sup>

#### Non-School Sponsored Publications Accessed or Distributed On Campus <sup>11</sup>

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, (2) audio-visual material on any medium including electromagnetic media (e.g., images, digital files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, digital files, etc.) or online (e.g., any website, social networking site, database for information retrieval, etc.), or (3) information or material on electronic devices (e.g., text or voice messages delivered by cell phones, tablets, and other hand-held devices). <sup>12</sup>

Creating, distributing, and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the School District.

Students are prohibited from creating, distributing, and/or accessing at school any publication that:

1. Will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities; <sup>13</sup>

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, including but not limited to (1) its educational mission in Board policies 1:30, *School District Philosophy* and 6:10, *Educational Philosophy and Objectives*, and (2) speech that is socially inappropriate or inappropriate due to the maturity of the students pursuant to Board policies 6:65, *Student Social and Emotional Development* and 7:180 *Prevention of and Response to Bullying, Intimidation, and Harassment*.

<sup>9</sup> 105 ILCS 80/10 requires school officials to show justification without undue delay before limiting student expression. For boards that want the student media advisor to provide student journalists with written justification prior to limiting materials, insert the following sentence to end the paragraph:

In such cases, the student media adviser will promptly provide the student journalist with a written justification prior to limiting the material.

<sup>10</sup> 105 ILCS 80/20.

<sup>11</sup> Non-school sponsored publications, like underground newspapers, cannot be subject to the same degree of regulation by school authorities as school-sponsored publications. Absent a showing of material and substantial interference with the requirements of good discipline, students retain their First Amendment free speech rights. The federal circuits disagree on whether school authorities may require prior approval before a student is allowed to distribute non-school-sponsored publications. The Seventh Circuit, which covers Illinois, refused to approve prior approval regulations. *Fujishima v. Bd. of Ed.*, 460 F.2d 1355 (7th Cir. 1972), but see *Baughman v. Freienmuth*, 478 F.2d 1345 (4th Cir. 1973). Non-school sponsored web sites should be regulated in the same manner as non-school sponsored publications.

A school policy prohibiting junior high students from distributing written material at school that is prepared by non-students was upheld in *Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118*, 9 F.3d 1295 (7th Cir. 1993).

<sup>12</sup> The definition of *publication* is optional and may be amended. This sample definition uses broad and generally understood terms to keep the policy current with rapid technology changes.

<sup>13</sup> For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school's computer. School authorities could reasonably believe the article would be disruptive. *Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield*, 134 F.3d 821 (7th Cir. 1998).

2. Violates the rights of others, including but not limited to material that is libelous, slanderous or obscene, invades the privacy of others, or infringes on a copyright; <sup>14</sup>
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by ~~Sehøøt~~ Board policy 7:190, *Student Behavior*, and/or Student Handbooks; <sup>15</sup>
4. Is reasonably viewed as promoting illegal drug use; <sup>16</sup>
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, material from outside sources or the citation to such sources may be allowed, as long as the material to be distributed or accessed is primarily prepared by students; <sup>17</sup> or
6. Encourages or incites students to violate any Board policies.

Accessing or distributing *on-campus* includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school. <sup>18</sup>

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<sup>14</sup> School officials may not regulate student speech based upon their fear or apprehension of disturbance. Many decisions address the tension between students' right to free speech and restrictions of it on campus. See, for example:

Brandt v. Bd. of Educ. of City of Chicago, 480 F.3d 460 (7th Cir. 2007), *cert. denied* (2007) (school did not violate students' First Amendment rights when it disciplined students for wearing T-shirts with a "talentless infantile drawing" that school officials reasonably found to undermine the educational atmosphere).

Nuxoll v. Indian Prairie Sch. Dist. #204, 523 F.3d 668 (7th Cir. 2008) (holding that the student was likely to succeed on merits of his claim that the school would violate his speech rights by preventing him from wearing T-shirt with slogan "Be Happy, Not Gay"). But see L.M. v. Town of Middleborough, Massachusetts, 103 F.4th 854 (1st Cir. 2024) (holding a school could prohibit a student from wearing a shirt which read "There Are Only Two Genders" because the message directly attacked the personal characteristics of transgender and nonconforming students, which could cause lower grades and increased absences).

J.C. v. Beverly Hills Unified Sch. Dist., 593 F.3d 249 (3rd Cir. 2010) (discussed the "rights of others to be secure and let alone" argument from Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969), but found that the school district violated a student's First Amendment rights for disciplining her when she posted a video clip on a website).

B.H. v. Easton Area Sch. Dist., 725 F.3d 293 (3rd Cir. 2013), *cert. denied* (2014) (school violated students' free speech rights by banning the wearing of cancer awareness bracelets containing the caption *I ♥ boobies*).

<sup>15</sup> Be sure that the board's definitions for *sexting* in this policy aligns with other definitions used throughout the board's policy manual. For example, see the discussion within sample administrative procedure 7:190-AP5, *Student Handbook-Electronic Devices*. There, *sexting* encompasses the term *indecent visual depiction* as defined by 705 ILCS 405/3-40 (Juvenile Court Act purposes), and *non-consensual dissemination of private sexual images* as defined by 720 ILCS 5/11-23.5 (Criminal Code of 2012 purposes). It defines *indecent visual depiction* as a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the buttocks, or if such person is a female, a fully or partially developed breast of the person. However, a district may create or have another definition of *sexting* that may or may not encompass these statutory terms and definitions.

