

## **School Board**

### **Administrative Procedure - Superintendent Committees**

The Superintendent or designee creates Superintendent or administrative committees as deemed necessary, makes all appointments, and directs all activities. A Superintendent or administrative committee reports directly to the Superintendent or designated administrator ~~who directs its activities~~. The Superintendent or designee should consult the Board Attorney (a) concerning whether any of these committees must comply with the Open Meetings Act (OMA), and/or (b) to receive guidance for ensuring that the meetings either comply with OMA requirements or do not trigger OMA.<sup>1</sup> Unless otherwise indicated, the ~~listed following~~ Superintendent or administrative committees are optional.

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

This task force assists in the development and review of a chronic and infectious disease program consistent with the District's policies and State and federal laws and regulations, and reports directly to the Superintendent or designee. Appointments are made to the task force only if the Superintendent or designee determines that its input is desirable. See Board policies 5:40, *Communicable and Chronic Infectious Disease* (addressing personnel); and 7:280, *Communicable and Chronic Infectious Disease* (addressing students).

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

#### Communicable and Chronic Infectious Disease Review Team

This review team ~~assists with the implementation of the chronic and infectious disease program developed by the Communicable and Chronic Infectious Disease Program Task Force~~. It monitors those employees and students who have a communicable and chronic infectious disease, and:

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

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

<sup>1</sup> Superintendent and administrative committees are generally not governed by the Open Meetings Act (OMA), but the operation and function of specific committees may make the Act applicable. For example, any committee, whether superintendent or board, having as members at least a majority of the quorum (three out of seven) of the board, will be subject to OMA. 5 ILCS 120/1.02. For a five-member board, OMA is applicable when a quorum of board members (three out of five) sit on a committee. *Id.* Other factors that determine whether a committee is governed by OMA include "who appoints the members of the entity, the formality of their appointment, and whether they are paid for their tenure; the entity's assigned duties, including duties reflected in the entity's by-laws or authorizing statute; whether its role is solely advisory or whether it also has a deliberative or investigative function; whether the entity is subject to government control or otherwise accountable to any public body; whether the group has a budget; its place within the larger organization or institution of which it is a part; and the impact of decisions or recommendations that the group makes." *Univ. Prof'ls v. Stukel*, 344 Ill.App.3d 856, 865 (1st Dist. 2003).

Team members may include the District’s medical advisor, a school nurse, the Building Principal, and the Superintendent or designee.<sup>2</sup>

The review team is guided by the Board’s policies, Ill. Dept. of Public Health (IDPH) rules and regulations, and all other applicable State and federal laws. ~~It reports directly to the Superintendent or designee.~~ See also Board policies 5:40, *Communicable and Chronic Infectious Disease*; and 7:280, *Communicable and Chronic Infectious Disease*. The review team consults the employee’s or the student’s personal physician and local health department officials before making any recommendations.

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

#### Anaphylaxis Prevention, Response, and Management Committee

This committee develops and implements the District’s Anaphylaxis Prevention, Response, and Management Program ~~and reports directly to the Superintendent or designee.~~ It monitors the program and establishes a schedule to ensure the Superintendent reports on the program’s effectiveness to the Board at least once every three years. See Board policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, and administrative procedure 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, based upon the Ill. State Board of Education (ISBE) Anaphylaxis Response Policy for Illinois Schools at: [www.isbe.net/Documents/Anaphylactic-policy.pdf](http://www.isbe.net/Documents/Anaphylactic-policy.pdf).

Committee members may include District-level administrators, Building Principals, the District Safety Coordinator (see administrative procedure 4:170-API, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), District 504 Coordinator (see exhibit 6:120-API, E1, *Notice to Parents/Guardians Regarding Section 504 Rights*), staff members, parents/guardians, community members, and students.

#### Employee Substance Abuse Prevention Committee

This committee makes recommendations directly to the Superintendent or designee regarding the issues of employee substance abuse and resulting employee conduct standards, and:

1. Cooperates with community and State agencies on substance abuse programs.
2. Gathers information about substance abuse and suggests methods to ~~disseminate~~ ~~share~~ it ~~to~~ with employees.
3. Develops a support network that encourages employees to self-refer for treatment and suggests procedures for early identification and treatment.
4. Recommends procedures that would protect the privacy of employees while taking into consideration any directives from the Board to the Superintendent regarding the District’s obligation to provide a safe environment and to ensure high-quality performance, which may include but not be limited to:
  - a. Securing training for designated district employees to educate them ~~to-on~~ identifying symptoms of being impaired by or under the influence of substances prohibited by policy. For guidance about what impaired by or under the influence of means, see:
    - i. Footnote numbers five and six in Board policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*;

The footnotes should be removed before the material is used.

<sup>2</sup> The team members listed align with prior joint guidance of the Ill. State Board of Education (ISBE) and the Ill. Dept. of Public Health. See <https://wordpress.uchospitals.edu/infectionprevention/files/2011/05/IDPH-Chronic-ID-in-schoolchildren.pdf>. Additional federal guidance on planning teams for infectious diseases is available at: [https://rems.ed.gov/docs/PandemicFactSheet\\_508C.pdf](https://rems.ed.gov/docs/PandemicFactSheet_508C.pdf).

- ii. 625 ILCS 5/11-501.2 and 5/11-501.9, (chemical and other tests, validity, etc., a/k/a *field sobriety tests*);
  - iii. 410 ILCS 705/10-50(d) (“An employer may consider an employee to be impaired or under the influence of cannabis if the employer has a *good faith belief* that an employee manifests specific, articulable symptoms while working that decrease or lessen the employee’s performance of the duties or tasks of the employee’s job position, including symptoms of the employee’s speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others.”) (**Note:** Consult the Board Attorney about identifying cannabis use); and
  - iv. Professional development opportunities in the area, e.g., local law enforcement agencies may be a place to begin.
- b. Implementing a reasonable suspicion and/or drug testing<sup>3</sup> program(s) to enhance the District’s ability to identify and discipline employees suspected of being impaired by and/or under the influence of prohibited substances. **Note:** Consult the Board Attorney before implementing any drug-testing program(s) or disciplining employees based upon the results of these programs. Drug testing will likely assist the District with the challenges of identifying cannabis-related issues, but the science behind impairment identification and behavioral testing for cannabis impairment is new and emerging.
  - c. Addressing expectations for employees in positions of leadership who are perpetually on call<sup>4</sup> due to the nature of their positions and responsibilities.
  - d. Holding licensed educators to a higher standard than non-licensed employees due to their professional code of conduct expectations. <sup>5</sup>
  - e. Holding employees working directly with students to a higher standard than employees not working directly with students.
  - f. Recommending a method to explicitly inform employees of the consequences of violating the [District’s Board’s](#) policy.

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<sup>3</sup> The best practice for ensuring the strongest defense when disciplining an employee for undertaking tasks while being impaired by and/or under the influence of prohibited substances is a confirmed, positive drug test used in combination with reasonable suspicion of impairment. Drug testing may be cost prohibitive and disruptive for school districts while also presenting several other legal considerations, including possible collective bargaining implications upon request by the employee representative. For example, while the Americans with Disabilities Act allows the results of such tests to be used as the basis for disciplinary action (42 U.S.C. §12114; 29 C.F.R. §1630.16(c)), drug tests may still violate other laws, e.g., Title VII and the Rehabilitation Act (42 U.S.C. §2000e *et seq.*; and 29 U.S.C. §701 *et seq.*). Identifying and disciplining employees for cannabis use on a drug test alone may present a unique set of challenges because cannabis can remain in a person’s system for weeks.

<sup>4</sup> See f/n 3 of sample policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*.

<sup>5</sup> If a district holds all its employees to the same standard of professional conduct regardless of licensure status or whether an employee works directly with students (see item e.), delete item e. in the list and replace item d. with the following:  
Holding all employees to the same high standard of conduct expectations, regardless of their licensure status or whether they work directly with students.

- g. Recommendings best practices for discipline of employees who are suspected of violating or are violating the District's-Board's policy.<sup>6</sup>

Committee members may include the Superintendent or designee, the District's medical advisor/medical review officer, and employee representatives from both professional and educational support personnel. The committee is guided by Board policies, administrative procedures, and relevant State and federal statutes. See Board policies 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; and administrative procedure 5:120-AP2, *Employee Conduct Standards*.

#### Pandemic Planning Team

This team builds a strong relationship with the local health department and emergency medical agencies and uses their assistance to develop and implement a comprehensive pandemic influenza school action plan and build awareness of the final plan among staff, students, and the community. See Board policy 4:180, *Pandemic Preparedness; Management; and Recovery*, and its procedures.

Team members may include one or two Board members, administrators, and staff members. ~~The team reports directly to the Superintendent or designee.~~

#### Sex Equity Committee

This committee supports the District's efforts to eliminate sexual harassment by advising the Superintendent or designee on prevention, intervention, and education. Committee members may include community representatives, District administrators, teachers, and students. See Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; 5:10, *Equal Employment Opportunity and Minority Recruitment*; 5:20, *Workplace Harassment Prohibited*; 5:90, *Abused and Neglected Child Reporting*; 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*.

#### School Violence Prevention Team

This team builds awareness about and supports the development and implementation of the District's:

1. Targeted School Violence Prevention Program. See Board policy 4:190, *Targeted School Violence Prevention Program*, and administrative procedure 4:190-AP1, *Targeted School Violence Prevention Program*.
2. Anti-bullying program, as appropriate. See Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; and administrative procedure 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying*.

All Building Principals or their designees ~~must~~ serve on this team.<sup>7</sup> Other team members may include the District Safety Coordinator (see administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), law enforcement representatives, the Board Attorney, District psychologist(s), mental health workers and/or

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<sup>6</sup> Consult the board attorney regarding any disciplinary action explored for employees based solely on a positive cannabis test result. Employee discipline is an item on which collective bargaining may be required.

<sup>7</sup> Including building principals on this team aligns with sample administrative procedure 4:190-AP1, *Targeted School Violence Prevention Program*, which provides that "Building Principals are mandatory for successful implementation" of a Targeted School Violence Prevention Plan.

social service agencies, faith leaders, community members, and students. ~~The team reports directly to the Superintendent or designee.~~

#### Transitional Bilingual Education (TBE) Programs Parent Advisory Committee <sup>8</sup>

This committee is required ~~when the District has a Transitional Bilingual Education (TBE) Program.~~ The committee maximizes the practical involvement of parents/guardians of students in the District's TBE program(s). Its purpose is to:

1. Afford parents/guardians the opportunity to effectively express their views; and
2. Ensure that the District's program(s) are planned, operated, and evaluated with the involvement of, and in consultation with, parents/guardians of students served by the program(s).

~~All Building Principals or their designees serve on this team.~~<sup>9</sup> Other Committee members must include parents/guardians of students enrolled in the District's TBE program(s), transitional bilingual education teachers, counselors, and representatives from community groups. A majority of the committee members (or if the District has multiple committees, each committee) must be parents/guardians of students enrolled in the District's TBE program(s).<sup>10</sup> ~~All Building Principals or their designees attend committee meetings.~~<sup>11</sup> ~~The District must provide annual training to the committee.~~<sup>12</sup>

This committee must elect officers; ~~and~~ establish bylaws (internal rules, guidelines, and procedures).<sup>13</sup> ~~It meets at least four times per year. It reports directly to the Superintendent or designee.~~

#### Title I Parent Advisory Committee

This committee is required if the District receives or desires to receive Title I funds. See Board policy 6:170, *Title I Programs*; administrative procedure 6:170-AP1, E1, *District-Level Parent and Family Engagement Plan Compact*; 20 U.S.C. §§6312(a)(1)(A), 6318(a)(2)(F). The committee supports the development and implementation of the District's Title I plan. Its activities may include, at the Superintendent or designee's directive:

1. Facilitating the active involvement of parents/guardians in their children's academic success by such activities as coordinating Title I parent-teacher conferences, providing information to help parents/guardians assist their children, coordinating volunteer or paid participation by

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<sup>8</sup> 105 ILCS 5/14C-10; 23 Ill.Admin.Code §228.30(c)(4). A district must establish a program in transitional bilingual education when, at the beginning of a school year, it has 20 or more English learners in a (home) language classification within an attendance center of the district (private school students are excluded from the attendance center count). 105 ILCS 5/14C-3. See [www.isbe.net/Pages/BPAC.aspx](http://www.isbe.net/Pages/BPAC.aspx) for additional guidance. This committee carries out its duties autonomously, but a district may intervene to ensure compliance after consultation with ISBE's Multilingual/Language Development Department. 23 Ill.Admin.Code §228.30(c)(4)(C).

<sup>9</sup> Optional. ISBE recommends that a district representative attend meetings of this committee. See the *Bilingual Parent Advisory Committee FAQ* at: [www.isbe.net/Pages/BPAC.aspx](http://www.isbe.net/Pages/BPAC.aspx). If building principals do not serve on this committee and the district deletes this sentence, amend the next sentence's introductory words as follows: "Other committee members must include ...".

<sup>10</sup> 105 ILCS 5/14C-10.

<sup>11</sup> Optional. ISBE recommends that a district representative attend (rather than serve on) meetings of this committee. See the *Bilingual Parent Advisory FAQ* at: [www.isbe.net/Pages/BPAC.aspx](http://www.isbe.net/Pages/BPAC.aspx).

<sup>12</sup> The training must be conducted in a language that parent/guardian members can understand. It must include but need not be limited to: (1) information related to instructional approaches and methods in bilingual education; (2) the provisions of State and federal law related to students' participation and parents' rights; and (3) accountability measures relevant to students in bilingual programs. 23 Ill.Admin.Code §228.30(c)(4)(B).

<sup>13</sup> 105 ILCS 5/14C-10; 23 Ill.Admin.Code §228.30(c)(4)(d). This committee must file its bylaws and records of the election of officers with the school district.

**Commented [DJ1]: Note to Subscribers:** ISBE guidance provides that the "BPAC shall operate independently without control or influence from the school district," and it recommends that a district representative attend each BPAC meeting.

**Commented [DJ2]: Note to Subscribers:** This training requirement is not new but is added to provide more detail about this committee.

**Commented [DJ3]: Note to Subscribers:** The requirement to meet four times per year is not new but is added to provide more detail about this committee.

- parents/guardians in school activities, and establishing a process to respond to parents/guardians' inquiries and recommendations.
2. Distributing Title I informational materials.
  3. Consulting on the District's Title I Plan.
  4. Supporting the implementation of Board policy 6:170, *Title I Programs*.

Committee members include parents/guardians and family members of Title I children. <sup>14</sup>~~It reports directly to the Superintendent or designee.~~

PERA (Performance Educational Reform Act) Joint Committee and the RIF (Reduction in Force) Joint Committee <sup>15</sup>

~~Each committee listed below is required until its function has been fulfilled.~~

1. PERA joint committee. This ~~mandatory joint~~ committee is "composed of equal representation selected by the district and its teachers, or where applicable, the exclusive bargaining representative of its teachers." 105 ILCS 5/24A-4(b-5), added by P.A. 104-20. This committee:

- ~~a. May~~, but is not required to, incorporate data and indicators on student growth as a factor in rating teaching performance in the teacher evaluation plan. ~~Id.~~ The amendment of an evaluation plan continues to be a mandatory subject of bargaining.
- ~~b. This committee also agrees~~ to the panel of qualified evaluators that reviews appeals of *unsatisfactory* performance ratings and determines the criteria for successful appeals.<sup>16</sup> 105 ILCS 5/24A-5.5. ~~This committee must also: (a)-e~~
- ~~c. Establishes~~ a teacher evaluation plan that ensures that each tenured teacher whose performance is rated as either *excellent* or *proficient* is evaluated at least once in the course of the three school years after receipt of the rating. ~~and (b)-i~~
- ~~d. Implements~~ an informal teacher observation plan established by ISBE rule and by agreement of this committee to ensure that each tenured teacher ~~in this category whose performance is rated as excellent or proficient~~ is informally observed at least once in the course of the two school years after receipt of the ~~excellent or proficient~~ rating. 105 ILCS 5/24A-5.
- ~~a-e. Meets at least once a year to assess and review the effectiveness of the District's evaluation plan for the purposes of continuous improvement of instruction and evaluation practices.~~ 105 ILCS 5/24A-4.

5-2. RIF joint committee. This mandatory committee convenes annually to consider issues identified in the statute concerning the selection of teachers for layoff. 105 ILCS 5/24-12(c). On or before December 1 of each year, the RIF joint committee must be established and must hold its first meeting. It is composed of individuals appointed by the Board and the teachers (or the exclusive bargaining representative of its teachers).

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<sup>14</sup> Inclusion of parents/guardians and family members of Title I children on this committee aligns with 20 U.S.C. §6318(a)(2)(A), which requires a district to involve them in the joint development of a district's plan to help low-achieving children meet challenging achievement and academic standards, and in the development of comprehensive and targeted support and improvement plans.

<sup>15</sup> These committees are not subject to OMA. 105 ILCS 5/24A-4(b-5) and 105 ILCS 5/24-12(c).

<sup>16</sup> The PERA joint committee does not determine what rating will be issued to replace an unsatisfactory rating in the event of a successful appeal; that issue must be collectively bargained. 105 ILCS 5/24A-5.5.

### Concussion Oversight Team <sup>17</sup>

The Concussion Oversight Team is required until its function has been fulfilled. State law requires the team to establish protocols for return-to-play and return-to-learn for students who have suffered a concussion or head injury during interscholastic athletic activities. See Board policy 7:305, *Student Athlete Concussions and Head Injuries*. 105 ILCS 5/22-80(d). The Board must appoint or approve a Concussion Oversight Team. Section 22-80(d) identifies who must be on each Concussion Oversight Team. A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, they must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. If it is not practicable for a physician, athletic trainer, and/or nurse to be on the Team and other licensed health care professionals are not appointed to serve on the Team, the Team may be composed of only one person who need not be a licensed healthcare professional; however, that individual may not be a coach.

### Wellness Committee <sup>18</sup>

The Wellness Committee includes at least one representative from each of the following groups: parents, students, representatives of the school food authority, teachers of physical education, school health professionals, a member of the Board,<sup>19</sup> school administrators,<sup>20</sup> and members of the community. Individuals of this committee will participate in the development, implementation, periodic reviews, and updates of Board policy 6:50, *School Wellness*. 7 C.F.R. §210.31(d)(1).

### Children's Advocacy Center (CAC) Communication Committee <sup>21</sup>

This committee supports the implementation of the Alleged Incidents of Sexual Abuse; Investigations subhead of Board policy 5:90, *Abused and Neglected Child Reporting*. It includes the District Nondiscrimination Coordinator, District Safety Coordinator, and at least one representative from each of the following groups: District-level administrators, Building Principals, school personnel, and employees from the accredited [Children's Advocacy Center \(CAC\)](#) that serves the District. ~~The CAC Communication Committee reports directly to the Superintendent or designee.~~ See Board policy 5:90,

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

<sup>18</sup> Establishing a wellness committee is optional; if established, it should be listed here, or delete it if the board has not directed the superintendent to convene a wellness committee in policy 6:50, *School Wellness*. See f/n 27 in sample policy 6:50, *School Wellness*. The preamble to 7 C.F.R. §210.31(d)(1) suggests one method to comply with the rules is by: "identifying individuals" to serve on a "local school wellness policy committee." However, the final text of 7 C.F.R. §210.31(d)(1) does not specifically require districts to establish a local school wellness policy committee – only that they "permit [groups listed in the procedure above] to participate . . .".

<sup>19</sup> See f/n 1 above. As much of the work of developing a plan to involve local stakeholders is administrative/staff work rather than governance work, the best practice is to have a wellness committee be an administrative committee, but consult the board attorney for guidance about the application of OMA when three or more board members serve on this committee.

<sup>20</sup> If a board wants to comply with the U.S. Dept. of Agriculture's encouragement to include Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators or educators in the group to provide input about the wellness policy, insert: "[Supplemental Nutrition Assistance Program Education \(SNAP-ED\) coordinators, educators,](#)" immediately before: ", and members of the community."

<sup>21</sup> Establishing a Children's Advocacy Center (CAC) communication committee is optional and only applies to school districts within a county served by an accredited CAC. See f/n 143 in sample policy 5:90, *Abused and Neglected Child Reporting*, and sample administrative procedure 5:90-AP1, *Coordination with Children's Advocacy Center*.

*Abused and Neglected Child Reporting*, and administrative procedure 5:90-AP1, *Coordination with Children's Advocacy Center*.

#### Educational Technology Committee <sup>22</sup>

This committee supports the following functions:

1. Implementation of Board policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*. Committee members may include the Head of Information Technology, District-level administrators, Building Principals, and teachers. See administrative procedure 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*.
2. The District's submission of an annual report to ISBE regarding educational technology capacities and policies. <sup>23</sup>
3. Developing, monitoring, and updating the District's Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines ~~for the use of AI~~. <sup>24</sup>

#### Remote Learning Committee <sup>25</sup>

This committee develops a plan for instruction in grades pre-K through 12 and presents it to the Superintendent for approval who then presents it to the Board for adoption when the:

1. Governor declares a disaster due to a public health emergency (20 ILCS 3305/7); and
2. State Superintendent of Education declares a requirement for the District to implement and use Remote Learning Days (RLDs) or Blended Remote Learning Days (BRLDs).

After adoption of the plan by the Board, this committee supervises the implementation of administrative procedure 6:20-AP, *Remote and/or Blended Remote Learning Day Plan(s)*, and exists until its function has been fulfilled.

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<sup>22</sup> Establishing an Educational Technology Committee is optional. The Student Online Personal Protection Act (SOPPA), 105 ILCS 85/, centralizes decision making about what K-12 online sites, services, and applications will be used in schools by requiring boards to adopt a policy for designating which district employees are authorized to enter into agreements with operators who collect personally identifiable information about students. 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*.

<sup>23</sup> 105 ILCS 5/10-20.74. See [www.isbe.net/Pages/Educational-Technology.aspx](http://www.isbe.net/Pages/Educational-Technology.aspx). The sample policies that apply to this submission include, but are not limited to: 4:10, *Fiscal and Business Management*; 5:125, *Personal Technology and Social Media: Usage and Conduct*; 6:220, *Bring Your Own Technology (BYOT) Program: Responsible Use and Conduct*; 6:230, *Library Media Program*; 6:235, *Access to Electronic Networks*; and 7:345, *Use of Educational Technologies; Student Data Privacy and Security*.

<sup>24</sup> See sample administrative procedure 6:235-AP3, *Development of an Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines*. Delete Item #3 if a board has not adopted the optional **Use of Artificial Intelligence (AI)-Enabled Tools** subhead in policy 6:235, *Access to Electronic Networks*.

<sup>25</sup> Establishing this committee is optional. 105 ILCS 5/10-30, requires "the district to adopt a remote and blended remote learning day plan approved by the district superintendent" when certain emergency conditions exist that are related to the management of a public health emergency under the Ill. Emergency Management Act. See f/n 1 in sample administrative procedure 6:20-AP, *Remote and/or Blended Remote Learning Day Plan(s)*. A committee can assist the superintendent to ensure all the statutory requirements for implementing, monitoring, and amending the plan are met.

### Time Out and Physical Restraint Oversight Team<sup>26</sup>

The Time Out and Physical Restraint Oversight Team is required. The Team includes, but is not limited to, Building Principals, teachers, paraprofessionals, school service personnel, and administrators ~~to who~~ develop:

1. The District's plan, including school-specific considerations,<sup>27</sup> for reducing and eventually eliminating the use of isolated time out, time out, and physical restraint in accordance with the goals and benchmarks established by ISBE;<sup>28</sup> and
2. Procedures to implement the plan and make the plan available for review by parents/guardians.

~~The Team also supported the District's submission to ISBE of the plan by July 1, 2022, and of progress reports annually thereafter through July 1, 2024, as well as notification to parents/guardians when plans and progress reports were available for review.~~

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<sup>26</sup> 105 ILCS 5/2-3.130(e) requires boards to create a Time Out and Physical Restraint Oversight Team. As this is administrative/staff work rather than governance work, the best practice is to have the team be an administrative committee but consult the board attorney for guidance.

<sup>27</sup> An *entity-specific plan* (district-specific plan) is required by 105 ILCS 5/2-3.130(e), amended by P.A. 103-175; however, final ISBE rules at 23 Ill.Admin.Code §1.285(k)(1)(B) go beyond the authority of the statute and require a *school district plan* that includes *school-specific recommendations*.

~~A-Plans were is required to be submitted to ISBE from 2022-2024 unless a district couldn show that it: (1) didhas not used physical restraint, time out, and isolated time out (RTO) within the previous three years. (2) has-adopted a policy prohibiting the use of RTO, and (3) enforce-is the policy. 105 ILCS 5/2-3.130(f); 23 Ill.Admin.Code §1.285(k)(1)(B). Consult the board attorney to determine if a team is required for a district; a team may still be required by law even if no plan wasis required.~~

The plan ~~must-had to~~ include, but ~~wasis~~ not limited to, specific actions ~~being taken by the school took~~ to: (1) reduce and eventually eliminate relying on RTO for behavioral interventions and develop noncoercive environments, (2) develop individualized student plans (separate from a student's individualized education program or 504 plan) that aim to prevent the use of RTO, (3) ensure that appropriate school personnel are fully informed of the student's history, including any history of physical or sexual abuse, and other relevant medical and mental health information, except that any disclosure of student information must be consistent with laws and rules governing student confidentiality and privacy rights, and (4) support a vision for cultural change that reinforces using the following in lieu of RTO: positive behavioral interventions and supports, effective ways to de-escalate situations, crisis intervention techniques, and debriefing meetings to reassess what occurred and why. 105 ILCS 5/2-3.130(e)(1)-(4).

<sup>28</sup> ~~ISBE's initial goal is for a 25% reduction in the use of RTO over a 12-month period for students experiencing five-plus instances in a 30-day period. ISBE intends to periodically revise this goal in order to systemically reduce and eventually eliminate the use of RTO. See [www.isbe.net/Pages/restraint-time-out.aspx](http://www.isbe.net/Pages/restraint-time-out.aspx) for further information, including ISBE's *RTO Reduction Plan Directions and Checklist*, and *Reduction Plan Submittal Template*.~~

## School Board

### Administrative Procedure - Types of School Board Meetings

Meeting Type	Notice	Agenda	Notice to News Media	District's Website <sup>1</sup>
<b>Regular</b>	<p>Given once a year when the Board adopts its regular meeting schedule.</p> <p>105 ILCS 5/10-6, 5/10-16.</p> <p>The notice and agenda must be continuously available for public review during the entire 48-hour period before the meeting. Posting on the District's website satisfies the requirement for continuous posting. However, to comply with the legislative intent, posting on the District's website does not replace the posting described in the <b>Agenda</b> column.</p> <p>5 ILCS 120/2.02.</p>	<p>Post at the District's main office and at the meeting site, at least 48 hours before the meeting.</p> <p>5 ILCS 120/2.02.</p>	<p>Give to any news media that filed an annual request for such notices.</p> <p>5 ILCS 120/2.02.</p>	<p>Post the annual schedule of regular meetings and post a public notice of each meeting along with the meeting agenda.</p> <p>5 ILCS 120/2.02.</p> <p>Post regular Board meeting minutes within 10 days after approval; the minutes remain there for at least 60 days.</p> <p>5 ILCS 120/2.06.</p>
<b>Special</b>	<p>Post a notice at the District's main office or, if no main office exists, at the meeting site, at</p>	<p>Include with the public notice.</p> <p>5 ILCS 120/2.02.</p>	<p>Give to any news media that files an annual request. Must also give the same notice as that given Board members if the</p>	<p>Post a public notice of each meeting along with the meeting agenda at least 48 hours before the</p>

The footnotes should be removed before the material is used.

<sup>1</sup> Required *only if* the district has a website that is maintained by a full-time staff member; if not, this column may be omitted. 5 ILCS 120/2.02(b).

Meeting Type	Notice	Agenda	Notice to News Media	District's Website <sup>1</sup>
	<p>least 48 hours before the meeting. <sup>2</sup></p> <p>5 ILCS 120/2.02.</p> <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the <b>Regular</b> meeting row.</p> <p>Notice to Board members must be served by mail 48 hours before the meeting or by personal service 24 hours before the meeting.</p> <p>105 ILCS 5/10-16.</p>		<p>news media provides an address or telephone number within the District's jurisdiction.</p> <p>5 ILCS 120/2.02.</p>	<p>meeting. The notice and agenda must remain posted on the website until the meeting is concluded.</p> <p>5 ILCS 120/2.02.</p>
<b>Emergency</b>	<p>Post the notice at the District's main office or, if no main office exists, at the meeting site, as soon as practicable before the meeting.</p> <p>5 ILCS 120/2.02.</p> <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the <b>Regular</b> meeting row.</p> <p>No specific notice to Board members is specified, but it is advisable to provide the notice as soon as possible.</p>	No State law requirements.	Same as for special meetings.	<p>Post a public notice.</p> <p>5 ILCS 120/2.02.</p>

The footnotes should be removed before the material is used.

<sup>2</sup> See sample policy 2:200, *Types of School Board Meetings*, at f/n 19. If the board posts notice of its special meetings at both the district main office and at the meeting location, revise this sentence and the identical sentence in the Rescheduled or Reconvened row as follows: Post a notice at the District's main office or, if no main office exists, at and the meeting site, at least 48 hours before the meeting.

Meeting Type	Notice	Agenda	Notice to News Media	District's Website <sup>1</sup>
<b>Closed</b>	<p>May hold a closed meeting, or close a portion of an open meeting, upon a majority roll call vote of a quorum present, taken at a properly noticed open meeting.</p> <p>5 ILCS 120/2a.</p>	<p>None required, but only topics covered by the specific exception(s) cited in the vote to hold the closed meeting may be considered.</p> <p>5 ILCS 120/2a.</p>	<p>No additional notice required.</p>	<p>Post a public notice.</p> <p>5 ILCS 120/2.02.</p>
<b>Rescheduled or Reconvened</b>	<p>Post a notice at the District's main office or, if no main office exists, at the meeting site, at least 48 hours before the meeting.</p> <p>5 ILCS 120/2.02.</p> <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the <b>Regular</b> meeting row.</p> <p>No notice is needed when an open meeting is reconvened within 24 hours, or when the time and place of a reconvened meeting was announced at the original meeting and the agenda is not changed.</p> <p>5 ILCS 120/2.02.</p>	<p>Included with any public notice.</p>	<p>Same as for a special meeting.</p>	<p>Post a public notice.</p> <p>5 ILCS 120/2.02.</p>

## **School Board**

### **Administrative Procedure - Access to and Copying of District Public Records**

- A. Legal Citations and Definitions
- B. FOIA Compliance
- C. Availability and Posting Requirements
- D. Fee Schedule
- E. Response to FOIA Requests
- F. Extensions of Time to Respond
- G. Unduly Burdensome Requests
- H. Requests for Commercial Purposes
- I. Managing Requests from a Recurrent Requester
- J. Managing Voluminous Requests
- K. Denials
- L. Consultation with the Board Attorney

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

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

Definitions are found in the Ill. Freedom of Information Act (FOIA) (5 ILCS 140/2). For easy reference, some definitions are re-printed in this procedure. The IASB reports on Ill. Public Access Counselor (PAC) opinions concerning FOIA on its **Recent Court and Agency Decisions** website, located at: [www.iasb.com/policy-services-and-school-law/court-decisions-listing/www.iasb.com/law/courtdecisions.cfm](http://www.iasb.com/policy-services-and-school-law/court-decisions-listing/www.iasb.com/law/courtdecisions.cfm).

#### **B. FOIA Compliance**

The District's Freedom of Information Officer (FOIA Officer) implements the Board policy (2:250, *Access to District Public Records*) and has the duties, without limitation, listed below:

1. Manages the District's compliance with FOIA including without limitation, performing the following duties specified in FOIA, 5 ILCS 140/3.5:
  - a. Receives FOIA requests, ensures that the District responds to requests in a timely fashion, and issues responses to FOIA requests.
  - b. Develops a list of documents or categories of records that will be immediately disclosed upon request. See [exhibit 2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records](#).
  - c. Upon receiving a request for a public record, (a) notes the date the District received the written request; (b) computes the day on which the period for response will expire and makes a notation of that date on the written request; (c) maintains an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and (d) creates a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

2. Identifies other staff members to assist with FOIA compliance and delegates specific responsibilities to them. These individuals may include the information technology specialist and department heads.
3. Informs and/or trains staff members concerning their respective responsibilities regarding FOIA. This includes explaining the requirement that all FOIA requests must be immediately forwarded to the FOIA Officer, including those that are received via email.
4. Successfully completes the annual training program developed by the Ill. Public Access Counselor (PAC) in the Ill. Attorney General's office. Each newly appointed FOIA Officer must successfully complete the training program within 30 days after assuming the position.

**C. Availability and Posting Requirements**

Full access to the District's *public records* is available to any person as provided in FOIA. The FOIA Officer approves all requests for public records unless:

1. ~~(1)~~ The requested material does not exist;
2. ~~(2)~~ The requested material is exempt from inspection and copying by FOIA;
3. ~~(3)~~ Complying with the request will be unduly burdensome after extending an opportunity to the requester to reduce the request to manageable proportions;
4. The request would require the District to open electronically attached files or hyperlinks to view or access details of a request, in which case the requester shall be notified within five business days that the entirety of the electronic request must appear within the body of the electronic submission; or
5. The District has a reasonable belief that the request was not submitted by a person, and the requester fails to verify orally or in writing that they are a person within 30 days of the District's request for such verification.

The FOIA Officer shall:

1. Prominently display ~~at each administrative office and school, and post~~ on the District website, make available for inspection and copying, and send through the mail if requested if any, the following:<sup>1</sup>
  - a. A brief description of the District, and
  - b. The methods for requesting information and District public records, directory information listing the FOIA Officer and where requests for public records should be directed, and any fees. 5 ILCS 140/4. This information must be copied and mailed if requested.
2. Maintain and make available for inspection and copying a reasonably current list of all types or categories of records under the District's control. 5 ILCS 140/5. The list below contains the categories of records kept by the District; some of the records within these categories are exempt and, therefore, will not be disclosed in response to a FOIA request.

