ROCK ISLAND-MILAN SCHOOL DISTRICT NO. 41

BOARD OF EDUCATION REGULAR MEETING

ROCK ISLAND-MILAN ADMINISTRATION OFFICE
2000 7TH AVE
ROCK ISLAND, IL 61201

TUESDAY, DECEMBER 9, 2025 **6:00 PM**

https://meet.google.com/fzb-nmks-pmq

I. **Preliminary**

A. Call to Order and Roll Call

B. Pledge of Allegiance

C. **Approval of Board of Education Minutes... Action**

It is recommended that the Board of Education approve the November 25, 2025, regular meeting minutes as well as all executive meeting minutes, to remain confidential.

II. **Special Items**

A. **Quarterly Investment Report... Information**

Ms. Annaka Whiting, Chief Financial Officer, will provide an update on the Quarterly Investment Report.

B. **2025 Tax Levy Presentation... Information**

Ms. Annaka Whiting, Chief Financial Officer, will present the 2025 Tax Levy.

C. **Board Policy Updates — First Reading... Information**

Dr. Sharon Williams and members of the Cabinet will present Illinois Association of School Boards Board Policy Updates from Issue 120.

D. **Satisfaction Survey Results... Information**

Mr. Jeff Dase, Deputy Superintendent, will present the results of the 2025 District Satisfaction Survey.

E. **Facility Management Plan Update... Information**

Ms. Annaka Whiting, Chief Financial Officer, will present an update on the Facility Management Plan.

F. **Truth in Taxation Hearing... Action**

The Board of Education will conduct a public hearing on the 2025 Tax Levy.

III. **Reports**

A. Board Members

B. Superintendent

C. RIEA President

IV. **Communications**

Requests from persons wishing to speak on certain agenda items will be called upon at the appropriate time. Citizens wishing to address the Board of Education on items not on the agenda. Comments should be limited to three (3) minutes. *(Matters regarding specific employees or students are of a confidential nature and will not be heard in open session.)*

V. **Action of Routine Matters**

A. Approval of Additions and/or Deletions

B. **Approval of Agenda... Action**

C. Nomination for Future Agenda Items

D. **Blanket Motion... Action**

Opportunity will be given for the selection of items that need no discussion to be approved at the appropriate time on the agenda. The following items are recommended for the Blanket Motion:

1. **Contracts for Service (a) ... Action**

a. **Explore Learning... Action**

It is recommended that the Board of Education approve the amended contract for service with Explore Learning, P.O. Box 844615, Boston, MA 02284 for $42,520.04 (the original approval was for $38,032.54) to purchase the Reflex Math and Gizmo process for the 2025 - 26 school year.

2. **Bills for Payment... Action**

It is recommended that the Board of Education authorize bills for payment dated November 28, 2025, in the amount of $7,031,212.82.

3. **List of Donations... Action**

It is recommended that the Board of Education approve the attached list of donations.

4. **Overnight Field Trip Requests... Action**

It is recommended that the Board of Education approve the overnight field trip request for the Rock Island High School Wrestling Team to go to Champaign, IL for a tour of the University of Illinois, departing on January 16 and returning on January 17, 2026.

5. **Non-Certified Appointments... Action**

It is recommended that the Board of Education approve the non-certified appointments of Christopher Fischer, Shatoya Jones, Niang Man, Charles Pugh, Misty Slininger, and Lisa West for the 2025 - 26 school year.

6. **Certified Coach Resignations... Action**

It is recommended that the Board of Education accept the certified coach resignation of Laurie Vroman, Esports Coach at Rock Island High School, with three and a half (3.5) years of service during the 2025 - 26 school year.

7. **Non-Certified Retirements... Action**

It is recommended that the Board of Education accept the following non-certified

retirements: Diana Bush, Library Aide at Ridgewood Elementary School with twenty-nine (29) years of service, Lisa Donelson, Paraprofessional at Rock Island High School with twenty-eight (28) years of service, and Cynthia Jennings, Special Education Paraprofessional at Earl Hanson Elementary School with thirteen (13) year of service during the 2025 - 26 school year.

VI. **Operations**

A. **School Maintenance Project Grant... Action**

It is recommended that the Board of Education approve staff to submit a grant application for the FY26 Round 1 School Maintenance Project Grant. This grant provides up to $50,000 in matching funds and will be used to support the Building Automation System (BAS) Replacement Project at RICMS. The estimated cost of the project is $105,082 and the difference will be covered by local funds.

B. **Freedom of Information Act (FOIA) Requests... Information**

The district received a FOIA request and responded within the required timeframe to Peter Carlin, who requested any and all documents, emails, text messages, meeting reports, meeting notes, google meet notes, complaints, phone messages, along with any other communication about a complaint made against Alan Conner with the following: Alan Conner, Dr. Sharon Williams, Dr. Dominique Moore, Jeff Whitaker, Peter Carlin, Michael Tollenaer, Jason Roessler, Tracy Pugh, Sue Crowder, Andrea Gilman, Nicole Cisne Durbin, Michael Matherly and Isabel Peña between the dates of April 30th to June 20th, 2025.

The district received a FOIA request and responded within the required timeframe to Peter Carlin, who requested any and all documents, emails, text messages, meeting reports, meeting notes, google meet notes, complaints, phone messages along with any other communications about the DCFS complaint made against Peter Carlin involving the following individuals: Lindsey Dickinson.

The district received a FOIA request and responded within the required timeframe to Peter Carlin, who requested any and all documents, emails, text messages, meeting reports, meeting notes, google meet notes, complaints, phone messages, along with any other communications about a DCFS complaint made against Peter Carlin involving the following individuals: Peter Carlin, Dr. Sharon Williams, Dr. Dominique Moore, Jeff Dase, Scott Vance, Tuesday Few, Dr. Patricia Ulrich, Jason Roessler, Sue Crowder, Andrea Gilman, Tracy Pugh, Isabel Peña, Nicole Cisne Durbin, Lindsey Dickenson, Jenipher Estes, and any other individuals with the DCFS office between the dates of September 27th and November 14th, 2025.

The district received a FOIA request and responded within the required timeframe to

Jeffrey Johnson, who requested the personnel file for Yolanda Grandberry-Pugh that reflects her entire time being employed by RIMSD41 and a complete and unredacted copy of any settlement agreement, release, or separation agreement entered into between the Board of Education of Rock Island-Milan School District #41 and Yolanda Grandberry-Pugh, including any attachments, exhibits, or addenda, that were approved by the Board or executed on or about October 2025.

The district received a FOIA request and responded within the required timeframe to Kyrie Reitz, who requested the number of people (union members) who are having dues withdrawn from their paycheck. The total number of people covered by collective bargaining agreements (union contracts) for the most recent pay period in November 2025.

VII. **Business/Finance**

A. **Quarterly Investment Report... Action**

It is recommended that the Board of Education approve the Investment Report for the Quarter ending September 30, 2025.

B. **2025 Tax Levy Adoption... Action**

It is recommended that the Board of Education adopt the 2025 Tax Levy as presented.

C. **Abatement Resolution Series 2020... Action**

It is recommended that the Board of Education approve the resolution abating the taxes heretofore levied for the year 2025 to pay debt service on the District's General Obligation School Bonds (Alternate Revenue Source), Series 2020.

D. **Abatement Resolution Series 2022... Action**

It is recommended that the Board of Education approve the resolution abating the taxes heretofore levied for the year 2025 to pay debt service on the District's General Obligation School Bonds (Alternate Revenue Source), Series 2022.

VIII. **Personnel**

A. **Possible Action Concerning Administrator Resignation Agreement and Release**

IX. **Executive Session**

It is recommended that the Board of Education move to executive session to discuss pending litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probably or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS120/2(c)(11). In addition to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. 5 ILCS 120/2(c)(1).

X. **Adjournment**

ROCK ISLAND-MILAN SCHOOL DISTRICT #41

Board of Education Meeting

December 9, 2025

Sharon Williams, Ed. D.

Superintendent

ROCK ISLAND-MILAN SCHOOL DISTRICT #41

QUARTERLY FINANCIAL & INVESTMENT REPORT

December 9, 2025

Annaka Whiting

Chief Financial Officer

AGENDA

1. 1st Quarter Revenues
2. 1st Quarter Expenditures
3. YTD Revenue Comparison
4. YTD Expenditure Comparison
5. 1st Qtr Investment Report
    - Benchmark
    - Balances

Q1 REVENUES

Local

$8,131,244
16.65% of Budget

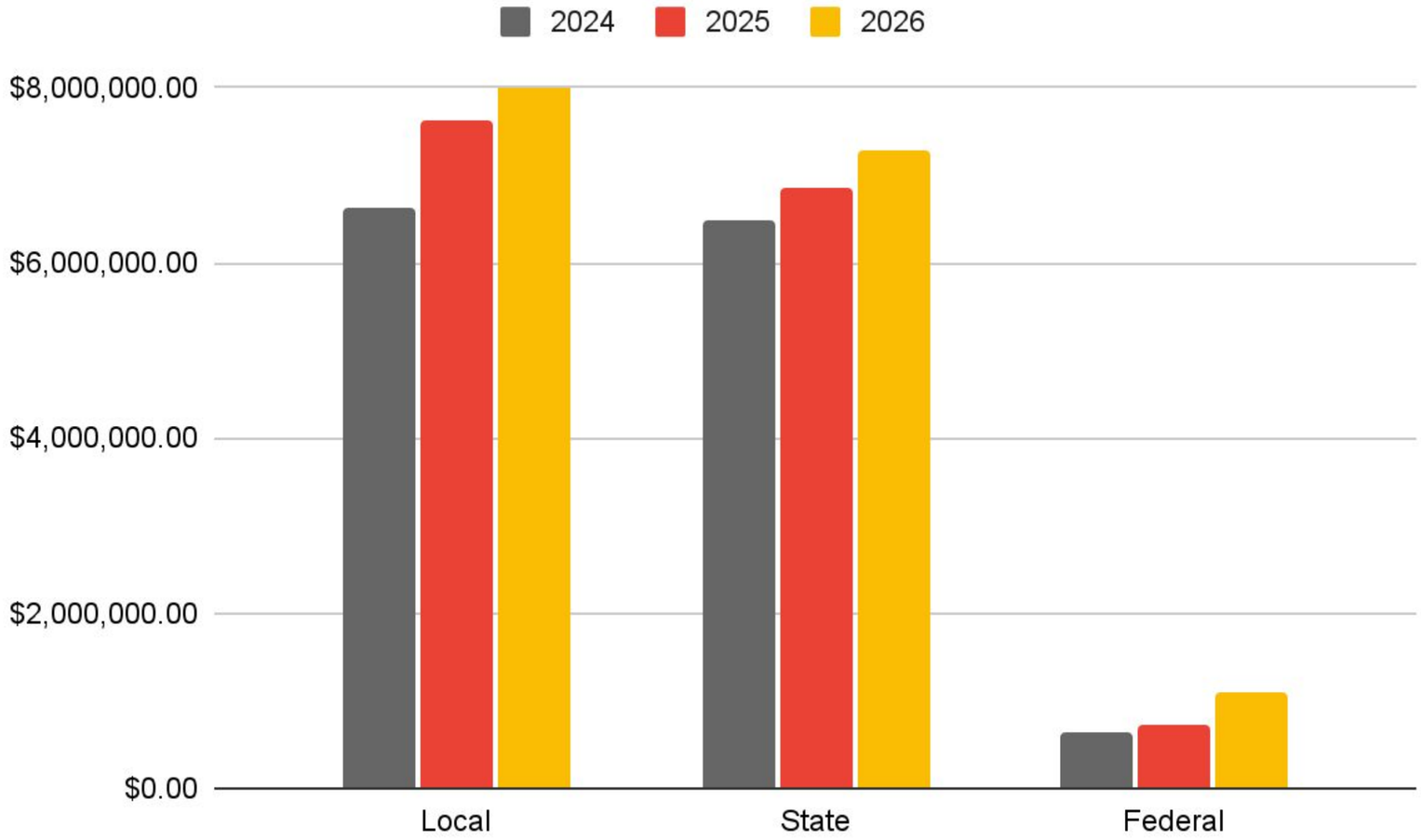
State

$7,286,865
17.87% of Budget

Federal

$1,108,947
7.29% of Budget

REVENUE COMPARISONS



Q1 EXPENDITURES

Salaries Benefits

$15,467,304
18.81% of Budget

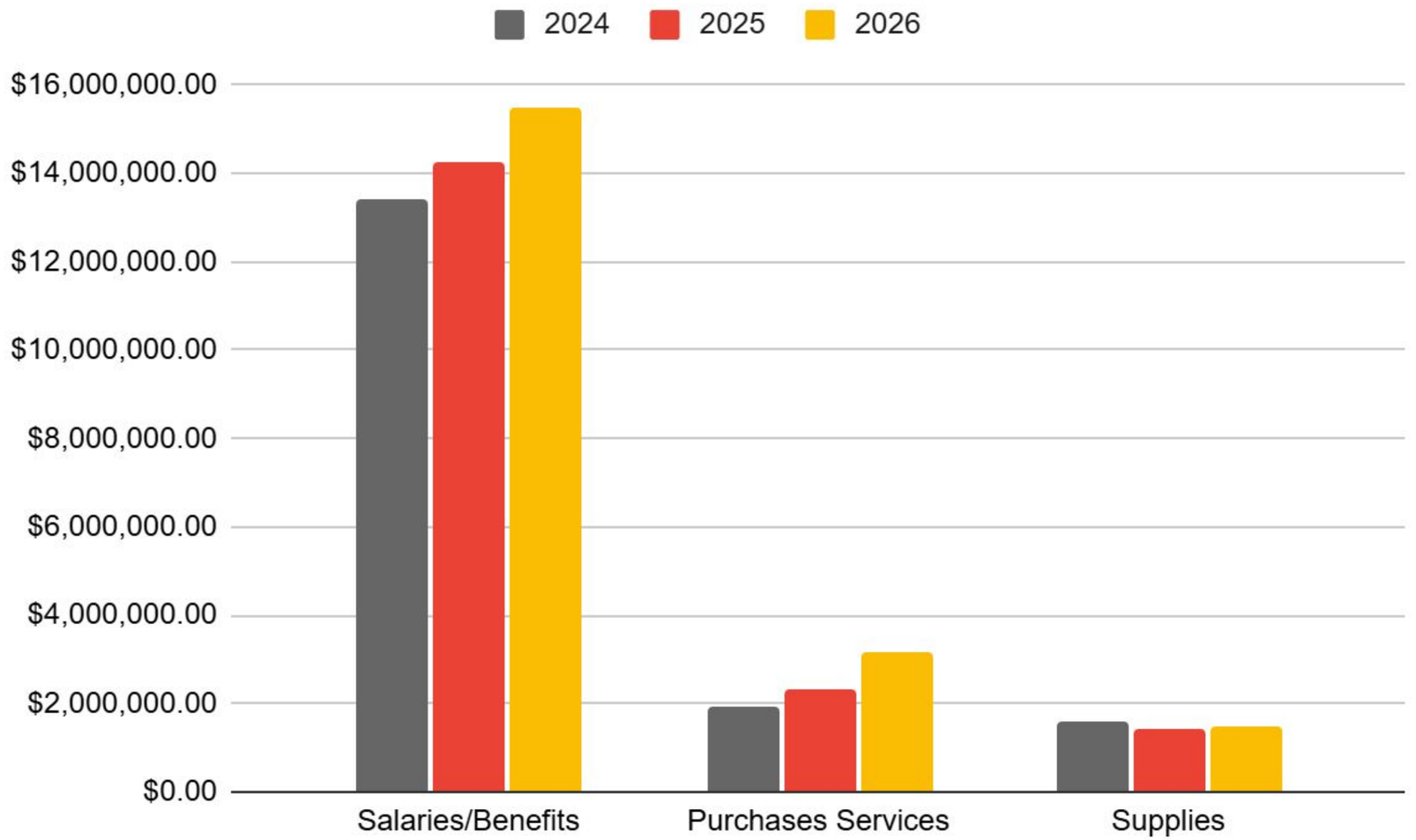
Purchased Services

$3,174,473
25.53% of Budget

Supplies

$1,503,987
25.18% of Budget

EXPENDITURE COMPARISONS



Q1 INVESTMENT REPORT

- Provide transparent view of district finances
- Highlight trends in revenues, expenditures, and fund balances
- Focus on Operating Funds for accurate financial health
- Board Policy 6144 ensures compliance with SB1555
- Quarterly investment report required
- Benchmark: 90-day Treasury bill rate (T-bill)
- All investments collateralized (FDIC insurance or 110% perfected security interest)

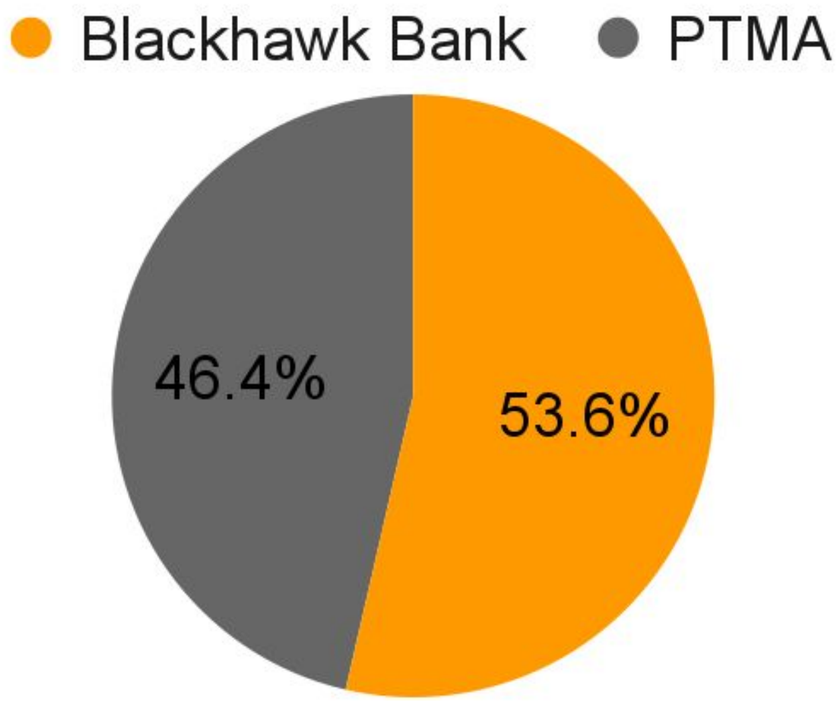
HIGHLIGHTS

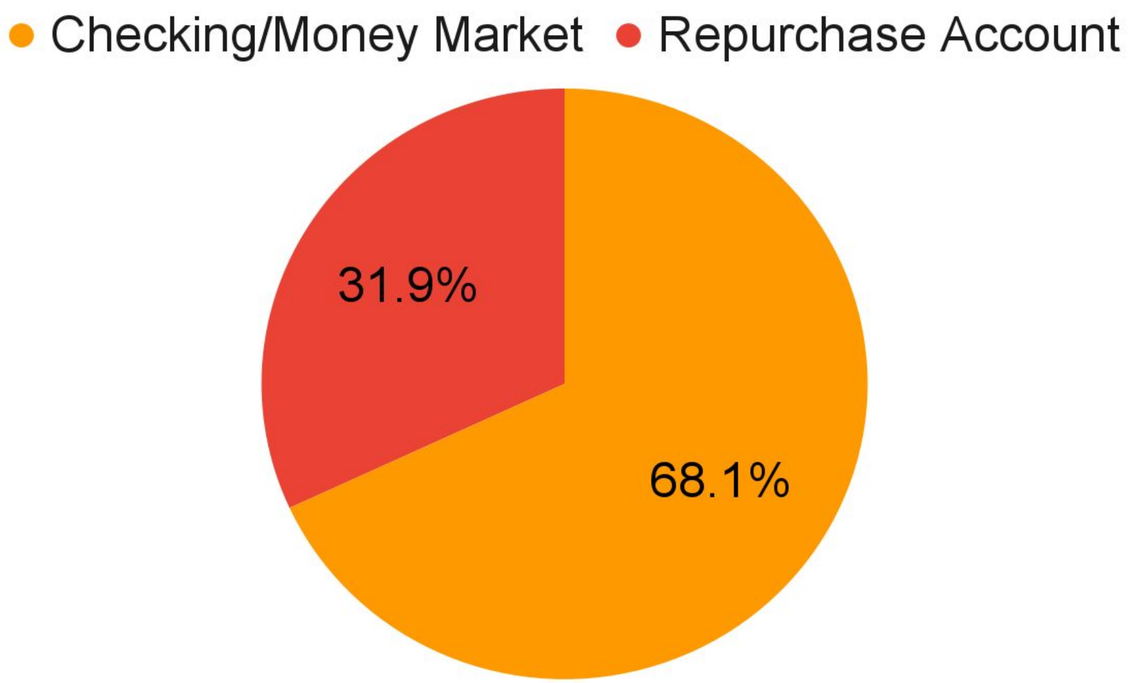
- Cash & investment balance: $124.3M (up from $72.4M in 2024)
- Increase due to Working Cash Fund Bond sale
- Without bond, balance would have decreased by ~$2.4M

INVESTMENT BALANCE

Fund	9/30/2024	9/30/2025	Difference
Education	$39,542,435	$42,462,125	$2,919,690
O & M	$6,823,313	$4,503,826	($2,319,487)
Bond & Int	$2,130,021	$1,399,718	($730,304)
Transportation	$2,534,422	$2,580,212	$45,790
IMRF	$3,044,616	$2,287,249	($757,367)
Capital Proj	$16,119,268	$69,698,594	$53,579,326
Tort	$2,002,656	$1,156,011	($846,645)
Life/Safety	$176,025	$180,809	$4,784
Total	**$72,372,757**	**$124,268,544**	**$51,895,787**

PORTFOLIO ALLOCATION





BENCHMARK

- T-bill range: 3.96% end of quarter
- Portfolio average return: 3.75% with cash
- Underperforms benchmark by 0.21%
- Avg maturity: ~1 day vs 90-day benchmark

TAKE AWAYS

- District remains financially stable with strong cash position.

- Short maturities ensure liquidity for operational needs.

ROCK ISLAND-MILAN SCHOOL DISTRICT #41

2025 TAX LEVY

December 9, 2025

Annaka Whiting

Chief Financial Officer

AGENDA

1. Overview
2. Timeline
3. Historical Data
4. 2025 Tax Levy
5. Next Steps

TAX LEVY OVERVIEW

- In the State of Illinois, local real estate property taxes (sometimes called an “ad valorem” tax, which means “according to value”) are based on a property’s equalized assessed value, and the total local tax rate applied to that value, after any exemptions are subtracted.

- Property taxes are levied by local governing bodies, including but not limited to counties, municipalities, townships, community colleges and school districts.

- Assessed values are not determined by the local taxing bodies, but through the County Assessor’s office.

TAX LEVY OVERVIEW

- As with most school districts, property taxes are one of the largest sources of revenue collected to fund and operate educational programs, maintain buildings and grounds, provide transportation, and finance debt.

- The Board of Education must “Estimate” the levy 20 days prior to adopting the levy. This is done with the approval of the Tentative Levy. This process establishes whether a public hearing, or Truth in Taxation, process must be followed.

- The levy must be adopted and filed with the county clerk by the last Tuesday in December.

TIMELINE

Tax Levy Cycle

September

Estimated EAV Received

October

Tentative Levy Prepare

November

Public Hearing Notification

December

Public Hearing, Final Adoption and Filing

March/April

Tax Levy Confirmation

May

1st Tax Distribution

HISTORICAL DATA

TAX YEAR	EAV	TAX RATE	TAX YEAR REVENUES
2020	$564,040,169	5.4136	$31,499,247
2021	$601,252,781	5.3731	$33,344,461
2022	$657,970,159	5.2760	$35,763,502
2023	$704,824,764	5.2944	$37,661,882
2024	$762,272,443	5.2601	$40,096,292*
2025	$826,296,205	5.2601	$43,464,204**

*Estimated, Final distribution Jan 2026; **Estimated based on 2025 Tax Levy

2025 Tax Levy

	Actual 2024	Proposed 2025
Equalized Assessed Value	$762,272,433.00	**$826,296,205.00**
$ Change		**$64,023,772.00**
% Change		**8.40%**

LEVY FUND	Actual Rate	Tax Extension	Estimated Rate	Proposed Extension
Education	3.1923	$24,334,022.88	**3.2000**	**$26,441,479**
Bond and Interest	0.5681	$4,330,469.69	**0.5340**	**$4,412,014**
O&M	0.7482	$5,703,322.34	**0.7500**	**$6,197,222**
IMRF	0.0868	$661,652.47	**0.0956**	**$790,000**
Transportation	0.1996	$1,521,495.78	**0.1543**	**$1,275,000**
Working Cash	0.0499	$380,373.94	**0.0500**	**$413,148**
Special Ed.	0.0400	$304,908.97	**0.0400**	**$330,518**
Tort	0.2006	$1,529,118.50	**0.1974**	**$1,631,370**
Social Security	0.1247	$950,553.72	**0.1888**	**$1,560,305**
Lease	0.0499	$380,373.94	**0.0500**	**$413,148**
Total	5.2601	40,096,292.25	**5.2601**	**43,464,203.53**

Change in Rate	**0.0000**
% Change in Rate	**0.00%**

COMMUNITY IMPACT

Q: Will my taxes go up?

A: We cannot determine whether an individual homeowners taxes will increase or decrease because property taxes depend on multiple factors, not just the school district's levy.

1. The school district's tax rate is the portion of your property tax dedicated to the district; **the rate is not increasing**.
2. There are other taxing districts (city, county, airport, etc.) who also set rates, which together determine the overall total property tax bill.
3. Property's assessed value (EAV) can increase or decrease

Even if the school district keeps its tax rate the same, your overall taxes may change if your property value changes or if other taxing bodies adjust their rates. The school district's rate is just one component of the total tax rate.

District	Tax Rate	Extension
ROCK ISLAND SCHL 41	5.260100	$1,216.40
ROCK ISLAND CITY	2.770800	$640.75
ROCK ISLAND COUNTY	0.965100	$223.17
BLACKHAWK CC 503	0.565800	$130.84
ROCK ISLAND TWP	0.274600	$63.50
METRO MASS TRANSIT DIST	0.179700	$41.56
FOREST PRESERVE	0.123000	$28.44
METRO AIRPORT AUTHORITY	0.062200	$14.38
TOTAL	**10.201300**	**$2,359.04**

Example of property with EAV $23,125; from Rock Island County's website

2025 TAX ABATEMENT

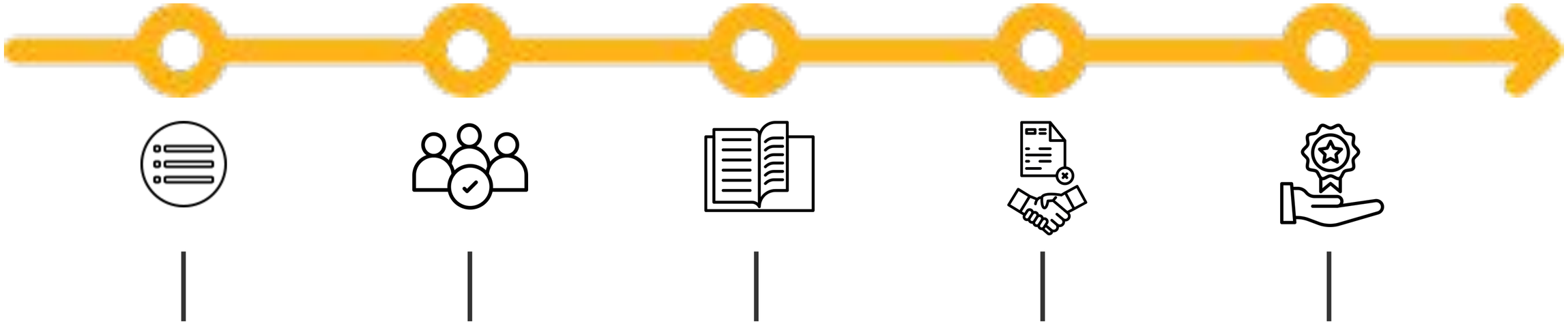
- **Two Abatement Resolutions:**
  - Series 2020 Alternate Revenue Source Bond
  - Series 2022 Alternate Revenue Source Bond

- **Background:**
  - At issuance, District agreed if 1% Sales Tax is insufficient, the tax levy will serve as backup funding source.

- **Current Status:**
  - Sufficient sales tax revenue exists to cover principal & interest.
  - No tax levy dollars are needed for these payments (100% abatement)

- **Other Bonds:**
  - Series 2018, 2025A, 2025B: No abatement resolutions required as 100% of debt service is levied.

NEXT STEPS



Truth in Taxation Hearing

Adopt 2025 Tax Levy

Submit Required Documents to County prior to 12/30

Receive preliminary numbers from County

Review & Approve Levy Confirmation with final amounts

PRESS 120 Policy Updates
First Reading

Sharon Williams, Ed. D., Superintendent
Cabinet Champions

PRESS 120

Immigration and Law Enforcement

The nexus between school districts, law enforcement and immigration law.

Operations and Safety

Business Services
Threats, Reporting gun violence,
Safety and security planning

Personnel Issues

Student Growth in Evaluations
Employee Rights and Responsibilities
Racism Free Training

PRESS 120

Curriculum

School code mandate reduction
Curriculum Content and Complaints
High School Implications
AI Guidance

Student Services

Student Ticketing
SRO MOUs
Student behavior, mental health, and attendance

Student Records

Summary of Performance
Student Directory Information

No Board Action Required

No Board Action Required - IASB will make minor changes

or

No Board Action Required - NO CHANGES

No Board Action Required - IASB will make minor changes		
7:130	7:140	8:100
No Board Action Required - NO Changes		
3:10	3:50	3:60
4:110	4:150	4:160
4:170	5:20	5:120
5:185	6:135	6:140
6:235	6:240	6:270
7:250		

Immigration, Law Enforcement in Schools



- **7:150** - Agency and Law Enforcement Requests. Renamed and Rewritten.
  - **105 ILCS 5/22-105, effective 1/1/26,** which codifies into State law the U.S. Supreme Court case, Plyler v. Doe, which held that it is unconstitutional for states to deny children a free public education based on immigration status.
  - **Public Act 104-288** requires districts to establish a policy and procedures regarding agency and law enforcement requests at school to ensure this right is preserved.

School Safety



- **3:60 - Administrative Responsibility of the Building Principal.**
  - **105 ILCS 5/10.27.1.A, amended by Public Act 104-174** requires a building principal to immediately notify law enforcement upon receiving a report of a threat of gun violence on school grounds, and if the threat is from a student, the building principal must also notify the student's parent/guardian as soon as possible so they can ensure the student does not have access to a firearm.

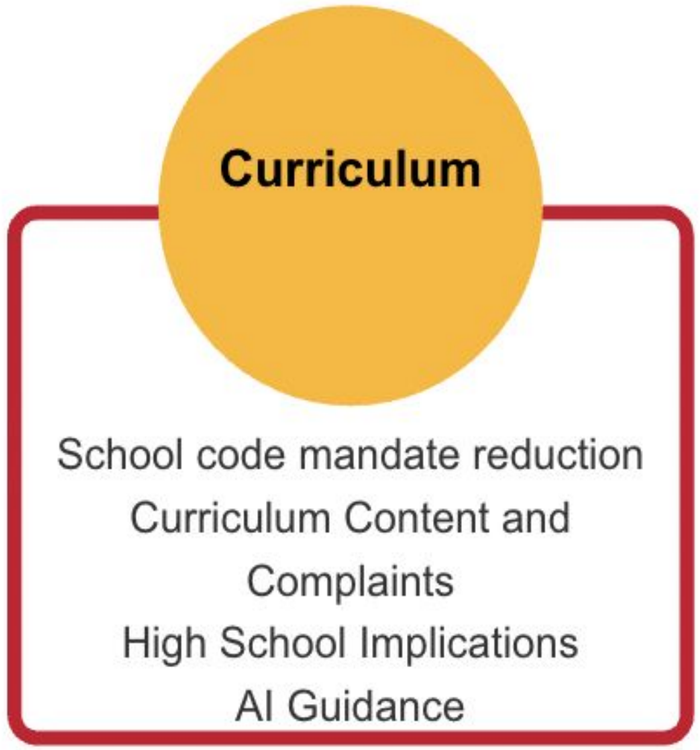
Human Resources: Personnel Issues



- **3:50** - Student Growth Measures in Evaluation
  - Eliminates requirement for teacher, principal and assistant principal evaluation plans to consider student growth as a significant factor in evaluations.
- **5:10** - Terms and Conditions of Employment
  - Requires employers to compensate an employee at the employee's regular rate of pay for reasonable break time used to express breast milk.

- **2:270** - Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited
  - Requires all K-12 school employees to complete the Illinois Department of Human Rights (IDHR) Racism-Free Schools Model training every two years. Initial training must be completed by July 31, 2026.
- **7:290** - Suicide and Depression Awareness and Prevention
  - Requires districts to insert contact information for certain suicide prevention resources on employee ID cards for employees who serve grades 6-12.

Curriculum



- Curriculum - Mahmoud v. Taylor **(6:260)**
  - SCOTUS opined that School Board likely violated parents 1st Amendment rights by refusing to give parents notice and an opt out option prior to introducing LGBTQ inclusive books into literacy instruction.
  - The recommendation is for District to work with legal counsel to response to any such objections.
- **6:315 -** High school credit for students in grades 7 and 8
  - In order to receive High School credit, students must (a) pass the course and (b) pass the end-of-course examination.

2025 Satisfaction Survey Results

Jeff Dase, Ed. S., Deputy Superintendent

AGENDA

1. Purpose
2. Satisfaction Survey Results Over Time
3. Staff Satisfaction Survey Results
4. Parents' Satisfaction Survey Results
5. Scholars' Satisfaction Survey Results
6. Next Steps

Satisfaction Survey Purpose

Each year, our district conducts a satisfaction survey to gather meaningful input from staff, parents, and scholars. The purpose of this survey is to understand the experiences, perceptions, and needs of our school community so we can strengthen what is working well and address areas that need improvement. Our stakeholders' voices guide our continuous improvement efforts and help ensure that every school is a place where staff feel supported, families feel welcomed, and scholars thrive.

RIMSD 41 Satisfaction Survey Submission Rates Over Time

	2023 - 2024	2024 - 2025	2025 - 2026
Staff	50.6%	88.2%	80.9%
Parents	28.3%	38.1%	39.4%
Scholars	58.6%	83.4%	71.3%

RIMSD 41 Satisfaction Survey
Number of Participants Over Time

	2023 - 2024	2024 - 2025	2025 - 2026
Staff	486	798	732
Parents	1,388	1,866	1,562
Scholars	2,607	3,704	3,168

Staff Favorability Ratings

	2023	2024	2025
Average Score	93%	88%	84%
People in this building respect each other.	94%	92%	88%
I feel respected by the families of my students.	79%	95%	95%
Students in this building respect each other.	89%	75%	74%
I am able to share my opinions in this school.	87%	89%	86%
I am able to provide input on school matters.	94%	87%	85%
Teachers in this building respect one another.	90%	94%	89%
The school administration demonstrates what respectful behavior looks like.	90%	93%	89%
Discipline for those who break the rules is effective.	69%	70%	61%
This is a safe school.	90%	92%	83%
Communication between school and home (newsletters, websites, notes, apps, etc.) meets the needs of parents/guardians.	93%	91%	90%
Strengthening relationships in this school is a priority.	91%	91%	86%
Professional development opportunities in this building help improve my professional practice.	81%	84%	79%

Parents’/Guardians’ Favorability Ratings

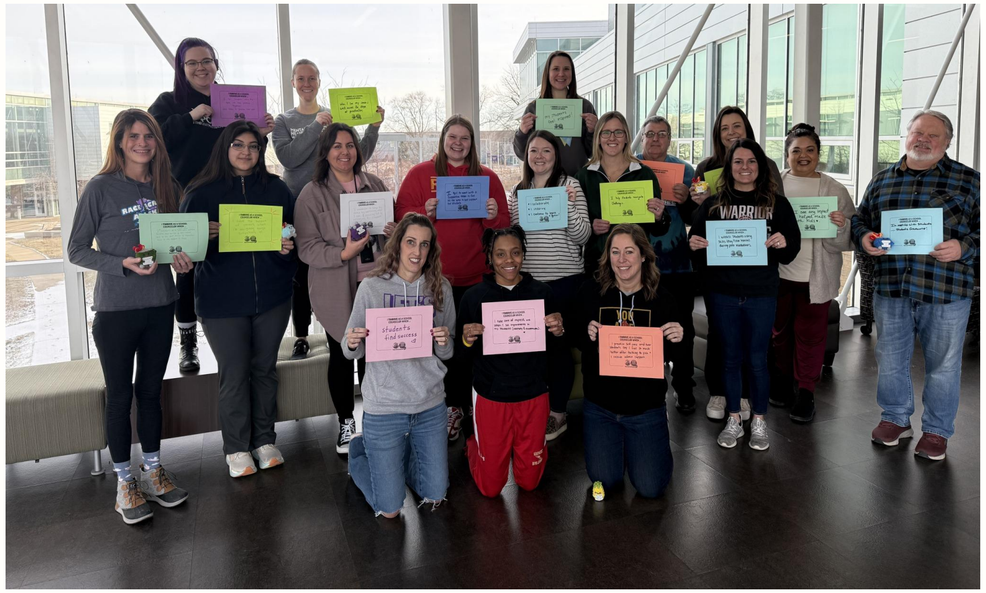
	2023	2024	2025
Average Score	93%	93%	95%
Teachers treat my student with respect.	96%	97%	97%
I feel welcomed at the school.	94%	95%	95%
My child's teacher shows respect.	97%	98%	97%
I am satisfied with my child's education.	94%	94%	95%
My opinions are valued.	91%	93%	94%
Communication between school and home (newsletters, websites, notes, apps, etc.) meets the needs as a parent/guardian.	93%	93%	94%
Quality work is expected of my child.	96%	97%	97%

Scholars' Favorability Ratings

	2023	2024	2025
Average Score	85%	84%	89%
Adults at school treat me fairly and with respect.	92%	91%	94%
Students in this building respect each other.	58%	60%	60%
I enjoy going to school.	74%	70%	75%
I am getting a good education at my school.	93%	93%	94%
My teacher shows me respect.	96%	95%	97%
I feel safe and not scared when I am in school.	86%	84%	92%
I understand what I need to do to learn and make progress.	95%	95%	94%
The atmosphere at my school supports student learning.	90%	89%	92%
I know the rules at my school.	97%	96%	96%
My school teaches me to respect people who are different from me.	94%	92%	94%
There is an adult I can go to when I am worried or scared.	88%	86%	87%

Staff Satisfaction Survey Results

Welcome to the Fall 2025 Staff Satisfaction Survey Results for the Rock Island–Milan School District 41. In this presentation, we'll explore staff perspectives, highlight strengths, and identify opportunities to continue improving the workplace experience across the district.





I WORK AT THE FOLLOWING SCHOOL

732

Responded

Staff members may work at more than one location and with multiple grades.

#		Answer
16%	(144)	Rock Island High School
11%	(84)	Horace Mann Early Learning Center
11%	(79)	Rock Island Center for Math & Science
10%	(73)	Rock Island Academy
7%	(54)	Edison Jr. High
7%	(48)	Eugene Field
6%	(45)	Thomas Jefferson
6%	(41)	Earl Hanson
5%	(40)	Longfellow
5%	(40)	Denkmann
5%	(39)	Ridgewood
4%	(26)	Frances Willard
3%	(25)	Thurgood Marshall Learning Center
3%	(24)	Washington Jr. High

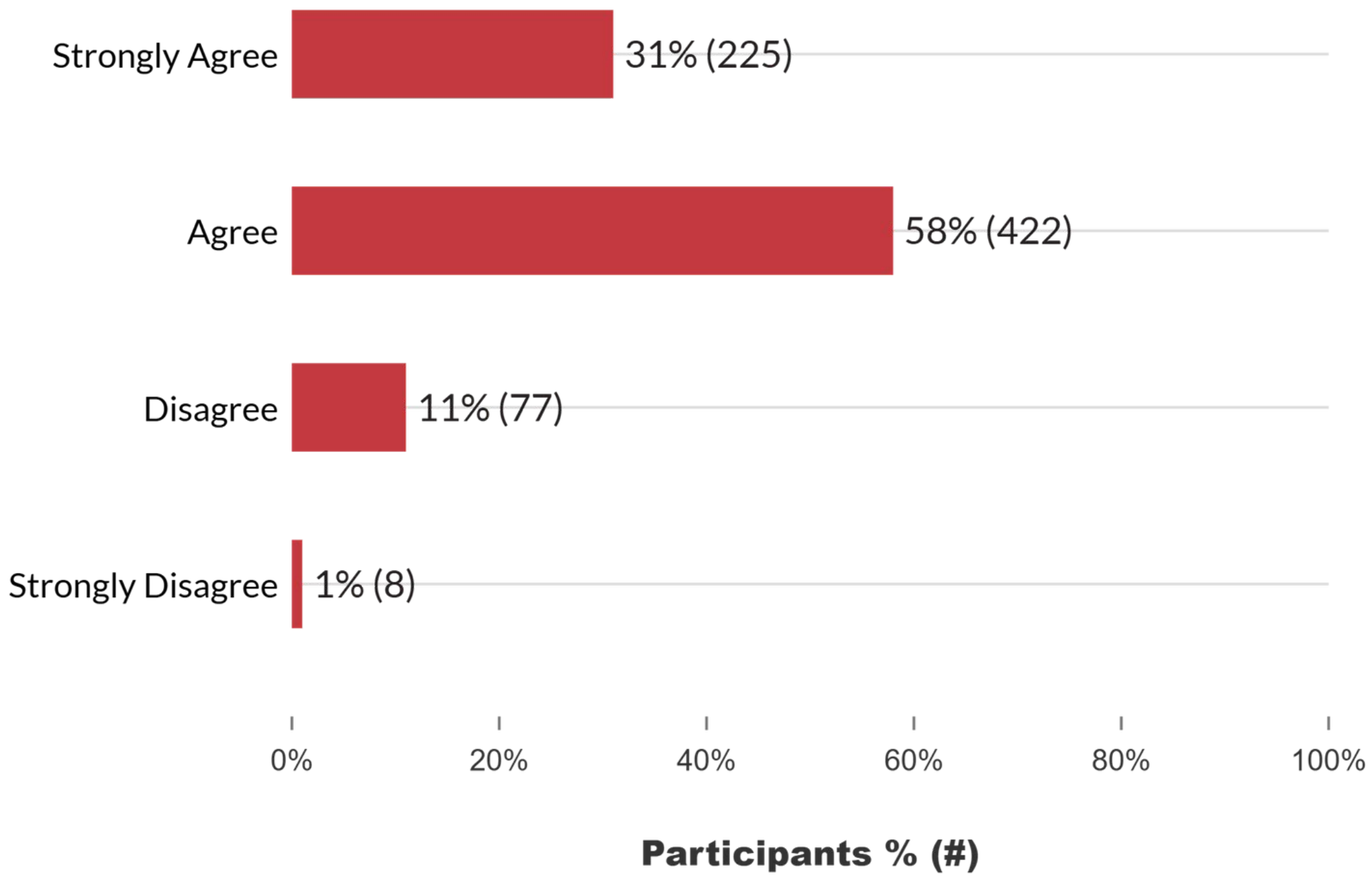
I WORK WITH THE FOLLOWING GRADES

732
Responded

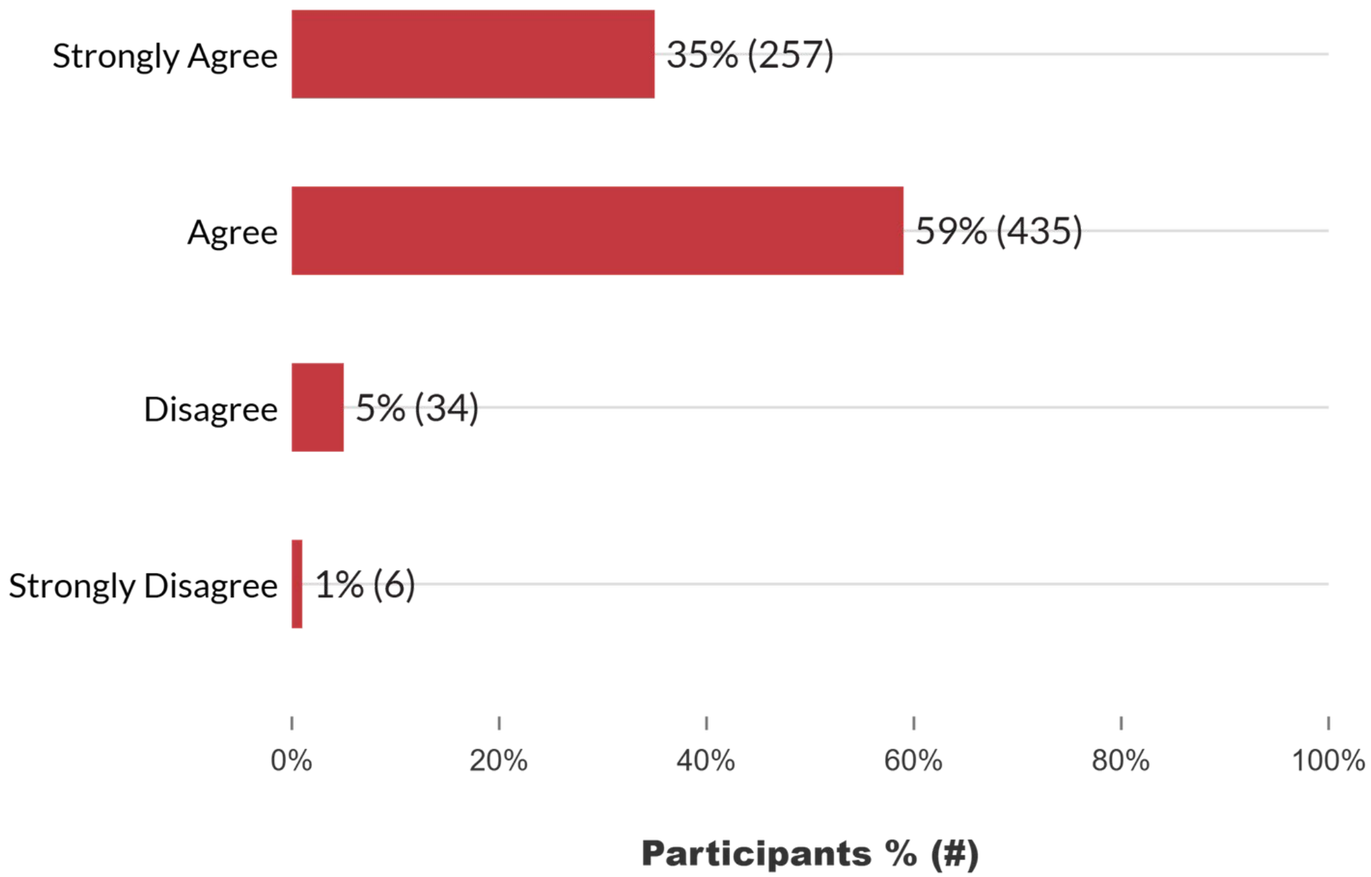
Staff members may work at more than one location and with multiple grades.

#		Answer
17%	(117)	PreK
31%	(212)	Kindergarten
32%	(222)	Grade 1
31%	(212)	Grade 2
32%	(221)	Grade 3
31%	(216)	Grade 4
30%	(210)	Grade 5
30%	(210)	Grade 6
11%	(74)	Grade 7
12%	(85)	Grade 8
16%	(113)	Grade 9
18%	(124)	Grade 10
18%	(125)	Grade 11
18%	(123)	Grade 12

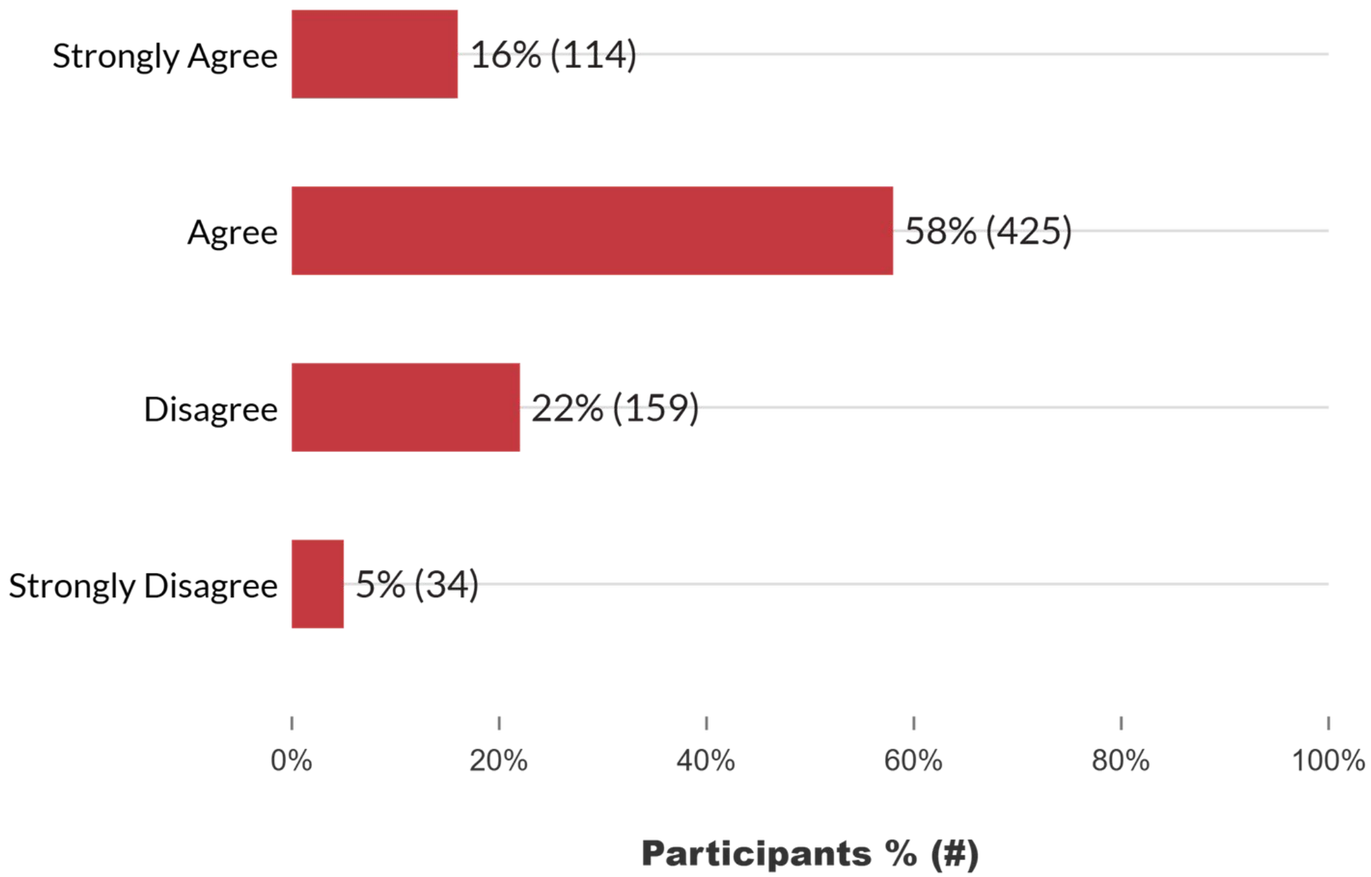
PEOPLE IN THIS BUILDING RESPECT EACH OTHER



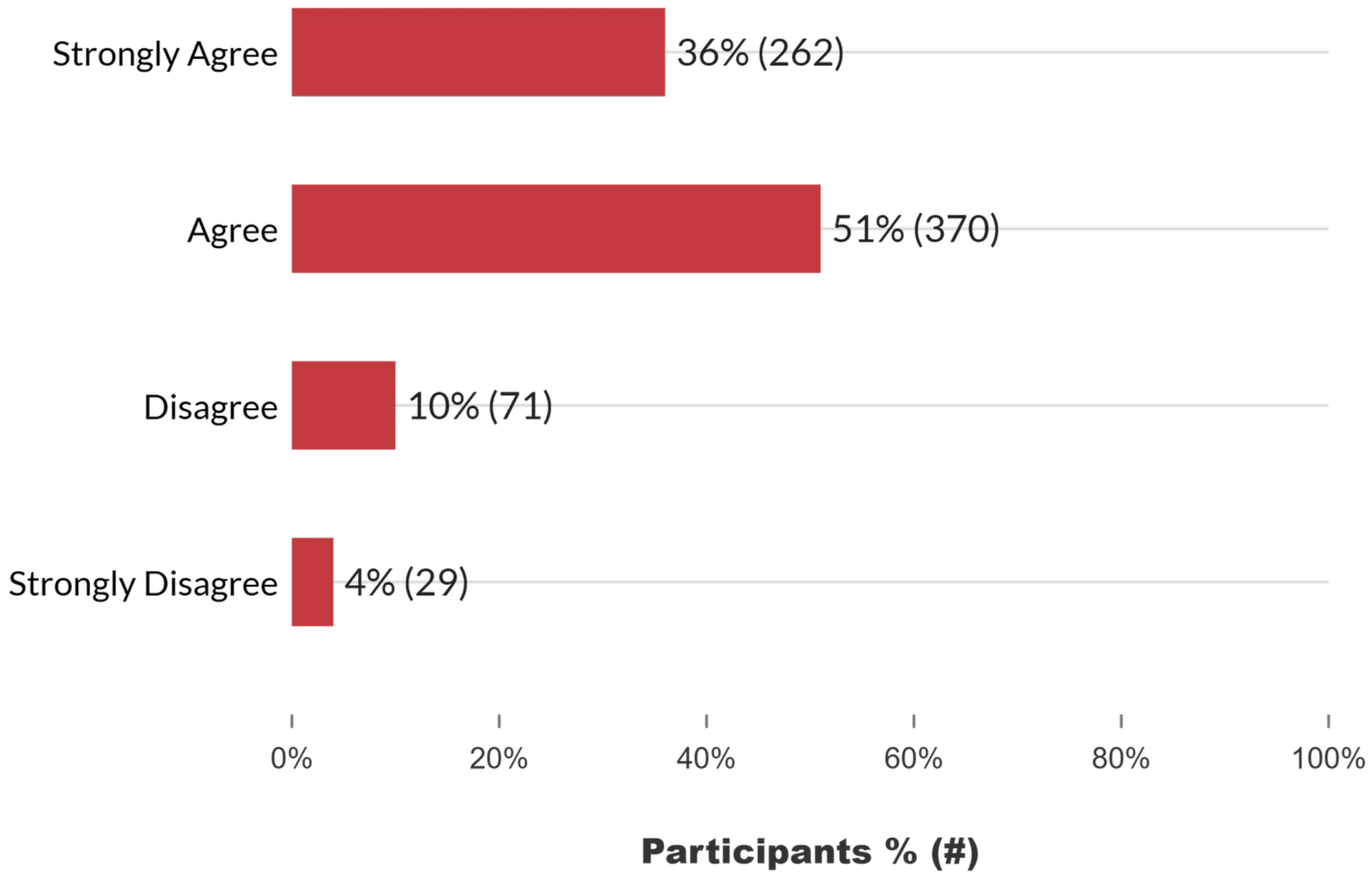
I FEEL RESPECTED BY THE FAMILIES OF MY STUDENTS



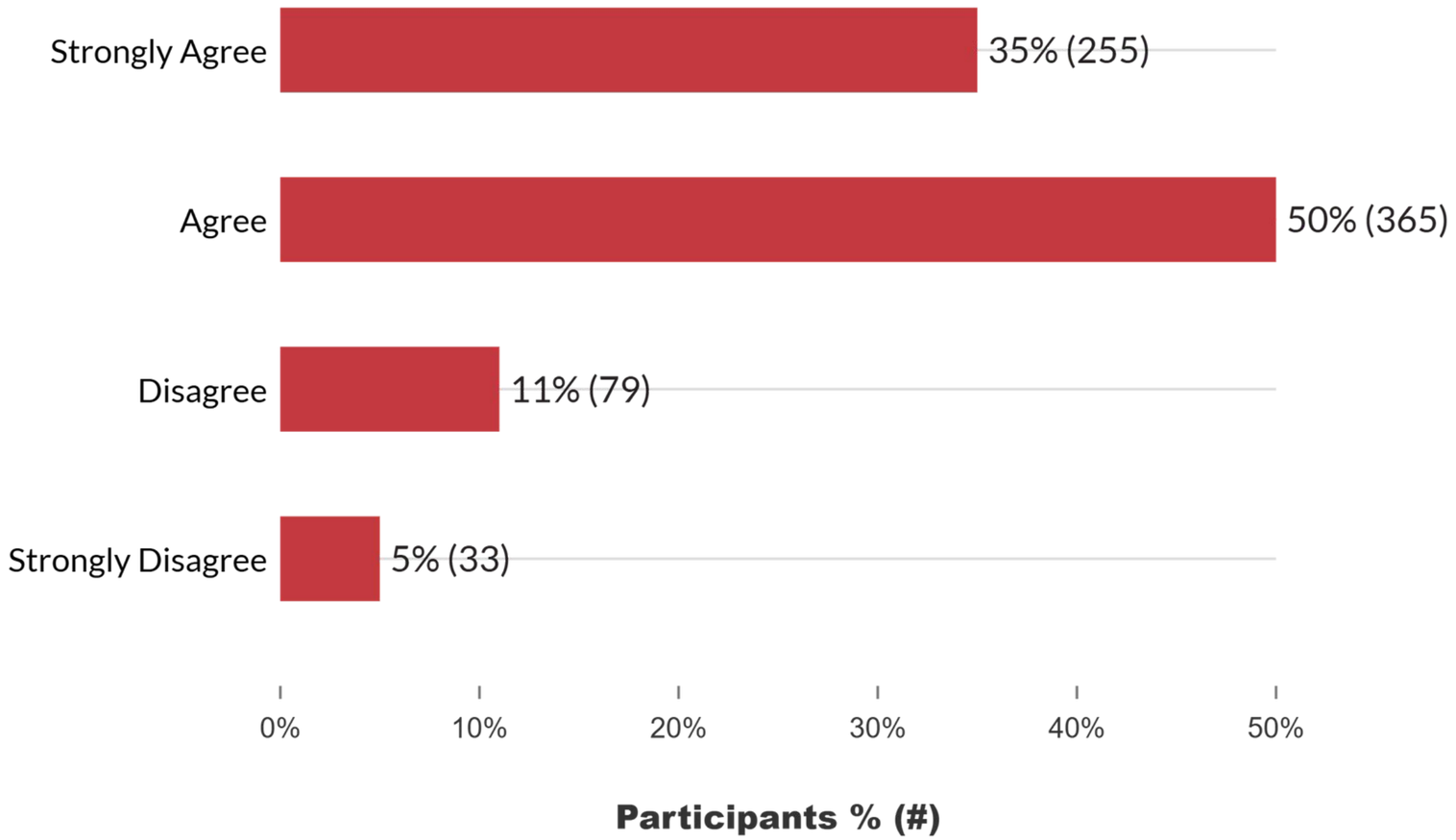
STUDENTS IN THIS BUILDING RESPECT EACH OTHER