<sup>16</sup> Morse v. Frederick, 551 U.S. 393 (2007).

<sup>17</sup> Optional. The rationale for this section is that prior to high school, students have not developed sufficient experience and education in critical review of external resource materials. Accordingly, in order to accomplish the district's educational mission, yet allow students the opportunity to communicate with their fellow students, widespread student distribution of written material in elementary and middle school may be limited to material primarily prepared by the students themselves. Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3rd 1295 (7th Cir. 1993); Leal v. Everett Pub. Schs., 88 F.Supp.3d 1220 (W.D.Wa. 2015).

<sup>18</sup> For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school's computer. School authorities could reasonably believe the article would be disruptive. Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield, 134 F.3d 821 (7th Cir. 1998) See fn 13, above.

### Non-School Sponsored Publications Accessed or Distributed Off-Campus <sup>19</sup>

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

### Bullying and Cyberbullying <sup>20</sup>

The Superintendent or designee shall treat behavior that is *bullying* and/or *cyberbullying* according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

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

<sup>19</sup> Optional. School officials must proceed carefully before disciplining a student for out-of-school conduct. A school's authority over off-campus expression is much more limited than expression on school grounds. Many decisions address the tension between public schools' authority to discipline students for off-campus speech and students' right to free speech. However, school officials may generally: (1) remove a student from extracurricular activities when the conduct code for participation requires students to conduct themselves at all times as good citizens and exemplars of the school (see sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities*); and (2) suspend or expel a student from school attendance when the student's expression causes substantial disruption to school operations, as provided in this policy (see also sample policy 7:190, *Student Behavior*). For example, see:

Mahanoy Area School Dist. v. B.L., 594 U.S. 180 (2021) (a school could not suspend a student from the cheerleading team for vulgar posts that she made on a social media platform where there was no evidence of substantial disruption of a school activity; schools have more limited authority to punish students for vulgar, off-campus speech, unless there are circumstances involving severe bullying or harassment, threats aimed at teachers or other students, failure to follow rules concerning lessons, writing of papers, use of computers, participation in other online school activities, or breaches of school security devices including school computers).

J.S. v. Blue Mountain Sch. Dist., 650 F.3d 915 (3rd Cir. 2011), combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3rd Cir. 2011), cert. denied (2012) (schools may not punish students for their off-campus indecent and offensive parodies of their principals, absent a showing that the parodies caused, or could cause, substantial disruption in the schools).

Kowalski v. Berkeley Cnty. Sch., 652 F.3d 565 (4th Cir. 2011), cert. denied (2012) (upheld a student's suspension for off-campus posts to a social network site that defamed a classmate because it was foreseeable that the expression would reach the school and the student's conduct involved substantial disruption and interference with the work and discipline of the school).

The statutory definition of *bullying* includes *cyberbullying* (105 ILCS 5/27-23.7); these terms are defined in sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment* (see also fn 6 and 7:190-APC, *Guidelines for Investigating Sexting Allegations*).

Consult the board attorney for guidance concerning off-campus speech. Every situation is fact specific, and the issues require careful evaluation.

<sup>20</sup> 105 ILCS 5/27-23.7.

LEGAL REF.: 105 ILCS 5/27-20.08 and 5/27-23.7.  
105 ILCS 80/, Speech Rights of Student Journalists Act.  
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).  
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988).  
Morse v. Frederick, 551 U.S. 393 (2007).  
Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

CROSS REF.: 1:30 (School District Philosophy), 6:10 (Educational Philosophy and Objectives),  
6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic  
Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and  
Harassment), 7:190 (Student Behavior), 7:310 (Restrictions on Publication;  
Elementary Schools), 8:25 (Advertising and Distributing Materials in Schools  
Provided by Non-School Related Entities)

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## 25. Reports, Requests and Open Discussion

### A. Superintendent's Report

1) Proposal for Navigating Future PRESS Updates

B. Student Board of Education Member Report

C. Board of Education Member Open Discussion

## 26. \* \* \* CLOSED SESSION \* \* \*

(to consider the purchase or lease of real property. 5 ILCS 120/2(c)(5))

and

(to consider setting of a price for sale or lease of District property. 5 ILCS 120/2 (c)(6))

## 27. Return to Open Session for Possible Action

## 28. Adjournment

### NOTICE OF NONDISCRIMINATION PRACTICES

The Moline-Coal Valley Unit School District No. 40 does not discriminate against employees, students, or the general public in its programs or practices, including vocational education, on the basis of race, color, religion, sex, gender, gender identity, disability, age, marital status, pregnancy status, citizenship status, military status, unfavorable discharge from the military service, national origin or ancestry in accordance with Title IX, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The Moline-Coal Valley School District prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment. Moline-Coal Valley School District's nondiscrimination policy and grievance procedures can be located on the District website under Board Policy. In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, any individual who is in need of assistance or reasonable accommodations to be able to participate in a school district-related activity, including the employment application or interview process, should contact the Assistant Superintendent for Student Services and Special Education at the District administrative offices. Any individual who wishes to file a complaint of unlawful discrimination should contact the Superintendent of Schools or the Secretary of the Board of Education at the District administrative offices, 1900 52nd Avenue, Moline, IL 61265.