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

<sup>1</sup> ~~If a district does not maintain a website, amend this phrase to read as follows:  
Prominently display at each administrative office and school, make available for inspection and copying, and send through the mail if requested, the following:~~

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- a. Board governance, including without limitation, Board meeting calendar and notices, Board meeting agendas and minutes, Board policy
- b. Fiscal and business management, including without limitation, levy resolution and certificate of tax levy, audit, line-item budget, grant documents, account statements, accounts payable list, contracts, legal notices, bidding specifications, requests for proposals
- c. Personnel, including without limitation, employee contact information, salary schedules, staff handbook, collective bargaining agreements, personnel file material
- d. Students and instruction, including without limitation, accountability documents, calendars, student handbooks, learning outcomes, student school records

**D. Fee Schedule**

The FOIA Officer establishes a fee schedule (from time-to-time as appropriate) that complies with 5 ILCS 140/6, including each of the following:

- 1. The fees, except when otherwise fixed by statute, must: (a) be reasonably calculated to reimburse the District’s actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records, and (b) not exceed that maximum fee amount set by FOIA.
- 2. Statutory fees applicable to copies of public records when furnished in a paper format are not applicable to those records when furnished in an electronic format.
- 3. No fee is charged for the first 50 pages of black and white, letter or legal sized copies furnished to a requester.
- 4. The fee for black and white, letter, or legal sized copies shall not exceed 15 cents per page.
- 5. If the District provides copies in color or in a size other than letter or legal, the fee may not be more than its actual cost for reproducing the records.
- 6. A fee reduction is available if the person requesting the record states a specific purpose for the request and indicates that a fee reduction is in the public interest by having as its principal purpose the general public’s health, safety, welfare, or legal rights and is not for the principal purpose of personal or commercial benefit. In setting the reduction’s amount, the FOIA Officer considers the amount of materials requested and the cost of copying them.
- 7. In accordance with 5 ILCS 140/6(a-5), if a *voluminous request* is for electronic records and the responsive records are:
  - a. Not in a portable document format (PDF), the District charges up to \$20 for not more than two megabytes of data, up to \$40 for more than two but not more than four megabytes of data, and up to \$100 for more than four megabytes of data.
  - b. In a PDF, the District charges up to \$20 for not more than 80 megabytes of data, up to \$40 for more than 80 megabytes but not more than 160 megabytes of data, and up to \$100 for more than 160 megabytes of data.
  - c. In both a PDF and not in a PDF, the District separates the fees and charges the requester under both fee scales.

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8. Unless the request is for a *commercial purpose* or a *voluminous request*, the costs of any search for and review of the records or other personnel costs associated with reproducing the records are not included in the fee calculation. 5 ILCS 140/6(a).

\*Section 6(a) states: "If a request is not a request for a *commercial purpose* or a *voluminous request*, a public body *may not* charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records." (Emphasis added). This implies that a search and review fee may be charged when responding to a request for a *commercial purpose* or a *voluminous request*. However, Sec. 6(b) states that the search and review fee described in Sec. 6(f) may be charged *only to* someone making a *commercial request*. Sec. 6(f) contains the maximum amounts that may be charged for search and review but does not explain when they may be charged. The FOIA Officer will need to consult the Board Attorney.

When responding to a request for commercial purposes, as defined in 5 ILCS 140/2(c-10), the District charges:

- a. Up to \$10.00 for each hour spent by personnel in searching for or retrieving a requested record or examining the record for necessary reductions. No fee is charged for the first eight hours spent by personnel in searching for or retrieving a requested record. 5 ILCS 140/6(f).
- b. The actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the District. 5 ILCS 140/6(f).

Someone making a voluminous request may be charged the fees as described above upon the FOIA Officer's consult with the Board Attorney.

The FOIA Officer provides the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records under 7 and 8 above. 5 ILCS 140/6(a-5) and (f).

#### E. Response to FOIA Requests

The FOIA Officer must:

1. Comply with or deny a request for inspection or copying within five business days of receiving a records request, unless the time for response is extended. 5 ILCS 140/3. He or she may use forms prepared by the PAC available at: [www.illinoisattorneygeneral.gov/Open-And-Honest-Government/PAC/FOIA-Officers/](http://www.illinoisattorneygeneral.gov/Open-And-Honest-Government/PAC/FOIA-Officers/) [www.foiapac.ilag.gov/](http://www.foiapac.ilag.gov/). Click on the menu *PAC Resources*, then on the submenu *Forms and Sample Letters*.
2. Redact any and all exempt portion(s) of requested records containing both exempt and non-exempt material and release the remaining material. 5 ILCS 140/7.
3. Comply with the Personnel Record Review Act (PRRA), 820 ILCS 40/ ~~amended by P.A. 101-531~~.
  - a. The response to a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age and nature of the responsive record.
    - 1) If the responsive record is more than four years old and is not related to an incident or an attempted incident of sexual abuse, severe physical abuse, or *sexual misconduct* as defined in 105 ILCS 5/22-85.5(c), the request must be denied unless

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the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q), ~~amended by P.A. 101-620~~; 820 ILCS 40/8, ~~amended by P.A.s 101-531 and 102-702~~.

- 2) If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse, severe physical abuse, or *sexual misconduct* as defined in 105 ILCS 5/22-85.5(c), the request cannot be denied. 820 ILCS 40/8, ~~amended by P.A.s 101-531 and 102-702~~.
- 3) If the responsive record is four years old or less, it must be disclosed (regardless of its nature) and the employee must be notified in writing (first class mail) or by email, if available, on or before the day any such record is released, unless notice is not required under the PRRA. 5 ILCS 140/7.5(q), ~~amended by P.A. 101-620~~; 820 ILCS 40/7, ~~amended by P.A. 102-562~~. A notice to the employee is not required if:
  - The employee specifically waived written notice as part of a written, signed employment application with another employer;
  - The disclosure is ordered to a party in a legal action or arbitration; or
  - Information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

b. A request for a performance evaluation(s) must be denied. 820 ILCS 40/11.

#### F. Extensions of Time to Respond

The District FOIA Officer may extend the time for a response for any of the reasons stated in 5 ILCS 140/3(e)(i-vii), **quoted below**:

- (i) The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- (ii) The request requires the collection of a substantial number of specified records;
- (iii) The request is couched in categorical terms and requires an extensive search for the records responsive to it;
- (iv) The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- (v) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under 5 ILCS 140/7 or should be revealed only with appropriate deletions;
- (vi) The request for records cannot be complied with by the public body within the time limits prescribed by 5 ILCS 140/3(d) without unduly burdening or interfering with the operations of the public body; or
- (vii) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

If an extension of time for a response is needed, the FOIA Officer must perform one of the following actions within five business days after receipt of the request:

1. Notify the requester that the District is extending its time for response for no longer than ~~five~~5 business days from the original due date, and identify the reason for the delay and the date on which a response will be made. 5 ILCS 140/3(e) and (f); or
2. Confer with the requester in an attempt to reach an agreement on an extended compliance date. The agreement must be in writing. 5 ILCS 140/3(e).

#### **G. Unduly Burdensome Requests**

Before invoking the *unduly burdensome* exemption, the FOIA Officer must confer with the requester in an attempt to reduce the request to manageable proportions. 5 ILCS 140/3(e) and (g). A request may be unduly burdensome due, for example, to the request's breadth. The FOIA Officer must explain to the requester in writing when a request continues to be unduly burdensome, specifying the reason why the request is unduly burdensome.

#### **H. Requests for Commercial Purposes**

A request is for *commercial purposes*, according to 5 ILCS 140/2(c-10), if:

[T]he use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a commercial purpose when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

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The FOIA Officer responds to a request that appears to be for commercial purposes pursuant to 5 ILCS 140/3.1 by:

1. Asking the requester to identify if the record is for a commercial purpose. See [exhibit 2:250-E1, \*Written Request for District Public Records\*](#). It is unlawful for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the District. 5 ILCS 140/3.1(c).
2. Responding to a request for records to be used for a commercial purpose within 21 working days after receipt. The response must be one of the following: (a) provide an estimate of the time required by the District to provide the records and an estimate of the fees, which the requester may be required to pay in full before copying the requested documents; (b) deny the request pursuant to one or more of the exemptions; (c) notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or (d) provide the records requested.
3. Complying with a request, unless the records are exempt from disclosure, within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.
4. Collecting a fee as described in subsection **D.** above.

#### **I. Managing Requests from a Recurrent Requester**

A request is from a *recurrent requester*, according to 5 ILCS 140/2(g), if:

[A] person that, in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of seven requests for records within a seven-day

period. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time period in this definition when the principal purpose of the requests is (i) to access and disseminate information concerning new and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

For purposes of this definition, one *request* may identify multiple records to be inspected or copied.

The District complies with a request from a recurrent requester within a reasonable period considering the size and complexity of the record, unless the records are exempt from disclosure. 5 ILCS 140/3.2(c).

The FOIA Officer responds to a request from a recurrent requester by:

1. Notifying the requester within five business days after receiving a request from a recurrent requester (5 ILCS 140/3.2(b)) that:
  - a. The request is being treated as coming from a recurrent requester under 5 ILCS 140/2(g);
  - b. The reasons the request is being treated as coming from a recurrent requester;
  - c. The District will send an initial response within 21 business days after receipt of the request; and
  - d. The proposed FOIA responses that may be asserted pursuant to 5 ILCS 140/3.2(a). These are the same responses that the District can provide within 21 business days after receipt of a request.
2. Responding within 21 business days after receipt of a recurrent request with one of the following (5 ILCS 140/3.2(a)):
  - a. An estimate of the time required by the District to provide the records and an estimate of the fees, which the requester is required to pay in full before the District copies the requested documents;
  - b. A denial pursuant to one or more of the exemptions;
  - c. Notification that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or
  - d. The records as requested.

#### **J. Managing Voluminous Requests**

A *voluminous request*, according to 5 ILCS 140/2(h), means:

[A] request that:

- i. Includes more than five individual requests for more than five different categories of records or a combination of individual requests that total requests for more than five different categories of records in a period of 20 business days; or
- ii. Requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. *Single requested record* may include, but is not limited to, one report, form, email, letter, memorandum, book, map, microfilm, tape, or recording.

According to 5 ILCS 140/2(h), a *voluminous request* “does not include a request made by news media and non-profit, scientific, or academic organizations if the principal purpose of the request is: (1) to access and disseminate information concerning news and current or passing events; (2) for articles of opinion or features of interest to the public; or (3) for the purpose of academic, scientific, or public research or education.”

The FOIA Officer responds to a voluminous request by:

1. Notifying the requester within five business days after receiving a voluminous request that:
  - a. The District is treating the request as a voluminous request under 5 ILCS 140/3.6.
  - b. The District is treating the request as voluminous for one of the following reasons:
    - 1) Includes more than five individual requests for more than five different categories of records or a combination of individual requests that total requests for more than five different categories of records in a period of 20 business days; or
    - 2) Requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages.
  - c. The requester must respond to the District within ~~10~~ business days after this response is sent. The requester must specify whether the requester would like to amend the request in such a way that the District will no longer treat the request as a voluminous request.
  - d. If the requester does not respond within ~~10~~ business days or if the request continues to be a voluminous request following the requester response, the District will respond to the request and assess any fees the District charges pursuant to 5 ILCS 140/6.
  - e. The District has five business days after receipt of the requester’s response or five business days from the last day for the requester to amend the request, whichever is sooner, to respond to the request.
  - f. The District may request an additional ~~10~~ business days to comply with the request.
  - g. The requester has the right to review the District’s determination by the public access counselor whose address and phone number follows:

Public Access Counselor  
Office of the Attorney General  
500 S. 2nd Street  
Springfield, Illinois 62706  
Phone: 1-877-299-3642
  - h. If the requester fails to accept or collect the responsive records, the District will still charge the requester for its response pursuant to 5 ILCS 140/6 and the requester’s failure to pay will be considered a debt due and owing to the District and may be collected in accordance with applicable law.
2. Providing the requester ~~10~~ business days from the date the District responded to amend the request in such a way that the District will no longer treat it as a voluminous request.

3. If a request continues to be a voluminous request following the requester's reply or the requester fails to reply, responding within the earlier of five business days after the District receives the requester's reply or five business days after the final day for the requester to reply to the District's notification. The District's response must:
  - a. Provide an estimate of the fees to be charged, indicating whether the District requires the person to pay in full before the District copies the requested documents;
  - b. Deny the request pursuant to one or more of the exemptions sent out in FOIA;
  - c. Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or
  - d. Provide the records as requested.

The District may extend the time for responding by not more than five business days from the final date for the requester to reply to the District's notification for any of the reasons provided in 5 ILCS 140/3(e).

The requester and District may agree in writing to extend the time for compliance for a period to be determined by the parties.

#### **K. Denials**

The FOIA Officer will deny a FOIA request for any of the exemptions in 5 ILCS 140/7 or 7.5, ~~amended by P.A.s 101-221, 101-620, and 101-649~~. He or she will comply with 5 ILCS 140/9 by:

1. Providing the requester with a written response containing: (a) the reasons for the denial, including a detailed factual basis for the application of any exemption claimed; (b) the names and titles or positions of each person responsible for the denial; and (c) information about his or her right to review by the Public Access Counselor (include the address and phone number for the Public Access Counselor), and to judicial review under 5 ILCS 140/11.
2. Specifying the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority when the denial is based on the grounds that the records are exempt under 5 ILCS 140/7.
3. Retaining copies of all denial notices in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested. 5 ILCS 140/9(b).

#### **L. Consultation with the Board Attorney**

The FOIA Officer may consult with the Board Attorney, as needed, for legal advice concerning compliance with FOIA, including without limitation:

1. Responding to specific requests,
2. Communicating with the Office of the Ill. Attorney General or PAC, or
3. During any judicial proceeding.

LEGAL REF.: 5 ILCS 140/, Freedom of Information Act.

### School Board

#### Administrative Procedure - Protocols for Record Preservation and Development of Retention Schedules

##### Legal Citations

Each legal requirement in this procedure is followed by a citation to the controlling rule and/or statute. For additional clarification regarding a requirement, the cited law should be reviewed.

Actor	Action
All Staff Members and School Board Members	<p>Maintain all records, as defined and required in the Ill. Local Records Act (LRA). <i>No public record</i> shall be destroyed except as allowed by the LRA.</p> <p><i>“Public record</i> means any book, paper, map, photograph, born-digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.” 50 ILCS 205/3, <a href="#">amended by P.A. 104-438</a>.</p> <p>Do not destroy any District record, no matter its form, if it is subject to a <a href="#">litigation hold</a>. F.R.C.P. 37(e).</p> <p>In federal lawsuits there is an automatic discovery of virtually all types of electronically created or stored data that might be relevant. Attorneys will generally notify their clients at the beginning of a legal proceeding to not destroy any electronic records that might be relevant. The receipt of a <i>litigation hold</i> or preservation letter from the Board’s attorney requires all potentially relevant electronic information to be identified, located, and preserved. This includes all email, e-documents, the tapes and servers of discarded systems, and backup data stored elsewhere.</p> <p>Whenever disposing of materials containing <i>personal information</i>, render the <i>personal information</i> unreadable, unusable, and undecipherable. 815 ILCS 530/40; 44 Ill.Admin.Code §4000.40(b).</p> <p>The Personal Information Protection Act (815 ILCS 530/) contains mandates for disposing of materials containing personal information (<i>personal information</i> is defined in 815 ILCS 530/5 as either of the</p>

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Actor	Action
	<p>following: (1) an individual's first name or first initial and last name combined with any of the following data elements, when either the name or data elements are not encrypted/redacted or are encrypted/redacted but the keys to unencrypt/unredact or otherwise read the name or data elements have been acquired without authorization through a security breach: <u>S</u>ocial <u>S</u>ecurity number, driver's license number or State identification card number, financial account information, medical information, health insurance information, or unique biometric data; or (2) user name or email address, combined with a password or security question and answer that would permit access to an online account, when any of these data elements are not encrypted/redacted or are encrypted/redacted but the keys to unencrypt/unredact or otherwise read the data elements have been acquired without authorization through a security breach). The Ill. Attorney General is authorized to impose a fine and bring court action for noncompliance. 815 ILCS 530/40.</p> <p>Whenever disposing of materials containing <u>S</u>ocial <u>S</u>ecurity numbers that do not otherwise qualify as personal information under 815 ILCS 530/40, follow administrative procedure 4:15-AP1, <i>Protecting the Privacy of Social Security Numbers</i>.</p> <p>The Superintendent, Human Resources Administrator, and their respective designees must follow administrative procedure 5:30-AP4, <i>Fingerprint-Based Criminal History Record Information Security</i>, when disposing of criminal history record information (CHRI).</p>
Superintendent	<p>Assign the following activities to the Records Custodian and Head of Information Technology (IT):</p> <ol style="list-style-type: none"> <li><b>1. Develop and maintain a protocol for preserving and categorizing District records;</b></li> <li><b>2. Develop and maintain a record retention and destruction schedule; and</b></li> <li><b>3. Develop protocols to implement a litigation hold.</b></li> </ol>
Records Custodian and Head of IT	<ol style="list-style-type: none"> <li><b>1. Develop and maintain a protocol for preserving and categorizing District records.</b></li> </ol> <p>Develop and maintain a list of all District records organized in categories and sub-categories, e.g., records relating to business, students, personnel, board meetings, etc. Align this list with the list of District records required by the Freedom of Information Act. 5 ILCS 140/5.</p> <p>Paper records may be easier to locate than electronic records. Electronic records will potentially exist in all of the available clouds, servers, tapes, hard drives, computers, and similar types of electronic devices (e.g., laptops, tablets, smart phones, voicemail, etc.).</p>

Actor	Action
	<p>Prepare a description of how District records stored by means of electronic data processing may be obtained in a form understandable to persons lacking computer knowledge. 5 ILCS 140/5; 44 Ill.Admin.Code §4000.70, <i>Digital Reproduction</i>; 44 Ill.Admin.Code §4000.80, <i>Management of Electronic Records</i>.</p> <p>Such a description may include contact information for a person who can aid in obtaining records stored electronically.</p> <p>Provide for keeping only records and destroying non-records. Avoid filing non-record material with records. Determine what is a non-record, e.g., identical copies of documents maintained in the same file; extra copies of printed or processed materials (official copies of which are retained by the office); blank forms; <i>junk mail</i><sup>1</sup> and personal communications. <a href="#">50 ILCS 205/3, amended by P.A. 104-438</a>.</p> <p>The goal is to control excessive accumulation of material. Non-record material may be destroyed at any time. 50 ILCS 205/9.</p> <p>Absent a litigation hold, email must be retained only when it contains: (1) evidence of the District’s organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. 50 ILCS 205/3. Email that is conversational, personal, or contains brainstorming may generally be deleted.</p> <p>A consistent email retention process for use across the District ensures that the necessary emails are being retained and emails that are not required to be preserved are purged on a regular basis.</p> <p>Determine whether each sub-category of documents should be reproduced by photography (44 Ill.Admin.Code §4000.60), microphotographic and electronic microimaging processes (44 Ill.Admin.Code §4000.50), or digitized electronic format (44 Ill.Admin.Code §4000.70).</p> <p>Any public record may be reproduced in a microfilm or digitized electronic format and the analog/paper version destroyed, provided: (a) the records are reproduced on “a durable medium that accurately and legibly reproduces the original record in all details,” and “that does not permit additions, deletions, or changes to the original document images,” and “if electronic, that are retained in a trustworthy manner so that the records...are accessible and usable for subsequent reference at all times when the information must be retained;” (b) the reproduction is retained for the prescribed retention</p>

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The footnotes should be removed before the material is used.

<sup>1</sup> [Public record does not include junk mail. Junk mail means any unsolicited commercial mail or commercial electronic communication sent to a district that is not responded to by a district. 50 ILCS 205/3, amended by P.A. 104-438.](#)

Actor	Action
	<p>period, and (c) the Local Records Commission is notified when the original record is disposed of and also when the reproduced record is disposed of. 50 ILCS 205/7.</p> <p>Use the Ill. Secretary of State publication <a href="#">Reliable Storage Media for Electronic Records – A Guide for Government Agencies</a> <a href="#">Guidelines for Using Electronic Records</a> (<a href="http://www.ilsos.gov/departments/archives/records-management.html">www.ilsos.gov/departments/archives/records-management.html</a>   <a href="http://www.cyberdriveillinois.com/departments/archives/records-management/electrees.html">www.cyberdriveillinois.com/departments/archives/records-management/electrees.html</a>) and 44 Ill.Admin.Code §§4000.APPENDIX A <i>Sustainable File Formats for Electronic Records - A Guide for Government Agencies</i> (<a href="http://www.ilga.gov/commission/jcar/admincode/044/04404000ZZ9996aR.html">www.ilga.gov/commission/jcar/admincode/044/04404000ZZ9996aR.html</a>), 4000.APPENDIX B <i>Reliable Storage Media for Electronic Records - A Guide for Government Agencies</i> (<a href="http://www.ilga.gov/commission/jcar/admincode/044/04404000ZZ9996BR.html">www.ilga.gov/commission/jcar/admincode/044/04404000ZZ9996BR.html</a>).</p> <p>Identify and index the location of each category and sub-category of District records. Organize electronic record and data storage.</p> <p>The goal is to ensure that all documents, including electronically created ones, are retained for the required timeframes and are easy to retrieve and produce if necessary.</p> <p><b>2. Develop and maintain a record retention and destruction schedule for submission to the Superintendent and eventually to the Local Records Commission.</b></p> <p>Prepare a list of public records that: (1) are not needed for current business, and (2) do not have sufficient administrative, legal, or fiscal value to warrant their further preservation. Stated differently, identify records that have no administrative, legal, or fiscal value, as this is the criteria the Commission uses to determine whether or not to authorize the records' destruction.</p> <p>Records that have no administrative, legal, or fiscal value may be destroyed according to provisions in the LRA. 50 ILCS 205/10.</p> <p>Prepare a schedule for record destruction by identifying the length of time a record category or series warrants retention after it has been received or produced by the District.</p> <p>The ultimate goal is to obtain permission to destroy unnecessary public records. The Local Records Commission must approve the destruction of any public record. 50 ILCS 205/7; 44 Ill.Admin.Code Part 4000 (Local Records Commission for agencies comprising counties of less than 3,000,000 inhabitants); 44 Ill.Admin.Code Part 4500 (Local Records Commission of Cook County). See the</p>

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Actor	Action
	<p>Archives Department on the Secretary of State’s website: <a href="http://www.ilsos.gov/departments/archives/records-management.html">www.ilsos.gov/departments/archives/records-management.html</a> <a href="http://www.ilsos.gov/departments/archives/home.html">www.ilsos.gov/departments/archives/home.html</a> and use the Ill. Secretary of State publication <i>Managing Your Records &amp; the Local Records Act: A Quick Guide for Disposing of Local Records</i>.</p> <p>44 Ill.Admin.Code <del>Part</del> §4000.30 details the procedures for compiling and submitting lists and schedules of records for disposal.</p> <p>The School Code and other statutes (e.g., statutes of limitations) contain mandatory retention timelines. The Board Attorney should be consulted.</p> <p>The e-discovery rules provide a safe harbor for parties during a lawsuit that cannot provide information because it was destroyed as a result of routine practices. F.R.C.P. 37(e).</p> <p><b>3. Develop protocols to implement a litigation hold.</b></p> <p>Understand what a <u>litigation hold</u> is.</p> <p>A <i>litigation hold</i> refers to the notification made by the Board Attorney telling the District to preserve all information that may be relevant to current or anticipated litigation. While it may occur anytime in the legal process, it will usually occur during discovery, the pretrial phase of a lawsuit designed to compel the exchange of information between parties. A litigation hold triggers the need to immediately suspend destruction of electronic and other records relevant to the current or potential claim. F.R.C.P. 37(e).</p> <p>Specify how to implement a litigation hold, i.e.:</p> <ul style="list-style-type: none"> <li>• Who can trigger a litigation hold?</li> <li>• How is a litigation hold communicated?</li> <li>• Who should gather the records?</li> <li>• What records are subject to a litigation hold and who determines this?</li> <li>• In what format should records be gathered?</li> <li>• Where should records be gathered?</li> </ul> <p>Identify how to implement a litigation hold for all IT systems, including backup tapes, to ensure they are not deleted or overwritten as part of the normal tape rotation process.</p> <p>Prepare a map of potentially relevant data and otherwise assist the Board Attorney in locating all potentially relevant information.</p>
Superintendent	Submit new or revised record retention and destruction lists and schedules to the Local Records Commission for approval.

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Actor	Action
	<p>Disseminate the record retention schedule, along with instructions, to all affected staff members and Board members.</p> <p>Immediately inform the Records Custodian and Head of IT whenever a record must be preserved because: (1) it may be relevant to present or future litigation, or (2) the Board Attorney has notified the District to preserve a record, including electronic information (<i>litigation hold</i>).</p> <p>Authorize and/or order the destruction of District records after ensuring that the following steps have been performed:</p> <ol style="list-style-type: none"> <li>1. The Local Records Commission approved a schedule for continuing authority to destroy District records after the expiration of the applicable period.</li> <li>2. Any record is retained and removed from the disposal list if it is or may be evidence in litigation, or is otherwise subject to a <i>litigation hold</i>.</li> <li>3. Thirty days prior to disposal or destruction of any records, regardless of physical format or characteristics, submit a Local Records Disposal Certificate to the Commission and dispose only after a copy of that certificate has been reviewed and approved by the Chairman and returned to the District. The original copy of that Local Records Disposal Certificate is kept in the files of the Commission, and the duplicate copy approved and returned by the Chairman must be retained by the District. 44 Ill.Admin.Code §§4000.40(c), 4500.40(c).</li> <li>4. In the case of records with scheduled retention of less than one year, a single Local Records Disposal Certificate for more than one disposal event within a given year may be used. Local Records Disposal Certificates submitted with this intent must include a schedule of proposed records disposal in addition to the normally required information. The District must wait to dispose of records until receipt of approval from the Commission, as required in number 3, above. 44 Ill.Admin.Code §§4000.40(d), 4500.40(d).</li> <li>5. For records that have been damaged by water, fire, smoke, insects or vermin, mold or some other natural disaster that poses a health or safety risk to employees, the District may apply to the Commission for permission to dispose of those records ahead of their scheduled disposal date. The request must include a Local Records Disposal Certificate accompanied by the District's explanation of why the records need early disposal. The Commission may grant the request only after physically reviewing the damaged records. 44 Ill.Admin.Code §§4000.40(e), 4500.40(e).</li> </ol>
<p><b>Links to Web-based Record Management Resources:</b></p>	

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Actor	Action
	<a href="#">Cook County Local Records Commission Meetings</a>
	<a href="#">Cook County Local Records Commission Rules (44 Ill.Admin.Code Part 4500)</a>
	<a href="#">Downstate Local Records Commission Meetings</a>
	<a href="#">Rules of the Downstate Local Records Commission (44 Ill.Admin.Code Part 4000)</a>
	<a href="#">Ill. School Student Records Act (105 ILCS 10/)</a>
	<a href="#">Local Records Act (50 ILCS 205/)</a>
	<a href="#">Local Records Disposal Certificate</a>
	<a href="#">Managing Social Media &amp; the State and Local Records Acts: A Quick Guide for Social Media Policy and Management (Ill. Secretary of State)</a>

LEGAL REF.: Federal Rules of Civil Procedure, Rules 16, 26 and 37.  
5 ILCS 140/, Freedom of Information Act.  
50 ILCS 205/, Local Records Act.  
105 ILCS 10/, Ill. School Student Records Act.  
815 ILCS 530/, Personal Information Protection Act.  
820 ILCS 40/, Ill. Personnel Record Review Act.  
44 Ill.Admin.Code Part 4000, Local Records Commission.  
44 Ill.Admin.Code Part 4500, Cook County Local Records Commission.

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## **Operational Services**

### **Exhibit - Notification to Staff and Parents/Guardians of CPR and AED Video**

*On District letterhead, website, in student handbook, newsletters, bulletins, and/or calendars*

Date:

To: Parents/Guardians and Staff

Re: CPR and AED Video

State law requires the Ill. High School Association to post a hands-only cardiopulmonary resuscitation (CPR) and automated external defibrillators (AED) training video on its website. The law also requires the District to notify staff members and parents/guardians about the video. You are encouraged to view the [brief](#) video, ~~which will take less than 15 minutes of your time,~~ at:

[www.ihsa.org/Resources/SportsMedicine/CPRTraining.aspx](http://www.ihsa.org/Resources/SportsMedicine/CPRTraining.aspx)[www.ihsa.org/health-safety/cpr-training](http://www.ihsa.org/health-safety/cpr-training).

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## General Personnel

### Administrative Procedure - Interview Questions

Anti-discrimination laws affect all steps of the employee hiring process. Knowledge of the characteristics on which these laws prohibit inquiry is especially critical when conducting interviews. Any employer that asks applicants to record video interviews and uses an artificial intelligence analysis of the applicant-submitted videos must comply with the Artificial Intelligence Video Interview Act, 820 ILCS 42/ ~~added by P.A. 101-260~~. Sloppy interview practices can result in the appearance of illegal discrimination or actual discrimination.

Interviewers should avoid seeking information that will not be used to make an employment decision. Assume that a rejected applicant may believe that all information acquired was used. The District, if challenged, must explain why it asked for the information – a very difficult task when the information involves race, sex, religion, age, disability, etc. Information needed for insurance, tax, Ssocial Ssecurity, or similar purposes should be obtained after employment. The following list of protected characteristics may not be complete because of the rapidly changing nature of discrimination laws.

Protected Status	Do not ask	Permissible to ask
Race and color	What race are your parents?	
Alienage, ancestry, national origin, nationality, and citizenship status (provided the individual is authorized to work in the U.S.), work authorization status	In what country were you born? In what country were your parents born? Are you a naturalized citizen? Do you have proof that you are authorized to work in the U.S.?	Are you legally authorized to work in the United States?  What languages do you read, speak, or write fluently?
Marital status <u>or family responsibilities</u>	Are you married? Single? Divorced? Engaged?  Are you living with someone?  Would your spouse move with you if you got this position?  What is your maiden name?  <u>Are you a caregiver for a family member?</u>	

Protected Status	Do not ask	Permissible to ask
Gender, including parent and pregnancy status, <a href="#">and reproductive health decisions</a>	<p>What are your future family plans?</p> <p>Are you pregnant <a href="#">or planning to become pregnant</a>?</p> <p><a href="#">Are you receiving fertility treatment</a>?</p> <p>Do you have children? What are their ages?</p> <p>Do you have child care?</p>	<p>Is there anything that would interfere with regular work attendance?</p> <p>Are you available to work overtime?</p>
Sexual orientation, including actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity	Do you have a spouse or partner – which?	How do you feel about supervising a diverse workplace?
Religion or creed	What religious holidays do you celebrate?	We need you to work on <i>[insert days]</i> . Are you available to work those days?
Age	<p>When do you plan to retire?</p> <p>When do you plan to collect your pension?</p>	What are your long-term career goals?
Military status	Will you miss work because you are a member of a U.S. Reserve unit, such as, Army Reserve or Marine Corps Reserve, or a member of a National Guard unit?	How does your military training or experience prepare you for this job?
Unfavorable discharge from military service	Under what circumstances were you discharged from the service?	
Use of lawful products during non-working hours	<p>Do you smoke or use tobacco <a href="#">or cannabis</a> products during non-working hours?</p> <p>Do you consume alcoholic beverages during non-working hours?</p>	Have you been disciplined by an employer for violating its rules forbidding the use of alcohol or tobacco <a href="#">or cannabis</a> products?

Protected Status	Do not ask	Permissible to ask
<p>Arrest record</p> <p>Conviction that is not on the School Code's list of disqualifying convictions</p> <p>The Job Opportunities for Qualified Applicants Act, 820 ILCS 75/, <a href="#">amended by P.A. 104-2</a>, 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. Thus, school employers should limit their requests for criminal convictions to job-disqualifying convictions.</p>	<p>Have you ever been arrested?</p> <p>Spent time in jail?</p>	<p>Have you ever been convicted of attempting to commit, conspiring to commit, soliciting, or committing any crime in the following list? (1) any <del>sex-offense or drug-offense</del> <a href="#">listed, as defined</a> in Sec. 21B-80(a) of the School Code, (2) first degree murder or <a href="#">any</a> Class X felony, or (3) any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. 105 ILCS 5/21B-80, <a href="#">amended by P.A.s 101-531 and 101-552</a>.</p> <p>Consult with the Board <a href="#">Attorney</a> if the District wants to ask candidates about disqualifying convictions before the job offer stage, due to Ill. Dept. of Human Rights guidance on 775 ILCS 5/2-103.1, <a href="#">added by P.A. 101-656</a>, at: <a href="https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html">https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html</a> <a href="http://www2.illinois.gov/dhr/Pages/Conviction_Record_Protection_Frequently_Asked_Questions.aspx">www2.illinois.gov/dhr/Pages/Conviction_Record_Protection_Frequently_Asked_Questions.aspx</a>.</p> <p>See <a href="#">sample Board policy 5:30, Hiring Process and Criteria</a>, at f/n 6 for additional explanation.</p>
<p>Genetic information</p>	<p>What were the results of any diagnostic, predictive, or pre-symptomatic genetic testing that you've had?</p>	<p>See section on <i>disability</i> below.</p>
<p>Whether applicant has ever filed a claim or received benefits under the Illinois Workers' Compensation Act or Workers' Occupational Diseases Act</p>	<p>Have you ever filed a claim or received benefits under the Illinois Worker's Compensation Act or Workers' Occupational Disease Act?</p>	

Protected Status	Do not ask	Permissible to ask
<p>Credit history/report, unless the Employee Credit Privacy Act permits 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. 820 ILCS 70/10(b).</p>	<p>Unless specifically permitted, do not ask:</p> <p>Do you have a good credit score?</p> <p>Have you been denied a credit card within last 5 years?</p> <p>Have you ever filed bankruptcy?</p>	<p>How long have you lived at your current address?</p>
<p>Wage or salary history, including benefits or other compensation, unless: the applicant’s wage or salary history is a matter of public record, or is contained in a document completed by the applicant’s current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with State or federal law; or the applicant is a current employee applying for a position with the same current employer. 820 ILCS 112/10, <a href="#">amended by P.A. 103-539, amended by P.A. 101-177</a>. For further discussion, see f/n 19 in <a href="#">sample</a> policy 5:30, <i>Hiring Process and Criteria</i>.</p>	<p>What is your current wage/salary?</p> <p>What was your previous wage/salary?</p> <p>What benefits or other compensation do you currently receive?</p> <p>What benefits or other compensation did you previously receive?</p> <p>What was your highest paid position?</p> <p>This position pays \$X; is that more or less than what you are making now?</p> <p><a href="#">Have you ever filed a complaint with the Ill. Dept. of Labor regarding a job posting?</a></p>	<p>This position provides the following wage/salary, benefits, and compensation: <i>[insert details]</i>. Does that meet your expectations?</p> <p>What are you looking for in terms of wage/salary, benefits, and other compensation for this position?</p>
<p>Victim of domestic violence or being protected under an order of protection</p>	<p>Have you ever requested a restraining order or order of protection against your spouse or <a href="#">an</a> other person?</p>	

Disability

Inquiries that are likely to elicit information about a disability, before a bona fide job offer is made, are prohibited. Inquiries about the ability to perform job functions that do not ask about disabilities are permissible.