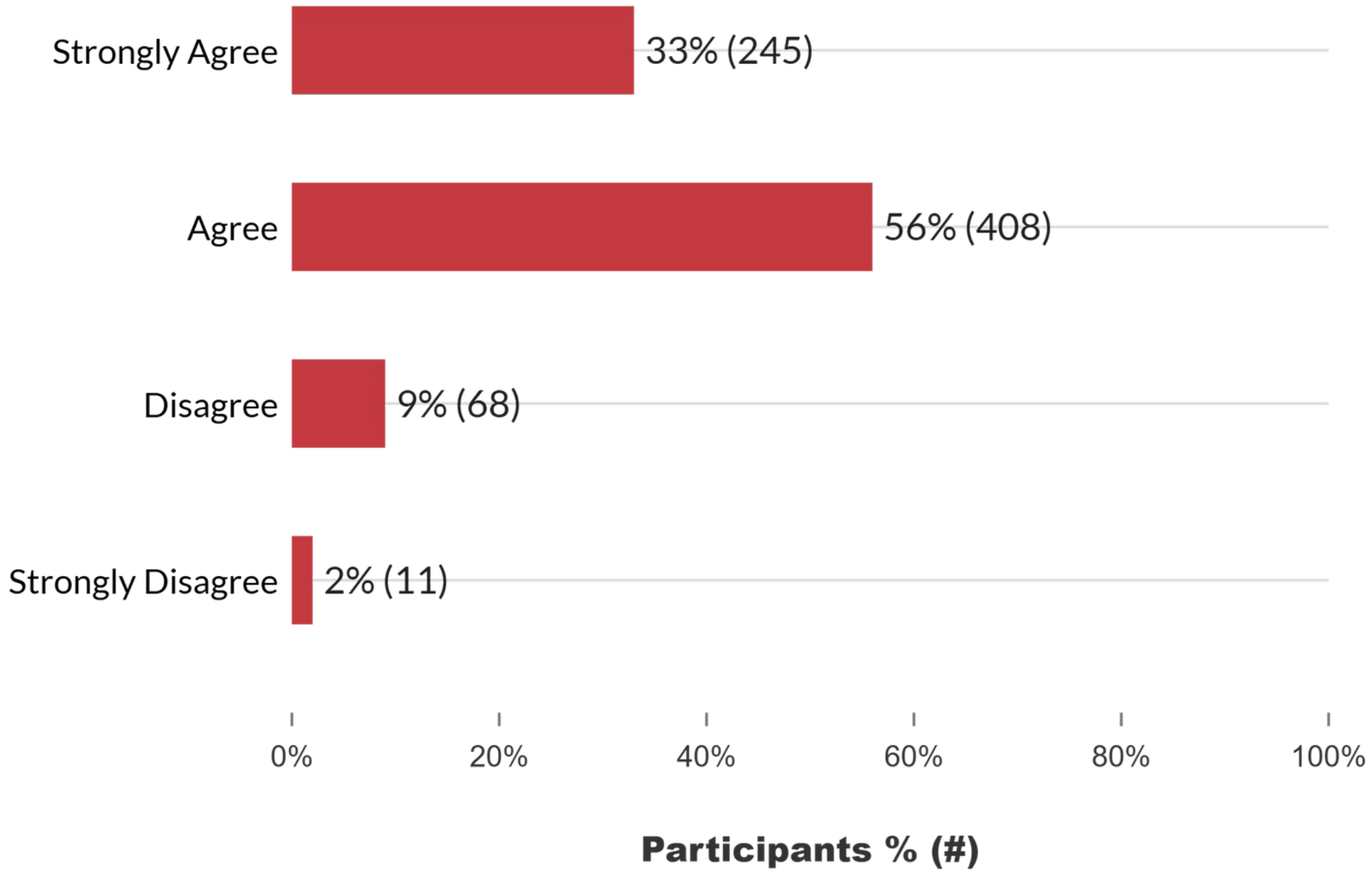
I AM ABLE TO SHARE MY OPNIONS IN THIS SCHOOL



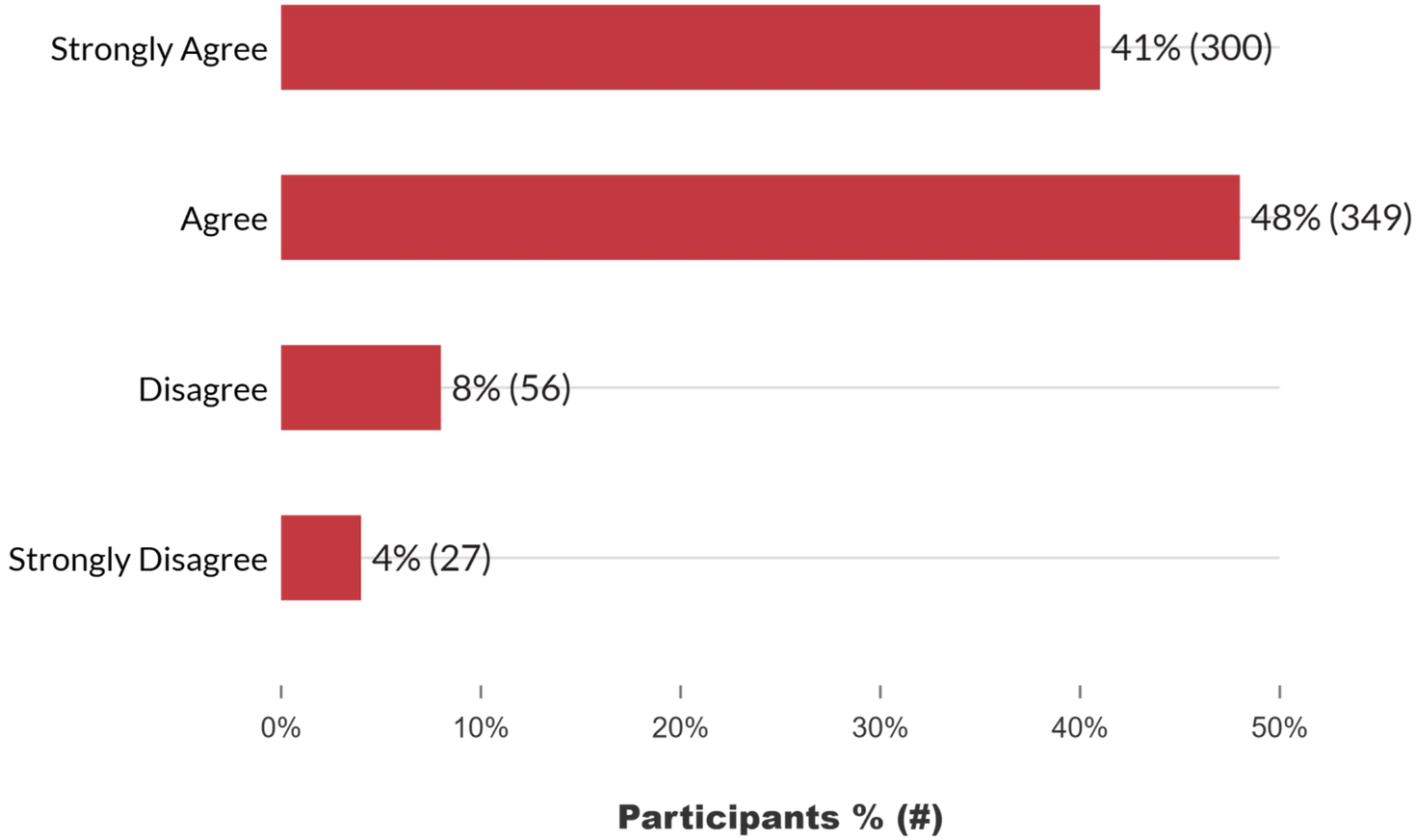
I AM ABLE TO PROVIDE INPUT ON SCHOOL MATTERS



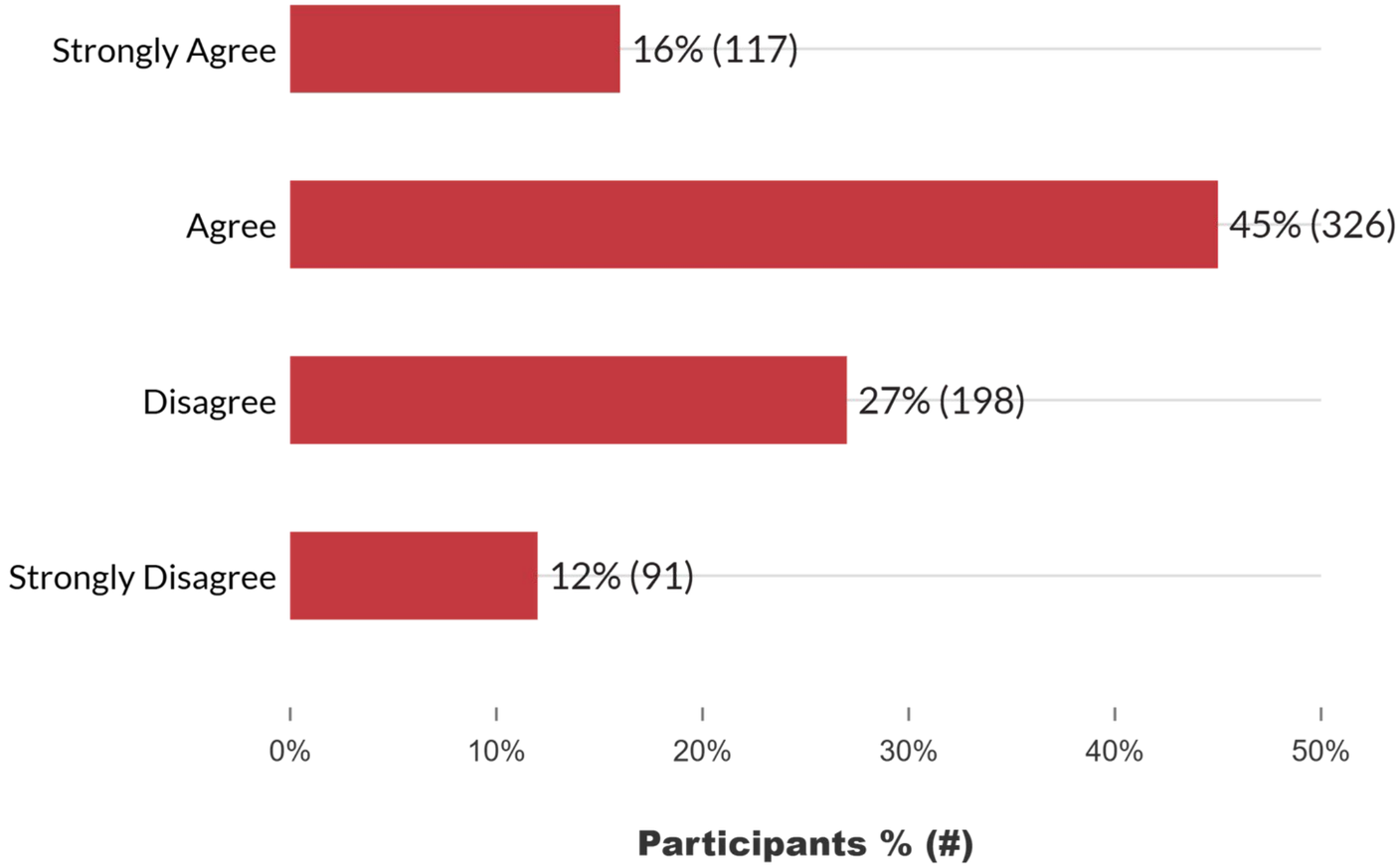
TEACHERS IN THIS BUILDING RESPECT ONE ANOTHER



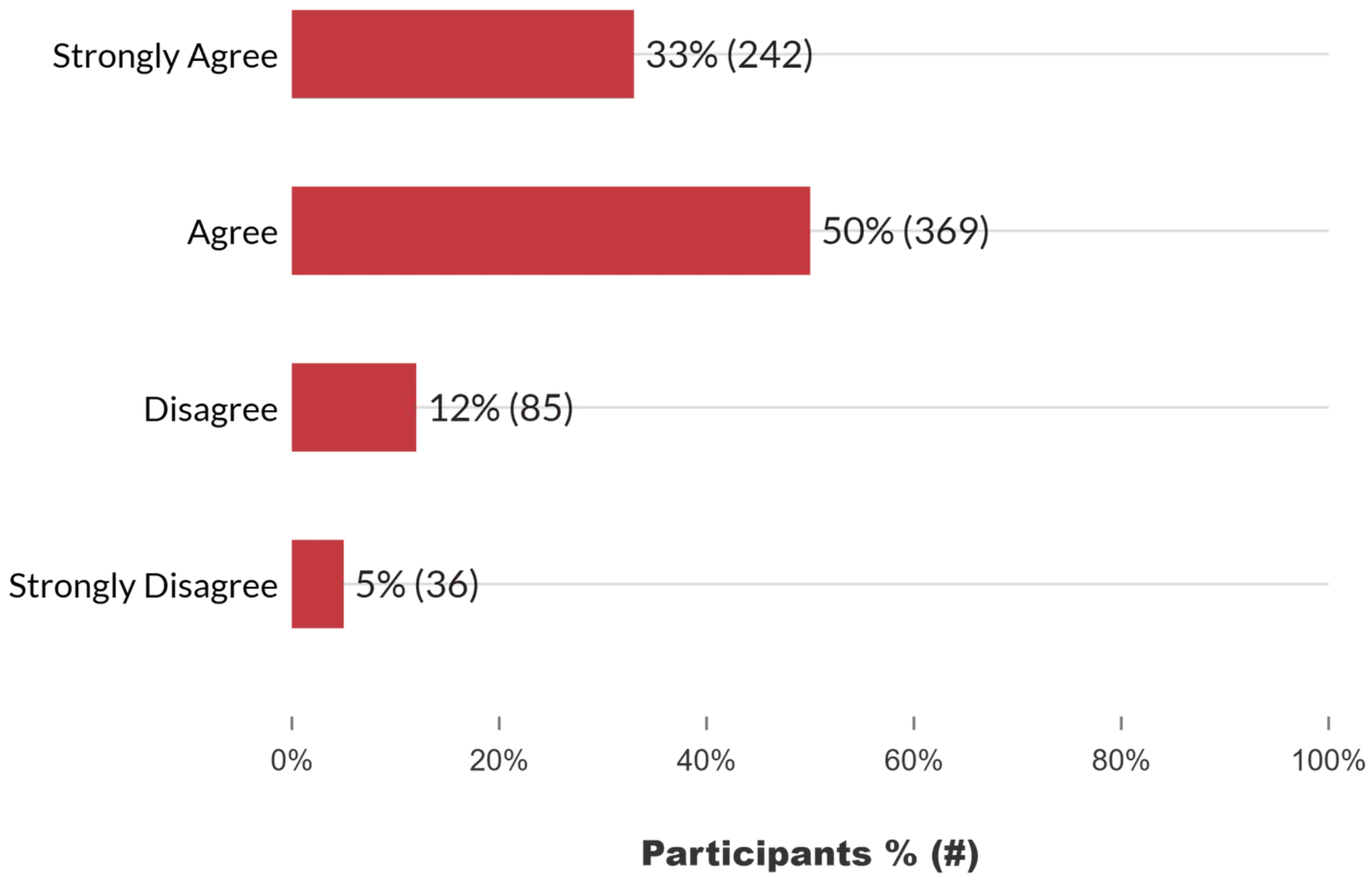
THE SCHOOL ADMINISTRATION DEMONSTRATES WHAT RESPECTFUL BEHAVIOR LOOKS LIKE



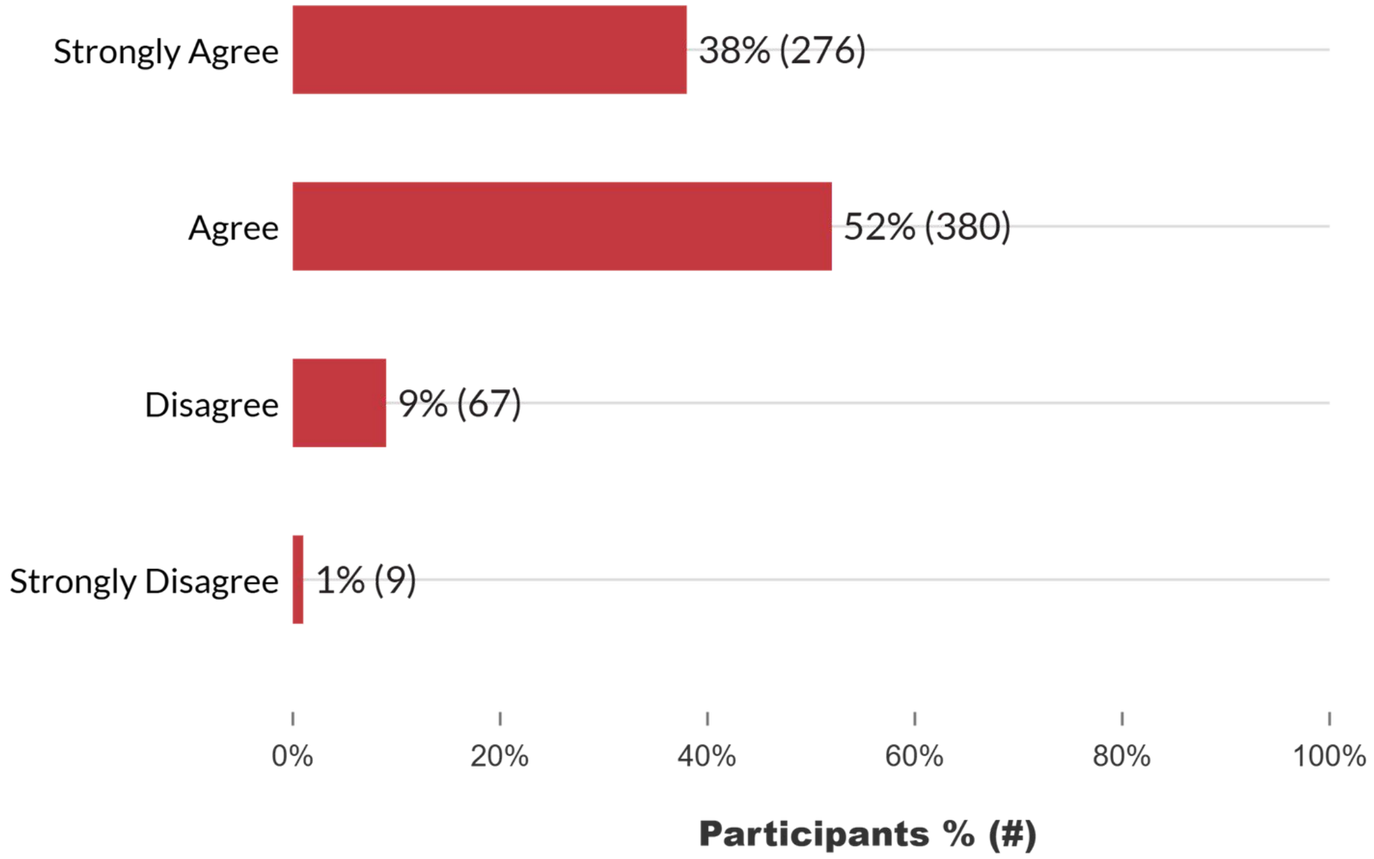
DISCIPLINE FOR THOSE WHO BREAK THE RULES IS EFFECTIVE



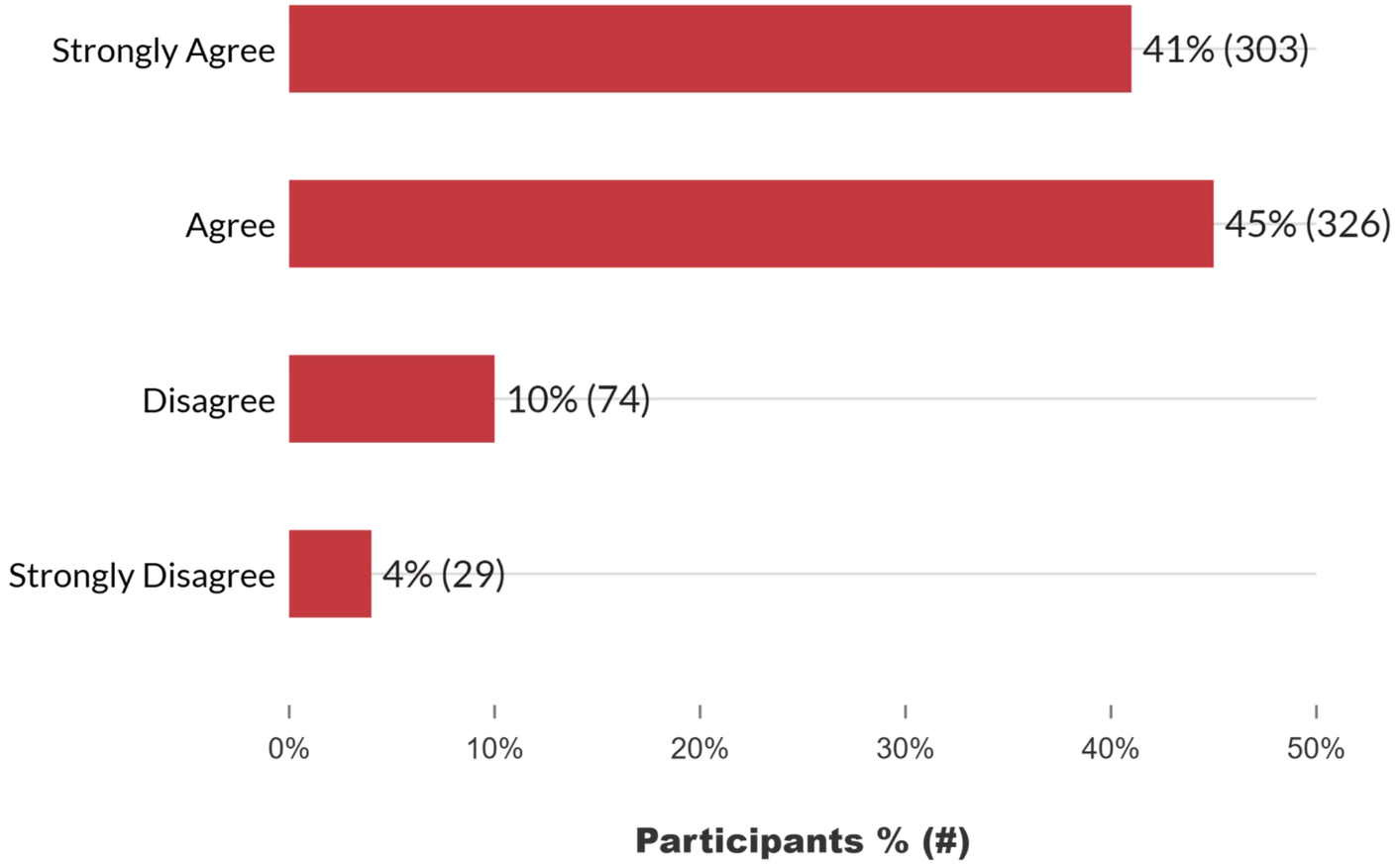
THIS IS A SAFE SCHOOL



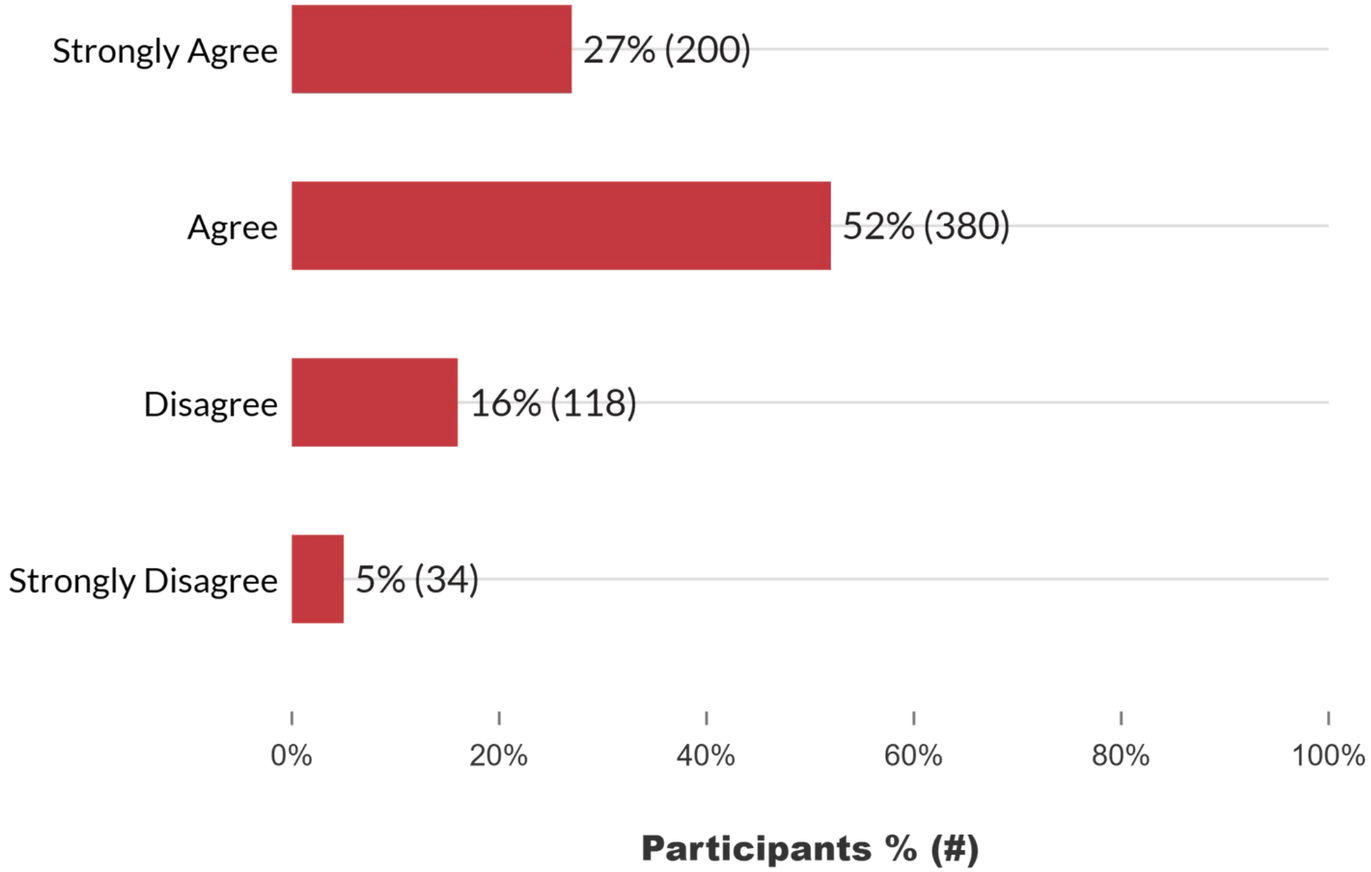
COMMUNICATION BETWEEN SCHOOL AND HOME MEETS THE NEEDS OF PARENTS/GUARDIANS



STRENGTHENING RELATIONSHIPS IN THIS SCHOOL IS A PRIORITY



PROFESSIONAL DEVELOPMENT OPPORTUNITIES IN THIS BUILDING HELP IMPROVE MY PROFESSIONAL PRACTICE

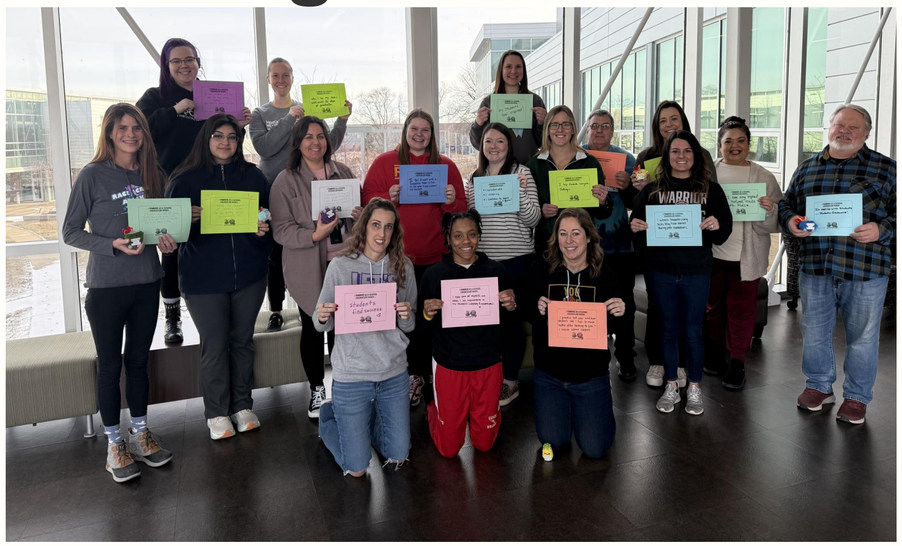


Staff: Summary and Areas to Investigate

The survey conducted indicates a predominantly positive perception among school staff towards mutual respect, involvement in decision-making, and the focus on strengthening relationships within the school environment.

Areas to investigate

- **Discipline Effectiveness**: With 39% of participants expressing dissatisfaction, this area requires further examination to ensure disciplinary measures meet the school's expectations.
- **Professional Development Suitability**: Despite a high agreement rate (79%), comments suggest there is a disparity between current professional development offerings and the specific needs of individual roles, indicating a need for more tailored options.





Parent Satisfaction Survey Results

Welcome to the Fall 2025 Parents' Satisfaction Survey Results for the Rock Island–Milan School District 41. In this presentation, we'll explore family perspectives, highlight strengths, and identify opportunities to continue improving families' experiences across the district.





MY CHILDREN ATTEND THE FOLLOWING SCHOOL (S)

1,562

Respondents

Families may respond for each child enrolled.

#		Answer
23%	(367)	Rock Island Center for Math & Science
14%	(223)	Rock Island High School
14%	(223)	Thomas Jefferson
11%	(170)	Eugene Field
9%	(133)	Rock Island Academy
8%	(123)	Horace Mann Early Learning Center/Head Start
8%	(122)	Washington Jr. High
7%	(109)	Denkmann
5%	(84)	Edison Jr. High
5%	(79)	Earl Hanson
5%	(72)	Longfellow
4%	(61)	Frances Willard
3%	(54)	Ridgewood
1%	(17)	Thurgood Marshall Learning Center

MY CHILDREN ARE IN THE FOLLOWING GRADES

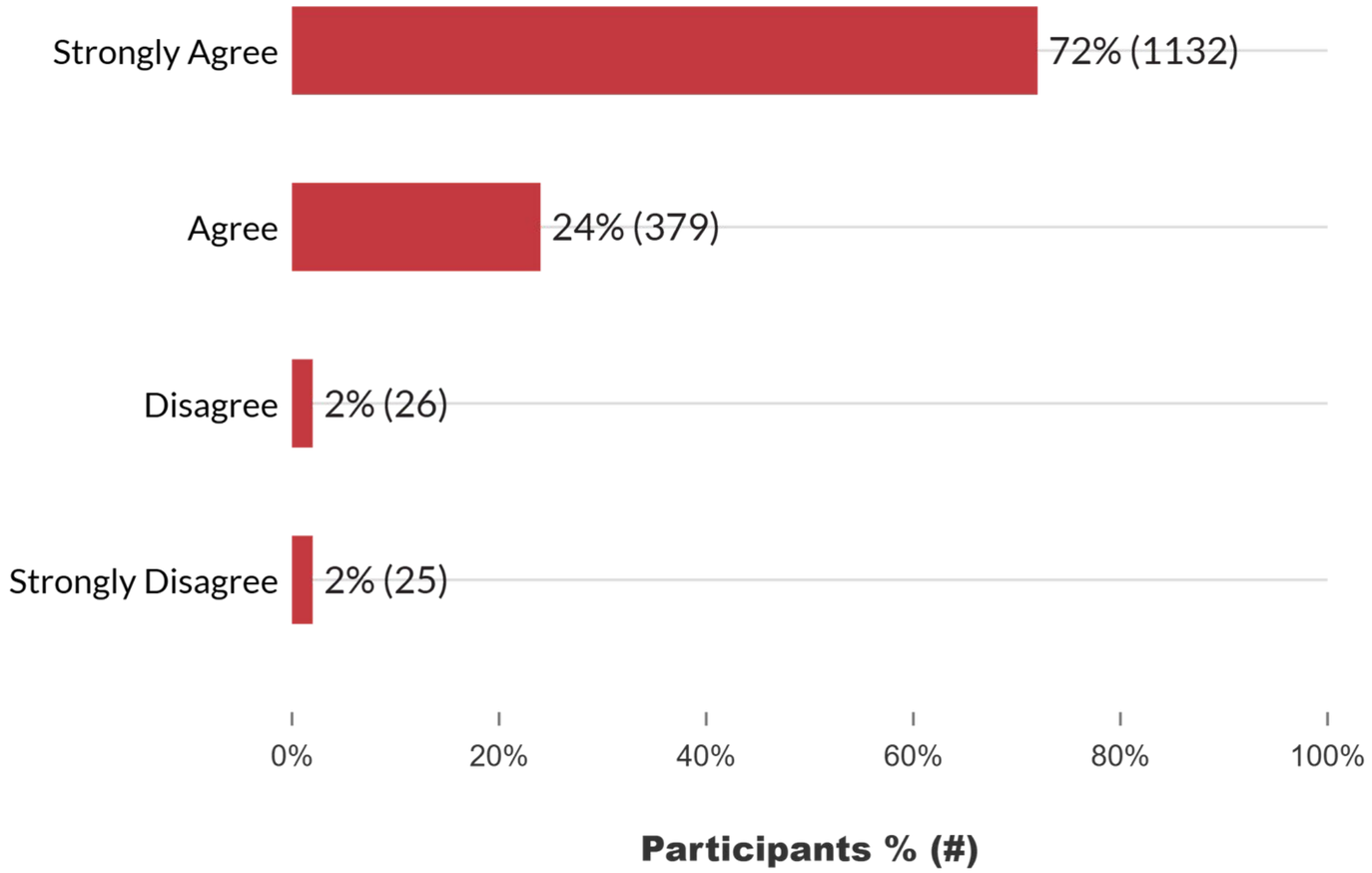
1,562

Respondents

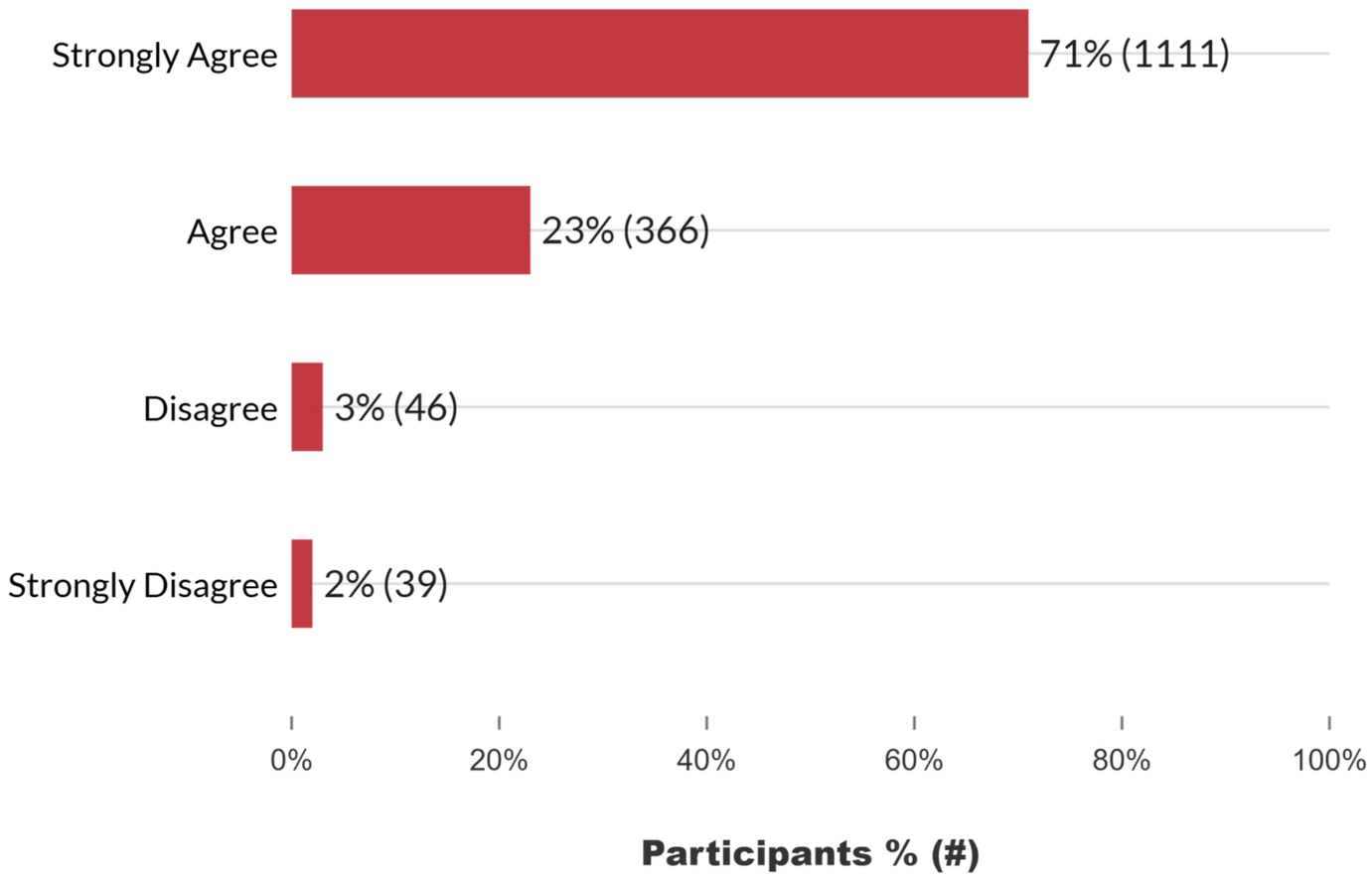
Families may respond for each child enrolled.

#		Answer
14%	(220)	PreK
17%	(270)	Kindergarten
15%	(234)	Grade 1
16%	(243)	Grade 2
13%	(109)	Grade 3
16%	(243)	Grade 4
14%	(222)	Grade 5
12%	(195)	Grade 6
7%	(116)	Grade 7
7%	(109)	Grade 8
6%	(90)	Grade 9
4%	(65)	Grade 10
5%	(75)	Grade 11
3%	(54)	Grade 12

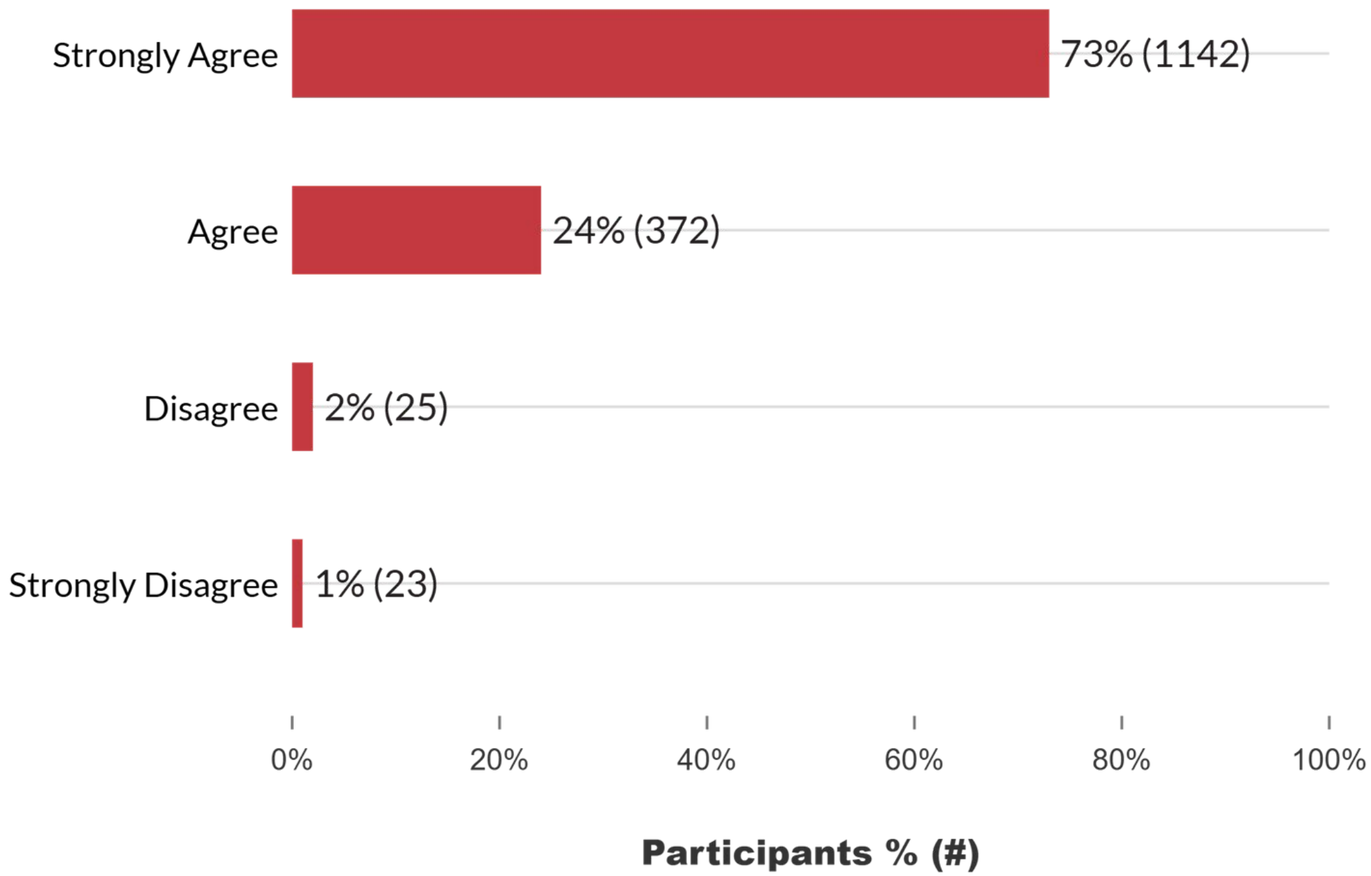
TEACHERS TREAT MY CHILDREN WITH RESPECT



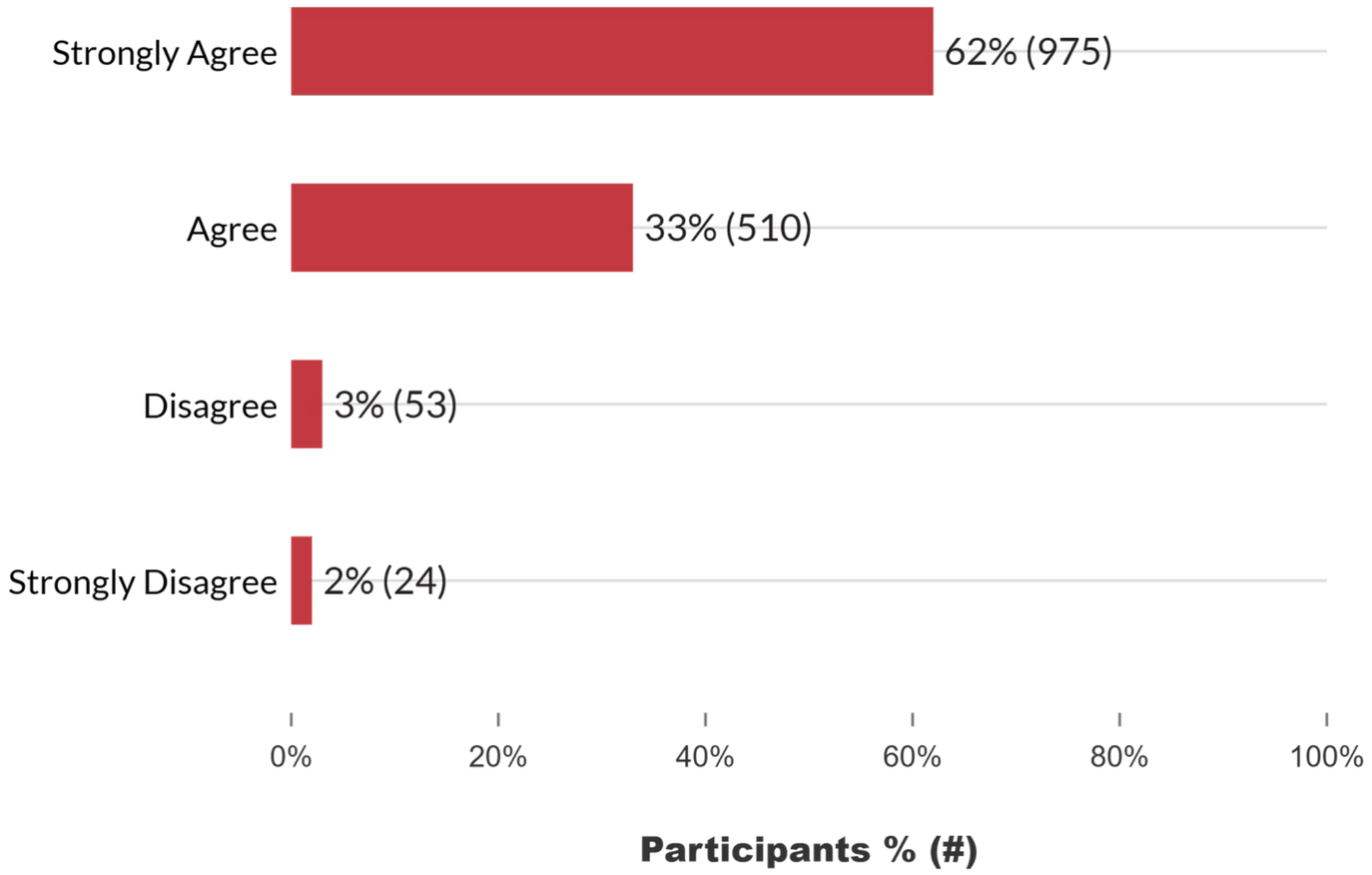
I FEEL WELCOMED AT THE SCHOOL



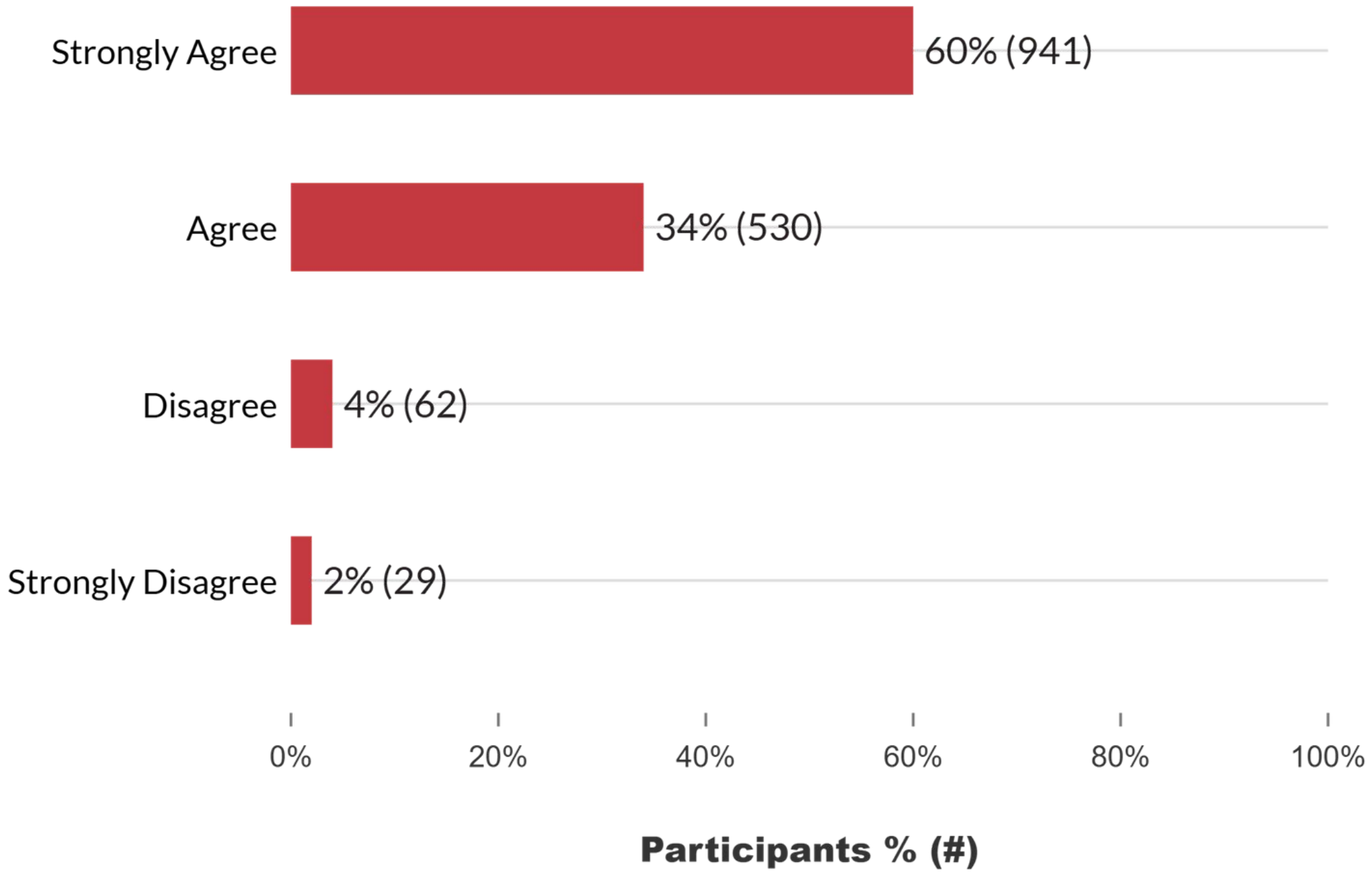
MY CHILD'S TEACHER SHOWS RESPECT



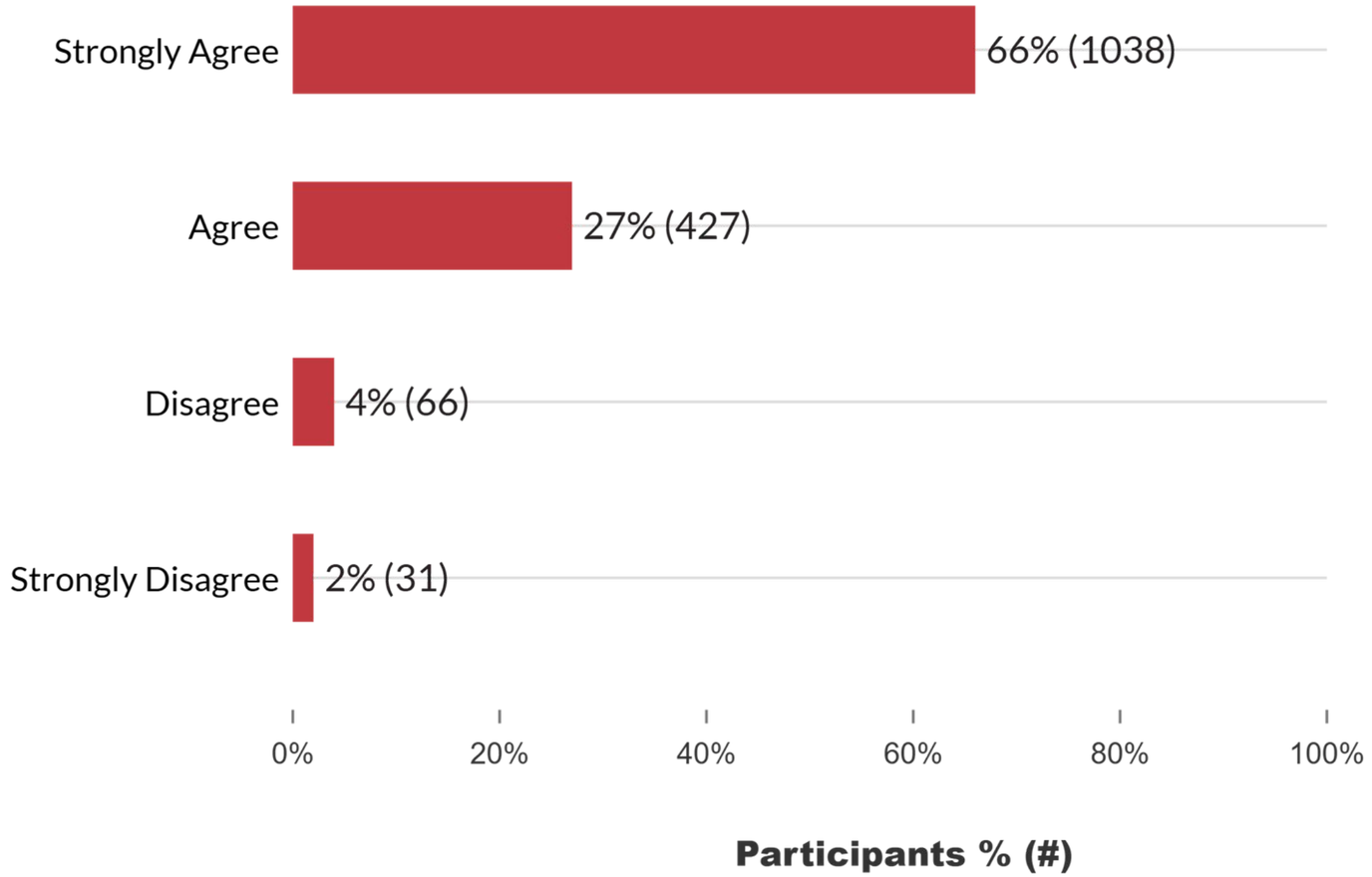
I AM SATISFIED WITH MY CHILD'S EDUCATION



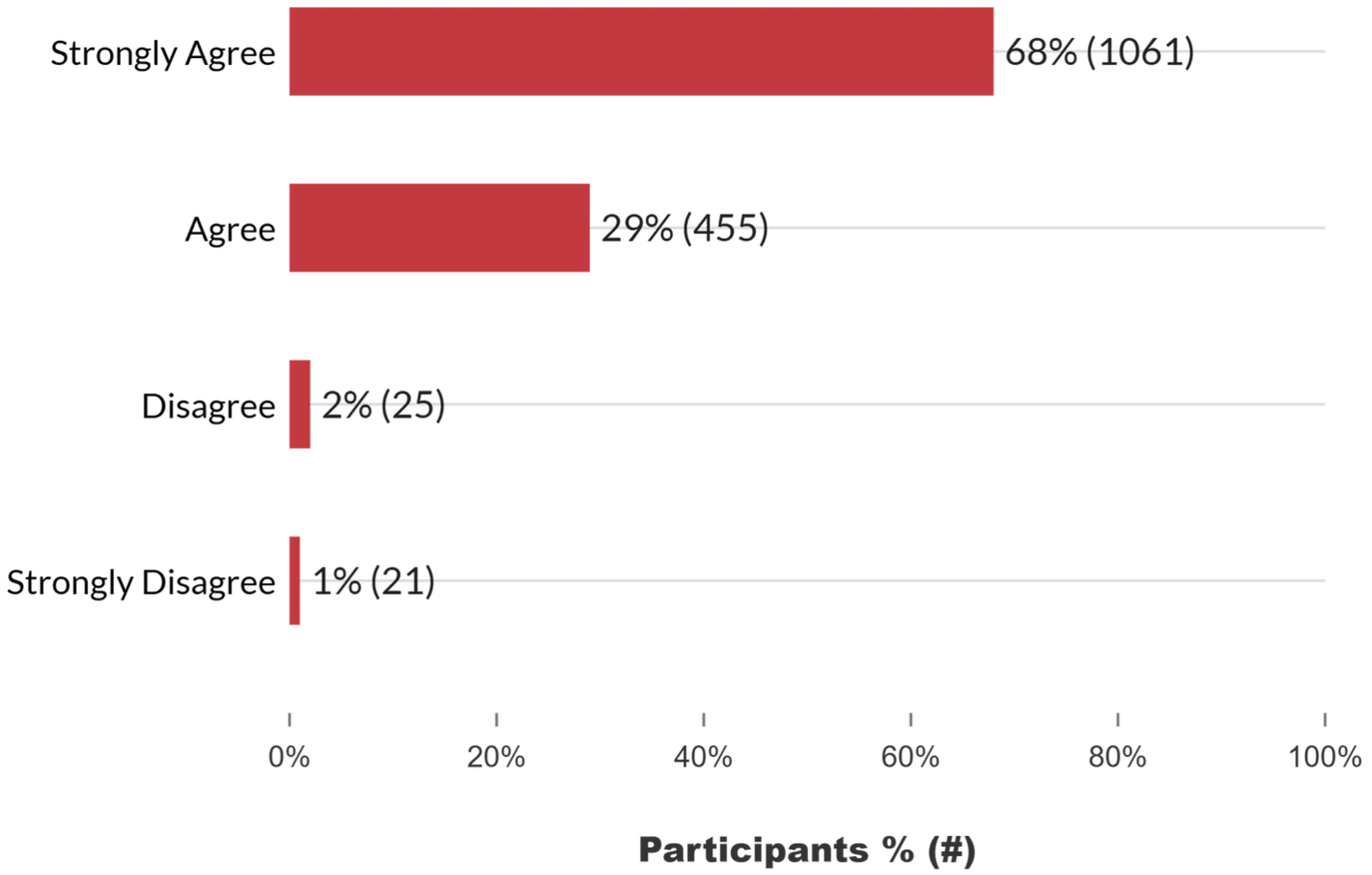
MY OPINIONS ARE VALUED



COMMUNICATION BETWEEN SCHOOL AND HOME MEETS THE NEEDS AS A PARENT/GUARDIAN



QUALITY WORK IS EXPECTED OF MY CHILD



Parents: Summary and Areas to Investigate

The survey results overwhelmingly indicate a positive sentiment among participants regarding their children's educational experience.

Areas to investigate

- **Timeliness of Communication**: Despite strong communication ratings, qualitative responses suggest a need for more advance notice regarding school events and activities. Schools might investigate streamlining communication channels to ensure timely information dissemination.
- **Engagement Opportunities**: There is interest in more events that showcase student work, such as science fairs or after-school clubs, suggesting potential areas for schools to expand extracurricular offerings and student engagement.