<b>Protected Status</b>	<b>Do not ask</b>	<b>Permissible to ask, provided all applicants are asked</b>
Disability	<p>Have you had any recent illnesses or operations?</p> <p>Do you have AIDS?</p> <p>Do you have asthma?</p> <p>Do you have a disability which would interfere with your ability to perform the job?</p> <p>How many days were you sick last year?</p> <p>Have you ever filed for Workers' Compensation?</p> <p>Have you ever been injured on the job?</p> <p>How much alcohol do you drink each week?</p> <p>Have you ever been treated for alcohol problems?</p> <p>Have you ever been treated for mental health needs?</p> <p>What prescription drugs are you currently taking?</p>	<p>Can you perform the functions of this job (essential and/or marginal), with or without reasonable accommodation?</p> <p>Please describe/demonstrate how you would perform these functions (essential and/or marginal).</p> <p>Have you ever been disciplined (oral or written reprimand, suspension or termination) for attendance violations or problems?</p> <p>Are you a current user of illegal drugs?</p> <p>Do you have the required licenses to perform this job?</p>

## **General Personnel**

### **Administrative Procedure - Investigations**

#### **Immigration Investigation**

All newly hired employees must complete section one of the U.S. Citizenship and Immigration Services Form I-9 (Form I-9) no later than three business days following their first working day (Immigration Reform and Control Act, 8 U.S.C. §1324a, 8 C.F.R. §274a.2). See: [www.uscis.gov/i-9](http://www.uscis.gov/i-9). If an individual is unable to provide the required documents to complete it, the individual may present a receipt for the application of the required documents within three days of the hire. The individual must then present the required documents within 90 days of the hire. The Superintendent or designee completes section two of the Form I-9 and confirms the employee's information.

If the Employment Eligibility Verification System (E-Verify) is used to complete Form I-9, the Superintendent or designee will review the Ill. Dept. of Labor's website and its E-Verify factsheet, available at: <https://labor.illinois.gov/content/dam/soi/en/web/idol/laws-rules/legal/documents/e-verification-facts-poster.pdf>. If the District contends that there is a discrepancy in an employee's employment verification information, follow the procedures required by ~~The Right to Privacy~~ in the Workplace Act, 820 ILCS 55/1412, ~~amended added~~ by P.A. 103-879/104-455, ~~and 820 ILCS 55/13, added by P.A. 103-879, eff. 1-1-25.~~

The completed Form I-9 shall be maintained in a file separate from other personnel records in order to prevent unauthorized review of personnel files. The Form I-9 shall be retained for a period of three years after the date of hire or one year after individual employment is terminated, whichever is later.

**Fingerprint-based Criminal History Records Information (CHRI) Check** (105 ILCS 5/10-21.9, amended by P.A. 103-1542-702)

A fingerprint-based criminal history records information check must be initiated prior to employment, but the District may permit the individual to be hired and begin employment pending its outcome. See ~~Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel~~, at: [www.isbe.net/Documents/guidance\\_chri.pdf](http://www.isbe.net/Documents/guidance_chri.pdf). See administrative procedure 5:30-AP4, *Fingerprint-Based Criminal History Record Information*, for procedures regarding the handling of sensitive CHRI provided through the Federal Bureau of Investigation's national databases.

A complete criminal history records check pursuant to 105 ILCS 5/10-21.9, ~~amended by P.A. 103-154~~, consists of:

1. Fingerprint-based checks through (a) the Ill. State Police (ISP) for ~~criminal history records information (CHRI)~~ pursuant to the Ill. Uniform Conviction Information Act (20 ILCS 2635/), and (b) the Federal Bureau of Investigation (FBI) national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (Pub. L. 109-248),
2. \*A check of the Ill. Sex Offender Registry (see the Sex Offender Community Notification Law, 730 ILCS 152/ ~~et seq.~~), and
3. \*A check of the Murderer and Violent Offender Against Youth Registry (see the Murderer and Violent Offender Against Youth Registration Act, 730 ILCS 154/75 - 154/105).

\*These checks must be conducted by the District or the Regional Superintendent<sup>1</sup> once every five years that an individual remains employed by the District. 105 ILCS 5/10-21.9(a-5), (a-6), ~~amended by P.A. 102-552.~~

See also Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, and administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*. **Important:** 20 ILCS 2630/5.2 outlines how an individual may petition to have an arrest record expunged by the arresting authority and the records of the arrest sealed by the circuit court clerk. It also details offenses for which an individual cannot have his or her conviction sealed.

**Note:** The following criminal history records check guides ~~isare~~ also available:

Guide to Understanding Criminal History Record Check Information is available at: <https://dph.illinois.gov/content/dam/soi/en/web/idph/files/forms/background-check-guide-071817.pdf>.

~~Ill. State Board of Education non-regulatory guidance document, Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel, at: [www.isbe.net/Documents/guidance\\_chr.pdf](http://www.isbe.net/Documents/guidance_chr.pdf).~~

The following individuals are responsible for the actions listed:

**Applicant** - Each applicant for employment in any position (except bus drivers employed by a private student transportation contractor) must provide a written authorization for a complete criminal history records check at the time he or she submits the application.

**Individual Student Teaching or beginning a required internship** - Each individual student teaching or beginning a required internship must provide written authorization for, and pay the costs of, his or her criminal history records check (including any applicable vendor's fees) prior to participating in any field experiences in the District. See 105 ILCS 5/10-21.9(g).

**Applicant for Bus Driver** - Each applicant for a bus driver position must complete the application required by the Secretary of State for a school bus driver permit (obtained from the District) and submit it to the District along with the necessary fingerprint submission as required by the ISP to conduct a fingerprint-based criminal history records check. The Superintendent or designee will conduct a pre-employment interview<sup>2</sup> with prospective school bus driver candidates, distribute school bus driver applications and medical forms, and submit the applicant's fingerprint cards to the ISP. The Superintendent or designee will certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed, including the successful completion of a criminal history records check as required by State law. The applicant must present the certification to the Secretary of State at the time of submitting the school bus driver permit application. See 625 ILCS 5/6-106.1, amended by P.A.s ~~104-260 and 104-256~~ ~~102-168 and 102-299~~; 92 Ill.Admin.Code §1035.25.

**Superintendent or designee** - **Note:** Add any additional steps to efficiently receive a complete criminal history records check.

1. Fingerprint-Based Criminal History Records Check:

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

<sup>1</sup> Alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director" throughout this procedure.

<sup>2</sup> Any employer that asks applicants to record video interviews and uses an artificial intelligence analysis of the applicant-submitted videos must comply with the Artificial Intelligence Video Interview Act, 820 ILCS 42/.

- a. For all applicants, the Superintendent or designee completes the required forms to request the criminal history records checks from an appropriate ISP or LiveScan vendor. When the applicant is a successful superintendent candidate who has been offered employment by the Board, the School Board President shall ensure that these checks are completed. This may include submitting the applicant's name, sex, race, date of birth, Ssocial Security number, fingerprint images, and other identifiers to the ISP and FBI on the forms prescribed by each agency.
- b. The Superintendent or designee, or when the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President, will provide the applicant with a copy of the ISP and FBI reports. Required by 105 ILCS 5/10-21.9(b) and 20 ILCS 2635/7. The applicant has the obligation and responsibility to notify the District within seven (7) working days if information in the report furnished by the ISP is inaccurate or incomplete. Id.
- c. The Superintendent or designee, or the Regional Superintendent, notifies the State Superintendent of Education in writing within 15 business days when a CHRI returns a conviction of a crime set forth in 105 ILCS 5/21B-80. 105 ILCS 5/10-21.9(e), and The Superintendent or designee, or the Regional Superintendent, also:
  - i. Makes a preliminary determination that the applicant will be disqualified based on a conviction record when: (1) the District is prohibited by 105 ILCS 5/10-21.9, amended by P.A. 103-154, from employing the individual because the conviction is an offense listed in 105 ILCS 5/21B-80, amended by P.A. 102-552,<sup>3</sup> (2) there is a *substantial relationship* between one or more of the previous criminal offenses and the employment sought or held; or (3) the employment would involve an *unreasonable risk* to property or to the safety or welfare of specific individuals or the general public.

*Conviction record* means information indicating that a person has been convicted of a felony, misdemeanor or other criminal offense, placed on probation, fined, imprisoned, or paroled pursuant to any law enforcement or military authority. 775 ILCS 5/1-103(G-5). It includes the results of a *complete criminal history records check* conducted pursuant to 105 ILCS 5/10-21.9, amended by P.A. 103-154.

*Substantial relationship* means a consideration of whether a job position offers the opportunity for the same or a similar offense to occur and whether the circumstances leading to the conduct for which the person was convicted will recur in the position. 775 ILCS 5/2-103.1(A).

To determine whether an applicant is disqualified based on a *substantial relationship* or *unreasonable risk*, considers the following factors: (1) length of time since the conviction; (2) number of convictions that appear on the conviction record; (3) nature and severity of the conviction and its relationship to the safety and security of others; (4) the facts or circumstances surrounding the conviction; (5) the age of the employee at the time of the conviction; and (6)

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<sup>3</sup> Attorneys have different opinions as to whether the IHRA requires the *interactive assessment* outlined in 775 ILCS 5/2-103.1(c), which includes preliminary and final notices, when a disqualifying offense listed in 105 ILCS 5/21B-80 is found in a conviction record; **consult the board attorney for guidance on this issue.**

evidence of rehabilitation efforts. 775 ILCS 5/2-103.1(B). See also Ill. Dept. of Human Rights (IDHR) *Conviction Record Protection – Frequently Asked Questions* (March 2021), at: <https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html>.

- ii. When the applicant’s conviction record disqualifies him/her/they, notifies the applicant of the preliminary decision in writing. The written notice shall contain: (1) the disqualifying convictions that are the basis for the preliminary decision and the District’s reasoning for the disqualification; (2) a copy of the *complete criminal history records check* conducted pursuant to 105 ILCS 5/10-21.9, [amended by P.A. 103-154](#); and (3) an explanation of the applicant’s right to submit evidence challenging the accuracy of the conviction record that is the basis for the disqualification within seven (7) working days of the applicant’s receipt of the copy of the conviction record<sup>4</sup> if the applicant wishes to dispute the accuracy of the conviction record and/or submit evidence in mitigation, such as rehabilitation. 775 ILCS 5/2-103.1(C)(1) and (2). See exhibit 5:30-AP2, E1, *Notice of Preliminary Hiring Decision Based on Conviction Record*, for a sample letter template.

**Note:** Evidence of rehabilitation may include education, training, stable employment, family and community involvement, and recovery from substance abuse. For more information, see *EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decision under Title VII of the Civil Rights Act*, at: [www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions](http://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions).

- iii. When the final decision disqualifies the applicant based on the conviction record, provides a second written notice to the applicant that contains: (1) notice of the disqualifying conviction(s) that are the basis for the final decision and the District’s reasoning for the disqualification; (2) any existing procedure the employer has for the applicant to challenge the decision or request reconsideration (this is not required)<sup>5</sup>; and (3) the right to file a charge with the IDHR. 775 ILCS 5/2-103.1(C)(3). See exhibit 5:30-AP2, E2, *Notice of Final Hiring Decision Based on Conviction Record*, for a sample letter template.
- d. The Superintendent or designee, or the Regional Superintendent, or as applicable the entity that provides background checks for public schools, notifies the State

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<sup>4</sup> The IHRA requires at least five business days for the applicant to dispute the accuracy of the conviction record, but the Ill. Uniform Conviction Information Act (UCIA) provides the applicant seven working days from of receipt of the copy of the conviction information to notify the district if the information is inaccurate or incomplete. 20 ILCS 2635/7(A)(2). This procedure accommodates the longer timeline of the UCIA.

<sup>5</sup> Consult the board attorney for advice about whether policy 2:260, *Uniform Grievance Procedure*, should be included in the final decision letter for new applicants and/or existing employees. That policy is limited to students, parents/guardians, employees, or community members that want to file a complaint regarding the district’s alleged violation of a constitutional right, statute, or board policy.

Superintendent of education in writing<sup>6</sup> within 10 business days<sup>7</sup> after receiving information of a *pending* criminal charge for an offense set forth in 105 ILCS 5/21B-80. Required by 105 ILCS 5/10-21.9(e).

**Note:** For substitute teachers, the Superintendent will need to ensure that the District performs these checks. Contact the Board Attorney and/or ISBE regarding the validity of a *certificate of authorization*, if a substitute teacher presents one. ~~From 1-1-11 through 7-1-11, the Regional Superintendent or Suburban Cook County Intermediate Service Center Executive Director, whichever was appropriate, was allowed to issue certificates of authorization to substitute teachers. Issuance of a certificate of authorization was proof that the substitute teacher applicant had met all of the requirements to substitute teach in the educational service region; i.e., a fingerprint-based criminal history records check, a physical examination, and a negative tuberculin test. Because P.A. 97-607 deleted certificates of authorization, substitute teachers no longer receive them because they no longer exist.~~

- e. For individuals student teaching or beginning a required internship, the Superintendent or designee ensures that the individual completes the required forms, authorizations, and provides payment to the District for the costs of completing a complete criminal history records check prior to student teaching or beginning a required internship (105 ILCS 5/10-21.9(g) and Board policy 5:260, *Student Teachers*). ~~For more information, see also ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: [www.isbe.net/Documents/guidance\\_chr.pdf](http://www.isbe.net/Documents/guidance_chr.pdf).~~
2. Screen of the Statewide offender databases upon hire and every five years thereafter that an individual remains employed by the District. 105 ILCS 5/10-21.9(a-5), (a-6), ~~amended by P.A. 102-552~~. The Superintendent or designee, or when the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President, performs a screen for each applicant of:
  - a. The Statewide Sex Offender Registry, <https://sor.isp.illinois.gov/sorpublic> ~~<https://isp.illinois.gov/Sor/Disclaimer>~~, as authorized by the Sex Offender Community Notification Law (730 ILCS 152/ *et seq.*), and
  - b. The Statewide Murderer and Violent Offender Against Youth Registry <https://sor.isp.illinois.gov/sorpublic> ~~<https://isp.illinois.gov/MVOAY/Disclaimer>~~, as authorized by the Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/75-154/105).

The Superintendent or designee, or when the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President, notifies the individual if he or she is identified in the database as a sex offender. Required by 105 ILCS 5/10-21.9(a-5), (a-6), and (b). The Superintendent or designee, or the Regional Superintendent, notifies the State Superintendent of

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<sup>6</sup> 105 ILCS 5/10-21.9(e) requires written notice for *convictions*. While notice for *pending* criminal charges is not required to be “in writing,” for ease of use, consistency in administration, alignment with the requirement to provide written notice for *convictions*, and best practices this sample text states the State Superintendent will also be notified of *pending* criminal charges in writing. Consult the board attorney for further guidance.

<sup>7</sup> 105 ILCS 5/10-21.9(e) does not state whether the notice requirement is *calendar days* or *business days*. Support for it being *business days* is found later in 105 ILCS 5/10-21.9(e), which requires that notice for *convictions* be provided within 15 business days.

Education in writing within 15 business days, when a database screen finds a *registration* for an individual licensed by ISBE. 105 ILCS 5/10-21.9(e).

**ISP and FBI** - The ISP and FBI furnish records of convictions (until expunged), pursuant to the District's request, to the Board President. **Note:** The ISP and FBI must "furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board...". See 105 ILCS 5/10-21.9(a) and (g). 20 ILCS 2630/3.3 establishes authority for the ISP to collect fees from the District if the Board wishes to participate in a Federal *Rap Back Service*. Rap Back Service is a capability of the FBI's Next Generation Identification (NGI) system that provides authorized agencies notification of criminal activity and, in limited cases, of civil activity, that occurs after the initial processing and retention of criminal or civil transactions, e.g., an initial fingerprint-based criminal history records check. The Board may determine that it wants to participate. Participation includes ISP submitting fingerprints that the District orders to the FBI Rap Back Service to be retained for the purpose of being searched by future submissions to the FBI Rap Back Service. For a student teacher, the report shall be returned to the Superintendent or designee (see ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: [www.isbe.net/Documents/guidance\\_chr.pdf](http://www.isbe.net/Documents/guidance_chr.pdf)).

**Board President** - The School Code requires the Board President to keep a conviction record confidential. The information may only be shared between the Board President, the Superintendent or designee, Regional Superintendent (if the check was requested by the District), State Superintendent of Education, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, the ISP and/or Statewide Sex Offender Registry for clarification purposes, or the Teachers' Retirement System of the State of Illinois (TRS) when the board learns that a teacher has been convicted of a felony. See 105 ILCS 5/10-21.9(b), 105 ILCS 5/21B-10, [amended by P.A. 104-128](#), and 105 ILCS 5/21B-85, amended by P.A. 103-512-552. For further discussion about the practical implementation issues for the Board President to ensure that a fingerprint-based criminal history records information check and other database screens are initiated and completed prior to employment, see f/n 11 in [Board sample policy 5:30, Hiring Process and Criteria](#).

**Regional Superintendent/Suburban Cook County Intermediate Service Center Executive Director** - The Superintendent or designee may require the applicant to authorize the Regional Superintendent or Suburban Cook County Intermediate Service Center Executive Director, whichever is appropriate, to conduct the check when an applicant is (1) seeking employment in more than one District simultaneously as (a) a substitute teacher, (b) a concurrent part-time employee, and/or (c) educational support personnel, or (2) the employee works for a contractor holding contracts with more than one district. The Regional Superintendent or Suburban Cook County Intermediate Service Center Executive Director, whichever is appropriate, also performs a check of the Statewide Sex Offender Registry, <https://sor.isp.illinois.gov/sorpublic/https://isp.illinois.gov/Sor/Disclaimer>, as authorized by the Sex Offender Community Notification Law (730 ILCS 152/115), and the Violent Offender Against Youth Registry, <https://sor.isp.illinois.gov/sorpublic/https://isp.illinois.gov/MVOAY/Disclaimer>, as authorized by the Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/75-154/105). See 105 ILCS 5/10-21.9 (a-5), (a-6), and (b), [amended by P.A. 102-552](#).

**Contractors** - The above requirements for a *complete criminal history records check* apply to all employees and agents of contractors who have direct, daily contact with students. 105 ILCS 5/10-21.9(f). Every contractor with the District shall: (1) make every employee or agent who will have direct, daily contact with students submit to a complete criminal history records check, (2) confirm that it will make those employees available to the District for the criminal history records check, and (3) submit payment for the costs of the check(s) to the District.

**Note:** The provisions in 105 ILCS 5/10-21.9(f) and (g) apply to employees of contractors who have “direct, daily contact” with students. To be comprehensive and to eliminate uncertainty, this procedure and Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, may require a criminal history records check on all employees of contractors who may work in any school building or on school property. Whether the District uses the comprehensive language or the direct language from the School Code, the District, not the contractor, must perform the background checks. Contractors are not authorized under any State or federal law to: (1) conduct the required criminal history background checks; or (2) see the employee’s criminal history furnished by the ISP and the FBI.<sup>8</sup> All contracts should also require the contractor to purchase insurance to cover misconduct by their employees and/or an indemnification clause. Additionally, the Superintendent or designee should check insurance coverage to determine whether employees of contractors are covered. See also Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, and administrative procedure 4:60-AP3, *Criminal History Records Check of Contractor Employees*, for the responsibilities of contractors. Last, if the District has received, within the last year, information that concerns the record of conviction and identification as a sex offender of any contractors’ employees, the District must provide the information to another school or school district that requests it. 105 ILCS 5/10-21.9(f-5). ~~For more information, see ISBE’s non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at [www.isbe.net/Documents/guidance\\_chr.pdf](http://www.isbe.net/Documents/guidance_chr.pdf).~~ Unless notified by the individual named in a criminal history records information (CHRI) request or by the ISP that the information furnished in a CHRI report is inaccurate or incomplete, the District cannot be liable for damages to any person to whom the CHRI pertains for actions it reasonably took in reliance on the accuracy and completeness of CHRI report. 20 ILCS 2635/7(A)(3).

**District** - The District complies with 105 ILCS 5/10-21.9, amended by P.A. ~~103-1548~~ ~~102-552~~ and ~~102-702~~, and 5/21B-80, ~~amended by P.A. 102-552~~. It will not knowingly employ a person, or allow a person to work or student teach/complete a required internship (105 ILCS 5/10-21.9(g)) on school grounds, who:

1. Has been convicted of any one or more of the following offenses, until seven years following the end of the sentence<sup>9</sup> for the criminal offense:
  - a. Those defined in the Cannabis Control Act, 720 ILCS 550/, except: 720 ILCS 550/4(a), 550/4(b), 550/4(c), 550/5(a), 550/5(b), and any offense for which the holder of a license is placed on probation under the provisions of 550/10 provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.
  - b. Those defined in the Ill. Controlled Substances Act, 720 ILCS 570/100 ~~et seq.~~, ~~amended by P.A. 103-881~~, except: any offense for which the holder of a license is placed on probation under the provisions of 570/410, ~~amended by P.A.s 103-702, 103-881, and 104-417~~, provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.
  - c. Those defined in the Methamphetamine Control and Community Protection Act, 720 ILCS 646/, except: any offense for which the holder of a license is placed on probation

The footnotes should be removed before the material is used.

<sup>8</sup> See sample administrative procedure 4:60-AP3, *Criminal History Records Check of Contractor Employees*, at f/n 1, for discussion of the impact of 775 ILCS 5/2-103.1 on contractor employees.

<sup>9</sup> Sentence includes any period of supervision or probation that was imposed either alone or in combination with a period of incarceration. 105 ILCS 5/21B-80(a), ~~amended by P.A. 102-552~~.

- under the provisions of 646/70, [amended by P.A. 103-702](#), provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.
- d. Any attempt to commit any of the offenses listed in (a)-(c) of this section.
  - e. Any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in Illinois, would have been punishable as one or more of the offenses listed in (a)-(d) of this section.
2. Has been convicted of committing or attempting to commit any one or more of the following offenses:
- ~~a.—Attempting to commit, conspiring to commit, soliciting, or committing [first-degree murder or any Class X felony](#).~~
  - ~~b.—Attempting to commit, conspiring to commit, soliciting, or committing any offense defined in Article 9 (Homicide) of the Criminal Code of 1961 or the Criminal Code of 2012.~~
  - ~~c.—Attempting to commit, conspiring to commit, soliciting, or committing any sex offense. Sex offense means any offense defined in:
    - i.— Sections 11-6 and 11-9 through 11-9.5, inclusive, and 11-30 (if punished as a Class 4 felony) of the Criminal Code of 1961 or the Criminal Code of 2012;
    - ii.— Sections 11-14.1 through 11-21, inclusive, of the Criminal Code of 1961 or the Criminal Code of 2012;
    - iii.— Sections 11-23 (if punished as a Class 3 felony), 11-24, 11-25, and 11-26 of the Criminal Code of 1961 or the Criminal Code of 2012; and~~
  - ~~d.a. Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if punished pursuant to 26-4(d)(4) or (5)) of the Criminal Code of 1961 or the Criminal Code of 2012 any offense listed at [105 ILCS 5/21B-80](#).~~
  - ~~e.b. Any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in Illinois, would have been punishable as one or more of the foregoing offenses.~~
3. Has been found to be the perpetrator of sexual or physical abuse of any minor less than 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

#### Reporting New Hires

The Superintendent or designee shall timely file an IRS Form W-4 or IDES *New Hire Reporting Form* for each newly hired employee with the Ill. Dept. of Employment Security. See 820 ILCS 405/1801.1, [amended by P.A. 103-343](#). When the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President shall ensure either the retiring Superintendent or designee performs this task.

## **General Personnel**

### **Exhibit – Notice of Preliminary Hiring Decision Based on Conviction Record**

*Use this letter when the District must notify an applicant that it made a preliminary determination that the applicant is disqualified from employment based on a conviction record. 775 ILCS 5/2-103.1(C).*

*On District Letterhead*

Re: Your Employment Application – Preliminary Decision Notice

Dear [insert name of applicant]:

The District has reviewed the results of your complete criminal history records check conducted pursuant to 105 ILCS 5/10-21.9 in connection with your application for the position of [insert job title]. A copy of those results is enclosed with this letter.

After review, the District is not considering you further for employment in the District based at least in part on [insert date and description of disqualifying offense relied upon].

*Use the following paragraph if the disqualification is based on conviction of a prohibited offense included in 105 ILCS 5/21B-80 (see [administrative procedure 5:30-AP2, Investigations](#), at p. 7-8 for a listing of prohibited offenses):*

105 ILCS 5/10-21.9 prohibits the District from employing anyone convicted of [insert disqualifying offense], and therefore, the District is prohibited by law from offering you employment.

*Use the applicable paragraph(s) below if the disqualification is not based on a prohibited offense included in 105 ILCS 5/21B-80:*

Given the [include a description of all factors that apply: length of time since the conviction, the number of convictions that appear on the conviction record, the nature and severity of the conviction and its relationship to the safety and security of others, the facts and circumstances surrounding the conviction, the age of the employee at the time of the conviction, and the evidence of rehabilitation efforts], the District finds that employing you would involve an unreasonable risk to the property or to the safety or welfare of others.

Given the [*include a description of all factors that apply: length of time since the conviction, the number of convictions that appear on the conviction record, the nature and severity of the conviction and its relationship to the safety and security of others, the facts and circumstances surrounding the conviction, the age of the employee at the time of the conviction, and the evidence of rehabilitation efforts*], the District finds a substantial relationship between your conviction record(s) and the employment position for which you have applied, and that your hiring would provide an opportunity for you to engage in the same or a similar offense.

Pursuant to the Illinois Human Rights Act, you have the right to respond to this Decision, after which time the District will make a final determination. Your response may include, but need not be limited to, evidence challenging the accuracy of the conviction record that the District relied upon to disqualify you [and/or evidence in mitigation, such as rehabilitation efforts]. You have until [*insert date at least seven working days from the date of the letter*] to respond to this letter. Please send your response to: [*insert contact information*].

Sincerely,

[*insert title, such as Superintendent or Director of Human Resources*]

Enclosure: results of complete criminal history records check

## General Personnel

### Exhibit – Notice of Final Hiring Decision Based on Conviction Record

Use this letter when the District must notify an applicant that it made a final determination that the applicant is disqualified based on a conviction record. 775 ILCS 5/2-103.1(C).

On District Letterhead

Re: Your Employment Application – Final Decision Notice

Dear [insert name of applicant]:

~~I am writing to inform you that~~ The District has made the final decision not to consider you further for employment. This decision is based in whole or in part on the information in your conviction record that was enclosed with the preliminary decision letter that ~~I was~~ sent to you on [insert date], as well as any information submitted by you in response to my letter.

Use the following paragraph if the disqualification is based on conviction of a prohibited offense included in 105 ILCS 5/21B-80 (see [administrative procedure 5:30-AP2, Investigations](#) at p. 7-8 for a listing of prohibited offenses):

105 ILCS 5/10-21.9 prohibits the District from employing anyone convicted of [insert disqualifying offense], and therefore, the District is prohibited by law from offering you employment.

Use the applicable paragraph(s) below if the disqualification is not based on a prohibited offense included in 105 ILCS 5/21B-80:

Given the [include a description of all factors that apply: length of time since the conviction, the number of convictions that appear on the conviction record, the nature and severity of the conviction and its relationship to the safety and security of others, the facts and circumstances surrounding the conviction, the age of the employee at the time of the conviction, and the evidence of rehabilitation efforts], the District has determined that employing you would involve an unreasonable risk to the property or to the safety or welfare of others.

Given the [include a description of all factors that apply: length of time since the conviction, the number of convictions that appear on the conviction record, the nature and severity of the conviction and its

*relationship to the safety and security of others, the facts and circumstances surrounding the conviction, the age of the employee at the time of the conviction, and the evidence of rehabilitation efforts*], the District has determined that there is a substantial relationship between your conviction record and the employment position for which you have applied, and that your hiring would provide an opportunity for you to engage in the same or a similar offense.

*[Insert the existing procedure, if any, that the District will use for the applicant to challenge the decision or request reconsideration]*

Finally, please note that you have the right to file a charge with the Illinois Department of Human Rights.

Sincerely,

*[insert title, such as Superintendent or Director of Human Resources]*

DRAFT

## **General Personnel**

### **Administrative Procedure - Coordination with Children's Advocacy Center**<sup>1</sup>

Children's Advocacy Centers (CACs) are child-focused, trauma-informed, facility-based programs that provide a multi-disciplinary, comprehensive response to child abuse. Illinois CACs are organized and operate under the Children's Advocacy Center Act. 55 ILCS 80/. CACs are accredited based on standards set by the National Children's Alliance. 55 ILCS 80/2.5. See [www.nationalchildrensalliance.org/](http://www.nationalchildrensalliance.org/).

If the District is located within a county that is served by an accredited CAC, it must coordinate with the CAC to implement the **Alleged Incidents of Sexual Abuse; Investigations** subhead of Board policy 5:90, *Abused and Neglected Child Reporting*. 105 ILCS 5/22-85. For a map of accredited CACs, and to identify a CAC that may serve the District, see [www.childrensadvocacycentersofillinois.org/about/map](http://www.childrensadvocacycentersofillinois.org/about/map). Use this procedure to coordinate with the District's local CAC.

#### Glossary of Terms

**Alleged incident of sexual abuse** – An incident of sexual abuse of a child (as defined in the Ill. Criminal Code of 2012, 720 ILCS 5/11-~~1.509-1A~~) that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred either: on school grounds during a school activity, outside of school grounds, or not during a school activity. 105 ILCS 5/22-85(b).<sup>2</sup>

**Alleged victim** – A student who is alleged to be the victim of an alleged incident of sexual abuse.

**Appropriate law enforcement agency** – A law enforcement agency whose employees have been involved, in some capacity, with an investigation of a particular alleged incident of sexual abuse. 105 ILCS 5/22-85(b).

**Child advocate** – May be a school social worker, a school or equally-qualified psychologist, or a person in a position the Ill. State Board of Education (ISBE) has identified as an appropriate advocate for a student during a school's investigation into an alleged incident of sexual abuse. 105 ILCS 5/22-85(i).

**Forensic interview** – An interview between a trained forensic interviewer, as defined by National Children's Alliance standards, and a child in which the interviewer obtains information from children in an unbiased and fact finding manner that is developmentally appropriate and culturally sensitive to support accurate and fair decision making by the multidisciplinary team in the criminal justice and child protection systems. 55 ILCS 80/2.5.

**School personnel** – School employees, vendors, and volunteers.

**Sexual Abuse and Sexual Assault** – See Ill. Criminal Code of 2012 definitions at:  
720 ILCS 5/11-9.1A. Permitting sexual abuse of a child.

The footnotes should be removed before the material is used.

<sup>1</sup> This procedure cites the minimum requirements of State law. Modify this procedure based upon the District's specific implementation needs and any additional needs of the CAC that serves the District.

<sup>2</sup> See the f/n 15 analysis in sample policy 5:90, *Abused and Neglected Child Reporting*. To provide boards with clarity, this procedure uses the definition of *sexual abuse* from the Ill. Criminal Code of 2012.

- 720 ILCS 5/11-1.20. Criminal sexual assault.
- 720 ILCS 5/11-1.30. Aggravated criminal sexual assault.
- 720 ILCS 5/11-1.40. Predatory criminal sexual assault of a child.
- 720 ILCS 5/11-1.50. Criminal sexual abuse.
- 720 ILCS 5/11-1.60. Aggravated criminal sexual abuse.

**Coordination with CAC**

<b>Actor</b>	<b>Action</b>
ISBE	Identifies persons in positions who may be appropriate child advocates for students during a school’s investigation into an alleged incident of sexual abuse. <a href="#">105 ILCS 5/22-85(c)</a> . As of <a href="#">the publication of PRESS Issue 121 (March 2026<sup>3</sup>)</a> , ISBE has not identified any persons.
Superintendent or designee	<p>Establishes a CAC Communication Committee (Committee) to operate as a Superintendent committee. See <a href="#">administrative procedure 2:150-AP, Superintendent Committees</a>. Consider including:</p> <ul style="list-style-type: none"> <li>• District Nondiscrimination Coordinator (see <a href="#">Board policies 2:260, Uniform Grievance Procedure</a>; and <a href="#">2:265, Title IX Grievance Procedure</a>)</li> <li>• District Safety Coordinator (see <a href="#">administrative procedure 4:170-AP1, Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities</a>)</li> <li>• District-level administrators</li> <li>• Building Principals (Building Principals are mandatory for successful implementation of the <b>Alleged Incidents of Sexual Abuse; Investigations</b> subhead of <a href="#">Board policy 5:90, Abused and Neglected Child Reporting</a>)</li> <li>• School personnel</li> <li>• Employees from the accredited CAC that serves the District</li> </ul> <p>Chairs and convenes Committee meetings for the purpose of implementing the <b>Alleged Incidents of Sexual Abuse; Investigations</b> subhead of policy 5:90, <i>Abused and Neglected Child Reporting</i>.</p> <p><b>Note:</b> To achieve the minimum requirement of State law that the District coordinate with its local CAC, this procedure establishes an administrative committee. Establishing a committee provides a best practice for aligning with governance principles and examining implementation issues specific to each individual school district and the CACs that serve each district. While smaller school districts, e.g., one-building districts, may be able to implement a program through one meeting, larger school districts will likely require the uniform coordination this Committee provides.</p> <p>Informs the School Board of the Committee’s progress and needs by adding information items to the Board’s agendas as needed.</p> <p>Ensures that at least every two years, school personnel are trained to understand, provide information and referrals to, and address issues pertaining to students who are parents, expectant parents, or victims of domestic or sexual violence. <b>Note:</b> <a href="#">105 ILCS 5/10-22.39(b-25)</a>, added by</p>

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Actor	Action
	<p>P.A. 103-542 <del>and amended by P.A. 104-391, eff. 1-1-24 and operative 7-1-24,</del> requires this training to be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting students and must include training concerning each of the following:</p> <ol style="list-style-type: none"> <li>1. Communicating with and listening to student victims of domestic or sexual violence and expectant and parenting students.</li> <li>2. Connecting student victims of domestic or sexual violence and expectant and parenting students to appropriate in-school services and other agencies, programs, and services as needed.</li> <li>3. Implementing the school district's policies, procedures, and protocols with regard to such students, including confidentiality. At a minimum, school personnel must be trained to understand, provide information and referrals, and address issues pertaining to such students.</li> <li>4. 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 <del>5/27-240+10/3-10.</del></li> </ol>
School Personnel	<p>Upon suspecting or receiving knowledge of an alleged incident of sexual abuse, shall perform each of the following (105 ILCS 5/22-85(c)):</p> <ol style="list-style-type: none"> <li>1. Immediately report to the Ill. Dept. of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873 (within Illinois); 1-217-524-2606 (outside Illinois); or 1-800-358-5117 (TTY).</li> <li>2. <del>Follow directions given by DCFS concerning filing</del> Prepare an internal written report documenting your report to DCFS <del>within 48 hours with the nearest DCFS field office. 25 ILCS 5/7.</del> The written report shall include, if known, each of the following: <ol style="list-style-type: none"> <li>a. The name and address of the child, his or her parents/guardians, or other persons having custody;</li> <li>b. The child's age;</li> <li>c. The child's condition, including any evidence of previous injuries or disabilities; and</li> <li>d. Any other information that the reporter believes may be helpful to DCFS for its investigation.</li> </ol> </li> <li>3. Promptly notify the Superintendent or Building Principal that a report to DCFS has been made.</li> </ol>
Superintendent or Building Principal	<p>Immediately coordinates any necessary notifications to the student's parents/guardians with DCFS, the applicable school resource officer (SRO), and/or local law enforcement which includes the local State's Attorney's Office.<sup>3</sup></p>

**Commented [MB1]:** Note to Subscribers: 325 ILCS 5/7, amended by P.A. 103-624, no longer requires reporters to file a written report with DCFS within 48 hours of any initial report.

The footnotes should be removed before the material is used.

<sup>3</sup> This sentence implements optional language from sample policy 5:90, *Abused and Neglected Child Reporting*, and should be deleted if the board's adopted policy does not contain it.

Actor	Action
	Notifies the District’s Nondiscrimination Coordinator of the reported alleged incident of sexual abuse.
DCFS and/or Appropriate Law Enforcement Agency	Determines whether to accept a reported alleged incident of sexual abuse for investigation. If a reported alleged incident is accepted, refers the matter to the CAC serving the District. 105 ILCS 5/22-85(d).  <b>Note:</b> If neither DCFS nor law enforcement investigate the alleged incident of sexual abuse, the District can move forward with its own investigation without CAC involvement.
CAC	Coordinates the investigation of the alleged incident of sexual abuse in accordance with its existing multidisciplinary team protocol and National Children’s Alliance accreditation standards. 105 ILCS 5/22-85(e)(1).  Facilitates communication between the DCFS/law enforcement multidisciplinary team investigating the alleged incident of sexual abuse and the District’s Nondiscrimination Coordinator. <sup>4</sup> At a minimum: <ol style="list-style-type: none"> <li>1. Ensures that all applicable parties have each other’s contact information; and</li> <li>2. Shares the CAC’s protocol regarding the process of approving the viewing of a forensic interview by <a href="#">appropriate</a> school personnel or <a href="#">Board members</a>, and a contact person for questions regarding the protocol. 105 ILCS 5/22-85(e)(2).</li> </ol>
Nondiscrimination Coordinator	Upon being notified of the reported alleged incident of sexual abuse by the Superintendent or Building Principal, shall:  Open and conduct the District’s investigation into the alleged incident of sexual abuse in accordance with <a href="#">Board</a> policy 7:20, <i>Harassment of Students Prohibited</i> .  Schedule regular follow-up calls to the CAC to inquire whether DCFS/law enforcement has opened an investigation into the alleged incident of sexual abuse.  <b>If DCFS/law enforcement investigation is not opened, stops using this procedure and continues the District’s investigation in accordance with <a href="#">Board</a> policy 7:20, <i>Harassment of Students Prohibited</i>.</b>  <b>If DCFS/law enforcement investigation is opened, continues with the following steps.</b>  Notes the date DCFS/law enforcement opened its investigation and sets a reminder for 15 calendar days after it.

The footnotes should be removed before the material is used.

<sup>4</sup> Throughout this procedure “Nondiscrimination Coordinator” may be replaced with Title IX Coordinator or designee, Complaint Manager, School Resource Officer, or the title of any other school personnel leading the school’s investigation into the alleged incident of sexual abuse.

Actor	Action
	<p><b>Note:</b> This time period is important because the CAC has 15 calendar days to conduct a forensic interview of the alleged victim. During this time, the District <del>is</del> cannot interview the alleged victim regarding the alleged incident.</p> <p>While the child abuse and/or criminal investigations related to the alleged incident of sexual abuse are being conducted by DCFS/law enforcement, the Nondiscrimination Coordinator:</p> <ol style="list-style-type: none"> <li>1. Continues the District's investigation, which may include interviewing the alleged witnesses and/or the alleged perpetrator.</li> <li>2. May request information from the alleged victim or his or her parent/guardian to ensure his or her safety and well-being at school during the investigations. 105 ILCS 5/22-85(f).</li> <li>3. Refrains from interviewing the alleged victim until after the CAC completes its forensic interview. 105 ILCS 5/22-85(f). <sup>5</sup></li> <li>4. Upon request, must inform DCFS/law enforcement investigators of any evidence it has gathered, <a href="#">as to the extent</a> permitted by federal or State law. 105 ILCS 5/22-85(f).</li> </ol> <p><b>Note:</b> Evidence gathered by the Nondiscrimination Coordinator during the District's investigation may be confidential under the Illinois School Student Records Act (105 ILCS 10/) and the Family Rights and Educational Privacy Act (20 U.S.C. §1232g). <b>Consult the Board Attorney regarding what disclosures, if any, are allowed in response to a request from DCFS and/or law enforcement and conditions that must be met prior to disclosure.</b></p> <p>Schedule regular follow-up calls with the CAC to inquire about the status of the forensic interview of the alleged victim.</p>
CAC	<p>Notifies the Nondiscrimination Coordinator that:</p> <ol style="list-style-type: none"> <li>1. The forensic interview of the alleged victim is complete, and the electronic recording of the forensic interview may be viewed; or</li> <li>2. The CAC determined a forensic interview will not be conducted. 105 ILCS 5/22-85(g), (h).</li> </ol>
Nondiscrimination Coordinator	<p>If the electronic recording of the forensic interview of the alleged victim is available for viewing:</p> <ol style="list-style-type: none"> <li>1. Verifies the CAC has obtained informed consent from an alleged victim over the age of 13 or the alleged victim's parent/guardian</li> </ol>

The footnotes should be removed before the material is used.

<sup>5</sup> The purpose of waiting to interview and coordinating with CACs is to minimize trauma of an alleged victim by preventing multiple interviews of him/her regarding the alleged incident of sexual abuse. When a DCFS/law enforcement investigation is pending, then the CAC's forensic interview serves as the interview that other entities, e.g., school districts, may use by viewing or listening to it for their investigations. If a DCFS/law enforcement investigation is pending but the CAC does not conduct a forensic interview, then the school may conduct its own interview of the alleged victim after following the procedures outlined in this procedure.

Actor	Action
	<p>for <a href="#">appropriate</a> school personnel <a href="#">or Board members</a> to view the forensic interview (105 ILCS 5/22-85(h); and</p> <p><b>Note:</b> Each CAC may have its own consent form. Contact your local CAC to confirm that it will obtain written consent from the alleged victim over the age of 13 or the alleged victim’s parent/guardian (if under the age of 13).</p> <p>2. Views the electronic recording of the forensic interview.</p> <p>If the CAC has not performed a forensic interview of the alleged victim within 15 calendar days after DCFS/law enforcement opens an investigation, notifies the CAC that the District intends to interview the alleged victim.</p>
CAC	<p>After receiving notification that the District intends to interview the alleged victim, has 10 additional calendar days to conduct a forensic interview. 105 ILCS 5/22-85(g).</p>
Nondiscrimination Coordinator	<p>If the CAC does not conduct a forensic interview of the alleged victim within the 10 additional calendar days, proceeds with the District’s interview of the alleged victim. <u>Id.</u></p> <p>If the alleged victim is under 18 years old, makes a child advocate available to the alleged victim and allows the child advocate to be present during the interview. A child advocate may be a school social worker, a school or equally qualified psychologist, or a person in a position that ISBE has identified as an appropriate advocate for a student during a school’s investigation into an alleged incident of sexual abuse. 105 ILCS 5/22-85(i).</p> <p>Schedules regular follow-up calls to DCFS/law enforcement to inquire if the investigation of an incident has been suspended and/or is complete, including the outcome of the investigation. 105 ILCS 5/22-85(j), (k).</p>

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## Instruction

### **Administrative Procedure – Remote and/or Blended Remote Learning Day Plan(s)**

Use this procedure in conjunction with the subhead *Suspension of In-Person Instruction; Remote and/or Blended Remote Learning Day Plan(s)* in Board policy 4:180, *Pandemic Preparedness; Management; and Recovery*.

When the District must implement a Remote and/or Blended Remote Learning Day Plan (Plan) that designates *remote learning days* (RLDs) and/or *blended remote learning days* (BRLDs) for instruction in grades pre-kindergarten through 12, the Superintendent must approve<sup>1</sup> a Plan, present the Plan to the Board for adoption<sup>2</sup> prior to its implementation, implement the Plan after Board approval, and post it on the District’s website.

The Superintendent will begin the process of developing a Plan in one of the two following ways:

1. Adapting the District’s e-learning program (adopted by the Board pursuant to 105 ILCS 5/10-20.56) into a Plan<sup>3</sup> and ensuring that it is posted on the District’s website and communicated to the community in accordance with this procedure.<sup>4</sup> See *E-learning Program; Days*, in the **Definitions** subhead below for more information about an e-learning program.
2. Using this procedure if the District has not implemented an e-learning program.<sup>5</sup>

The footnotes should be removed before the material is used.

<sup>1</sup> 105 ILCS 5/10-30(3) states “the district shall adopt a remote and blended remote learning day plan approved by the district superintendent.” This presents a governance best practice conundrum. For ease of administration, to avoid confusion during implementation and to align with the IASB *Foundational Principles of Effective Governance* ([https://www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/www.iasb.com/principles\\_popup.cfm](https://www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/www.iasb.com/principles_popup.cfm)), this administrative procedure requires the superintendent to present the approved plan to the board for adoption prior to district-wide implementation and posting on the district’s website. See f/n 13 in sample policy 4:180, *Pandemic Preparedness; Management; and Recovery* for further discussion.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 5/10-30(2). If the board has implemented an e-learning program in the district, it should adapt the program into a Plan by ensuring that the requirements for communicating the Plan are met. See f/n 4 below. Consult the board attorney regarding the impact, if any, of 105 ILCS 5/10-20.56(d-10), (d-15), and (d-20), added by P.A. 102-697, which requires boards to pay educational support personnel and contractors their regular rate of pay on e-learning days, unless they are rescheduled. The law limits the number of e-learning days to the minimum number of emergency days in the approved school calendar; it is unclear if those days would still need to be paid in the event an e-learning program is adapted into a Plan. *Id.*

<sup>4</sup> *Id.* at 5/10-30(6).

<sup>5</sup> *Id.* at 5/10-30(3) and (6). See f/n 1, above.

See f/n 3 in sample policy 2:150, *Committees* for a discussion of Open Meetings Act implications of the Remote Learning Committee being a board committee. See IASB’s *Foundational Principles of Effective Governance* at: [www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/www.iasb.com/principles\\_popup.cfm](https://www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/www.iasb.com/principles_popup.cfm).

## Definitions

**Blended Remote Learning Days (BRLDs)** – School attendance days during which the District provides hybrid days of in-person and remote instruction to students.<sup>6</sup> Once the State Superintendent of Education declares that the District must use ~~remote learning days~~RLDs or ~~blended remote learning days~~BRLDs, the Superintendent implements these days in grades pre-kindergarten through 12. These days are counted as days of attendance and are pupil attendance days for calculation of the length of a school term under 105 ILCS 5/10-19 and 5/10-19.05. If the District has implemented an *e-learning program*, these school attendance days may be met through it. See 105 ILCS 5/10-30.

**E-learning Program; Days** – E-learning is short for electronic learning. As an optional instructional tool for school districts, e-learning days are part of an implemented e-learning program in the District that:

1. Uses the Internet, telephones, texts, chat rooms, or other similar means of electronic communication for instruction and interaction between teachers and students that meet the needs of all learners; and
2. Addresses a district's responsibility to ensure that all teachers and staff who may be involved in the provision of e-learning have access to any and all hardware and software that may be required for the program.

An e-learning program is implemented after a school board:

1. Adopts a resolution to implement research-based program(s) for district-wide e-learning days that permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days as required by 105 ILCS 5/10-19 (105 ILCS 5/10-20.56(b), amended by P.A. 103-780);
2. Conducts a public hearing on the District's initial e-learning program proposal or renewal with at least 10 days' advanced notice (Id. at 5/10-20.56(c)); and
3. Before the implementation of any e-learning days in that school year, to ensure access for all students, receives verifications by the regional office of education (ROE) or intermediate service center (ISC) that the board's proposal for an e-learning program has: (a) met the requirements specified in 105 ILCS 5/10-20.56, amended by P.A. ~~s 102-584, 102-697, and~~ 103-780; (b) the components designed to reasonably and practicably accomplish the requirements outlined in the enabling statute; and (c) not exceeded the minimum number of emergency days in a district's approved school calendar. In its verification process, the ROE/ISC ensures that the specific needs of all students are met, including special education students and English Learners, and that all mandates are still met using the proposed research-based program. See 105 ILCS 5/10-20.56(b), amended by P.A. ~~s 102-584 and~~ 103-780.

While the ROE/ISC must annually verify a district's e-learning program, the Board's approval of an e-learning program is for a term of three school years. 105 ILCS 5/10-20.56(d)(10), amended by P.A. 103-780.

**Plan** – The District's formal implementation of remote instruction that includes RLDs and BRLDs. If the District already has an e-learning program in place, it should adapt the program into a Plan by

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<sup>6</sup> The law is silent regarding whether BRLDs must be in-person and remote on the same day or whether they may include in-person instruction on one day and remote learning on different day. BRLDs is a term commonly used in higher education, and in higher education, in-person and remote instruction may take place on the same day or on different days.

ensuring that the requirements for communicating the Plan, e.g., website posting, etc. are met.<sup>7</sup> When finalized, it is provided to students and faculty, posted on the District’s website where other policies, rules, and standards of conduct are posted, and listed in exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. Plans should be periodically reviewed and amended to ensure the needs of all students continue to be met throughout the suspension of in-person learning. If a plan is amended, post the amended plan to the District website.<sup>8</sup>

**Remote Learning Days (RLDs)** – Remote learning is learning that happens outside of the traditional classroom because the student and teacher are separated by distance and/or time. Remote learning can be real-time or flexibility-timed, and it may or may not involve technology. School attendance days are days that the District provides remote instruction to students. Once the State Superintendent of Education declares that the District must use ~~remote learning days~~RLDs or ~~blended remote learning days~~BLRDs, the Superintendent implements these days in grades pre-kindergarten through 12 on days of attendance. These days are counted as pupil attendance days for calculation of the length of the District’s official calendar under 105 ILCS 5/10-19 and 5/10-19.05. If a district has implemented an e-learning program, these school attendance days may be met through it. Five RLDs, taken consecutively or in separate increments, may be used to develop, review, or amend the District’s Plan or provide professional development to staff about remote education; i.e., *Remote Learning Planning Days*. See 105 ILCS 5/10-30.<sup>9</sup>

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**Remote Learning Planning Days** – ~~If the district does not implement an e-learning program, then a district may use up~~Up to five consecutive or separate increment days ~~that a district may use~~to develop, review, or amend its Plan or to provide professional development to staff about remote education. These days are counted as days of attendance and are pupil attendance days for calculation of the length of a school term under 105 ILCS 5/10-19 and 5/10-19.05. See 105 ILCS 5/10-30.<sup>10</sup>

Plan Development and Implementation

Use this Plan before, during, and after implementing 105 ILCS 5/10-30.

**Consult the Board Attorney for guidance on this procedure.**

Actor	Action
Board	If permitted by local resources and conditions, implement an e-learning program pursuant to 105 ILCS 5/10-20.56, amended by P.A.s <del>102-584, 102-697, and</del> 103-780.

The footnotes should be removed before the material is used.

<sup>7</sup> See question “How do Remote Learning Plans and E-Learning Plans differ?” in the Ill. State Board of Education (ISBE) Guidance Document, *Current Remote Learning Options Under Illinois Law Guidance for Schools and Districts*, *Mandatory Suspension of In-Person Instruction Guidance for Illinois Schools and School Districts*, and its most recent updates at: [www.isbe.net/Documents/Remote-Learning-Guidance-Chart.pdf](http://www.isbe.net/Documents/Remote-Learning-Guidance-Chart.pdf)[www.isbe.net](http://www.isbe.net).

<sup>8</sup> See question “Can Remote Learning Plans be revised periodically to align with changing circumstances?” in the ISBE Guidance Document, *Mandatory Suspension of In-Person Instruction Guidance for Illinois Schools and School Districts*, and its most recent updates at: [www.isbe.net](http://www.isbe.net).

<sup>9</sup> See questions “What is a Remote Learning Day on the school calendar?” and “How do Remote Learning Plans and E-Learning Plans differ?” in the archived ISBE Guidance Document, *Mandatory Suspension of In-Person Instruction Guidance for Illinois Schools and School Districts*, at: [www.isbe.net/Pages/eovid19.aspx](http://www.isbe.net/Pages/eovid19.aspx).

<sup>10</sup> See question “What are Remote Learning Planning Days?” in the archived ISBE Guidance Document, *Mandatory Suspension of In-Person Instruction Guidance for Illinois Schools and School Districts*, at: [www.isbe.net/Pages/eovid19.aspx](http://www.isbe.net/Pages/eovid19.aspx).

Actor	Action
	<p>If the Board decides not to implement an e-learning program in the District, provides the Superintendent with the resources necessary to implement a Remote and/or Blended Remote Learning Day Plan (Plan) that meets the needs of all students. 105 ILCS 5/10-30.</p> <p>Directs, through policy, the Superintendent to recommend any suspensions or amendments to policies to reduce any Board-required graduation or other instructional requirements in addition to the minimum requirements specified in School Code that the District was not able to complete due to a pandemic. 105 ILCS 5/10-16.7.</p> <p>Monitors Board policies 2:20, <i>Powers and Duties of the School Board; Indemnification</i>, 4:180, <i>Pandemic Preparedness; Management; and Recovery</i>, and 6:20, <i>School Year Calendar and Day</i>, 6:60, <i>Curriculum Content</i>, and 6:300, <i>Graduation Requirements</i> (if applicable), and makes changes recommended by the Superintendent. See Board policy 2:240, <i>Board Policy Development</i>.</p> <p>Considers all policy changes recommended by the Superintendent pursuant to Board policy 2:240, <i>Board Policy Development</i>, and included as a topic for discussion in the annual report required by Board policy 6:10, <i>Educational Philosophy and Objectives</i>.</p> <p>Adopts the Superintendent-approved Plan for District-wide implementation. <sup>11</sup></p> <p>Provides appropriate, additional resources requested by the Superintendent to successfully implement the Plan.</p>
Board and Superintendent	<p>Identify, discuss, modify, and monitor relevant Board policies that remote learning may possibly affect, including but not limited to:</p> <p>4:130, <i>Free and Reduced-Price Food Services</i></p> <p>4:180, <i>Pandemic Preparedness; Management; and Recovery</i></p> <p>5:35, <i>Compliance with the Fair Labor Standards Act</i></p> <p>5:40, <i>Communicable and Chronic Infectious Disease</i></p> <p>5:180, <i>Temporary Illness or Temporary Incapacity</i></p> <p>5:185, <i>Family and Medical Leave</i></p> <p>5:200, <i>Terms and Conditions of Employment and Dismissal</i></p> <p>5:270, <i>Employment At-will, Compensation, and Assignment</i></p> <p>5:300, <i>Schedules and Employment Year</i></p> <p>5:330, <i>Sick Days, Vacation, Holidays and Leaves</i></p>

The footnotes should be removed before the material is used.

<sup>11</sup> See f/n 1, above.

Actor	Action
	<p>6:10, <i>Educational Philosophy and Objectives</i>  6:15, <i>School Accountability</i>  6:20, <i>School Year Calendar and Day</i>  6:30, <i>Organization of Instruction</i>  6:60, <i>Curriculum Content</i>  6:120, <i>Education of Children with Disabilities</i>  6:150, <i>Home and Hospital Instruction</i>  6:190, <i>Extracurricular and Co-Curricular Activities</i>  6:300, <i>Graduation Requirements</i>  7:70, <i>Attendance and Truancy</i>  7:280, <i>Communicable and Chronic Infectious Disease</i>  8:30, <i>Visitors to and Conduct on School Property</i>  8:100, <i>Relations with Other Organizations and Agencies</i></p>
Superintendent or Designee	<p>When the District is required by the State Superintendent of Education to implement RLDs and/or BRLDs:</p> <ol style="list-style-type: none"> <li>1. If an e-learning program is in place: <ol style="list-style-type: none"> <li>a. Adapts it into a Plan by ensuring that the requirements for communicating the Plan, e.g., website posting, <del>etc.</del> are met;<sup>12</sup></li> <li>b. Approves the Plan;<sup>13</sup> and</li> <li>c. Presents the Plan to the Board for adoption.<sup>14</sup></li> </ol> </li> <li>2. If an e-learning program is not in place: <ol style="list-style-type: none"> <li>a. Establishes a District-wide Remote Learning Committee<sup>15</sup> to design a Plan for implementation of RLDs and BRLDs. Committee members should include: <ul style="list-style-type: none"> <li>District-level administrators</li> <li>Building Principals (Building Principals are mandatory for successful implementation of the Plan)</li> <li>Pandemic Planning Team member(s)</li> </ul> </li> </ol> </li> </ol>

The footnotes should be removed before the material is used.

<sup>12</sup> See f/n 3, above.

<sup>13</sup> See f/n 1, above.

<sup>14</sup> See f/ns 1 and 2, above.

<sup>15</sup> If a committee is not feasible in the district, the superintendent or designee must perform this function. See f/n 16, below.

Actor	Action
	<p>District Safety Coordinator (see administrative procedure 4:170-API, <i>Comprehensive Safety and Security Plan</i>, Part C, <b>District Safety Coordinator and Safety Team; Responsibilities</b>)</p> <p>District 504 Coordinator (see Board policy 6:120, <i>Education of Children with Disabilities</i>, and exhibit 6:120, API, E1 <i>Notice to Parents/Guardians Regarding Section 504 Rights</i>)</p> <p>Staff members <sup>16</sup></p> <p>Parents/Guardians</p> <p>Students</p> <p>b. Chairs and convenes Committee<sup>17</sup> meetings. Manages virtual attendance by some or all Committee members when necessary.</p> <p>3. Designates RLDs and/or BRLDs in grades pre-kindergarten through 12.</p> <p>4. Approves the Plan and presents it to the Board for adoption. <sup>18</sup></p> <p>5. Implements the Plan.</p> <p>6. Ensures that the Plan is provided to students and faculty, posted on the District’s website where other policies, rules, and standards of conduct are posted, and listed in exhibit 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>.</p> <p>7. Provides periodic reports to the Board about the Committee’s progress and needs, along with any amendments to the Plan for the purposes of ensuring that it meets the needs of all students by adding information items to the Board’s agendas as needed.</p>

The footnotes should be removed before the material is used.

<sup>16</sup> 105 ILCS 5/10-30(7) states that it does not increase or diminish any collective bargaining rights under existing law, and that aspects of the plan that impact the wages or other terms or conditions of employment will need to be bargained with the exclusive bargaining representative(s).

<sup>17</sup> This committee is optional. Establishing it is a best practice for aligning with governance principles and examining the many implementation issues specific to each individual school district. While smaller school districts, i.e., one-building districts, may be able to implement a Plan through one meeting, larger school districts will likely require the uniform coordination that this committee provides.

<sup>18</sup> See f/n 1, above.

Actor	Action
Remote Learning Committee <sup>19</sup>	<p>Designs a Plan for the Superintendent’s approval and Board’s adoption to implement remote instruction through the District in a manner that: <sup>20</sup></p> <ol style="list-style-type: none"> <li>1. Explores what may work best for the school community using any remote learning guidance issued by the Ill. State Board of Education (ISBE), at: <a href="http://www.isbe.net/Documents/Remote-Learning-Guidance-Chart.pdf">www.isbe.net/Documents/Remote-Learning-Guidance-Chart.pdf</a><a href="http://www.isbe.net/Pages/covid19.aspx">www.isbe.net/Pages/covid19.aspx</a>.</li> <li>2. Potentially uses Remote Learning Planning Days consecutively or in separate increments to develop, review, or amend this Plan or provide professional development to staff about remote education; <sup>21</sup></li> </ol> <p>If the District does not have an e-learning program, includes design in the Plan for implementation of remote instruction that also provides:</p> <ol style="list-style-type: none"> <li>1. Accessibility of remote instruction to all students enrolled in the District;</li> <li>2. Hybrid RLDs and BRLDs, as directed or allowed by the ISBE;</li> <li>3. Activities for both RLDs and BRLDs that align with State learning standards and Board policies<sup>22</sup> 6:10, <i>Educational Philosophy and Objectives</i>, 6:15, <i>School Accountability</i>, 6:30, <i>Organization of Instruction</i>, 6:60, <i>Curriculum Content</i>, and 6:300, <i>Graduation Requirements</i>; (if applicable);</li> <li>4. Communication between students and teacher(s),<sup>23</sup> as necessary to align with the requirements of Board policy 7:340, <i>Student Records</i>; <sup>24</sup></li> <li>5. Methods to address the unique needs of students in special populations, including, but not limited to, students eligible for special education under 105 ILCS 5/14-1.01 et seq., students who are English learners as defined in 105 ILCS 5/14C-2, and students experiencing homelessness under the Education for Homeless Children Act (105 ILCS 45/), or vulnerable student populations;</li> </ol>

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<sup>19</sup> As much of the work of developing a plan is administrative/staff work rather than governance work, best practice is for the remote learning committee to operate as an administrative committee. Consult the board attorney for guidance, and see also f/n 1 in sample policy 2:150, *Committees* for a discussion of Open Meetings Act implications of a remote learning committee being a board committee.

<sup>20</sup> 105 ILCS 5/10-30(4) and see f/n 1, above.

<sup>21</sup> While remote learning planning days do not need to be accounted for in the plan itself, the committee may want to address the fact that the district may use up to five RLDs and/or BRLDs may be counted as pupil attendance days for calculation of the length of a school term under 105 ILCS 5/10-19. 105 ILCS 5/10-30(3).

<sup>22</sup> 105 ILCS 5/10-30(8), [amended by P.A. 104-391](#), does not excuse districts from completing all statutory and regulatory curricular mandates and offerings when RLD/BRLD are required. All statutory and regulatory curricular mandates and offerings may be administered through a district’s RLD/BRLD plan(s), except that a district may not offer individual behind-the-wheel instruction 105 ILCS 5/27-815, [renumbered by P.A. 104-391, 27-24.2](#) in its plan(s). *Id.*

While 105 ILCS 5/10-30(8), [amended by P.A. 104-391](#), explicitly prohibits behind-the-wheel instruction for RLDs/BRLDs, during the COVID-19 pandemic, joint ISBE and Ill. Dept. of Public Health (IDPH) guidance focused on allowable in-person instruction activities, one of which included behind-the-wheel instruction.

<sup>23</sup> 105 ILCS 5/10-30(4)(iii).

<sup>24</sup> The second part of this sentence is not in 105 ILCS 5/10-30, but is still required by State and federal law.

Actor	Action
	<p>6. Guidance for how the District will take attendance and monitor and verify each student’s remote participation; and</p> <p>7. Resources for transitions from remote learning to in-person instruction when the State Superintendent declares that RLDs and/or BRLDs are no longer deemed necessary.</p> <p>Delivers the Plan to the Superintendent for approval<sup>25</sup> in a format that is easily posted on the District’s website.</p> <p>Periodically reviews and amends the Plan, with the Superintendent as needed, to ensure it meets the needs of all students. 105 ILCS 5/10-30(5).</p> <p>Recommends to the Board, through the Superintendent, any policy changes for consideration. See Board policy 2:240, <i>Board Policy Development</i>.</p> <p>Reports reviews and amendments to the Plan to the Superintendent or designee.</p>
All Staff <sup>26</sup>	Implements the Plan.

LEGAL REF.: 105 ILCS 5/10-30.

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The footnotes should be removed before the material is used.

<sup>25</sup> See f/n 1, above.

<sup>26</sup> See f/n 16, above.

## Instruction

### Administrative Procedure - Dissection of Animals

Actor	Action	Time
Curriculum Director	<p>Identifies: (1) which, if any, courses contain a dissection project, and (2) the available alternative projects. Reports this information to the Building Principal.</p> <p>“Dissection” includes cutting, killing, preserving, or mounting of living or dead animals or animal parts for scientific study; <del>but</del> does not include the cutting, preserving, or mounting of: (1) meat or other animal products that have been processed for use as food or in the preparation of food, or (2) wool, silk, glue, or other commercial or artistic products derived from animals. 105 ILCS 112/10.</p> <p>Students who object to performing, participating in, or observing a dissection must be excused from classroom attendance without penalty. 105 ILCS 112/25.</p>	Throughout the curriculum development process
Building Principal	<p>Ensures that course descriptions indicate which courses contain a dissection unit. For such courses, indicates that objecting students have the right to refrain, and the availability, if any, of an alternative.</p> <p>ISBE guidelines for notifying students, parents, administrators, and teachers are available at:  <a href="http://www.isbe.net/Documents/alternatives_dissection_2000.pdf#search=dissection">www.isbe.net/Documents/alternatives_dissection_2000.pdf#search=dissection</a>.</p>	Annually when course offerings and descriptions are distributed to students
School Counselors <sup>‡</sup> and Teachers	Reminds objecting students to check the expectations and requirements of the post-secondary schools that they may be interested in attending. 105 ILCS 112/20(b).	Whenever a student may choose between dissection and an alternative program
Students	If dissection is objectionable, asks the teacher to be excused from the dissection project and requests an alternative project.	Within the first 10 days of the course, if possible

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<sup>‡</sup>105 ILCS 5/10-22.39, 5/10-27.1A, 5/18-8.15, 5/27-23.7, amended by P.A. 102-197.

All Staff Members	Do not penalize or discriminate against a student in any way for refusing to perform, participate in, or observe dissection. 105 ILCS 112/25.	Continuously
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## Instruction

### **Administrative Procedure - Checklist for Development, Implementation, and Maintenance of Parent and Family Engagement Compacts for Title I Programs**<sup>1</sup>

The development, implementation, and maintenance of school-level parent/guardian and family engagement compacts must be ~~accomplished with~~carried out through meaningful consultation with parents/guardians of children participating in Title I programs. The Superintendent must designate a person ~~to~~who will be responsible for the process of obtaining meaningful consultation. This checklist includes some measures designed to encourage meaningful consultation.

This is an annual checklist. *Check steps as completed.*

- Plan regular meetings throughout the school year with parents/guardians to discuss ~~the District and/or~~ school compacts; identify dates and convenient times, places, and persons whose attendance is desired. Offer meetings in the morning or evening, and, if funds are available under Title I for this purpose, provide transportation, childcare, or home visits, as such services relate to parent/guardian involvement.
- Plan an agenda for meetings to ~~be held to~~ discuss ~~District and/or~~ school-level parent and family engagement compacts.
  - Always begin with “~~introducing~~ where we are now?” and end with “next steps.”
  - Agendas should provide for two-way communication between the District and parents/guardians of children participating in Title I programs.
  - Agendas can be built around the federal compliance requirements as stated in ~~the IASB sample district and school level compact~~ exhibits 6:170-AP1, E1, District-Level Parent and Family Engagement Plan, and 6:170-AP1, E2, School-Level Parent and Family Engagement Plan.
  - Agendas should also include a section to inform parents/guardians of their school’s participation under-in Title I and to explain Title I’s requirements regarding parent/guardian involvement, including the right of ~~the~~ parents/guardians to be involved.
  - Agendas should also include a section to describe and explain the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of challenging State academic standards.
  - If requested by a parent/guardian, agendas should also include a section for parents/guardians to formulate suggestions and to participate, as appropriate, in decisions relating to their children’s education.
  - Agendas should also include a section to involve parents/guardians in the planning, review, and improvement of Title I programs, including the joint development of the School-Level Parent and Family Engagement Plan (School Plan)~~schoolwide program plan~~ under 20 U.S.C. §6314(b)(2).
  - Another agenda topic is how funds are allotted for parent/guardian involvement in activities; parents/guardians of children receiving services must be involved in these decisions.