Scholar Satisfaction Survey Results

Welcome to the Fall 2025 Scholar Satisfaction Survey Results for the Rock Island–Milan School District 41. In this presentation, students share their voices, their experiences, and what matters most to them.





I ATTEND THE FOLLOWING SCHOOL

3,168

Responses

#		Answer
22%	(687)	Rock Island High School
12%	(379)	Washington Jr. High
10%	(310)	Rock Island Academy
10%	(308)	Edison Jr High
9%	(288)	Rock Island Center for Math & Science
9%	(277)	Eugene Field
6%	(189)	Denkmann
5%	(164)	Earl Hanson
5%	(155)	Thomas Jefferson
5%	(79)	Earl Hanson
4%	(134)	Ridgewood
4%	(132)	Longfellow
3%	(107)	Frances Willard
1%	(38)	Thurgood Marshall Learning Center

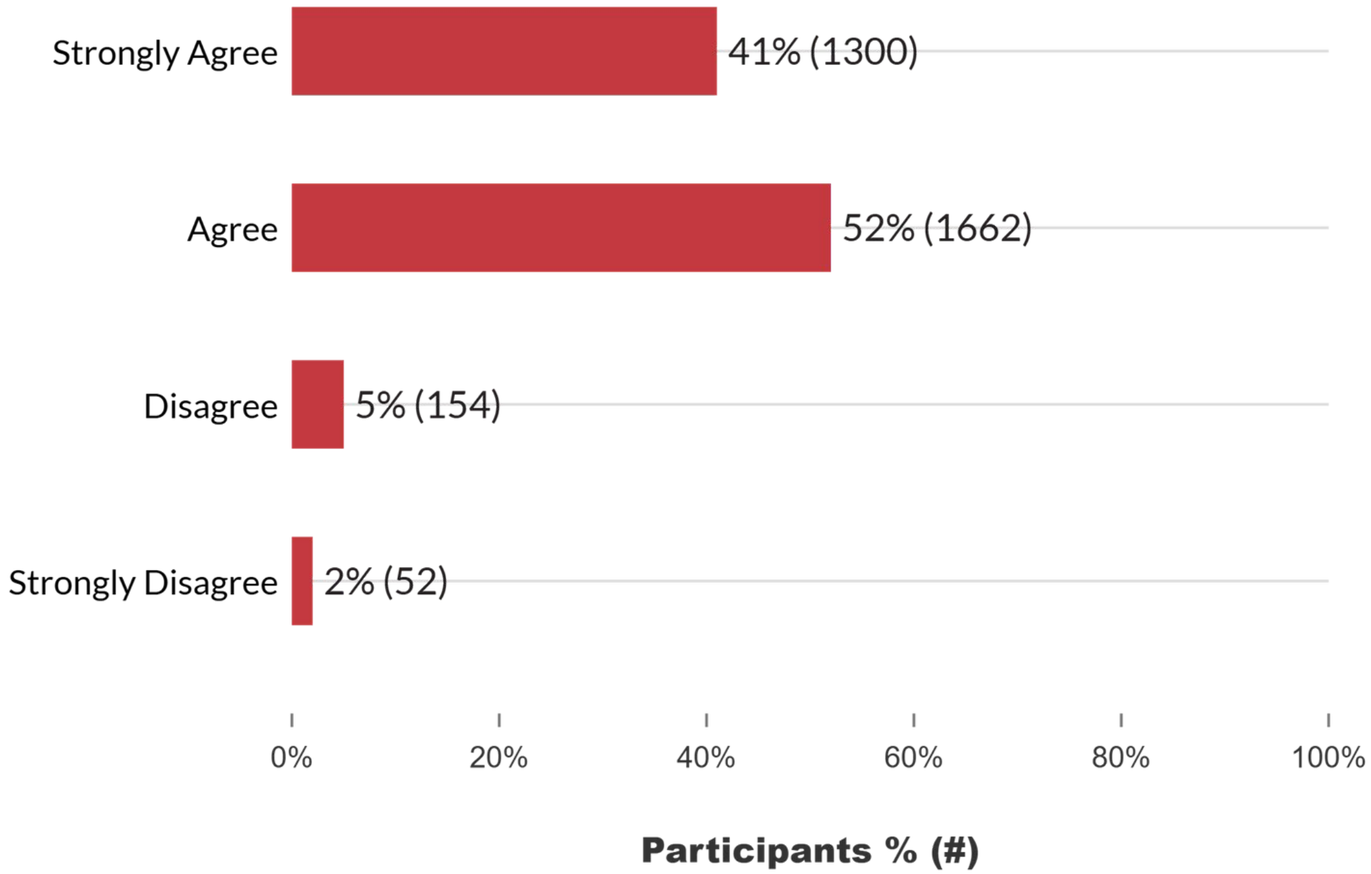
I AM IN THE FOLLOWING GRADE

3,168

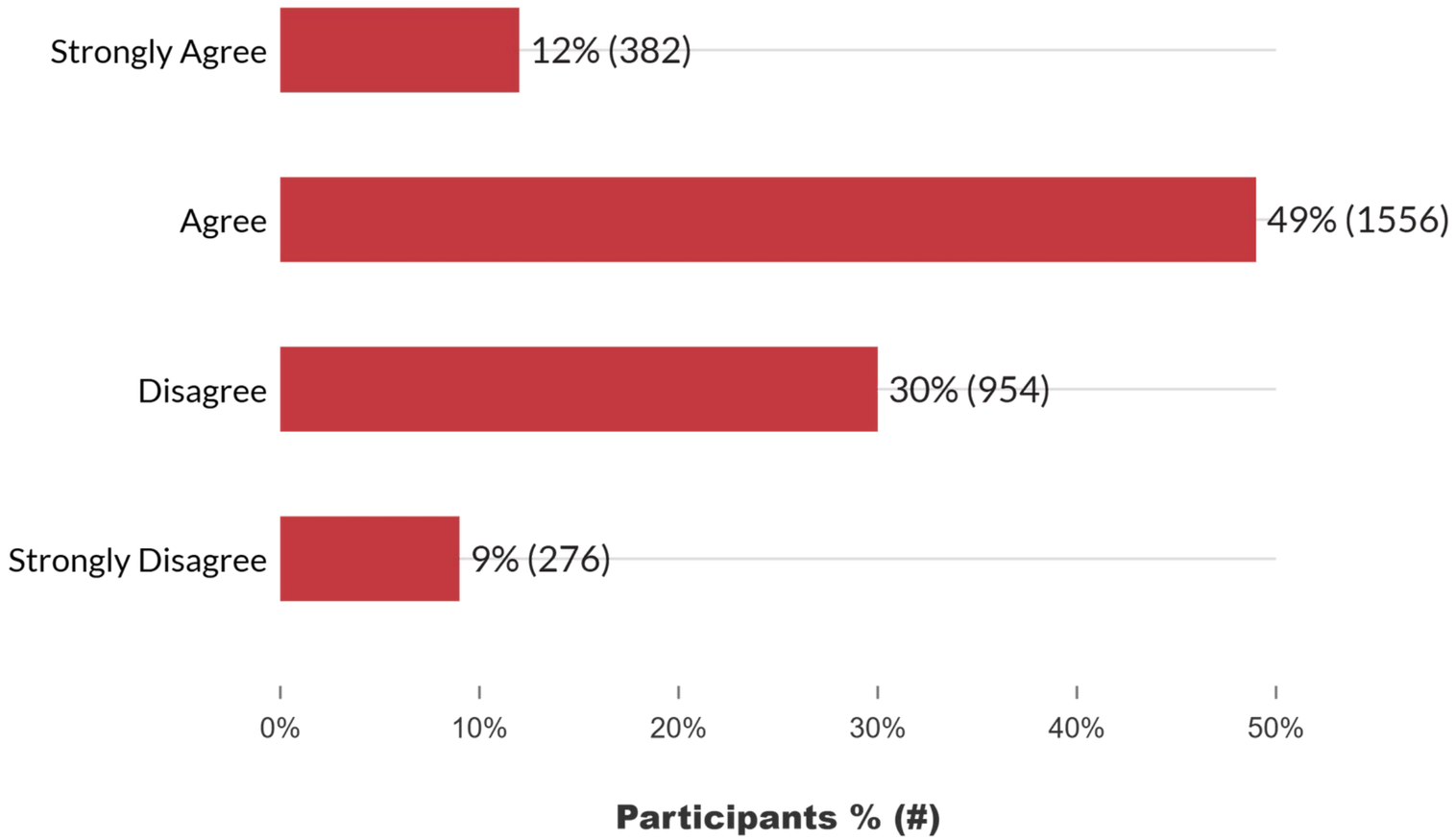
Responses

#		Answer
12%	(387)	Grade 3
15%	(467)	Grade 4
15%	(464)	Grade 5
13%	(411)	Grade 6
11%	(344)	Grade 7
11%	(355)	Grade 8
9%	(279)	Grade 9
7%	(207)	Grade 10
4%	(137)	Grade 11
4%	(117)	Grade 12

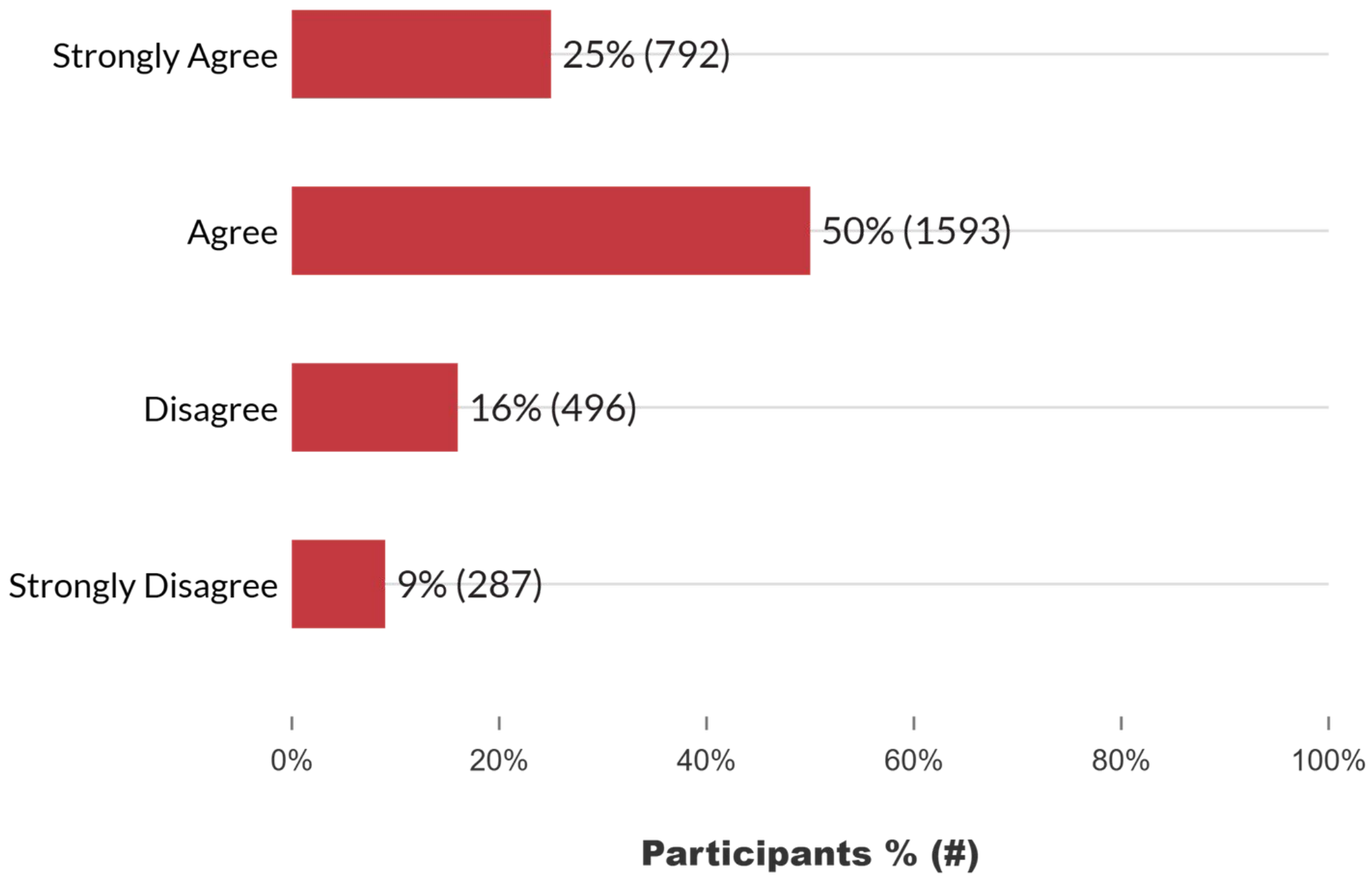
ADULTS AT MY SCHOOL TREAT ME FAIRLY & WITH RESPECT



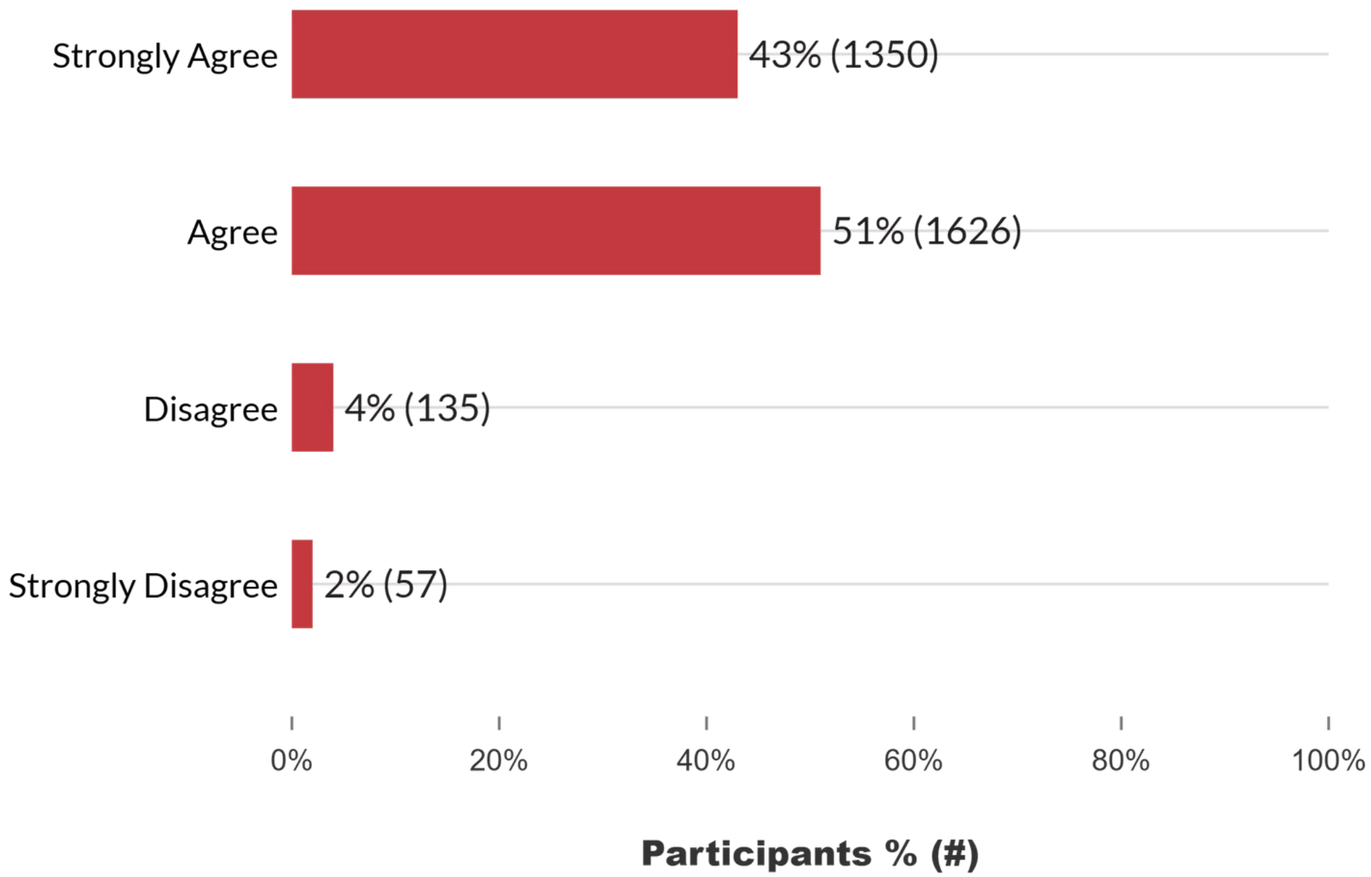
STUDENTS IN THIS BUILDING RESPECT EACH OTHER



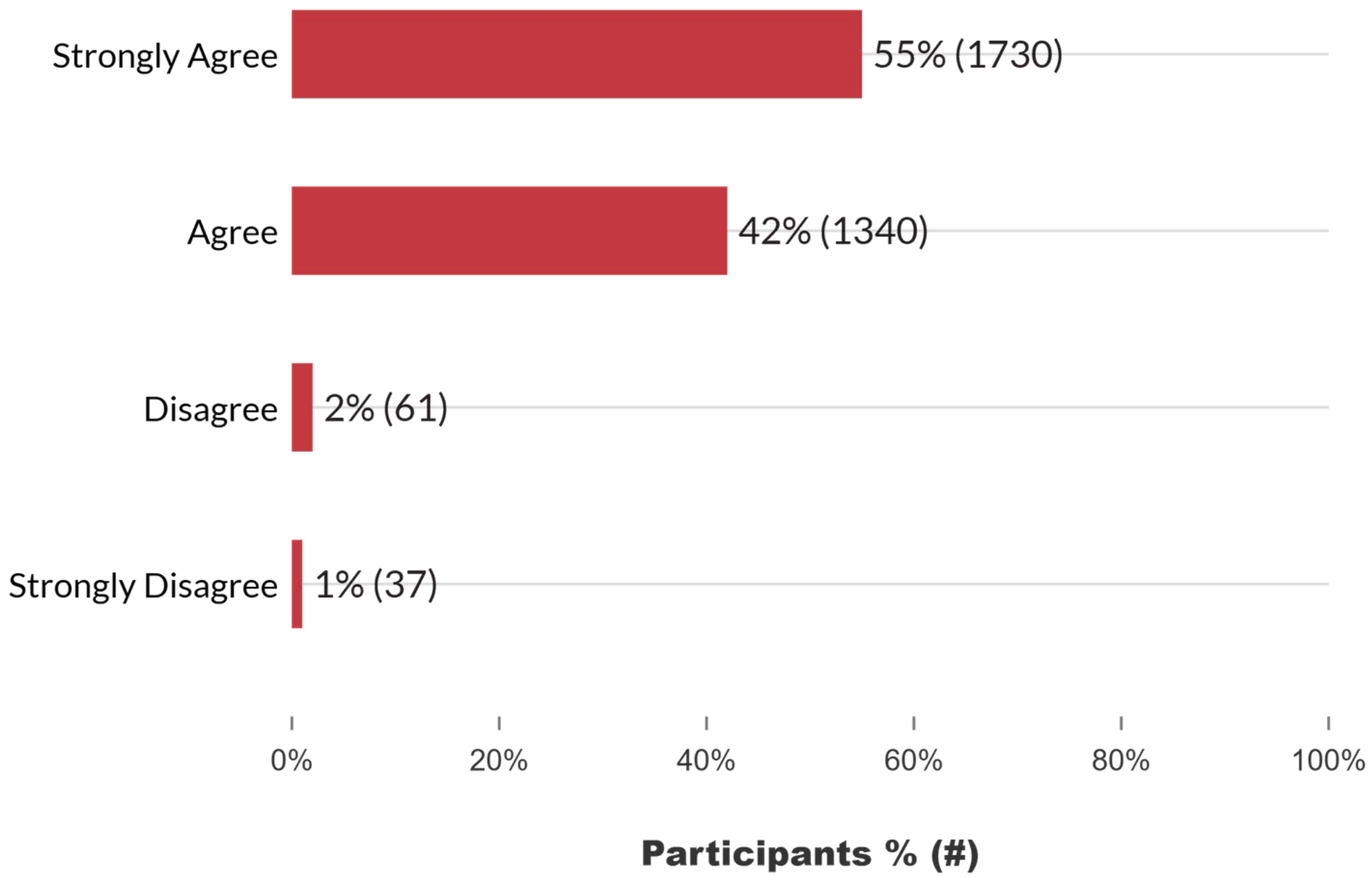
I ENJOY GOING TO SCHOOL



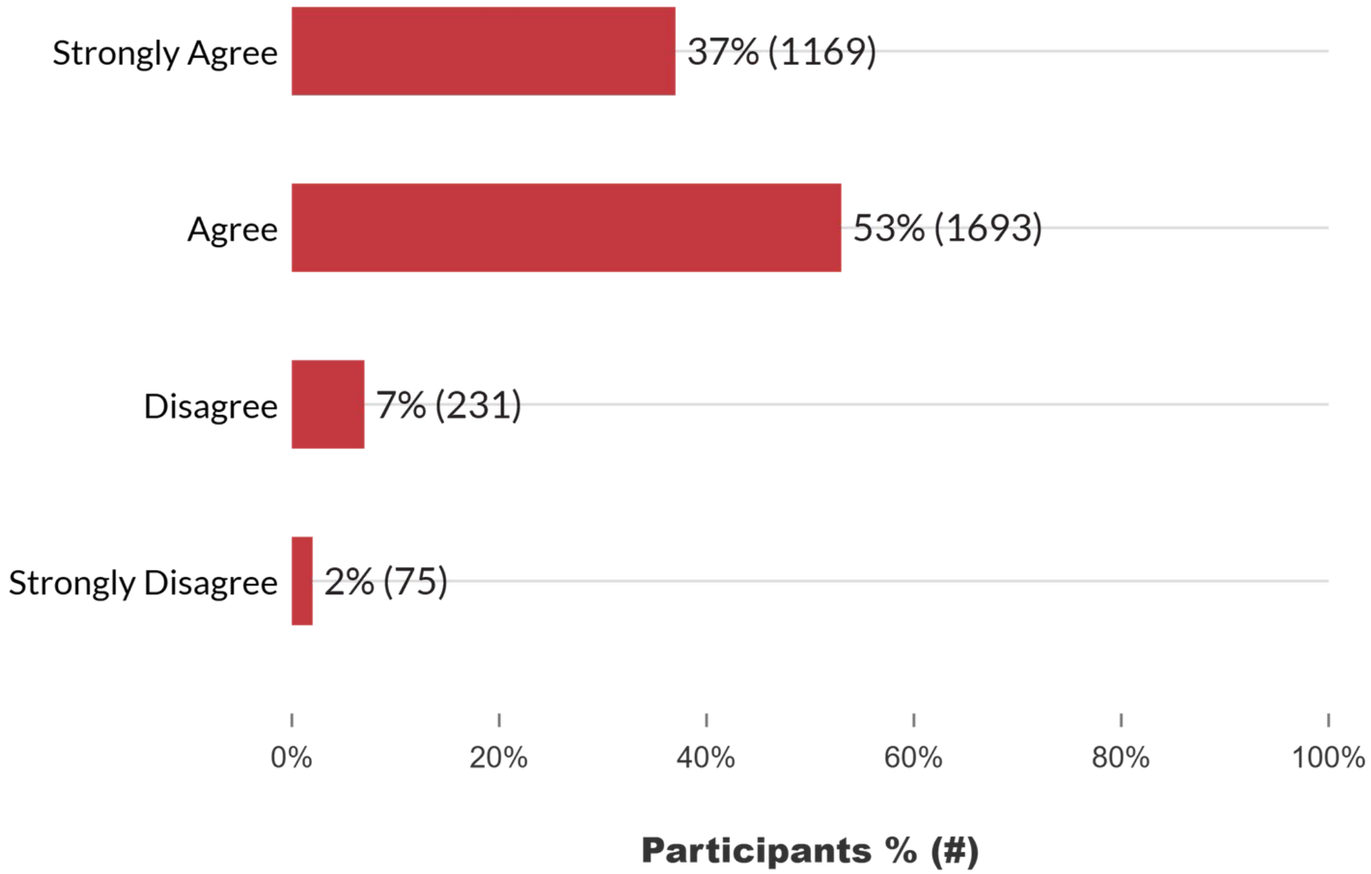
I AM GETTING A GOOD EDUCATION AT MY SCHOOL



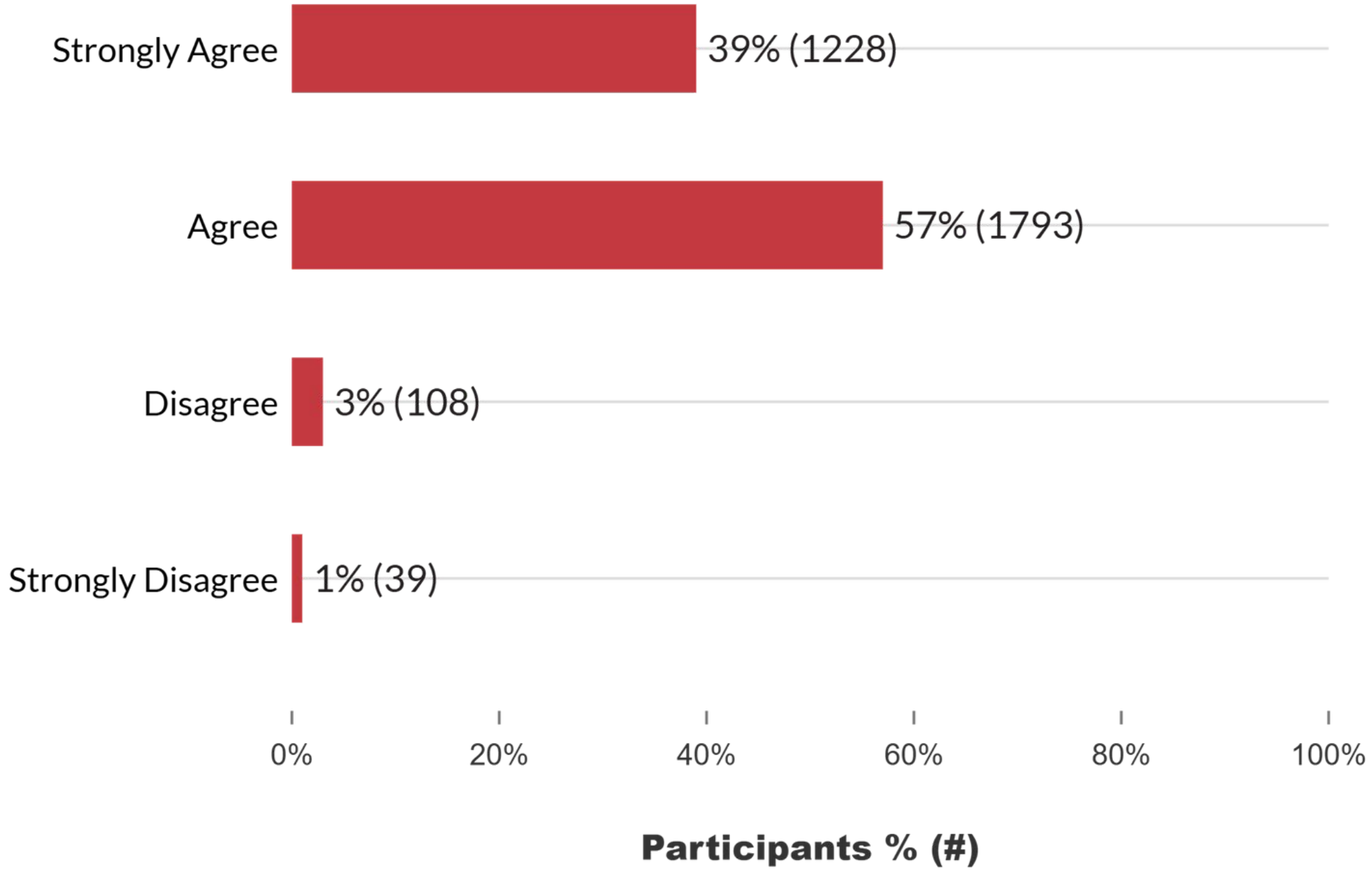
MY TEACHER SHOWS ME RESPECT



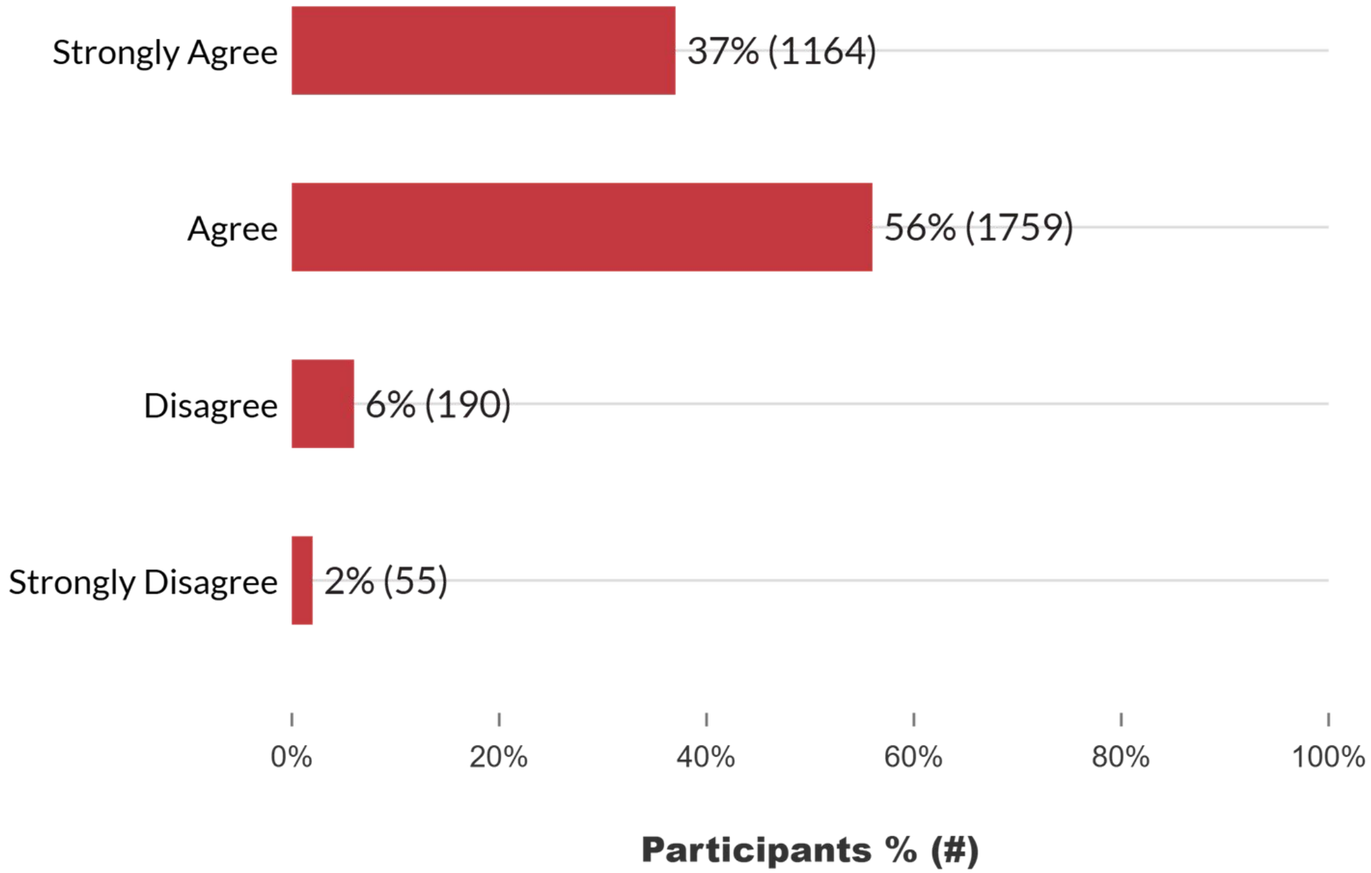
I FEEL SAFE AND NOT SCARED WHEN I AM AT SCHOOL



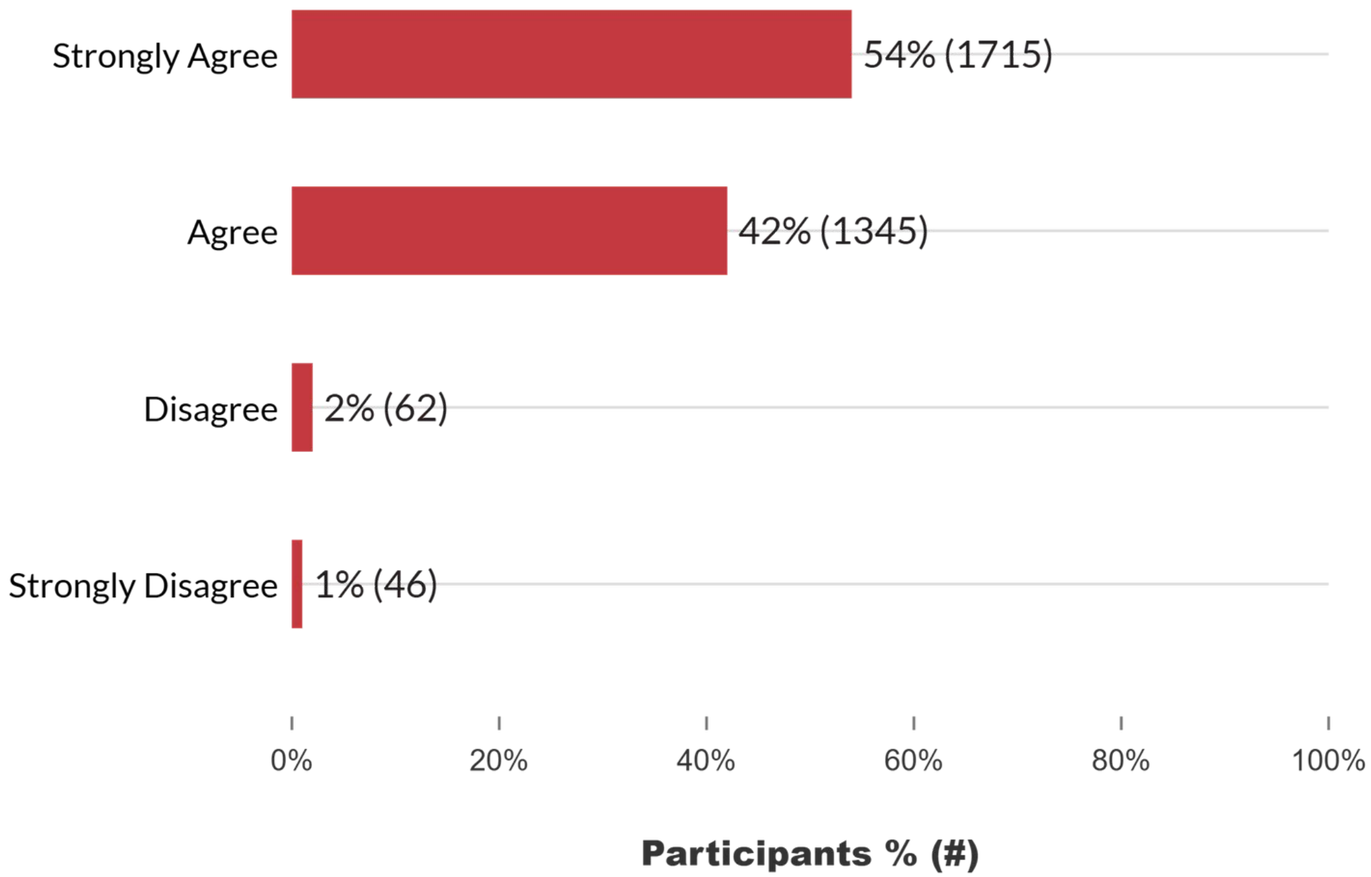
I UNDERSTAND WHAT I NEED TO DO TO LEARN AND MAKE PROGRESS



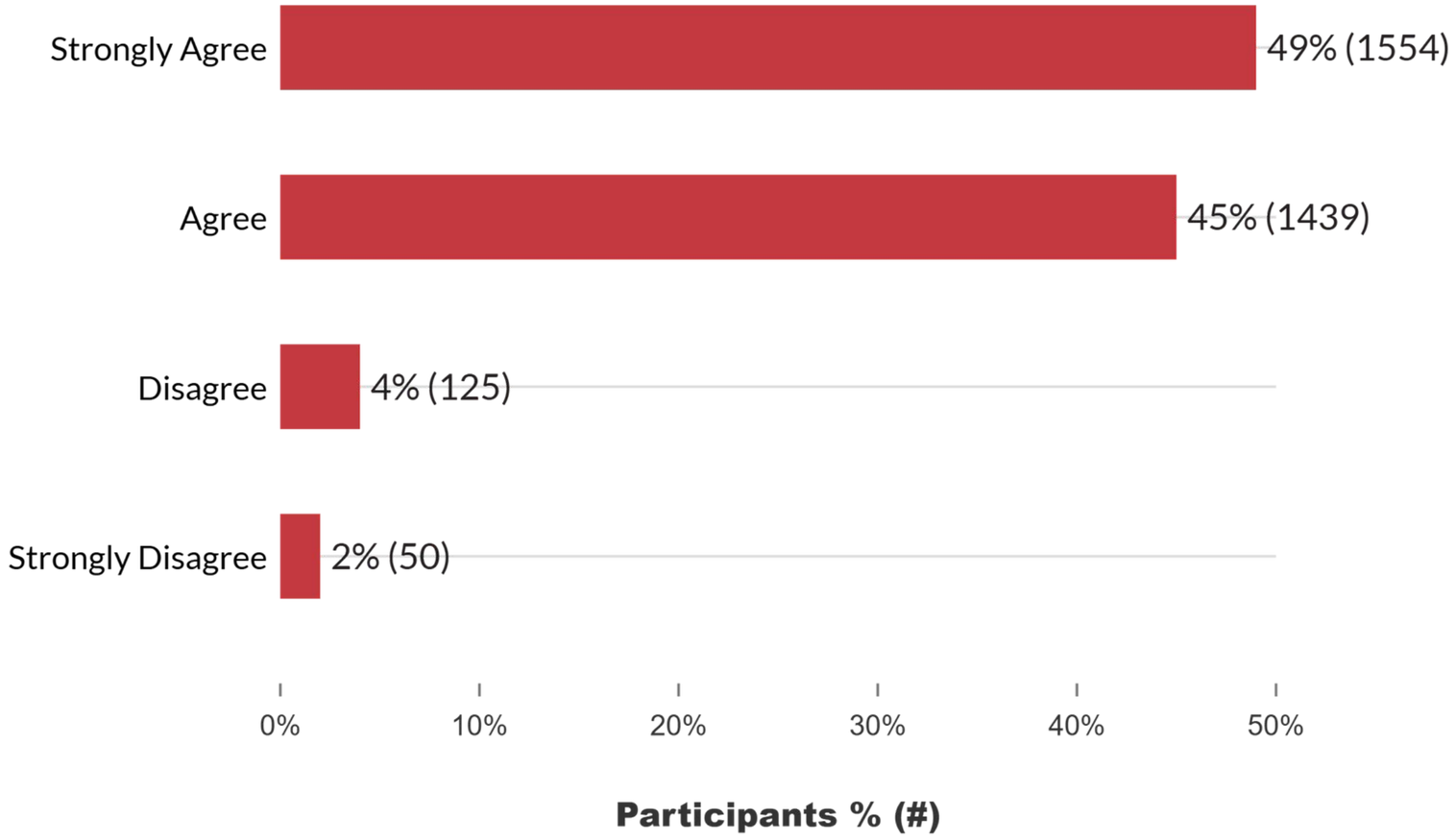
THE ATMOSPHERE AT MY SCHOOL SUPPORTS STUDENT LEARNING



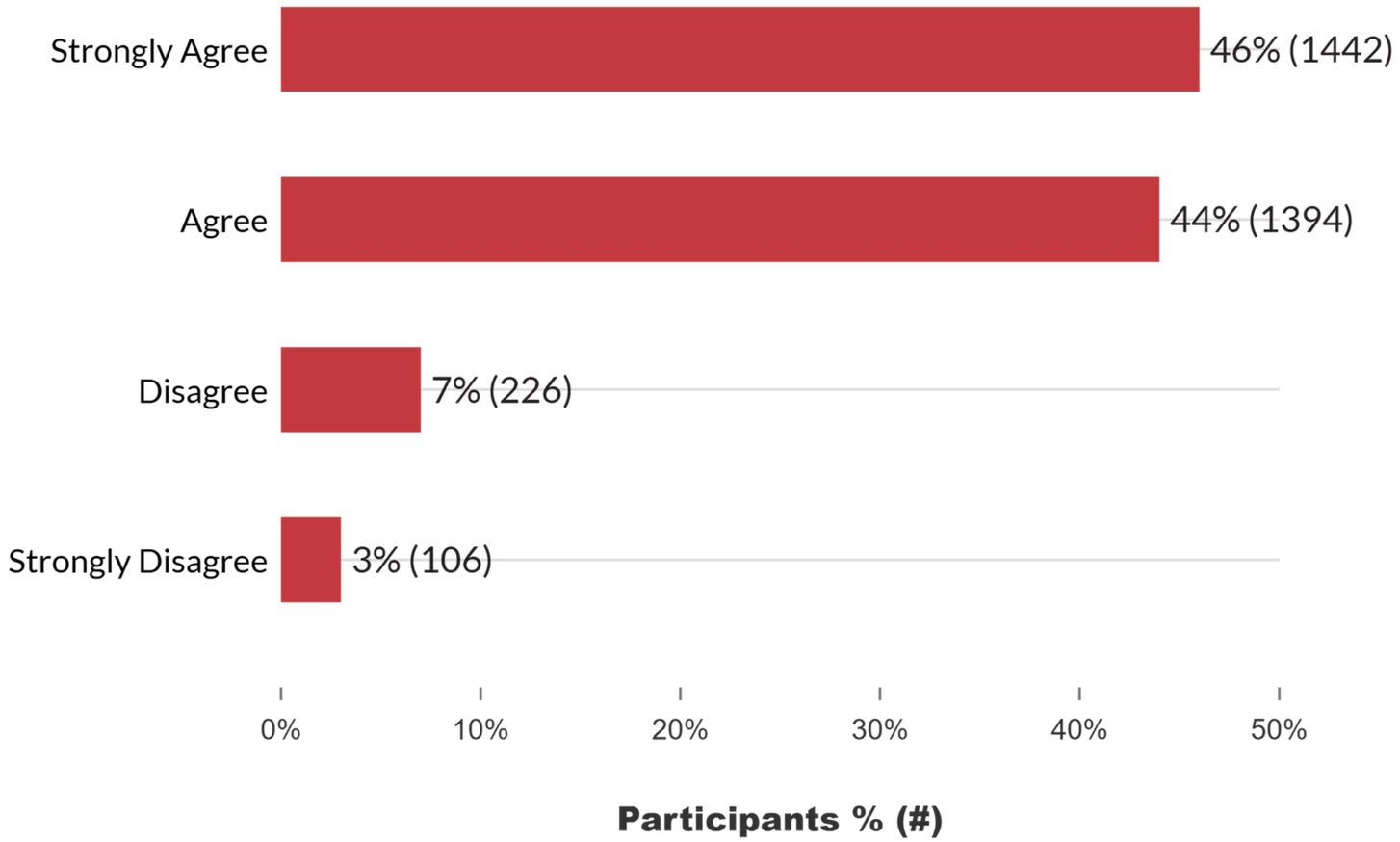
I KNOW THE RULES AT MY SCHOOL



MY SCHOOL TEACHES ME TO RESPECT PEOPLE WHO ARE DIFFERENT FROM ME



THERE IS AN ADULT I CAN GO TO WHEN I AM WORRIED OR SCARED



Scholars: Summary and Areas to Investigate

Most respondents feel positively about their education experience in the schools surveyed, with the majority indicating satisfaction across various aspects.

Areas to Investigate

- **Student Respect Dynamics**: With 30% of students lacking confidence in respect among peers, additional investigation into student relations and bullying could be beneficial.
- **Facilities and Recreational Time**: The desire for longer recess and gym times, as well as mentions of bathroom conditions, point towards potential improvements in school facilities and schedules.





Next Steps

1. **Analyze Stakeholder Feedback:** We will closely review the feedback provided by staff, parents, and scholars to better understand their experiences as they relate to our district's core priorities: ambitious instruction, effective leaders, collaborative teachers, supportive environments, and engaged families.

2. **Share Results and Planned Actions:** We will share the survey results, key insights, and our proposed actions with various stakeholder groups, including but not limited to Superintendent Advisory Councils, school teams, and community partners, to ensure transparency and shared understanding.

3. **Align Improvement Efforts with the RIMSD 41 Strategic Plan:** Based on the survey findings, we will refine and align our districtwide actions with the goals and strategies outlined in our Strategic Plan. These efforts will guide our work throughout the school year as we strive to improve experiences and outcomes for every student and staff member.


BOARD OF EDUCATION
ROCK ISLAND MILAN

Sharon Williams, Ed.D.
Superintendent of Schools

To: RIMSD 41 Board of Education
From: Dr. Sharon Williams
Date: December 9, 2025
Re: PRESS Policy First Reading - Issue 120

The Board of Education reviews policies in two readings: the first to discuss the policies and make changes as necessary, and the second to finalize any changes and adopt new policies. The following policies are presented for the Board's first reading. The policies have been modified due to changes in the law, legal references, and a review to ensure policies are up to date. The PRESS documentation is attached for this agenda item.

Policy	Revision Description
2:20-E, Waiver and Modification Request Resource Guide	The exhibit is updated in response to 105 ILCS 5/27-710 and 5/27-815, both renumbered by P.A. 104-391, and for continuous improvement.
2:120, Board Member Development	The policy and footnotes are updated for continuous improvement. The footnotes are also updated in response to 105 ILCS 5/24-16.5, amended by P.A. 104-20, making student growth an optional, rather than required, component of teacher evaluations.
2:150, Committees	The policy and footnotes are updated in response to 105 ILCS 5/10-20.14, amended by P.A. 104-430, requiring the parent-teacher advisory committee's guidelines for reciprocal reporting to address both civil and criminal offenses committed by students. The footnotes are also updated for continuous improvement.

Sharon Williams, Ed.D.
Superintendent of Schools

Policy	Revision Description
2:150-AP, Superintendent Committees	The procedure is updated in response to 105 ILCS 5/24A-4, amended by P.A. 104-20, making student growth an optional, rather than required, component of teacher evaluations.
2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records	The exhibit is updated in response to: 1. 105 ILCS 5/10-20.44, amended by P.A. 104-261, eff. 1-1-26, requiring that each year, in conjunction with the publication of the statement of affairs on a district's website and in a newspaper of general circulation, before Dec. 1, a district shall include an annual report on all contracts over $25,000 awarded during the previous fiscal year; 2. 105 ILCS 5/10-20.81, amended by P.A. 104-264, eff. 1-1-26, requiring districts to insert the same contact information for suicide prevention helplines required for student ID cards on employee ID cards for employees serving any of grades 6 through 12; 3. 105 ILCS 5/10-19.05(k), amended by P.A. 104-250, eff. 1-1-26, requiring up- dates to activities qualified for attendance under policy 7:70, *Attendance and Truancy*; 4. 105 ILCS 5/14-8.02i, amended by P.A. 104-314, eff. 1-1-26, requiring that in- formational materials (provided by ISBE) about the Ill. Achieving a Better Life Experience (ABLE) account program established under the State Treasurer Act be posted on a district's website beginning with the 2026-2027 school year; 5. P.A. 104-391, renumbering multiple provisions in 105 ILCS 5/27; and 6. Continuous improvement.
2:270, Discrimination and Harassment on the Basis of Race, Color, and	The policy, Legal References, and footnotes are updated. The policy is updated for continuous improvement. The Legal References and footnotes are updated in response to P.A.

Policy	Revision Description
National Origin Prohibited	103-605, finalizing the citation to the *Racism Free Schools Law,* 105 ILCS 5/22-95. The footnotes are also updated in response to the Ill. Dept. of Human Rights (IDHR) Racism Free Schools model training program, available at: https://dhr.illinois.gov/training/racism-free-schools, and for continuous improvement.
2:270-AP, Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin	The procedure is updated for the reasons stated in 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*, above.
3:10, Goals and Objectives	The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/24A-15, amended by P.A. 104-20, making student growth an optional, rather than required, component of principal evaluations.
3:50, Administrative Personnel Other Than the Superintendent	The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/24A-15, amended by P.A. 104-20, making student growth an optional, rather than required, component of principal and assistance principal evaluations, and for continuous improvement.
3:60, Administrative Responsibility of the Building Principal	The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174, requiring a principal or designee to immediately notify local law enforcement upon receiving a report of a threat of gun violence on school grounds and the

Policy	Revision Description
	parent/guardian if the threat is from a student, and for continuous improvement.
3:60-E, Event Reporting and Notice Requirements for Building Principals Concerning School Safety and Security	The exhibit has been updated in response to: 1. Firearm Owners Identification Card Act (FOID Act), 430 ILCS 65/1.1, amended by P.A. 104-270, adding *advanced practice psychiatric nurse* to the list of per- sons able to determine that someone poses a *clear and present danger*; 2. FOID Act, 430 ILCS 65/8.1(d), amended by P.A. 104-5, permitting the Ill. State Police (ISP) to suspend a person's FOID card; 3. Abused and Neglected Child Reporting Act (ANCRA), 325 ILCS 5/4.5, amended by P.A. 104-245, eff. 1-1-26, changing the term *child pornography* to *child sexual abuse material*; 4. 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174, requiring a principal or designee to immediately notify local law enforcement upon receiving a report of a threat of gun violence on school grounds and the parent/guardian if the threat is from a student; 5. 105 ILCS 5/10-20.14, amended by P.A. 104-430, requiring the parent-teacher advisory committee's guidelines for reciprocal reporting to address both civil and criminal offenses committed by students; and 6. Continuous improvement.
4:10, Fiscal and Business Management	The policy and footnotes are updated in response to 105 ILCS 5/10-17, amended by P.A. 104-261, eff. 1-1-26, requiring a district to post on its website its statement of affairs by Dec. 1 each year, and making certain changes to

Policy	Revision Description
	the contents of the statement of affairs. The footnotes are also updated for continuous improvement.
4:30, Revenue and Investments	The policy and footnotes are updated in response to the Public Funds Investment Act, 30 ILCS 235/8, amended by P.A. 104-92, eff. 1-1-26, addressing deposit requirements for financial institutions subject to the Ill. Community Reinvestment Act. Continuous improvement updates are also made to the footnotes.
4:60-AP2, Third Party Non- Instructional Contracts	The procedure is updated in response to 105 ILCS 5/10-22.34c(b), amended by P.A. 104-393, requiring a district to meet certain conditions before it can enter into or renew an emergency contract for non-instructional services currently performed by any employee or bargaining unit member, and for continuous improvement.
4:60-AP2, E, Checklist for Third Party Non-Instructional Emergency Contracts	**NEW.** The procedure is created for the reason stated in 4:60-AP2, *Third Party Non-Instructional Contracts*, above.
4:70-AP, Resource Conservation	The procedure is updated in response to 105 ILCS 5/10-20.19c, amended by P.A. 104-391, eliminating the mandate that paper purchased for publishing student newspapers be recycled newsprint.
4:80, Accounting and Audits	The policy, Legal References, and footnotes are updated. The policy and footnotes are updated in response to 105 ILCS 5/3-7, amended by P.A. 104-261, eff. 1-1-26, requiring school districts to submit copies of their Annual Financial

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	Report (AFR) and audits to their regional superintendent of schools by Oct. 15 each year, and further requiring district audit firms to annually file district AFRs and audits with ISBE by Oct. 15, and for continuous improvement. The footnotes are also updated in response to 105 ILCS 5/3-15.1, amended by P.A. 104-261, eff. 1-1-26, removing the requirement for regional superintendents to annually file district AFRs with ISBE by Nov. 15. The Legal References are updated with a minor style change.
4:110, Transportation	The policy is unchanged. The footnotes are updated in response to: 1. Ill. Vehicle Code (IVC), 625 ILCS 5/12-826(a), added by P.A. 104-75, requiring that beginning 7-1-31, newly purchased school buses be equipped with seat safety belts that meet State and federal standards, but districts will not have to require their use; 2. IVC, 625 ILCS 5/11-1414.1, amended by P.A.s 104-256, eff. 7-1-26, and 104-367, eff. 1-1-26, allowing for the use of a multifunction school activity bus for curriculum-related or career-related activities subject to certain conditions; and 3. Continuous improvement.
4:110-AP3, School Bus Safety Rules	The procedure is updated in response to: 1. 105 ILCS 5/10-20.14, amended by P.A. 103-896, requiring ISBE to issue guid- ance on school bus safety; 2. ISBE's *School Bus Safety Guidance* (July 2025); 3. IVC, 625 ILCS 5/12-826(b), added by P.A. 104-75, indicating that instructions on seat belt use are not required by law; and 4. Continuous improvement.

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4:140, Waiver of Student Fees	The Legal References and footnotes are updated in response to: 1. 105 ILCS 5/27-815, renumbered by P.A. 104-391; 2. 105 ILCS 5/10-20.13, amended by P.A. 104-391, requiring districts to waive fees for textbooks and instructional materials when a student's parents/guardians are unable to afford them, and prohibiting any discrimination, punishment, or penalty of a student for an unpaid balance or because parents/guardians cannot pay fees or fines for lost school property, replacing in part 105 ILCS 5/28-19.2, repealed by P.A. 104-391; and 3. Continuous improvement.
4:140-AP, Fines, Fees and Charges – Waiver of Student Fees	The procedure is updated in response to 105 ILCS 5/10-20.13(d), added by P.A. 104-391, prohibiting any discrimination, punishment, or penalty of a student for an unpaid balance or because parents/guardians cannot pay fees or fines for lost school property.
4:150, Facility Management and Building Programs	The policy is unchanged. The footnotes are updated in response to: 1. 23 Ill.Admin.Code §180.60, amended by 49 Ill.Reg. 1774, updating the building code and sub codes versions that apply to design contracts signed on or after 1-1-25; 2. 105 ILCS 5/10-22.36(f), renumbered by P.A. 104-417, finalizing the citation to the provision addressing building referenda; and 3. Continuous improvement.

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4:160, Environmental Quality of Buildings and Grounds	The policy is unchanged. The footnotes are updated in response to: 1. 105 ILCS 5/2-3.205, renumbered by P.A. 104-417, finalizing the citation to the provision addressing indoor air quality resources for schools; 2. ISBE's *Compiled Resources on Indoor Air Quality* (April 2025); and 3. Continuous improvement.
4:170, Safety	The policy is unchanged. The footnotes are updated in response to: 1. 105 ILCS 128/22, added by P.A. 104-198, requiring districts to provide substitute personnel with training and supports on evacuation and lockdown drills; 2. 105 ILCS 128/25, amended by P.A. 104-344, eff. 1-1-26, requiring annual re- view of the district's hazardous substance release procedures; 3. 40 C.F.R. §141.92(c), amended by 89 Fed. Reg. 86659, requiring community water systems to annually contact area schools no later than 11-1-27 to provide information about health risks from lead in water; and health risks from lead in water; and 4. Continuous improvement.
4:170-AP1, Comprehensive Safety and Security Plan	The procedure is updated in response to: 1. The renaming of 7:150, *Agency and <u>Law Enforcement Requests</u> Police ~~Interviews~~*; 2. 105 ILCS 5/10-20.68, amended by P.A. 104-430, requiring that beginning 7-1- 26, districts that use a school resource officer have a memorandum of under-standing with a local law enforcement agency;

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	3. 105 ILCS 128/22, added by P.A. 104-198, requiring districts to provide substitute personnel with training and supports on evacuation and lockdown drills; 4. 105 ILCS 128/, amended by P.A. 104-344, eff. 1-1-26, requiring districts to develop procedures by 7-1-27 to address the release or explosion of hazardous substances based on State guidance (to be released by 1-1-27) and to annually review those procedures; 5. 105 ILCS 5/22-115, renumbered by P.A. 104-391; 6. 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174, requiring a principal or designee to immediately notify local law enforcement upon receiving a report of a threat of gun violence on school grounds and notify the parent/guardian if the threat is from a student; and 7. Continuous improvement.
4:170-AP2, E3, Letter to Parents/Guardians About Disruptive Social Media Apps; Dangers	The exhibit is updated in response to ANCRA, 325 ILCS 5/4.5, amended by P.A. 104-245, eff. 1-1-26, changing the term *child pornography* to *child sexual abuse material*, and for continuous improvement.
4:175-AP1, Criminal Offender Notification Laws; Screening	The procedure is updated due to the renaming of 7:190-AP3, *Guidelines for Reciprocal Reporting of ~~Criminal~~ Offenses Committed by Students*.
4:190, Targeted School Violence Prevention Program	The Legal References, Cross References, and footnotes are updated. The Legal References are updated in response to 105 ILCS 5/22-110, renumbered by P.A. 104-391. The footnotes are updated in response to 105 ILCS 128/45, amended by P.A. 104-407, requiring ISBE to provide districts with threat assessment guidance. The Cross

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	References are updated due to the renaming of 7:150, *Agency and* *Law Enforcement Requests* ~~*Police Interviews*~~.
4:190-AP1, Targeted School Violence Prevention Program	The procedure is updated in response to 105 ILCS 128/45, amended by P.A. 104-407, requiring ISBE to provide districts with threat assessment guidance, and the renaming of 7:150, *Agency and* *Law Enforcement Requests* ~~*Police Interviews*~~.
4:190-AP2, Threat Assessment Team (TAT)	The procedure is updated in response to: 1. 105 ILCS 128/45, amended by P.A. 104-407, requiring ISBE to provide districts with threat assessment guidance; 2. 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174, requiring parent/guardian notification when a student allegedly threatens firearm violence; and 3. Continuous improvement.
5:10, Equal Employment Opportunity and Minority Recruitment	The policy, Legal References, and footnotes are updated in response to the Victims' Economic Security and Safety Act, 820 ILCS 180/33, added by P.A. 104- 171, eff. 1-1-26, prohibiting workplace discrimination and retaliation based on an employee's use of employer-issued equipment to record domestic violence, sexual violence, gender violence, or any other crime of violence committed against the employee or a family or household member of the employee. The footnotes are also updated in response to the Workplace Transparency Act (WTA), 820 ILCS 96/1-25, amended by P.A. 104-320, eff. 1-1-26, prohibiting employers from preventing employees from engaging in concerted union activities to address

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	work-related issues as a condition of employment, and for continuous improvement.
5:10-AP, Workplace Accommodations for Nursing Mothers	The procedure is updated in response to the Nursing Mothers in Workplace Act (NMWA), 820 ILCS 260/10, amended by P.A. 104-76, eff. 1-1-26, requiring that an employee be compensated during a break to express breast milk.
5:20, Workplace Harassment Prohibited	The policy is unchanged. The footnotes are updated in response to the WTA, 820 ILCS 96/1-30, amended by P.A. 104-320, eff. 1-1-26, updating specific conditions for when employers may use confidentiality clauses in settlement or termination agreements involving alleged unlawful employment practices under federal or State civil rights laws, and for continuous improvement.
5:90, Abused and Neglected Child Reporting	The policy, Cross References, and footnotes are updated in response to ANCRA, 325 ILCS 5/4.5, amended by P.A. 104-245, eff. 1-1-26, changing the term *child pornography* to *child sexual abuse material*, and to clarify the definition of *electronic and information technology equipment* from 325 ILCS 5/4.5(a). The footnotes are also updated in response to: 1. Dept. of Human Services Act, 20 ILCS 1305/1-17(b), amended by P.A. 103-752, expanding the authority of the Office of the Inspector General's investigations related to abuse allegations; 2. Criminal Code of 2012 (Criminal Code), 720 ILCS 5/11-25, amended by P.A. 104-320, eff. 1-1-26, specifying that *grooming* is perpetrated by someone five years or more older than a child, or holding a position of trust, authority or supervision in relation to the child at the time of the offense, and for continuous improvement.