The footnotes should be removed before the material is used.

<sup>1</sup> Elementary and Secondary Education Act, 20 U.S.C. §6318. This administrative procedure should be used along with 6:170-AP1, E1, *District-Level Parent and Family Engagement Plan Compact*, and 6:170-AP1, E2, *School-Level Parent and Family Engagement Plan Compact*, but only by those districts receiving Title I funds.

Notify interested persons of meeting dates to discuss ~~District and/or~~ school compacts, including:

- Parents/guardians of students<sup>2</sup> participating in Title I programs
- Staff members
- Students participating in Title I programs
- School Board members
- Media
- Coordinators for other school programs, e.g., Head Start and preschool programs
- Other \_\_\_\_\_

Publicize the meeting dates, times, and locations to discuss ~~District and/or~~ school-level parent and family engagement compacts.

Make all Open Meetings Act notifications and postings for meetings to ~~be held to~~ discuss ~~District and/or~~ school-level parent and family engagement compacts. **Note:** it is wise to assume these meetings will be in open session if Board members are expected to attend or if the meetings are conducted by a Board-appointed committee.

Appoint a recording secretary to keep meeting minutes.

Provide copies of working drafts to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand.

Determine success indicators to measure the effectiveness of the school-level parent and family engagement compacts in improving ~~the students'~~ academic achievement.

Review the success indicators in order to evaluate the effectiveness of the school-level parent and family engagement compacts in improving ~~the students'~~ academic achievement.

Conduct an annual evaluation to identify:<sup>2</sup>

Barriers to greater participation by parents/guardians, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;

The needs of parents/guardians and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

Strategies to support successful school and family interactions.

Use the findings of such an evaluation to design evidence-based strategies for more effective parent/guardian involvement.

If the ~~schoolwide program plan~~ School Plan under 20 U.S.C. §6314(b)(2) is not satisfactory to the parents/guardians of participating children, submit any parents/guardians comments on the School Plan when the school makes ~~the plan~~ it available to the Board.

Provide status reports to the Board and, periodically, submit updated parent and family engagement ~~compacts~~ plans to the Board.

Revise the applicable parent and family engagement ~~compacts~~ plans as necessary.

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<sup>2</sup> 20 U.S.C. §6318(a)(2)(D) and (E), as amended by the Every Student Succeeds Act. Pub. L. 114-95.

## Instruction

### **Exhibit - District-Level Parent and Family Engagement ~~Plan~~ Compact<sup>1</sup>**

*This District-Level ~~Parent and Family Engagement Plan (District Plan)~~ Compact provides an understanding of the joint responsibility of the District and parents/guardians and family members to improve students' academic achievement and school performance. The District Plan must be customized to reflect the District's actual Title I parent and family engagement activities. ~~To that end,~~*

~~¶~~The District provides opportunities for parent/guardian and family engagement at the District level as follows:

1. The District involves parents/guardians and family members in the joint development of the District's ~~Plan~~ to help low-achieving children meet challenging achievement and academic standards (20 U.S.C. §6312), and the development of comprehensive and targeted support and improvement plans (20 U.S.C. §§6311(d)(1), (2)) by:
  - Establishing a District-level committee with parent/guardian liaisons from each building, as well as representatives from other relevant federal, State, and local programs (see Title I Parent Advisory Committee in administrative procedure 2:150-AP, Superintendent Committees).
  - Establishing meaningful, ongoing two-way communication between the District, staff, and parents/guardians.
  - Developing a District newsletter to communicate to parents/guardians about the plan and seek their input and participation.
  - Training personnel on how to collaborate effectively with families with diverse backgrounds that may impede parent/guardian participation, e.g., illiteracy or language difficulty.
2. The District provides the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent/guardian and family involvement activities to improve student academic achievement and school performance by:
  - Providing ongoing District-level workshops to assist buildings in planning and implementing improvement strategies.
  - Establishing training programs for building liaisons to bring the communication and facilitation skills to the buildings they represent.
  - Providing information to parents/guardians about the various assessment tools and instruments that will be developed to monitor progress.
  - Seeking input from parents/guardians in developing workshops.
  - Providing ongoing communication about the District-wide committee through District newsletters or other written or electronically communicated means.

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<sup>1</sup> This exhibit should be used along with 6:170-AP1, E2, *School-Level Parent and Family Engagement ~~Plan~~ Compact*, but only by those districts receiving Title I funds. The numbered paragraphs correspond to requirements in the Elementary and Secondary Education Act, 20 U.S.C. §6318(a)(2)(A)-(F). The bulleted items are merely ideas, unless otherwise noted; each district must, with parents, develop its own process for accomplishing everything listed.

- Engaging the building parent organizations to actively seek out and involve parents/guardians through regular communication updates and information sessions.
  - Utilizing parent organizations to assist in identifying effective communication strategies based on their members' needs.
  - Providing a master calendar of District meetings to discuss pertinent topics.
  - Allowing meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents/guardians and family members in education.<sup>2</sup>
3. The District coordinates and integrates parent/guardian and family engagement strategies under this ~~District Plan Compact~~, to the extent feasible and appropriate, with engagement strategies under other relevant federal, State and local programs by:
- Involving District and program representatives to assist in identifying specific population needs.
  - Sharing data from other programs to assist in developing new initiatives to improve academic achievement and school improvement.
4. The District conducts, with the meaningful involvement of parents/guardians and family members, an annual evaluation of the content and effectiveness of ~~the parent/guardian and family engagement Board policy 6:170, Title I Programs~~, in improving the academic quality of the schools served under Title I, including identifying: (a) barriers to greater participation by parents/guardians in activities authorized by 20 U.S.C. §6318 (with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background); (b) the needs of parents/guardians and family members to assist with the learning of their children, including engaging with school personnel and teachers; and (c) strategies to support successful school and family interactions.
- 4.5. The District ~~then~~ uses the findings of ~~such annual~~ evaluations to design evidence-based strategies for more effective parent/guardian involvement, and to revise, if necessary, ~~Board policy 6:170, Title I Programs~~ its District-level parents/guardians and family engagement policies. The District does these activities by:
- Evaluating the effectiveness of the content and communication methods through a variety of means, including: focus groups, surveys, workshops, and informal coffees with District and building administrative staff, parents/guardians, and teachers.
  - Identifying barriers to effective evaluation by language support or other assistance as needed.
  - Identifying potential policy and ~~District Plan compact~~ changes to revise and improve program(s).
- 5.6. The District involves parents/guardians in the activities of the schools served under Title I by:
- Providing communication and calendar information to parents/guardians of upcoming meetings, discussions, or events and encouraging their participation.
  - Providing Building Principal and parent organizations coordination of events.
  - Establishing a parent advisory committee comprised of a sufficient number and representative group of parents/guardians or family members to adequately represent the needs of the District's population for the purposes of developing, revising, and reviewing ~~the parent and family engagement Board policy 6:170, Title I Programs~~. **Note:** 20 U.S.C. §6318(a)(2)(F) uses the phrase parent-advisory board but this exhibit uses the phrase

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<sup>2</sup> Optional. 20 U.S.C. §6318(a)(2)(B).

parent advisory committee to align with 2:150-AP, *Superintendent Committees*, which contains a subhead entitled **Title I Parent Advisory Committee**.<sup>3</sup>

#### Building Capacity for Involvement<sup>4</sup>

To ensure effective involvement of parents/guardians and to support a partnership among the schools involved, the District shall:

- Provide assistance to parents/guardians in understanding the challenging State academic standards, State and local academic assessments, and how to monitor their child's progress and work with educators to improve the achievement of their children.
- Provide materials and training, such as literacy and technology (including education about the harms of copyright piracy), to help parents/guardians work with their children to improve their children's achievement.
- With the assistance of parents/guardians, educate teachers, instructional support personnel, principals, other school leaders, and other staff in: a) the value and utility of contributions of parents/guardians; and b) how to effectively communicate and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the school.
- To the extent feasible and appropriate, coordinate and integrate parent/guardian involvement programs and activities with other federal, State, and local programs, including public preschool programs, and conduct other activities, such as parent/guardian resource centers, that encourage and support parents/guardians in more fully participating in their children's education.
- Ensure that information is sent to the parents/guardians of participating children in a format and, to the extent practicable, in a language that parents/guardians can understand.
- Provide such other reasonable support for parental involvement activities under this section as parents/guardians may request.

In addition, the District may:<sup>5</sup>

- Involve parents/guardians in the development of training for teachers, Building Principals, and other educators to improve the effectiveness of such training.
- Provide necessary literacy training from funds provided by the relevant provision in Title I if the District has exhausted all other reasonably available sources of funding for such training.
- Pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions.
- Train parents/guardians to encourage and enhance the involvement of other parents/guardians.
- Arrange school meetings at a variety of times, or conduct in-home conferences involving teachers and other educators, in order to maximize parental involvement and participation.
- Adopt and implement model approaches to improving parental involvement.

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<sup>3</sup> Optional. 20 U.S.C. §6318(a)(2)(F).

<sup>4</sup> 20 U.S.C. §6318(e). Each bulleted item corresponds to a *shall* or *may* provision contained in §6318(e)(1)-(14).

<sup>5</sup> Optional. 20 U.S.C. §6318(e)(12).

**Commented [MB1]:** Note to Subscribers: The **Building Capacity for Involvement** and **Accessibility** subheadings have been moved here (from 6:170-AP1, E2, *School-Level Parent and Family Engagement Plan*) because they apply to the district and each of its schools.

- Establish a District-wide parent advisory committee to provide advice on all matters related to parental involvement in supported programs. Note: 20 U.S.C. §6318(e)(12) uses the phrase *parent advisory council* but this exhibit uses the phrase *parent advisory committee* to align with 2:150-AP, *Superintendent Committees*, which contains a subhead entitled **Title I Parent Advisory Committee**.
- Develop appropriate roles for community-based organizations and businesses in parent/guardian involvement activities.

Accessibility <sup>6</sup>

In carrying out the parental involvement requirements of this compact, the District, to the extent practicable, will provide opportunities for the informed participation of parents/guardians and family members (including those with limited English proficiency, with disabilities, and with migratory children), including providing information and school reports in a format and, to the extent practicable, in a language such parents/guardians understand.

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<sup>6</sup> 20 U.S.C. §6318(f).

# RENAMED

June 2021 March 2026

6:170-AP1, E2

## Instruction

### **Exhibit - School-Level Parent and Family Engagement ~~Plan Compact~~**

*This ~~school-level~~ ~~parent and family~~ ~~engagement compact~~ ~~plan~~ (School Plan) provides an understanding of the joint responsibility of the ~~district school~~ and parents/guardians for improving students' academic achievement and school performance. ~~The school is also responsible for implementing the Building Capacity for Involvement and Accessibility subheadings of exhibit 6:170-AP1, E1, District-Level Parent and Family Engagement Plan. The School Plan must be customized to reflect the school's actual Title I parent and family engagement activities.~~*

The ~~district school~~ provides opportunities for parent/guardian ~~and family engagement/involvement~~ at the school level by:

#### Parent/Guardian Involvement<sup>1</sup>

1. Convening an annual meeting, at a convenient time, to which all parents/guardians of participating children are invited and encouraged to attend, to inform parents/guardians of their school's participation under Title I and to explain the requirements of Title I, and the right of the parents/guardians to be involved. The Building Principal or designee shall:
  - Invite all parents/guardians of participating children to the annual meeting at school.
  - Explain the rights of parents/guardians to be involved in establishing this ~~School Plan Compact~~.
  - Introduce and involve the building representatives on the District-level committee.
  - Provide an overview of Title I and give parents/guardians an opportunity to express questions and concerns.
  - Indicate the mechanisms by which the committee work will be communicated.
  - Seek the involvement and input of parents/guardians.
  - Provide child care so that all parents/guardians who would otherwise be unable to attend may attend.
2. Offering a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided by the relevant provision in Title I, transportation, child care, or home visits, as such services relate to parental involvement. The Building Principal or designee shall:
  - Provide parents/guardians with opportunities to ask questions and dialogue informally about student academic achievement and school performance.
  - Engage building-based parent organizations to assist with communication and implementation needs.
  - Develop and use outreach programs to involve community groups and organizations.
3. Involving parents/guardians in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under Title I, including the planning, review, and improvement of ~~the school parent and family engagement Board~~ policy ~~6:170, Title I Programs~~, and the joint development of ~~the school-wide program plan~~ ~~this School Plan~~ (under 20 U.S.C. §6314(b)(2),

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

<sup>1</sup> The numbered paragraphs correspond to mandatory requirements in the Elementary and Secondary Education Act (ESEA), 20 U.S.C. §6318(c). Bulleted items are ideas that each district must, with parents/guardians and family, develop through its own process for accomplishing the respective numbered paragraph. Districts receiving Title I funds should use this exhibit with 6:170-AP1, E1, *District-Level Parent and Family Engagement ~~Plan Compact~~*.

except that if a school has in place a process for involving parents/guardians in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents/guardians of participating children. The Building Principal or designee shall:

- Identify and establish a process by which an adequate representation of parents/guardians of participating children can occur.
  - Establish a schedule for the building-based committee to plan, review, and recommend improvements to ~~the District parent involvement Board~~ policy [6:170, Title I Programs](#).
4. The Building Principal or designee shall:
    - Provide parents/guardians of participating children timely information about programs.
    - Communicate updates through use of school newsletters, the District website, email and telephone contact, and home visits if needed.
  5. The Building Principal or designee ~~will~~shall provide [to parents/guardians](#) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of challenging State academic standards.
  6. The Building Principal or designee shall:
    - Provide parents/guardians, upon request, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any suggestions as soon as practicably possible.
    - Develop a feedback loop for parents/guardians to ask questions and receive follow-up.
  7. If ~~the school-wide plan~~this [School Plan](#) under 20 U.S.C. §6314(b) is not satisfactory to the parents/guardians of participating children, the Building Principal or designee shall:
    - Submit any parent/guardian comments on the [School Plan](#) when the school makes ~~the plan~~it available to the School Board.
    - Provide a process for parents/guardians to express concerns and complaints.

#### Shared Responsibilities for High Student Academic Achievement<sup>2</sup>

1. The School is responsible for providing a high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under Title I to meet the State's challenging academic standards. Each parent/guardian is responsible for supporting their children's learning by:
  - Volunteering in their child's classroom.
  - Participating, as appropriate, in decisions relating to their children's education and positive use of extracurricular time.
2. Communication between teachers and parents/guardians occurs on an ongoing basis through:
  - Parent-teacher conferences in elementary schools, at least annually, during which the [School Plan](#)~~compact~~ shall be discussed as ~~the compact~~it relates to the individual child's achievements.
  - Frequent reports to parents/guardians on their child's progress.
  - Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.
  - Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

The footnotes should be removed before the material is used.

<sup>2</sup> The numbered paragraphs correspond to mandatory requirements in ~~ESEA~~, 20 U.S.C. §6318(d). Bulleted items are ideas that each district must, with parents/guardians and family [members](#), develop through its own process for accomplishing the respective numbered paragraph. Districts receiving Title I funds should use this exhibit with 6:170-AP1, E1, *District-Level Parent and Family Engagement Plan Compact*.

### **Building Capacity for Involvement**<sup>3</sup>

~~See exhibit 6:170-API, E1, District-Level Parent and Family Engagement Plan. To ensure effective involvement of parents/guardians and to support a partnership among the school's involved, each school shall:~~

~~Provide assistance to parents/guardians in understanding the challenging State academic standards, State and local academic assessments, and how to monitor a child's progress and work with educators to improve the achievement of their children.~~

~~Provide materials and training, such as, literacy and technology (including education about the harms of copyright piracy), to help parents/guardians work with their children to improve their children's achievement.~~

~~Educate teachers, instructional support personnel, principals, other school leaders, and other staff, with the assistance of parents/guardians, in: a) the value and utility of contributions of parents/guardians; and b) how to effectively communicate and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the school.~~

~~To the extent feasible and appropriate, coordinate and integrate parent/guardian involvement programs and activities with other federal, State and local programs, including public preschool programs, and conduct other activities, such as parent/guardian resource centers, that encourage and support parents/guardians in more fully participating in their children's education.~~

~~Ensure that information is sent to the parents/guardians of participating children in a format and, to the extent practicable, in a language that parents/guardians can understand.~~

~~Provide such other reasonable support for parental involvement activities under this section as parents/guardians may request.~~

~~In addition, each school may:~~

~~Involve parents/guardians in the development of training for teachers, Building Principals, and other educators to improve the effectiveness of such training.~~

~~Provide necessary literacy training from funds provided by the relevant provision in Title I if the District has exhausted all other reasonably available sources of funding for such training.~~

~~Pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs to enable parents/guardians to participate in school related meetings and training sessions.~~

~~Train parents/guardians to encourage and enhance the involvement of other parents/guardians.~~

~~Arrange school meetings at a variety of times, or conduct in home conferences between teachers and other educators, in order to maximize parental involvement and participation.~~

~~Adopt and implement model approaches to improving parental involvement.~~

~~Establish a District wide parent advisory committee to provide advice on all matters related to parental involvement in supported programs. Note: 20 U.S.C. §6318(e)(12) uses the phrase parent advisory~~

**Commented [MB1]:** Note to Subscribers: The contents of the **Building Capacity for Involvement** and **Accessibility** subheadings have been moved to 6:170-API, E1, District-Level Parent and Family Engagement Plan, because they apply to the district and each of its schools.

The footnotes should be removed before the material is used.

<sup>3</sup> ESEA, 20 U.S.C. §6318(e). Each bulleted item corresponds to a *shall* or *may* provision contained in §6318(e)(1)-(14).

~~council but this exhibit uses the phrase parent advisory committee to align with 2:150 AP, Superintendent Committees, which contains a subhead entitled Title I Parent Advisory Committee.~~<sup>4</sup>

~~Develop appropriate roles for community based organizations and businesses in parent/guardian involvement activities.~~

**Accessibility**<sup>5</sup>

~~See exhibit 6:170-AP1, E1, District-Level Parent and Family Engagement Plan. In carrying out the parental involvement requirements of this compact, the school, to the extent practicable, will provide opportunities for the informed participation of parents/guardians and family members (including those with limited English proficiency, with disabilities, and migratory children), including providing information and school reports in a format and, to the extent practicable, in a language such parents/guardians understand.~~

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The footnotes should be removed before the material is used.

<sup>4</sup>~~Optional. 20 U.S.C. §6318(c)(12).~~

<sup>5</sup> ~~ESEA, 20 U.S.C. §6318(f).~~

## Instruction

### **Administrative Procedure - Notice to Parents Required by Elementary and Secondary Education, McKinney-Vento Homeless Assistance, and Protection of Pupil Rights Laws**

The Elementary and Secondary Education Act (ESEA), McKinney-Vento Homeless Assistance Act (McKinney-Vento), and Protection of Pupil Rights Amendment (PPRA) mandate that schools receiving federal funds provide parents/guardians with information and notices in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand. This procedure contains the key notifications that districts and schools must provide to ~~the~~ their students' parents/guardians ~~of students~~. ~~The legal references are provided at the end of the procedure.~~ The only notices applying to districts that do not receive Title I funds are those regarding student privacy. In addition, see:

- ISBE's *Frequently Asked Questions regarding the Every Student Succeeds Act (ESSA)*, published 8-12-16, at: [www.isbe.net/Documents/ESSA-faq.pdf](http://www.isbe.net/Documents/ESSA-faq.pdf).
- U.S. Department of Education's *Frequently Asked Questions regarding Transitioning to the Every Student Succeeds Act (ESSA)*, updated 1-18-17, at: <https://oese.ed.gov/files/2020/02/essatransitionfaqs11817.pdf>.

#### 1. Improving Basic Programs Operated by Local Educational Agencies

The following information must be provided to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. <sup>1</sup>

- a. **Annual report cards.** Districts must disseminate an annual report card that includes information on the District as a whole and each school served by the District, with aggregate and disaggregated information for each required subgroup of students including: (a) student achievement on academic assessments (designated by category), (b) graduation rates, district performance, teacher qualifications, and (c) other information required by 20 U.S.C. §6311(h)(2)(C). See 6:170-AP2, E1, *District Annual Report Card Required by Every Student Succeeds Act (ESSA)*.

The District's annual report card shall be: (a) concise, (b) presented in an understandable and uniform format, and to the extent practicable, in a language that parents/guardians can understand, and (c) accessible to the public, which includes placing it on the District's website or, if the District does not operate a website, providing it in another manner determined by the District. <sup>2</sup>

- b. **Teacher and paraprofessional qualifications.** At the beginning of each school year, a school district that receives funds under this part shall notify the parents/guardians of each student attending any school receiving funds under this part that the parents/guardians may request,

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<sup>1</sup> ~~Required by~~ 20 U.S.C. §6312(e)(4); 20 U.S.C. §6311(h)(2)(B)(ii).

<sup>2</sup> ~~Required by~~ 20 U.S.C. §6311(h)(2)(B)(i), (iii).

and the ~~D~~District will provide the parents/guardians on request in a timely manner, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, whether:

- i. The teacher has met the State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
  - ii. The teacher is teaching under emergency or other provisional status.
  - iii. The teacher is teaching in the field of discipline of the certification of the teacher.<sup>3</sup>
  - iv. Paraprofessionals provide services to the student and, if so, their qualifications.
- c. **Student achievement.** Districts must provide ~~to~~ parents/guardians with information on the level of academic achievement and growth of their parent's child in each of the State academic assessments.<sup>4</sup>
- d. **Non-certificated/licensed teachers.** The Districts must provide parents/guardians timely notice that their parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.
- e. **Testing transparency.**<sup>5</sup> At the beginning of each school year, a school that receives funds under this part shall notify the parents/guardians of each student attending any school receiving funds under this part that the parents/guardians may request, and the ~~D~~District will provide ~~the parents to them~~ on request in a timely manner, information regarding any State or District agency policy regarding student participation in any assessments mandated by 20 U.S.C. §6311(b)(2) and by the State or District, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.
- In addition, the District shall make widely available through public means (including by posting in a clear and easily accessible manner on the District's website and, where practicable, on each school's website), information on each assessment required by the State to comply with 20 U.S.C. §6311, other assessments required by the State, and (where available and feasible to report) assessments required districtwide, including:
- i. The subject matter assessed;
  - ii. The purpose for which the assessment is designed and used;
  - iii. The source of the requirement for the assessment; and
  - iv. Where such information is available:
    1. The amount of time students will spend taking the assessment, and the schedule for the assessment; and
    2. The time and format for disseminating results.
2. English Learners
- a. **Language instruction educational programs.**<sup>6</sup> The Districts must inform a parent/guardian of an English learner identified for participation, or participating in, such a program of:
- i. The reasons for their child being identified as an English learner;
  - ii. Their child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
  - iii. The instructional methods used in their child's program and the instructional methods used in other available programs;

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<sup>3</sup> ~~Required by~~ 20 U.S.C. §6312(e)(1), ~~as amended by ESSA.~~

<sup>4</sup> ~~Required by~~ 20 U.S.C. §6312(e)(1)(B)(i), ~~as amended by ESSA.~~

<sup>5</sup> ~~Required by~~ 20 U.S.C. §6312(e)(2), ~~as amended by ESSA.~~

<sup>6</sup> ~~Required by~~ 20 U.S.C. §6312(e)(3)(A)(i)-(viii), ~~as amended by ESSA.~~

- iv. How their child’s program will meet their child’s educational strengths and needs
- v. How the program will help their child to learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
- vi. Exit requirements for the program, including the expected rate of transition from such program into classrooms not tailored for English learners and the expected rate of high school graduation;
- vii. In the case of a child with a disability, how the program meets the objectives of their child’s individualized education program; and
- viii. Information regarding parental rights that includes written guidance:
  - 1. Detailing parents’/guardians’ right to immediately remove their child from the program upon their request;
  - 2. Detailing parents’/guardians’ options to decline enrollment in the program or to choose another program or instructional method, if available; and
  - 3. Assisting parents/guardians in selecting among various programs and instruction methods, if more than one program/method is offered.

Parents/guardians shall be provided this information no later than 30 days after the beginning of the school year or, for students identified as English learners during the school year, within the first two weeks of the child’s placement in a language instruction educational program. <sup>7</sup>

- b. **Outreach.**<sup>8</sup> ~~Each~~The District shall implement an effective means of outreach to parents/guardians of English learners to inform the parents/guardians regarding how they can be involved in their children’s education, and be active participants in assisting their children to attain English proficiency, achieve at high levels within a well-rounded education, and meet challenging State academic standards expected of all students. In addition, the outreach shall include holding, and sending notice of opportunities for, regular meetings for formulating and responding to parent/guardian recommendations.
3. Parent and Family Engagement
- a. **Parent and family engagement policies.**<sup>9</sup> Parents/guardians and family members shall be notified of the parent and family engagement Board policy, 6:170, Title I Programs, in an understandable and uniform format and, to the extent practicable, notice will be provided in a language ~~the~~ parents/guardians can understand. ~~Such~~The policy shall be made available to the local community and updated periodically to meet the changing needs of parents/guardians and the school.
  - b. **Meeting and information.** Each school shall:
    - i. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating children shall be invited and encouraged to attend, to inform parents/guardians of their school’s participation, and to explain the requirements of this part, and the right of the parents to be involved;
    - ii. Offer a flexible number of meetings;
    - iii. Involve parents/guardians, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs including the planning, review, and improvements

The footnotes should be removed before the material is used.

<sup>7</sup> ~~Required by~~ 20 U.S.C. §6312(e)(3)(A), (B).

<sup>8</sup> ~~Required by~~ 20 U.S.C. §6312(e)(3)(C), ~~as amended by ESSA.~~

<sup>9</sup> ~~Required by~~ 20 U.S.C. §6318(b)(1), ~~as amended by ESSA.~~

of the school parent and family engagement policy and the joint development of the schoolwide program plan under 20 U.S.C. §6314(b); <sup>10</sup>

- iv. Provide parents/[guardians](#) of participating children:
  - Timely information about programs under this part;
  - A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the challenging State academic standards;<sup>11</sup> and
  - If requested by parents/[guardians](#), opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.
- v. If the schoolwide program plan under 20 U.S.C. §6314(b) is not satisfactory to the parents/[guardians](#) of participating children, submit any parent/[guardian](#) comments on the plan when the school makes the plan available to the Board. <sup>12</sup>

#### 4. Education of Homeless Children and Youths

- a. **Notice of rights.**<sup>13</sup> The ~~d~~District shall provide written notice, at the time any homeless child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent/guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that:
  - i. Shall be signed by the parent/guardian (or, in the case of an unaccompanied youth, the youth);
  - ii. Sets the general rights provided under this subtitle;
  - iii. Specifically states:
    - The choice of schools [that](#) homeless children and youths are eligible to attend,
    - That no homeless child or youth is required to attend a separate school for homeless children or youths,
    - That homeless children and youths shall be provided comparable services, including transportation services, educational services, and meals through school meals programs;
    - That homeless children and youths should not be stigmatized by school personnel; and
    - Includes contact information for the local liaison for homeless children and youths.
- b. **Assistance to unaccompanied youth.**<sup>14</sup> In the case of an unaccompanied homeless youth, the ~~d~~District shall ensure that the homeless liaison assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.
- c. **Public notice of rights.**<sup>15</sup> ~~Each d~~The District shall ensure that public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens.

#### 5. Student Privacy

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<sup>10</sup> ~~Required by~~ 20 U.S.C. §6318(c)(3), as amended by ESSA.

<sup>11</sup> ~~Required by~~ 20 U.S.C. §6318(c)(4)(B), as amended by ESSA.

<sup>12</sup> ~~Required by~~ 20 U.S.C. §6318(c)(5), as amended by ESSA.

<sup>13</sup> 42 U.S.C. §11432(e)(3)(C).

<sup>14</sup> 42 U.S.C. §11432(g)(3)(B)(iv).

<sup>15</sup> 42 U.S.C. §11432(g)(6)(A)(vi).

- a. **Notice of privacy policy.**<sup>16</sup> The student privacy policies developed by ~~a~~the District shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents/guardians of students enrolled in its schools ~~serv~~ed by ~~that~~ district. At a minimum, the ~~d~~ District shall:
  - i. Provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in such policies; and
  - ii. Offer an opportunity for the parent/guardian to opt the student out of the activity.
- b. **Notification of specific events.**<sup>17</sup> ~~Each d~~The District shall directly notify parents/guardians, at least annually at the beginning of the school year, of the specific or approximate dates when activities described in 20 U.S.C. §1232h(c)(2)(C) are scheduled.
- c. **Notice of existing policy.**<sup>18</sup> ~~All d~~The Districts shall provide reasonable notice of such existing policies to parents/~~and~~ guardians of students, e.g., “The School Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. Copies of those policies are available on request.”

LEGAL REF.: ~~I. 1. Elementary and Secondary Education Act (ESEA), 20 U.S.C. §6311(h)(2).  
 2. ESEA, 20 U.S.C. §6312(e)(1)(A).  
 3. ESEA, 20 U.S.C. §6312(e)(1)(B)(i).  
 4. ESEA, 20 U.S.C. §6312(e)(1)(B)(ii).  
 5. ESEA, 20 U.S.C. §6312(e)(2).  
 II. 1. ESEA, 20 U.S.C. §6312(e)(3)(A), (B).  
 2. ESEA, 20 U.S.C. §6312(e)(3)(C).  
 III. 1. ESEA, 20 U.S.C. §6318(b).  
 2. ESEA, 20 U.S.C. §6318(c).  
 IV. 1. McKinney Vento Homeless Assistance Act (McKinney Vento), 42 U.S.C. §11432(e)(3)(C).  
 2. McKinney Vento, 42 U.S.C. §11432(g)(3)(B)(iii).  
 3. McKinney Vento, 42 U.S.C. §11432(g)(6)(A)(vi).  
 V. 1. Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. §1232h(c)(2)(A).  
 2. PPRA, 20 U.S.C. §1232h(c)(2)(B).  
 3. PPRA, 20 U.S.C. §1232h(c)(3).~~

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<sup>16</sup> 20 U.S.C. §1232h(c)(2)(A).  
<sup>17</sup> 20 U.S.C. §1232h(c)(2)(B).  
<sup>18</sup> 20 U.S.C. §1232h(c)(3).

## Instruction

### **Exhibit - Student Authorization for Access to the District's Electronic Networks**

*This form accompanies ~~Administrative Procedure~~ 6:235-AP1, *Acceptable Use of the District's Electronic Networks*. It must be signed when students will have unsupervised Internet access or when supervision will be minimal. Please submit this form to the Building Principal.*

Dear Parents/Guardians:

Our ~~School~~District has the ability to enhance your child's education through the use of its electronic networks, including the Internet. Our goal in providing this service is to promote educational excellence by facilitating resource sharing, innovation, and communication. Students and their parents/guardians need only sign this *Authorization for Access to the District's Electronic Networks* ([Authorization](#)) once while the student is enrolled in the ~~School~~District.

The District *filters* access to materials that may be defamatory, inaccurate, offensive, or otherwise inappropriate in the school setting. If a filter has been disabled or malfunctions it is impossible to control all material and a user may discover inappropriate material. Ultimately, parents/guardians are responsible for setting and conveying the standards that their child should follow, and the ~~School~~District respects each family's right to decide whether or not to authorize Internet access.

With this educational opportunity also comes responsibility. The use of inappropriate material or language, or violation of copyright laws, may result in the loss of the privilege to use this resource. Remember that you are legally responsible for your child's actions. If you agree to allow your child to have a network account, sign the *Authorization form* below and return it to your school.

## Authorization for Access to the District's Electronic Networks Form

**Students must have a parent/guardian must read and agree to the following before being their child is granted unsupervised access:**

All use of the electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. **The failure of any user to follow the terms of the *Acceptable Use of the District's Electronic Networks* will result in the loss of privileges, disciplinary action, and/or appropriate legal action.** The signatures at the end of this document are legally binding and indicate the parties who signed have read the terms and conditions carefully and understand their significance.

I have read this *Authorization* form. I understand that access is designed for educational purposes and that the District has taken precautions to eliminate controversial material. However, I also recognize it is impossible for the District to restrict access to all controversial and inappropriate materials. I will hold harmless the District, its employees, agents, or Board members, for any harm caused by materials or software obtained via the network. I accept full responsibility for supervision if and when my child's use is not in a school setting. I have discussed the *Acceptable Use of the District's Electronic Networks* with my child. I hereby request that my child be allowed access to the District's electronic networks, including the Internet.

\_\_\_\_\_  
Parent/Guardian Name (*please print*)

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

**Students must also read and agree to the following before being granted unsupervised access:**

I understand and will abide by the *Acceptable Use of the District's Electronic Networks*. I understand that the District and/or its agents may access and monitor my use of the District's electronic networks, including the Internet, my email, and downloaded material, without prior notice to me. I further understand that, should I commit any violation, my access privileges may be revoked, and school disciplinary action and/or legal action may be taken. In consideration for using the District's electronic network connection and having access to public networks, I hereby release the ~~School~~ District and its Board members, employees, and agents from any claims and damages arising from my use of, or inability to use, the District's electronic networks, including the Internet.

\_\_\_\_\_  
Student Name (*please print*)

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

### Instruction

#### **Exhibit - Staff Authorization for Access to the District's Electronic Networks**

*This form accompanies ~~Administrative Procedure~~ 6:235-AP1, *Acceptable Use of the District's Electronic Networks*. Each staff member must sign this Authorization as a condition for using the District's Electronic Networks. Please submit this form to the Building Principal.*

All use of the electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. ~~Administrative Procedure~~ 6:235-AP1, *Acceptable Use of the District's Electronic Networks*, does not attempt to state all required or prohibited behavior by users. However, some specific examples are provided. **The failure of any user to follow the terms of *Acceptable Use of the District's Electronic Networks*, will result in the loss of privileges, disciplinary action, and/or legal action.** The signature at the end of this document is legally binding and indicates that the individual has read the terms and conditions carefully and understands their significance.

Staff members need only sign this *Authorization for Access to the District's Electronic Networks* once while employed by the ~~School~~ District.

I understand and will abide by the *Acceptable Use of the District's Electronic Networks*. I understand that the District and/or its agents may access and monitor my use of the District's electronic networks, including the Internet, my email, and downloaded material, without prior notice to me. I further understand that, should I commit any violation, my access privileges may be revoked, and disciplinary action and/or legal action may be taken. In consideration for using the District's electronic network connection and having access to public networks, I hereby release the ~~School~~ District and its School Board members, employees, and agents from any claims and damages arising from my use of, or inability to use, the District's electronic networks, including the Internet.

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\_\_\_\_\_  
User Name (please print)

\_\_\_\_\_  
User Signature

\_\_\_\_\_  
Date

## Instruction

### Administrative Procedure - Web Publishing Guidelines

#### General Requirements

All material published on the District's website must have educational value and/or support the District guidelines, goals, and policies. Material appropriate for web publishing includes information about the District and its School Board members, agendas, policies, appropriate administrative procedures, Department activities or services, schools, teachers or classes, student projects, and student extracurricular organizations.<sup>1</sup> Personal information, not related to education, will not be allowed on the District's website.

The District ~~webmaster~~ website administrator shall implement a centralized process for review and uploading of material onto the District's website to ensure that, before material is published, it complies with ~~Board~~ District policy and procedures.<sup>2</sup> The District ~~website administrator~~ webmaster shall supervise the efforts of all staff members responsible for web publishing at each level of District web publishing and, when appropriate, hold in-service opportunities for those staff members. The staff members responsible for web publishing are identified in these procedures in the section **Different Levels of Web Publication**. The District ~~website administrator~~ webmaster shall provide regular feedback and suggestions to the Superintendent regarding these Guidelines.

All content published on the District's website must:

1. Comply with all State and federal law concerning copyright, intellectual property rights, accessibility,<sup>3</sup> and legal uses of network computers.
2. Comply with Board policies, administrative procedures, these Guidelines, and other District guidelines provided for specific levels of publishing. This specifically includes the Board's *Access to Electronic Networks* policy and the District's procedures on *Acceptable Use of the District's Electronic Networks*.<sup>4</sup>
3. Due to limited storage space and varying network speeds, file sizes may be limited by the District ~~website administrator~~ webmaster.
4. Comply with the publishing expectations listed below.

Material that fails to meet these Guidelines or is in violation of Board policy and/or procedures shall not be published on the District's website. The District reserves the right to remove any material in

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<sup>1</sup> IASB Policy Services provides web publishing services for board policy manuals. For information about these services and to see sample policy manuals online, visit [www.iasb.com/policy](http://www.iasb.com/policy). See [sample exhibit 2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records](#), for a listing of items that are required by law to appear on a district's website.

<sup>2</sup> A centralized process for review and uploading of material on district web pages will assist compliance with law and ~~board~~ district policy and administrative procedures in a consistent fashion across the district. If appropriate, replace "District ~~website administrator~~ webmaster" with correct title (e.g., District Network System Administrator).

<sup>3</sup> See [sample policy 2:260, Uniform Grievance Procedure](#), at [f/n 4](#) for discussion of website accessibility standards under State and federal law.

<sup>4</sup> See [sample policy 6:235, Access to Electronic Networks](#), and [sample administrative procedure 6:235-API, Acceptable Use of the District's Electronic Networks](#).

violation of its policy or procedures. Failure to follow these Guidelines or Board policy and/or procedures may result in loss of privileges, disciplinary action, and/or appropriate legal action.

### Publishing Expectations

The following are minimum expectations for all District web pages:

1. The style and presentation of web published material should be of high quality and designed for clarity and readability. Material shall not be published in violation of the District's procedures on *Acceptable Use of the District's Electronic Networks*, including material that is abusive, obscene, profane, sexual threatening, harassing, knowingly false or invades the privacy of any individual. Anonymous messages are prohibited.
2. Correct grammar and spelling are expected.
3. All information must be verifiable.
4. Publications must include a statement of copyright when appropriate and indicate that permission has been secured when including copyrighted materials.
5. Publications must identify affiliation with the District, school, and/or department.
6. Widespread use of external links to non-District websites is discouraged, but if used, the external sites must contain appropriate educational materials and information as exclusively determined by the District.<sup>5</sup> Every effort should be made to ensure that all links are operational. Every link to an external website must open a new browser window.<sup>6</sup>
7. Relevant dates are required on all publications, including the date on which the publication was placed on the District's website. Each site should contain the date the page was last updated.
8. All publications must include the District email address of the staff member responsible for the page. This provides a contact person for questions or comments. If a student is the publisher, the sponsoring staff member's email must be included as the responsible person. Only District staff members may act as student sponsors.
9. Use of the District's website for personal or financial gain is prohibited. No commercial or private accounts should be listed on any District web pages.
10. All documents should be previewed on different web browsers, especially Google Chrome, Mozilla Firefox, or Microsoft Edge, before being posted on the District's website.

For more information about these expectations or other issues related to web publishing, please contact the System Administrator.

### Protecting Student and Staff Privacy

Personal information concerning students or staff members, including home addresses and telephone numbers, shall not be published on District web pages.

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<sup>5</sup> External links have two problems: (1) schools cannot control the content of those sites but may be held responsible for directing visitors, including students, to them, and (2) widespread use may inadvertently create a public forum or raise First Amendment concerns if and when objectionable links are rejected for publication. However, with vigilant supervision and appropriate controls, these risks can be reduced. The district may replace this sentence with the following:

External links to non-District websites are limited to sites containing appropriate educational materials and information as exclusively determined by the District.

<sup>6</sup> The external website link must be programmed to open a new browser window. If the district believes it is too limiting to require every link to an external website to open a new browser window, remove the requirement from this procedure as well as [exhibit 6:235-E3, Online Privacy Statement](#).

A student's last name, last name initial, and grade-level shall not be published on District web pages. In addition, student records shall not be disclosed.<sup>7</sup> In special circumstances (e.g., where accolades are warranted), the sponsoring staff member should contact the Building Principal who may seek permission from the student's parents/guardians. Web pages shall not display student pictures with a student identified by his or her name unless written parental permission was first granted (e.g., by executing the form *Using a Photograph or Videotape of a Student*).<sup>8</sup> Student email addresses, whether a personal or District account, shall not be listed on any District web page.

### Submitting Material to Be Published

Everyone submitting material for publication on the District's website shall have signed an *Authorization for Access to the District's Electronic Networks*. Before material is published on the District's website, the author must authorize the District in writing to publish the material, unless the District owns the copyright. All material submitted by a teacher or other staff member for publication on the District's website is deemed "work for hire," and the copyright in those works vests in the District.<sup>9</sup> All material submitted for the District's website is subject to treatment as a District-sponsored publication.

### Different Levels of Web Publication

The following guidelines provide specific information regarding web publishing at different levels within the District. At each level, a staff member is identified as being responsible for web publishing at that level. This individual's web publishing efforts are supervised by the District [website administrator/webmaster](#).

#### District-Level

The District [website administrator/webmaster](#) conducts the District-level web publishing efforts and supervises other levels of web publishing. District-level publishing includes the District's homepage as well as any publishing activities representing the District as a whole, e.g., information about Board meetings, Board policy, and schedules. The District homepage shall have a link to an Online Privacy Statement.<sup>10</sup>

#### Department-Level

District departments (e.g., Transportation, Personnel, or Curriculum) may publish their own web pages as part of the District's website. The department supervisor or director is ultimately responsible for his or her respective department's web pages, but may appoint a staff member as the department's [website administrator/webmaster](#) to fulfill the maintenance, reviewing, and uploading tasks. The department supervisor or director shall keep the District [website administrator/webmaster](#) informed of who is the department [website administrator/webmaster](#).

The web-published material should coincide with that department's printed material. The District [website administrator/webmaster](#) should be consulted before publishing potentially sensitive material, e.g., school comparisons or student data.

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<sup>7</sup> The requirements of the Family Educational Rights and Privacy Act as well as the Ill. School Student Records Act severely limit website publication of student information. Even obtaining parental consent is problematic because, under 105 ILCS 10/6(a)(8), the consent must identify the recipients of the student records, which is impossible with web publishing.

<sup>8</sup> See [sample exhibit 7:340-AP1, E2, Using a Photograph or Videotape of a Student](#).

<sup>9</sup> See [sample administrative procedure 5:170-AP1, Copyright Compliance](#).

<sup>10</sup> See [sample exhibit 6:235-E3, Online Privacy Statement](#).

The department front pages should maintain the look and feel of the District homepage: – the connection to the District should be obvious. Links to the main website’s homepage must be included at the bottom of main pages, and the District’s logo must be included at the top of main front pages of each department.

#### School-Level

The Building Principal is ultimately responsible for his or her respective school’s webpages, but may appoint a staff member as the school [website administrator/webmaster](#) to fulfill the maintenance, reviewing, and uploading tasks. The Building Principal shall keep the District [website administrator/webmaster](#) informed of who is the school [website administrator/webmaster](#). All official material originating from the school will be consistent with the District style and content guidelines. The Building Principal or school [website administrator/webmaster](#) may develop guidelines for the various sections of and contributors to the school’s web pages.

#### Staff-Level

Any teacher or other staff member wanting to create web pages for use in class activities or to provide a resource for other teachers or staff members shall notify the school [website administrator/webmaster](#) of his or her desired publishing activities.

#### Student-Level <sup>11</sup>

A student wanting to create web pages on the District’s website as part of a class or school-sponsored activity should request a teacher or staff member to sponsor the student’s publishing efforts. The sponsoring teacher or staff member shall notify the school [website administrator/webmaster](#) of the desired publishing activities. The student’s web page must include an introduction written by the sponsor that describes the intent of the student’s web page and contains the sponsor’s District email address. Student web pages will be removed at the end of the school year unless special arrangements are made.

Personal web pages are not allowed on the School District’s web server. Likewise, student web pages may not contain commercial or advertising links, including links to games and advertisements for games.

CROSS REF.: 6:235 (Access to Electronic Networks), 7:315 (Restrictions on Publications; High Schools)

ADMIN. PROC.: 5:170-AP1 (Copyright Compliance), 6:235-AP1 (Acceptable Use of the District’s Electronic Networks), 6:235-AP1, E1 (Student Authorization for Access to the District’s Electronic Networks), 6:235-AP1, E2 (Staff Authorization for Access to the District’s Electronic Networks), 6:235-E3 (Online Privacy Statement)

The footnotes should be removed before the material is used.

<sup>11</sup> Student free speech rights on the Internet are not absolute. For class or school-sponsored activities, school officials may impose some limits on what appears in school-sponsored student publications. *Hazelwood v. Kuhlmeier*, 484 U.S. 260 (1988). However, content written by student journalists for school-sponsored media receives additional protections under the Speech Rights of Student Journalists Act. 105 ILCS 80/. See [sample](#) policy 7:315, *Restrictions on Publications; High Schools*, for additional information about that act’s requirements. For a discussion about disciplining students for off-campus conduct, which, depending upon the circumstances, may involve content posted by students online, see [sample](#) policy 7:190, *Student Behavior* at f/n 3.

### Students

#### **Exhibit - Consent to Participate in Extracurricular Drug and Alcohol Testing Program**

To be returned to the Building Principal. Please print.

Student \_\_\_\_\_ School year \_\_\_\_\_

**To be read and signed by the student-participant and his/her parent/guardian:**

We have received, read, and understand the District Extracurricular Drug and Alcohol Testing Program. We voluntarily agree that our child shall be subject to its terms for his or her entire high school extracurricular career (grades 9-12). We accept the method of obtaining breath and urine specimens, the testing and analyses of such specimens, and all other aspects of the program. The student-participant agrees to cooperate in furnishing urine specimens upon request.

We further agree and consent to the disclosure of the sampling, testing, and results as provided in this program. This consent is given pursuant to all State and federal privacy statutes, and it is a waiver of nondisclosure rights only to the extent of the disclosures required in the program.

We understand that there is more information available in the Ill. High School Association (IHSA) Performance-Enhancing Drug Testing Policy, located in the IHSA Handbook, available online at: www.ihsa.org/about/constitution-by-laws-policies on the following websites: www.ihsa.org/documents/sportsMedicine/Resource\_Exchange\_Center\_Flyer.pdf and www.ihsa.org/Resources/Sports\_Medicine/Performance\_Enhancing\_Drugs\_Steroid\_Education.

\_\_\_\_\_  
Parent/Guardian #Name (please print) Date

\_\_\_\_\_  
Parent/Guardian sSignature Student sSignature

**To be read and signed by student who is not participating:**

I have decided **not to participate** in any extracurricular activities sponsored by the School District for the remainder of this school year. In order for me to participate in the extracurricular activity program at a later date, I understand that I must submit to a urinalysis.

\_\_\_\_\_  
Student sSignature Date

## Students

### Administrative Procedure - Anaphylaxis Prevention, Response, and Management Program<sup>1</sup>

The following procedure implements [Board](#) policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, which is based upon the Ill. State Board of Education's (ISBE) *Anaphylaxis Response Policy for Schools (ISBE Model)*, available at: [www.isbe.net/Documents/Anaphylactic-policy.pdf](http://www.isbe.net/Documents/Anaphylactic-policy.pdf) (105 ILCS 5/2-3.190, [amended by P.A. 104-391](#), ~~added by P.A. 102-413 and renumbered by P.A. 102-813~~). The District's Anaphylaxis Prevention, Response, and Management Program is developed and collectively implemented by local school officials, District staff, students and their families, and the community. This administrative procedure contains three sections as follows:

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

#### Glossary of Terms

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

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

The footnotes should be removed before the material is used.

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

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

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

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

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

**CDC Guidelines** — The *Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs*, published by the Centers for Disease Control and Prevention (2013) and available at: [www.cdc.gov/school-health-conditions/media/pdfs/20\\_316712-A\\_FA\\_guide\\_508tag.pdf](http://www.cdc.gov/school-health-conditions/media/pdfs/20_316712-A_FA_guide_508tag.pdf) and [www.cdc.gov/healthyschools/foodallergies/pdf/20\\_316712-A\\_FA\\_guide\\_508tag.pdf](http://www.cdc.gov/healthyschools/foodallergies/pdf/20_316712-A_FA_guide_508tag.pdf). The CDC Guidelines are referred to in the *ISBE Model* as “a full food allergy and prevention of allergen exposure plan.” The CDC Guidelines are focused on the management of food allergies, but they also mention other allergens that may result in anaphylaxis (p. 21).

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

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

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

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

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

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

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

Anaphylaxis Prevention, Response and Management Program

This section relies heavily upon District-level administrators to implement the Program even if the District has no students with food or other allergies. 105 ILCS 5/2-3.190, [amended by P.A. 104-391](#), ~~added by P.A. 102-413 and renumbered by P.A. 102-813~~. This is because identification of students at risk of anaphylaxis cannot be predicted, and it is possible that a student who has not been identified could have his or her first reaction at school. CDC Guidelines, p. 9. This section references the *ISBE Model* and aligns with governance principles so that District-level administrators can: (a) integrate the Program into the District’s existing policies and procedures, (b) engage in ongoing monitoring of the Program, (c) assess the Program’s effectiveness, and (d) inform the Board about the Program along with recommendations to enhance its effectiveness.

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

Actor	Action
Superintendent or designee	Establish a District-wide Anaphylaxis Prevention, Response, and Management Committee (Committee) to operate as a Superintendent committee. Consider including: <ul style="list-style-type: none"> <li data-bbox="561 1066 889 1098">District-level administrators</li> <li data-bbox="561 1129 1469 1192">Building Principals (Building Principals are mandatory for successful implementation of the Program)</li> <li data-bbox="561 1224 1469 1329">District Safety Coordinator (see <a href="#">administrative procedure 4:170-AP1, Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities</a>)</li> <li data-bbox="561 1360 1469 1465">District 504 Coordinator (see <a href="#">Board policy 6:120, Education of Children with Disabilities</a> and <a href="#">exhibit 6:120, AP1, E1 Notice to Parents/Guardians Regarding Section 504 Rights</a>)</li> <li data-bbox="561 1497 1469 1560">Staff members, e.g., school nurse/health aide, teachers, paraprofessionals, food service staff, bus drivers, athletic coaches</li> <li data-bbox="561 1591 776 1623">Parents/Guardians</li> </ul>

The footnotes should be removed before the material is used.

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

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

The footnotes should be removed before the material is used.

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

Actor	Action
	<p>At least once every three years, recommend to the Superintendent any necessary policy changes that must be brought to the School Board for consideration. See <a href="#">Board policy 2:240, Board Policy Development</a>.</p> <p>Recommend to the Superintendent any amendments to administrative procedures. <b>Note:</b> The Committee may want to utilize <a href="#">exhibit 7:285-AP, E, Allergy and Anaphylaxis Emergency Plan (AAEP)</a>, for allergy management purposes. The sample exhibit is an adaptation of the <i>American Academy of Pediatrics’</i> sample emergency action plan form, <i>Allergy and Anaphylaxis Emergency Plan</i> available at: <a href="https://downloads.aap.org/AAP/PDF/AAP_Allergy_and_Anaphylaxis_Emergency_Plan.pdf">https://downloads.aap.org/AAP/PDF/AAP Allergy and Anaphylaxis Emergency Plan.pdf</a>; it includes the parent/guardian acknowledgment of district immunity and the hold harmless/indemnification agreement required by 105 ILCS 5/22-30 and 5/10-22.21b. See <a href="#">Board policy 7:270, Administering Medicines to Students</a>, at f/n 7, for more information.</p> <p>The Committee should also assess the feasibility of adding staff training during a Periodic Emergency Response Drill (CDC Guidelines, p. 50) to the District’s School Safety Drill Plan (see <a href="#">administrative procedure 4:170-AP1, Comprehensive Safety and Security Plan</a>, paragraph F., <b>School Safety Drill Plan</b>). Adding this suggested drill is not required and exceeds the mandate contained in 105 ILCS 128/. If added, revise paragraph E., <b>Annual Safety Review of administrative procedure 4:170-AP1, Comprehensive Safety and Security Plan</b> to include the applicable bolded items (a)-(f) listed in the CDC Guidelines on preparation for food allergy emergencies (p. 31-34).</p> <p>Convene a District-wide meeting with all Building Principals, other appropriate administrative and special education staff, and the Board Attorney to discuss this Program and the <i>ISBE Model</i>, and to prepare each individual Building Principal to implement it in his or her building. <b>Note:</b> The Board Attorney will be a necessary participant in the District’s efforts to manage anaphylaxis management issues. The Superintendent may want to authorize individual Building Principals to consult with the Board Attorney in some circumstances. If so, the Superintendent should outline this process during this meeting.</p> <p>Educate and train all staff by coordinating, through the Superintendent or Building Principals, the required annual in-service training program(s) for staff working with students. The in-service must be conducted by a person with expertise in anaphylactic reaction management and include administration of medication with an injector (105 ILCS 5/10-22.39(b-5)(2), added by P.A. 103-542, <del>eff. 1-1-24 and operative 7-1-24</del>). This training will also be incorporated into new school employee training. <b>Note:</b> State law requires the in-service training to be conducted within six months of employment and renewed at least once every five years, but the <i>ISBE Model</i> states that schoolwide training be conducted annually, when new employees are onboarded, and when an individual is identified as being at risk. <i>Person</i> with expertise is not defined, but the use of the word <i>expertise</i> suggests that using a lay person to provide training is not appropriate. Consider the list of training resources in the CDC Guidelines (p. 100-101). This training should include (CDC Guidelines, p. 36):</p>

Actor	Action
	<ul style="list-style-type: none"> <li>• A review of policies and building procedures</li> <li>• An overview of food allergies</li> <li>• Definitions of key terms, including <i>food allergy, major allergens, epinephrine, and anaphylaxis</i></li> <li>• The difference between a potentially life-threatening food allergy and other food-related problems</li> <li>• Signs and symptoms of a food allergy reaction and anaphylaxis (see <i>ISBE Model</i>, p. 5) and information on common emergency medications</li> <li>• General strategies for reducing and preventing exposure to allergens (in food and non-food items)</li> <li>• Policies on bullying and harassment and how they apply to children with food allergies</li> <li>• The District’s emergency plans, including who will be contacted in the case of an emergency, how staff will communicate during a medical emergency, and what essential information they will communicate</li> </ul> <p>Consider implementing the above issues by informing staff of the goals established in each of the following Board policies:</p> <p>6:65, <i>Student Social and Emotional Development</i>. This policy requires the District’s educational program to incorporate student social and emotional development into its educational program and be consistent with the social and emotional development standards in the Ill. Learning Standards.</p> <p>7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>. This policy prohibits students from engaging in bullying, intimidation, and harassment, which diminish a student’s ability to learn and a school’s ability to educate. It states that preventing students from engaging in these disruptive behaviors is an important District goal. <b>Note:</b> Including bullying and sensitivity awareness in the required in-service exceeds State law requirements. Because State law requires districts to have policies addressing bullying (105 ILCS 5/22-11027-23.7) and social and emotional development (405 ILCS 49/) and the CDC Guidelines highlight that increasing awareness of these issues is a best practice consideration, the required in-service is a logical place to include this education. Be sure locally adopted board policies contain the referenced policy language. In grades K-8, provide developmentally appropriate allergy education for students as part of a curriculum topic, e.g., health, physical education, general science, consumer science, character education, so that students can: (1) identify signs and symptoms of anaphylaxis, (2) know and understand why it is wrong to tease or bully others, including people with allergies, (3) know and understand the importance of finding a staff member who can help respond to suspected anaphylaxis, and (4) understand rules on hand washing, food sharing, allergen-safe zones, and personal conduct.<sup>5</sup> In grades 9-12, provide instruction, study, and</p>

The footnotes should be removed before the material is used.

<sup>5</sup> Optional. Including food allergy awareness education in the curriculum for grades K-8 exceeds State law requirements; it is included in the *CDC Guidelines* as a best practice. *CDC Guidelines*, p. 38.

Actor	Action
	<p>discussion on the dangers of allergies. See <a href="#">administrative procedure 6:60-AP1, Comprehensive Health Education Program</a>.<sup>6</sup></p> <p>Provide community outreach through Building Principals by providing information to students and their parents/guardians about the Program. A successful Program needs support and participation from parents of children with and without allergies. Parents and families need to learn about the District’s food allergy policy and practices through communications from administrators, school health staff, classroom teachers, and food service staff. See CDC Guidelines, p. 38 and p. 100-102 (National Nongovernmental Resources, including resources for Parent Education).</p> <p>Monitor the Program by assessing its effectiveness at least once every three years.</p> <p>Incorporate updated medical best practices into all areas of the Program.</p> <p>Establish a schedule for the Superintendent to report any recommendations to enhance the Program’s effectiveness to the Board for consideration.</p>
Building Principal	<p>Inform the school community of the Program by providing the information to students and their parents/guardians. For an outline of a sample letter, see <a href="http://www.stlouischildrens.org/sites/legacy/files/2022-09/FAMEToolkit2022-section3-Admin.pdf">www.stlouischildrens.org/sites/legacy/files/2022-09/FAMEToolkit2022-section3-Admin.pdf</a>, p. 14. Inform the school community of the opportunities to better understand food allergy management issues.</p> <p>Implement the Program in the building by meeting with the Nurse or, if a nurse is not available, other designated school personnel (DSP) and special education staff in the building to examine the <i>ISBE Model</i>. Identify and follow:</p> <p style="padding-left: 40px;">All best practices that apply to the conditions in the school building, including classrooms and the cafeteria, as well as on school transportation, at school-sponsored events (including activities before and after school, and field trips), and during physical education/recess to reduce exposure to allergens. See <i>ISBE Model</i>, p.3, and CDC Guidelines, p. 43-45.</p> <p style="padding-left: 40px;">All items from the actions for School Administrators and Registered School Nurses that apply to the working conditions in the school settings listed immediately above. CDC Guidance, p. 59-64.</p> <p>Educate staff members about the Program and their likely involvement with the daily management of food (or non-food) allergies for individual students (Individual Allergy Management). CDC Guidelines, p. 27-31. Inform staff members about healthy and active non-food rewards, see: <a href="http://www.actionforhealthykids.org/activity/healthy-active-non-food-rewards/">www.actionforhealthykids.org/activity/healthy-active-non-food-rewards/</a></p> <p>Identify at least two employees in the building, in addition to the Nurse/DSP, to be trained in the administration of epinephrine by auto-injection. Only <i>trained personnel</i> may administer epinephrine to a student believed to be having an anaphylactic reaction. (<i>ISBE Model</i>, p. 6). For training requirements, see <a href="#">administrative procedure 7:270-AP2, Checklist for District Supply of</a></p>

The footnotes should be removed before the material is used.

<sup>6</sup> [105 ILCS 5/27-245, added by P.A. 104-391/105 ILCS 110/3, amended by P.A. 103-212, eff. 1-1-24.](#)

Actor	Action
	<p><i>Undesignated Medication(s)</i>. <b>Note:</b> Although 105 ILCS 5/22-30 permits any “personnel authorized” under a student’s specific individual plan to administer an undesignated epinephrine injector, the <i>ISBE Model</i> makes no such distinction and requires all personnel administering epinephrine (whether prescribed to a student or undesignated) to a student to complete the training required of <i>trained personnel</i>.</p> <p>Annually notify parents/guardians in the student handbook(s) of <a href="#">Board</a> policy 7:285, <i>Anaphylaxis Prevention, Response, and Management Program</i>, and include the contact information of a staff member who parents/guardians can contact if they have questions about how the policy applies to their child. To increase awareness of the bullying issues faced by students with allergies, consider including information for students and their parents/guardians about the goals established in Board policy 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>.</p>
School Board	<p>Monitor <a href="#">Board</a> policy 7:285, <i>Anaphylaxis Prevention, Response, and Management Program</i>, at least once every three years, and consider changes recommended by the Committee. See <a href="#">Board</a> policy 2:240, <i>Board Policy Development</i>.</p> <p>Consider all policy changes recommended by the Superintendent.</p> <p>Provide the appropriate resources for the Superintendent to successfully implement the Program.</p>

### Individual Allergy Management

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

### **Phase One: Identification of Students with Allergies**

Actor	Action
Parent/ Guardian	<p>Inform the Building Principal of the student’s food allergy.</p> <p>Complete an Allergy History Form, (for a sample, see the <i>Family Food Allergy Health History Form</i>, available at: <a href="http://www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis">www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis</a> and AAEP. Return them to the Building Principal or Nurse/DSP.</p> <p>If the District participates in the U.S. Dept. of Agriculture’s Child Nutrition Programs and the student has a disability that requires meal modifications, complete a medical statement signed by a licensed healthcare provider. CDC Guidelines, p. 28. See <a href="http://www.isbe.net/Documents/2017-ACCOM-MANUAL-SP40.pdf">www.isbe.net/Documents/2017-ACCOM-MANUAL-SP40.pdf</a> for information and the <i>Medical Authority Modified Meal Request Form</i> at: <a href="http://www.isbe.net/Documents/Medical-Authority-Modified-Meal-Request-">www.isbe.net/Documents/Medical-Authority-Modified-Meal-Request-</a></p>

Actor	Action
	<p data-bbox="492 247 1463 310"><a href="http://www.isbe.net/_layouts/Download.aspx?SourceUrl=/Documents/Medical-Authority-Modified-Meal-Request-Form.docx">Form.pdfwww.isbe.net/_layouts/Download.aspx?SourceUrl=/Documents/Medical-Authority-Modified-Meal-Request-Form.docx</a>.</p> <p data-bbox="492 327 1463 428">Cooperate with school staff to provide the medical information necessary directly from the student’s health care provider to develop plans for managing individual care and emergency actions. CDC Guidelines, p. 27.</p> <p data-bbox="492 445 1463 508">Participate in all meetings to assess and manage the individual student’s health needs.</p>
Building Principal and/or Nurse/DSP	Follow the District’s procedural safeguards for convening a meeting to assess the individual student’s allergy management needs.
IEP or 504 Team	<p data-bbox="492 682 1463 745">Modify this section if the District implements IHCPs. See <b>Glossary</b> above for more information.</p> <p data-bbox="492 762 1463 930">For a student who is not already identified as a student with a disability, determine whether a referral for an evaluation is warranted using the District’s evaluation procedures for determining whether a student is a student with a disability within the meaning of IDEA or Section 504 (see Board policy 6:120, <i>Education of Children with Disabilities</i>).</p> <p data-bbox="492 947 1463 1010">For a student with an existing IEP or Section 504 plan, or who qualifies for one on the basis of his or her allergy, determine:</p> <ol data-bbox="492 1026 1463 1152" style="list-style-type: none"> <li data-bbox="492 1026 1463 1089">1. Whether the student’s allergy requires <i>related services</i> to ensure the provision of a “free appropriate public education” (FAPE), and/or</li> <li data-bbox="492 1089 1463 1152">2. Whether the student’s allergy requires appropriate <i>reasonable accommodations</i> for the student’s disability.</li> </ol> <p data-bbox="492 1169 1463 1337">If the answer to either of the above questions is negative, notify the parent/guardian in writing of the reasons for the denial and the right to appeal. Provides any required procedural safeguard notices. See 23 Ill.Admin.Code §226.510; Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Parts 104 and 300); and <a href="#">exhibit 6:120-AP1, E1, Notice to Parents/Guardians Regarding Section 504 Rights</a>.</p> <p data-bbox="492 1354 1187 1375"><b>If the answer to either of the above questions is positive:</b></p> <ol data-bbox="492 1392 1463 1787" style="list-style-type: none"> <li data-bbox="492 1392 1463 1455">1. Gather appropriate health information by using the completed <i>Allergy History Form</i> and AAEP.</li> <li data-bbox="492 1455 1463 1556">2. Identify all necessary accommodations and complete a 504 Plan (use the District’s established forms). For meal substitutions, the parent/guardian must submit a medical statement signed by a licensed healthcare provider.</li> <li data-bbox="492 1556 1463 1787">3. Determine which staff provides the identified accommodations. Remember that accidental exposures are more likely to happen when an unplanned event or non-routine event occurs, and special care should be taken to address procedures for staff members who provide transportation, substitute teaching, coaching or other activities, field trips, and classroom celebrations. For staff members to consider, see CDC Guidelines, Sec. 3, <i>Putting Guidelines into Practice: Actions for School Administrators and Staff</i>, p. 59-80.</li> </ol>

Actor	Action
	<p>4. Assign responsibilities to individual staff members for providing the identified accommodations. Inform staff members absent during the creation of the 504 Plan of their responsibilities.</p> <p>5. Identify willing 504 Team members trained in emergency response to respond to any allergic reactions the student may have. Only <i>trained personnel</i> may administer epinephrine to a student believed to be having an anaphylactic reaction. <i>ISBE Model</i>, p. 6. <b>Note:</b> Consult the Board Attorney if options are limited or the classroom teacher is not willing to administer epinephrine. While classroom teachers are a logical choice to provide emergency response due to their continual close proximity to students, such an assignment may: (1) impact terms and conditions of employment and may trigger collective bargaining rights, and/or (2) violate 105 ILCS 5/10-22.21b, which states that under no circumstances shall teachers or other non-administrative school employees, except certified school nurses and non-certificated registered professional nurses, be required to administer medication to students.</p> <p>6. Provide the required procedural safeguard notices. See 23 Ill.Admin.Code §226.510; Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Parts 104 and 300); and <a href="#">exhibit 6:120-AP1, E1, Notice to Parents/Guardians Regarding Section 504 Rights</a>.</p>

**Phase Two: Plan to Reduce Risk of Allergic Reactions**

Actor	Action
<p>Building Principal and/or Nurse/DSP</p>	<p>Convene a meeting to educate all the staff members who will provide the identified 504 Plan accommodations about their responsibilities.</p> <p>Ensure individual staff members are properly trained and perform their responsibilities and provide the necessary accommodations for the student’s individual health needs.</p> <p>Facilitate the dissemination of accurate information in the building about the student’s allergy while respecting privacy rights.</p> <p><b>Note:</b> Request permission from the Superintendent to consult the Board Attorney about best practices for disclosures to volunteers (e.g., field trip chaperones or room parents) of confidential medical information without parental consent. Generally Building Principals have discretion, but these situations are fact-specific. Ideally the District should attempt to get parental permission to disclose the information about the allergy, but practically this cannot always occur. Many agree that safety trumps confidentiality in these situations, especially when volunteers have a legitimate educational interest if knowledge of the information is related to their ability to perform their duties (See, <i>Letter to Anonymous</i>, 107 LRP 28330 (FPCO 2007)).</p> <p>Provide a medical alert to parents/guardians that does not name the student. See CDC Guidelines, p. 71, #5. The communication should inform other students and their parents/guardians about the</p>

Actor	Action
	<p>importance of keeping their educational setting free of the food allergen. For a sample letter, see <i>Notification of a Food Allergy in the Classroom – Parent Letter</i>, available at: <a href="http://www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis">www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis</a>.</p> <p><b>Note:</b> Request permission from the Superintendent to consult the Board Attorney about disclosures and providing joint communications from the Building Principal and the parent/guardian of the food allergic student. While joint communications allow the school to exchange the information needed to protect the food allergic student and balance competing educational interests without violating federal or State laws that govern student records, they can also present other risks (i.e., re-disclosure of the confidential information). See Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and its implementing rules at 34 C.F.R. Part 99; Ill. School Student Records Act, 105 ILCS 10/, and its implementing rules at 23 Ill.Admin.Code Part 375. FERPA prohibits schools from disclosing personally identifiable information from students’ education records without the consent of a parent or eligible student, unless an exception applies. See <a href="#">Board</a> policy 7:340, <i>Student Records</i>.</p> <p>Prepare a list of answers to anticipated questions about managing the student’s health needs.</p> <p>Check with the Nurse/DSP regarding any known competing educational interests with the student’s health needs among other students attending the school (i.e., diabetes, service animals, etc.). Manage identified students’ competing educational interests by:</p> <ol style="list-style-type: none"> <li>1. Consulting the Board Attorney.</li> <li>2. Creating a method to monitor identified competing educational interests between students.</li> <li>3. Responding to future unidentified competing educational interests and managing them immediately.</li> <li>4. Modifying any other conditions as the facts of the situation require.</li> </ol>
IEP or 504 Team	<p>Implement and follow all identified responsibilities in the 504 Plan. Understand that accidental exposures are more likely to occur when an unplanned event occurs, which makes it critical to follow the exact accommodations in the student’s 504 Plan.</p> <p>Practice emergency procedures outlined in the student’s AAEP and be prepared to follow them. <i>ISBE Model</i>, p. 5.</p>
Parent/Guardian	<p>Implement and follow the applicable items at: <a href="http://www.foodallergy.org/resources/getting-started-school">www.foodallergy.org/resources/getting-started-school</a>, to assist the District in managing food allergies in the school setting.</p>

Actor	Action
Student	Implement and follow developmentally appropriate steps for allergy self-management, such as reading labels, asking questions about foods in the school meal and snack programs, avoiding unlabeled or unknown foods, using epinephrine injectors when needed, and recognizing and reporting an allergic reaction to an adult. CDC Guidelines, p. 31.