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	3. 105 ILCS 21B-85, amended by P.A. 103-51, deleting references to the death penalty. The Cross References are updated due to the renaming of 7:150, *Agency and Law Enforcement Requests* ~~*Police Interviews*~~.
5:100, Staff Development Program	The policy and footnotes are updated in response to: 1. 105 ILCS 5/27-240, added by P.A. 104-391, replacing the citation to 105 ILCS 110/3.10, repealed by P.A. 104-391; and 2. 105 ILCS 5/27-115, renumbered by P.A. 104-391. The footnotes are also updated in response to: 1. 105 ILCS 5/27-105, renumbered by P.A. 104-391; 2. IDHR's *Frequently Asked Questions (FAQs) about Racism-Free Schools Training*; and 3. Continuous improvement.
5:120, Employee Ethics; Code of Professional Conduct; and Conflict of Interest	The policy is unchanged. The footnotes are updated in response to Criminal Code, 720 ILCS 5/11-25, amended by P.A. 104-245, eff. 1-1-26, specifying that *grooming* is perpetrated by someone five years or more older than a child, or holding a position of trust, authority or supervision in relation to the child at the time of the offense, and for continuous improvement.
5:120-AP2, Employee Conduct Standards	The procedure is updated in response to: 1. Criminal Code, 720 ILCS 5/11-25, amended by P.A. 104-245, eff. 1-1-26, specifying that *grooming* is perpetrated by someone five years or more older than a child, or holding a position of trust, authority or supervision in relation to the child at the time of the offense; and

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	2. 105 ILCS 5/27-255, added by P.A. 104-391, requiring drug and substance abuse prevention education that was previously addressed in 105 ILCS 5/27-13.2, now repealed; and 3. Continuous improvement.
5:185, Family and Medical Leave	The policy is unchanged. The footnotes are updated in response to: 1. Military Leave Act, 820 ILCS 151/12, added by P.A. 104-78, requiring a covered employer to provide paid leave for an employee to participate in a funeral honors detail for up to 8 hours per month for a maximum of 40 hours per calendar year, or more if authorized by the employer or a collective bargaining agreement; 2. U.S. Department of Labor Wage and Hour opinion letter 2023-1-A, clarifying when an employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with federal rules; and 3. Continuous improvement.
5:190, Teacher Qualifications	The policy is unchanged. The Legal References and footnotes are updated in response to 105 ILCS 5/21B-120, added by P.A. 104-111, eff. 1-1-26, establishing a short-term approval credential for teachers in accordance with rules developed by ISBE, and for continuous improvement.
5:200, Terms and Conditions of Employment and Dismissal	The policy and footnotes are updated in response to NMWA, 820 ILCS 260/10, amended by P.A. 104-76, eff. 1-1-26, requiring that an employee be compensated during a break to express breast milk. The footnotes are also updated for continuous improvement.

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5:220, Substitute Teachers	The Legal References and footnotes are updated. The Legal References are updated in response to 105 ILCS 128/22, added by P.A. 104-198, eff. 1-1- 26, requiring districts to provide all substitute personnel with: (1) training on school evacuation drills and law enforcement lockdown drills, and (2) support that includes, at a minimum, the information packet given to employees with district-approved materials outlining evacuation and lockdown procedures. Maps indicating all school exits must also be prominently displayed in every classroom. The footnotes are updated in response to 105 ILCS 5/21B-20(2) (E), amended by P.A. 103-617, allowing an individual who holds a valid career and technical educator endorsement on an Educator License with Stipulations but who does not hold a bachelor's degree to substitute teach in career and technical education classrooms, and for continuous improvement.
5:220-AP, Substitute Teachers	The procedure is updated for the reasons stated in 5:220, *Substitute Teachers*, above.
5:280, Duties and Qualifications	The policy and footnotes are updated for continuous improvement. The footnotes are also updated in response to IVC, 625 ILCS 5/6-106.1, amended by P.A. 104-256, eff. 7-1-26, updating the requirements for school bus driver permits issued by the Ill. Secretary of State.
5:300, Schedules and Employment Year	The policy and footnotes are updated for the reason stated in 5:200, *Terms and Conditions of Employment and Dismissal*, above.

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6:20, School Year Calendar and Day	The policy, Legal References, and footnotes are updated in response to: 1. 105 ILCS 5/24-2(c), amended by P.A. 104-391, making commemorative holidays optional to observe and moving the last Friday in April (Arbor and Bird Day), October 9 (Leif Erikson Day), and the day immediately after Thanksgiving (Native American Heritage Day) to commemorative holidays; 2. 105 ILCS 5/27-20, repealed by P.A. 104-391, removing American Indian Day. 3. 105 ILCS 5/27-1025, renumbered by P.A. 104-391; 4. 105 ILCS 5/27-20.2, repealed by P.A. 104-391, removing Just Say No Day; 5. 105 ILCS 5/27-510, added by P.A. 104-391, and replacing in part 105 ILCS 5/27- 3, repealed by P.A. 104-391, continuing to require the Pledge of Allegiance to be recited every day in elementary and secondary schools; 6. 105 ILCS 5/10-19.05, amended by P.A. 104-250, eff. 1-1-26, adding to the activities allowed to be counted toward the calculation of clock hours of school work; 7. 105 ILCS 5/2-3.206, added by P.A. 104-115, requiring by July 1 each year, ISBE must prominently post on its website and distribute to each school district a non-exhaustive list of days and dates of cultural, religious, or other observances for, at a minimum, the school year that begins in the next calendar year; and 8. Continuous improvement.
6:40, Curriculum Development	The policy, Legal References, Cross References, and footnotes are updated for continuous improvement. Footnote 1 is also updated in response to Mahmoud v. Taylor, 145 S. Ct. 2332 (2025), holding that classroom instruction will burden parents' religious free exercise rights

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	if it requires their children to submit to instruction "that poses 'a very real threat of undermining' the religious beliefs and practices that the parents wish to instill."
6:60, Curriculum Content	The policy, Legal References and footnotes are updated in response to: 1. P.A. 104-391, renumbering, reorganizing, and repealing citations throughout 105 ILCS 5/27 (substantive changes detailed below); 2. 105 ILCS 5/27-215, added by P.A. 104-391 and replacing, in part, the Comprehensive Health Education Program, 105 ILCS 110/3, repealed by P.A. 104-391; 3. 105 ILCS 5/27-510, added by P.A. 104-391 and replacing in part 105 ILCS 5/27- 3 and 5/27-3.10, both repealed by P.A. 104-391, requiring instruction on patriotism, principles of representative government, and elementary civics education to be provided as part of civics education for students in grades 6, 7, or 8, and requiring instruction on the method of voting at elections by means of the Australian ballot system be included in civics education in grades 6-8 (formerly grades were not specified for this topic and the method of counting votes for candidates is no longer a required topic); 4. 105 ILCS 5/27-605, amended by P.A. 104-387, and renumbered by P.A. 104- 391, allowing students to choose one year of ~~vocational~~ career and technical education to meet high school graduation requirements; 5. 105 ILCS 5/27-255, added by P.A. 104-391, requiring specific drug abuse prevention education in grades K-4, 5-12, and 6-12. This new section replaces, in part, 105 ILCS 5/27-13.2 and the Comprehensive Health Education Program, 105 ILCS 110/3, both repealed by P.A. 104-391;

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	6. 105 ILCS 5/27-405(b), added by P.A. 104-391, requiring age- and developmentally appropriate online safety instruction for grades 3-8 beginning in the 2027- 2028 school year; 7. 105 ILCS 5/27-12, repealed by P.A. 104-391, eliminating the requirement that character education be taught; 8. 105 ILCS 5/27-105, added by P.A. 104-391, replacing the provision on the dangers of abduction formerly at 105 ILCS 5/27-13.2, repealed by P.A. 104-391, and no longer specifying that such education be provided annually in grades K-8; 9. 105 ILCS 5/27-250, added by P.A. 104-391, requiring students in grades 9-12 receive training on CPR and use of an AED (grades not previously specified for CPR training); 10. 105 ILCS 5/27-405, added by P.A. 104-391, requiring media literacy and Internet safety instruction in grades 9-12 beginning in the 2027-2028 school year (consolidating and amending media literacy and internet safety instruction under 105 ILCS 5/27-410 and 415, both renumbered by P.A. 104-391 and scheduled for repeal on 7-1-27); 11. 105 ILCS 5/27-3.5, repealed by P.A. 104-391, removing the requirement to show students a Congressional Medal of Honor film in grade 7 and high school history courses. The footnotes are also updated in response to: 1. 105 ILCS 5/2-3.206, added by P.A. 104-399, eff. 1-1-26, encouraging districts to collect K-8 teaching resources to support American Sign Language programs; 2. 105 ILCS 5/14D, added by P.A. 104-266, eff. 1-1-26, requiring ISBE to: (1) pro- vide guidance to districts on dual language education programs, (2) integrate dual language education into the Equity Journey Continuum,

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	and (3) establish recognition pathways for bi-literacy in certain grades before high school; 3. 105 ILCS 5/27-515, amended and renumbered by P.A. 104-391, requiring not less than one hour of each school week, or an amount of time equal to one hour per school week through the school year, to be spent on the study of patriotism, principles of representative government, and elementary civics education in grades 7-8; 4. 105 ILCS 5/27-1020, amended and renumbered by P.A. 104-391, removing the 16-hour instruction requirement for safety education, if offered by a board; 5. ISBE's *Native American and Indigenous Peoples Resource Guide* (March 2025), assisting districts with implementation of instruction on Native American history; 6. 105 ILCS 5/27-1030, renumbered by P.A. 104-391, allowing districts to include a unit of instruction on the Irish Famine (see Footnote 48 for a new option to list such instruction if a board offers it); and 7. Continuous improvement.
6:60-AP1, Comprehensive Health Education Program	The procedure is updated in response to: 1. P.A. 104-391, renumbering, reorganizing, and repealing citations throughout 105 ILCS 5/27 (substantive changes detailed below); 2. The Critical Health Problems and Comprehensive Health Education Act, 105 ILCS 5/27-205 through 5/27-230, added by P.A. 104-391, replacing, in part, 105 ILCS 110/, repealed by P.A. 104-391; 3. 105 ILCS 5/27-215, added by P.A. 104-391, replacing, in part, the Comprehensive Health Education Program, 105 ILCS 110/3, repealed by P.A. 104-391, and requiring districts to provide consent education that aligns with the definition of *consent* in 105 ILCS 5/215(a);

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	4. 105 ILCS 5/27-255, added by P.A. 104-391, requiring specific drug abuse prevention education in grades K-4, 5-12, and 6-12. This new section replaces, in part, 105 ILCS 5/27-13.2 and the Comprehensive Health Education Program, 105 ILCS 110/3, both repealed by P.A. 104-391; 5. 105 ILCS 5/27-1020, amended and renumbered by P.A. 104-391, removing the 16-hour instruction requirement for safety education, if offered by a board; 6. 105 ILCS 5/27-250, added by P.A. 104-391, requiring students in grades 9-12 receive training on CPR and use of an AED (grades not previously specified for CPR training); 7. 105 ILCS 5/27-105, added by P.A. 104-391, replacing the provision on the dangers of abduction formerly at 105 ILCS 5.27-13.2, repealed by P.A. 104-391, and no longer specifying that such education be provided annually in grades K-8; 8. 105 ILCS 5/27-13.2, repealed by P.A. 104-391, removing the requirement that districts provide parents/guardians of students in grades K-8 with prior written notice of sexual abuse prevention instruction and excuse students from such instruction upon written objection of the parent/guardian; and 9. Continuous improvement.
6:60-AP1, E1, ~~Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education;~~ Requests to Examine Materials~~:~~ ~~Written Objection(s)~~ and~~/or~~ Statutory Opt-outs	**RENAMED.** The exhibit is updated in response to: 1. 105 ILCS 5/27-1015, renumbered by P.A. 104-391; 2. 105 ILCS 5/27-215, added by P.A. 104-391, replacing, in part, the Comprehensive Health Education Program, 105 ILCS 110/3, repealed by P.A. 104-391; 3. 105 ILCS 5/27-13.2, repealed by P.A. 104-391, removing the requirement that districts provide parents/guardians of students in grades K-8 with prior written notice of sexual

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	abuse prevention instruction and excuse students from such instruction upon written objection of the parent/guardian; 4. 105 ILCS 5/27-250, added by P.A. 104-391, permitting parent/guardian opt-out from instruction on CPR and use of an AED; 5. 105 ILCS 5/27-1045, renumbered by P.A. 104-391; and 6. Continuous improvement.
6:60-AP2, Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))	The procedure is updated in response to 105 ILCS 5/27-1015, renumbered by P.A. 104-391, and 105 ILCS 5/27-13.2, repealed by P.A. 104-391, removing the requirement that districts provide parents/guardians of students in grades K-8 with prior written notice of sexual abuse prevention instruction and excuse students from such instruction upon written objection of the parent/guardian.
6:60-AP3, Developmentally Appropriate Consent Education	The procedure is updated in response to 105 ILCS 5/27-1010, amended and renumbered by P.A. 104-391.
6:130, Program for the Gifted	The policy, Legal References, and footnotes are updated. The policy and Legal References are updated in response to 105 ILCS 5/14A, amended by P.A. 104-129, eff. 1-1-26, removing references to State funding for gifted programs and related requirements. The footnotes are also updated for continuous improvement.
6:135, Accelerated Placement Program	The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/14A-32, amended by P.A. 104-261, eff. 1-1-26, providing that for the 2023-2024 through the 2026-2027 school year, a district's accelerated placement policy must

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	allow a student who ~~meets or~~ exceeds State standards in English language arts, mathematics, or science to automatically enroll into the next most rigorous level of advance coursework offered by the high school, and for continuous improvement.
6:135-AP, Accelerated Placement Program Procedures	The procedure is updated for the reasons stated in 6:135, *Accelerated Placement Program*, above.
6:140, Education of Homeless Children	The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/2-3.06, added by P.A. 104-302, requiring districts to annually report to ISBE on funding and how it is spent for homeless children and youth.
6:160, English Learners	The policy and footnotes are updated for continuous improvement. The footnotes are also updated in response to 105 ILCS 5/14C-3, amended by P.A. 104-261, eff. 1-1-26, addressing requirements for transitional bilingual education.
6:210, Instructional Materials	The policy is unchanged. The footnotes are updated for the reasons stated in 6:40, *Curriculum Development*, above. Additionally, an option is added to footnote 5 for boards that only wish to approve primary instructional materials, rather than all instructional materials.
6:220, Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct	The policy, Legal References, Cross References, and footnotes are updated for continuous improvement. The footnotes are also updated in response to:

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	1. 105 ILCS 5/27-410, renumbered by P.A. 104-391, and scheduled to be repealed on 7-1-27, and 105 ILCS 5/27-405, added by P.A. 104-391, addressing media literacy and internet safety instruction; 2. 105 ILCS 5/10-20.13, amended by P.A. 104-391, requiring districts to waive fees for textbooks and instructional materials when a student's parents/guardians are unable to afford them; and 3. Continuous improvement.
6:235, Access to Electronic Networks	The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/2-3.118a, added by P.A. 104-399, eff. 1-1-26, requiring ISBE to develop guidance on the use of artificial intelligence in K-12 education by 7-1-26, and for continuous improvement.
6:240, Field Trips	The policy is unchanged. The footnotes are updated in response to: 1. 105 ILCS 5/29-6.3, amended by P.A. 104-367, eff. 1-1-26, allowing districts to transport students in multifunction school activity buses (MFSABs) for school sponsored activities; 2. IVC, 625 ILCS 5/11-1414.1, amended by P.A.s 104-256, eff. 7-1-26, and 104-367, eff. 1-1-26, allowing for the use of an MFSAB for curriculum-related or career-related activities subject to certain conditions; and 3. Continuous improvement.
6:260, Complaints About Curriculum, Instructional Materials, and Programs	The Legal References and footnotes are updated for the reasons stated in 6:40, *Curriculum Development*, above, above.

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6:260-AP, Responding to Complaints About Curriculum, Instructional Materials, and Programs	The procedure is updated for the reasons stated in 6:40, *Curriculum Development*, above.
6:270, Guidance and Counseling Program	The policy language is unchanged. The footnotes are updated in response to: 1. 105 ILCS 5/10-22.24b, amended by P.A. 104-353, requiring school counseling services for students regardless of their immigration status; 2. 105 ILCS 5/10-20.5a, amended by P.A. 104-15, requiring schools to make student directory information and student direct admission information available to the Illinois Student Assistance Commission for the Public University Direct Admissions program for those parents/guardians or students who opt-in to the program; and 3. Continuous improvement.
6:280, Grading and Promotion	The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/10-20.9a, amended by P.A. 104-391, deleting the now-expired provision that prohibited withholding a student's grades, transcripts, or diploma because of an unpaid balance on the student's school account.
6:300, Graduation Requirements	The policy, Legal References, and footnotes are updated in response to: 1. 105 ILCS 5/27-605, amended and renumbered by P.A. 104-391;

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	2. 105 ILCS 5/27-510, added by P.A. 104-391, requiring students to pass an exam on patriotism, principles of representative government, and proper use and display of the American flag, formerly addressed at 105 ILCS 5/27-3, repealed by P.A. 104-391; The Legal References are also updated in response to 105 ILCS 5/27-615, amended and renumbered by P.A. 104-391. The footnotes are further updated in response to: 1. 105 ILCS 5/27-605, amended by P.A. 104-387, allowing students to choose one year of ~~vocational~~ career and technical education to meet high school graduation requirements; 2. 105 ILCS 5/22-87(b), amended by P.A. 104-13, requiring each high school to designate a staff member as a contact for the student financial aid application graduation requirement; 3. 105 ILCS 5/22-87(b), amended by P.A. 104-14, requiring districts to provide appropriate supports to assist high school students with learning about and completing the financial aid application required for graduation; and 4. Continuous improvement.
6:300-E2, State Law Graduation Requirements	The exhibit is updated for the reasons stated in 6:300, *Graduation Requirements*, above (except for the first item #2 listed for that policy).
6:300-E3, Form for Exemption from Financial Aid Completion	The exhibit is updated in response to: 1. 105 ILCS 5/22-87(b), amended by P.A. 104-13, requiring each high school to designate a staff member as a contact for the student financial aid application graduation requirement;

Policy	Revision Description
	2. 105 ILCS 5/22-87(b), amended by P.A. 104-14, requiring districts to provide appropriate supports to assist high school students with learning about and completing the financial aid application required for graduation; and 3. Continuous improvement.
6:310, High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students	The policy, Legal References, and footnotes are updated in response to 105 ILCS 5/2-3.115, amended by P.A. 104-261, eff. 1-1-26, deleting the provision that required ISBE to encourage programs of academic credit for Tech Prep work- based learning for high school students. The Legal References and footnotes are also updated in response to P.A. 104-391, renumbering multiple provisions in 105 ILCS 5/27. The footnotes are also updated in response to: 1. Dual Credit Quality Act, 110 ILCS 27/, amended by P.A. 104-12, adding procedural requirements for: (1) negotiation of a partnership agreement between a district and community college, and (2) a contract between a district and out- of-state postsecondary institutions; 2. 105 ILCS 5/2-3.206, added by P.A. 104-249, eff. 1-1-26, requiring ISBE to post on its website approved opportunities for externships, internships, or volunteer work related to career and technical education pathways; and 3. Continuous improvement.
6:310-E, Class Substitution Request	The exhibit is updated in response to 105 ILCS 5/27-610, amended and renumbered by P.A. 104-391.

Policy	Revision Description
6:315, High School Credit for Students in Grades 7 or 8	The policy, Legal References, and footnotes are updated in response to 105 ILCS 5/27-615, amended by P.A. 104-267, eff. 1-1-26, and renumbered by P.A. 104-391, expanding the ability of students in grade 7 or 8 to obtain high school course credit. The Cross References are supplemented with a reference to 6:135, *Accelerated Placement Program*.
6:320, High School Credit for Proficiency	The Legal References and footnotes are updated in response to 105 ILCS 5/27- 605, amended by P.A. 104-387 and amended and renumbered by P.A. 104- 391, allowing students to choose one year of ~~vocational~~ career and technical education to meet a high school graduation requirement. The Legal References and footnotes are also updated for continuous improvement.
7:10, Equal Educational Opportunities	The Legal References, Cross References, and footnotes are updated in response to 105 ILCS 5/22-105(c)(1-3), added by P.A. 104-288, eff. 1-1-26, codifying Plyler v. Doe, 457 U.S. 202 (1982), prohibiting districts from taking any action that would deny a child free public education based on the child's or their parent's/guardian's actual or perceived citizenship or immigration status, and requiring districts to establish a policy and procedures regarding agency and law enforcement requests, to ensure this right is preserved. The footnotes are also updated for continuous improvement.
7:70, Attendance and Truancy	The policy, Legal References, and footnotes are updated in response to 105 ILCS 5/10-19.05(k), amended by P.A. 104-250, eff. 1-1-26, requiring an approval process for students to attend allowable activities by the beginning of the 2026- 2027 school year. The policy and footnotes are also updated in response to 105 ILCS 5/26-12, amended by P.A. 104-430,

Policy	Revision Description
	prohibiting school personnel from referring a truant, chronic truant, or truant minor to any other local public entity, school resource officer, or peace officer to issue a fine/fee as punishment.
7:130, Student Rights and Responsibilities	The policy is unchanged. The footnotes are updated for continuous improvement. The Cross References are updated due to the renaming of 7:150, *Agency and Law Enforcement Requests* ~~*Police Interviews*~~ and to add a reference to 7:330, *Student Use of Buildings – Equal Access*.
7:140, Search and Seizure	The Legal References are updated for continuous improvement. The Cross References are updated due to the renaming of 7:150, *Agency and Law Enforcement Requests* ~~*Police Interviews*~~.
7:150, Agency and Law Enforcement Requests ~~Police Interviews~~	**RENAMED AND REWRITTEN.** This policy is renamed and rewritten in response to 105 ILCS 5/22-105, added by P.A. 104-288, eff. 1-1-26, requiring districts to establish a policy by 7-1-26 regarding agency and law enforcement requests at school, and for continuous improvement.
7:150-AP, Managing Agency and Law Enforcement Requests ~~Police Interviews~~	**RENAMED AND REWRITTEN.** This procedure is renamed and rewritten in response to 105 ILCS 5/22-105, added by P.A. 104-288, eff. 1-1-26, requiring districts to establish procedures by 7-1-26 regarding agency and law enforcement requests at school, and for continuous improvement.
7:150-AP, E, Record of Agency and Law Enforcement Requests	**NEW.** This exhibit is created in response 105 ILCS 5/22-105(c)(4)(B), added by P.A. 104-288, eff. 1-1-26, requiring districts to document interactions with agencies

Policy	Revision Description
	and law enforcement when they attempt to enter a school or school facility.
7:180, Prevention of and Response to Bullying, Intimidation, and Harassment	The policy, Legal References, and footnotes are updated in response to 105 ILCS 5/22-110, amended by P.A. 104-338, eff. 7-1-26, and renumbered by P.A. 104-391, expanding the *bullying* definition to prohibit posting or distributing sexually explicit images and, beginning in the 2026-2027 school year, expanding the *cyberbullying* definition to prohibit posting or distributing an *unauthorized digital replica*. The policy and footnotes are also updated in response to 23 Ill. Admin. Code §1.295(c)(2), requiring updated bullying policies submitted to ISBE to contain the date of adoption.
7:190, Student Behavior	The policy and footnotes are updated in response to 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174, requiring parent/guardian notification when a student allegedly threatens firearm violence. The footnotes are further updated in response to: 1. 105 ILCS 5/10-22.6(i), amended by P.A. 104-430, prohibiting issuing students a monetary fine, fee, ticket, or citation as a school-based disciplinary consequence or for a municipal code violation on school grounds during school hours or while taking school transportation; 2. 105 ILCS 5/26-12(b), amended by P.A. 104-430, prohibiting school personnel from referring a truant, chronic truant, or truant minor to any other local public entity, school resource officer, or peace officer to issue a fine/fee as punishment; 3. 105 ILCS 5/10-20.68, amended by P.A. 104-430, requiring that beginning 7-1- 26, districts that use a

Policy	Revision Description
	school resource officer have a memorandum of understanding with a local law enforcement agency; 4. 105 ILCS 5/22-110, amended by P.A. 104-338 and renumbered by P.A. 104- 391 (previously 105 ILCS 5/27-23.7), incorporating by reference the definition of *artificial intelligence* from the Digital Voice and Likeness Protection Act, 815 ILCS 550/, and expanding the definitions of *bullying* and *cyberbullying*; and 5. Continuous improvement. The Cross References are updated due to the renaming of 7:150, *Agency and* *Law Enforcement Requests* ~~*Police Interviews*~~.
7:190-E3, Memorandum of Understanding	The exhibit is updated in response to: 1. 105 ILCS 5/2-3.2.06, added by P.A. 104-430, requiring that on or before 1-31- 29 and annually thereafter, ISBE report on law enforcement referral data collected from districts; 2. 105 ILCS 5/10-20.14(b), amended by P.A. 104-430, requiring the parent-teacher advisory committee's guidelines for reciprocal reporting to address both civil and criminal offenses committed by students; 3. 105 ILCS 5/10-20.68, amended by P.A. 104-430, requiring that beginning 7-1- 26, districts that use a school resource officer have a memorandum of understanding with a local law enforcement agency; 4. 105 ILCS 5/10-22.6(i), amended by P.A. 104-430, prohibiting issuing students a monetary fine, fee, ticket, or citation as a school-based disciplinary consequence or for a municipal code violation on school grounds during school hours or while taking school transportation; 5. 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174, requiring parent/guardian notification when a student allegedly threatens firearm violence;

Policy	Revision Description
	6. The renaming of 7:150, *Agency and Law Enforcement Requests* ~~*Police Interviews*~~; 7. The renaming of 7:150-AP, *Managing Agency and Law Enforcement Requests* ~~*Police Interviews*~~; and 8. Continuous improvement.
7:190-AP3, Guidelines for Reciprocal Reporting of ~~Criminal~~ Offenses Committed by Students	**RENAMED AND REWRITTEN.** The procedure is renamed and rewritten in response to: 1. 105 ILCS 5/10-20.14(b), amended by P.A. 104-430, requiring the parent-teacher advisory committee's guidelines for reciprocal reporting to address both civil and criminal offenses committed by students; 2. ISBE's *Development of Reciprocal Reporting Systems Guidance*; and 3. Continuous improvement.
7:190-AP6, Guidelines for Investigating Sexting Allegations	The procedure is updated in response to ANCRA, 325 ILCS 5/4.5, amended by P.A. 104-245, eff. 1-1-26, changing the term *child pornography* to *child sexual abuse material*. It also incorporates the renaming of 7:150-AP, *Managing Agency and Law Enforcement Requests* ~~*Police Interviews*~~.
7:190-AP7, Student Discipline Guidelines	The procedure is updated in response to: 1. 105 ILCS 5/10-20.68, amended by P.A. 104-430, requiring that beginning 7-1- 26, districts that use a school resource officer have a memorandum of under- standing with a local law enforcement agency; 2. 105 ILCS 5/2-3.2.06, added by P.A. 104-430, requiring that on or before 1-31- 29 and annually thereafter, ISBE report on law enforcement referral data collected from districts;

Policy	Revision Description
	3. The renaming of 7:150, *Agency and* <u>*Law Enforcement Requests*</u> ~~*Police Interviews*~~; and 4. Continuous improvement.
7:250, Student Support Services	The policy is unchanged. The footnotes are updated in response to: 1. 105 ILCS 5/10-22.24b, amended by P.A. 104-353, requiring school counseling services to address the needs of all students, regardless of citizenship status; 2. The *School Social Work Best Practice Guide* (2020) published by ISBE and the Ill. Association of School Social Workers; 3. Professional development and resources for educators supporting adoptive, foster, and kinship students published by the nonprofit iCare 4 Adoptive And Foster Families; and 4. Continuous improvement.
7:255-AP1, Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence	The procedure is updated in response to 105 ILCS 5/26A-25(b)(1), amended by P.A. 104-391, removing the specific hours of training required for employees designated to resolve complaints of violations of the *Ensuring Success in School Law.*

Sharon Williams, Ed.D.
Superintendent of Schools

Policy	Revision Description
7:290, Suicide and Depression Awareness and Prevention	The policy, Legal References, and footnotes are updated in response to: 1. 105 ILCS 5/27-215, added by P.A. 104-391, requiring education for students on mental health and illness; 2. 105 ILCS 5/27-215, added by P.A. 104-391, adding student protocols for administering youth suicide awareness and prevention education; 3. 105 ILCS 5/10-20.81, amended by P.A. 104-264, eff. 1-1-26, requiring districts to insert the same contact information for suicide prevention helplines required for student ID cards on employee ID cards for employees serving any of grades 6 through 12; and 4. Continuous improvement.
7:290-AP, Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program	The procedure is updated for the reasons stated in 7:290, *Suicide and Depression Awareness and Prevention,* above. In addition, the procedure is updated in response to: 1. 105 ILCS 5/10-22.24b, amended by P.A. 103-780, allowing school counseling services to be used for providing educational opportunities for mental health issues and counseling and other resources to students who are in crisis; and 2. Updated contact information in accordance with 105 ILCS 5/2-3.166(c)(7).
7:310, Restrictions on Publications; Elementary Schools	The Legal References and footnotes are updated in response to 105 ILCS 5/22- 110, renumbered by P.A. 104-391. The footnotes are also updated in response to 105 ILCS 5/22-110, amended by P.A. 104-338, eff. 7-1-26, incorporating by reference the definition of *artificial intelligence* from the

Policy	Revision Description
	Digital Voice and Likeness Protection Act, 815 ILCS 550/, and expanding the definitions of *bullying* and *cyberbullying*.
7:315, Restrictions on Publications; High Schools	The policy, Legal References, and footnotes are updated in response to 105 ILCS 5/27-415, renumbered by P.A. 104-391 and scheduled for repeal on 7-1-27, addressing the requirements for media literacy instruction through the 2026-2027 school year, and 105 ILCS 5/405(c), added by P.A. 104-391, addressing the requirements for media literacy instruction beginning with the 2027-2028 school year. The Legal References and footnotes are also updated for the reasons stated in 7:310, *Restrictions on Publications; Elementary Schools*, above, and for continuous improvement.
7:340, Student Records	The policy and footnotes are updated for continuous improvement. The footnotes are also updated in response to: 1. Ill. School Student Records Act (ISSRA), 105 ILCS 10/2, amended by P.A. 104- 356, eff. 7-1-26, revising the definition of *student permanent record* to include a summary of performance for students that received special education services, and permitting the Ill. Dept. of Human Services (IDHS) to access a student's records without consent for the purpose of assessing or evaluating a student's eligibility for Medicaid waiver benefits.; 2. 105 ILCS 5/22-105(c)(4)(B), added by P.A. 104-288, eff. 1-1-26, prohibiting districts from designating place of birth as *directory information*; and 3. The renaming of 7:150, *Agency and* *Law Enforcement Requests* ~~*Police Interviews*~~.

Policy	Revision Description
7:340-AP1, School Student Records	The procedure is updated for the reasons stated in 7:340, *Student Records,* above. In addition, the procedure is updated in response to: 1. Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA), 740 ILCS 110/, amended by P.A. 104-263, eff. 1-1-26, updating requirements for disclosure; 2. MHDDCA, 740 ILCS 110/4, amended by P.A. 104-263, eff. 1-1-26, and 740 ILCS 110/5, amended by P.A. 104-270, updating access requirements 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; 3. ISSRA, 105 ILCS 10/2(e), added by P.A. 104-356, eff. 7-1-26, requiring a district to maintain a summary of performance for students who received special education services as a *student permanent record*, unless a district has obtained the informed written consent of the student and parents or guardians to exclude it; 4. ISSRA, 105 ILCS 10/6(a)(14), added by P.A. 104-356, eff. 7-1-26, allowing for access without notification to or consent of a parent/guardian or eligible student by the Ill. Dept. of Human Services (IDHS) for the sole purpose of assessing or evaluating the student's eligibility for Medicaid waiver benefits consistent with rules adopted by IDHS; 5. 105 ILCS 5/22-105(c)(4)(A) and (B), added by P.A. 104-288, eff. 1-1-26, prohibiting districts from collecting information about a student's citizenship or immigration status and prohibiting designating place of birth as *directory information*;

Policy	Revision Description
	6. 105 ILCS 5/10-20.13(d), added by P.A. 104-391, prohibiting any discrimination, punishment, or penalty of a student for an unpaid balance or because parents/guardians cannot pay fees or fines for lost school property, replacing in part 105 ILCS 5/28-19.2, repealed by P.A. 104-391; and 7. Continuous improvement.
7:340-AP1, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records	The exhibit is updated in response to: 1. 105 ILCS 5/27-605, amended and renumbered by P.A. 104-391; 2. ISSRA, 105 ILCS 10/2(e), added by P.A. 104-356, eff. 7-1-26, requiring a district to maintain a summary of performance for students who received special education services as a *student permanent record*, unless a district has obtained the informed written consent of the student and parents or guardians to exclude it; 3. ISSRA, 105 ILCS 10/6, amended by P.A. 104-356, eff. 7-1-26, permitting IDHS to access a student's records without consent for the purpose of assessing or evaluating a student's eligibility for Medicaid waiver benefits; 4. 105 ILCS 5/22-105(c)(4)(A) and (B), added by P.A. 104-288, eff. 1-1-26, prohibiting districts from collecting information about a student's citizenship or immigration status and prohibiting designating place of birth as *directory information*; and 5. Continuous improvement.
8:30, Visitors and Conduct on School Property	The policy, Legal References, and footnotes are updated. The policy and footnotes are updated for continuous improvement. The Legal References are updated in response to 105 ILCS 5/22-110, renumbered by P.A.

Policy	Revision Description
	104-391. The footnotes are also updated in response to the Criminal Code, 720 ILCS 5/11- 9.3(d), amended by P.A. 104-245, eff. 1-1-26, revising the definition of *sex offense* as it relates to the broader definition of *child sex offender*.
8:30-AP, Definition of Child Sex Offender	The procedure is updated in response to the Criminal Code, 720 ILCS 5/11- 9.3(d), amended by P.A. 104-245, eff. 1-1-26, revising the definition of *sex offense* as it relates to the broader definition of *child sex offender.*
8:95-AP, Parental Involvement	The procedure is updated in response to: 1. 23 Ill. Admin. Code §1.245, amended by 47 Ill. Reg. 18457, adding language regarding fines to fee waivers for when a district or school provides notices to parents/guardians on fee waivers; 2. 105 ILCS 5/10-22.31, amended by P.A. 104-218, eff. 1-1-26, adding requirements when a district intends to withdraw from a special education joint agreement; 3. Child Welfare Disclosure to Parents Act, 20 ILCS 522/, added by P.A. 104-254, requiring that a parent involved with the Illinois child welfare system: (1) be notified of and invited to attend all of the child's school meetings; (2) have all meetings scheduled at times and places that allow for the parent to participate; and (3) be provided transportation assistance when necessary to attend meetings; 4. P.A. 104-391, renumbering and repealing provisions in 105 ILCS 5/27; and 5. Continuous improvement.

Sharon Williams, Ed.D.
Superintendent of Schools

Policy	Revision Description
8:100, Relations with Other Organizations and Agencies	The policy is unchanged. The Cross References and footnotes are updated. The footnotes are updated in response to 105 ILCS 5/22-105, added by P.A. 104- 288, eff. 1-1-26, addressing requirements for interactions with agencies and law enforcement when they attempt to enter a school or school facility. The Cross References are updated due to the renaming of 7:150, *Agency and Law Enforcement Requests* ~~*Police Interviews*~~.

School Board

Board Member Development [1]

The School Board desires that its individual members learn, understand, and practice effective governance principles.[2] The Board is responsible for Board member orientation and development. Board members have an equal opportunity to attend State and national meetings designed to familiarize members with public school issues, governance, and legislation.

The Board President and/or Superintendent shall provide all Board members with information regarding pertinent education materials, publications, and notices of training or development.

Mandatory Board Member Training [3]

Each Board member is responsible for his or her own compliance with the mandatory training laws that are described below:

1. Each Board member elected or appointed to fill a vacancy of at least one year's duration must complete at least four hours of professional development and leadership training in: (1) education and labor law; (2) financial oversight and accountability; (3) fiduciary responsibilities; (4) trauma-informed practices for students and staff; and (5) improving student outcomes, within the first year of his or her first term. [4]
2. Each Board member must complete training on the Open Meetings Act (OMA) no later than 90 days after taking the oath of office for the first time. After completing the training, each Board member must file a copy of the certificate of completion with the Board. Training on OMA is only required once. [5]
3. Each Board member must complete a training program on evaluations under the Performance Evaluation Reform Act (PERA) before participating in a vote on a tenured teacher's dismissal

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

[1] State law governs the mandatory board member training provisions in this sample policy.

[2] The Ill. Association of School Boards (IASB) *Foundational Principles of Effective Governance* is available online at: www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/.

[3] A board may omit the description of mandatory training requirements by deleting "~~that are described below~~" and deleting the numbered list. IASB is an authorized provider of all mandatory trainings for school board members. To view IASB online trainings, see www.iasb.com/conference-training-and-events/training/online-learning/.

[4] 105 ILCS 5/10-16a, amended by P.A.~~s 102-638 and~~ 103-771~~, eff. 6-1-25~~. See 105 ILCS 5/10-16a(b-5) for the required and recommended elements of the training regarding trauma-informed practices. See 105 ILCS 5/3-11, amended by P.A. 103-413, for the definitions of *trauma*, *trauma-responsive learning environments* (including *trauma aware*, *trauma responsive*, and *healing centered*), and *whole child*. Training on improving student outcomes "must include information that is relevant to and within the scope of the duties of a school board member." 105 ILCS 5/10-16a(b-10), added by P.A. 103-771~~, eff. 6-1-25~~.

[5] 5 ILCS 120/1.05(b) and (c).

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using the optional alternative evaluation dismissal process. ~~This dismissal process is available after the District's PERA implementation date.~~ [6]

The Superintendent or designee shall maintain on the District website a log identifying the complete training and development activities of each Board member, including both mandatory and non-mandatory training. [7]

Professional Development; Adverse Consequences of School Exclusion; Student Behavior [8]

The Board President or Superintendent, or their designees, shall make reasonable efforts to provide ongoing professional development to Board members about the requirements of 105 ILCS 5/10-22.6 and 105 ILCS 5/10-20.14,[9] adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments,[10] appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

Board Self-Evaluation

The Board will conduct periodic self-evaluations with the goal of continuous improvement. [11]

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

[6] 105 ILCS 5/24-16.5, amended by P.A. 104-20. This mandatory training requirement was phased in as districts implemented evaluations that may incorporate student growth as a significant factor, otherwise known as Performance Evaluation Reform Act (PERA) evaluations. ~~The implementation timeline for PERA evaluations varied from district to district but A~~all districts are required~~had~~ to implement PERA evaluations. A district may use an optional alternative evaluative dismissal process using the PERA evaluation. Before voting on a dismissal based upon an optional alternative evaluative dismissal process, a board member must complete a training program on PERA evaluations. For more information about PERA, see *PERA Overview for School Board Members*, available at: www.iasb.com/policy-services-and-school-law/illinois-laws-affecting-schools/performance-evaluation-reform-act-(pera)/.

[7] 105 ILCS 5/10-16a(b) requires each school district to post on its website, if any, the names of all board members who have completed the minimum of four hours of training described in #1. Recognizing that a board may want to highlight all training and development achievements, the sample policy extends this reporting requirement to all training and development activities. For a website reporting template, see sample exhibit 2:120-E2, *Website Listing of Development and Training Completed by Board Members*.

A board may choose to strictly follow the statute by using the following alternative: "The Superintendent or designee shall post on the District website the names of all Board members who have completed the professional development leadership training described in number 1, above."

[8] 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896. While a district must make reasonable efforts to provide professional development to board members in these areas, the inclusion of this subhead is optional. Information about professional development opportunities is available through IASB's website at: www.iasb.com/conference-training-and-events/training/.

[9] 105 ILCS 5/10-22.6, amended by P.A.~~s 102-466, eff. 7-1-25, 102-539, and~~ 103-896, addresses the suspension or expulsion of students and school searches. See sample policies 7:190, *Student Behavior*, 7:200, *Suspension Procedures*, 7:210, *Expulsion Procedures*, and 7:220, *Bus Conduct*. 105 ILCS 5/10-20.14, amended by P.A. 103-896, addresses parent-teacher advisory committees and their functions. See sample policy 2:150, *Committees*.

[10] See 105 ILCS 5/3-11(b), amended by P.A. 103-413, for the definition of *trauma-responsive learning environments*.

[11] Boards are not required to conduct self-evaluations, but may hold a closed meeting with representatives of a State association authorized under Article 23 of the School Code for the purpose of discussing self-evaluation practices and procedures, or professional ethics. 5 ILCS 120/2(c)(16).

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New Board Member Orientation [12]

The orientation process for newly elected or appointed Board members includes:

1. The Board President or Superintendent, or their designees, shall give each new Board member a copy of or online access to the Board Policy Manual, the Board's regular meeting minutes for the past year, and other helpful information including material describing the District and explaining the Board's roles and responsibilities.
2. The Board President or designee shall schedule one or more special Board meetings, or schedule time during regular meetings, for Board members to become acquainted and to review Board processes and procedures.
3. The Board President may request a veteran Board member to mentor a new member. [13]
4. All new members are encouraged to attend workshops for new members conducted by the Illinois Association of School Boards.

Candidates

The Superintendent or designee shall invite all current candidates for the office of Board member to attend: (1) Board meetings, except that this invitation shall not extend to any closed meetings, and (2) pre-election workshops for candidates. [14]

LEGAL REF.: 5 ILCS 120/1.05 and 120/2, Open Meetings Act.
105 ILCS 5/10-16a and 5/24-16.5.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:125 (Board Member Compensation; Expenses), 2:200 (Types of School Board Meetings)

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[12] New board member orientation is a critical step in helping new board members become effective and in promoting a smoothly functioning new team. The orientation process should include information about the IASB policy services to which the board subscribes, **PRESS**, **S**chool **B**oard **P**olicies **O**nline (SBPOL), and **PRESS Plus**.

[13] See sample exhibit 2:120-E1, *Guidelines for Serving as a Mentor to a New School Board Member*.

[14] IASB maintains helpful resources for school board candidates, including webinars regarding running for the school board. See www.iasb.com/memberships-and-divisions/school-board-elections/information-for-candidates.

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School Board

Committees [1]

The School Board may establish committees to assist with the Board's governance function and, in some situations, to comply with State law requirements. These committees are known as *Board committees* and report directly to the Board. Committee members may include both Board members and non-Board members depending on the committee's purpose. The Board President makes all Board committee appointments unless specifically stated otherwise.[2] Board committee meetings shall comply with the Open Meetings Act.[3] A Board committee may not take final action on behalf of the Board – it may only make recommendations to the Board. [4]

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

[1] State or federal law controls this policy's content in that some committees are required by State law, such as, Parent-Teacher Advisory Committee and Behavioral Interventions Committee. Board committees are *public bodies* for purposes of the Open Meetings Act (OMA) (5 ILCS 120/1.02) and the Freedom of Information Act (FOIA) (5 ILCS 140/2(a)).

A board must appoint or approve a Concussion Oversight Team and charge it with establishing protocols for return-to-play and return-to-learn for students who have suffered a concussion or head injury. Youth Sports Concussion Safety Act, 105 ILCS 5/22-80(d). As this is administrative/staff work rather than governance work, the best practice is to have the Concussion Oversight Team be an *administrative* committee, but consult the board attorney for guidance. 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. See sample policy 7:305, *Student Athlete Concussions and Head Injuries*.

[2] Alternatively, strike the "unless" clause and substitute: "subject to Board approval." Be sure this treatment is consistent with policy 2:110, *Qualifications, Term, and Duties of Board Officers*.

[3] OMA includes *committees* and *subcommittees* in its definition of *public body*. 5 ILCS 120/1.02. According to a binding opinion from the Public Access Counselor, a "committee of a public body is considered to be a separate public body for purposes of compliance with the requirements of OMA." PAO 13-2. This means that board committees must independently fulfill OMA's requirements. For example, a board committee must comply with notice and agenda requirements. Since board committees seldom meet regularly, compliance steps need careful planning. Board committees should plan for an efficient way to "approve the minutes of its open meeting within 30 days after that meeting or at [its] second subsequent regular meeting, whichever is later." 5 ILCS 120/2.06(b). The only exceptions are for: (1) the Performance Educational Review Act (PERA) joint committee (105 ILCS 5/24A-4(b)); (2) the Reduction In Force (RIF) joint committee (105 ILCS 5/24-12(c)); and (3) when a committee is engaged in collective bargaining negotiations, including negotiating team strategy sessions, or grievance arbitrations (115 ILCS 5/18). Board committees must also review their closed session minutes to determine if they still require confidential treatment or will be made available for public inspection. 5 ILCS 120/2.06(d), amended by P.A. 102-653. Committees that meet regularly, such as standing committees, must conduct this review every six months, or as soon after as is practicable, taking into account the nature and meeting schedule of the committee. Committees that are *ad hoc* in nature must review their closed session minutes six months from the date of the last review of the closed session minutes or at the next scheduled meeting of the committee, whichever is later. Id.

Sample policy 2:200, *Types of School Board Meetings*, designates the superintendent, on behalf of each board committee, to receive the mandatory training on OMA compliance required by 5 ILCS 120/1.05(a) and administered by the Ill. Attorney General's Public Access Counselor. See policies 2:200, *Types of School Board Meetings*, and 2:220, *School Board Meeting Procedure*, for meeting requirements and protocol. Every board member must also complete OMA training as required by 5 ILCS 120/1.05(b) and (c).

[4] Additional committee guidelines may be added, such as:

Committees shall operate under the following guidelines:

- The Board President shall appoint no more than two Board members to serve on a committee.

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Special Board Committees

A special committee may be created for specific purposes or to investigate special issues. A special committee is automatically dissolved after presenting its final report to the Board or at the Board's discretion. [5]

Standing Board Committees [6]

A standing committee is created for an indefinite term although its members will fluctuate. Standing committees are:

1. Board Policy Committee.[7] This committee researches policy issues, and provides information and recommendations to the Board.
2. Parent-Teacher Advisory Committee.[8] This committee assists in the development of student behavior policy and procedure, and provides information and recommendations to the Board. Its members are parents/guardians and teachers, and may include persons whose expertise or experience is needed. The committee reviews such issues as administering medication in the schools, reciprocal reporting between the School District and local law enforcement agencies regarding criminal and civil offenses committed by students, student discipline, disruptive classroom behavior, school bus safety procedures, and the dissemination of student conduct information.
3. Behavioral Interventions Committee.[9] This committee develops and monitors procedures for using behavioral interventions in accordance with Board policy 7:230, *Misconduct by Students with Disabilities*, and provides information and recommendations to the Board. At the Board President's discretion, the Parent-Teacher Advisory Committee shall perform the duties assigned to the Behavioral Interventions Committee.

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- The President and the committee members shall establish the committee's meeting dates, time, and place.
- The Superintendent may attend all committee meetings.

[5] A board may list examples as in the following option:

Examples of special committees include the following: (1) Committee to Evaluate Procurement of Architectural, Engineering, and Land Surveying Services (see sample administrative procedure 2:170-AP, *Qualification Based Selection*), and (2) Facility Naming Committee (see sample policy 4:150, *Facility Management and Building Programs*).

[6] The board may create and list other standing committees, e.g., an audit committee as authorized by 105 ILCS 5/10-22.45. Be sure that the creation of a committee in this policy aligns with the policy concerning the applicable topic. If an audit committee is included here, a board may want to reference it in policy 4:80, *Accounting and Audits*, and vice-versa.

[7] A board policy committee is optional; its creation is consistent with policy 2:240, *Board Policy Development.*

[8] 105 ILCS 5/10-20.14 requires all districts to establish and maintain a parent-teacher advisory committee to develop, with the board, policy guidelines on student discipline. The parents on this committee, as well as other non-staff members, may not have access to student records unless the student cannot be identified or prior consent is obtained. 105 ILCS 10/6. The district's parent-teacher advisory committee must also: (1) in cooperation with local law enforcement agencies, develop guidelines for reciprocal reporting of criminal and civil offenses committed by students; and (2) in cooperation with school bus personnel, develop school bus safety procedures. 105 ILCS 5/10-20.14, amended by P.A. 104-430. Completion of the statutory requirements imposed on the Parent-Teacher Advisory Committee, as well as the Behavioral Interventions Committee, should be documented.

[9] Boards must establish and maintain a behavioral interventions committee to develop procedures that reflect consideration of ISBE's guidelines on the use of behavioral interventions with students with disabilities. 105 ILCS 5/14-8.05(c). An alternative follows:

> The Behavioral Interventions Committee, coordinated by the Executive Director of the Special Education Cooperative, develops and monitors procedures for using behavioral interventions in accordance with Board policy 7:230, *Misconduct by Students with Disabilities*. Committee reports and recommendations are made to the Board upon its request.

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Nothing in this policy limits the authority of the Superintendent or designee to create and use committees that report to him or her or to other staff members. [10]

LEGAL REF.: 5 ILCS 120/, Open Meetings Act.
105 ILCS 5/10-20.14 and 5/14-8.05.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers), 2:200 (Types of School Board Meetings), 2:240 (Board Policy Development), 7:190 (Student Behavior), 7:230 (Misconduct by Students with Disabilities)

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[10] OMA generally does not apply to *superintendent* a/k/a administrative committees. See Univ. Professionals v. Stukel, 344 Ill.App.3d 856 (1st Dist. 2003)(staff committees are not subject to OMA). The Act will be applicable, however, in some circumstances. For example, a staff committee containing three or more board members will be subject to OMA. 5 ILCS 120/1.02. Consult the board attorney for advice. The following are examples of superintendent committees: Communicable and Chronic Infectious Disease Program Task Force, Communicable and Chronic Infectious Disease Review Team, Employee Drug Abuse Committee, Title I Advisory Committee, Student Support Committee, Food Allergy Management Committee, and Sex Equity Committee. For further discussion, see IASB's *Clearing Up the Confusion on Board Committees: Your Questions Answered*, available at: www.iasb.com/IASB/media/School-Law/BoardCommittees_FAQ.pdf.

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School Board

Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited [1]

Discrimination and harassment on the basis of race, color, or national origin negatively affect a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from such discrimination and harassment is an important District goal. The District does not discriminate on the basis of actual or perceived race, color, or national origin in any of its education programs or activities, and it complies with federal and State non-discrimination laws.

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[1] 105 ILCS 5/22-95 ~~(final citation pending)~~, added by P.A. 103-472, ~~eff. 8-1-24,~~ requires districts to have a written policy (or policies) that prohibit discrimination and harassment based on race, color, and national origin, as well as retaliation. The policy must contain the following: (1) descriptions of various forms of discrimination and harassment based on race, color, and national origin, including examples; (2) the district's internal process for filing a complaint regarding a violation of the policy; (3) an overview of the district's prevention and response program that includes procedures for responding to complaints of discrimination and harassment based on race, color, and national origin and retaliation; (4) potential remedies for a violation of the policy; (5) a prohibition on retaliation for making a complaint or participating in the complaint process; (6) the legal recourse available to the Ill. Dept. of Human Rights (IDHR) and federal agencies if a district fails to take corrective action; and (7) directions on how to contact IDHR. Id. at (b)(1). Discrimination and harassment based on race, color, and national origin are also covered more generally as protected categories in sample policies 5:10, *Equal Employment Opportunity and Minority Recruitment*, 5:20, *Workplace Harassment Prohibited*, 7:10, *Equal Educational Opportunities*, and 7:20, *Harassment of Students Prohibited*.

Two laws apply to discrimination of students based on race, color, and national origin. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any educational program or activity receiving federal financial assistance. 42 U.S.C. §2000d. The IHRA prohibits any district employee from harassing a student based on certain actual or perceived protected categories, including race, color, and national origin, and it requires schools to take appropriate corrective action to stop harassment if the school knows an employee or agent is engaged (or has engaged) in harassment. 775 ILCS 5/5A-101(F) and 5/5A-102(C)-(D), added by P.A. 103-472, ~~eff. 8-1-24~~. The IHRA defines "harassment in elementary secondary, or higher education," in relevant part, as any unwelcome conduct by a school employee toward a student on the basis of a student's actual or perceived race, color, or national origin "that has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile, or offensive educational environment." 775 ILCS 5/5A-101(F), added by P.A. 103-472, ~~eff. 8-1-24~~. The *educational environment* "includes conduct that occurs at school, school-related activities, or events, and may include conduct that occurs off school grounds, subject to applicable State and federal law. Id. at (G). See sample policy 7:190, *Student Behavior*, at f/n 3, for a discussion about the ability of schools to discipline for off-campus conduct and consult the board attorney for advice in specific cases.

For a discussion of laws that prohibit discrimination in the employment context, including harassment based on race, color, and national origin, see sample policies 5:10, *Equal Employment Opportunity and Minority Recruitment*, and 5:20, *Workplace Harassment Prohibited*, at f/n 1.

Districts are also required to train all new and existing employees on discrimination and harassment based on race, color, and national origin ~~using a~~. A district may use the free model training program developed by the Ill. Dept. of Human Rights, available at: https://dhr.illinois.gov/training/racism-free-schools, or another training program that meets the requirements of 775 ILCS 5/5A-103(b), added by P.A. 103-472. Training for new employees must be provided as part of new employee training and then every two years thereafter. Initial training for existing employees must be completed by 7-31-26 and then every two years thereafter. See sample policy 5:100, *Staff Development Program*, and sample administrative procedure 2:270-AP, *Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin*, for more detail on the training requirements.

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Examples of Prohibited Conduct [2]

Examples of conduct that may constitute discrimination on the basis of race, color, or national origin include: disciplining students more harshly and frequently because of their race, color, or national origin; denying students access to high-rigor academic courses, extracurricular activities, or other educational opportunities based on their race, color, or national origin; denying language services or other educational opportunities to English learners; and assigning students special education services based on a student's race, color, or national origin.

Harassment is a form of prohibited discrimination. Examples of conduct that may constitute harassment on the basis of race, color, or national origin include: the use of racial, ethnic or ancestral slurs or stereotypes; taunts; name-calling; offensive or derogatory remarks about a person's actual or perceived race, color, or national origin; the display of racially-offensive symbols; racially-motivated physical threats and attacks; or other hateful conduct.

Making a Report or Complaint; Investigation Process [3]

Individuals are encouraged to promptly report claims or incidentstses of discrimination or harassment based on race, color, or national origin to the Nondiscrimination Coordinator, a Complaint Manager, or any employee with whom the student is comfortable speaking. Reports under this policy will be processed under Board policy 2:260, *Uniform Grievance Procedure*.

Any District employee who receives a report or complaint of discrimination or harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. Any employee who fails to promptly comply may be disciplined, up to and including discharge.

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

This policy does not impair or otherwise diminish the existing rights of unionized employees to request an exclusive bargaining representative to be present during any investigatory interviews, nor does this policy diminish any rights available under an applicable collective bargaining agreement, including, but not limited to, a grievance procedure. [4]

Federal and State Agencies

If the District fails to take necessary corrective action to stop harassment based on race, color, or national origin, further relief may be available through the Ill. Dept. of Human Rights (IDHR) or the U.S. Dept. of Education's Office for Civil Rights.[5] To contact IDHR, go to:

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[2] Required by 105 ILCS 5/22-95(b)(1)(A) ~~(final citation pending)~~, added by P.A. 103-472~~, eff. 8-1-24~~. The examples of discrimination and harassment under this subhead are based on definitions provided by the U.S. Dept. of Education's Office for Civil Rights, see www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/education-and-title-vi~~www2.ed.gov/about/offices/list/ocr/frontpage/faq/race-origin.html#racehar1~~ and www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf, and the U.S. Equal Opportunity Employment Commission, see www.eeoc.gov/racecolor-discrimination.

[3] Required by 105 ILCS 5/22-95(b)(1)(B) ~~(final citation pending)~~, added by P.A. 103-472~~, eff. 8-1-24~~.

[4] Required by Id. at (b). The U.S. Supreme Court case of National Labor Relations Board v. Weingarten, 420 U.S. 251 (1975), established the right of unionized employees to request and have union representation at investigatory interviews if the employee reasonably believes discipline may result.

[5] Required by 105 ILCS 5/22-95(b)(1)(F).

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https://dhr.illinois.gov/about-us/contact-idhr.html or call (312) 814-6200 (Chicago) or (217) 785-5100 (Springfield). [6]

Prevention and Response Program [7]

The Superintendent or designee shall establish a prevention and response program to respond to complaints of discrimination based on race, color, and national origin, including harassment, and retaliation. The program shall include procedures for responding to complaints which:

1. Reduce or remove, to the extent practicable, barriers to reporting discrimination, harassment, and retaliation;
2. Permit any person who reports or is the victim of an incident of alleged discrimination, harassment, or retaliation to be accompanied when making a report by a support individual of the person's choice who complies with the District's policies and rules;
3. Permit anonymous reporting, except that an anonymous report may not be the sole basis of any disciplinary action;
4. Offer remedial interventions or take such disciplinary action as may be appropriate on a case-by-case basis;
5. Offer, but do not require or unduly influence, a person who reports or is the victim of an incident of harassment or retaliation the option to resolve allegations directly with the accused; and
6. Protects a person who reports or is the victim of an incident of harassment or retaliation from suffering adverse consequences as a result of a report of, investigation of, or a response to the incident.