### Phase Three: Response to Allergic Reactions

Actor	Action
IEP or 504 Team	Follow the student's 504 Plan and AAEP.
Nurse/DSP or any Staff Member trained in the District's emergency response procedures (if a Nurse is not immediately available)	<p>If the student does not have an AAEP and there is a suspected case of anaphylaxis, and the District does not maintain an undesignated supply of epinephrine (<i>ISBE Model</i>, p. 5-6):</p> <ol style="list-style-type: none"> <li>1. Instruct another staff member to call 911 immediately.</li> <li>2. Stay with the person until emergency medical services (EMS) arrive.</li> <li>3. Monitor the person's airway and breathing.</li> <li>4. If school nurse or other <i>trained personnel</i> are not at the scene, implement local emergency notification to activate the nurse or <i>trained personnel</i> to respond.</li> <li>5. Direct a staff member to call parent/guardian (if applicable).</li> <li>6. Administer CPR, if needed.</li> <li>7. EMS transports individual to the emergency room. Document the individual's name, date, time of onset of symptoms, and possible allergen. <b>Even if symptoms subside, EMS must still respond, and the individual must be evaluated in the emergency department or by the individual's health care provider. A delayed or secondary reaction may occur, which can be more severe than the first-phase symptoms.</b></li> <li>8. Do not allow a student to remain at school or return to school on the day epinephrine is administered.</li> </ol>
<p>Anyone implements item #1 of the first numbered list</p> <p>Nurse/DSP or other <i>Trained Personnel</i></p>	<p>If the Nurse or <i>trained personnel</i> have a good faith belief that a person is having an anaphylactic reaction, and the District needs to use its undesignated (not student-specific) supply of epinephrine to respond (<i>ISBE Model</i>, p. 5-6): <sup>7</sup></p> <ol style="list-style-type: none"> <li>1. Call the Nurse or front office personnel and advise of the emergency situation so that trained personnel can be activated to respond with undesignated epinephrine dose(s).</li> <li>2. Instruct someone to call 911 immediately.</li> </ol>

The footnotes should be removed before the material is used.

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

Actor	Action
implements the remaining items	<ol style="list-style-type: none"> <li>3. Implement the District’s undesignated epinephrine standing protocol. See <a href="#">administrative procedure 7:270-AP2, Checklist for District Supply of Undesignated Medication(s)</a>.</li> <li>4. Select the appropriate dose according to the standing protocol and administer epinephrine. Note the time. <b>Act quickly. It is safer to give epinephrine than to delay treatment. This is a life-and-death decision.</b></li> <li>5. Stay with the person until EMS arrives.</li> <li>6. Monitor the person’s airway and breathing.</li> <li>7. Reassure and attempt to calm the person, as needed.</li> <li>8. Direct another staff member to call the parent/guardian, or emergency contact (if known).</li> <li>9. If symptoms continue and EMS is not on the scene, administer a second dose of epinephrine five to 15 minutes after the initial injection. Note the time.</li> <li>10. Administer CPR, if needed.</li> <li>11. EMS transports the individual to the emergency room. Document the individual’s name, date, and time the epinephrine was administered on the epinephrine injector that was used and give to EMS to accompany individual to the emergency room. <b>Even if symptoms subside, EMS must still respond, and the individual must be evaluated in the emergency department or by the individual’s health care provider. A delayed or secondary reaction may occur, which can be more severe than the first-phase symptoms.</b></li> </ol> <p><u>Post-Event Actions</u></p> <ol style="list-style-type: none"> <li>1. Document the incident and complete all reporting requirements. See <a href="#">administrative procedure 7:270-AP2, Checklist for District Supply of Undesignated Medication(s)</a>.</li> <li>2. Replace epinephrine stock medication, according to the District’s standing protocol. Reorder epinephrine stock medication, as necessary.</li> </ol>
Nurse/DSP	<p>If a student has no AAEP and 504 Plan, provide the parent/guardian with the AAEP and <i>Allergy History</i> forms and refer them to the process outlined in the <b>Identification of Students with Allergies</b> phase above.</p> <p>After each allergy emergency, review how it was handled with the Building Principal, health aides/assistants (if applicable), parents/guardians, staff members involved in the response, and the student to identify ways to prevent future emergencies and improve emergency response. CDC Guidelines, p. 63.</p> <p>Assist students with allergies with transitioning back to school after an emergency. CDC Guidelines, p. 63.</p>

Actor	Action
	<p data-bbox="669 254 1398 323"><u>Storage, Access, and Maintenance of Undesignated Supply of Epinephrine (105 ILCS 5/22-30(f); ISBE Model, p. 6-7)</u> <sup>8</sup></p> <ol data-bbox="669 331 1466 1123" style="list-style-type: none"> <li>1. Store, access, and maintain the stock of undesignated epinephrine injectors as provided in the District’s standing protocol.</li> <li>2. Maintain the supply of undesignated epinephrine in accordance with the manufacturer’s instructions. Epinephrine should be stored in a safe, unlocked, and accessible location in a dark place at room temperature (between 59-86 degrees F). Epinephrine should not be maintained in a locked cabinet or behind locked doors. Trained staff should be made aware of the storage location in each school. It should be protected from exposure to hot, cold, or freezing temperatures. Exposure to sunlight will hasten deterioration of epinephrine more rapidly than exposure to room temperatures. The expiration date of epinephrine solutions should be periodically checked; the drug should be replaced if it is approaching the expiration date. The contents should periodically be inspected through the clear window of the injector. The solution should be clear; if it is discolored or contains solid particles, replace the unit.</li> <li>3. Regularly (e.g., monthly) check stock epinephrine to ensure proper storage, expiration date, and medication stability. Maintain documentation when checks are conducted. Expired injectors or those with discolored solutions or solid particles should not be used.</li> <li>4. Dispose of epinephrine injectors in a sharps container.</li> </ol>

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

The footnotes should be removed before the material is used.

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

## Students

### Administrative Procedure - Program for Managing Student Athlete Concussions and Head Injuries

#### State Law

1. The Youth Sports Concussion Safety Act (YSCSA) contains concussion safety directives for School Boards and certain identified staff members. 105 ILCS 5/22-80. A School District must implement 105 ILCS 5/22-80 if it offers interscholastic athletic activities or interscholastic athletics under the direction of a coach (volunteer or school employee), athletic director, or band leader. An *interscholastic athletic activity* “means 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. All interscholastic athletics are deemed to be interscholastic activities.” 105 ILCS 5/22-80(b).  
A School District may need to implement its return-to-learn protocol for a student’s return to the classroom after he or she is believed to have experienced a concussion, “whether or not the concussion took place while the student was participating in an interscholastic activity.” 105 ILCS 5/22-80(d). For a comprehensive discussion of this Act, see the IASB publication, *Checklist for Youth Sports Concussion Safety Act*, at: [www.iasb.com/iasb/media/documents/checklistconcussionsafetyact.pdf](http://www.iasb.com/iasb/media/documents/checklistconcussionsafetyact.pdf). Helpful guidance for implementing this law plus training modules are available from the Lurie Children’s Hospital’s *A Guide for Teachers and School Professionals*, also available using the above link.
2. 105 ILCS 25/1.15 requires: (a) all high school coaching personnel to complete online concussion awareness training, and (b) all student athletes to view the IHSA video about concussions.
3. 105 ILCS 25/1.20, requires the IHSA to require all member districts that have certified athletic trainers to have those trainers complete and submit a monthly report on student-athletes who have sustained a concussion during: (1) a school-sponsored activity overseen by the athletic trainer; or (2) a school-sponsored event of which the athletic director is made aware. **Concussion** - A complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns and which may or may not involve a loss of consciousness. 105 ILCS 5/22-80. See also: *Returning to School After a Concussion: A Fact Sheet for School Professionals*, [www.cdc.gov/headsup/media/pdfs/schools/tbi\\_returning\\_to\\_school-a.pdf](http://www.cdc.gov/headsup/media/pdfs/schools/tbi_returning_to_school-a.pdf).
4. 20 ILCS 2310/2310-3207 requires: (a) the Ill. Dept. of Public Health (IDPH), subject to appropriation, to develop, publish, and disseminate a brochure to educate the general public on the effects of concussions in children and discuss how to look for concussion warning signs in children, and (b) schools to distribute this brochure, free of charge, to any child or parent/guardian of a child who may have sustained a concussion, regardless of whether or not the concussion occurred while the child was participating in an interscholastic athletic activity, if available. The IDPH has adopted as its brochure the CDC’s *Heads Up* campaign brochures which include concussion fact sheets for

athletes, parents, coaches, and school professionals, see <https://dph.illinois.gov/topics-services/prevention-wellness/injury-violence-prevention/concussion.html>.

Actor	Action
School Board	<p>Adopt a Board policy on concussions. See <a href="#">Board</a> policy 7:305, <i>Student Athlete Concussions and Head Injuries</i>.</p> <p>Approve members of the Concussion Oversight Team. 105 ILCS 5/22-80(d).</p> <p>Approve school-specific emergency action plan(s) for interscholastic athletic activities to address serious injuries and acute medical conditions that may cause a student’s condition to deteriorate rapidly. 105 ILCS 5/22-80(i).</p> <p>Monitor the effectiveness of Board policy 7:305, <i>Student Athlete Concussions and Head Injuries</i>, by discussing with the Superintendent or designee the type of data the Board needs to monitor the policy, establishing a monitoring calendar, and reviewing the data provided by the Superintendent or designee.</p>
Superintendent or designee	<p>Identify individuals to serve on the Concussion Oversight Team; request Board approval. 105 ILCS 5/22-80(d).</p> <p>A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, he or she must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. The Team may be composed of only one person who need not be a licensed healthcare professional, but may not be a coach.</p> <p><b>Note:</b> As this is administrative/staff work rather than governance work, the best practice is to have the Concussion Oversight Team be an <i>administrative</i> committee, but consult the Board Attorney for guidance. If it is a Board committee, it must comply with the Open Meetings Act, 5 ILCS 120/1.02. For a discussion of the Open Meetings Act’s treatment of committees, see the footnotes in <a href="#">Board-sample</a> policy 2:150, <i>Committees</i>.</p> <p>Require that all high school coaching personnel, including the head and assistant coaches, and athletic directors obtain an online concussion certification in accordance with 105 ILCS 25/1.15.</p> <p>Coaching personnel and athletic directors hired on or after 8-19-14 must be certified before their position’s starting date.</p> <p>Require that the following individuals complete concussion training as specified in the YSCSA: coaches or assistant coaches (whether volunteer or a District employee) of interscholastic athletic activities; nurses, physicians, other licensed health professionals and non-</p>

Actor	Action
	<p>licensed health care professionals who serve on the Concussion Oversight Team; athletic trainers; and game officials of interscholastic athletic activities. 105 ILCS 5/22-80(h). <a href="#">amended by P.A. 104-391</a>.</p> <p>Individuals covered by this training mandate must initially have completed the training prior to serving on the Concussion Oversight Team and at least once every two years (or if not on the Team, at least once every two years). See the footnotes in policies 5:100, <i>Staff Development Program</i>, and 7:305, <i>Student Athlete Concussions and Head Injuries</i>.</p> <p>Identify the staff members who are responsible for student athletes, including Building Principals, and require that they comply with IHSA concussion protocols, policies, and by-laws, including its <i>Protocol for Implementation of NFHS Sports Playing Rules for Concussions</i>, at: <a href="http://www.ihsa.org/health-safety/healthcare-provider-information">www.ihsa.org/health-safety/healthcare-provider-information</a> <a href="http://www.ihsa.org/documents/sportsmedicine/ihsa_protocols_for_nfhs_concussion_playing_rule.pdf">www.ihsa.org/documents/sportsmedicine/ihsa_protocols_for_nfhs_concussion_playing_rule.pdf</a>.</p> <p>Along with the Building Principal(s), develop and maintain school-specific emergency action plan(s) for interscholastic athletic activities to address serious injuries and acute medical conditions that may cause a student's condition to deteriorate rapidly; present it/them to the Board for approval. 105 ILCS 5/22-80(i).</p> <p>Hold the staff members responsible for implementing this procedure.</p>
Concussion Oversight Team	<p>Establish each of the following based on peer-reviewed scientific evidence consistent with guidelines from the Centers for Disease Control and Prevention (CDC). 105 ILCS 5/22-80(d). See <a href="http://www.cdc.gov/headsup/index.html">www.cdc.gov/headsup/index.html</a>.</p> <ol style="list-style-type: none"> <li>1. A <i>return-to-play protocol</i> governing a student's return to interscholastic athletic practice or competition following a force of impact believed to have caused a concussion. The Superintendent or designee (not a coach) must supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol. 105 ILCS 5/22-80(g). The student's treating physician or an athletic trainer working under a physician's supervision must evaluate and find that it is safe for the student to return to play. The student's parent/guardian must sign a consent form that complies with statutory prerequisites. IHSA's website contains a form for this, <i>Post-concussion Consent Form (RTP/RTL)</i>, at: <a href="http://www.ihsa.org/health-safety/concussion-resources">www.ihsa.org/health-safety/concussion-resources</a> <a href="http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources">http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources</a>. It is an open question whether the return-to-play protocol is limited to when the concussion occurred during an</li> </ol>

Actor	Action
	<p>interscholastic athletic activity, because the statute does not state “whether or not the concussion took place while the student was participating in an interscholastic athletic activity.” It makes sense, however, to apply the return-to-play protocol whenever a student suffers a concussion before allowing him or her to participate in an interscholastic athletic activity.</p> <p>2. A return-to-learn protocol governing a student’s return to the classroom following a force of impact believed to have caused a concussion. The Superintendent or designee (not a coach) must supervise the person responsible for compliance with the return-to-learn protocol. 105 ILCS 5/22-80(g). The return-to-learn protocol governs a student’s return to the classroom after a concussion, whether or not the concussion took place while the student was participating in an interscholastic athletic activity. Guidance from Lurie Children’s Hospital explains that recovery from a concussion must be an individualized process, because no two concussions are the same. See <i>Return to Learn after a Concussion: A Guide for Teachers and School Professionals</i>, Lurie Children’s Hospital, at: <a href="http://www.luriechildrens.org/globalassets/media/pages/specialties-conditions/programs/concussion-program/documents/lurie-return-to-learn-guide-2017-updated.pdf">www.luriechildrens.org/globalassets/media/pages/specialties-conditions/programs/concussion-program/documents/lurie-return-to-learn-guide-2017-updated.pdf</a>. This Guide explains that a student’s full recovery depends on both cognitive and physical rest. It suggests using a multidisciplinary team to facilitate a student’s return to the classroom and provides examples of accommodations and interventions. It also stresses the importance of identifying a school staff member who will function as a case manager or concussion management leader, e.g., a school nurse, athletic trainer, or school counselor.</p>
Building Principals or designees	<p>Along with the Superintendent, develop and maintain school-specific <i>Emergency Action Plan(s) (EAP)</i> for interscholastic athletic activities to address serious injuries and acute medical conditions that may cause a student’s condition to deteriorate rapidly; present the plan(s) to the Superintendent who will present it/them to the Board for approval. 105 ILCS 5/22-80(i).</p> <p>A template is available on the IHSA website under Emergency Action Plan (EAP) Resources, at: <a href="http://www.ihsa.org/health-safety/concussion-resources">www.ihsa.org/health-safety/concussion-resources</a><a href="http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources">http://ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources</a>.</p> <p>Ensure the EAP is distributed to all appropriate personnel and conspicuously posted at all venues utilized by the school. <i>Id.</i> at (4) &amp; (5).</p>

Actor	Action
	<p>Ensure the EAP is reviewed annually by all athletic trainers, first responders (including, but not limited to, emergency medical dispatchers), coaches, school nurses, athletic directors and volunteers for interscholastic athletic activities. <u>Id.</u> at (6), <del>amended by P.A. 102-1006.</del></p> <p>Require coaches and assistant coaches, trainers, and other staff members who are responsible for student athletes to:</p> <ol style="list-style-type: none"> <li>1. Review and abide by the IHSA protocols, polices, and by-laws regarding concussions and head injuries, at: <a href="http://www.ihsa.org/health-safety/stakeholder-responsibilities">www.ihsa.org/health-safety/stakeholder-responsibilities</a> <del><a href="http://www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Stakeholder-Responsibilities">www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Stakeholder-Responsibilities</a></del>.</li> <li>2. Provide information to student athletes and their parents/guardians each school year about concussions and otherwise perform all duties identified by law or described in this procedure. School districts must include information about concussions in the student athlete agreement, contract, code, or written instrument that a student athlete and his or her parent/guardian are required to sign before participating in a practice or interscholastic competition. IHSA drafted a sample <i>Concussion Information Sheet</i>, which is included within the <i>IHSA Sports Medicine Acknowledgement &amp; Consent Form</i> at: <a href="http://www.ihsa.org/health-safety/concussion-resources">www.ihsa.org/health-safety/concussion-resources</a> <del><a href="http://www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources">http://www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources</a></del>. It has been incorporated into <u>exhibit 7:300-E1, <i>Agreement to Participate</i></u>.</li> <li>3. Distribute the IDPH concussion brochure, if available, to any student or the parent/guardian of a student who may have sustained a concussion, regardless of whether or not the concussion occurred while the student was participating in an interscholastic athletic activity. 20 ILCS 2310/2310-307. The IDPH has adopted as its brochure the CDC's <i>Heads Up</i> campaign brochures which include concussion fact sheets for athletes, parents, coaches, and school professionals, see <a href="https://dph.illinois.gov/topics-services/prevention-wellness/injury-violence-prevention/concussion.html">https://dph.illinois.gov/topics-services/prevention-wellness/injury-violence-prevention/concussion.html</a>.</li> </ol> <p>Maintain appropriate school student records for student athletes.</p> <p>Although a <i>concussion policy acknowledgment</i> is no longer required, an ISBE rule defines <i>health-related information</i> to include a <i>concussion policy acknowledgment</i>. 23 Ill.Admin.Code §375.10. The acknowledgment must be kept with the student's</p>

Actor	Action
	<p>school student records as a temporary record. 23 Ill.Admin.Code §375.40.</p> <p>All written information concerning an injury to a student athlete, including without limitation, a return-to-play clearance, must be kept with the student's school student records as a temporary record. 23 Ill.Admin.Code §§375.10 and 375.40. An ISBE rule defines <i>health-related information</i> to include "other health-related information that is relevant to school participation, e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports." 23 Ill.Admin.Code §375.10.</p>
<p>Each student participant in an interscholastic athletic activity and his or her parent/guardian</p>	<p>Each school year, sign a concussion information receipt form before participating in an interscholastic athletic activity. 105 ILCS 5/22-80(e).</p> <p><i>Interscholastic athletic activity</i> is defined on the first page of this procedure. 105 ILCS 5/22-80(b).</p> <p>The form must be approved by IHSA. See <a href="http://www.ihsa.org/health-safety/concussion-resources">www.ihsa.org/health-safety/concussion-resources</a><a href="http://www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources">http://www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources</a>, for <a href="#">IHSA Concussion Protocols</a> and <a href="#">IHSA Sports Medicine Acknowledgement &amp; Consent Form</a><a href="#">Sports Medicine Acknowledgement &amp; Consent Form</a>.</p> <p>Annually view IHSA's video about concussions (applicable to only high school student athletes). 105 ILCS 25/1.15(e).</p> <p>Become knowledgeable about the concussion symptoms and ask questions of any athletic staff member.</p> <p>Inform the coach or other supervisor about any trauma to the student's head and/or any symptoms of a concussion or confirmed concussion regardless of where and when it occurred.</p> <p>Follow the District's return-to-play and/or return-to-learn protocol(s), as applicable, whenever the student suffers a concussion.</p>
<p>Coaches or Assistant Coaches (whether volunteer or a District employee) of interscholastic athletic activities;</p> <p>Nurses and Physicians who serve on the Concussion Oversight Team;</p> <p>Athletic Trainers; and</p>	<p>Complete concussion training as specified in the YSCSA. 105 ILCS 5/22-80(h), <a href="#">amended by P.A. 104-391</a>.</p> <p><i>Interscholastic athletic activity</i> is defined on the first page of this procedure. 105 ILCS 5/22-80(b).</p> <p>Individuals covered by this training mandate must complete the training prior to serving on the Concussion Oversight Team and at least once every two years (or if not on the Team, at least once every two years). See the footnotes in <a href="#">Board</a>-policy 5:100, <i>Staff Development Program</i>.</p>

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Game Officials of interscholastic athletic activities	<p>Complete IHSA’s online concussion certification program (required only of high school coaching personnel including, without limitation, athletic directors). 105 ILCS 25/1.15.</p> <p>Learn concussion symptoms and danger signs. See <a href="#">IHSA Sports Medicine Acknowledgement and Consent form at: <u>www.ihsa.org/health-safety/concussion-resources</u></a> <a href="http://ihsa.org/documents/sportsMedicine/current/Sports%20Medicine%20Consent%20and%20Acknowledgement.pdf">http://ihsa.org/documents/sportsMedicine/current/Sports%20Medicine%20Consent%20and%20Acknowledgement.pdf</a> and <a href="http://www.cdc.gov/heads-up/training/index.html#cdc_generic_section_3-general-concussion-info">www.cdc.gov/heads-up/training/index.html#cdc_generic_section_3-general-concussion-info</a> <a href="http://www.cdc.gov/headsup/youthsports/officials.html">www.cdc.gov/headsup/youthsports/officials.html</a>.</p>
Coaches and Assistant Coaches of interscholastic athletic activities  Athletic Trainers  Other staff members who are responsible for student athletes	<p>Each school year, have student athletes and their parents/guardians, or another person with legal authority to make medical decisions for the student, sign a form “that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion.” The form must be approved by IHSA. 105 ILCS 5/22-80(e).</p> <p>Each school year, inform student athletes and their parents/guardians about concussions and head injuries by:</p> <ol style="list-style-type: none"> <li>1. Giving them a copy of the IHSA’s <i>Concussion Information Sheet</i> at the time they sign <a href="#">Board exhibit 7:300-E1, Agreement to Participate</a>, or other agreement, contract, code, or written instrument that a student athlete and his or her parent/guardian are required to sign before the student is allowed to participate in a practice or interscholastic competition. <i>The Concussion Information Sheet</i>, is included within the <i>IHSA Sports Medicine Acknowledgement &amp; Consent Form</i> at: <a href="http://www.ihsa.org/health-safety/concussion-resources">www.ihsa.org/health-safety/concussion-resources</a> <a href="http://www.ihsa.org/Resources/DownloadCenter.aspx">www.ihsa.org/Resources/DownloadCenter.aspx</a>.</li> <li>2. Using educational material provided by IHSA to educate student athletes and parents/guardians about the nature and risk of concussions and head injuries, including the risks inherent in continuing to play after a concussion or head injury. See <a href="http://www.ihsa.org/health-safety/concussion-resources">www.ihsa.org/health-safety/concussion-resources</a> <a href="http://www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources">www.ihsa.org/Resources/Sports-Medicine/Concussion-Management/Concussion-Resources</a>. The CDC offers free printed educational materials on concussions that can be ordered or downloaded and distributed to parents, students, and coaches. See <a href="http://www.cdc.gov/headsup/index.html">www.cdc.gov/headsup/index.html</a>.</li> </ol> <p>Each school year, participate in the review of the EAP, as directed by the Building Principal or designee.</p>

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	<p>Remove a student from an interscholastic athletic practice or competition immediately if any of the following individuals believes that the student sustained a concussion during the practice and/or competition: a coach, a physician, a game official, an athletic trainer, the student’s parent/guardian, the student, or any other person deemed appropriate under the return-to-play protocol. 105 ILCS 5/22-80(f).</p> <p>Comply with the IHSA concussion management guidelines, including its <i>Protocol for Implementation of NFHS Sports Playing Rules for Concussion</i>, which includes its <i>Return to Play (RTP) Policy</i>, at: <a href="http://www.ihsa.org/health-safety/healthcare-provider-information">www.ihsa.org/health-safety/healthcare-provider-information</a> <a href="http://www.ihsa.org/documents/sportsmedicine/ihsa_protocols_for_nfhs_concussion_playing_rule.pdf">www.ihsa.org/documents/sportsmedicine/ihsa_protocols_for_nfhs_concussion_playing_rule.pdf</a>. These guidelines, in summary, require that:</p> <ol style="list-style-type: none"> <li>1. A student athlete who exhibits signs, symptoms, or behaviors consistent with a concussion (e.g., loss of consciousness, headache, dizziness, confusion, or balance problems) in a practice or game shall be removed from participation or competition at that time.</li> <li>2. A student athlete who has been removed from an interscholastic contest for a possible concussion or head injury may not return to that contest unless cleared to do so by a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer.</li> <li>3. If not cleared to return to that contest, a student athlete may not return to play or practice until the student athlete has provided his or her school with written clearance from a physician licensed to practice medicine in all its branches in Illinois, advanced practice registered nurse, physician assistant or a certified athletic trainer working in conjunction with a physician licensed to practice medicine in all its branches in Illinois, and has completed the return-to-play protocol in compliance with the YSCSA, 105 ILCS 5/22-80(g).</li> </ol> <p>Inform the student athlete’s parent/guardian about a possible concussion and give the parent/guardian a fact sheet on concussion, at: <a href="http://www.ihsa.org/health-safety/concussion-resources">www.ihsa.org/health-safety/concussion-resources</a> <a href="http://www.ihsa.org/Resources/Sports_Medicine/Concussion-Management/Concussion_Resources">www.ihsa.org/Resources/Sports_Medicine/Concussion-Management/Concussion_Resources</a>.</p> <p>Allow a student who was removed from interscholastic athletic practice or competition to return only after all statutory prerequisites are completed, including without limitation, completing the return-to-play and return-to-learn protocols developed by the Concussion Oversight Team. An athletic team coach or assistant coach may not authorize a student’s return-to-play or return-to-learn. 105 ILCS 5/22-80(g).</p>

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	Most students with a concussion will not need a formal 504 plan or individualized education program; contact the Board Attorney whenever one is requested or the student's symptoms are prolonged.
Athletic trainers [ <i>high school only</i> ]	<p>Complete a monthly report on student-athletes who have sustained a concussion during: (1) a school-sponsored activity overseen by the athletic trainer; or (2) a school-sponsored event of which the athletic director is made aware. Do not identify student names in the monthly report. 105 ILCS 25/1.20.</p> <p>Submit this monthly report to the interscholastic athletic organization to which the school belongs.</p>

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## **Students**

### **Administrative Procedure - School Student Records**<sup>1</sup>

This procedure implements Board policy 7:340, *Student Records*. It contains a **Table of Contents** and lettered **Sections**.

#### Table of Contents

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

#### Sections

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

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

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

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

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

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

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

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

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

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

1. Writings or other recorded information kept in a school staff member's sole possession that is destroyed not later than the student's graduation or permanent withdrawal, and is not accessible or revealed to any other person except a temporary substitute teacher. 105 ILCS 10/2(d).
2. Information maintained by law enforcement professionals working in the school. 105 ILCS 10/2(d).
3. Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes. This includes, without limitation, electronic recordings made on school buses, as described in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3(m). The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials for disciplinary or special education purposes regarding a particular student. 23 Ill.Admin.Code §375.10. **Note:** For districts and schools that do not have a designated law enforcement unit, consult the Board Attorney regarding designating an employee to serve as the *law enforcement unit-in-order* to maintain the security camera and determine the appropriate circumstances in which the school would disclose recorded images.
4. Any information, either written or oral, received from law enforcement officials pursuant to 105 ILCS 5/22-20 concerning a student less than the age of 18 years who has been arrested or taken into custody. 23 Ill.Admin.Code §375.10. <sup>2</sup>

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

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

**D. Official Records Custodians**

Each Building Principal is designated the Official Records Custodian for his or her respective school and has the duties, without limitation, listed below. <sup>3</sup>

1. Is responsible for the maintenance, care, and security of all school student records, whether or not the records are in his or her personal custody or control, and shall take all reasonable measures to protect school student records through administrative, technical, and security

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

<sup>3</sup> For districts that have a single District-level records custodian rather than one at each school, use the following alternative sentence: "The District's Official Records Custodian or designee(s) has the duties, without limitation, listed below."

safeguards against risks, such as unauthorized access, release, or use. 105 ILCS 10/4(a) and (b); 23 Ill.Admin.Code §375.40(g).

2. Reviews student temporary records at least every four years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary, or irrelevant information. The records review is required in any given school year at the time a student first changes attendance centers within the District, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year. 23 Ill.Admin.Code §375.40(b).
3. When requested by the Ill. Dept. of Children and Family Services (DCFS) due to an indicated finding being overturned in an appeal or hearing, purges DCFS's final finding report from the student's record in accordance with the Ill. School Student Records Act (105 ILCS 10/) on the date of expungement provided by the report. 325 ILCS 5/8.6, amended by P.A. 103-624.
4. Manages requests to access school student records.
5. Transfers a certified copy of the records of students transferring to another school and retains the original records.
6. Provides all required notices to parents/guardians and students, including without limitation, each of the following:
  - a. Upon initial enrollment or transfer to the school and annually thereafter, notification of rights concerning school student records; the notification may be delivered by any means likely to reach parents, including direct mail or email, delivery by the student to the parent, or incorporation into a student handbook. 23 Ill.Admin.Code §375.30; [34 C.F.R. §99.7](#).
  - b. Annual notification of information that is considered to be *directory information* and of the procedures to be used by parents/guardians to request that specific information not be released. 23 Ill.Admin.Code §375.80.
  - c. Notification to secondary students and their parents/guardians that they may opt out of the disclosure of students' names, addresses, electronic mail (email) addresses, birth dates, and telephone listings to military recruiters and institutions of higher learning by submitting a written request that such information not be released without the prior written consent of the parent/guardian. 20 U.S.C. §7908; [10 U.S.C. §503\(c\)](#); [105 ILCS 5/10-20.5a, amended by P.A. 104-15](#).
  - d. Notification of their right to a hearing to challenge any entry in the school student records (except for academic grades) and Official Records Custodian's name and contact information. 23 Ill.Admin.Code §375.90.
  - e. Upon a student's graduation, transfer, or permanent withdrawal, notification to the parents/guardians, and if the student is in the legal custody of DCFS, DCFS' Office of Education and Transition Services, of the destruction schedule for the student's permanent and temporary school student records and of their right to request a copy. Notice to parents/guardians or the student may be provided through: (1) the school's parent or student handbook, (2) publication in a newspaper published in the District or, if no newspaper is published in the District, in a newspaper of general circulation within the district, (3) U.S. mail delivered to the last known address of the parent/guardian or student, or (4) other

means provided notice is confirmed to have been received, e.g., hand delivery, return receipt, or read receipt email. 105 ILCS 10/4(h); 23 Ill.Admin.Code §375.40(c).<sup>4</sup>

7. Takes all action necessary to ensure that school personnel are informed of the provisions of the School Student Records Act. 105 ILCS 10/3(c).
8. Performs all actions required of the District described in this procedure and the laws governing school student records.

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

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

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

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

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s).
2. Evidence required by the Missing Children Records Act. 325 ILCS 50/5(b)(1).
3. Academic transcripts, including: grades, graduation date, and grade level achieved; as applicable, and if allowed by District policy, scores received on college entrance examinations if that inclusion is requested in writing by an eligible student or the student's parent/guardian<sup>5</sup>; the unique student identifier assigned and used by ISBE's Student Information System (23 Ill.Admin.Code §1.75); as applicable, designation of an Advanced Placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in 105 ILCS 5/27-60522, renumbered by P.A. 104-391; as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with 105 ILCS 5/2-3.159 and 23 Ill.Admin.Code Part 680; as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy, awarded in accordance with 23 Ill.Admin.Code §680.20(c); and as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance with 105 ILCS 5/2-3.169, amended by P.A. 103-979, and 23 Ill.Admin.Code §1.443.
4. Attendance record.
5. Health record, defined by ISBE rule as "medical documentation necessary for enrollment and proof of having certain examinations, as may be required under Section 27-8.1 of the [School] Code."

The footnotes should be removed before the material is used.

<sup>4</sup> 105 ILCS 10/4(h) requires notice of destruction of student records also be given to DCFS when a student is in its legal custody; however, the law does not specify how that notice is to be delivered to DCFS. A district may wish to rely on item #4 in paragraph e of this list so it has evidence the notice was received.

<sup>5</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 board policy allows for the inclusion of such scores on academic transcripts, then the district's notification to parents/guardians and students of their school student records rights must include the process for requesting the inclusion. 23 Ill.Admin.Code §375.30(d)(5).

**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).

6. Record of release of permanent record information that contains the information listed in Section I, **Record of Release**, below.
7. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12). 105 ILCS 5/2-3.64a-5.