Policy Posting and Distribution

This policy shall be posted on the District's website.[8] The Superintendent shall annually inform staff members of this policy by posting it in a prominent and accessible location such as the District website, employee handbook, staff intranet site, and/or in other areas where policies and rules of conduct are made available to staff.[9] The Superintendent shall annually inform students and their parents/guardians

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[6] Required by Id. at (b)(1)(G).

[7] Required by Id. at (b)(1)(C). Items 1-6 must be addressed in a district's procedures for responding to complaints of discrimination and harassment based on race, color, and national origin. Id. at (c). See sample administrative procedure 2:270-AP, *Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin*.

[8] 105 ILCS 5/22-95(b)(3) ~~(final citation pending)~~, added by P.A. 103-472~~, eff. 8-1-24~~, requires districts to post this policy in their website if one exists. If a district does not maintain a website, delete this sentence.

[9] Id. at (b)(2) requires this policy to be "posted in a prominent and accessible location and distributed in such a manner as to ensure notice of the policy to all employees." A district website or staff intranet site qualifies as a prominent and accessible location under 105 ILCS 5/22-95(b)(2) ~~(final citation pending)~~, added by P.A. 103-472~~, eff. 8-1-24~~. If a district does not maintain a website and/or staff intranet, delete ~~District website~~ and/or ~~staff intranet site~~ from this sentence, as applicable.

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of this policy by posting it on the District's website and including an age-appropriate summary of the policy in the student handbook(s). [10]

Enforcement [11]

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to remedial action and/or disciplinary action, up to and including discharge.

Any District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to remedial action and/or disciplinary action, including but not limited to, suspension and expulsion consistent with Board policy 7:190, *Student Behavior*.

Any third party who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to remedial and/or disciplinary action.

Retaliation Prohibited [12]

Retaliation against any person for bringing complaints, participating in the complaint process, or otherwise providing information about discrimination or harassment based on race, color, or national origin is prohibited (see Board policy 2:260, *Uniform Grievance Procedure*).

Individuals should report allegations of retaliation to the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

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[10] Id. at (b)(3) requires a district to publish the policy on its website, if one exists, and in a student handbook. If the district does not maintain a website, delete ~~posting it on the District's website and~~ from the sentence. The law also requires a district to annually distribute a "summary of the policy in accessible, age-appropriate language" to students and parents/guardians. The summary may, but does not have to be, included in a student handbook to satisfy the annual distribution requirement. For ease of administration, this sample policy refers to inclusion in the student handbook(s). Districts may find it cumbersome to include both the policy and an age-appropriate summary of the same policy in a handbook. Consult the board attorney for guidance if the district would like to include a hyperlink to the policy, rather than the full text of the policy in the handbook. The Ill. Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh.

[11] Required by Id. at (b)(1)(D).

[12] Required by Id. at (b)(1)(E).

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LEGAL REF.: 42 U.S.C. §2000d, Title VI of the Civil Rights Act of 1964; 34 C.F.R. Part 100.
42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964; 29 C.F.R. Part 1601.
105 ILCS 5/22-95 ~~(final citation pending)~~.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:240 (Conduct Code for Participants in Extracurricular Activities)

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General School Administration

Goals and Objectives [1]

The Superintendent directs the administration in the management of the School District and to facilitate the implementation of a quality educational program in alignment with School Board policy 1:30, *School District Philosophy*. Specific goals and objectives are to:

1. Provide educational expertise.
2. Plan, organize, implement, and evaluate educational programs that will provide for students' mastery of the Illinois Learning Standards. [2]
3. Meet or exceed student performance and academic improvement goals established by the Board. [3]
4. Develop and maintain channels for communication between the school and community.
5. Develop an administrative procedures manual and handbooks for personnel and students that are in alignment with Board policy. [4]
6. Manage the District's fiscal and business activities to ensure financial health, cost-effectiveness, and protection of the District's assets.
7. Provide for the proper use, reasonable care, and appropriate maintenance of the District's real and personal property, including buildings, equipment, and supplies.

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[1] This policy provides an opportunity for a board to give the superintendent a big picture of its vision for the district by identifying some high-level goals. While sample policy 1:30, *School District Philosophy,* contains the district's mission statement, i.e., why the district exists, this policy contains progress expectations and desired results, i.e., goals. This policy is designed to contain goals for which the administration will be responsible, including goals concerning finances, instruction, property, connecting with the community, etc. The list of goals should be replaced with the board's goals and objectives for school administration, if any.

This policy is in alignment with State law. The superintendent and principal's general duties are listed in 105 ILCS 5/10-21.4 and 5/10-21.4a, respectively. See also 105 ILCS 5/10-16.7.

[2] See the State Goals for Learning and Learning Standards, 23 Ill.Admin.Code §1, Appendix D.

[3] School administrators may be employed under a multi-year contract only if it is performance-based and contains goals and indicators of student performance and academic improvement. 105 ILCS 5/10-23.8 and 5/20-23.8a. Principal evaluations may~~ust~~ use data and indicators on student growth as a significant factor. 105 ILCS 5/24A-15(c), amended by P.A. 104-20. Thus, a policy statement that administrative staff shall "meet or exceed student performance and academic improvement goals" is consistent with legal requirements.

[4] Staff and student handbooks provide a means to distribute important information and are referenced in many sample policies and procedures. Members of the Ill. Principals Assoc. may subscribe to its Model Student Handbook Service. While this service is not a handbook *per se*, it provides principals with quick, user-friendly access to model student handbook provisions that are attorney drafted and fully aligned with IASB's policy services. For more information, see: www.ilprincipals.org/msh.

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LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-21.4, and 5/10-21.4a.

CROSS REF.: 1:30 (School District Philosophy), 2:20 (Powers and Duties of the School Board; Indemnification), 2:130 (Board-Superintendent Relationship), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:60 (Administrative Responsibility of the Building Principal), 6:10 (Educational Philosophy and Objectives)

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General School Administration

Administrative Personnel Other Than the Superintendent [1]

Duties and Authority

The School Board establishes District administrative and supervisory positions in accordance with the District's needs and State law. This policy applies to all administrators other than the Superintendent, including without limitation, Building Principals. The general duties and authority of each administrative or supervisory position are approved by the Board, upon the Superintendent's recommendation, and contained in the respective position's job description.[2] In the event of a conflict, State law and/or the administrator's employment agreement shall control.

Qualifications

All administrative personnel shall be appropriately licensed and shall meet all applicable requirements contained in State law and Illinois State Board of Education rules. [3]

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[1] State or federal law controls this policy's content. 105 ILCS 5/10-23.8a requires each principal, assistant principal, and other school administrator to be employed under either: (1) a one-year contract, in which case he or she gains and retains tenure rights, or (2) a multi-year performance-based contract, in which case he or she waives all tenure rights but does not lose any previously acquired tenure credit with the district. A multi-year performance-based contract must contain specific student performance and academic improvement goals and indicators.

[2] Job descriptions are advisable, but optional. See sample policy 5:30, *Hiring Process and Criteria*, for a discussion of job descriptions. An Ill. State Board of Education (ISBE) rule (23 Ill.Admin.Code §1.310) allows *divided service*, meaning that a superintendent or principal may be employed by two school districts or serve in two professional capacities provided that full-time equivalency results in a maximum of one full-time position. In districts with an enrollment of 100 or fewer, an individual may serve as superintendent/principal and teach up to one-half day.

[3] 105 ILCS 5/21B-20 and 5/21B-25 govern Professional Educator Licenses and administrative, principal, and chief school business official endorsements. The requirements for supervisory or administrative staff are in 23 Ill.Admin.Code §1.705; the requirements for endorsements are in 23 Ill.Admin.Code Part 25, Subpart E. Standards for Administrative Endorsements are in 23 Ill.Admin.Code Part 29.

The following option may be added at the end of this paragraph:

> Administrative personnel must reside in the District within a specified period as provided in their initial employment agreement.

State law (105 ILCS 5/24-4.1) prohibiting residency requirements for teachers does not apply to non-instructional personnel, e.g., assistant principals. Owen v. Kankakee Sch. Dist., 261 Ill.App.3d 298 (3rd. Dist. 1994). A board may impose residency requirements on a principal or assistant principal only if the individual's initial contract with the district made residency an express condition of employment or continued employment as a principal. 105 ILCS 5/10-21.4a. Residency within a district may not be considered in determining a principal's compensation, assignment, or transfer. Id.

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Evaluation

The Superintendent or designee shall evaluate all administrative personnel and make employment and salary recommendations to the Board. [4]

Administrators shall annually present evidence to the Superintendent of professional growth through attendance at educational conferences, additional schooling, in-service training, and Illinois Administrators' Academy courses, or through other means as approved by the Superintendent. [5]

Administrative Work Year

The work year for administrators shall be the same as the District's fiscal year, July 1 through June 30, unless otherwise stated in the employment agreement. In addition to legal holidays, administrators shall have vacation periods as approved by the Superintendent. All administrators shall be available for work when their services are necessary. [6]

Compensation and Benefits

The Board and each administrator shall enter into an employment agreement that complies with Board policy and State law.[7] The terms of an individual employment contract, when in conflict with this policy, will control.

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[4] All licensed school district employees must be evaluated. 105 ILCS 5/24A-1, 23 Ill.Admin.Code §1.320. Each district must implement a performance evaluation plan for its principals and assistant principals. 105 ILCS 5/24A-15, amended by P.A. 104-202 729; 23 Ill.Admin.Code §50.300. The statutory deadline for evaluating principals and assistant principals depends on whether the individual's employment contract is for one year or multiple years: (1) the evaluation of individuals on a single year contract must take place annually by March 1, and (2) the evaluation of individuals on a multi-year contract must take place by March 1 of the contract's final year. 105 ILCS 5/24A-15, amended by P.A. 102-729. Individual contracts may require an earlier deadline. For the 2022-2023 school year only, when the Governor's disaster declaration due to a public health emergency was in effect, districts had the option to waive the evaluation requirement of principals and assistant principals who received either *excellent* or *proficient* ratings during the last school year in which they were evaluated. Id. 105 ILCS 5/24A-3 requires that an individual who conducts an evaluation of a teacher, principal, or assistant principal, (1) be prequalified before undertaking any evaluation, and (2) participate in a regularly scheduled retraining program.

[5] The professional growth reporting requirements in this paragraph are optional. However, professional development activities are required for license renewal. 105 ILCS 5/21B-45, contains the license renewal process, along with the professional development hours and carry over of these hours.

A school board must require the administrators who evaluate employees to complete training on the evaluation of licensed personnel that is provided or approved by ISBE. 105 ILCS 5/24A-3 and 5/24A-20(a)(4). Any prequalification process or retraining program developed and used by a school district must, at a minimum, meet the requirements of 23 Ill.Admin.Code Part 50, Subpart E. Administrative personnel must participate in this training (1) before they evaluate, and (2) at least once during each certificate renewal cycle. 105 ILCS 5/24A-3.

[6] Legal holidays are provided by 105 ILCS 5/24-2, amended by P.A. 102-15 (*2022 Election Day*), 102-14 and 102-334 (both establishing *Juneteenth National Freedom Day*), and 103-467 (*2024 Election Day*).

[7] According to 105 ILCS 5/10-23.8a, a principal, assistant principal, and any other school administrator must be employed under either: (1) a one-year contract, in which case he or she gains and retains tenure rights, or (2) a multi-year performance-based contract, in which case he or she waives all tenure rights but does not lose any previously acquired tenure credit with the district. A multi-year performance-based contract must contain specific student performance and academic improvement goals and indicators.

The employment contract should be *in writing* even though the School Code does not require it to be written. Contact the board attorney for assistance. An administrator who is not working under a written contract is presumed to have a contract of one year's duration. Schaumburg Cmty. Consol. Sch. Dist. v. TRS, 984 N.E.2d 66 (Ill. App. Ct. 4th Dist. 2013)(interpreting 105 ILCS 5/10-23.8a). The Ill. Statute of Frauds may make it impossible to execute an *oral* multi-year administrator contract or to *orally* extend a multi-year written contract. 740 ILCS 80/1.

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The Board will consider the Superintendent's recommendations when setting compensation for individual administrators. These recommendations should be presented to the Board no later than the March Board meeting or at such earlier time that will allow the Board to consider contract renewal and nonrenewal issues. [8]

Unless stated otherwise in individual employment contracts, all benefits and leaves of absence available to teaching personnel are available to administrative personnel. [9]

LEGAL REF: 105 ILCS 5/10-21.4a, 5/10-23.8a, 5/10-23.8b, 5/21B, and 5/24A.
23 Ill.Admin.Code §§1.310, 1.705, and 50.300; and Parts 25 and 29.

CROSS REF: 3:60 (Administrative Responsibility of the Building Principal), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:30 (Hiring Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:210 (Resignations), 5:250 (Leaves of Absence), 5:290 (Employment Termination and Suspensions)

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The Open Meetings Act requires all Ill. Municipal Retirement Fund (IMRF) employers, which includes school boards, to: (1) within six business days after approving a budget, web-post each employee's total compensation package if it exceeds $75,000 per year; and (2) at least six days before approval, web-post an employee's total compensation package if it is $150,000 or more. 5 ILCS 120/7.3. Conflicting opinions concern whether school districts must comply with these posting requirements for their employees who do not participate in IMRF. Contact the board attorney for advice.

Annually by Oct. 1, each school board must report to ISBE the base salary and benefits of the superintendent, administrators, and teachers it employs. 105 ILCS 5/10-20.47. Before this annual reporting to ISBE, the information must be presented at a regular school board meeting and then posted on the district's website, if any.

[8] State law does not address when the board should consider salary issues. The March deadline was chosen because the statutory notice deadline for reclassification is April 1 of the year in which a principal or assistant principal's contract expires unless the contract provides for an earlier deadline. 105 ILCS 5/10-23.8b. Alternatively, the policy could require that recommendations be presented "in a timely manner."

[9] State law does not require that administrative and teaching personnel receive identical benefits and leaves of absence, but it does set the minimum in days and type for all licensed personnel.

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General School Administration

Administrative Responsibility of the Building Principal [1]

Duties and Authority

The School Board, upon the recommendation of the Superintendent, employs Building Principals as the chief administrators and instructional leaders of their assigned schools, and may employ Assistant Principals. The primary responsibility of a Building Principal is the improvement of instruction.[2] Each Building Principal shall perform all duties as described in State law as well as such other duties as specified in his or her employment agreement or as the Superintendent may assign, that are consistent with the Building Principal's education and training.[3] Each Building Principal and Assistant Principal shall complete State law requirements to be a prequalified evaluator before conducting an evaluation of a teacher or assistant principal. [4]

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

[1] State or federal law controls this policy's content.

[2] Required by 105 ILCS 5/10-21.4a.

[3] An alternative follows: "…or as agreed upon by the Building Principal and Superintendent."

The principal's duties are generally described in 105 ILCS 5/10-21.4a and 5/24A-15(c-5). However, many other statutes impose additional duties, e.g., 105 ILCS 127/2 (requires principals to report to the police certain violations of the Cannabis Control Act, Controlled Substance Act, and Methamphetamine Control and Community Protection Act occurring at specified locations); 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174 (requires the principal or designee to immediately notify local law enforcement upon receiving a report of a threat of gun violence on school grounds or a person in possession of a firearm on school grounds, and, if that person is a student or the threat is made by a student, to notify a student's parent/guardian); and 730 ILCS 152/ and 154/ (require notification to parents/guardians that information about sex offenders and violent offenders against youth is available). The county clerk may appoint high school principals or their designees as deputy registrars to accept voter registrations of any qualified resident of the State. 10 ILCS 5/4-6.2(a). The Firearm Concealed Carry Act requires a principal to notify the Ill. State Police whenever he or she determines that a student (or any person) poses a "clear and present danger to himself, herself or to others." 430 ILCS 66/105; 405 ILCS 5/6-103.3. Lawyers disagree whether this requirement violates the federal Family Educational Rights and Privacy Act. Contact the board attorney for advice.

[4] This restates 105 ILCS 5/24A-3 and 23 Ill.Admin.Code Part 50, Subpart E. Individuals who evaluate teachers, principals, or assistant principals must: (1) be prequalified, and (2) participate in a regularly scheduled retraining program. The prequalification and retraining programs must be either developed or approved by the Ill. State Board of Education (ISBE).

105 ILCS 5/24A-5 permits a first-year principal to evaluate a teacher; however, a new two-year evaluation plan must be established for any tenured teacher who is evaluated by a first-year principal. 105 ILCS 5/24A-5.

Anyone who has not previously been a principal in Ill. must participate in ISBE's *new principal mentoring program*; however, implementation of a principal mentoring program in any given year is dependent upon an appropriation. If appropriations are not likely sufficient to serve all anticipated first-year principals in any given year, the program is voluntary. Mentoring services are extended to second-year principals only if appropriations are sufficient to serve all first-year principals. If mentoring services are extended to second-year principals but appropriations are not sufficient to serve all second-year principals who wish to participate in the new principal mentoring program, then priority access to mentoring services is provided to second year principals who are in the highest need schools as determined by the State Superintendent of Education. 105 ILCS 5/2-3.53a~~, amended by P.A. 102-521 (adding, subject to annual appropriation, a competitive grant program to support the new principal mentoring program for districts to participate in)~~; 23 Ill.Admin.Code Part 35. Annually by June 1, each superintendent must report to the State Superintendent or designee the expected number of first-year and second-year principals along with information specified in 23 Ill.Admin.Code §35.20.

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Evaluation Plan

The Superintendent or designee shall implement an evaluation plan for Principals and Assistant Principals that complies with Section 24A-15 of the School Code and relevant Illinois State Board of Education rules.[5] Using that plan, the Superintendent or designee shall evaluate each Building Principal and Assistant Principal.[6] The Superintendent or designee may conduct additional evaluations.

Qualifications and Other Terms and Conditions of Employment

Qualifications and other terms and conditions of employment are found in Board policy 3:50, *Administrative Personnel Other Than the Superintendent*.

LEGAL REF.: 105 ILCS 5/2-3.53a, 5/10-20.14, 5/10-21.4a, 5/10-23.8a, 5/10-23.8b, and 5/24A-15.
10 ILCS 5/4-6.2, Election Code.
105 ILCS 127/, School Reporting of Drug Violations Act.
23 Ill.Admin.Code Parts 35 and 50, Subpart D.

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:210 (Resignations), 5:250 (Leaves of Absence), 5:290 (Employment Termination and Suspensions)

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[5] Each district must implement a performance evaluation plan for its principals and assistant principals. 105 ILCS 5/24A-15~~, amended by P.A. 102-729~~; 23 Ill.Admin.Code §50.300. A board may substitute this alternative for the first sentence: "The Superintendent or designee shall implement a principal and assistant principal evaluation plan that complies with State law." The statutory deadline for evaluating principals and assistant principals depends on whether the individual's employment contract is for one year or multiple years: (1) the evaluation of individuals on a single-year contract must take place annually by March 1, and (2) the evaluation of individuals on a multi-year contract must take place by March 1 of the contract's final year. 105 ILCS 5/24A-15~~, amended by P.A. 102-729~~. Individual contracts may require an earlier deadline. ~~For the 2022-2023 school year only, if the Governor has declared a disaster due to a public health emergency, districts have the option to waive the evaluation requirement if certain conditions were met. See sample policy 3:50, *Administrative Personnel Other than the Superintendent*, at f/n 4 for more information. Id.~~

[6] Required by 105 ILCS 5/10-21.4a and 5/24A-15~~, amended by P.A. 102-729~~. For a principal who also serves as the district superintendent, the evaluator must be appointed by the board and not be the person whose performance as principal is being evaluated. 23 Ill.Admin.Code §50.300(b). In addition, the evaluator must hold a valid professional educator license endorsed for superintendent issued under Article 21B and have completed the prequalification process and any retraining, as applicable. Id. Add this option if appropriate: "…or, in the absence of the Superintendent or his or her designee, an individual appointed by the Board who holds a valid professional educator license endorsed for superintendent."

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Operational Services

Fiscal and Business Management [1]

The Superintendent is responsible for the School District's fiscal and business management.[2] This responsibility includes annually preparing and presenting the District's statement of affairs to the School Board and publishing it by~~efore~~ December 1 as required by State law. [3]

The Superintendent shall ensure the efficient and cost-effective operation of the District's business management using computers, computer software, data management, communication systems, and electronic networks, including electronic mail, the Internet, and security systems. Each person using the District's electronic network shall complete an *Authorization for Access to the District's Electronic Network*. [4]

Budget Planning

The District's fiscal year is from July 1 until June 30.[5] The Superintendent shall present to the Board, no later than the first regular meeting in August, a tentative budget with appropriate explanation.[6] This budget shall represent the culmination of an ongoing process of planning for the fiscal support needed for the District's educational program. The District's budget shall be entered upon the Ill. State Board of Education's (ISBE) *School District Budget Form*.[7] To the extent possible, the tentative budget shall be balanced as defined by ISBE guidelines. The Superintendent shall complete a tentative deficit reduction plan if one is required by ISBE guidelines. [8]

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[1] State or federal law controls this policy's content. Article 17 of the School Code controls budgeting, tax levies, and tax warrants.

[2] Boards are authorized to hire a chief school business official. 105 ILCS 5/10-22.23a. Districts having a chief school business official may want to replace "Superintendent" with "Chief School Business Official" throughout this policy.

[3] 105 ILCS 5/10-17, amended by P.A. 104-261, eff. 1-1-26. No later than December 1 each year, a school board must make its statement of affairs available to the public by posting it on the district's website and publishing it in a newspaper of general circulation. See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

[4] See sample exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-AP1, E2, *Staff Authorization for Access to the District's Electronic Networks*. Use of electronic networks in the curriculum is covered in sample policy 6:235, *Access to Electronic Networks*.

[5] The board sets the fiscal year (105 ILCS 5/17-1) and this sentence should reflect that local decision. If the board sets an alternative fiscal year, State law provides, "If the beginning of the fiscal year of a district is subsequent to the time that the tax levy due to be made in such fiscal year shall be made, then such annual budget shall be adopted prior to the time such tax levy shall be made." Id. Consult the board attorney for guidance on the impact of an alternative fiscal year on the deadlines in this policy.

[6] The board must designate a person(s) to prepare a tentative budget. 105 ILCS 5/17-1. The purpose of this policy's directive for the superintendent to present a tentative budget "no later than the first regular meeting in August" is to ensure that the budget can be adopted by September 30 (see f/n 14). A board may amend this directive to give the superintendent additional flexibility by requiring him or her to present a tentative budget "during a regular Board meeting in August."

[7] Required by 105 ILCS 5/17-1. See www.isbe.net/Pages/School-District-Joint-Agreement.aspx.

[8] Id. The budget instructions from ISBE detail when a deficit reduction plan must be completed. State law requires the budget to be balanced and, if not, a three-year deficit reduction plan must be developed.

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Preliminary Adoption Procedures

After receiving the Superintendent's proposed budget, the Board sets the date, place, and time for:

1. A public hearing on the proposed budget,[9] and
2. The proposed budget to be available to the public for inspection. [10]

The Board Secretary shall arrange to publish a notice in a local newspaper stating the date, place, and time of the proposed budget's availability for public inspection and the public hearing.[11] The proposed budget shall be available for public inspection at least 30 days before the time of the budget hearing.

At the public hearing, the proposed budget shall be reviewed, including the cash reserve balance of all funds held by the District related to its operational levy and, if applicable, any obligations secured by those funds,[12] and the public shall be invited to comment, question, or advise the Board. [13]

Final Adoption Procedures

The Board adopts a budget before the end of the first quarter of each fiscal year, September 30, or by such alternative procedure as State law may define.[14] To the extent possible, the budget shall be balanced as defined by ISBE; if not balanced, the Board will adopt a deficit reduction plan to balance the District's budget within three years according to ISBE requirements. [15]

The Board adopts the budget by roll call vote. The budget resolution shall be incorporated into the meeting's official minutes. Board members' names voting *yea* and *nay* shall be recorded in the minutes.[16]

The Superintendent or designee shall perform each of the following:

1. Post the District's final annual budget, itemized by receipts and expenditures, on the District's Internet website; notify parents/guardians that it is posted and provide the website's address.[17]

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[9] At least one public hearing must be held before final action is taken on the budget. 105 ILCS 5/17-1.

[10] The tentative budget must be conveniently available for public inspection for at least 30 days before final action on the budget. 105 ILCS 5/17-1.

[11] 105 ILCS 5/17-1 makes the board secretary responsible for this public notice at least 30 days before the hearing. If there is no newspaper published in the district, notice must be given by posting notices in five of the most public places in the district. 105 ILCS 5/17-1.

[12] 105 ILCS 5/17-1.3~~, added by P.A. 102-895,~~ requires districts to disclose this cash reserve balance information "at the public hearing at which the district certifies its budget and levy for the taxable year." The statute does not specify the manner in which the disclosure must be made; for ease of administration, this sample policy manages disclosure at the budget hearing by including it in the budget review. To provide evidence of compliance, consider as a best practice recording this disclosure in the board meeting minutes and/or presenting it in writing. The term *operational levy* is not defined in the statute, but the definition of *operational funds* in 105 ILCS 5/17-1.10, added by P.A. 103-394, references 105 ILCS 5/17-1.3 and supports that it includes the educational, transportation, and operation and maintenance funds. Consult the board attorney for guidance.

[13] State law does not address what transpires during the budget hearing. See f/n 12, above, regarding disclosure of cash reserves at the budget hearing as a means to comply with 105 ILCS 5/17-1.3~~, added by. P.A. 102-895~~.

[14] Required by 105 ILCS 5/17-1 and 5/17-3.2. See f/n 5.

[15] Required by 105 ILCS 5/17-1. See f/n 8.

[16] Required by 105 ILCS 5/10-7.

[17] Required by 105 ILCS 5/17-1.2, *only if* the district has a website. Delete this sentence if~~unless~~ the district ~~has~~ does not have a website.

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2. File a certified copy of the budget resolution and an estimate of revenues by source anticipated to be received in the following fiscal year, certified by the District's Chief Fiscal Officer, with the County Clerk within 30 days of the budget's adoption. [18]
3. Ensure disclosure to the public of the cash reserve balance of all funds held by the district related to its operational levy and, if applicable, any obligations secured by those funds, at the public hearing[19] at which the Board certifies its operational levy.
4. Present a written report that includes the annual average expenditures of the District's operational funds for the previous three fiscal years at or before the board meeting at which the Board adopts its levy. In the event the District's combined cash reserve balance of its operational funds is more than 2.5 times the annual average expenditures of those funds for the previous three fiscal years, the Board will adopt and file with ISBE a reserve reduction plan by December 31. [20]
5. Make all preparations necessary for the Board to timely file its Certificate of Tax Levy, including preparations to comply with the Truth in Taxation Act;[21] file the Certificate of Tax Levy with the County Clerk on or before the last Tuesday in December. The Certificate lists the amount of property tax money to be provided for the various funds in the budget.
6. Submit the annual budget, a deficit reduction plan if one is required by ISBE guidelines, and other financial information to ISBE according to its requirements. [22]

Any amendments to the budget or Certificate of Tax Levy shall be made as provided in the School Code and Truth in Taxation Act. [23]

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[18] Required by 35 ILCS 200/18-50, which refers to "appropriation and budget ordinances or resolutions." School districts adopt budgets by board resolution. The budget serves as the district's appropriation.

[19] Required by 105 ILCS 5/17-1.3~~, added by P.A. 102-895~~. Consult the board attorney about the meaning of the *public hearing* for the levy and if the disclosure must always be made at the board meeting at which the board certifies the district's levy, or only in those instances where notice and a *public hearing* are required by the Truth in Taxation Law. 35 ILCS 200/18-70. Similar to the disclosure of cash reserves made at the budget hearing, a district may want to manage compliance for the levy hearing by incorporating the information into the presentation of the levy at the board meeting. See f/n 12, above.

[20] Delete this paragraph if a district receives federal impact funding. 105 ILCS 5/17-1.10(a), added by P.A. 103-394. Federal impact aid is designed to assist local school districts that have lost a portion of their local tax base because of federal ownership of property (e.g., military bases, low-rent housing properties, or concentrations of students that have parents/guardians in the uniformed services). For more information about federal impact aid, see www.impactaid.ed.gov/resources/ and www.nafisdc.org/impact-aid-resources/impact-aid-payments/. 105 ILCS 5/17-1.10(a), added by P.A. 103-394, requires a board to present "at a board meeting" a written report that includes the annual average expenditures of its *operational funds*, which include the educational, transportation, and operation and maintenance funds. Id. The average expenditures are calculated based on the district's most recently audited annual financial report (AFR). Id. For ease of administration, this sample policy manages presentation of the report in conjunction with the meeting at which a board adopts its levy, or earlier, if a district's AFR is available. Consult the board attorney if a district's AFR is not available before December 31 (the date by which a reserve reduction plan must be filed, if applicable); the board may need to rely upon estimated numbers in that scenario. If a district's ratio of its combined cash reserves of its operational funds to its average annual expenditures of those funds over the past three fiscal years exceeds 2.5, then the board must adopt and file a plan with ISBE to reduce its cash reserves to expenditures ratio to at or below 2.5 within three years. Id. at (b), added by P.A. 103-394.

[21] 35 ILCS 200/18-55 et seq. The Truth in Taxation Law contains several notice, publication, and hearing requirements. A district that fails to strictly comply with the notice and publication requirements of the Truth in Taxation Act risks invalidation of its levy. In re County Collector, 229 Ill.App.3d 641 (3rd Dist. 1992). However, failure to post a Truth in Taxation notice on a district's website will not invalidate the notice or action taken on a tax levy. 35 ILCS 200/18-75, amended by P.A. 103-1018. See sample exhibit 2:250, *Immediately Available District Public Records and Web-Posted Reports and Records*.

[22] Required by 105 ILCS 5/17-1.

[23] 105 ILCS 5/17-11 and 35 ILCS 200/18-55 et seq.

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Budget Amendments

The Board may amend the budget by the same procedure as provided for in the original adoption. [24]

Implementation

The Superintendent or designee shall implement the District's budget and provide the Board with a monthly financial report that includes all deficit fund balances. The amount budgeted as the expenditure in each fund is the maximum amount that may be expended for that category, except when a transfer of funds is authorized by the Board.

The Board shall act on all interfund loans[25], interfund transfers[26], transfers within funds[27], and transfers from the working cash fund or abatements of it, if one exists. [28]

LEGAL REF.: 105 ILCS 5/10-17, 5/10-22.33, 5/17-1, 5/17-1.2, 5/17-1.3, 5/17-1.10, 5/17-2A, 5/17-3.2, 5/17-11, 5/20-5, 5/20-8, and 5/20-10.
35 ILCS 200/18-55 et seq., Truth in Taxation Law.
23 Ill.Admin.Code Part 100.

CROSS REF.: 4:20 (Fund Balances), 4:40 (Incurring Debt), 4:60 (Purchases and Contracts), 6:235 (Access to Electronic Networks)

ADMIN. PROC.: 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)

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[24] 105 ILCS 5/17-1; 23 Ill.Admin.Code Part 100.

[25] 105 ILCS 5/10-22.33, 5/20-4, 5/20-5, 5/20-8, and 5/20-10 and 23 Ill.Admin.Code §100.50. If the district loans money from the working cash fund to another fund, Section 5/20-10 requires the district to maintain a credit to the working cash fund (meaning that borrowing fund must repay the working cash fund).

[26] 105 ILCS 5/17-2A, amended by P.A.~~s 102-671, 102-895, and~~ 103-601, contains the requirements for a permanent transfer. P.A.s 102-895 and 103-601 extended the time period during which a district may transfer money from specified funds for any purpose through June 30, 2026.

[27] Transfers between the various items in any fund may not exceed in the aggregate ten percent of the total of such fund as set forth in the budget. If the aggregate exceeds 10%, the board must amend the budget. 105 ILCS 5/17-1.

[28] The purpose of the working cash fund is to enable the school district "to have in its treasury at all times sufficient money to meet demands for expenses." 105 ILCS 5/20-1. School officials, including board members, are liable "for any sum that may be unlawfully diverted from the working cash fund …." 105 ILCS 5/20-6.

105 ILCS 5/20-10 codified a long-held practice and understanding of Ill. school districts. A district may abate (reduce the funds) money from the working cash fund at any time and transfer it to any district fund or funds most in need of the money, provided that the district maintains an amount to the credit of the working cash fund. This was a legislative overturn of a case concluding that any permanent transfer, including abatements, of the working cash fund should be transferred only to the education fund. See G.I.S. Venture v. Novak, 388 Ill.App.3d 184 (2nd Dist. 2009); G.I.S. Venture v. Novak, 385 Ill.Dec. 430 (2nd Dist. 2014). Abolishments (deplete all funds) of the working cash fund must still be transferred to the education fund only.

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Operational Services

Revenue and Investments [1]

Revenue

The Superintendent or designee is responsible for making all claims for property tax revenue, State Aid, special State funds for specific programs, federal funds, and categorical grants.

Investments

The Superintendent shall either appoint a Chief Investment Officer or serve as one.[2] The Chief Investment Officer shall invest money that is not required for current operations, in accordance with this policy and State law. [3]

The Chief Investment Officer and Superintendent shall use the standard of prudence when making investment decisions. They shall use the judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of their capital as well as its probable income.[4]

Investment Objectives [5]

The objectives for the School District's investment activities are:

1. Safety of Principal - Every investment is made with safety as the primary and over-riding concern. Each investment transaction shall ensure that capital loss, whether from credit or market risk, is avoided.
2. Liquidity - The investment portfolio shall provide sufficient liquidity to pay District obligations as they become due. In this regard, the maturity and marketability of investments shall be considered.
3. Rate of Return - The highest return on investments is sought, consistent with the preservation of principal and prudent investment principles.
4. Diversification - The investment portfolio is diversified as to materials and investments, as appropriate to the nature, purpose, and amount of the funds.

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[1] Each district must have an investment policy; its detail and complexity must be appropriate to the nature of the funds, the funds' purpose, and the amount of the public funds within the investment portfolio. 30 ILCS 235/2.5(a).

[2] 30 ILCS 235/2.5(a)(7). Districts having a chief business official may use this alternative: "The Chief Business Official shall serve as the District's Chief Investment Officer." If a Township Treasurer manages the district funds, substitute this sentence:

The Township Treasurer shall serve as the Chief Investment Officer.

[3] Township and school treasurers are authorized by 105 ILCS 5/8-7 to enter into agreements regarding the deposit, investment, and withdrawal of district funds.

[4] The policy must include a standard of care. 30 ILCS 235/2.5(a)(2).

[5] The policy must address safety, liquidity, return (30 ILCS 235/2.5(a)), as well as diversification (30 ILCS 235/2.5(a)(4)). These objectives also serve as investment guidelines. 30 ILCS 235/2.5(a)(3). How these are addressed is at the board's discretion.

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Authorized Investments [6]

The Chief Investment Officer may invest District funds in one or more of the following:

1. Bonds, notes, certificates of indebtedness, treasury bills, or other securities now or hereafter issued, that are guaranteed by the full faith and credit of the United States of America as to principal and interest.
2. Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and its instrumentalities.
   The term "agencies of the United States of America" includes: (a) the federal land banks, federal intermediate credit banks, banks for cooperative, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 and Acts amendatory thereto, (b) the federal home loan banks and the federal home loan mortgage corporation, and (c) any other agency created by Act of Congress.
3. Interest-bearing savings accounts, interest-bearing certificates of deposit or interest-bearing time deposits or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.
4. Short-term obligations of corporations organized in the United States with assets exceeding $500,000,000 if: (a) such obligations are rated at the time of purchase at one of the three highest classifications established by at least two standard rating services and that mature not later than 270 days from the date of purchase, (b) such purchases do not exceed 10% of the corporation's outstanding obligations, and (c) no more than one-third of the District's funds may be invested in short-term obligations of corporations under this paragraph.
5. Obligations of corporations organized in the United States with assets exceeding $500,000,000 if: (a) such obligations are rated at the time of purchase at one of the three highest classifications established by at least two standard rating services and which mature more than 270 days but less than 10 years from the date of purchase, (b) such purchases do not exceed 10% of the

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[6] The policy must contain a "listing of authorized investments." 30 ILCS 235/2.5(a)(1). 30 ILCS 235/2(a-1) allows school districts to invest public funds in interest-bearing bonds of any local government (see paragraph 6). Investments from which a board may choose are listed in this policy. See 30 ILCS 235/2, amended by P.A.~~s 102-285 and~~ 103-880~~, eff. 1-1-25~~. Alternatively, a board may refer to that law by stating:

> The Chief Investment Officer may invest District funds in any investment as authorized in 30 ILCS 235/2, and Acts amendatory thereto.

30 ILCS 235/2(k), added by P.A. 103-880~~, eff. 1-1-25~~, permits a board to adopt a resolution to allow for investment of public funds in other instruments not specifically listed in the Public Funds Investment Act provided those investments comply with: (1) any other law that authorizes a board to invest funds, and (2) the investment policy adopted by the Board. There is uncertainty regarding the potential breadth and scope of this provision and procedural requirements for implementation. The board attorney and district financial advisor(s) should be consulted before adding instruments to the list of authorized investments in this policy and the board's investment portfolio in accordance with 30 ILCS 235/2(k). Any additional investments authorized by the Board under 30 ILCS 235/2(k) should be added to this policy beginning with Item #14. If a board has adopted the alternative language above, the additional investments should be included at the end of the sentence as follows: The Chief Investment Officer may invest District funds in any investment as authorized in 30 ILCS 235/2, and Acts amendatory thereto, as well as [insert investment(s)], in accordance with the requirements of 30 ILCS 235/2(k).

Some attorneys are of the opinion that the Investment of Municipal Funds Act (IMFA) (50 ILCS 340/) authorizes school districts to invest funds in certain tax anticipation warrants. The IMFA applies to counties, park districts, sanitary districts, and other *municipal corporations*. Id. at 340/1. *Municipal corporation* is not specifically defined in the IMFA. Consult with the board attorney and/or bond counsel regarding the authority for such investments and the inclusion of the IMFA in this policy.

As part of its mission to protect public entities, the Municipal Securities Rulemaking Board (MSRB) has resources available that school officials may find helpful at: www.msrb.org/EdCenter. It provides information about bond issuance, required disclosures, and working with municipal advisors.

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corporation's outstanding obligations, and (c) no more than one-third of the District's funds may be invested in obligations of corporations under this paragraph.

6. Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of any such money market mutual fund is limited to obligations described in paragraph (1) or (2) and to agreements to repurchase such obligations.
7. Interest-bearing bonds of any county, township, city, village, incorporated town, municipal corporation, school district, the State of Illinois, any other state, or any political subdivision or agency of the State of Illinois or any other state, whether the interest earned is taxable or tax-exempt under federal law. The bonds shall be (a) registered in the name of the municipality, county, or other governmental unit, or held under a custodial agreement at a bank, and (b) rated at the time of purchase within the four highest general classifications established by a rating service of nationally recognized expertise in rating bonds of states and their political subdivisions.
8. Short term discount obligations of the Federal National Mortgage Association or in shares or other forms of securities legally issuable by savings banks or savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States. Investments may be made only in those savings banks or savings and loan associations, the shares, or investment certificates that are insured by the Federal Deposit Insurance Corporation. Any such securities may be purchased at the offering or market price thereof at the time of such purchase. All such securities so purchased shall mature or be redeemable on a date or dates prior to the time when, in the judgment of the Chief Investment Officer, the public funds so invested will be required for expenditure by the District or its governing authority.
9. Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principal office of any such credit union must be located within the State of Illinois. Investments may be made only in those credit unions the accounts of which are insured by applicable law.
10. A Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act. The District may also invest any public funds in a fund managed, operated, and administered by a bank, subsidiary of a bank, or subsidiary of a bank holding company or use the services of such an entity to hold and invest or advise regarding the investment of any public funds.
11. The Illinois School District Liquid Asset Fund Plus. [7]
12. Repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986, as now or hereafter amended or succeeded, subject to the provisions of said Act and the regulations issued there under. The government securities, unless registered or inscribed in the name of the District, shall be purchased through banks or trust companies authorized to do business in the State of Illinois.

    Except for repurchase agreements of government securities that are subject to the Government Securities Act of 1986, as now or hereafter amended or succeeded, the District may not purchase or invest in instruments that constitute repurchase agreements, and no financial

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[7] The Illinois School District Liquid Asset Fund Plus is an Illinois trust organized to permit Illinois school districts, community colleges, and educational service regions to pool their investment funds to obtain the highest possible investment yield consistent with maintaining liquidity and preserving capital, and to engage in cooperative cash management activities resulting in more efficient financial resource utilization. The program was developed in cooperation with the Ill. Association of School Boards, the Ill. Association of School Business Officials, and the Ill. Association of School Administrators. For more information, including regional representative contact information, see www.iasbop2p.org/isdlaf/home.

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institution may enter into such an agreement with or on behalf of the District unless the instrument and the transaction meet all of the following requirements:

a. The securities, unless registered or inscribed in the name of the District, are purchased through banks or trust companies authorized to do business in the State of Illinois.
b. The Chief Investment Officer, after ascertaining which firm will give the most favorable rate of interest, directs the custodial bank to "purchase" specified securities from a designated institution. The "custodial bank" is the bank or trust company, or agency of government, that acts for the District in connection with repurchase agreements involving the investment of funds by the District. The State Treasurer may act as custodial bank for public agencies executing repurchase agreements.
c. A custodial bank must be a member bank of the Federal Reserve System or maintain accounts with member banks. All transfers of book-entry securities must be accomplished on a Reserve Bank's computer records through a member bank of the Federal Reserve System. These securities must be credited to the District on the records of the custodial bank and the transaction must be confirmed in writing to the District by the custodial bank.
d. Trading partners shall be limited to banks or trust companies authorized to do business in the State of Illinois or to registered primary reporting dealers.
e. The security interest must be perfected.
f. The District enters into a written master repurchase agreement that outlines the basic responsibilities and liabilities of both buyer and seller.
g. Agreements shall be for periods of 330 days or less.
h. The Chief Investment Officer informs the custodial bank in writing of the maturity details of the repurchase agreement.
i. The custodial bank must take delivery of and maintain the securities in its custody for the account of the District and confirm the transaction in writing to the District. The custodial undertaking shall provide that the custodian takes possession of the securities exclusively for the District; that the securities are free of any claims against the trading partner; and that any claims by the custodian are subordinate to the District's claims to rights to those securities.
j. The obligations purchased by the District may only be sold or presented for redemption or payment by the fiscal agent bank or trust company holding the obligations upon the written instruction of the Chief Investment Officer.
k. The custodial bank shall be liable to the District for any monetary loss suffered by the District due to the failure of the custodial bank to take and maintain possession of such securities.

13. Any investment as authorized by the Public Funds Investment Act, and Acts amendatory thereto. Paragraph 13 supersedes paragraphs 1-12 and controls in the event of conflict.

Except as provided herein, investments may be made only in banks, savings banks, savings and loan associations, or credit unions that are insured by the Federal Deposit Insurance Corporation or other approved share insurer. [8]

The Chief Investment Officer and Superintendent shall regularly consider material, relevant, and decision-useful sustainability factors in evaluating investment decisions, within the bounds of financial and fiduciary prudence. Such factors include, but are not limited to: (1) corporate governance and leadership factors, (2) environmental factors, (3) social capital factors, (4) human capital factors, and

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[8] 30 ILCS 235/2~~, amended by P.A. 102-285~~.

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(5) business model and innovation factors, as provided under the Ill. Sustainable Investing Act, 30 ILCS 238/. [9]

Selection of Depositories, Investment Managers, Dealers, and Brokers [10]

The Chief Investment Officer shall establish a list of authorized depositories, investment managers, dealers and brokers based upon the creditworthiness, reputation, minimum capital requirements, qualifications under State law, as well as a long history of dealing with public fund entities. The Board will review and approve the list at least annually.

In order to be an authorized depository, each institution must submit copies of the last two sworn statements of resources and liabilities or reports of examination that the institution is required to furnish to the appropriate State or federal agency.[11] Each institution designated as a depository shall, while acting as such depository, furnish the District with a copy of all statements of resources and liabilities or all reports of examination that it is required to furnish to the appropriate State or federal agency. [12]

The above eligibility requirements of a bank to receive or hold public deposits do not apply to investments in an interest-bearing savings account, demand deposit account, interest-bearing certificate of deposit, or interest-bearing time deposit if: (1) the District initiates the investment at or through a bank located in Illinois, and (2) the invested public funds are at all times fully insured by an agency or instrumentality of the federal government. [13]

The District shall consider a financial institution's record and current level of financial commitment to its local community when deciding whether to deposit funds in that financial institution. The District may consider factors including: [14]

1. For financial institutions subject to the federal Community Reinvestment Act of 1977 (CRA), the current and historical ratings that the financial institution has received, to the extent that those ratings are publicly available, under the CRA;
2. For financial institutions subject to the Ill. Community Reinvestment Act (ICRA), the current and historical ratings that the financial institution has received, to the extent that those ratings are publicly available, under the ICRA;
3. Any changes in ownership, management, policies, or practices of the financial institution that may affect the level of the financial institution's commitment to its community;
4. The financial impact that the withdrawal or denial of District deposits might have on the financial institution;

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[9] This statement is required by 30 ILCS 235/2.5(a-5). See the Ill. Sustainable Investing Act (SIA)(30 ILCS 238/) for examples of these five *sustainability factors*. Id. at 238/20. Under the SIA, school districts, must "prudently integrate sustainability factors into its investment decisions-making, investment analysis, portfolio construction, due diligence, and investment ownership in order to maximize anticipated financial returns, minimize projected risk, and more effectively execute its fiduciary duty." Id. See www.illinoistreasurer.gov/Local_Governments/Sustainable_Investing_Act for more information. Before being awarded a contract by a board, an investment manager is required to disclose any process through which the manager integrates sustainability factors into their investment decision-making and other fiduciary duties. Id. at 20(e), amended by P.A. 103-324.

[10] The policy must address these topics. 30 ILCS 235/2.5(a)(11).

[11] 30 ILCS 235/6.

[12] Id.

[13] 30 ILCS 235/6.5.

[14] 30 ILCS 235/8(a), amended by P.A. 104-92, eff. 1-1-26.

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5. The financial impact to the District as a result of withdrawing public funds or refusing to deposit additional public funds in the financial institution; and
6. Any additional burden on the District's resources that might result from ceasing to maintain deposits of public funds at the financial institution under consideration.

The District may not deposit public funds in a financial institution subject to the CRA unless the institution has a current rating of satisfactory or outstanding under the CRA.[15] The District may not deposit public funds in a financial institution subject to the ICRA unless either: (1) the institution has a current rating of satisfactory under the ICRA at the time of deposit; or (2) the Ill. Dept. of Financial and Professional Regulation has not yet completed its initial examination of the institution under the ICRA. The District may not withdraw public funds from a financial institution prior to the date of maturity solely on the basis of a less than satisfactory rating under the ICRA.[16] When investing or depositing public funds, the District may give preference to financial institutions that have a current rating of outstanding under the CRA and the ICRA. [17]

Collateral Requirements [18]

All amounts deposited or invested with financial institutions in excess of any insurance limit shall be collateralized in accordance with the Public Funds Investment Act, 30 ILCS 235/. The Superintendent or designee shall keep the Board informed of collateral agreements.

Safekeeping and Custody Arrangements [19]

The preferred method for safekeeping is to have securities registered in the District's name and held by a third-party custodian. Safekeeping practices should qualify for the Governmental Accounting Standards Board Statement No. 3, Deposits with Financial Institutions, Investments (including Repurchase Agreements), and Reverse Repurchase Agreements, Category I, the highest recognized safekeeping procedures.

Controls and Report [20]

The Chief Investment Officer shall establish a system of internal controls and written operational procedures to prevent losses arising from fraud, employee error, misrepresentation by third parties, or imprudent employee action.

The Chief Investment Officer shall provide a quarterly investment report to the Board. The report will: (1) assess whether the investment portfolio is meeting the District's investment objectives, (2) identify

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[15] Id. at (a-5).

[16] Id. at (a-6), added by P.A. 104-92, eff. 1-1-26.

[17] Optional. Id. at (a-10), amended by P.A. 104-92, eff. 1-1-26.

[18] Collateral requirements are permissive; if used, guidelines regarding their use must be included in the policy. 30 ILCS 235/2.5(a)(5). The requirements for collateral agreements are in 30 ILCS 235/6(d). The sample policy contains one guideline, that is, that the board be kept informed of collateral agreements. An optional guideline follows:

In addition, the financial institution must provide the Board with a copy of its board of directors' meeting minutes evidencing that the board of directors approved the collateral agreement.

[19] The policy must address safekeeping and custody arrangements. 30 ILCS 235/2.5(a)(5). Registration requirements are in 30 ILCS 235/3.

[20] The policy must provide for internal controls, periodic review, and at least quarterly written investment reports. 30 ILCS 235/2.5(a)(6), (9), and (10). The operational procedures to prevent losses are best addressed by each district in consultation with its auditor and legal counsel. See sample policy 4:80, *Accounting and Audits*; and sample administrative procedures 4:80-AP1, *Checklist for Internal Controls*, and 4:80-AP2, *Fraud, Waste, and Abuse Awareness Program*.

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each security by class or type, book value, income earned, and market value, (3) identify those institutions providing investment services to the District, and (4) include any other relevant information. The investment portfolio's performance shall be measured by appropriate and creditable industry standards for the investment type. [21]

The Board will determine, after receiving the Superintendent's recommendation, which fund is in most need of interest income and the Superintendent shall execute a transfer. This provision does not apply when the use of interest earned on a particular fund is restricted. [22]

Ethics and Conflicts of Interest [23]

The Board and District officials will avoid any investment transaction or practice that in appearance or fact might impair public confidence. Board members are bound by the Board policy 2:100, *Board Member Conflict of Interest*. No District employee having influence on the District's investment decisions shall:

1. Have any interest, directly or indirectly, in any investments in which the District is authorized to invest,
2. Have any interest, directly or indirectly, in the sellers, sponsors, or managers of those investments, or
3. Receive, in any manner, compensation of any kind from any investments in that the agency is authorized to invest.

LEGAL REF.: 30 ILCS 235/, Public Funds Investment Act.
30 ILCS 238/, Ill. Sustainable Investing Act.
105 ILCS 5/8-7, 5/10-22.44, 5/17-1, and 5/17-11.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:10 (Fiscal and Business Management), 4:80 (Accounting and Audits)

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[21] The policy must include performance measures. 30 ILCS 235/2.5(8).

[22] 105 ILCS 5/10-22.44. "Chief Business Official" may replace "Superintendent." Interest income earned on any funds for IMRF, Tort Immunity Act, Fire Prevention, Safety and Environmental Energy, and Capital Improvement Act are restricted to the respective fund. Id.

[23] The policy must address these topics. 30 ILCS 235/2.5(a)(12). The conflict of interest prohibition is in 30 ILCS 235/2(d).

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Operational Services

Accounting and Audits [1]

The School District's accounting and audit services shall comply with the *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing*, as adopted by the Ill. State Board of Education (ISBE), State and federal laws and regulations, and generally accepted accounting principles. Determination of liabilities and assets, prioritization of expenditures of governmental funds, and provisions for accounting disclosures shall be made in accordance with government accounting standards as directed by the auditor designated by the Board. The Superintendent, in addition to other assigned financial responsibilities, shall report monthly on the District's financial performance, both income and expense, in relation to the financial plan represented in the budget.

Annual Audit [2]

At the close of each fiscal year, the Superintendent shall arrange an audit of the District funds, accounts, statements, and other financial matters. The audit shall be performed by an independent certified public accountant designated by the Board and be conducted in conformance with prescribed standards and legal requirements. A complete and detailed written audit report shall be provided to each Board member and to the Superintendent. The Superintendent shall annually, on or before October 15, submit ~~an original and~~ one copy of the audit to the Regional Superintendent of Schools. The Superintendent shall also ensure the District's auditing firm files the District's audit with ISBE annually on or before October 15.

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[1] State or federal law controls this policy's content. A board policy or resolution is required concerning revolving funds and petty cash. 23 Ill.Admin.Code §100.70. This policy is intended to facilitate the board's fiscal oversight role. The last sentence of the first paragraph should be modified to align with local conditions.

[2] Audit requirements are found in 105 ILCS 5/3-7 and 5/3-15.1, both amended by P.A. 104-261, eff. 1-1-26, and 23 Ill.Admin.Code §100.110. The federal Single Audit Act adds audit requirements for federal programs. 31 U.S.C. §7501 et seq. Grant Accountability Transparency Act (GATA) (30 ILCS 708/) rules also require districts that receive federal pass-through and State-issued awards to have a financial statement audit conducted in accordance with 23 Ill.Admin.Code §100.110, regardless of the amount of award expenditures. 44 Ill.Admin.Code §7000.90(c)(3). See f/n 5, below, for additional information regarding GATA.

For districts in suburban Cook County, replace "Regional Superintendent of Schools" with "appropriate Intermediate Service Center Executive Director."

The last sentence in this subhead is optional. It is included to support the auditor's compliance with its filing requirement under 105 ILCS 5/3-7, amended by P.A. 104-261, eff. 1-1-26.

The following optional sentence establishes an audit committee: "The Board will annually establish an audit committee to help the Board select an external auditor, confer with the auditor regarding the audit's scope, and oversee the audit process." **Note:** All board committees are subject to the Open Meetings Act (5 ILCS 120/).

The following optional sentence establishes a competitive process for selecting the external auditor; it prevents a long-term relationship with an auditor and reduces the possibility of audits being too routine or friendly: "The Board will annually advertise a request for proposals to perform the external audit." Substitute "periodically" for "annually" if desired.

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Annual Financial Report [3]

The Superintendent or designee shall annually prepare and submit the Annual Financial Report (AFR) on a timely basis using the form adopted by ~~the~~ ISBE. The Superintendent shall review and discuss the ~~Annual Financial Report~~AFR with the Board before it is submitted~~.~~ and submit one copy of the AFR to the Regional Superintendent of Schools annually on or before October 15. The Superintendent shall also ensure the District's auditing firm files the District's AFR with ISBE annually on or before October 15.

Inventories [4]

The Superintendent or designee is responsible for establishing and maintaining accurate inventory records. The inventory record of supplies and equipment shall include a description of each item, quantity, location, purchase date, and cost or estimated replacement cost, unless the supplies and equipment are acquired by the District pursuant to a federal or State grant award, in which case the inventory record shall also include the information required by 2 C.F.R. §200.313, if applicable.[5] The Superintendent shall establish procedures for the management of property acquired by the District under grant awards that comply with federal and State law. [6]

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[3] Requirements for the annual financial report are found in 105 ILCS 5/2-3.27 and 5/3-15.1, amended by P.A. 104-261, eff. 1-1-26; 23 Ill.Admin.Code §100.100. The last sentence of this section should be modified to align with local conditions.

For districts in suburban Cook County, replace "Regional Superintendent of Schools" with "appropriate Intermediate Service Center Executive Director."

The last sentence in this subhead is optional. It is included to support the auditor's compliance with its filing requirement under 105 ILCS 5/3-7, amended by P.A. 104-261, eff. 1-1-26.

[4] The content of inventory records is at the district's discretion, with the exception of supplies and equipment that are governed by 2 C.F.R. §200.313. See f/n 5, below.

[5] 2 C.F.R. §200.313. The uniform federal rules that govern federal grant awards in 2 C.F.R. Part 200 apply to State-issued awards through the Grant Accountability Transparency Act (GATA) (30 ILCS 708/), unless exempted in whole or in part by the Governor's Office of Management of Budget. 30 ILCS 708/55. See www.isbe.net/gata for further information about the scope of GATA's application to federal awards and State-funded grant programs administered by the Ill. State Board of Education (ISBE). See sample administrative procedure 4:80-AP3, *Inventory Management for Federal and State Awards*. ISBE guidance is available at: www.isbe.net/Documents/fiscal_procedure_handbk.pdf and www.isbe.net/Pages/Federal-and-State-Monitoring.aspx.

[6] Id. In connection with ISBE's grant monitoring function, ISBE published an *Internal Control Checklist* that includes a *Checklist for Equipment and Inventory Review* which requires an approved policy (or procedure) related to the management of equipment at: www.isbe.net/Documents/Internal-Control-Checklist.pdf.

~~www.isbe.net/Pages/Federal-and-State-Monitoring.aspx. At the time of **PRESS** Issue 118's publication (Apr.2025), ISBE had not updated its Checklist to incorporate 2024 amendments made to 2 C.F.R. Part 200, including the increase in the capitalization threshold from $5,000 to $10,000.~~

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Capitalization Threshold [7]

To be considered a capital asset for financial reporting purposes, a capital item must be at or above a capitalization threshold of $10,000 and have an estimated useful life greater than one year.

Disposition of District Property [8]

The Superintendent or designee shall notify the Board, as necessary, of the following so that the Board may consider its disposition: (1) District personal property (property other than buildings and land) that is no longer needed for school purposes, and (2) school site, building, or other real estate that is unnecessary, unsuitable, or inconvenient. Notwithstanding the above, the Superintendent or designee may unilaterally dispose of personal property of a diminutive value. The Superintendent shall establish procedures for the disposition and, when permitted by the terms and conditions of the award, the retention of property acquired by the District under grant awards that comply with federal and State law.

Taxable Fringe Benefits [9]

The Superintendent or designee shall: (1) require that all use of District property or equipment by employees is for the District's convenience and best interests unless it is a Board-approved fringe benefit, and (2) ensure compliance with the Internal Revenue Service regulations regarding when to report an employee's personal use of District property or equipment as taxable compensation.

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[7] Optional. 23 Ill.Admin.Code §100.60 requires school boards to adopt a capitalization threshold, which can be done through policy. The capitalization threshold is a dollar figure above which the cost of an item will be included on financial statements and depreciated. A minimum threshold of $10,000, or a lesser amount established by the board, and useful life greater than one year complies with the definition of *equipment* under federal grant rules. 2 C.F.R. §§200.1 and 200.313(e). Multiple thresholds can be established for different categories of capital assets. Id. The Government Accounting Standards Board (GASB) Statement No. 34 at para. 115(e) states that a government should disclose its policy "for capitalizing assets and for estimating the useful lives of those assets." See GASB Statement 34 and Implementation Guide No. 2015-1 both available at: www.gasb.org. District auditors may require or recommend a district have a more comprehensive capitalization policy and/or procedure. Such an accounting policy or procedure should be developed in consultation with the district's accounting professional(s) and tailored to reflect local conditions.

[8] The requirements in this section are specified in 105 ILCS 5/5-22 (allowing property constructed or renovated by students as part of a curricular program to be sold through the services of a licensed real estate broker subject to certain requirements), 5/10-22.8 (sale of personal property); and 2 C.F.R. §200.313(e) and (f) for federal awards and State awards governed by GATA. See f/n 5, above, regarding grant award requirements. A board that desires to act on the disposition of property having *any* value should use the following alternative to this section's last sentence: "Notwithstanding the above, the Superintendent or designee may unilaterally dispose of worthless personal property."

The recipient (through either sale or donation) of any discarded school bus must immediately: (1) remove, cover, or conceal the "SCHOOL BUS" signs and any other insignia or words indicating the vehicle is a school bus; (2) render inoperable or remove entirely the stop signal arm and flashing signal system; and (3) paint the school bus a different color from those under 625 ILCS 5/12-801. 625 ILCS 5/12-806(b).

[9] The intent of this optional section is twofold: (1) to control personal use of district property and equipment; and (2) to ensure compliance with IRS rules. As to the first point, allowing personal use of district property or equipment is arguably prohibited by the Ill. Constitution, Art. VIII, Sec. 1 which states: "Public funds, property or credit shall be used only for public purposes." As to the second point, any fringe benefit an employer provides is taxable and must be included in the recipient's pay unless the law specifically excludes it. See Publication 15-B (2025), *Employer's Tax Guide to Fringe Benefits*, at: www.irs.gov/pub/irs-pdf/p15b.pdf.

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Controls for Revolving Funds and Petty Cash [10]

Revolving funds and the petty cash system are established in Board policy 4:50, *Payment Procedures*. The Superintendent shall: (1) designate a custodian for each revolving fund and petty cash fund, (2) obtain a bond for each fund custodian, and (3) maintain the funds in compliance with this policy, State law, and ISBE rules. A check for the petty cash fund may be drawn payable to the designated petty cash custodian. Bank accounts for revolving funds are limited to a maximum balance of $1,000. All expenditures from these bank accounts must be directly related to the purpose for which the account was established and supported with documentation, including signed invoices or receipts. All deposits into these bank accounts must be accompanied with a clear description of their intended purpose. The Superintendent or designee shall include checks written to reimburse revolving funds on the Board's monthly listing of bills indicating the recipient and including an explanation.

Control Requirements for Checks [11]

The Board must approve all bank accounts opened or established in the District's or a District school's name or with the District's Federal Employer Identification Number. All checks issued by the School District must be signed by either the Treasurer or Board President, except that checks from accounts containing student activity funds or fiduciary funds and checks from revolving accounts may be signed by their respective account custodians.

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[10] 105 ILCS 5/10-20.19(2); 23 Ill.Admin.Code §100.70. This paragraph's contents are mandatory, except for the $1,000 cap on the maximum balance of revolving funds. The cap amount may be changed or the following alternative used: "Each revolving fund shall be maintained in a bank that has been approved by the Board and established in an amount approved by the Superintendent consistent with the annual budget."

The School Code defines petty cash as a type of revolving fund. Id. It and other revolving funds carry a standard balance and are regularly reimbursed to maintain the standard balance amount (generally referred to as an *imprest system* of financial accounting). In practice, petty cash is paid out of a *de minimis* cash amount maintained by a fund custodian. Disbursement from a revolving fund other than petty cash is typically made against an imprest checking account, by an authorized signor who is readily available in the district, e.g., a superintendent or building principal. The authorized signor manages the revolving fund and requests the board to reimburse the fund for expenses incurred to bring the imprest account back to its standard balance.

[11] This section is largely up to the local board's discretion; additional controls may be added. The following alternative to the second sentence will mandate two signatories for checks:

> Two of the following individuals: the Treasurer, Board President, and/or Board Vice President, shall sign all checks issued by the School District, except that checks from accounts containing student activity funds or fiduciary funds and checks from revolving accounts may be signed by their respective account custodians.

See sample policy 4:90, *Student Activity and Fiduciary Funds,* for more information about a board's responsibilities for *student activity funds* and *fiduciary funds*. A board must comply with State law requirements concerning the use of facsimile or electronic signatures on checks. The Secretary of State, Index Department, maintains certified manual signatures of officers authorized to sign checks. Uniform Facsimile Signature of Public Officials Act, 30 ILCS 320/. Electronic records and signatures are governed by the Uniform Electronic Transactions Act. 815 ILCS 333/. Attorneys disagree about the applicability of these laws to school districts.

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Internal Controls [12]

The Superintendent is primarily responsible for establishing and implementing a system of internal controls for safeguarding the District's financial condition; the Board, however, will oversee these safeguards. The control objectives are to ensure efficient business and financial practices, reliable financial reporting, and compliance with State law and Board policies, and to prevent losses from fraud, waste, and abuse,[13] as well as employee error, misrepresentation by third parties, or other imprudent employee action.

The Superintendent or designee shall annually audit the District's financial and business operations for compliance with established internal controls and provide the results to the Board. The Board may from time-to-time engage a third party to audit internal controls in addition to the annual audit.

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[12] This section is largely up to the local board's discretion. The annual audit must include a "review and testing of the internal control structure." 23 Ill.Admin.Code §100.110. This review's limited scope means that boards should not rely on it to reveal uncontrolled financial risks. The board's responsibility is to establish policy to safeguard the district's financial condition. Indeed, the oath of office includes this promise: "I shall respect taxpayer interests by serving as a faithful protector of the school district's assets." In this sample policy, the board sets the control objectives and the superintendent is responsible for developing an internal controls system. In addition, ISBE has issued guidance on internal controls pursuant to its administration of the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/. See ISBE's *State and Federal Grant Administration Policy, Fiscal Requirements, and Procedures,* at: www.isbe.net/Documents/fiscal_procedure_handbk.pdf, which states that "to establish a strong control environment, grantees must…[d]esign internal controls that are in compliance with guidance in *Standards for Internal Control in the Federal Government* issued by the Comptroller General of the United States" (a free resource, available at: www.gao.gov/assets/gao-25-107721.pdf) or the *Internal Control Integrated Framework* issued by the Committee of Sponsoring Organizations of the Treadway Commission (a fee-based resource, available at: www.coso.org/guidance-on-ic). Boards that wish to take a larger oversight role regarding internal controls may list the numbered sentences in the IASB sample administrative procedure 4:80-AP1, *Checklist for Internal Controls*, as required inclusions in the superintendent's program for internal controls. This alternative, for insertion at the end of this section's first paragraph, follows:

The District's system of internal controls shall include the following:

1. All financial transactions must be properly authorized and documented.
2. Financial records and data must be accurate and complete.
3. Accounts payable must be accurate and punctual.
4. District assets must be protected from loss or misuse.
5. Incompatible duties should be segregated, if possible.
6. Accounting records must be periodically reconciled.
7. Equipment and supplies must be safeguarded.
8. Staff members with financial or business responsibilities must be properly trained and supervised, and must perform their responsibilities with utmost care and competence.
9. Any unnecessary weaknesses or financial risks must be promptly corrected.

[13] Unless specifically exempted, grantees receiving funds from any State agency, including ISBE, must comply with GATA and annually complete a *Fiscal and Administrative Internal Controls Questionnaire* (ICQ). The ICQ covers a number of different topics related to internal controls. Districts that are identified as having one or more areas of elevated risk based on their answers to the ICQ, are required to develop and implement corrective action to address the area(s). Districts that fail to take necessary corrective action to address weak areas of internal control put their grant funding at risk. One of the sections of the ICQ may address a grantee's internal controls for fraud, waste, and abuse, including whether the grantee has a *fraud awareness program*. See sample administrative procedures 4:80-AP1, *Checklist for Internal Controls,* and 4:80-AP2, *Fraud, Waste, and Abuse Awareness Program,* which incorporate ISBE-recommended practices related to fraud, waste, and abuse.

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LEGAL REF.: 2 C.F.R. §200 et seq.
30 ILCS 708/, Grant Accountability and Transparency Act;, implemented by 44 Ill.Admin.Code 7000 et seq.
105 ILCS 5/2-3.27, 5/2-3.28, 5/3-7, 5/3-15.1, 5/5-22, 5/10-21.4, 5/10-20.19, 5/10-22.8, and 5/17-1 et seq.
23 Ill.Admin.Code Part 100.

CROSS REF.: 4:10 (Fiscal and Business Management), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 4:90 (Student Activity and Fiduciary Funds)

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Operational Services

Transportation [1]

The District shall provide free transportation for any student in the District who resides: (1) at a distance of one and one-half miles or more from his or her assigned school, unless the School Board has certified to the Ill. State Board of Education that adequate public transportation is available,[2] or (2) if adequate public transportation is not available, within one and one-half miles from his or her assigned school where walking to or from school or to or from a pick-up point or bus stop would constitute a *serious safety hazard* due to either (a) vehicular traffic or rail crossing or (b) *a course or pattern of criminal activity*, as defined in the Ill. Streetgang Terrorism Omnibus Prevention Act, 740

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[1] State law controls this policy's content. 105 ILCS 5/29-1 et seq. and 23 Ill.Admin.Code Part 120. **Important: The board of a district that does *not* provide transportation must amend this policy.** F/n 2 discusses when districts must provide free transportation. Please contact an IASB Policy Consultant for *gratis* help customizing this policy. You may also need to consult the board attorney.

Beginning 7-1-31, newly purchased school buses must be equipped with seat safety belts that meet State and federal standards, but districts will not have to: (1) ensure that the seat belt system is correctly adjusted and fastened or (2) give instruction on their use. 625 ILCS 5/12-826(a) and (b), added by P.A. 104-75.

A district that chooses to consider locations other than individual students' residences as pick-up and drop-off locations must adopt a policy establishing this practice to receive State reimbursement. 23 Ill.Admin.Code §120.30(a)(1)(B).

Each district must have a pre-trip and post-trip inspection policy. 625 ILCS 5/12-816(a). An Ill. State Board of Education (ISBE) rule requires boards to "institute policies and practices that promote the safety and well-being of school bus passengers." 23 Ill.Admin.Code §1.510(g). To comply with these requirements, this policy lists relevant administrative procedures at the end.

The policy does not address an *automatic traffic enforcement* system which may be enacted by a municipality or county. An *automatic traffic law enforcement system* is a device that senses and records a motor vehicle that illegally fails to stop for a school bus. 625 ILCS 5/11-208.9. Each school board within that municipality or county's jurisdiction may approve the system's implementation. The board is then required to enter into an intergovernmental agreement with the municipality or county and contract with vendors for the system's installation, maintenance, and operation. Each applicable school bus must be posted with a sign indicating that it is being monitored by an automated traffic law enforcement system. The proceeds from a school district's automated traffic law enforcement system's fines shall be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system.

[2] The one and one-half miles distance is measured from the exit of the property where the student resides to the point where pupils are normally unloaded at the attendance center to which they are assigned. 105 ILCS 5/29-3; 23 Ill.Admin.Code §120.30(a)(1)(A). Only the following districts must provide free transportation as described in the sample policy: community consolidated districts, community unit districts, consolidated districts, consolidated high school districts, and combined school districts if the combined district includes any district that was previously required to provide transportation. 105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510(a). Districts that are not required to provide free transportation may do so. Id. To qualify for State reimbursement, districts electing to provide transportation when they are not required to do so must afford the same service to all students in that same situation. 23 Ill.Admin.Code §1.510(b). Districts may provide transportation within one and one-half miles and may charge for such transportation. 105 ILCS 5/29-2.

Optional provision: (105 ILCS 5/29-3.1)

> The District may provide transportation to and from school-sponsored activities and may charge for such transportation.

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ILCS 147/.[3] A student's parent(s)/guardian(s) may file a petition with the Board requesting transportation due to the existence of a serious safety hazard.[4] Free transportation service and vehicle adaptation is provided for a special education student if included in the student's individualized educational program.[5] Non-public school students shall be transported in accordance with State law.[6] Homeless students shall be transported in accordance with Section 45/1-15 of the Education for Homeless Children Act.[7] Foster care students shall be transported in accordance with Section 6312(c)(5)(B) of the Elementary and Secondary Education Act. [8]

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[3] 105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510. The determination as to what constitutes a *serious safety hazard* regarding vehicular traffic or rail crossings is made by the board, in accordance with guidelines issued by the Ill. Dept. of Transportation, in consultation with the State Superintendent of Education. The Ill. Streetgang Terrorism Omnibus Prevention Act defines *course or pattern of criminal activity* as two or more gang-related criminal offenses committed in whole or in part within Illinois when: (1) one or more of the offenses was committed after 1-25-13, (2) both offenses were committed within five years of each other; and (3) at least one offense involved a felony or forcible felony under the Ill. Criminal Code of 1961 or 2012. 740 ILCS 147/10. It also includes criminal defacement of property that includes a streetgang sign or symbol. Id. The determination as to what constitutes a *serious safety hazard* due to a *course or pattern of criminal activity* under 105 ILCS 5/29-3 is made by the board, in accordance with guidelines determined by local law enforcement, in consultation with the State Superintendent of Education. ISBE guidance on safety hazards due to criminal gang activity is available at: www.isbe.net/transportation.

[4] Required by 105 ILCS 5/29-3. Another statute provides a process for *qualifying students* to seek reimbursement from ISBE for *qualified transportation expenses*. 105 ILCS 5/29-5.2; 23 Ill.Admin.Code §120.240. 23 Ill.Admin.Code §120.230 requires, among other things, that each attendance center designate a representative to assist parents/guardians with this process. This process does not need to be in board policy and is not covered herein.

[5] 34 C.F.R. §300.34 and 23 Ill.Admin.Code §226.750.

[6] 105 ILCS 5/29-3.2 and 5/29-4.

[7] 105 ILCS 45/, Education for Homeless Children Act. State law implements the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.

The School Code and the Education for Homeless Children Act permit school districts to use their State transportation funds to provide financial assistance to children that are defined as homeless or *at risk of becoming homeless*, provided certain criteria are satisfied. 105 ILCS 5/29-5~~, amended by P.A. 102-539~~; 105 ILCS 45/1-17. Financial assistance may include: (1) mortgage or rental assistance that will allow a child to remain permanently in his/her living situation or obtain a new living situation; and/or (2) assistance with unpaid bills, loans, or other financial debts that result in housing being inadequate. 105 ILCS 45/1-17(a). For further detail see 6:140-AP, *Education of Homeless Children*.

[8] Required if the district receives Title I funds. 20 U.S.C. §6312(c)(5)(B). The Elementary and Secondary Education Act (ESEA) requires the district to collaborate with the State or local child welfare agency to develop and implement clear written procedures governing how transportation to maintain children in foster care in the school of origin (when in their best interest) will be provided, arranged, and funded for the duration of their time in foster care. ISBE guidance on transportation procedures for students in foster care is available at: https://www.isbe.net/Documents/Guidance_on_Foster_Care_Transportation_Procedures.pdf. The U.S. Depts. of Education and Health and Human Services, in *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* (6-23-16) at: www.acf.hhs.gov/cb/policy-guidance/non-regulatory-guidance-ensuring-educational-stability-children-foster-care, opine that ESEA requirements apply to students who meet the definition of *foster care* set forth at 45 C.F.R. §1355.20(a):

> *Foster care* means 24-hour substitute care for children placed away from their parents or guardians and for whom the title IV-E agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

ESEA foster care transportation requirements also apply to students *awaiting* foster care placement.

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If a student is at a location within the District, other than his or her residence, for child care purposes at the time for transportation to and/or from school, that location may be considered for purposes of determining the one and one-half miles from the school attended. Unless the Superintendent or designee establishes new routes, pick-up and drop-off locations for students in day care must be along the District's regular routes. The District will not discriminate among types of locations where day care is provided, which may include the premises of licensed providers, relatives' homes, or neighbors' homes. [9]

Bus schedules and routes shall be determined by the Superintendent or designee and shall be altered only with the Superintendent or designee's approval and direction. In setting the routes, the pick-up and discharge points should be as safe for students as possible. [10]

No school employee may transport students in school or private vehicles unless authorized by the administration. [11]

Every vehicle regularly used for the transportation of students must pass safety inspections in accordance with State law and Ill. Dept. of Transportation regulations.[12] The strobe light on a school bus may be illuminated only when the bus is actually being used as a school bus and (1) is stopping or stopped for loading or discharging students on a highway outside an urban area, or (2) is bearing one or more students.[13] The Superintendent shall implement procedures in accordance with State law for accepting comment calls about school bus driving. [14]

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105 ILCS 5/10-20.59~~, amended by P.A. 102-199,~~ requires school boards to~~, by the beginning of the 2022-2023 school year,~~ appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Ill. Dept. of Children and Family Services (DCFS) when enrolling in or changing schools. Liaison responsibilities may include, among other things, working with DCFS to help students maintain their school placement, if appropriate.

[9] This paragraph should be deleted if a district will not seek State reimbursement for transportation to and from locations other than individual students' residences. As a condition for receiving State reimbursement, an ISBE rule requires boards to have a policy with the provisions in this paragraph. 23 Ill.Admin.Code §120.30(a)(1)(B). This rule also contains the non-discrimination language.

[10] The paragraph is optional. As an alternative, a board may state that pick-up and discharge points "should be as safe and convenient as possible."

[11] Optional. This presents an opportunity for each board to discuss this issue with the superintendent and direct the superintendent to include it in the curriculum for the required in-service on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel. 105 ILCS 5/10-22.39. See 5:100, *Staff Development Program* (f/n 3), and 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest* (f/n 2), for more detailed discussions. Include policies 5:100, *Staff Development Program,* and 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest,* in the Cross References when this sentence is used.

[12] 625 ILCS 5/13-109. The vehicle and other requirements for transporting students to and from interscholastic or school-sponsored activities, including curriculum-related or career-related activities, are found in 105 ILCS 5/29-6.3 and 625 ILCS 5/11-1414.1, amended by P.A.s 104-256, eff. 7-1-26, and 104-367, eff. 1-1-26. These statutes also contain requirements for the use of multi-function school activity buses (defined at 625 ILCS 5/1-148.3a-5, amended by P.A. 104-367, eff. 1-1-26). The legislature frequently amends these statutes, along with many transportation laws; they should be double-checked before relying on them.

[13] 625 ILCS 5/12-815. The statute, like the policy, identifies the conditions in which illuminating the strobe light is permissible instead of mandating when they must be illuminated.

[14] 625 ILCS 5/12-821(b) requires districts that own school buses and multifunction school activity buses to establish procedures for accepting comment calls and responding to them. In accordance with good governance principles, this duty is delegated to the superintendent. For a sample procedure, see 4:110-AP2, *Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments*.

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All contracts for charter bus services must contain the clause prescribed by State law regarding criminal background checks for bus drivers. [15]

Pre-Trip and Post-Trip Vehicle Inspection [16]

The Superintendent or designee shall develop and implement a pre-trip and post-trip inspection procedure to ensure that the school bus driver: (1) tests the two-way radio or cellular radio telecommunication device and ensures that it is functioning properly before the bus is operated, and

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[15] 105 ILCS 5/10-20.21a, requires all contracts for providing charter bus services to transport students to or from interscholastic athletic or interscholastic or school sponsored activities to contain clause (A) except that a contract with an out-of-state company may contain clause (B) or clause (A). The clause must be set forth in the contract's body in at least 12-point typeface and all upper case letters:

(A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINTING CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

(B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINTING CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

[16] 625 ILCS 5/12-816(a) requires school districts to have a school bus pre- and post-trip inspection policy with the components as contained in this policy. See also 23 Ill.Admin.Code §1.510(i)(3) and 92 Ill.Admin.Code §458.1030. For a sample procedure, see 4:110-AP2, *Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments*. School districts that contract with a private sector school bus company must require the company to have a pre- and post-trip inspection policy that is equivalent to this section of the policy. 625 ILCS 5/12-816(b).

Each school bus must contain an operating two-way radio or cellular radio telecommunication device while the school bus driver is in possession of a school bus. 625 ILCS 5/12-813.1(e). "Cellular radio telecommunication device" means a device capable of sending or receiving telephone communications without an access line for service and which requires the operator to dial numbers manually; it does not include citizens band radios or citizens band radio hybrids. 625 ILCS 5/12-813.1(a). The two-way radio or cellular radio telecommunication device must be turned on and adjusted in a manner that would alert the driver of an incoming communication request. 625 ILCS 5/12-813.1(e). A school bus driver may not operate a school bus while using a cellular radio telecommunication device except in the following situations: (1) in an emergency situation to communicate with an emergency response operator; a hospital; a physician's office or health clinic; an ambulance service; a fire department, fire district, or fire company; or a police department; (2) in the event of a "mechanical breakdown or other mechanical problem;" (3) to communicate with school authorities about bus operation or the safety of a passenger on the bus; and (4) when the bus is parked. 625 ILCS 5/12-813.1(c). However under no circumstances may the cellular radio telecommunication device be used for anything else including personal use. 625 ILCS 5/12-813.1(c)(2).

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(2) walks to the rear of the bus before leaving the bus at the end of each route, work shift, or work day, to check the bus for children or other passengers in the bus.

LEGAL REF.: 20 U.S.C. §6312(c)(5)(B), Elementary and Secondary Education Act.
42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
105 ILCS 5/10-22.22 and 5/29-1 et seq.
105 ILCS 45/1-15 and /1-17.
625 ILCS 5/1-148.3a-5, 5/1-182, 5/11-1414.1, 5/12-813.1, 5/12-815, 5/12-816, 5/12-821, and 5/13-109.
23 Ill.Admin.Code §§1.510 and 226.750; Part 120.
92 Ill.Admin.Code Part 440.

CROSS REF.: 4:170 (Safety), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:280 (Duties and Qualifications), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 7:220 (Bus Conduct)

ADMIN. PROC.: 4:110-AP2 (Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments), 4:110-AP3 (School Bus Safety Rules), 4:110-E (Emergency Medical Information for Students Having Special Needs or Medical Conditions Who Ride School Buses), 6:140-AP (Education of Homeless Children)

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Operational Services

Waiver of Student Fees [1]

The Superintendent will recommend to the School Board a schedule of fees, if any, to be charged students for the use of textbooks, consumable materials, extracurricular activities, and other school student fees. Students must also pay fines for the loss of or damage to school books or other school-owned materials.

Fees for textbooks, other instructional materials, and driver education, as well as fines for the loss or damage of school property are waived for students who meet the eligibility criteria for a waiver as described in this policy.[2] In order that no student is denied educational services or academic credit due to the inability of parents/guardians to pay student fees and fines, the Superintendent will recommend

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[1] State law requires this subject matter be covered by policy and controls its content. 105 ILCS 5/10-20.13, amended by P.A.s ~~102-1032, 102-805, and~~ 103-154 and 104-391; 23 Ill.Admin.Code §1.245. *Fees* are "any monetary charge collected by a public school, public school district, or charter school from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school or school district as defined [at 23 Ill.Admin.Code §1.245(1) and (2)]." 105 ILCS 5/1-3~~, amended by P.A. 102-805~~. *Fines* include "charges for the loss of school property assessed by a district." 23 Ill.Admin.Code §1.245(a).

State law provides that "~~[n]o discrimination or punishment of any kind, including~~a school board may not discriminate against, punish, or penalize a student in any way because of an unpaid balance on the student's school account or because the student's parents or guardians are unable to pay any required fees or fines for the loss of school property. This prohibition includes, but is not limited to~~:~~, the lowering of grades, exclusion from any curricular or extracurricular program of the school district~~classes~~, or withholding ~~of~~ student records, grades, transcripts, or diplomas ~~may be exercised against a student because the student's parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees~~." 105 ILCS 5/10-20.13(d), added by P.A. 104-391~~28-19.2, amended by P.A. 102-805~~; 23 Ill.Admin.Code §1.245(g). This policy concerns an area in which the law is unsettled (see footnotes 2 and 3). If the fee or fine waiver policy or procedures are substantively amended, then parents/guardians must be notified in writing within 30 calendar days following the adoption of the amendments. 23 Ill.Admin.Code §1.245(e).

[2] Districts must waive textbook/instructional materials fees and all fees and fines for the loss of school property for students whose parents/guardians are unable to afford them and for homeless children and youth. 105 ILCS 5/10-20.13, amended by P.A.s ~~102-1032, 102-805, and~~ 103-154 and 104-391. While districts are only required to waive fines for the *loss* of school property and not the *damage* of school property, this sample policy extends fine waivers to both for ease of implementation and to encourage students to return school property even if damaged (instead of claiming property is lost to avoid a fine). Delete ~~or damage~~ if the board, after consulting with the board attorney, decides to only waive fines for the *loss* of school property.

In order to effectuate the law's intent, the ~~term~~phrase "textbooks and instructional materials" should be interpreted broadly to include fees for any type of instructional materials, laboratory fees, and workbooks. The enforceability of 105 ILCS 5/10-20.13(b) and ISBE regulations (23 Ill.Admin.Code §1.245) requiring districts to waive other "~~other~~ fees" is questionable because they are unfunded mandates. ISBE regulations on school fees may not be enforceable because the General Assembly failed to make necessary appropriations. See the Weekly Message from State Superintendent Robert Schiller, 8-15-03 (contact a **PRESS** Asst. Editor for a copy).

The textbook block grant program operated by ISBE is found at 105 ILCS 5/2-3.155.

A school district may charge up to $50 to students who participate in the driver education course. The fee may be increased up to $250, provided the district completes the requirements in ~~Section~~105 ILCS 5/27-~~8~~15~~24.2~~, renumbered by P.A. 104-391. The fee must be waived for any student whose parent(s)/guardian(s) are unable to afford it. ~~105 ILCS 5/27-24.2~~Id.; 23 Ill.Admin.Code §252.30.

Resident tuition fees are not permissible, but a board's authority under 105 ILCS 5/10-20.13 to charge for textbooks and towel fees does not violate the Ill. Constitution's provision guaranteeing free public education through the secondary level. Hamer v. Board of Ed., Sch. Dist. No. 109, 9 Ill.App.3d 663 (2nd Dist. 1973).

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to the Board which additional fees and fines, if any, the District will waive for students who meet the eligibility criteria for a waiver. [3]

Notification

The Superintendent shall ensure that a notice of waiver applicability is provided to parents/guardians with every bill for fees and/or fines,[4] and that applications for waivers are widely available and distributed according to State law and Ill. State Board of Education (ISBE) rule and that provisions for assisting parents/guardians in completing the application are available.

Eligibility Criteria

A student shall be eligible for a fee and fine waiver when: [5]

1. The student currently lives in a household that meets the same income guidelines, with the same limits based on household size, that are used for the federal free meals program;
2. The student's parents/guardians are veterans or active-duty military personnel with income at or below 200% of the federal poverty line; or
3. The student is homeless, as defined in the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11434a).

The Superintendent or designee will give additional consideration when one or more of the following factors are present: [6]

- Illness in the family;
- Unusual expenses such as fire, flood, storm damage, etc.;
- Unemployment;
- Emergency situations;
- When one or more of the parents/guardians are involved in a work stoppage.

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[3] 105 ILCS 5/10-20.13(b) was added by P.A. 83-603 in 1983 to require districts to waive "other fees" in addition to the costs of textbooks and then amended by P.A. 102-805 to waive "other fees and fines." The General Assembly, however, never appropriated the necessary funds. Thus, the amendment may be unenforceable because it violated the State Mandates Act. 30 ILCS 805/1; see above footnote. Use the following alternative if the board wants to make a longstanding commitment to waive specific fees, amending the list of fees that will be waived as desired:

> In order that no student is denied educational services or academic credit due to the inability of parents/guardians to pay student fees and fines, the following fees are also waived for students who meet the eligibility criteria for waiver: athletic participation fees, lock fees, towel fees, shop fees, laboratory fees, and registration fees.

Alternatively, a board may decide to waive all school student fees and fines and substitute the following sentence for this paragraph:

> All school student fees and fines as defined by the Ill. State Board of Education (ISBE) are waived for students who meet the eligibility criteria for a waiver contained in this policy.

[4] Required by 105 ILCS 5/10-20.13(b)~~, as amended by P.A. 102-805~~; 23 Ill.Admin.Code §1.245(c)(2)(A).

[5] Required by 105 ILCS 5/10-20.13(b)~~, amended by P.A.s 102-1032 and 102-805 to add numbers 2 and 3 as eligibility criteria~~; 23 Ill.Admin.Code §1.245(c)(1). 105 ILCS 5/10-20.13(b)~~, as amended by P.A. 102-1032,~~ does not specify whether the *income* at or below 200% of the federal poverty line is the household income or solely the income of the veteran/active-duty military parent/guardian. Consult the board attorney for guidance.

Though 105 ILCS 5/10-20.13(b) was amended by P.A. 102-805 to make homeless students statutorily eligible for school fee and fine waivers, non-regulatory ISBE guidance states that students who are homeless, migrant, in foster care, runaway, or participating in Head Start are categorically eligible for school fee waivers. See www.isbe.net/Documents/guidance_reg.pdf.

The federal free meals program is found at 42 U.S.C. §1758; 7 C.F.R. Part 245. See f/n 7.

[6] This paragraph is optional and may be omitted.

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Verification [7]

The Superintendent or designee shall establish a process for determining a student's eligibility for a waiver of fees and fines in accordance with State law requirements.

If a student receiving a waiver is found to be no longer eligible during the school year, the Superintendent or designee shall notify the student's parent/guardian and charge the student a prorated amount based upon the number of school days remaining in the school year.

Determination and Appeal [8]

Within 30 calendar days after the receipt of a waiver request, the Superintendent or designee shall mail a notice to the parent/guardian whenever a waiver request is denied. The denial notice shall include: (1) the reason for the denial, (2) the process and timelines for making an appeal, and (3) a statement that the parent/guardian may reapply for a waiver any time during the school year if circumstances change. If the denial is appealed, the District shall follow the procedures for the resolution of appeals as provided in the ISBE rule on waiver of fees.

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[7] Districts have two income verification options to determine eligibility for fee and fine waivers: (1) establish an application process that is completely independent of a student's application for, eligibility for, or participation in the federal free meals program, or (2) tie the application process to the federal free meals program application and only ask for *verification* in accordance with the meals program. 105 ILCS 5/10-20.13(c)~~, amended by P.A.s 102-1032 and 102-805~~. See www.isbe.net/Pages/School-Fee-Waivers.aspx for further explanation. For option #1, see sample exhibit 4:140-E1, *Application for Fee Waiver*. For option #2, see sample exhibit 4:140-E2, *Application for Fee Waiver Based on Federal Free Meals Program*.

By using option #1, a district may require income verification at the time an application is submitted for a waiver and may do so thereafter, but not more than once per academic year. 105 ILCS 5/10-20.13~~, as amended by P.A. 102-805~~. An application using option #1 cannot ask whether a student lives in a household that meets free lunch eligibility guidelines and request income verification with reference to *free lunch* eligibility guidelines. Instead, the district should supply its own income guidelines with the same limits based on household size that are used for the federal meals program and have the parents/guardians indicate if they meet the income guidelines used to determine eligibility for *fee and fine waivers*. The independent fee and fine waiver income guidelines should not be any higher than those for eligibility for free lunch (or reduced-price, if the district voluntarily provides fee and fine waivers for those students who qualify), but the district should not reference or indicate that the guidelines are for the free meals program. In this completely independent waiver application process, the district may ask for verification but cannot use any information it receives though this process for determining eligibility for free or reduced meals.

By using option #2, the district must follow the verification requirements of the federal free meals program at 7 C.F.R. §245.6a. 105 ILCS 5/10-20.13(c)~~, amended by P.A.s 102-1032 and 102-805~~.

Income verification may include such things as payroll stubs, tax returns, or evidence of receipt of food stamps or Temporary Assistance for Needy Families. 23 Ill.Admin.Code §1.245(d).

[8] An ISBE rule requires that the policy state that the district will mail a copy of a denial notice within 30 calendar days after the receipt of the waiver request. 23 Ill.Admin.Code §1.245(c)(3). This rule also specifies timelines and procedures, including a requirement that "the person who decides the appeal shall not be the person who initially denied the fee or fine waiver or a subordinate of this person." Thus, a board may be required to hear an appeal if the superintendent made the initial decision to deny a waiver. The board's participation is avoided by the principal making initial waiver decisions and the superintendent or other main office administrator deciding the appeals.

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LEGAL REF.: 42 U.S.C. §11434a, McKinney-Vento Homeless Assistance Act.
105 ILCS 5/10-20.13, 5/10-22.25, and 5/27-~~24.2~~815~~, and 5/28-19.2~~.
23 Ill.Admin.Code §1.245 [may contain unenforceable provisions].

CROSS REF.: 4:130 (Free and Reduced-Price Food Services), 6:140 (Education of Homeless Children), 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct)

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Operational Services

Facility Management and Building Programs [1]

The Superintendent shall manage the District's facilities and grounds as well as facility construction and building programs in accordance with the law, the standards set forth in this policy, and other applicable School Board policies. The Superintendent or designee shall facilitate: (1) inspections of schools by the Regional Superintendent and State Fire Marshal or designee, (2) review of plans and specifications for future construction or alterations of a school if requested by the relevant municipality, county (if applicable), or fire protection district, and (3) compliance with the 10-year safety survey process required by the School Code. [2]

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[1] Each district with a school having 50 or more students must have a green school cleaning policy. Green Cleaning Schools Act, 105 ILCS 140/10. See sample policy 4:160, *Environmental Quality of Buildings and Grounds*, which fulfills the requirement to have a procedure on compliance with the Chemical Safety Acts. 105 ILCS 5/10-20.49. Many other State and federal laws control facility management and building programs. Good subjects for administrative procedures include management of custodial services, security, and green cleaning, among others.

The federal rules implementing the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §12101 et seq.) prohibit discrimination on the basis of disability in services and facilities. 28 C.F.R. Parts 35 and 36. The 2010 ADA Standards for Accessible Design (28 C.F.R. Part 36, Appendix) are available ~~from a link on the ADA home page, www.ada.gov/~~at: www.ada.gov/law-and-regs/design-standards/. Consult the board attorney about how these standards apply to alterations and new construction.

The Prevailing Wage Act (PWA) is generally applicable to all construction projects. 820 ILCS 130/. It requires, among other things, that: (1) all workers on a public works project be paid no less than the prevailing hourly rate (820 ILCS 130/1); (2) the district specify in all public works contracts that the prevailing rate must be paid (820 ILCS 130/4(e)); and (3) all contractors must submit certain employment records, including certified payrolls, to the Ill. Dept. of Labor (IDOL) through its online portal (https://labor.illinois.gov/laws-rules/conmed/prevailing-wage-portal.html). Since the activation of the IDOL database in April 2020, the PWA no longer requires districts to keep these records for past or future public works projects. 820 ILCS 130/5. However, districts may still need to maintain employment records received from public works contractors prior to the IDOL database activation to comply with the Local Records Act (50 ILCS 205/). Consult the board attorney for guidance in this area.

105 ILCS 5/10-20.63~~, amended by P.A. 102-340,~~ requires school districts to make menstrual hygiene products (defined as tampons and sanitary napkins for use in connection with the menstrual cycle) available, at no cost to students, in the bathrooms of every school building that is open for student use in grades 4 through 12 during the regular school day. **Note:** The statute does not delineate between types of bathrooms (student, staff, girls, boys, unisex, etc.). Consult with the board attorney about implementing this law.

410 ILCS 35/25, requires schools to identify all single-occupancy restrooms as all-gender and designated for use by no more than one person at a time or for family or assisted use. All single-occupancy restrooms must have an exterior sign that marks it as a restroom and does not indicate any specific gender, e.g., signage which reads *all genders*. Id. at 35/20 and 35/25. It is unclear if this law will apply only to those restrooms made available to members of the public in schools, or if it will also include facilities designated as employee-only. The Ill. Dept. of Public Health enforces this requirement and may issue regulations to address this issue. 410 ILCS 35/30, added by P.A. 103-518, also permits schools to identify any multiple-occupancy restroom as all-gender and designated for use by any person of any gender, provided certain specifications are met.

[2] 105 ILCS 5/2-3.12, 5/3-14.20, and 5/3-14.21.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."

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Standards for Managing Buildings and Grounds

All District buildings and grounds shall be adequately maintained in order to provide an appropriate, safe, and energy-efficient physical environment for learning and teaching. The Superintendent or designee shall provide the Board with periodic reports on maintenance data and projected maintenance needs that include cost analysis. Prior Board approval is needed for all renovations or permanent alterations to buildings or grounds when the total cost will exceed $17,500, including the cost equivalent of staff time.[3] This policy is not intended to discourage efforts to improve the appearance of buildings or grounds that are consistent with the designated use of those buildings and grounds.

Standards for Green Cleaning [4]

For each District school with 50 or more students, the Superintendent or designee shall establish and supervise a green cleaning program that complies with the guidelines established by the Illinois Green Government Coordinating Council.

Standards for Facility Construction and Building Programs [5]

As appropriate, the Board will authorize a comprehensive study to determine the need for facility construction and expansion. On an annual basis, the Superintendent or designee shall provide the Board

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105 ILCS 5/2-3.12 and 23 Ill.Admin.Code Part 180 contain the school building code and Health/Life and Safety Code for Public Schools (HLS Code), respectively. The board must hire a licensed architect or engineer to conduct a decennial inspection of its school buildings and produce a ten-year safety survey report, which is submitted to the Regional Superintendent (ROE) or Intermediate Service Center Executive Director (ISC) and the State Superintendent for approval. The board must also report to the ROE or ISC annually on its completion of the report recommendations to comply with the HLS Code. See the Health Life Safety Handbook at www.isbe.net/Pages/Health-and-Life-Safety.aspx for more information about the safety survey process.

[3] This provision is optional and the amount may be changed. The $17,500 spending limit is one-half of the bidding threshold for purchases or contracts. 105 ILCS 5/10-20.21, amended by P.A. 103-8. This provision's intent is to ensure that the board is kept informed about significant renovations and permanent alterations. A board should discuss this provision with its superintendent before including it in the policy.

[4] Required by the Green Cleaning Schools Act (105 ILCS 140/) and Green Cleaning for Elementary and Secondary Schools (23 Ill.Admin.Code Part 2800). The Ill. Green Government Coordinating Council (IGGCC) established *Guidelines and Specifications for the Green Cleaning Schools Act* (Guidelines) which stated: "While not mandatory, schools should implement the practices set forth in the Recommendations section of these guidelines where applicable and appropriate." Each regional office of education is required to disseminate the Guidelines to every public school in its region and to provide ongoing assistance to schools to carry out the requirement of the Green Cleaning Schools Act. 105 ILCS 140/20. Districts needing a copy of the Guidelines should contact their regional office of education, as they are no longer maintained online. ~~See *Guidelines and Specifications for the Green Cleaning Schools Act* at: www.newsystemonline.com/wp-content/uploads/2014/05/Illinois-GreenCleanFinalGuidelines.pdf.~~

[5] The inclusion and identification of the facility goals listed in the second paragraph are at the board's discretion.

After 1-1-~~1~~25, all "new school building construction" must include a storm shelter that meets or exceeds the ICC/NSSA Standard for the Design and Construction of Storm Shelters (ICC-500 2020) published jointly by the International Code Council and the National Storm Shelter Association. 105 ILCS 5/2-3.12(e-5); 23 Ill.Admin.Code §180.60(b)(3). Any facility project for which the design contract is executed after 1-1-25~~7-1-16~~ must meet standards of the 20~~24~~15 International Building Code and its subcodes. 23 Ill.Admin.Code §180.60(a).

The Ill. Environmental Barriers Act (IEBA) (410 ILCS 25/) and the Ill. Accessibility Code (IAC) (71 Ill.Admin.Code Part 400) ensure that "the built environment in the State of Illinois is designed, constructed, and altered to be accessible to and usable by all, including individuals with disabilities." 71 Ill.Admin.Code §400.110(a). **Note:** Press boxes constructed on school property do not have to comply with the IAC if the press boxes are in bleachers that have points of entry at only one level, and the aggregate area of the press box is no more than 500 square feet. 105 ILCS 5/10-20.51; 23 Ill.Admin.Code §180.60(b)(4).

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with projected facility needs, enrollment trends, and other data impacting facility use. Board approval is needed for all new facility construction and expansion.

When making decisions pertaining to design and construction of school facilities, the Board will confer with members of the staff and community, the Ill. State Board of Education, and educational and architectural consultants, as it deems appropriate. The Board's facility goals are to:

1. Integrate facilities planning with other aspects of planning and goal-setting.
2. Base educational specifications for school buildings on identifiable student needs.
3. Design buildings for sufficient flexibility to permit new or modified programs.
4. Design buildings for maximum potential for community use.
5. Meet or exceed all safety requirements.
6. Meet requirements on the accessibility of school facilities to disabled persons as specified in State and federal law.
7. Provide for low maintenance costs, energy efficiency, and minimal environmental impact.

Naming Buildings and Facilities [6]

Recognizing that the name for a school building, facility, or ground or field reflects on its public image, the Board's primary consideration will be to select a name that enhances the credibility and stature of the school or facility. Any request to name or rename an existing facility should be submitted to the Board. When a facility is to be named or renamed, the Board President will appoint a special committee to consider nominations and make a recommendation, along with supporting rationale, to the Board.[7] The Board will make the final selection. The Superintendent or designee may name a room or designate

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A building intended for classroom or instructional use may be constructed only after voter approval at a referendum unless the building is: (1) leased by the district, or (2) purchased with funds from the sale or disposition of other buildings or structures, or with funds received as a grant under the School Construction Law or as a gift, provided that no funds (other than lease payments) are derived from the district's bonded indebtedness or its tax levy. 105 ILCS 5/10-22.36, amended by P.A. 103-591. A referendum is also not required if the purchase, construction, or building of such a building is paid for with funds received from the County School Facility and Resources Occupation Tax Law. Id. Beginning 9-1-24, a referendum is not required to build or purchase a building for school classroom or instructional purposes if, prior to the building or purchase, the board adopts a resolution finding the building or purchase will result in an increase in pre-kindergarten or kindergarten classroom space in the district. Id. at (fe), added by P.A. 103-591 and renumbered by P.A. 104-417.

A district may levy a tax for "fire prevention, safety, energy conservation, disabled accessibility, school security, and specified repair purposes." 105 ILCS 5/17-2.11. An expedited process may be available in emergency situations. 105 ILCS 5/17-2.11(a). A district may levy a tax or issue bonds if it determines: (1) it is necessary for school security purposes and the protection and safety of students and staff to hire a school resource officer, or that personnel costs for school counselors, mental health experts, or school resources officers are necessary; and (2) it does not need funds for any other purpose set forth in 105 ILCS 5/17-2.11(d). The flexibility for a board to, subject to certain notice requirements, transfer surplus life safety taxes and interest earnings on them to the Operations and Maintenance Fund for building repair work expired on 6-30-21 and was not renewed. 105 ILCS 5/17-2.11(j).

The Green Buildings Act requires all new State-funded building construction and major renovation projects to meet specified environmental requirements. 20 ILCS 3130/. Waivers may be granted by the Capital Development Board in certain situations. 20 ILCS 3130/15(e). For environmental impact laws, see sample policy 4:160, *Environmental Quality of Buildings and Grounds*.

[6] This section is optional and its contents are at the board's discretion.

[7] If the board wants to include criteria for the committee, insert the following:
"The committee will:
1. Encourage input from the community, staff members, and students.
2. Give consideration to names of local communities, neighborhoods, streets, landmarks, history of the area, and individuals who have made a contribution to the District, community, State, or nation.
3. Ensure that the name will not duplicate or cause confusion with the names of existing facilities in the District."

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some area on a school's property in honor of an individual or group that has performed outstanding service to the school without using the process in this policy.

LEGAL REF.: 42 U.S.C. §12101 et seq., Americans with Disabilities Act; 28 C.F.R. Parts 35 and 36.
20 ILCS 3130/, Green Buildings Act.
105 ILCS 5/2-3.12, 5/10-20.49, 5/10-22.36, 5/10-20.63, and 5/17-2.11.
105 ILCS 140/, Green Cleaning Schools Act.
105 ILCS 230/, School Construction Law.
410 ILCS 25/, Environmental Barriers Act.
410 ILCS 35/25, Equitable Restrooms Act.
820 ILCS 130/, Prevailing Wage Act.
23 Ill.Admin.Code Part 151, School Construction Program; Part 180, Health/Life Safety Code for Public Schools; and Part 2800, Green Cleaning for Elementary and Secondary Schools.
71 Ill.Admin.Code Part 400, Ill. Accessibility Code.

CROSS REF.: 2:150 (Committees), 2:170 (Procurement of Architectural, Engineering, and Land Surveying Services), 4:60 (Purchases and Contracts), 8:70 (Accommodating Individuals with Disabilities)

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Operational Services

Environmental Quality of Buildings and Grounds [1]

The Superintendent shall take all reasonable measures to protect: (1) the safety of District personnel, students, and visitors on District premises from risks associated with hazardous materials, and (2) the environmental quality of the District's buildings and grounds. [2]

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[1] State and/or federal law control this policy's content and require districts to:

1. Have a procedure to comply with the Structural Pest Control Act (225 ILCS 235/) and the Lawn Care Products Application and Notice Act (415 ILCS 65/). See sample administrative procedure 4:160-AP, *Environmental Quality of Buildings and Grounds*.
2. Designate a staff person to be responsible for district compliance with the safety acts listed in #1 above. This policy designates the superintendent or designee.

Many State and federal laws regulate the environmental quality of schools. For example:

1. Several federal laws regulate asbestos as a hazardous substance, the most significant for schools being the Asbestos Hazard Emergency Response Act of 1986. 15 U.S.C. § 2641 et seq. The Asbestos Abatement Act, 105 ILCS 105/, requires schools to perform a variety of functions regarding asbestos. Federal and State regulations also require annual notice to parents and employees of the availability of the district's asbestos management plan. 40 C.F.R. §763.93(g)(4); 77 Ill.Admin.Code §855.300(a)(3). This can be inserted in student handbooks; the Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook* (MSH), at: www.ilprincipals.org/msh/.
2. The Indoor Air Quality Act, 410 ILCS 87/. The Ill. Dept. of Public Health (IDPH) Guidelines for Indoor Air Quality are advisory, i.e., not enforceable. See https://dph.illinois.gov/topics-services/environmental-health-protection/toxicology/indoor-air-quality-healthy-homes.
3. The Smoke-Free Illinois Act, 410 ILCS 82/, bans tobacco smoking inside schools.
4. The Structural Pest Control Act, 225 ILCS 235/, requires IDPH to establish guidelines for an integrated pest management program for schools. See https://dph.illinois.gov/topics-services/environmental-health-protection/structural-pest-control/integrated-pest-management, ~~or https://dph.illinois.gov/topics-services/environmental-health-protection/structural-pest-control~~.
5. Notices to employees and parents/guardians before pesticide applications are required by the Structural Pest Control Act. 225 ILCS 235/10.3. The Lawn Care Products Application and Notice Act requires similar notices but only to parents/guardians. 415 ILCS 65/3.
6. The Green Cleaning School Act, 105 ILCS 140/, and Green Cleaning for Elementary and Secondary Schools, 23 Ill.Admin.Code Part 2800, contain guidelines for green cleaning. See sample policy 4:150, *Facility Management and Building Programs*.
7. The Green Buildings Act requires all new State-funded building construction and major renovation projects to meet specified environmental requirements. 20 ILCS 3130/. Waivers may be granted by the Capital Development Board in certain situations. Id.
8. The Ill. legislature recommended that each occupied school building be tested every five years for radon and provided a process for the screening in 105 ILCS 5/10-20.48.
   Employers must provide all employees with an education and training program with respect to all toxic substances to which an employee is routinely exposed while working. 820 ILCS 255/16; 23 Ill.Admin.Code §1.330. However, this section and most of the Toxic Substances Disclosure to Employees Act (820 ILCS 255/) are **inoperative**; its implementing rules (56 Ill.Admin.Code Part 205) were repealed. Instead, the Ill. Dept. of Labor enforces the federal Occupational Safety and Health Administration Hazard Communication Standards at 29 C.F.R. §1910.1200. 820 ILCS 255/1.5~~, amended by P.A. 102-1071~~. Thus, school districts must follow the federal disclosure and training requirements.
9. 105 ILCS 5/2-3.2054 ~~(final citation pending)~~, added by P.A. 103-736 and renumbered by P.A. 104-417~~, eff. 1-1-25~~, requires the Ill. State Board of Education (ISBE), in consultation with IDPH and other stakeholders, to compile resources on indoor air quality for schools and post them on ISBE's website, available at: www.isbe.net/Documents/IAQ-resources.pdf.

[2] A board persuaded by #8 in the above footnote may add the following option:
If economically feasible, the Superintendent or designee shall manage the testing of each occupied school building for radon pursuant to Section 10-20.48 of the School Code.

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Pesticides

Pesticides will not be applied on the paved surfaces, playgrounds, or playing fields of any school serving grades K-8 during a school day or partial school day when students are in attendance for instructional purposes.[3] Additionally, the application of any restricted use pesticides is prohibited on or within 500 feet of school property during normal school hours.[4] Before pesticides are used on District premises, the Superintendent or designee shall notify employees and parents/guardians of students as required by the Structural Pest Control Act, 225 ILCS 235/, and the Lawn Care Products Application and Notice Act, 415 ILCS 65/. [5]

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A board may want to add the following option if it is concerned that employees who are eligible for district-paid hepatitis B vaccination are unaware of their eligibility:

> The Superintendent or designee shall notify all employees who must be offered, according to State or federal law, District-paid hepatitis B vaccine and vaccination.

[3] Pesticide Application at Schools Act (PASA), 105 ILCS 160/, added by P.A. 103-496, prohibits schools serving students grades K-8 from scheduling pesticide applications on school grounds during the school day when students are in attendance for instructional purposes. Areas prohibited from treatment include paved surfaces, playgrounds and playing fields, where children are typically present. For High School only districts, delete this sentence, ~~Additionally,~~ at the start of the next sentence, and 105 ILCS 160/, Pesticide Application at Schools Act from the Legal References.

Pesticides is not specifically defined in PASA; however, the Illinois Pesticide Act (IPA) defines both *pesticides* and the subcategory of *restricted use pesticides*. 415 ILCS 60/4. PASA therefore appears broader than the IPA because it applies to *all* pesticides, including those that are not *restricted use pesticides*. See f/n 4, below. However, PASA is narrower than the IPA in two ways. First, PASA's geographic scope is narrower than the IPA because PASA does not apply to "areas of school grounds where children are typically not present, including, but not limited to flower beds and lawns surrounding the school not used as playing fields." Id. at 160/15. Second, PASA is narrower in that its prohibition is only in effect when students are in attendance for instruction, compared to the IPA prohibition that applies during *normal school hours* and could extend beyond instructional hours. See f/n 4, below. For ease in administering these slightly different standards, an elementary or unit district may want to follow the more restrictive geographic and temporal prohibitions in the IPA but apply them to all types of pesticides. See sample administrative procedure 4:160-AP, *Environmental Quality of Buildings and Grounds*.

[4] 415 ILCS 60/14 3.F~~., added by P.A. 102-548~~. *Normal school hours* means Monday through Friday from 7 a.m. until 4 p.m., excluding days when classes are not in session. Id. The statute prohibits restricted pesticide applications during *normal hours* but defines *normal school hours*. This policy uses normal school hours. *State Restricted Pesticide Use* is defined as any pesticide use which the Director (Ill. Dept. of Agriculture or his or her authorized representative) determines, subsequent to public hearing, that an additional restriction for that use is needed to prevent unreasonable adverse effects. Id. at 60/4 36.

[5] Different requirements pertain to the notices in the Structural Pest Control Act (225 ILCS 235/10.3) and the Lawn Care Products Application and Notice Act (415 ILCS 65/3(f)). Both require notice to parents/guardians. Notice to employees is only required by the Structural Pest Control Act. For the sake of simplicity, the sample policy requires notice to employees before pesticides are used. Notice at least four business days before application is required by Lawn Care Products Application and Notice Act; notice at least two business days is required by the Structural Pest Control Act; and the Illinois Pesticide Act (415 ILCS 60/14 3.F.~~, amended by P.A. 102-548~~) makes it unlawful to apply a restricted use pesticide on or within 500 feet of school property during normal hours, except for whole structure fumigation, and if the pesticide application information listed on the pesticide label is more restrictive than the law, then the more restrictive provision applies.

If a registry is maintained, replace the last sentence with this alternative:

> The Superintendent or designee shall maintain a registry of employees and parents/guardians of students requesting notification before the application of pesticide(s) and notify those people as required by the Structural Pest Control Act, 225 ILCS 235/, and the Lawn Care Products Application and Notice Act, 415 ILCS 65/.

Be sure the notice provisions in the policy and its implementing administrative procedure are consistent.

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Coal Tar Sealant [6]

Before coal tar-based sealant products or high polycyclic aromatic hydrocarbon sealant products are used on District premises, the Superintendent or designee shall notify employees and parents/guardians of students in writing or by telephone as required by the Coal Tar Sealant Disclosure Act.

LEGAL REF.: 105 ILCS 5/10-20.17a; 5/10-20.48.
29 C.F.R. §1910.1030, Occupational Exposure to Bloodborne Pathogens, as adopted by the Illinois Department of Labor, 56 Ill.Admin.Code §350.700(b).
29 C.F.R. §1910.1200, Occupational Safety and Health Administration Hazard Communication Standards, as adopted by 820 ILCS 255/1.5, Toxic Substances Disclosure to Employees Act.
20 ILCS 3130/, Green Buildings Act.
105 ILCS 135/, Toxic Art Supplies in Schools Act.
105 ILCS 140/, Green Cleaning School Act.
105 ILCS 160/, Pesticide Application at Schools Act.
225 ILCS 235/, Structural Pest Control Act.
415 ILCS 60/14, Illinois Pesticide Act.
415 ILCS 65/, Lawn Care Products Application and Notice Act.
410 ILCS 170/, Coal Tar Sealant Disclosure Act.
820 ILCS 255/, Toxic Substances Disclosure to Employees Act. (inoperative)
23 Ill.Admin.Code §1.330.

CROSS REF.: 4:150 (Facility Management and Building Programs), 4:170 (Safety)

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[6] 410 ILCS 170/10(a)(1)-(4)~~, added by P.A. 102-242,~~ requires schools to provide written or telephonic notification to employees and parents/guardians of students prior to any application of a coal tar-based sealant product or a high polycyclic aromatic hydrocarbon sealant product. Written notifications must: (1) be included in newsletters, bulletins, calendars, or other correspondence currently published by the district (this is the only prong of written notice that is permissive); (2) be given at least 10 business days before the application and should identify the intended date and location of the application of the coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant; (3) include the name and telephone contact number for the school or day care center (if the district has one) personnel responsible for the application; and (4) include any health hazards associated with coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product, as provided by a corresponding safety data sheet.

Districts may want to include numbers (3) and (4) in their student handbooks. The IPA maintains a handbook service that coordinates with **PRESS** material, Online Model Student Handbook (MSH), at: www.ilprincipals.org/msh/.

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Operational Services

Safety [1]

Safety and Security

All District operations, including the education program, shall be conducted in a manner that will promote the safety and security of everyone on District property or at a District event.[2] The Superintendent or designee shall develop, implement, and maintain a comprehensive safety and security plan that includes, without limitation:

1. An emergency operations and crisis response plan(s) addressing prevention, preparation, response, and recovery for each school; [3]

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[1] State law requires a policy on several topics in this policy and otherwise controls this policy's content. Topics previously assigned to this code number were moved in May 2014 and placed in sample policies 4:100, *Insurance Management*, and 4:175, *Convicted Child Sex Offender; Screening; Notifications.*

Grants may be available from the Ill. State Board of Education (ISBE) to support school safety improvements, including professional development; safety-related upgrades to school buildings, equipment, and facilities; additional resources to implement restorative interventions and resolution strategies as alternatives to exclusionary discipline; and crisis response mapping data. 105 ILCS 5/2-3.180, 5/2-3.181, and 128/50, added by P.A. 103-8.

Based upon the recommendation of the Federal Commission on School Safety in, the U.S. Depts. of Homeland Security, Education, Justice, and Health and Human Services created a central school safety clearinghouse website at: www.schoolsafety.gov, to share actionable recommendations to help schools prevent, protect, mitigate, respond to, and recover from emergency situations. Topics include bullying/cyberbullying, student mental health, school climate, threat assessment, emergency planning, security, recovery, and drills.

[2] This sample end statement should be discussed and altered accordingly before board adoption. Ask: what effect or impact will this statement have on the students and the community?

[3] The term *emergency operations and crisis response plan* is used because federal agencies refer to school *emergency operations plans* and the School Safety Drill Act (105 ILCS 128/) refers to *emergency and crisis response plans*. 105 ILCS 128/55, added by P.A. 103-194 and renumbered by P.A. 103-605, requires a school building's emergency and crisis response plan, protocol, and procedures to include a plan for local law enforcement to rapidly enter a school building in an emergency.

See sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. This procedure follows the recommendations in the *Guide for Developing High-Quality School Emergency Operations Plans*, produced by a collaboration of federal agencies in June 2013 at: www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf . The *Guide* informs schools what they *need* to do, not *what* to do. It recommends a process for developing, implementing, and continually refining a school emergency operations plan as well as a discussion of its form, function, and content. See also *The Role of Districts in Developing High-Quality School Emergency Operations Plans: A Companion to the School Guide*, at: https://rems.ed.gov/docs/District_Guide_508C.pdf.

ISBE maintains a comprehensive website on school emergency and crisis response planning in compliance with the School Safety Drill Act and Joint Rules of the Office of the State Fire Marshal and ISBE (29 Ill.Admin.Code Part 1500), at www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx. ISBE's website includes a *Sample School Emergency Operations Plan* which aligns with the federal *Guide for Developing High-Quality School Emergency Operations Plans*.

105 ILCS 128/45, amended by P.A.s 103-780 and 104-407, required school districts to implement a threat assessment procedure by 12-6-19, and to establish a threat assessment team by 2-19-20. The threat assessment procedure may be part of a board policy on targeted school violence prevention that includes the creation of a threat assessment team. For more discussion, see sample policy 4:190, *Targeted School Violence Prevention Program*.

105 ILCS 5/10-20.72 allows school districts to install a door security locking means on a door of a school building to prevent unwanted entry through the door only if the door security locking means is used: (1) by a trained school district employee; (2) during an emergency that threatens the health and safety of students and employees or during an active shooter drill; and (3) when local law enforcement officials and the local fire department have been notified of its installation prior to its use. Id.

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2. Provisions for a coordinated effort with local law enforcement and fire officials, emergency medical services personnel, and the Board Attorney;
3. A school safety drill plan;
4. Instruction in safe bus riding practices;[4] and
5. A clear, rapid, factual, and coordinated system of internal and external communication.