If not maintained in the temporary record, the *permanent record* may include:

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

No other information shall be placed in the permanent record.

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

1. Record of release of temporary record information that contains the information listed in Section I, **Record of Release**, below.
2. Scores received on the State assessment tests administered in the elementary grade levels (kindergarten through grade 8).
3. Completed home language survey. 23 Ill.Admin.Code §228.15(d).
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction.
5. Any final finding report received from DCFS provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act (325 ILCS 5/8.6) shall be placed in the student record. 23 Ill.Admin.Code §375.40(f).
6. 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, including a statement of the student or any other documentation, record, or corroborating evidence and the fact that the student has requested or obtained assistance, support, or services related to that status. 105 ILCS 10/2(f), ~~amended by P.A. 102-466~~, a/k/a *Ensuring Success in School (ESS) Law*, ~~eff. 7-1-25~~. See Board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and the **Confidentiality** subhead of administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.
7. Any biometric information that is collected in accordance with 105 ILCS 5/10-20.40.
8. Health-related information, defined by ISBE rule as "current documentation of a student's health information, not otherwise governed by the MHDDCA or other privacy laws, that includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs, e.g., glucose readings, long-term medications administered during school hours, documentation regarding a student athlete's and his or her parents' acknowledgment of the District's concussion policy adopted under Section 22-80 of the [School] Code, and other health-related information that is relevant to school participation, e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports."

9. Accident report, defined by ISBE rule as “documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or if the school nurse has referred the student for a medical evaluation, regardless of whether the parent or guardian, student (if 18 years or older), or an unaccompanied youth has followed through on that request.”
10. Any documentation of a student’s transfer, including records indicating the school or school district to which the student transferred. 23 Ill.Admin.Code §375.75(e).
11. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course or a registered apprenticeship program under 23 Ill.Admin.Code Part 255 as a substitute for a high school or graduation requirement. 105 ILCS 10/4; 23 Ill.Admin.Code §1.445.
12. Information contained in related service logs maintained by the District for a student with an individualized education program under 105 ILCS 5/14-8.02f(d), including for speech and language services, occupational therapy services, physical therapy services, school social work services, school counseling services, school psychology services, and school nursing services.

The *temporary record* may also consist of:

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

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

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(e). The temporary record is maintained for at least five

years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(f). Individuals adding information to a student's temporary record must include their name, signature, and position and the date the information was added. 105 ILCS 10/4(d). Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after five years, be transferred to the parent(s)/guardian(s) or to the eligible student. Appropriate District personnel shall explain to the student and the parent/guardian the future usefulness of these records. 23 Ill.Admin.Code §375.40(d). Be sure to provide notice of destruction of school student records pursuant to 105 ILCS 10/4(h), as noted in D(6)(e), above.

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

School officials, with limited exceptions, may not require students or their parents/guardians to provide Social Security numbers. 5 ILCS 179/, Identity Protection Act. The collection and retention of Social Security numbers shall be in accordance with Board policy 4:15, *Identity Protection*.

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

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

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

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

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

1. A student's parent(s)/guardian(s) or eligible student, or designee, or DCFS' Office of Education and Transition Services, when a student is in the legal custody of DCFS, are entitled to inspect and copy information in the student's school record; a student less than 18 years old may inspect or copy information in his or her permanent school record. 105 ILCS 10/5. A request to inspect or copy school student records shall be made in writing and directed to the Building Principal. Access to the records shall be granted within 10 business days after the receipt of such a request. 105 ILCS 10/5(c). The District may extend this timeline by up to five additional business days if one or more of these six reasons applies:
  - a. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
  - b. The request required the collection of a substantial number of specified records;
  - c. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
  - d. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
  - e. 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

- f. 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.

105 ILCS 10/5(c-5).

The District and the person making the request may also agree in writing to extend the timeline for response. Id. The response to an access request for a special education student's records shall include those school student records located in the special education office.

2. The parent(s)/guardian(s), DCFS, if applicable, or the District may request a qualified professional to be present to interpret the student's records. 105 ILCS 10/5(b). If the District makes the request, it is responsible for securing and bearing the cost of the professional's presence.
3. Unless the District has actual notice of a court order or a notice of a *parenting plan* under the Ill. Marriage and Dissolution of Marriage Act, indicating otherwise:
  - a. 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. 750 ILCS 5/602.11.
  - b. The Building Principal shall send copies of the documents listed below to both divorced or separated parents/guardians, or if the student is in the legal custody of DCFS, DCFS' Office of Education and Transition Services, at their request. 105 ILCS 5/10-21.8.
    - i. Academic progress reports or records
    - ii. Emotional and physical health reports
    - iii. Notices of school-initiated parent-teacher conferences
    - iv. School calendar regarding the student
    - v. Notices about open houses, graduations, and other major school-sponsored events including student-parent/guardian interaction
4. The school will deny access to a student's school records to a parent against whom an *order of protection* (OP) was issued if the OP prohibits the parent from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. See the Ill. Marriage and Dissolution of Marriage Act, 750 ILCS 5/602.11(a), and 750 ILCS 60/214(b)(15), and 222(f). Also see **Orders of Protection**, below.<sup>6</sup>
5. Parent(s)/guardian(s) or the student, or if applicable, DCFS' Office of Education and Transition Services, shall not be granted access to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment or the receipt of an honor or award which were placed in the records prior to 1-1-75, provided such letters and statements are not used for purposes other than those for which they were specifically intended. Access shall not be granted to such letters and statements entered into the record at any time if the student has waived his or her right of access after being advised of

The footnotes should be removed before the material is used.

<sup>6</sup> This may conflict with FERPA in that it restricts 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). Contact the board attorney for guidance.

his or her right to obtain the names of all persons making such confidential letters and statements. 105 ILCS 10/5(e).

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

1. Access will be granted to any person possessing a written, dated consent, signed by the parent(s)/guardian(s) or eligible student, stating to whom the records may be released, the information or record to be released, and the reason for the release. 105 ILCS 10/6(a)(8); 23 Ill.Admin.Code §375.70(e). Whenever the District requests the consent to release records, the Building Principal shall inform the parent(s)/guardian(s) or eligible student in writing of the right to inspect, copy, and challenge their contents and to limit such consent to designated portions of the records. 105 ILCS 10/6(a)(8).
2. Access to any record that is protected by the MHDDCA, specifically that of a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services to a student, will be granted according to the consent requirements contained in MHDDCA. 740 ILCS 110/4 and 5.

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

1. District employees or officials of the ISBE will be granted access, without parental/guardian consent or notification, when a current, demonstrable, educational, or administrative need is shown. Access in such cases is limited to the satisfaction of that need. 105 ILCS 10/6(a)(2). Individual board members do not have a right to see student records merely by virtue of their office, unless they have a current, demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest. 105 ILCS 10/6(a)(2).
2. Access will be granted, without parental/guardian consent or notification, to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent/guardian can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. 105 ILCS 10/6(a)(4).
3. Access will be granted, without parental/guardian consent or notification, to another school district that overlaps attendance boundaries with the District, if the District has entered into an intergovernmental agreement that allows for sharing of student records and information between them. 105 ILCS 10/6(a)(13).<sup>7</sup>
4. The District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or the consent of the student's parent(s)/guardian(s). 20 U.S.C. §1232(g)(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001. An *ex parte* order is an order issued by a court of competent jurisdiction without notice to an adverse party.

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<sup>7</sup> For elementary or high school districts only. Intergovernmental agreements must meet the following requirements: (1) the sharing must be voluntary and at the discretion of each district; (2) the sharing of student information only applies to students that have a) been enrolled in both districts or b) would have been enrolled in both districts based on attendance boundaries, provided the parent/guardian has confirmed in writing that the student intends to enroll or has enrolled in the high school district; and (3) the sharing of student information does not exceed the scope of information that is shared among schools in a unit district. 105 ILCS 10/6(a)(13).

5. A Serious Habitual Offender Comprehensive Action Program (SHOCAP) committee member will be granted access, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act (FERPA). 105 ILCS 10/6(a)(10) allows disclosure to SHOCAP committee members who are “state and local officials and authorities” as those terms are used in FERPA. This federal law does not define “state and local officials and authorities;” rather, it limits when disclosure may be made to such officials and authorities.
6. Juvenile authorities will be granted access when necessary for the discharge of their official duties upon their request before the student’s adjudication, provided they certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. *Juvenile authorities* means: (a) a circuit court judge and court staff members designated by the judge; (b) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (c) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (d) any individual, public or private agency having court-ordered custody of the child; (e) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (f) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (g) law enforcement officers and prosecutors; (h) adult and juvenile prisoner review boards; (i) authorized military personnel; and (j) individuals authorized by court. 105 ILCS 10/6(a)(6.5).
7. [Pursuant to federal law, military recruiters and institutions of higher learning will be granted access to secondary students’ names, addresses, and telephone numbers, unless the student’s parent/guardian submits a written request that such information not be released without the prior written consent of the parent/guardian or eligible student. Only this written consent process may be used; no other processes, such as an opt-in process, etc., may be used. Military recruiters also have access to secondary students’ email addresses under the same conditions. Military recruiters and institutions of higher learning have access to students’ names, addresses, and phone numbers this information even if the District does not release directory information under FERPA or the Ill. School Student Records Act. 20 U.S.C. §7908; 10 U.S.C. §503\(c\). No later than 30 days after receiving a request for student information from military recruiters for military recruiting purposes, the District must provide access to secondary school student names, addresses, email addresses \(which shall be the email addresses provided by the school, if available\), and telephone and mobile phone listings, unless the student’s parent/guardian submits a written request that such information not be released without the prior written consent of the parent/guardian or eligible student. 10 U.S.C. §503\(c\). Pursuant to State law, by July 1, 2026, and each July 1 thereafter, military recruiters, the Ill. Student Assistance Commission, and State public institutions of higher education will also be granted access through a secure centralized system to high school students’ names, home addresses, birth dates, and telephone numbers, unless the student’s parent/guardian submits a written request before the end of the students’ sophomore year \(or if the student is a transfer student, by another time set by the District\) that such information not be released. 105 ILCS 5/10-20.5a, amended by P.A. 104-15. These entities have access to this student information even if the District does not release directory information under FERPA or the Ill. School Student Records Act.](#)

For more information, see exhibits 7:340-AP1, E3, *Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information*; 7:340-AP1, E4, *Frequently Asked Questions Regarding Military Recruiters Access to Students and Student Information*; ISBE Military Recruitment Access Reminder, announced in State Superintendent Smith's *Weekly Message*, 11-27-18, at: [www.isbe.net/Documents/Military-Access-Reminder.pdf](http://www.isbe.net/Documents/Military-Access-Reminder.pdf). ~~The requirements in this paragraph apply only if the District receives funds under the Elementary and Secondary Education Act.~~

~~7.8.~~ DCFS' Office of Education and Transition Services will be granted access if the student is in the legal custody of DCFS. 105 ILCS 10/6(a)(12.5).

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

1. In accordance with the procedures described in Section L below (Transmission of Records for Transfer Students), access will be granted, without parental/guardian consent, to the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled or intends to enroll, upon the request of such official or student. 105 ILCS 10/6(a)(3).
2. Access will be granted pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice of such order's terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. 105 ILCS 10/6(a)(5). Parents of students who are named in a court order or parenting plan shall be deemed to have received the required written notice. The Building Principal shall respond to the order no earlier than five school days after its receipt in order to afford parents/guardians the opportunity to review, inspect, and challenge the records if the parents choose to do so. 23 Ill.Admin.Code §375.70(d).

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

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

substance of the records to be released and the right to inspect, copy, and challenge the contents. If the release relates to more than 25 students, a notice published in the newspaper is sufficient.

The District charges \$.35 per page for copying information from a student's records.<sup>8</sup> No parent/guardian or student shall be precluded from copying information because of financial hardship. 23 Ill.Admin.Code §375.50. **Note:** The ISBE rule allows a school to "charge the actual cost for providing a copy of school student records or any portion of such records to parents and students upon request for such copies, provided that such costs shall not exceed \$.35 per page." 23 Ill.Admin.Code §375.50.

#### I. Record of Release<sup>9</sup>

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

1. The nature and substance of the information released;
2. The name and signature of the official records custodian releasing such information;
3. The name of the person requesting the information, in what capacity the request was made, and the purpose for the request;
4. The date of release; and
5. A copy of any consent to a release.

No record of a disclosure is maintained when records are disclosed according to the terms of an *ex parte* court order entered under 20 U.S.C. §1232g(j), *Investigation and prosecution of terrorism*. 20 U.S.C. §1232g(j)(4).<sup>10</sup>

#### J. Orders of Protection

Upon receipt of a court OP that prohibits a Respondent's access to records, the Building Principal shall file it in the temporary record of a student who is the *protected person* under the OP. No information or records shall be released to the Respondent named in the OP. 750 ILCS 60/222(f).<sup>11</sup>

#### K. Parenting Plans

The footnotes should be removed before the material is used.

<sup>8</sup> Districts may substitute the following alternative: "The District charges a fee for copying school student records that corresponds to the fee schedule for copies of records requested under the Freedom of Information Act."

<sup>9</sup> [Consult the board attorney about the need to maintain a record of release in the case of a breach of student record information. ISSRA does not address records of release for unauthorized disclosures, but FERPA requires a record of "each disclosure" of personally identifiable information from a student's education records. 105 ILCS 10/6\(c\); 34 C.F.R. §99.32. Guidance from the U.S. Dept. of Education indicates a record of release would be required for a data breach, see \*A Parent's Guide for Understanding K-12 School Data Breaches\* \(2021\), at: <https://studentprivacy.ed.gov/resources/parents-guide-understanding-k-12-school-data-breaches>.](#)

<sup>10</sup> FERPA does not require a record of disclosure in this instance, but ISSRA does not contain a similar exception. Consult the board attorney for guidance when presented with an *ex parte* order under 20 U.S.C. §1232g(j).

<sup>11</sup> See f/n 6 above.

Upon receipt of a parenting plan under the Ill. Marriage and Dissolution of Marriage Act (750 ILCS 5/), the Building Principal shall file it in the temporary record of a student who is the subject of the parenting plan.

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

The Building Principal shall:

1. Within 14 calendar days after enrolling a transfer student, request directly from the student's previous school a certified copy of the student's record. The District shall exercise due diligence in obtaining the copy of the record requested.
2. Upon the student's request or that of the official records custodian of another school in which the student has enrolled or intends to enroll, within 10 calendar days, transfer a certified copy of the student's record (that is, the student's permanent and temporary record) to the official records custodian of the appropriate school and retain the original records. The records transfer is subject to prior notice to the student's parent(s)/guardian(s) as described above in Section H (Access to School Student Records). See Board policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.
3. Determine if the school or special education office has any record that is protected by the MHDDCA concerning the transferring student, specifically a record or report made by a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services. If so, ask the appropriate person as identified in 740 ILCS 110/4 whether to send the record protected by MHDDCA to the new school and, if yes, obtain a written consent for disclosure as provided in 740 ILCS 110/5.

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

4. Provide the parent/guardian or eligible student prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge it. If the parent's/guardian's address is unknown, notice may be served upon the official records custodian of the requesting school for transmittal to the parent/guardian. This service is deemed conclusive, and 10 calendar days after this service, if the parents/guardians make no objection, the records may be transferred to the requesting school.
5. Destroy any biometric information collected and do not transfer it to another school district.
6. Refrain from transferring the records if a student's record has been flagged as a "missing child" as provided in Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law. The District shall notify the Ill. State Police or the local law enforcement authority of the request.
7. Retain the original records in accordance with the requirements of 105 ILCS 10/4.
8. Include information about whether or not the student is *in good standing* and whether or not the student's medical records are up-to-date and complete. 105 ILCS 5/2-3.13a.
9. Maintain any documentation of the student's transfer, including records indicating the school or school district to which the student transferred, in that student's temporary record.

If the student has unpaid fines, fees, or tuition charged pursuant to 105 ILCS 5/10-20.12a and is transferring to a public school located in Illinois or any other state, the Building Principal shall, unless otherwise prohibited by State law (23 Ill.Admin.Code §375.75(i)): <sup>12</sup>

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

The Building Principal shall include the following information with the transferred records if the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for any reason: 105 ILCS 5/2-3.13a; 23 Ill.Admin.Code §375.75(j).

1. The date and duration of the period of any current suspension or expulsion; and
2. Whether the suspension or expulsion is for: (a) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. §7961 *et seq.*); (b) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (c) battering a school staff member.

**M. Directory Information**<sup>13</sup> 23 Ill.Admin.Code §375.80

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<sup>12</sup> Optional. 105 ILCS 5/10-20.9a(c) and (d), inoperative "on and after three years" from 5-6-22, prohibits public high schools from withholding a student's grades, transcripts, or diploma because of an unpaid balance on the student's school account. See sample policy 6:280, *Grading and Promotion*, at *fn 3*, for a discussion about the expiration date of this law. Districts are also prohibited from withholding student records, transcripts, or diplomas because the student's parents are unable to pay required *fees*. [23 Ill.Admin.Code §1.245\(e\)](#); [105 ILCS 5/28-19-2](#). See sample policy 4:140, *Waiver of Student Fees*, at *fn 1*, for more information about the definition of *fees*. Fees, for example, do not include library fines, which could be reflected in a student's account. 23 Ill.Admin.Code §1.245(a)(2). These statutes refer generically to *transcripts*; they do not distinguish between *unofficial* and *official transcripts*. Consult the board attorney for advice on a district's ability to withhold official transcripts from students under 23 Ill.Admin.Code §375.75(i).

<sup>13</sup> Districts are not required to identify and release directory information. **Be sure that the board policy provides for the release of directory information before including this section.** See sample policy 7:340, *Student Records*. There has been at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor (PAC) supports that a district may not rely on the FOIA exemption for home addresses. PAO 12-3.

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

The District may release certain directory information regarding students as permitted by law, except that a student's parent(s)/guardian(s) may prohibit the release of the student's directory information. Directory information is limited to: <sup>14</sup>

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

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

The notification to parents/guardians and students concerning school student records, provided upon initial enrollment or transfer to the school and annually thereafter, will inform them of their right to opt out of the release of directory information. See exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*.

#### **N. Student Record Challenges**

Parents/guardians have the right to a hearing to challenge the accuracy, relevancy, or propriety of any entry in their student's school records, exclusive of academic grades and references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school

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

<sup>14</sup> 23 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, U.S. Dept. of Educ. (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 (Sept. 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.

student records are forwarded to another school to which the student is transferring. 105 ILCS 10/7; 23 Ill.Admin.Code §375.90. A request for a hearing should be submitted to the Superintendent and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge. The following procedures apply to a challenge: Id.

1. The Superintendent or designee will invite the parent(s)/guardian(s) to an initial informal conference, within 15 school days of receipt of the request for a hearing.
2. If the challenge is not resolved by the informal conference, formal procedures shall be initiated. The Superintendent will appoint a hearing officer, who is not employed in the attendance center in which the student is enrolled.
3. The hearing officer will conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parent(s)/guardian(s) and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
4. At the hearing, each party shall have the right to:
  - a. Present evidence and to call witnesses;
  - b. Cross-examine witnesses;
  - c. Counsel;
  - d. A written statement of any decision and the reasons therefore; and
  - e. Appeal an adverse decision to an administrative tribunal or official to be established or designated by the State Board.
5. A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a transcript is not required in an appeal.
6. The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parent(s)/guardian(s) and the School District. It shall be based solely on the information presented at the hearing and shall be one of the following:
  - a. To retain the challenged contents of the school student record;
  - b. To remove the challenged contents of the school student record; or
  - c. To change, clarify, or add to the challenged contents of the school student record.
7. Any party has the right to appeal the decision of the local hearing officer to the Regional Superintendent or appropriate Intermediate Service Center Executive Director, within 20 school days after the decision is transmitted to the parties. The parent(s)/guardian(s), if they appeal, shall so inform the District and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question, and any other pertinent materials to the Regional Superintendent or appropriate Intermediate Service Center. The District may initiate an appeal by the same procedures.
8. The final decision of the Regional Superintendent or appropriate Intermediate Service Center Executive Director may be appealed to the circuit court of the county in which the District is located.

9. The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. The District will include a copy of the statement in any release of the information in dispute. 105 ILCS 10/7(d).

LEGAL REF.: [10 U.S.C. §503.](#)  
20 U.S.C. §1232g, Family Education Rights and Privacy Act; 34 C.F.R. Part 99.  
[20 U.S.C. §7908.](#)  
[105 ILCS 5/10-20.5a.](#)  
105 ILCS 10/, Illinois School Student Records Act; 23 Ill.Admin.Code Part 375.  
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.  
750 ILCS 5/, Illinois Marriage and Dissolution of Marriage Act.

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## Students

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

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

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

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This notice contains a description of your and your child's rights concerning school student records.

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

The *permanent record* includes:

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parents/guardians.
2. Evidence required under the Missing Children Records Act. 325 ILCS 50/5(b)(1).
3. Academic transcripts, including: grades, graduation date, and grade level achieved;<sup>2</sup> the unique student identifier assigned and used by the Ill. State Board of Education (ISBE) Student

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

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

<sup>2</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 allows written requests to include college entrance examination scores on students' transcripts, insert the following phrase into #3:

scores received on college entrance examinations if that inclusion is requested in writing by an eligible student or the student's parent/guardian;

Information System; as applicable, designation of an Advanced Placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in 105 ILCS 5/27-60522; as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with 105 ILCS 5/2-3.159; as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy; and as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance with 105 ILCS 5/2-3.169.

4. Attendance record.
5. Health record defined by ISBE as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code."
6. Record of release of permanent record information that includes each of the following:
  - a. The nature and substance of the information released;
  - b. The name and signature of the official records custodian releasing such information;
  - c. The name and capacity of the requesting person and the purpose for the request;
  - d. The date of release; and
  - e. A copy of any consent to a release.
7. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12). 105 ILCS 5/2-3.64a-5.

If not maintained in the *temporary record*, the *permanent record* may include:

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

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

1. Record of release of temporary record information that includes the same information as listed above for the record of release of permanent records.
2. Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8).
3. Completed home language survey.
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction.
5. Any final finding report received from a Child Protective Service Unit provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act (325 ILCS 5/8.6) shall be placed in the student record.
6. 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, including a statement of the student or any other documentation, record, or corroborating evidence and the fact that the student has requested or obtained assistance, support, or services related to that status.
7. Any biometric information that is collected in accordance with 105 ILCS 5/10-20.40.
8. Health-related information, defined by the ISBE as "current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities

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**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 the federal Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. 1232g) 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).

Confidentiality Act or other privacy laws, that includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs, e.g., glucose readings, long-term medications administered during school hours, documentation regarding a student athlete and his or her parent/guardian's acknowledgment of the District's concussion policy adopted under 105 ILCS 5/22-80 and other health-related information that is relevant to school participation, e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports."

9. Accident report, defined by the ISBE as "documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event, or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or if the school nurse has referred the student for a medical evaluation, regardless of whether the parent or guardian, student (if 18 years or older), or an unaccompanied homeless youth ... has followed through on that request."
10. Any documentation of a student's transfer, including records indicating the school or school district to which the student transferred.
11. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course or a registered apprenticeship program under 23 Ill.Admin.Code Part 255 as a substitute for a high school or graduation requirement.
12. Information contained in related service logs maintained by the District for a student with an individualized education program under 105 ILCS 5/14-8.02f(d), including for speech and language services, occupational therapy services, physical therapy services, school social work services, school counseling services, school psychology services, and school nursing services.<sup>3</sup>

The *temporary record* may include:

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

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<sup>3</sup> 105 ILCS 10/2(f).

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

**1. The right to inspect and copy the student's education records within 10 business days after the date the District receives a request for access.**

The degree of access a student has to his or her records depends on the student's age. Students less than 18 years of age have the right to inspect and copy only their permanent record. Students 18 years of age or older have access and copy rights to both permanent and temporary records. Parents/guardians or students should submit to the Building Principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent(s)/guardian(s) or student of the time and place where the records may be inspected. The District shall make the records available to inspect and copy within 10 business days, unless the District extends the response timeline to 15 business days in accordance with ISSRA. The District charges \$.35 per page for copying but no one will be denied their right to copies of their records for inability to pay this cost.

These rights are denied to any person against whom an order of protection has been entered concerning a student. 105 ILCS 5/10-22.3c and 10/5(a); 750 ILCS 60/214(b)(15).<sup>4</sup>

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

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

If the District decides not to amend the record as requested by the parents/guardians or eligible student, the District will notify the parents/guardians or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

**3. The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that the FERPA or ISSRA authorizes disclosure without consent.**

Disclosure without consent is permitted to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an

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<sup>4</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 allows written requests to include college entrance examination scores on students' transcripts, insert the following as right #2 and renumber the following list items:

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

Parents/guardians or eligible students may have one or more scores on college entrance exams included on their student's academic transcript. Students often take college entrance examinations multiple times to improve their results. Test publishers provide the results from each examination taken to the student's high school. A parent/guardian or eligible student may want certain scores to be included on academic transcripts sent to postsecondary institutions to which the student applies. The District will include scores on college entrance examinations upon the written request of the parent/guardian or eligible student stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be included.

**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).

administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board. A school official may also include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records (such as an attorney, auditor, medical consultant, therapist, or educational technology vendor); or any parents/guardians or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest.

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

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

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

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent(s)/guardian(s) can be identified; to another school district that overlaps attendance boundaries with the District, if the District has entered into an intergovernmental agreement that allows for sharing of student records and information with the other district;<sup>5</sup> any person named in a court order; appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and juvenile authorities when necessary for the discharge of their official duties who request information before adjudication of the student.

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

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

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

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

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<sup>5</sup> For elementary and high school districts only.

<sup>6</sup> Districts are not required to identify and release directory information. **Be sure that the board policy provides for the release of directory information before including this right.** See [sample](#) policy 7:340, *Student Records*.

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

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

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

- 6. The right to request that military recruiters, ~~or~~ institutions of higher learning, and the Ill. Student Assistance Commission not be granted access to your secondary school student's name, address, electronic mail (email) addresses, and telephone numbers, and birth date without your prior written consent.**

Federal law requires a secondary school to grant military recruiters and institutions of higher learning, upon their request, access to secondary school students' names, addresses, email addresses, and telephone numbers, unless the student's parent/guardian, or a student who is 18 years of age or older, submits a written request that the information not be released without the prior written consent of the parent/guardian or eligible student. Similarly, State law requires a secondary school to provide to military recruiters, public institutions of higher education, and the Ill. Student Assistance Commission access to the same types of information, in addition to a secondary student's birth date, unless the student's parent/guardian submits a written request before the end of the student's sophomore year (or if the student is a transfer student, by another time set by the District) that such information not be released. If you wish to opt your child out of the release of this information so that it is not released without your prior written consent, notify the Building Principal where your student is enrolled for further instructions.

- 7. The right contained in this statement: No person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit, or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the exercise of any right secured under State law.**
- 8. The right to file a complaint with the U.S. Dept. of Education concerning alleged failures by the District to comply with the requirements of FERPA.**

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

U.S. Department of Education  
Student Privacy Policy Office  
400 Maryland Avenue, SW  
Washington DC 20202-8520

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## Students

### **Exhibit - Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information**

For ease of administration, this letter combines the parent/guardian notices required by 10 U.S.C. §503(c), 20 U.S.C §7908, and 105 ILCS 5/10-20.5a, amended by P.A. 104-15.

*On District letterhead*

Date

Re: Military Recruiters and Postsecondary Institutions Receiving Student Directory Information

Dear Parents/Guardians:

~~From time to time~~Periodically, military recruiters and postsecondary educational institutions, including in conjunction with the Ill. Student Assistance Commission (ISAC), are granted access to some or all of the following information: the names, telephone numbers, addresses, birth dates, and electronic mail (email) addresses of our secondary students. This information is used for recruiting purposes and/or to inform students of educational and career opportunities. The school must provide this information unless the parent/guardian, or the student if he/she has attained the age of 18, submits a written request that the student's records not be released without their prior written consent.

**Important:** If you do not want military recruiters, ~~or~~ institutions of higher learning, or ISAC to be given your secondary school student's name, telephone number, address, birth date, and/or email address, ~~and telephone number~~ without your prior written consent, please complete the form below and return it to the Building Principal.

Sincerely,

Superintendent

*To be completed and submitted to the Building Principal.*

**For parents/guardians:**

Do not release my child's name, telephone number, address, birth date, and/or email address to military recruiters, ~~or~~ institutions of higher learning, or ISAC without first obtaining my prior written consent.

\_\_\_\_\_  
Parent/Guardian Name (please print)

\_\_\_\_\_  
Parent/Guardian Signature (if student is under age 18)

\_\_\_\_\_  
Date

**For Sstudents age 18 or older:**

Do not release my name, telephone number, address, birth date, and/or email address to military recruiters, ~~or~~ institutions of higher learning, or ISAC without first obtaining my prior written consent.

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Student Name *(please print)*

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Student ID Number

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Student Signature *(if student is age 18 or older)*

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Date

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## Students

### **Exhibit - Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information**<sup>1</sup>

**1. What does the [Elementary and Secondary Education Act](#) require of schools with regard to allowing military recruiters access to students?**

Schools receiving funds under the [federal](#) Elementary and Secondary Education Act (ESEA) must: (1) give military recruiters the same access to secondary school students as they provide to postsecondary educational institutions or to prospective employers or an institution of higher education, and (2) provide students' names, addresses, electronic mail (email) addresses (which must be the email addresses provided by the school, if available), and telephone listings (numbers) to military recruiters, when requested, unless parents/guardians or the student (18 years or older) have opted out (see Question 2, below). 20 U.S.C. §7908; 10 U.S.C. §503(c). [Federal law requires schools to give military recruiters access to this information no later than 30 days after receiving a request from them. 10 U.S.C. §503\(c\)\(1\)\(A\)\(iii\). State law also requires schools to give access to this information, as well as students' birth dates, to military recruiters beginning on July 1, 2026, and every July 1 thereafter. 105 ILCS 5/10-20.5a.](#)

**2. What information about students (and which students) must be disclosed to military recruiters by our administration?**

Secondary schools must disclose names, addresses, email addresses, [birth dates](#), and telephone numbers of secondary students, unless parents/guardians, or the student if he/she has attained the age of 18 (~~an~~ [eligible student](#)), have submitted a written request that the information not be released without their prior written consent.

**3. What notification must schools provide to parents/guardians and eligible students before disclosing students' names, addresses, email addresses, [birth dates](#), and telephone numbers to military recruiters and institutions of higher education?**

Under federal and State laws governing student records, schools must provide notice to parents/guardians and eligible students of the types of student information that it releases publicly. This type of student information, commonly referred to as *directory information*, includes names, addresses, email addresses, [birth dates](#), and telephone numbers. The notice must include an explanation of a parent/guardian's or eligible student's right to request that the information not be disclosed without prior written consent. Under the Elementary and Secondary Education Act, schools must notify parents/[guardians](#) that the school routinely discloses names, addresses, email addresses, and telephone numbers to military recruiters and institutions of higher education upon request, subject to a parent/guardian's or eligible student's written request not to disclose such information without their prior written consent. [Similarly, State law provides military recruiters and public institutions of higher education access to the same types of information, in addition to a secondary student's birth date, unless the student's parent/guardian submits a written request before the end of the student's sophomore year \(or if the student is a transfer student, by another time set by the District\) that such information not be released.](#)

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<sup>1</sup> This document answers many questions concerning the topic for school staff members and may be distributed at will.

A notice provided through a mailing or student handbook informing parents/guardians and eligible students of the above information is sufficient to satisfy the parental notification requirements. The notification must advise parents/guardians and eligible students how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a school does not release directory information, it still must provide students' names, addresses, email addresses, [birth dates](#), and telephone numbers to military recruiters and institutions of higher education upon request. The school must notify parents/guardians and eligible students: (1) that it discloses information to military recruiters and institutions of higher education, and (2) that parents/guardians and eligible students have the right to opt out of this disclosure.

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**4. Does recruitment take place in a private office or out in a common area?**

Neither federal nor State law addresses where recruitment takes place. These laws only require that guidelines imposed on military recruiters be the same as those imposed on postsecondary educational institutions recruiters and/or prospective employers. [Federal law does require school districts to provide military access to career fairs or similar events upon request made by military recruiters for military recruiting purposes.](#)

**5. How frequently are recruiters present?**

Neither federal nor State law addresses how often recruiters may have access to students. These laws only require that guidelines imposed on military recruiters be the same as those imposed on postsecondary educational institutions and prospective employers.

**6. What information does a military recruiter request of students during the interview?**

The type of questions military recruiters may ask students is generally not limited. Students may refuse to cooperate or even refuse to be interviewed.

**7. Can schools supervise recruiters to ensure they do not approach impressionable students too strongly?**

Federal law does not grant authority to schools to supervise military recruiting efforts. The school may still require military and postsecondary recruiters to abide by the District's policy governing conduct on school property.

**8. What are parents' rights relative to military recruiters on campus?**

Parents may instruct their children to forgo being interviewed by military and/or postsecondary recruiters or prospective employers.

**9. What information do schools provide to families relative to recruiting that goes on at school?**

Aside from the notice described in #3, neither federal nor State law addresses what information schools must provide to parents regarding the recruiting that takes place at school – this is a local issue to be determined by the Superintendent or Building Principal.

**10. Where can I get more information on the requirements of 10 U.S.C. §503?**

The Office of the Secretary of Defense may be contacted for copies of the statute, or questions relating to it. Please contact the Accession Policy Directorate as follows:

Director, Accession Policy  
4000 Defense Pentagon  
Washington, DC 20301-4000  
Telephone: 703/695-5529

**11. Where can I get more information on the requirements of §7908 of the ESEA?**

The Student Privacy Policy Office (SPPO) in the U.S. Dept. of Education administers the Family Educational Rights and Privacy Act (FERPA) as well as 20 U.S.C. §7908. School officials with questions on this guidance, or FERPA, may contact the SPPO by submitting an

online form at <https://studentprivacy.ed.gov/contact> or calling the SPPO's Student Privacy Help Desk at 1-855-249-9072.

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