In the event of an emergency that threatens the safety of any person or property, students and staff are encouraged to follow the best practices discussed for their building regarding the use of any available cellular telephones. [5]

School Safety Drill Plan [6]

During every academic year, each school building that houses school children shall conduct, at a minimum, each of the following in accordance with the School Safety Drill Act (105 ILCS 128/):

1. Three school evacuation drills to address and prepare students and school personnel for fire incidents. One of these three drills shall require the participation of the local fire department or district.
2. One bus evacuation drill.
3. One severe weather and shelter-in-place drill to address and prepare students and school personnel for possible tornado incidents.
4. One law enforcement lockdown drill to address a school shooting incident and to evaluate the preparedness of school personnel and students. This drill shall occur no later than 90 days after the first day of school of each year, and shall require the participation of all school personnel

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[4] Required by 105 ILCS 128/20(b) and 105 ILCS 5/10-20.14(c), amended by P.A. 103-896, for all students. See sample administrative procedure 4:110-AP3, *School Bus Safety Rules*. ~~In consultation with stakeholders,~~ *School Bus Safety Guidance*, developed by ~~the Ill. State Board of Education (~~ISBE~~)~~ in consultation with stakeholders, is available at: www.isbe.net/Documents/Bus-Safety-Guidance-June-2025.pdf. ~~must draft and publish guidance for school bus safety procedures by 7-1-25. 105 ILCS 5/10-20.14(c), amended by P.A. 103-896.~~

[5] 105 ILCS 5/10-20.28. Consider discussing with local law enforcement what its preference would be and encourage staff and students to follow the recommendation. A wave of 911 cell phone calls can jam phone lines. Student use of cell phones is addressed in 7:190, *Student Behavior*.

625 ILCS 5/12-610.1(e) prohibits wireless telephone use at any time while operating a motor vehicle on a roadway in a school speed zone except for: (1) highway construction or maintenance workers within their work zones; (2) any use for emergency purposes; (3) law enforcement officers or emergency responders performing their duties; (4) a person using a wireless telephone in voice-operated mode with or without use of a headset; (5) a person with technology that uses a single button to initiate or terminate a voice communication, e.g., *HandsFreeLink*®; and (6) a person using an electronic communication device solely to report an emergency and for continued communication with emergency personnel. 625 ILCS 5/12-813.1 limits cell phone use by school bus drivers; see sample policy 4:110, *Transportation*.

[6] Each of the listed drills is required by the School Safety Drill Act. Each drill's requirements are comprehensively covered in sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. For information about documenting minimum compliance with the School Safety Drill Act, see www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx.

105 ILCS 5/2-3.12(f) authorizes the Ill. State Fire Marshal or a qualified fire official to whom the Ill. State Fire Marshal has delegated his or her authority to conduct an annual fire safety inspection of each school building, provided the inspection is coordinated with the regional superintendent. See also 105 ILCS 5/3-14.21(c) (inspection of schools) and 23 Ill.Admin.Code §180.300(b) (annual building and fire safety inspections). To effectively implement this law and ensure the education of students in the district is not disturbed, school officials should discuss with the Ill. State Fire Marshal and regional superintendent whether written notice may be provided to the principal requesting to schedule a mutually agreed upon time.

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and students present at school at the time of the drill, except for those exempted by administrators, school support personnel, or a parent/guardian. [7]

Annual Review

The Board or its designee will annually review each school building's emergency operations and crisis response plan(s), protocols, and procedures, as well as each building's compliance with the school safety drill plan. This annual review shall be in accordance with the School Safety Drill Act (105 ILCS 128/) and the Joint Rules of the Office of the State Fire Marshal and the Ill. State Board of Education (ISBE). [8]

Automated External Defibrillator (AED) [9]

At least one automated external defibrillator (AED) shall be present in each District attendance center during the school day and during any District-sponsored extracurricular activity on school grounds. In addition, the Superintendent or designee shall implement a written plan for responding to medical

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[7] 105 ILCS 128/20(c)~~, amended by P.A. 102-395~~. While 105 ILCS 128/20(c) uses both *lockdown drill* and *walk-through lockdown drill*, the terms are synonymous. For brevity, this material uses the term *lockdown drill*. Schools must (1) notify parents/guardians in advance of any lockdown drill that involves student participation, and (2) allow parents/guardians to exempt their child(ren) from participating for any reason. School administrators and support personnel may, at their discretion, exempt a student from participating in a lockdown drill. 105 ILCS 128/20(c)(4)~~, added by P.A. 102-395~~. When deciding whether to exempt a student, such personnel must include the student's individualized education program team or 504 plan team, if any, in the decision. 105 ILCS 128/20(c)(4), amended by P.A. 103-197. For students who do not participate in the lockdown drill, districts must provide alternative safety education and instruction related to an active threat or active shooter event. For students who do participate in the lockdown drill, districts must allow them to ask questions related to it.

Law enforcement may only run an active shooter simulation, including simulated gun fire drills, on school days when students are not present. 105 ILCS 128/20(c)(5)-(8)~~, added by P.A. 102-395~~.

105 ILCS 128/22, added by P.A. 104-198, eff. 1-1-26, requires districts to provide all substitute personnel with: (1) training on school evacuation drills and law enforcement lockdown drills, and (2) support that includes, at a minimum, the information packet given to employees with district-approved materials outlining evacuation and lockdown procedures. Maps indicating all school exits must also be prominently displayed in every classroom. Id. See also sample administrative procedure 5:220, *Substitute Teachers*.

[8] 29 Ill.Admin.Code Part 1500. The School Safety Drill Act requires each school board or its designee to conduct one annual meeting at which it reviews each building's emergency and crisis response plan, protocols, and procedures, including procedures regarding the school district's threat assessment team, the school district's hazardous substance release procedures, procedures regarding the district's cardiac emergency response plan, the efficacy and effects of law enforcement drills, and each building's compliance with the school safety drill plan. 105 ILCS 128/25, amended by P.A.s ~~102-395 and~~ 103-608 and 104-344, eff. 1-1-~~25~~26, and 128/30, amended by P.A. 103-175; 29 Ill.Admin.Code Part 1500. If the board uses a designee, it should preferably be someone other than the District Safety Coordinator to assure an unbiased audit. The statute contains detailed requirements. The board or its designee must: (1) complete a one-page report certifying that the review took place, among other things; (2) send a copy of the report to each participating party; and (3) send a copy of the report to the appropriate Regional Superintendent. 105 ILCS 128/25(c), (d). ISBE's website contains a suggested annual review checklist and a report form to document compliance at: www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx. The American Heart Association's cardiac emergency response plan template and implementation materials are available at: www.heart.org/CERP.

[9] 105 ILCS 5/10-20.87, added by P.A. 103-1019~~, eff. 1-1-25~~. An AED installed and maintained according to the Physical Fitness Facility Medical Emergency Preparedness Act (210 ILCS 74/) can be used to satisfy this requirement. Id. Each indoor and outdoor physical fitness facility serving at least 100 individuals must "adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public." 210 ILCS 74/10(a). The facility must file the plan with the Ill. Dept. of Public Health (IDPH). Id. In addition, each indoor facility must have at least one AED on the premises, and each outdoor facility must house an AED in a building, if any, that is within 300 feet of the outdoor facility. 210 ILCS 74/15. See the statute and administrative rules for the other numerous mandates: 210 ILCS 74/, Physical Fitness Facility Medical Emergency Preparedness Act; 77 Ill.Admin.Code Part 527, Physical Fitness Facility Medical Emergency Preparedness Code. Also see sample administrative procedure 4:170-AP6, *Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED*.

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emergencies at the District's physical fitness facilities in accordance with the Fitness Facility Medical Emergency Preparedness Act and shall file a copy of the plan with the Ill. Dept. of Public Health (IDPH). The plan shall provide for at least one AED to be available at every physical fitness facility on the premises according to State law requirements.

The District shall have an AED on site as well as a trained AED user: (1) on staff during staffed business hours; and (2) available during activities or events sponsored and conducted or supervised by the District.[10] The Superintendent or designee shall ensure that every AED on the District's premises is properly tested and maintained in accordance with rules developed by the IDPH.[11] This policy does not create an obligation to use an AED.

Carbon Monoxide Alarms [12]

The Superintendent or designee shall implement a plan with the District's local fire officials to:

1. Determine which school buildings to equip with approved *carbon monoxide alarms* or *carbon monoxide detectors,*
2. Locate the required carbon monoxide alarms or carbon monoxide detectors within 20 feet of a carbon monoxide emitting device, and
3. Incorporate carbon monoxide alarm or detector activation procedures into each school building that requires a carbon monoxide alarm or detector. The Superintendent or designee shall ensure each school building annually reviews these procedures.

Soccer Goal Safety [13]

The Superintendent or designee shall implement the Movable Soccer Goal Safety Act in accordance with the guidance published by the IDPH. Implementation of the Act shall be directed toward improving the safety of movable soccer goals by requiring that they be properly anchored.

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[10] 77 Ill.Admin.Code §527.600(d), (f).

[11] 210 ILCS 74/15(c); 77 Ill.Admin.Code §527.700.

[12] 105 ILCS 5/10-20.57. *Carbon monoxide detector* and *detector* mean a device having a sensor that responds to carbon monoxide gas and that is connected to an alarm control unit and approved in accordance with rules adopted by the Ill. State Fire Marshal. 105 ILCS 5/10-20.57(a). *Approved carbon monoxide alarm* or *alarm* means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Ill. State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association. 430 ILCS 135/5.

Consult both the board attorney and the local fire officials about whether a school building is exempt from this law. Remove this subhead if the board attorney determines that every building across the entire school district is exempt. The law applies to school buildings that have or are close to any *sources of carbon monoxide*; however, it does not specifically define what that means. 430 ILCS 135/20 defines exemptions for residential units and may provide guidance on the exemption for schools. The law also fails to define *carbon monoxide emitting device*, which triggers the placement point in a school building for a carbon monoxide alarm or carbon monoxide detector.

[13] Include this section **only if** the school district owns and controls a movable soccer goal. Movable Soccer Goal Safety Act, a/k/a *Zach's Law*, 430 ILCS 145/. The Act requires: (1) organizations that own and control a movable soccer goal to create a soccer goal safety and education policy that outlines how the organization will specifically address the safety issues associated with movable soccer goals; and (2) the IDPH to provide technical assistance materials. 430 ILCS 145/10, 20. See www.dph.illinois.gov/topics-services/prevention-wellness/injury-violence-prevention/soccer-goal-safety.

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Unsafe School Choice Option [14]

The unsafe school choice option allows students to transfer to another District school or to a public charter school within the District. The unsafe school choice option is available to:

1. All students attending a persistently dangerous school, as defined by State law and identified by the ISBE.
2. Any student who is a victim of a violent criminal offense, as defined by 725 ILCS 120/3, that occurred on school grounds during regular school hours or during a school-sponsored event.

The Superintendent or designee shall develop procedures to implement the unsafe school choice option.

Lead Testing in Water [15]

The Superintendent or designee shall implement testing for lead in each source of drinking water in school buildings in accordance with the Ill. Plumbing License Law and guidance published by the

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[14] This topic must be covered in board policy. 105 ILCS 5/10-21.3a. See also 20 U.S.C. §7912 (unsafe school choice option). ISBE maintains a list of persistently dangerous schools. Districts having only one school may substitute the following for this paragraph:

> The unsafe school choice option provided in State law permits students to transfer to another school within the District in certain situations. This transfer option is unavailable in this District because the District has only one school or attendance center. A student, who would otherwise have qualified for the choice option, or such a student's parent/guardian, may request special accommodations from the Superintendent or designee.

Districts with each grade in only one attendance center may substitute the following for this paragraph:

> The unsafe school choice option provided in State law permits students to transfer to another school within the District in certain situations. This transfer option is unavailable in this District because each grade is in only one attendance center. A student, who would otherwise have qualified for the choice option, or such a student's parent/guardian, may request special accommodations from the Superintendent or designee.

[15] 225 ILCS 320/35.5. Requires that each source of potable water in school buildings constructed on or before 1-1-00, which may be occupied by more than 10 children in grades pre-K through 5, be tested for lead. Testing for buildings constructed prior to 1-1-87 must have been conducted by 12-31-17. 225 ILCS 320/35.5(c)(4). Testing for buildings constructed between 1-2-87 and 1-1-00 must have been conducted by 12-31-18. Id. By 6-30-19, the IDPH was to determine whether it is necessary and appropriate to require testing for buildings constructed after 1-1-00. 225 ILCS 320/35.5(d). IDPH recommends that all schools constructed in whole or in part from 1-2-00 through 1-4-14 test all sources of potable water for lead. See IDPH's recommendations at: www.isbe.net/Documents/Improving-Water-Quality-Illinois-Schools.pdf. For high school districts, delete this subhead if no lead testing occurs.

Boards may, by resolution, use excess taxes levied for fire prevention, safety, energy conservation, and school security purposes for sampling lead in drinking water in schools and for repair and mitigation due to lead levels in the drinking water supply. 105 ILCS 5/17-2.11(j)(1).

Beginning no later than 11-1-27, federal drinking water regulations require that *community water systems* (defined at 40 C.F.R. §141.2) annually contact all schools in their service area to provide information about the health risks from lead in drinking water. 40 C.F.R. §141.92(c). By 11-1-32, community water systems must notify schools that they are eligible to be sampled for lead. Id.

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IDPH.[16] The Superintendent or designee shall notify parent(s)/guardian(s) about the sampling results from their children's respective school buildings. [17]

Emergency Closing

The Superintendent is authorized to close school(s) in the event of hazardous weather or other emergency that threatens the safety of students, staff members, or school property. [18]

LEGAL REF.: 105 ILCS 5/10-20.2, 5/10-20.57, 5/18-12, and 5/18-12.5.
105 ILCS 128/, School Safety Drill Act; 29 Ill.Admin.Code Part 1500.
210 ILCS 74/, Physical Fitness Facility Medical Emergency Preparedness Act.
225 ILCS 320/35.5, Ill. Plumbing License Law.

CROSS REF.: 4:110 (Transportation), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 4:180 (Pandemic Preparedness; Management; and Recovery), 4:190 (Targeted School Violence Prevention Program), 5:30 (Hiring Process and Criteria), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

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[16] 225 ILCS 320/35.5(e) requires the IDPH to post on its website guidance on mitigation actions for lead in drinking water, and ongoing water management practices, in schools. See *Mitigation Strategies for Lead Found in School Drinking Water* at: https://dph.illinois.gov/content/dam/soi/en/web/idph/files/publications/school-lead-mitigation-strategies-050917.pdf. See also https://dph.illinois.gov/topics-services/environmental-health-protection/lead-in-water/testing-schools-child-care-facilities/improving-water-quality-schools.html.

[17] If any samples taken in the school exceed five parts per billion, a district must provide individual notification of sampling results, via written or electronic communication, to parents/guardians of all enrolled students that must include: (1) the corresponding sampling location within the school building; and (2) the U.S. Environmental Protection Agency's website for information about lead in drinking water at: www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water. 225 ILCS 320/35.5(c)(3). If any samples taken in the school are at or below five parts per billion, notification may be made in the same manner or by posting on the school's website. Id.

[18] When a school is closed or its starting time is delayed due to adverse weather conditions or a health or safety threat, the district may count a partial day of attendance as a full day for State aid purposes, provided: (1) at least one hour of instruction was provided or the normal start time was delayed; and (2) the superintendent provides the Regional Superintendent or the Suburban Cook County Intermediate Service Center, whichever is appropriate, with a written report in support of the partial day within 30 days. 105 ILCS 5/18-12.

105 ILCS 5/18-12.5 governs claiming State aid if a district closes one or more schools, but not all schools, during the public health emergency, as determined by ISBE in consultation with the IDPH.

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Operational Services

Targeted School Violence Prevention Program [1]

Threats and acts of targeted school violence harm the District's environment and school community, diminishing students' ability to learn and a school's ability to educate. Providing students and staff with access to a safe and secure District environment is an important Board goal. While it is not possible for the District to completely eliminate threats in its environment, a Targeted School Violence Prevention Program (Program) using the collective efforts of local school officials, staff, students, families, and the community helps the District reduce these risks to its environment.

The Superintendent or designee shall develop and implement the Program.[2] The Program oversees the maintenance of a District environment that is conducive to learning and working by identifying, assessing, classifying, responding to, and managing threats and acts of targeted school violence. The

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[1] While this sample policy is optional, 105 ILCS 128/45, amended by P.A.s 102-791, 103-175, and 103-780, and 104-407, requires school districts to have implemented a threat assessment *procedure* by 12-21-19 that may be part of a school board targeted school violence prevention policy. Thus, regardless of whether the board adopts a policy, an administrative procedure must exist to comply with the law. See the first sentence in f/n 2 below. It contains items from *Threat Assessment in Virginia Public Schools: Model Policies, Procedures, and Guidelines*, Fifth Edition (July 2023), Virginia Center for School and Campus Safety, Virginia Dept. of Criminal Justice Services, at: https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/k-12_threat_assessment_management_mppg-dec2022_mpd.pdf. *Threat Assessment in Virginia Public Schools* is based upon a synthesis of established research and recognized standards of practice regarding threat assessment and management in school and workplace settings, including *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*, a 2004 publication of the U.S. Secret Service and the U.S. Dept. of Education, at: https://www.ojp.gov/ncjrs/virtual-library/abstracts/threat-assessment-schools-guide-managing-threatening-situations-0www.ojp.gov/ncjrs/virtual-library/abstracts/threat-assessment-schools-guide-managing-threatening-situations-0. The July 2018 update of this document was renamed *Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence*, published by the U.S. Secret Service, at: www.secretservice.gov/sites/default/files/reports/2020-10/USSS_NTAC_Enhancing_School_Safety_Guide.pdf. See also *Averting Targeted School Violence*, a 2021 publication of the U.S. Dept. of Homeland Security and the U.S. Secret Service, at: www.secretservice.gov/sites/default/files/reports/2021-03/USSS%20Averting%20Targeted%20School%20Violence.2021.03.pdf.

Adopting a policy that addresses targeted school violence prevention provides (a) a way for boards to monitor that it is being done, and (b) an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Before adoption of this policy, each board may want to have a conversation with the superintendent to determine how local conditions and resources and current practices will support the full implementation of the requirements of 105 ILCS 128/45, amended by P.A.s 102-791, 103-175, and 103-780. Its goals and program will be most effective when they reflect local conditions and circumstances.

[2] To balance the requirement to implement a threat assessment procedure (105 ILCS 128/45, amended by P.A.s 102-791, 103-175, and 103-780, and 104-407) with the practicalities of managing a district and to align with the best practices outlined in IASB's *Foundational Principles of Effective Governance* (www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/), this sentence delegates the duty to implement a procedure to the superintendent. See sample administrative procedure 4:190-AP1, *Targeted School Violence Prevention Program*, for a sample implementation procedure. Ensuring school safety begins with establishing a comprehensive targeted school violence prevention program, which "includes forming a multidisciplinary threat assessment team, establishing central reporting mechanisms, identifying behaviors of concern, defining the threshold for law enforcement intervention, identifying risk management strategies, promoting safe school climates, and providing training to stakeholders." *Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence*, published by the U.S. Secret Service, at: www.secretservice.gov/sites/default/files/reports/2020-10/USSS_NTAC_Enhancing_School_Safety_Guide.pdf.

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Program shall be part of the District's Comprehensive Safety and Security Plan, required by Board policy 4:170, *Safety*, and shall:

1. Establish a District-level School Violence Prevention Team to: (a) develop a District-level Targeted School Violence Prevention Plan, and (b) oversee the District's Building-level Threat Assessment Team(s). [3]
2. Establish Building-level Threat Assessment Team(s)[4] to assess and intervene with individuals whose behavior may pose a threat to safety. This team may serve one or more schools.
3. Require all District staff, volunteers, and contractors to report any expressed threats or behaviors that may represent a threat to the community, school, or self. [5]
4. Encourage parents/guardians and students to report any expressed threats or behaviors that may represent a threat to the community, school, or self. [6]
5. Comply with State and federal law and align with Board policies.

The Local Governmental and Governmental Employees Tort Immunity Act protects the District from liability. The Program does not: (1) replace the care of a physician licensed to practice medicine in all of its branches or a licensed medical practitioner or professional trained in violence prevention, assessments and counseling services, (2) extend beyond available resources within the District, (3) extend beyond the school day and/or school-sponsored events, or (4) guarantee or ensure the safety of students, District staff, or visitors. [7]

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[3] The establishment of threat assessment teams in K-12 public schools is Recommendation #1 of the *Recommendations of the Illinois Terrorism Task Force School Safety Working Group*, presented to the Office of the Governor on 4-5-18, at: www.iasb.com/policy-services-and-school-law/guidance-and-resources/school-safety-and-security/. Illinois higher education institutions have required threat assessment teams since the passage of the Campus Security Enhancement Act of 2008 (110 ILCS 12/20(b)(2), eff. 1-1-09) in response to the shootings that took place at Virginia Polytechnic Institute and State University on 4-16-07 and Northern Illinois University on 2-14-08. See f/n 4, below.

[4] 105 ILCS 128/45, amended by P.A.s ~~102-791,~~ 103-175, ~~and~~ 103-780, and 104-407, requires school districts to have established a threat assessment team by 2-19-20. If a school district is unable to establish a threat assessment team with school district staff and resources, it may use a regional behavioral threat assessment and intervention team. Id. The district's threat assessment procedure and a list identifying the members of all district threat assessment teams must be filed with a local law enforcement agency and the regional office of education or appropriate intermediate service center before the start of each school year. 105 ILCS 128/45(b), amended by P.A.~~s 102-791 and~~ 103-175. See sample administrative procedure 4:190-AP2, *Threat Assessment Team (TAT)*, and its accompanying exhibits for further information on threat assessment teams and how to connect with a regional behavioral threat assessment team. Records concerning the work of the TAT, including but not limited to any threat assessment procedure, are exempt from disclosure under the Ill. Freedom of Information Act. 5 ILCS 140/7(ll)~~, added by P.A. 102-791~~.

[5] In alignment with this policy, sample administrative procedure 4:190-AP2, *Threat Assessment Team (TAT)*, requires the TAT to train staff and other members of the school community to recognize and report possible threats, and sample exhibit 4:190-AP2, E6, *Targeted School Violence Prevention and Threat Assessment Education*, requires all district staff, volunteers, and contractors to report any expressed threats or behaviors that may represent a threat to the community, school, or self.

[6] In alignment with this policy, sample administrative procedure 4:190-AP2, *Threat Assessment Team (TAT)*, requires the TAT to train parents/guardians and other members of the school community to recognize and report possible threats, and sample exhibit 4:190-AP2, E6, *Targeted School Violence Prevention and Threat Assessment Education*, encourages parents/guardians and students to report any expressed threats or behaviors that may represent a threat to the community, school, or self.

[7] **Consult the board attorney for guidance concerning liability in this area**. Except for cases of willful and wanton conduct, the Local Governmental and Governmental Employees Tort Immunity Act (TIA) likely protects districts from liability for failure to properly identify and/or respond to a student's behavior that results in injury or suicide. See 745 ILCS 10/3-108 and Grant v. Board of Trustees of Valley View School Dist. No. 365-U, 286 Ill.App.3d 642 (3rd Dist. 1997). Every situation is fact-specific, and the issues require careful evaluation. A disclaimer, such as the one presented here, may not be sufficient. A district may take several actions, after discussion with its board attorney, to minimize liability, such as adding limiting phrases and ensuring other policies are followed.

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LEGAL REF.: 105 ILCS 5/10-20.14, 5/10-21.7, 5/10-27.1A, 5/10-27.1B, 5/24-24, and 5/22-1107~~-23.7~~.
105 ILCS 128/, School Safety Drill Act.
745 ILCS 10/, Local Governmental and Governmental Employees Tort Immunity Act.
29 Ill.Admin.Code Part 1500.

CROSS REF.: 2:240 (Board Policy Development), 4:170 (Safety), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:230 (Maintaining Student Discipline), 6:65 (Student Social and Emotional Development), 6:270 (Guidance and Counseling Program), 7:140 (Search and Seizure), 7:150 (Agency and Law Enforcement Requests~~Police Interviews~~), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:250 (Student Support Services), 7:290 (Suicide and Depression Awareness and Prevention), 7:340 (Student Records), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

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In addition to the TIA, school officials and districts may also be entitled to qualified immunity in civil rights lawsuits that seek to hold them liable for a suicide. For further discussion, see f/n 14 in sample policy 7:290, *Suicide and Depression Awareness and Prevention*.

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General Personnel

Equal Employment Opportunity and Minority Recruitment [1]

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

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

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

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

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

Under the Workplace Transparency Act (820 ILCS 96/), employers may not, as a condition of employment or continued employment, prevent prospective or current employees from making truthful statements or disclosures about alleged unlawful employment practices, including discrimination, or from engaging in concerted activities (including collective bargaining) to address work-related issues. Id. at 96/1-25, amended by P.A. 104-320, eff. 1-1-26.

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

The Ill. Equal Pay Act of 2003 (EPA) offers additional protection by prohibiting the payment of wages to one sex less than the opposite sex or to an African-American less than a non-African-American *for the same or substantially similar work*. 820 ILCS 112/. The Ill. Dept. of Labor (IDOL) enforces the EPA. The EPA also prohibits employers from requesting or requiring applicants to disclose wage or salary history as a condition of being considered for employment or as a condition of employment. Id. at 112/10(b-5). If an applicant voluntarily offers such information without prompting, an employer still cannot use that information in making an offer or determining future pay. See sample administrative procedure 5:30-AP1, *Interview Questions*, for sample permissible inquiries on this topic. Employers may seek wage or salary history from an applicant's current or former employer if that information is a matter of public record under the Freedom of Information Act (FOIA); however, districts that wish to undertake such searches should exercise caution; the fact a district seeks out publicly available wage information could still be used against it in a pay discrimination claim. Id. at 112/10(b-10). Consult the board attorney for further guidance.

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

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

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

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

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

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

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

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

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arrest record;[9] military status; order of protection status;[10] unfavorable military discharge;[11] citizenship status provided the individual is authorized to work in the United States;[12] work authorization status;[13] use of lawful products while not at work;[14] being a victim of domestic violence, sexual violence, gender violence, or any other crime of violence or use of District-issued equipment to record such types of

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

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

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

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

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

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

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violence;[15] genetic information;[16] physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation;[17] pregnancy, childbirth, or

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[15] 820 ILCS 180/30 and 180/33, added by P.A. 104-171, eff. 1-1-26, Victims' Economic Security and Safety Act (VESSA). *Gender violence* means: (1) one or more acts of violence or aggression that are a criminal offense under State law committed, at least in part, on the basis of a person's actual or perceived sex or gender, (2) a physical intrusion or invasion of a sexual nature under coercive conditions that is a criminal offense under State law, or (3) a threat to commit one of these acts. 820 ILCS 180/10(12.5). In certain circumstances, an employer can be held liable for gender-related violence that occurs in the workplace if the employer failed to investigate complaints or failed to supervise, train, or monitor an employee who engaged in the violence. 740 ILCS 82/11, added by P.A. 103-202, Gender Violence Act. *Other crime of violence* under VESSA means conduct prohibited by 720 ILCS 5/9 (homicide), 720 ILCS 5/11 (sex offenses), 720 ILCS 5/12 (bodily harm), 720 ILCS 5/26.5 (harassing and obscene communications), 720 ILCS 5/29D (terrorism), and 720 ILCS 5/33A (armed violence), or similar provision of the Criminal Code of 1961. 820 ILCS 180/10(2.5). VESSA also prohibits workplace discrimination and retaliation on the basis of an employee's use of employer-issued equipment to record domestic violence, sexual violence, gender violence, or any other crime of violence committed against the employee or a family or household member of the employee. Id. at 180/33, added by P.A. 104-171, eff. 1-1-26.

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

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

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

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related medical conditions;[18] reproductive health decisions;[19] credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position;[20] conviction record, unless authorized by law;[21] family responsibilities;[22] or other legally protected categories.[23] [24]

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

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

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

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

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

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

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

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

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

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

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

1. Currently using illegal drugs;

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[25] [26] No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/. [27]

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

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

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

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

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

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

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

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

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Administrative Implementation

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

The Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX. [29]

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

Nondiscrimination Coordinator:	**Title IX Coordinator:**
Name	Name
Address	Address
Email	Email
Telephone	Telephone

Complaint Managers:

Name	Name
Address	Address

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

29 Title IX regulations require districts to designate and authorize at least one employee to coordinate efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number. Id. See sample policy 2:265, *Title IX Grievance Procedure*, at f/n 17, for discussion about districts that have more than one Title IX Coordinator. See f/ns 24 and 25 in sample policy 2:260, *Uniform Grievance Procedure*. A district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator.

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

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Email	Email
Telephone	Telephone

The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks.[31]

Minority Recruitment [32]

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

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[31] In addition to notifying employees of the Uniform Grievance Procedure, a district must notify them of the person(s) designated to coordinate the district's compliance with Title IX and the Rehabilitation Act of 1973. 34 C.F.R. §§106.8(a), 104.8(a). A comprehensive faculty handbook can provide required notices, along with other important information, to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and school board. Any *working conditions* contained in the handbook may be subject to mandatory collective bargaining.

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

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

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LEGAL REF.: 8 U.S.C. §1324a et seq., Immigration Reform and Control Act.
20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106.
29 U.S.C. §206(d), Equal Pay Act.
29 U.S.C. §218d, Fair Labor Standards Act.
29 U.S.C. §621 et seq., Age Discrimination in Employment Act.
29 U.S.C. §701 et seq., Rehabilitation Act of 1973.
38 U.S.C. §4301 et seq., Uniformed Services Employment and Reemployment Rights Act (1994).
42 U.S.C. §1981 et seq., Civil Rights Act of 1991.
42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act of 1964; 34 C.F.R. Part 100.
42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964; 29 C.F.R. Part 1601.
42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act of 2008.
42 U.S.C. §2000gg et seq., Pregnant Workers Fairness Act; 29 C.F.R. Part 1636.
42 U.S.C. §2000e(k), Pregnancy Discrimination Act.
42 U.S.C. §12111 et seq., Americans with Disabilities Act, Title I.
Ill. Constitution, Art. I, §§17, 18, and 19.
105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.
410 ILCS 130/40, Compassionate Use of Medical Cannabis Program Act.
410 ILCS 513/25, Genetic Information Privacy Act.
740 ILCS 174/, Ill. Whistleblower Act.
775 ILCS 5/1-103, 5/2-101, 5/2-102, 5/2-103, 5/2-103.1, 5/2-104(D) and 5/6-101, Ill. Human Rights Act.
775 ILCS 35/, Religious Freedom Restoration Act.
820 ILCS 55/10, Right to Privacy in the Workplace Act.
820 ILCS 70/, Employee Credit Privacy Act.
820 ILCS 75/, Job Opportunities for Qualified Applicants Act.
820 ILCS 112/, Ill. Equal Pay Act of 2003.
820 ILCS 180/30 and 180/33, Victims' Economic Security and Safety Act.
820 ILCS 260/, Nursing Mothers in the Workplace Act.

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

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General Personnel

Workplace Harassment Prohibited [1]

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

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

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

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

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

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

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

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

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

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

Sexual Harassment Prohibited [6]

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

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[2] See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at f/n 3, for information about the definition of *race*.

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

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

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

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

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

See sample policy 2:265, *Title IX Grievance Procedure*, for the definition of Title IX sexual harassment (20 U.S.C. §1681 et seq.), and see f/n 3 of it for examples of employee sexual harassment that may violate Title IX. Title IX's reach is broad because an alleged *complainant* or alleged *respondent* may be *anyone* in the district's educational program or activity. This includes applicants for employment, students, parents/guardians, any employee, and third parties. Districts are liable for Title IX sexual harassment when *any* district employee has actual knowledge of sexual harassment or allegations of sexual harassment against anyone in the district (except when the only employee with knowledge is the perpetrator of the alleged sexual harassment). 34 C.F.R. §106.30.

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

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State and federal law. The District provides annual sexual harassment prevention training in accordance with State law. [7]

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

Making a Report or Complaint

Employees and *nonemployees*[9] (persons who are not otherwise employees and are directly performing services for the District pursuant to a contract with the District, including contractors, and consultants) are encouraged to promptly report information regarding violations of this policy. Individuals may choose to report to a person of the individual's same gender. Every effort should be made to file such reports or complaints as soon as possible, while facts are known and potential witnesses are available.

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

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

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

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

[9] 775 ILCS 5/2-102(A-10) and (D-5). See also f/n 1, above, for discussion regarding nonemployees.

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Whom to Contact with a Report or Complaint [10]

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

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

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator,[12] and Complaint Managers.

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

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

[12] Title IX regulations require districts to identify the Title IX Coordinator by name, office address, email address, and telephone number. For further discussion of the Title IX Coordinator, see f/n 17 in sample policy 2:265, *Title IX Grievance Procedure*. A district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator.

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Nondiscrimination Coordinator:	**Title IX Coordinator:**
Name	Name
Address	Address
Email	Email
Telephone	Telephone

Complaint Managers:

Name	Name
Address	Address
Email	Email
Telephone	Telephone

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Investigation Process

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

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

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

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

For any other alleged workplace harassment that does not require action under Board policies 2:265, *Title IX Grievance Procedure*, or 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under Board policy 2:260, *Uniform Grievance Procedure*, and/or 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*,[13] should be initiated, regardless of whether a written report or complaint is filed.

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[13] See sample administrative procedure 5:120-AP2, *Employee Conduct Standards*, and its exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*.

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Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel [14]

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

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

Enforcement [15]

A violation of this policy by an employee may result in discipline, up to and including discharge.[16] A violation of this policy by a third party will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent/guardian, invitee, etc. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, which for an employee that may be up to and including discharge. [17]

Retaliation Prohibited

An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing complaints or providing information about harassment is prohibited (see Board policies 2:260, *Uniform*

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

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

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

[16] 5 ILCS 430/70-5(a)(consequences of a violation of the prohibition on sexual harassment). When discharge is the penalty, examine 50 ILCS 205/3c. It requires a school district to post on its website and make available to news media specific information about severance agreements that it enters into because an employee or contractor was found to have engaged in sexual harassment or sexual discrimination, as defined by the IHRA or Title VII. Id. Additionally, under the Workplace Transparency Act (WTA), employers may not require confidentiality clauses in settlement or termination agreements involving alleged unlawful employment practices under federal or State civil rights laws, except under specific conditions. 820 ILCS 96/1-30, amended by P.A. 104-320. Consult the board attorney regarding the use of these types of clauses.

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

[17] 5 ILCS 430/70-5(a)(consequences for knowingly making a false report of sexual harassment).

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Grievance Procedure, 2:265, *Title IX Grievance Procedure*, and 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*), and depending upon the law governing the complaint, whistleblower protection may be available under the State Officials and Employees Ethics Act (5 ILCS 430/), the Whistleblower Act (740 ILCS 174/), and/or the Ill. Human Rights Act (775 ILCS 5/). [18]

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

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

Recourse to State and Federal Fair Employment Practice Agencies [19]

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

The Superintendent shall also use reasonable measures to inform staff members, applicants, and nonemployees of this policy, which shall include posting on the District website and/or making this policy available in the District's administrative office, and including this policy in the appropriate handbooks. [20]

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[18] Id. (prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the SOEEA, the Whistleblower Act (740 ILCS 174/), and the IHRA (775 ILCS 5/)).

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

[19] 5 ILCS 430/70-5(a)(how an individual can report an allegation of sexual harassment, including options for making a confidential report to the Inspector General or the IDHR). This sample policy does not reference the Inspector General because the Inspector General does not have jurisdiction over public school districts. See 5 ILCS 430/20 (executive inspectors general), 5 ILCS 430/25 (legislative inspector general). School districts must also annually disclose to IDHR certain data about *adverse judgment or administrative rulings* made against them where there was a finding of sexual harassment or unlawful discrimination under federal, State, or local laws. 775 ILCS 5/2-108 (scheduled to be repealed on 1-1-30). See IDHR's *FAQ for Employers under Section 5/2-108*, at: https://dhr.illinois.gov/legal/report-adverse-judgments-and-administrative-rulings.html.

[20] A district must notify employees of the grievance procedure and the person(s) designated to coordinate the district's compliance with Title IX. 34 C.F.R. §106.8. A comprehensive employee handbook can provide required notices, along with other important information to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. Any *working conditions* contained in the handbook may be subject to mandatory collective bargaining.

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

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

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

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General Personnel

Abused and Neglected Child Reporting [1]

Any District employee who suspects or receives knowledge that a student may be an abused or neglected[2] child or, for a student aged 18 through 22, an abused or neglected individual with a

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[1] State or federal law controls this policy's content. The Abused and Neglected Child Reporting Act (ANCRA) (325 ILCS 5/) requires *education personnel* to immediately report to DCFS when they have reasonable cause to believe a child known to them in their professional or official capacities may be abused or neglected; *education personnel* includes school personnel (including administrators and ~~certified~~licensed and non-licensed~~certified~~ school employees) and educational advocates assigned to a child in accordance with the School Code. 325 ILCS 5/4(a)(4). *Education personnel* also includes board members; however, ANCRA does not require them to directly report to DCFS and instead states that a board member "shall direct or cause the school board to direct the superintendent" to report to DCFS. 325 ILCS 5/4(a)(4), (d). See the **Special School Board Member Responsibilities** subhead, below, and sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

If the report involves an *adult student with a disability*, employees should expect DCFS to instruct them to call the Ill. Dept. of Human Services Office (DHS) office of the Inspector General's statewide 24-hour toll-free telephone number at 1-800-368-1463. 325 ILCS 5/4.4a and 20 ILCS 1305/1-17(b), amended by P.A.s 103-76 and 103-752. Reports involving an adult student with a disability may be made directly to DHS; however, for simplicity, and to preserve a superintendent's duty to disclose certain reports involving an employee or former district employee (see discussion in f/n 19 below) and the immunity for such disclosures, the sample policy directs the initial phone call to DCFS. The Dept. of Human Services Act (DHS Act) (20 ILCS 1305/) allows a *required reporter* four hours to report after the initial discovery of the incident, allegation, or suspicion of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation. 20 ILCS 1305/1-17(k)(1). Only employees are required reporters. 20 ILCS 1305/1-17(a).

Any person required by law to report abuse and neglect who willfully fails to report is guilty of a Class A misdemeanor. 325 ILCS 5/4(m) and 20 ILCS 1305/1-17(k)(1), amended by P.A. 103-752.

A teaching license may be suspended or revoked for willful or negligent failure to report suspected child abuse or neglect as required by law and for *sexual misconduct*. 105 ILCS 5/21B-75, ~~amended by P.A.s 102-552 and 102-702~~.

District employees who make a report in good faith receive immunity, except in cases of willful or wanton misconduct. See 325 ILCS 5/4 and 9. Further, for the purpose of any proceedings, civil or criminal, good faith of the person making the report is presumed. Id.

Every two years, each district within an Illinois county served by an accredited Children's Advocacy Center (CAC) must review its sexual abuse investigation policies and procedures to ensure consistency with 105 ILCS 5/22-85. 105 ILCS 5/10-20.71. See sample policy 7:20, *Harassment of Students Prohibited*.

[2] ANCRA covers abuse and neglect of children. 325 ILCS 5/3. The DHS Act covers abuse and neglect of adult students with a disability. 20 ILCS 1305/1-17(b), amended by P.A.s 103-76 and 103-752. Abuse may be generally understood as any physical or mental injury or sexual abuse inflicted on a child or adult student with a disability other than by accidental means or creation of a risk of such injury or abuse by a person who is responsible for the welfare of a child or adult student with a disability. Neglect may be generally understood as abandoning a child or adult student with a disability or failing to provide the proper support, education, medical, or remedial care required by law by one who is responsible for the child's or adult student with a disability's welfare.

Abuse covered by ANCRA also includes *grooming* as defined in the Ill. Criminal Code of 2012 (720 ILCS 5/11-25, amended by P.A. 104-245, eff. 1-1-26). 325 ILCS 5/3(i), ~~added by P.A. 102-676~~ (~~a/k/a~~ *Faith's Law*).

The School Code goes further and prohibits school employees from engaging in *grooming behaviors* and *sexual misconduct*. 105 ILCS 5/10-23.13(b), ~~amended by P.A. 102-610~~ (~~a/k/a~~ *Erin's Law*); 105 ILCS 5/22-85.5(c), ~~added by P.A. 102-676~~ (~~a/k/a~~ *Faith's Law*). To streamline implementation, sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, defines prohibited *grooming behaviors* to include *sexual misconduct* and it explicitly prohibits employees from engaging in *grooming*, *grooming behaviors*, and *sexual misconduct*. While it is possible for low-level *grooming behaviors* and/or *sexual misconduct* to not amount to *grooming* prohibited by ANCRA, best practice is to report suspected *grooming behaviors* and *sexual misconduct* to DCFS.

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disability[3], shall immediately report or cause a report to be made 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 of Illinois); or 1-800-358-5117 (TTY).[4] Any District employee who believes a student is in immediate danger of harm, shall first call 911. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made.[5] The Superintendent or Building Principal shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) with DCFS, the applicable school resource officer (SRO), and/or local law enforcement.[6] *Negligent failure to report* occurs when a District employee personally observes an instance of suspected child abuse or neglect and reasonably believes, in his or her professional or official capacity, that the instance constitutes an act of child abuse or neglect under the Abused and Neglected Child Reporting Act (ANCRA) and he or she, without willful intent, fails to immediately report or cause a report to be made of the suspected abuse or neglect to DCFS. [7]

Any District employee who discovers child sexual abuse material~~pornography~~ on *electronic and information technology equipment*, as defined in 325 ILCS 5/4.5(a), shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's CyberTipline 1-800-THE-

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[3] State child and disabled adult protection laws define the same class of individuals differently, but with the same goal: to protect an adult student with a disability, not living in a DCFS licensed facility, who is still finishing school with an Individual Education Plan (IEP). The DHS Act defines "adult student with a disability" as an adult student, age 18 through 21, inclusive (through the day before the student's 22nd birthday), with an IEP other than a resident of a facility licensed by DCFS. 20 ILCS 1305/1-17(b), amended by P.A. 103-76. However, 105 ILCS 5/14-1.02~~, amended by P.A. 102-172,~~ provides that a student who turns 22 years old during the school year shall be eligible for IEP services through the end of the school year. This statutory definition is the basis for this sample policy's language.

For elementary districts, delete the following phrase from the first sentence: "or, for a student aged 18 through 22, an abused or neglected individual with a disability, ."

[4] 325 ILCS 5/7, amended by P.A. 103-624~~, eff. 1-1-25~~. For a board that wants to include what a DCFS report should contain, an optional sentence follows:

The report shall include, if known:

1. The name and address of the child, parent/guardian names, or other persons having custody;
2. The child's age;
3. The child's condition, including any evidence of previous injuries or disabilities; and
4. Any other information that the reporter believes may be helpful to DCFS for its investigation.

When two or more mandated reporters who work within the same workplace share a reasonable cause to believe that a student may be an abused or neglected child, one of them may be designated to make a single report. 325 ILCS 5/4(b). The report must include the name(s) and contact information for the other mandated reporter(s). Id.

[5] ANCRA states that mandated reporters "may also notify the person in charge of [the] school[.]" 325 ILCS 5/4(e). This sample policy makes the report to the superintendent or building principal mandatory to keep the administration informed. The administration may not force the staff member to change or modify his or her report.

[6] Optional. The sample policy makes coordination with DCFS, the SRO, and local law enforcement a step in the process of reporting, so the local agencies and school district are better able to prevent and manage the risks school officials and parents/guardians face when a DCFS report has been made, e.g., situations where parents/guardians, upon learning a DCFS report has been made involving their child(ren), commit an act of self-harm in response to the information.

For school districts in DuPage County, the DuPage County State's Attorney (SAO), Regional Office of Education (ROE), Police Dept. (PD), and DCFS created a *Model Policy Reporting Child Abuse and Neglect for School Officials in DuPage County*, at: www.dupageroe.org/wp-content/uploads/Mandated_Reporting.pdf. Consult the board attorney about this reporting policy – it does not account for legislative changes made to ANCRA since August 2010 and its intent is for school officials to immediately inform the SAO that a report to DCFS has been made to allow the SAO to investigate and prevent evidence spoliation. **Note:** The DuPage SAO, ROE, and PD lack authority under ANCRA over school officials to enforce compliance with this "model reporting policy;" only DCFS has the authority under ANCRA to enforce penalties under ANCRA, not the "model reporting policy." The DuPage SAO, ROE, and PD did not consult school officials in the creation of its "model reporting policy."

[7] 105 ILCS 5/10-23.12(c) (all district employees); 105 ILCS 5/21B-75(b) (teachers).

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LOST (1-800-843-5678) or online at https://report.cybertip.org or www.missingkids.org. The Superintendent or Building Principal shall also be promptly notified of the discovery and that a report has been made. [8]

Any District employee who observes any act of hazing that does bodily harm to a student must report that act to the Building Principal, Superintendent, or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the employee must first make the report to law enforcement and then to the Superintendent or Building Principal. Hazing is defined as any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students. [9]

Abused and Neglected Child Reporting Act (ANCRA), School Code, and *Erin's Law* Training

The Superintendent or designee shall provide staff development opportunities for District employees in the detection, reporting, and prevention of child abuse and neglect. [10]

All District employees shall:

1. Before beginning employment, sign the *Acknowledgement of Mandated Reporter Status* form provided by DCFS. The Superintendent or designee shall ensure that the signed forms are retained.

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[8] ANCRA requires an electronic and information technology equipment worker or the worker's employer to report a discovery of child sexual abuse material~~pornography~~ depicted on an item of electronic and information technology equipment. 325 ILCS 5/4.5(b), amended by P.A. 104-245, eff. 1-1-26. Consult the board attorney to determine whether any district employees fit the definition of an *electronic and information technology worker*, i.e., are "persons who in the scope and course of their employment or business install, repair, or otherwise service electronic and information technology equipment for a fee."

The paragraph exceeds the State requirements by requiring all district employees to report a discovery of child pornography on *electronic and information technology equipment*, defined as "equipment used in the creation, manipulation, storage, display, or transmission of data, including internet and intranet systems, software applications, operating systems, video and multimedia, telecommunications products, kiosks, information transaction machines, copiers, printers, and desktop and portable computers." 325 ILCS 5/4.5(a). This furthers the National Center for Missing and Exploited Children's public policy goal of "empowering the public to take immediate and direct action to enforce a zero tolerance policy regarding child sexual exploitation."

Similar to school personnel who are mandated reporters, electronic and information technology equipment workers and their employers have broad immunities from criminal, civil, or administrative liabilities when they report a discovery of child pornography as required under 325 ILCS 5/4.5(b), except for willful or wanton misconduct, e.g., knowingly filing a false report. Failure to report a discovery of child pornography is a business offense subject to a fine of $1001. 325 ILCS 5/4.5(e).

[9] 720 ILCS 5/12C-50.1(b) creates a duty for *school officials* to report hazing. The term *school official* includes all school employees and volunteer coaches. 720 ILCS 5/12C-50.1(a). The duty to report hazing is triggered only when the employee/volunteer is fulfilling his or her responsibilities as a school official and observes hazing which results in bodily harm. 720 ILCS 5/12C-50.1(b). A report must be made to *supervising educational authorities*, which is not defined in the Act. Id. Common sense, however, would require the individual witnessing hazing to report it to the building principal or superintendent. Failure to report hazing is a Class B misdemeanor. 720 ILCS 5/12C-50.1(c). Failure to report hazing that resulted in death or great bodily harm is a Class A misdemeanor. Id. Sample administrative procedure 7:190-AP1, *Hazing Prohibited*, uses the same definition of *hazing*; this definition is based on 720 ILCS 5/12C-50, amended by P.A. 103-765~~, eff. 1-1-25~~.

[10] The drill during such training should be: "If in question, report."

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2. Complete mandated reporter training as required by law within three months of initial employment and at least every three years after that date. [11]
3. Complete an annual evidence-informed training related to child sexual abuse, grooming behaviors (including *sexual misconduct* as defined in *Faith's Law*)[12], and boundary violations as required by law and policy 5:100, *Staff Development Program*. [13]

Alleged Incidents of Sexual Abuse; Investigations [14]

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity. [15]

If a District employee reports an alleged incident of sexual abuse to DCFS[16] and DCFS accepts the report for investigation, DCFS will refer the matter to the local Children's Advocacy Center (CAC).[17] The Superintendent or designee will implement procedures to coordinate with the CAC.

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

[11] ANCRA requires staff members, within three months of employment, to complete mandated reporter training, including a section on implicit bias and racial and ethnic sensitivity. 325 ILCS 5/4(j), ~~amended by P.A. 102-604~~. This training must be completed again at least every three years. Id. The initial ANCRA three-month training requirement applies to the first time staff engage in their professional or official capacity. Id. While the law allows an extension to six months, it is unclear when such an extension is permissible. Consult the board attorney for guidance. As a best practice, to ensure compliance with the requirement in 105 ILCS 5/22-85(c) that mandated reporters annually review Ill. State Board of Education (ISBE) materials regarding notification of DCFS (see f/n 16, below), and to ease the administrative burden to track employee training schedules, a district may consider requiring annual training for all employees.

To reduce liability and align with best practices, ANCRA training for existing district employees appears prudent; however, consult the board attorney about:

1. Whether mandating existing employees to participate in ANCRA training is an item on which collective bargaining may be required. Any policy that impacts upon wages hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.
2. How to comply with both the new ANCRA training requirements and whether compliance with them would also satisfy the School Code's more limited district-provided training requirement discussed in f/n 10 above.

[12] Sexual misconduct under *Faith's Law* is defined in 105 ILCS 5/22-85.5(c), ~~added by P.A. 102-676~~. See f/n 2, above, regarding the inclusion of sexual misconduct in the definition of *grooming behaviors* set forth in sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*.

[13] 105 ILCS 5/10-23.13, ~~amended by P.A. 102-610~~ (~~a/k/a~~ *Erin's Law*). For additional *Erin's Law* requirements and definitions, see sample policies and the f/ns in 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; and 6:60, *Curriculum Content*.

[14] Delete this subhead if your school district is not within a county served by an accredited CAC. 105 ILCS 5/22-85 governs the investigation of an *alleged incident of sexual abuse* of any child within any Illinois counties served by a CAC. For a map of accredited CACs, and to identify a CAC that may serve your district, see www.childrensadvocacycentersofillinois.org/about/map. The law is silent about investigations in counties without CACs.

[15] Though 105 ILCS 5/22-85(b) defines *alleged incident of sexual abuse*, its definition is circular, using the term *sexual abuse* without defining what that means. To provide boards with clarity, the definition of *sexual abuse* used in the Ill. Criminal Code of 2012 is used.

[16] 105 ILCS 5/22-85(c) provides that if a mandated reporter within a school has knowledge of an alleged incident of sexual abuse, the reporter must call the DCFS hotline immediately after obtaining the minimal information necessary to make a report, including the names of the affected parties and the allegations. It further requires ISBE to make available materials detailing the information necessary to enable notification to DCFS of an alleged incident of sexual abuse, and that all mandated reporters annually review ISBE's materials.

[17] 105 ILCS 5/22-85(d).

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DCFS and/or the appropriate law enforcement agency will inform the District when its investigation is complete or has been suspended, as well as the outcome of its investigation.[18] The existence of a DCFS and/or law enforcement investigation will not preclude the District from conducting its own parallel investigation into the alleged incident of sexual abuse in accordance with Board policy 7:20, *Harassment of Students Prohibited*.

Special Superintendent Responsibilities

The Superintendent shall execute the requirements in Board policy 5:150, *Personnel Records*, whenever another school district requests a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS. [19]

When the Superintendent has reasonable cause to believe that a license holder (1) committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child under ANCRA or an act of sexual misconduct under *Faith's Law*, and (2) that act resulted in the license holder's dismissal or resignation from the District, the Superintendent shall notify the State Superintendent and the Regional Superintendent in writing, providing the Ill. Educator Identification Number as well as a brief description of the misconduct alleged.[20] The Superintendent must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder. [21]

The Superintendent shall develop procedures for notifying a student's parents/guardians when a District employee, contractor, or agent is alleged to have engaged in sexual misconduct with the student as defined in *Faith's Law*. The Superintendent shall also develop procedures for notifying the student's parents/guardians when the Board takes action relating to the employment of the employee, contractor,

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[18] 105 ILCS 5/22-85(j), (k).

[19] ANCRA requires a superintendent, upon being requested for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DCFS. 325 ILCS 5/4(d). When a report involves an adult student with a disability, DCFS must instruct mandated reporters making these reports to call the DHS Office of the Inspector General's statewide 24 hour toll-free telephone number: 1-800-368-1463 (325 ILCS 5/4.4a) to make a report under the DHS Act.

The DHS Act (20 ILCS 1305/1-17(l)) then requires a determination of whether a report involving an adult student with a disability should be investigated under it or the Abuse of Adults with Disabilities Intervention Act (20 ILCS 2435), however that Act was repealed by P.A. 99-049 (eff. 7-1-13). The DHS Act does not outline a duty for the superintendent, upon being requested for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DHS involving an adult student with a disability.

Given the public policy behind the amendments to 325 ILCS 5/4, a reasonable interpretation of the law is that the superintendent's duty to disclose now involves DHS reports concerning adult students with disabilities. However, with no mechanism requiring DHS to report back to the superintendent a *non-substantiated report* (DHS version of a DCFS *unfounded* report), a superintendent's duty to disclose cannot end. Consult the board attorney about managing the duty to disclose reports that involve adult students with disabilities when DCFS redirects the reporter to DHS. For more information, see sample policy 5:150, *Personnel Records*.

See also f/n 4 of sample policy 5:150, *Personnel Records*, discussing the Elementary and Secondary Education Act's (ESEA) (20 U.S.C. §7926) requirement that school policies must explicitly prohibit school districts from providing a recommendation of employment for an employee, contractor, or agent that a district knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.

[20] Alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."

[21] 105 ILCS 5/10-21.9(e-5)~~, amended by P.A.s 102-552 and 102-702,~~ requires these notifications and provides superintendents immunity from any liability, whether civil or criminal or that otherwise might result by complying with the statute.

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or agent following the investigation of sexual misconduct. Notification shall not occur when the employee, contractor, or agent alleged to have engaged in sexual misconduct is the student's parent/guardian, and/or when the student is at least 18 years of age or emancipated. [22]

The Superintendent shall execute the recordkeeping requirements of *Faith's Law*. [23]

Special School Board Member Responsibilities

Each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in ANCRA, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with ANCRA's requirements concerning the reporting of child abuse. [24]

If the Board determines that any District employee, other than an employee licensed under 105 ILCS 5/21B, has willfully or negligently failed to report an instance of suspected child abuse or neglect as required by ANCRA, the Board may dismiss that employee immediately. [25]

When the Board learns that a licensed teacher was convicted of any felony, it must promptly report it to the State agencies listed in Board policy 2:20, *Powers and Duties of the School Board; Indemnification*. [26]

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[22] 105 ILCS 5/22-85.10~~, added by P.A. 102-702~~. See sample administrative procedure 5:90-AP2, *Parent/Guardian Notification of Sexual Misconduct*.

[23] 105 ILCS 5/22-94(e)~~, added by P.A. 102-702~~. See sample administrative procedure 5:150-AP, *Personnel Records*.

[24] 325 ILCS 5/4(d), amended by P.A. 103-22. This statute makes board members mandatory child abuse reporters "to the extent required in accordance with other provisions of this section expressly concerning the duty of school board members to report suspected child abuse." Thus, a board member's duty is "to direct the superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse" whenever an "allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which the person is a board member is an abused child." Of course, any board member with reason to doubt that a report was or will be made should directly contact DCFS.

[25] 105 ILCS 5/10-23.12(c). See f/n 7, above, and f/n 3 in sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

[26] 105 ILCS 5/21B-85(a) and (b), amended by P.A. 103-51~~102-552~~. Because felony charges often arise out of abuse and neglect investigation, this board duty is listed here for convenience. See the discussion in the f/ns tied to these duties in sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

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LEGAL REF.: 20 U.S.C. §7926, Elementary and Secondary Education Act.
105 ILCS 5/10-21.9, 5/10-23.13, 5/21B-85, 5/22-85.5, and 5/22-85.10.
20 ILCS 1305/1-1 et seq., Department of Human Services Act.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/12C-50.1, Criminal Code of 2012.

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:60 (Administrative Responsibility of the Building Principal), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Law Enforcement Requests~~Police Interviews~~)

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General Personnel

Staff Development Program [1]

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

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

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

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

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

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

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

[2] 325 ILCS 5/4(j); and 105 ILCS 5/10-23.13 (*Erin's Law*). Sexual misconduct under *Faith's Law* is defined in 105 ILCS 5/22-85.5(c).

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

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In-Service Training Requirements

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

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

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

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

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

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

[4] 105 ILCS 5/10-22.39(b-5), added by P.A. 103-542 and amended by P.A. 103-603. Nurses and school nurses, as defined by 105 ILCS 5/10-22.23 (school nurse), are exempt from training on health conditions of students. Id.

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

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

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

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

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f. How to respond to an incident involving life-threatening bleeding, including use of a school's trauma bleeding control kit, if applicable. [5]

2. Social-emotional learning.[6] Training may include providing education to all school personnel about the content of the Illinois Social and Emotional Learning Standards, how they apply to everyday school interactions, and examples of how social emotional learning can be integrated into instructional practices across all grades and subjects.
3. Developing cultural competency,[7] including but not limited to understanding and reducing implicit bias, including *implicit racial bias* as defined in 105 ILCS 5/10-20.61 (implicit bias training).
4. Identifying warning signs of mental illness, trauma, and suicidal behavior in youth, along with appropriate intervention and referral techniques, including resources and guidelines as outlined in 105 ILCS 5/2-3.166 (*Ann Marie's Law*) and the definitions of *trauma*, *trauma-responsive learning environments*, and *whole child* as set forth in 105 ILCS 5/3-11. [8]
5. Domestic and sexual violence and the needs of expectant and parenting youth, conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth.[9] Training shall include, but is not limited to:
   a. Communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth;
   b. Connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs, and services as needed;
   c. Implementing the District's policies and procedures regarding such youth, including confidentiality; and
   d. Procedures for responding to incidents of teen dating violence that take place at school, on school grounds, at school-sponsored activities, or in vehicles used for school-provided transportation as outlined in 105 ILCS ~~110/3.10~~5/27-240 (see Board policy 7:185, *Teen Dating Violence Prohibited*).

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

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

[6] 105 ILCS 5/10-22.39(b-10), added by P.A. 103-542.

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

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

[9] 105 ILCS 5/10-22.39(b-25), added by P.A. 103-542. See sample policy 7:185, *Teen Dating Violence Prohibited*. 105 ILCS 5/27-240, added by P.A. 104-391.

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6. Protections and accommodations for students,[10] including but not limited to training on:
    a. The federal Americans with Disabilities Act as it pertains to the school environment; and
    b. Homelessness.
7. Educator ethics and responding to child sexual abuse and grooming behavior (see Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*);[11] including but not limited to training on:
    a. Teacher-student conduct;
    b. School employee-student conduct; and
    c. Evidence-informed training on preventing, recognizing, reporting, and responding to child sexual abuse and grooming as outlined in 105 ILCS 5/10-23.13 (*Erin's Law*).
8. Effective instruction in violence prevention and conflict resolution,[12] conducted in accordance with the requirements of 105 ILCS 5/27-115~~23.4~~ (violence prevention and conflict resolution education).

Additional Training Requirements

In addition, the staff development program shall include each of the following: [13]

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

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

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

[12] 105 ILCS 5/10-22.39(b-40), added by P.A. 103-542 and amended by P.A. 104-391, and 105 ILCS 5/27-115, renumbered by P.A. 104-391.

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

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

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

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

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

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

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

[17] 105 ILCS 5/22-80(h).

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

[19] 105 ILCS 150/25, amended by P.A. 103-542.

[20] 105 ILCS 145/25, amended by P.A. 103-542.

[21] 775 ILCS 5/2-109. See f/n 7 ~~in~~of sample policy 5:20, *Workplace Harassment Prohibited*, for further detail about this training requirement.

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9. Title IX requirements for training in accordance with 34 C.F.R. Part 106 (see Board policy 2:265, *Title IX Grievance Procedure*). [22]
10. Training for all District employees on the prevention of discrimination and harassment based on race, color, and national origin in school as part of new employee training and at least once every two years. [23]
11. Training for at least one designated employee at each school about the Prioritization of Urgency of Need for Services (PUNS) database and steps required to register students for it. [24]
12. Training in accordance with 105 ILCS 5/26A for at least one staff member in each school designated as a resource for students who are parents, expectant parents, or victims of domestic or sexual violence, and for any employees whose duties include the resolution of complaints of violations of 105 ILCS 5/26A (see Board policy 7:255, *Students who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*). [25]

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[22] 34 C.F.R. §106.45. For training requirement details, see sample administrative procedure 2:265-AP1, *Title IX Response*.

[23] 775 ILCS 5/5A-103(c), added by P.A. 103-472. Initial training for existing employees must be completed by 7-31-26. See the Ill. Dept. of Human Rights' *Frequently Asked Questions (FAQs) about Racism-Free Schools Training* at: https://dhr.illinois.gov/training/racism-free-schools.html#rfs-faq. For training requirement details, see sample administrative procedure 2:270-AP, *Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin*.

[24] 105 ILCS 5/2-3.163(c), amended by P.A. 103-504.

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

105 ILCS 5/26A-25(b)(1), added by P.A. 102-466, a/k/a *ESS Law,* ~~eff. 7-1-25~~and amended by P.A. 104-391, requires employees whose duties include resolution of Article 26A complaints to initially complete ~~at least eight hours of training~~ on issues related to domestic and sexual violence and how to conduct the district's complaint resolution procedure, and to complete ~~six hours of~~ training annually thereafter. Such training must be conducted by individual(s) with expertise in domestic or sexual violence in youth and expertise in developmentally appropriate communications with elementary and secondary students regarding topics of a sexual, violent, or sensitive nature. Id. See sample administrative procedures 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence,* and 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence.*

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

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

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[26] Required by 105 ILCS 5/2-3.166(c)(2) (*Ann Marie's Law*). See sample administrative procedures 6:60-AP1, *Comprehensive Health Education Program*, and 7:290-AP, *Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program*.

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

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

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

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

The board may also want to address other staff development opportunities. While not required to be in policy, 105 ILCS 5/27-1055~~23.10~~, amended by P.A. 103-542 and renumbered by P.A. 104-391, requires a school board to collaborate with State and local law enforcement agencies on gang resistance education. It also states that ISBE may assist in the development of instructional materials and teacher training for gang resistance education and training, which may be helpful to include in the staff development program. Other mandated and recommended staff development opportunities that are not located in the School Code or ISBE rules are found in the Ill. Administrative Code or federal regulations. Many of them are cross referenced in this policy.

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LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.
42 U.S.C. §1758b, Pub. L. 111-296, Healthy, Hunger-Free Kids Act of 2010; 7 C.F.R. Parts 210 and 235.
105 ILCS 5/2-3.62, 5/2-3.166, 5/3-11, 5/10-20.17a, 5/10-20.61, 5/10-22.6(c-5), 5/10-22.39, 5/10-23.12, 5/10-23.13, 5/22-80(h), 5/22-95, 5/22-115, 5/24-5, and 5/26A.
105 ILCS 25/1.15, Interscholastic Athletic Organization Act.
105 ILCS 145/25, Care of Students with Diabetes Act
105 ILCS 150/25, Seizure Smart School Act.
105 ILCS 110/3, Critical Health Problems and Comprehensive Health Education Act.
325 ILCS 5/4, Abused and Neglected Child Reporting Act.
745 ILCS 49/, Good Samaritan Act.
775 ILCS 5/2-109 and 5/5A-103, Ill. Human Rights Act.
23 Ill.Admin.Code §§ 22.20, 226.800, and Part 525.
77 Ill.Admin.Code §527.800.

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

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

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General Personnel

Employee Ethics; Code of Professional Conduct; and Conflict of Interest [1]

All District employees are expected to maintain high standards in their job performance, demonstrate integrity and honesty, be considerate and cooperative, and maintain professional and appropriate relationships with students, parents/guardians, staff members, and others.

The Superintendent or designee shall provide this policy to all District employees and students and/or parents/guardians in their respective handbooks, and ensure its posting on the District's website, if any.[2]

Professional and Appropriate Conduct

Professional and appropriate employee conduct are important Board goals that impact the quality of a safe learning environment and the school community, increasing students' ability to learn and the District's ability to educate. To protect students from sexual misconduct by employees, and employees from the appearance of impropriety, State law also recognizes the importance for District employees to constantly maintain professional and appropriate relationships with students by following established expectations and guidelines for employee-student boundaries. Many breaches of employee-student boundaries do not rise to the level of criminal behavior but do pose a potential risk to student safety and impact the quality of a safe learning environment. Repeated violations of employee-student boundaries may indicate the grooming of a student for sexual abuse. As bystanders, employees may know of concerning behaviors that no one else is aware of, so their training on: (1) preventing, recognizing, reporting, and responding to child sexual abuse and grooming behavior; (2) this policy;

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[1] The State Officials and Employees Ethics Act (SOEEA) (5 ILCS 430/), *Erin's Law* (105 ILCS 5/10-23.13~~, amended by P.A. 102-610~~), and *Faith's Law* (105 ILCS 5/22-85.5~~, added by P.A. 102-676~~), require a policy on subjects covered in this sample policy; State and federal law controls its content.

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

This policy largely cites 105 ILCS 5/22-85.5, a small portion of the *Faith's Law* package. *Faith's Law* is the entirety of Public Act 102-676, which closed significant legal loopholes related to combating grooming by: (1) broadening the definition of grooming prohibited by the Criminal Code of 2012 (720 ILCS 5/11-25, amended by P.A. 104-245, eff. 1-1-26); (2) authorizing the Ill. Dept. of Children and Family Services to investigate grooming allegations under the Abused and Neglected Child Reporting Act (325 ILCS 5/3); and (3) requiring the Ill. State Board of Education (ISBE) to develop and maintain a resource guide for students, parents/guardians, and teachers about sexual abuse response and prevention resources available in their community (105 ILCS 5/2-3.188). ISBE's *Sexual Abuse Response and Prevention Resource Guide* (Revised April 2024~~June 2023~~) is at: www.isbe.net/Documents/Faiths-Law-Resource-Guide.pdf. Districts must notify parents/guardians about the ISBE resource guide at the beginning of each school year and may do so through the student handbook. See sample exhibit 7:190-E2, *Student Handbook Checklist*. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh. A *Faith's Law* trailer bill, P.A. 102-702, further combats grooming by amending School Code provisions related to district and third-party contractor hiring practices, suspension and revocation of employee licenses, and criminal history records checks for prospective and current employees.

[2] Required by 105 ILCS 5/22-85.5(e)~~, added by P.A. 102-676~~. See sample exhibits 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and 7:190-E2, *Student Handbook Checklist.* See the IPA MSH at: www.ilprincipals.org/msh/.

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and (3) federal and state reporting requirements is essential to maintaining the Board's goal of professional and appropriate conduct. [3]

The Superintendent or designee shall identify employee conduct standards[4] that define appropriate employee-student boundaries, provide training about them, and monitor the District's employees for violations of employee-student boundaries. The employee conduct standards will require that, at a minimum:

1. Employees who are governed by the *Code of Ethics for Illinois Educators*, adopted by the Ill. State Board of Education (ISBE), will comply with its incorporation by reference into this policy. [5]
2. Employees are trained on educator ethics, child abuse, grooming behaviors, and employee-student boundary violations as required by law and Board policies 2:265, *Title IX Grievance Procedure*; 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:90, *Abused and Neglected Child Reporting*; and 5:100, *Staff Development Program*. [6]
3. Employees maintain professional relationships with students, including maintaining employee-student boundaries based upon students' ages, grade levels, and developmental levels and following District-established guidelines for specific situations, including but not limited to: [7]
    a. Transporting a student;
    b. Taking or possessing a photo or video of a student; and

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[3] See 105 ILCS 5/22-85.5(b)~~, added by P.A. 102-676~~.

[4] Sample conduct standards are contained in administrative procedure 5:120-AP2, *Employee Conduct Standards*. These items are subjects of mandatory collective bargaining. Consult the board attorney for advice before establishing them.

[5] 105 ILCS 5/22-85.5(d)(1)~~, added by P.A. 102-676~~; 23 Ill.Admin.Code Part 22. 105 ILCS 5/22-85.5(d)(1) requires boards to incorporate ISBE's *Code of Ethics for Illinois Educators* in their policies. Prior to this law requiring boards to incorporate the *Code* by reference, this policy incorporated it to demonstrate a board's commitment to the *Code's* principles, potentially allowing a board to enforce the *Code* independently from any action taken by the State Superintendent.

[6] 105 ILCS 5/22-85.5(d)(5)~~, added by P.A. 102-676~~, requires districts to reference required employee training related to child abuse and educator ethics in its employee professional conduct policy.

105 ILCS 5/10-22.39(b-35), added by P.A. 103-542, requires that ~~beginning 7-1-24, each board conduct~~ in-service training on educator ethics and responding to child sexual abuse and grooming behavior includ~~ing~~, but is not limited to, teacher-student conduct, school employee-student conduct, and evidence-informed training on preventing, recognizing, reporting, and responding to child sexual abuse and grooming as outlined in 105 ILCS 5/10-23.13 (a/k/a *Erin's Law*) for all teachers, administrators, and school support personnel. These trainings will be most effective when the in-service curriculum reflects local conditions and circumstances. While the School Code only requires the in-service, the requirement presents an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for the in-service that instructs all district employees to maintain boundaries and act appropriately, professionally, and ethically with students. See discussion in f/n 4 in 5:100, *Staff Development Program*. After its discussion of these issues, the board may have further expectations and may choose to reflect those expectations here.

105 ILCS 5/10-23.13(c)~~, amended by P.A. 102-610,~~ requires districts to provide evidenced-informed training for school personnel on preventing, recognizing, reporting, and responding to child sexual abuse and grooming behavior by no later than January 31 of each year. See sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*, for further detail about the training requirements.

325 ILCS 5/4(j)~~, amended by P.A. 102-604,~~ requires district employees to complete mandated reporter training within three months of initial employment and at least every three years thereafter.

775 ILCS 5/2-109 requires districts to provide annual workplace sexual harassment prevention training to all employees. See f/n 4 in sample policy 5:20, *Workplace Harassment Prohibited,* for further detail about the training requirements.

[7] Required by 105 ILCS 5/10-23.13(b)~~, amended by P.A. 102-610~~; 105 ILCS 5/22-85.5(d)(3)~~, added by P.A. 102-676~~. Sample expectations and guidelines are contained in sample exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*.

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c. Meeting with a student or contacting a student outside the employee's professional role.

4. Employees report prohibited behaviors and/or boundary violations pursuant to Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*. [8]
5. Discipline up to and including dismissal will occur for any employee who violates an employee conduct standard or engages in any of the following: [9]
    a. Violates expectations and guidelines for employee-student boundaries. [10]
    b. Sexually harasses a student. [11]
    c. Willfully or negligently fails to follow reporting requirements of the Abused and Neglected Child Reporting Act (325 ILCS 5/),[12] Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), or the Elementary and Secondary Education Act (20 U.S.C. § 7926). [13]
    d. Engages in grooming as defined in 720 ILCS 5/11-25. [14]
    e. Engages in grooming behaviors. Prohibited grooming behaviors[15] include, at a minimum, *sexual misconduct*. *Sexual misconduct*[16] is any act, including but not limited

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[8] Required by 105 ILCS 5/22-85.5(d)(4), added by P.A. 102-676. See also 105 ILCS 5/10-23.13(b), amended by P.A. 102-610.

[9] Required by 105 ILCS 5/22-85.5(f), added by P.A. 102-676.

[10] Sample expectations and guidelines are contained in sample exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries.* These items are subjects of mandatory collective bargaining. Consult the board attorney for advice before establishing them.

[11] The Ill. Human Rights Act makes it a civil rights violation to fail to take remedial action, or to fail to take appropriate disciplinary action, against any employee when the district knows that the employee committed or engaged in sexual harassment of a student. 775 ILCS 5/5A-102, amended by P.A. 103-472. Sexual harassment (also known as sex-based harassment) of a student is also prohibited by sample policies 2:265, *Title IX Grievance Procedure*, and 7:20, *Harassment of Students Prohibited*. Sexual harassment of an employee is also prohibited by sample policies 2:265, *Title IX Grievance Procedure*, and 5:20, *Workplace Harassment Prohibited*.

[12] 325 ILCS 5/4(a)(4); 105 ILCS 5/10-23.12(c) (all district employees); 105 ILCS 5/21B-75(b) (teachers), amended by P.A.s 102-552 and 102-702.

[13] Required by 105 ILCS 5/22-85.5(d)(4), added by P.A. 102-676.

[14] 720 ILCS 5/11-25(a), amended by P.A. 104-245, eff. 1-1-26P.A. 102-676, defines *grooming* as follows: "A person commits grooming when, being 5 years or more older than a child, or holding a position of trust, authority, or supervision in relation to the child at the time of the offense, he or she knowingly: (1) uses a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission, performs an act in person or by conduct through a third party, or uses written communication to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense as defined in Section 2 of the Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child; or (2) engages in a pattern of conduct that seduces, solicits, lures, or entices, or attempts to seduce, solicit lure, or entice, a child to engage or participate in unlawful sexual conduct that is for the purpose of sexual gratification or arousal of the victim, the accused, or another." A s used in this Section, '*child*' means a person under 17 years of age and *pattern* means two or more instances of conduct. Id. at (a-5), added by P.A. 104-245, eff. 1-1-26."

[15] Required by 105 ILCS 5/10-23.13(b), amended by P.A. 102-610.

[16] Required by 105 ILCS 5/22-85.5(d)(2), added by P.A. 102-676. This definition of *sexual misconduct* is adapted from 105 ILCS 5/22-85.5(c), added by P.A. 102-676. It results from collaboration to implement some recommendations of the *Make Sexual and Severe Physical Abuse Fully Extinct (Make S.A.F.E.) Taskforce* and was endorsed by Stop Educator Sexual Abuse Misconduct & Exploitation (S.E.S.A.M.E.), a national organization working to prevent sexual exploitation, abuse, and harassment of students by teachers and other school staff. See www.sesamenet.org/ for further information.

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to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee with direct contact with a student, that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include, but are not limited to:

i. A sexual or romantic invitation.
ii. Dating or soliciting a date.
iii. Engaging in sexualized or romantic dialog.
iv. Making sexually suggestive comments that are directed toward or with a student.
v. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
vi. A sexual, indecent, romantic, or erotic contact with the student.

Statement of Economic Interests

The following employees must file a *Statement of Economic Interests* as required by the Ill. Governmental Ethics Act: [17]

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts, including collective bargaining agreement(s), in the amount of $1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and
7. Any employee in a position that requires an administrative or a chief school business official endorsement.

Ethics and Gift Ban

Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees.[18] Students shall not be used in any manner for promoting a political candidate or issue.

Prohibited Interests; Conflict of Interest; and Limitation of Authority

In accordance with 105 ILCS 5/22-5, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of

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[17] 5 ILCS 420/4A-101.5. See 5 ILCS 420/4A-102~~, amended by P.A.s 102-664 and 102-813,~~ for economic interests of an employee's spouse or any other party that is considered the employee's interests if the employee constructively controls them. Any county clerk may use a mandatory system of Internet-based filing of economic interest statements; if done, the clerk must post the statements, without the addresses, of the filers, on a publicly accessible website. 5 ILCS 420/4A-108~~, amended by P.A. 102-664~~.

[18] The SOEEA prohibits State employees from engaging in certain political activities and accepting certain gifts. 5 ILCS 430/. It requires all school districts to adopt an *ordinance or resolution* "in a manner no less restrictive" than the Act's provisions. See sample policy 2:105, *Ethics and Gift Ban.*

Districts may not inhibit or prohibit employees from petitioning, making public speeches, campaigning for or against political candidates, speaking out on public policy questions, distributing political literature, making campaign contributions, and seeking public office. 50 ILCS 135/, Local Governmental Employees Political Rights Act. An employee may not use his/her position of employment to coerce or inhibit others in the free exercise of their political rights or engage in political activities at work. Id.

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instructional materials listed with ISBE and adopted for use by the Board.[19] An employee having an interest in instructional materials must file an annual statement with the Board Secretary. [20]

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) when the employee has a real or apparent conflict of interest.[21] A conflict of interest arises when an employee or any of the following individuals has a financial or other interest in or a tangible benefit from the entity selected for the contract:

1. A member of the employee's immediate family;
2. An employee's partner[22]; or
3. An entity that employs or is about to employ the employee or one of the individuals listed in one or two above. [23]

Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or subcontracts.[24] Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*. [25]

School Counselor Gift Ban [26]

School counselors are prohibited from intentionally soliciting or accepting any gift from a *prohibited source* or any gift that would be in violation of any federal or State statute or rule. For school counselors, a *prohibited source* is any person who is (1) employed by an institution of higher education, or (2) an agent or spouse of or an immediate family member living with a person employed by an institution of higher education. This prohibition does not apply to:

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[19] This sentence quotes 105 ILCS 5/22-5 because the statute does not define important terms making it difficult to paraphrase. No appellate decision defines *school officer* or *apparatus,* or what is meant by *connected*. The statute was enacted in 1961, but earlier versions were in the School Code much longer. A violation of this prohibition is a Class A misdemeanor.

[20] Id.

[21] 2 C.F.R. §200.318(c)(1) prohibits employees, officers, or agents of a school district from participating in the selection, award, or administration of a contract supported by a federal award if they have a real or apparent *conflict of interest*. The uniform federal rules on procurement standards in 2 C.F.R. Part 200 also apply to eligible State grants through the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/). Authoritative sources and guidance regarding conflict of interest and financial disclosure are provided through the GATA Resource Library at https://gata.illinois.gov/. See also ISBE~~'s *Procurement and Purchasing Checklist*~~ resources at: www.isbe.net/Pages/Federal-and-State-Monitoring.aspx. See sample policy 2:100, *Board Member Conflict of Interest*, at f/n 6, for further discussion.

[22] See sample policy 2:100, *Board Member Conflict of Interest,* at f/n 7 for a discussion of the term *partner*.

[23] 2 C.F.R. §200.318(c)(1).

[24] Id.

[25] Id. The rule provides flexibility for school districts to "set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value," along with "disciplinary actions to be applied for violations." Referring to sample policy 2:105, *Ethics and Gift Ban*, for these standards provides clarity and consistency. Sample policy 2:105 refers to **Limitations on Receiving Gifts** in the Ethics Act at 5 ILCS 430/10-10 – 10-30, along with discussion of the specific penalties available under the Ethics Act at 5 ILCS 430/50-5 in its **Enforcement** subhead.

[26] This section is only for those districts with a high school. 105 ILCS 5/22-93, ~~added by P.A. 102-327, renumbered by P.A. 102-813, and~~ amended by P.A. 103-1020. *School counselor* means a person employed by a school district and working in a high school to offer students advice and assistance in making career or college plans. Id.

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1. Opportunities, benefits, and services available on the same conditions as for the general public.
2. Anything for which the school counselor pays market value.
3. A gift from a relative.
4. Anything provided by an individual on the basis of a personal friendship, unless the school counselor believes that it was provided due to the official position or employment of the school counselor and not due to the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the school counselor must consider the circumstances in which the gift was offered, including any of the following:
    a. The history of the relationship between the individual giving the gift and the school counselor, including any previous exchange of gifts between those individuals.
    b. Whether, to the actual knowledge of the school counselor, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.
    c. Whether, to the actual knowledge of the school counselor, the individual who gave the gift also, at the same time, gave the same or a similar gift to other school district employees.
5. Bequests, inheritances, or other transfers at death.
6. Any item(s) during any calendar year having a cumulative total value of less than $100.
7. Promotional materials, including, but not limited to, pens, pencils, banners, posters, and pennants.
8. Travel, lodging, food, and beverage costs incurred by the school counselor and paid by an institution of higher education for attendance by the school counselor of an educational or military program at the institution of higher education. [27]

A school counselor does not violate this prohibition if he or she promptly returns the gift to the prohibited source or donates the gift or an amount equal to its value to a 501(c)(3) tax-exempt charity.

Outside Employment

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

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[27] Id. Any costs paid for by the institution of higher education may not exceed the per diem rates for travel, gift, and car expenses set by the Internal Revenue Service (IRS) and referenced in the IRS's Publication 463 or a successor publication. Id.

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Incorporated

by reference: 5:120-E (Code of Ethics for Ill. Educators)

LEGAL REF.: U.S. Constitution, First Amendment.
2 C.F.R. §200.318(c)(1).
5 ILCS 420/4A-101, Ill. Governmental Ethics Act.
5 ILCS 430/, State Officials and Employee Ethics Act.
30 ILCS 708/, Grant Accountability and Transparency Act.
50 ILCS 135/, Local Governmental Employees Political Rights Act.
105 ILCS 5/10-22.39, 5/10-23.13, 5/22-5, 5/22-85.5, and 5/22-93.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/11-25, Criminal Code of 2012.
775 ILCS 5/5A-102, Ill. Human Rights Act.
23 Ill.Admin.Code Part 22, Code of Ethics for Ill. Educators.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Grievance Procedure), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 7:20 (Harassment of Students Prohibited)

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General Personnel

Family and Medical Leave [1]

Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act. The U.S. Department of Labor's rules (federal rules) implementing FMLA, as they may be amended from time to time, control FMLA leave.

An eligible employee may take FMLA leave for up to a combined total of 12 weeks each 12-month period, beginning September 1 and ending August 31 of the next year. [2]

During a single 12-month period, an eligible employee's FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered servicemember (defined in the federal rules) with a serious injury or illness. The "single 12-month period" is measured forward from the date the employee's first FMLA leave to care for the covered servicemember begins. [3]

While FMLA leave is normally unpaid, the District will substitute an employee's accrued compensatory time-off and/or paid leave for unpaid FMLA leave, provided such leave is available for use in

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[1] State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Ensure this policy aligns with any applicable collective bargaining agreement. This policy implements the very complex Family and Medical Leave Act, 29 U.S.C. §2612, (FMLA) and a school board is urged to have its attorney review it before adoption. A provision in State law expands eligibility for FMLA leave to school district employees who have been employed by the district for at least 12 months and work 1,000 hours (rather than the federal FMLA's 1,250 hours) in the 12-month period immediately preceding the leave, which effectively makes more educational support personnel eligible for the leave. See f/n 9, below. 105 ILCS 5/24-6.4~~, added by P.A. 102-335~~.

All public (and private) school employers are covered by the FMLA without regard to their number of employees. 29 C.F.R. §§825.104 and 825.600. To be eligible for FMLA leave, however, an educational employee must be employed at a worksite where at least 50 employees are employed within 75 miles. 29 C.F.R. §825.600.

The U.S. Dept. of Labor (DOL), Wage & Hour Division, has a very helpful website containing forms, compliance guidance, posters, etc. (www.dol.gov/agencies/whd/fmla). It also contains a link to the complete FMLA rules, 29 C.F.R. Part 825.

[2] 29 C.F.R. §825.200 lists and explains the four methods boards may choose among for determining a 12-month period in which the 12-week entitlement occurs. The methods include: (1) the calendar year, (2) any fixed 12-month leave year, (3) the 12-month period measured forward from the date any employee's first FMLA leave begins, and (4) a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. While using a school year may be the easiest method to administer, **another method may be more suitable for the district**. Consult the board attorney for guidance. Before changing to a different method of calculating the 12-month period, an employer must first give all employees at least 60-days' notice of the intended change; the transition must take place in such a way that the employees retain the full benefit of their leave entitlement under whichever method affords the greatest benefit to the employee. If the district fails to select an option, the one that provides the most beneficial outcome for employees will be used.

[3] 29 C.F.R. §825.127. Section 585 of the National Defense Authorization Act for FY 2008, Pub. L. 110-181, added two types of family military leave – qualifying exigency leave and servicemember family leave. The latter leave extends the possible FMLA leave to 26 weeks in a *single 12-month period*. For more information, see f/n 6.

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accordance with Board policies and rules.[4] In addition, all policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. Any substitution of paid leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. Use of FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks, provided that the use of FMLA leave shall not serve to extend such other unpaid leave. Any full workweek period during which the employee would not have been required to work, including summer break, winter break and spring break, is not counted against the employee's FMLA leave entitlement. [5]

FMLA leave is available in one or more of the following instances: [6]

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[4] This paragraph presents only one of many possible alternatives. The FMLA permits an employee to choose to substitute paid leave for FMLA leave, and an employer to require an employee to substitute paid leave for FMLA leave (29 C.F.R. §825.207). Substitution of paid leave for FMLA purposes means that the unpaid FMLA leave and the paid leave run concurrently. The sample policy, in the interests of clarity and limiting absences, requires this substitution. For boards that do not allow for compensatory time-off and have not adopted policy 5:310, *Compensatory Time-Off*, delete ~~compensatory time-off and/or~~ from this sentence.

In order to substitute paid leave for FMLA, it must be available for use under the employer's normal leave policies. For example, under 105 ILCS 5/24-6 and sample board policies 5:250, *Leaves of Absence*, and 5:330, *Sick Day, Vacation, Holidays, and Leaves*, an employee may only substitute 30 days of sick leave for birth without providing a medical certification, even if the employee has 100 sick days accrued; only 30 of those days are available for use.

Once an eligible employee communicates a need to take leave for an FMLA-qualifying reason, a district may not delay designating the leave as FMLA leave, and neither the employee nor a district may decline FMLA protection for that leave, even when a collective bargaining agreement requires or allows for such a delay. Further, when a district requires employees to substitute accrued paid leave for FMLA leave, all the benefits and protections that would otherwise apply during the paid leave (such as accrual of seniority) must continue to apply when substituting for FMLA leave. See *DOL Wage and Hour Division Letter FMLA 2019-3-A* (9-10-19), at:

www.dol.gov/sites/dolgov/files/WHD/legacy/files/2019_09_10_3A_FMLA.pdf. Likewise, an employer may require an employee to substitute accrued comp time against the employee's FMLA leave entitlement. 29 C.F.R. §825.207(f). Sample policy 5:310, *Compensatory Time-Off*, addresses the acquisition and use of comp time. The FMLA rules also describe the interaction between FMLA leave and leave taken pursuant to a disability plan and workers' compensation leave. 29 C.F.R. §825.207(d) and (e).

If employees have not previously been required to substitute accrued paid leave, this requirement's implementation may give rise to a duty to bargain because it affects the mandatory bargaining subject of employee paid leave.

[5] 29 C.F.R. §825.200(h). If a holiday occurs within the week taken as FMLA leave, the week is still counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement.

[6] 29 C.F.R. §§825.112 and 825.200. See §§825.120 and 825.121 for birth or placement for adoption or foster care. *Spouse* includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state (29 C.F.R. §§825.102 and 825.122(b)). See also Obergefell v. Hodges, 576 U.S. 644 (2015).

Leave for a qualifying exigency (reason number 5) is governed by 29 C.F.R. §§825.122 (definition) and 825.126.

Leave to care for a covered servicemember (reason number 6) is governed by 29 C.F.R. §§825.122 (definition) & 825.127. An eligible employee may take 26 weeks of leave in different ''single 12-month periods'' to care for multiple servicemembers or to care for the same servicemember with a subsequent serious injury or illness. 29 C.F.R. §825.127.

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1. The birth and first-year care of a son or daughter.
2. The adoption or foster placement of a son or daughter, including absences from work that are necessary for the adoption or foster care to proceed and expiring at the end of the 12-month period beginning on the placement date.
3. The serious health condition of an employee's spouse, child, or parent.
4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job.
5. The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or has been notified of an impending call or order to active duty, as provided by federal rules.
6. To care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness, as provided by federal rules.

If spouses are employed by the District, they may together take only 12-weeks for FMLA leaves when the reason for the leave is 1 or 2, above, or to care for a parent with a serious health condition, or a combined total of 26 weeks for item 6 above. [7]

An employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with federal rules. [8]

Eligibility [9]

To be eligible for FMLA leave, an employee must be employed at a worksite where at least 50 employees are employed within 75 miles. In addition, one of the following provisions must describe the employee:

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Attorneys disagree whether the Illinois ~~Family~~ Military Leave Act (IMLA), 820 ILCS 151/, amended by P.A. 104-78, applies to schools because its definition of employer does not specify school districts. A covered employer must allow a spouse, parent, child, or grandparent of a person called to military service to take an unpaid leave of 15 or 30 days, depending on the number of individuals employed by the employer. Id. at 151/10(a)-(b). The length of leave provided to an employee under State law because his or her spouse or child is called to military service is reduced by the number of days of leave provided under 29 U.S.C. §2612(a)(1)(E) because of any qualifying exigency arising out of the fact that the employee's spouse or child is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. 820 ILCS 151/10(b). A covered employer must also provide paid leave for an employee to participate in a funeral honors detail for up to eight hours per month for a maximum of 40 hours per calendar year, or more if authorized by the employer or a collective bargaining agreement. 820 ILCS 151/12, added by P.A. 104-78. Consult the board attorney for guidance on the applicability of the IMLA to the district.

[7] 29 C.F.R. §§825.120(a)(3) (birth) and 825.121(a)(3) (adoption and foster care).

[8] 29 C.F.R. §§825.121(b), 825.202 - 825.205 and 825.601. See also DOL guidance available at: www.dol.gov/sites/dolgov/files/WHD/opinion-letters/FMLA/2023_02_09_01_FMLA.pdf.

[9] 29 C.F.R. §§825.110, 825.111, and 825.600; 105 ILCS 5/24-6.4, ~~added by P.A. 102-335~~. **The default policy language exceeds federal and State law requirements because it provides immediate eligibility to full-time classroom teachers.** A board may substitute the following to deny eligibility to classroom teachers who have not worked 12 months for the district, but it should first analyze collective bargaining consequences and seek its board attorney's advice:

To be eligible for FMLA leave, both of the following provisions must describe the employee:

1. The employee is employed at a worksite where at least 50 employees are employed within 75 miles; and
2. The employee has been employed by the District for at least 12 months and has been employed for at least 1,000 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to fulfillment of a covered service obligation under the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., or when a written agreement exists concerning the District's intention to rehire the employee.

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1. The employee has been employed by the District for at least 12 months and has been employed for at least 1,000 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring, except when the service break is due to fulfillment of a covered service obligation under the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., or when a written agreement exists concerning the District's intention to rehire the employee.
2. The employee is a full-time classroom teacher.

Requesting Leave [10]

If the need for the FMLA leave is foreseeable, an employee must provide the Superintendent or designee with at least 30 days' advance notice before the leave is to begin. If 30 days' advance notice is not practicable, the notice must be given as soon as practicable. The employee shall make a reasonable effort to schedule a planned medical treatment so as not to disrupt the District's operations, subject to the approval of the health care provider administering the treatment. The employee shall provide at least verbal notice sufficient to make the Superintendent or designee aware that he or she needs FMLA leave, and the anticipated timing and duration of the leave. Failure to give the required notice for a foreseeable leave may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

Certification [11]

Within 15 calendar days after the Superintendent or designee makes a request for certification for a FMLA leave, an employee must provide one of the following:

When the leave is to care for the employee's covered family member with a serious health condition, the employee must provide a complete and sufficient certificate signed by the family member's health care provider.

When the leave is due to the employee's own serious health condition, the employee must provide a complete and sufficient certificate signed by the employee's health care provider.

When the leave is to care for a covered servicemember with a serious illness or injury, the employee must provide a complete and sufficient certificate signed by an authorized health care provider for the covered servicemember.

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A service break due to fulfillment of covered service obligation is found in the *Glossary of Terms Used in FMLA* available at: webapps.dol.gov/elaws/whd/fmla/3.aspx?Glossary_Word=ELIGIBLE.

An employee's eligibility requires analysis of the information available in each case using the guidance in 29 C.F.R. §825.110. Any week during which an employee is maintained on the payroll, even if the employee does not work that week, is counted toward the 12-months' service requirement. Id. at ~~825.110~~(b)(3).

10 29 C.F.R. §§825.302-825.304 require an employee to notify the employer of the need for leave and to generally schedule leave for planned medical treatments in a way that the absences do not unduly disrupt the employer's operations. The policy's notice provisions are the shortest time frame allowable. 29 C.F.R. §825.302. The employee need not expressly request a leave under the FMLA. An employer may require that employees follow its usual and customary notice and procedural requirements for requesting leave.

11 Requests for medical certification, 2nd and 3rd opinions, and recertification are governed by 29 C.F.R. §§825.305-825.310. The appropriate certification forms are available at www.dol.gov/agencies/whd/fmla/forms. Districts must inform the employee of the medical certification requirement and of the consequences for failing to provide it.

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When the leave is because of a qualified exigency, the employee must provide: (a) a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active duty status, and the dates of the covered military member's active duty service, and (b) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested.

The District may require an employee to obtain a second and third opinion at its expense when it has reason to doubt the validity of a medical certification.

The District may require recertification at reasonable intervals, but not more often than once every 30 days. Regardless of the length of time since the last request, the District may request recertification when the, (1) employee requests a leave extension, (2) circumstances described by the original certification change significantly, or (3) District receives information that casts doubt upon the continuing validity of the original certification. Recertification is at the employee's expense and must be provided to the District within 15 calendar days after the request. The District may request recertification every six months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of six months.

Failure to furnish a complete and sufficient certification on forms provided by the District may result in a denial of the leave request.

Continuation of Health Benefits [12]

During FMLA leave, employees are entitled to continuation of health benefits that would have been provided if they were working. Any share of health plan premiums being paid by the employee before taking the leave, must continue to be paid by the employee during the FMLA leave. A District's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late and the District notifies the employee at least 15 days before coverage will cease.

Changed Circumstances and Intent to Return [13]

An employee must provide the Superintendent or designee reasonable notice of changed circumstances (i.e., within two business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave. The Superintendent or designee, taking into consideration all of the relevant facts and circumstances related to an individual's leave situation, may ask an employee who has been on FMLA leave for eight consecutive weeks whether he or she intends to return to work.

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[12] Required by 29 C.F.R. §825.209. The same health benefits means, for example, that if family member coverage is provided to an employee, family member coverage must be maintained during FMLA leave. If an employer provides a new health plan or benefits or changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the new or changed plan or benefits to the same extent as if the employee were not on leave. *Health benefits* do not include individual policies paid exclusively by the employee. Districts must provide an advance written description of how premium payments must be made. 29 C.F.R. §825.210. See f/n 1, above. Consult the board attorney about whether any existing collective bargaining agreements alter a district's obligation to continue health benefits even after exhaustion of FMLA.

If coverage lapses because an employee has not made required premium payments, the employer must still restore the employee to coverage and benefits when the employee returns from leave. 29 C.F.R. §825.212. 29 C.F.R. §825.213 governs how districts may recover premium payments if the employee fails to return to work after the leave entitlement is exhausted or expires. The board attorney must be consulted for the appropriate premium recovery method.

[13] This section is optional but allowed by 29 C.F.R. §825.311. Either or both sentences may be changed or omitted, provided the policy is applied uniformly.

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Return to Work

If returning from FMLA leave occasioned by the employee's own serious health condition, the employee is required to obtain and present certification from the employee's health care provider that he or she is able to resume work. [14]

An employee returning from FMLA leave will be given an equivalent position to his or her position before the leave, subject to: (1) permissible limitations the District may impose as provided in the FMLA or implementing regulations, and (2) the District's reassignment policies and practices. [15]

Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided by the FMLA regulations. [16]

Implementation

The Superintendent or designee shall ensure that: (1) all required notices and responses to leave requests are provided to employees in accordance with the FMLA;[17] and (2) this policy is implemented in accordance with the FMLA. In the event of a conflict between the policy and the FMLA or its regulations, the latter shall control. The terms used in this policy shall be defined as in the FMLA regulations. [18]

LEGAL REF.: 29 U.S.C. §2601 et seq., Family and Medical Leave Act;
29 C.F.R. Part 825.
105 ILCS 5/24-6.4.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence), 5:310 (Compensatory Time-Off), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

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[14] Requiring *fitness for duty* certification is optional but allowed by 29 C.F.R. §825.312. This sentence may be deleted or changed in accordance with the rule.

[15] 29 C.F.R. §§825.214––825.216 & 825.604. An equivalent position must have the same pay (including any unconditional pay increases), benefits, and working conditions and involve the same or substantially similar duties. 29 C.F.R. §825.215. Determining how an employee will be restored to an *equivalent position* is made on the basis of "established policies and practices" and collective bargaining agreements. 29 C.F.R. §825.604.

[16] Optional but allowed by 29 C.F.R. §825.602.

[17] School districts must provide employees a general notice explaining the FMLA and the process for filing complaints. 29 C.F.R. §825.300(a). This notice must also be provided to FMLA-covered employees; distribution may be accomplished electronically. A poster is available at www.dol.gov/agencies/WHD/fmla, The Family and Medical Leave Act Poster.

When an employee requests FMLA leave or when the employer acquires knowledge that an employee's leave may be for a FMLA-qualifying reason, the employer must provide the employee with a notice of eligibility (within five business days absent extenuating circumstances). 29 C.F.R. §825.300(b). At the same time, the employer must provide the employee with a notice of rights and responsibilities. 29 C.F.R. §825.300(c). Finally, the employer must notify the employee whether it has designated the leave as FMLA-qualifying. 29 C.F.R. §825.300(d). The federal rules contain specific requirements for each of these notices. Fortunately, a prototype for each of these required notices is available at www.dol.gov/agencies/WHD/fmla (*WH-381 Notice of Eligibility and Rights & Responsibilities* and *WH-382 Designation Notice*). Willfully failing to provide the notices can subject an employer to a monetary penalty.

[18] 29 C.F.R. §825.102.

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Professional Personnel

Teacher Qualifications [1]

A teacher, as the term is used in this policy, refers to a District employee who is required to be licensed under State law.[2] The following qualifications apply:

1. Each teacher must: [3]
   a. Have a valid Illinois Professional Educator License issued by the State Superintendent of Education with the required endorsements as provided in the School Code.
   b. Provide the District Office with a complete transcript of credits earned in institutions of higher education.
   c. On or before September 1 of each year, unless otherwise provided in an applicable collective bargaining agreement, provide the District Office with a transcript of any credits earned since the date the last transcript was filed.
   d. Notify the Superintendent of any change in the teacher's transcript.
2. All teachers working in a program supported with federal funds under Title I, Part A must meet applicable State certification and licensure requirements. [4]

The Superintendent or designee shall:

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[1] State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. This policy concerns an area in which the law is unsettled.

[2] 105 ILCS 5/21B et seq., amended by P.A. ~~102-894~~104-111, eff. 1-1-26; 23 Ill.Admin.Code §§1.610, 1.705, and Part 25 (educator licensure); 105 ILCS 5/27-24.2~~, amended by P.A. 101-450~~; and 23 Ill.Admin.Code Part 252 (contracted driver education teacher).

[3] Subparagraph 1a is required for all teachers by 105 ILCS 5/21B-15 (qualifications of educators). Four types of educator licenses are listed in 105 ILCS 5/21B-20, amended by P.A. ~~s 102-894 and~~ 103-111: (1) Professional Educator License; (2) Educator License with Stipulations (including endorsements for alternative provisional educator, alternative provisional superintendent, career and technical educator, transitional bilingual educator, language, visiting international educator, paraprofessional educator, chief school business official, provisional in-state educator, school support personnel intern, and special education area); (3) Substitute Teaching License; and (4) until 6-30-28, Short-Term Substitute Teaching License. Districts may not require an individual who holds a valid Professional Educator License or Educator License with Stipulations to seek or hold a Substitute Teaching License to teach as a substitute teacher. 105 ILCS 5/21B-20(3). 105 ILCS 5/21B-120, added by P.A. 104-111, eff. 1-1-26, also provides for a short-term approval credential for teachers in accordance with rules developed by the Ill. State Board of Education (ISBE). See also 23 Ill.Admin.Code §§1.610, 1.705, and Part 25 (per §25.100, teachers are no longer endorsed in any course subjects in which they earn grades lower than a "C-" or equivalent in college). ~~The Ill. State Board of Education's (~~ISBE's~~)~~ *Educator Licensure Information System* (ELIS) is a web-based system that allows educators, administrators, and the public to access licensure information. See www.isbe.net/Pages/Educator-Licensure-Information-System.aspx.

Subparagraph 1b and 1c are required of all teachers by 105 ILCS 5/24-23. Some boards add the word "official" to the phrase, "complete official transcript of credits."

Subparagraph 1d is optional but informs the superintendent when a teacher may be eligible to change lanes on the salary schedule.

[4] Information on State implementation of ESSA is available at: www.isbe.net/essa.

ESEA, as amended by ESSA, requires that each state plan contain assurances that the state educational agency will ensure that all teachers and paraprofessionals meet state certification/licensure requirements. 20 U.S.C. §6311(g)(2)(J).

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1. Monitor compliance with State and federal law requirements that teachers be appropriately licensed; [5]
2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers; and
3. Ensure parents/guardians of students in schools receiving Title I funds are notified of their right to request their students' classroom teachers' professional qualifications. [6]

LEGAL REF.: 20 U.S.C. §6312(e)(1)(A).
105 ILCS 5/10-20.15, 5/21B-15, 5/21B-20, 5/21B-25, 5/21B-120, and 5/24-23.
23 Ill.Admin.Code §1.610 et seq., §1.705 et seq., and Part 25.

CROSS REF.: 6:170 (Title I Programs)

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[5] See the ISBE webpage on educator licensure approval requirements at www.isbe.net/Pages/educator-licensure-approvals.aspx.

ESEA, as amended by ESSA, requires districts to provide parents timely notice that the 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. 20 U.S.C. §6312(e)(1)(B)(ii). For a sample notice, see 5:190-E2, *Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements.*

[6] 20 U.S.C. §6312(e)(1)(A).

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Professional Personnel

Terms and Conditions of Employment and Dismissal [1]

The School Board delegates authority and responsibility to the Superintendent to manage the terms and conditions for the employment of professional personnel. The Superintendent shall act reasonably and comply with State and federal law as well as any applicable individual employment contract or collective bargaining agreement in effect. The Superintendent is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff. [2]

School Year

Teachers shall work according to the school calendar adopted by the Board, which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work days, including teacher institute days.[3] Teachers are not required to work on legal school holidays unless the District has followed applicable State law that allows it to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on the third Monday in January (the Birthday of Dr. Martin Luther King, Jr.); February 12 (the Birthday of President Abraham Lincoln); the first Monday in March (known as Casimir Pulaski's birthday); the second Monday in October (Columbus Day); and November 11 (Veterans Day). [4]

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[1] State or federal law controls this policy's content. This policy contains items on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. The local collective bargaining agreement may contain provisions that exceed these requirements. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement."

Evaluation, tenure, and dismissals changed significantly from 2013 to 2016 as P.A.s 96-861, 97-8, and 98-513 were implemented. These public acts are referred to as *Education Reform* or *Education Reform Acts*.

[2] This paragraph is consistent with the IASB's *Foundational Principles of Effective Governance*, at: www.iasb.com/principles_popup.cfm. Boards have three options for using this paragraph: (1) use it as an introduction to the policy; (2) use it alone leaving the specific other topics for administrative implementation; or (3) do not use it.

[3] 105 ILCS 5/10-19. See sample policy 6:20, *School Year Calendar and Day*.

[4] 105 ILCS 5/24-2(b). See sample policy 5:330, *Sick Days, Vacation, Holidays, and Leaves,* for a holiday listing as well as a discussion of the case finding the State-mandated school holiday on Good Friday unconstitutional. 105 ILCS 5/24-2, amended by P.A.~~s 102-14, 102-15, 102-334, 102-411, and~~ 103-395, prohibits districts from making a deduction "from the time or compensation of a school employee on account of any legal or special holiday."

~~10 ILCS 5/1-24, added by P.A. 103-467 and scheduled to be repealed on 1-1-25, designated 2024 Election Day as a legal school holiday for the purposes of 105 ILCS 5/24-2 and requires any school closed on 2024 Election Day to make itself available to an election authority as a polling place on that date. No waiver exists for 2024 Election Day. 105 ILCS 5/24-2(b) and (e), amended by P.A.s 102-15 and 103-467.~~

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School Day

Teachers are required to work the school day adopted by the Board.[5] Teachers employed for at least four hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer. [6]

The District accommodates employees who are nursing mothers and compensates them for reasonable time needed to express breast milk according to provisions in State and federal law. [7]

Salary

Teachers shall be paid according to the salaries fixed by the Board, but in no case less than the minimum salary provided by the School Code.[8] Teachers shall be paid at least monthly on a 10- or 12-month basis. [9]

Assignments and Transfers [10]

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments. In order of priority, except as otherwise provided by law, assignments shall be made based on the District's needs and best interests, employee qualifications, and employee desires.

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[5] A school day is required to consist of a minimum of five clock hours under the direct supervision of a teacher or non-teaching personnel or volunteer personnel that provides non-teaching or supervisory duties as specified in 105 ILCS 5/10-22.34(a) in order to qualify as a full day of attendance. 105 ILCS 5/10-19.05(a) and (j-5), amended by P.A. 103-560. See www.isbe.net/school-calendar for Ill. State Board of Education's (ISBE) instructional day changes notice regarding this law. See 105 ILCS 5/10-19.05, amended by P.A. 103-560, for additional exceptions to the attendance calculation.

[6] 105 ILCS 5/24-9.

[7] 29 U.S.C. §218(d), added by Pub.L. 117-328; 42 U.S.C. §2000gg et seq., added by Pub.L. 117-328; 740 ILCS 137/; 820 ILCS 260/, as amended by P.A. 104-76, eff. 1-1-26. Consult the board attorney to ensure the district is properly accommodating and compensating nursing mothers. See sample administrative procedure 5:10-AP, *Workplace Accommodations for Nursing Mothers*.

[8] 105 ILCS 5/10-20.7, 5/10-21.1, 5/24-1, and 5/24-8, amended by P.A. 103-515. The Commission on Government Forecasting and Accountability is required to annually certify and publish the teacher minimum salary to be used for the 2024-2025 school year and each year thereafter. Salaries are a mandatory subject of collective bargaining. 115 ILCS 5/10. Annually, by Oct. 1, each district must: (1) during an open school board meeting, report salary and benefits information for the superintendent, administrators, and teachers; (2) publish that information on the district's website, if any; and (3) provide this information to ISBE. 105 ILCS 5/10-20.47. According to a Public Access Counselor (PAC) *Informal Mediation* letter interpreting 5 ILCS 120/7.3, an IMRF employer must post on its website the names of employees having a total compensation package that exceeds $75,000 per year. 2012 PAC 19808 (Informal Mediation by the Ill. Attorney General's Public Access Counselor (PAC)); see PAC Annual Report for 2012 at https://illinoisattorneygeneral.gov/Page-Attachments/FOIAPAC/PAC-ANNUAL-REPORTS/2012_PAC_Report.pdf~~https://foiapac.ilag.gov/viewpdf.aspx?P=~/content/pdf/Public_Access_Counselor_Annual_Report_2012.pdf~~).

[9] 105 ILCS 5/24-21.

[10] Districts are required to have a policy on the distribution of the listed assignments. 23 Ill.Admin.Code §1.420(d).

Absent an individual or collective bargaining agreement, the board has unilateral discretion to assign or retain a teacher to or in an extracurricular duty. Betebenner v. Bd. of Educ., 336 Ill.App. 448 (4th Dist. 1949); Dist. 300 Educ. Assoc. v. Bd. of Educ., 31 Ill.App.3d 550 (2nd Dist. 1975); Lewis v. Bd. of Educ., 181 Ill.App.3d 689 (5th Dist. 1989).

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School Social Worker Services Outside of District Employment

School social workers may not provide services outside of their District employment to any student(s) attending school in the District. *School social worker* has the meaning stated in 105 ILCS 5/14-1.09a.[11]

Dismissal

The District will follow State law when dismissing a teacher. [12]

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

105 ILCS 5/22-96, added by P.A. 103-46 and amended by P.A. 103-564, requires school districts, when hiring or assigning educators for physical education, music, or visual arts, to prioritize the hiring or assigning of educators who hold an educator license and endorsement in those areas. The law also requires educators in these areas to obtain short-term approval if they are not licensed in the content area, or, if no short-term approval is available, they must meet criteria specified by ISBE. Id. at (b). Educators must obtain an endorsement in the area being taught prior to the end of the short-term approval period to continue to maintain the educator's employment for subsequent school years. Id. at (b). In the alternative, educators do not need to be licensed, obtain short-term approval, or meet other ISBE requirements if they meet the requirements of Title 23 of the Illinois Administrative Code except for Section 1.710. Id. at (d).

[11] Optional. This subhead provides information to district employees and the community that 105 ILCS 5/14-1.09a prohibits school social workers from moonlighting by providing services to students attending the districts in which they are employed. Delete "~~5/10-20.65, 5/14-1.09a,~~" from the Legal References if the board deletes this subhead.

[12] All dismissal laws in the chart below were amended by the *Education Reform Acts*. 105 ILCS 5/24A-5.5, requires districts to develop and implement a local appeals process for unsatisfactory ratings issued to teachers under 105 ILCS 5/24A-5, amended by P.A.~~s~~ 104-20~~ 102-252, and 102-729~~. Districts must: (1) develop the process in cooperation with the bargaining unit or teachers, if applicable, and (2) include an assessment of the original rating by a panel of qualified evaluators agreed to by the PERA joint committee (105 ILCS 5/24A-4(b)).

Non-tenure Teacher Discharge	105 ILCS 5/24-11, amended by P.A.~~s 102-552 and~~ 103-500.
Tenured and Non-tenure Teachers Reduction in Force	105 ILCS 5/24-12(b), amended by P.A.s 103-398, and 103-500, and (c)
Tenured Teacher Discharge Where Cause Remediable	105 ILCS 5/24-12(d) (prior reasonable warning required), amended by P.A.~~s 102-708 and~~ 103-354. 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.~~s 102-708 and~~ 103-354. 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge Where Cause Irremediable	105 ILCS 5/24-12(d) (no prior warning required) amended by P.A.~~s 102-708 and~~ 103-354. 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.~~s 102-708 and~~ 103-354. 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge Failure to complete remediation plan with a rating of *Proficient or Excellent*	105 ILCS 5/24A-5(m) (participation in remediation plan after unsatisfactory evaluation) 105 ILCS 5/24-12(d)(1) 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.~~s 102-708 and~~ 103-354. 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge – Optional Alternative Evaluative Dismissal Process for PERA Evaluation Failure to complete remediation plan with a *Proficient* or better rating 105 ILCS 5/24A-2.5	105 ILCS 5/24-16.5(d) (provide written notice) 105 ILCS 5/24-16.5 (pre-remediation and remediation procedural mandates) 105 ILCS 5/24-16.5(e) and (f) (school board makes final decision with only PERA-trained board members participating in vote)
Tenured Teacher Discharge – *Unsatisfactory* PERA evaluation within 36 months of completing a remediation plan 105 ILCS 5/24A-2.5	105 ILCS 5/24A-5(n), amended by P.A. 10~~4-202-252~~ (forego remediation and proceed to dismissal) 105 ILCS 5/24-12(d) (procedural mandates)~~, amended by P.A. 102-708.~~

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Evaluation

The District's teacher evaluation system will be conducted under the plan developed pursuant to State law. [13]

On an annual basis, the Superintendent will provide the Board with a written report which outlines the results of the District's teacher evaluation system.

LEGAL REF.: 29 U.S.C. §218(d), Pub. L. 117-328, Pump for Nursing Mothers Act.
42 U.S.C. §2000gg et seq., Pub. L. 117-328, Pregnant Workers Fairness Act.
105 ILCS 5/10-19, 5/10-19.05, 5/10-20.65, 5/14-1.09a, 5/22-96, 5/22.4, 5/24-16.5, 5/24-2, 5/24-8, 5/24-9, 5/24-11, 5/24-12, 5/24-21, 5/24A-1 through 24A-20.
820 ILCS 260/, Nursing Mothers in the Workplace Act.
23 Ill.Admin.Code Parts 50 (Evaluation of Educator Licensed Employees) and 51 (Dismissal of Tenured Teachers).
Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).

CROSS REF.: 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar and Day)

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	105 ILCS 5/10-22.4 (general authority)
Educational Support Personnel Employees (non-licensed)	105 ILCS 5/10-23.5~~, amended by P.A. 102-854~~.
Probationary Teacher (non-tenure teacher)	105 ILCS 5/24-11~~, amended by P.A.s 102-552, 102-854, and 103-500~~.

Various components of a RIF (e.g., impact and decision to RIF) and an evaluation plan (e.g., development, implementation, and impact) may be subject to mandatory collective bargaining. Central City Educ. Assoc. v. IELRB, 149 Ill.2d 496 (Ill. 1992).

105 ILCS 5/22-96 provides that in the event of a reduction in force, schools may follow the employee contract language for filling positions.

Teacher RIF procedures were changed by 105 ILCS 5/24-12(b), amended by P.A. 103-398 and 103-500, and (c). See *PERA Overview for School Board Members*, question 15, "What is the process for selecting teachers for a reduction in force/layoff (RIF)" at: www.iasb.com/law/PERAoverview.pdf.

State law does not prohibit a PERA joint committee from agreeing to put a teacher on a remediation plan if the teacher receives a second *needs improvement* (rather than *unsatisfactory*) rating after being on a professional development plan. Bd. of Educ. Rockford Public Sch. v. Rentsch, 212 N.E.3d 565 (Ill. App. 2nd 2022).

According to a binding opinion from the Ill. Public Access Counselor, a board must identify an employee by name in a motion to dismiss him or her. PAO 13-16. As this may be a significant change in practice with possible other legal consequences, a board should consult with the board attorney on this issue before dismissing an employee.

[13] 105 ILCS 5/24A-5, amended by P.A.s ~~102-252, 102-729, and~~ 103-85 and 104-20. Teacher evaluation plans are covered in *PERA Overview for School Board Members* at: www.iasb.com/law/PERAoverview.pdf.

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Professional Personnel

Substitute Teachers [1]

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold either a valid teaching or substitute license and may teach in the place of a licensed teacher who is under contract with the Board.[2] There is no limit on the number of days that a substitute teacher may teach in the District during the school year, except as follows: [3]

1. A substitute teacher holding a substitute license may teach for any one licensed teacher under contract with the District only for a period not to exceed 90 paid school days in any one school term.
2. A teacher holding a Professional Educator License[4] or Educator License with Stipulations[5] may teach for any one licensed teacher under contract with the District only for a period not to exceed 120 paid school days.

The Ill. Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 120 paid days or 600 paid hours in each school year through June 30, 2026, but not more than 100 paid days in the same classroom. Beginning July 1, 2026, a substitute teacher who is a TRS annuitant may substitute teach for a period not to exceed 100 paid

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[1] State law controls this policy's content. Sample policy 5:30, *Hiring Process and Criteria*, contains the requirements for pre-employment investigations, e.g., a fingerprint based criminal history records check. See also sample administrative procedure 5:30-AP2, *Investigations*. Each board may require new substitute teacher employees to furnish evidence of physical fitness to perform duties assigned and must require new substitute teacher employees to furnish evidence of freedom from communicable disease. 105 ILCS 5/24-5(b-5). Evidence may consist of a physical examination, which must be performed within 90 days before the time it is presented to the board, and the substitute teacher bears the cost of the physical examination. Id. A new or existing substitute teacher may also be subject to additional health examinations as required by the Ill. Dept. of Public Health or by order of a local public health official. Id.

105 ILCS 128/22, added by P.A. 104-198, eff. 1-1-26, requires districts to provide all substitute personnel with: (1) training on school evacuation drills and law enforcement lockdown drills, and (2) support that includes, at a minimum, the information packet given to employees with district-approved materials outlining evacuation and lockdown procedures. Maps indicating all school exits must also be prominently displayed in every classroom. Id.

[2] 23 Ill.Admin.Code §1.790(a)(2), requires that any individual who serves as a substitute teacher for driver's education be endorsed for driver's education pursuant to 23 Ill.Admin.Code §25.100(hk). ~~23 Ill.Admin.Code §25.100(k) has been renumbered as 23 Ill.Admin.Code §25.100(h), however §1.790(a)(2) still cites to §25.100(k).~~

[3] Substitute teaching licenses are governed by 105 ILCS 5/21B-20(3)~~, amended by P.A. 102-717~~; 23 Ill.Admin.Code §§1.790 and 25.520.

[4] Professional educator licenses are governed by 105 ILCS 5/21B-20(1) and 23 Ill.Admin.Code Part 25.

[5] Educator licenses with stipulations are governed by 105 ILCS 5/21B-20(2) ~~, amended by P.A. 102-894~~ and 23 Ill.Admin.Code Part 25. 105 ILCS 5/21B-20(2)(E), amended by P.A. 103-617, permits an individual who holds a valid career and technical educator endorsement on an Educator License with Stipulations but who does not hold a bachelor's degree to substitute teach in career and technical education classrooms.

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days or 500 paid hours in any school year, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists. [6]

The School Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits. [7]

Short-Term Substitute Teachers [8]

A short-term substitute teacher must hold a valid short-term substitute teaching license and have completed the District's short-term substitute teacher training program.[9] Unless otherwise permitted by law, short-term substitutes may teach no more than five consecutive school days for each licensed teacher who is under contract with the Board. [10]

Emergency Situations [11]

A substitute teacher may teach when no licensed teacher is under contract with the Board if the District has an emergency situation as defined in State law. During an emergency situation, a substitute teacher

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[6] 40 ILCS 5/16-118, amended by P.A.s ~~102-537, 102-709 (temporarily allowed for 140 paid days or 700 paid hours between 7-1-21 and 6-30-22),~~ 103-88 and 103-525 (temporarily allows for 120 paid days or 600 paid hours in each school year through 6-30-26; after 6-30-26, substitute teachers will be allowed 100 paid days or 500 paid hours in each school year) and 16-150.1~~, amended by P.A. 102-440 (TRS annuitants may return to teaching in a subject shortage area until 6-30-24)~~. Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."

[7] If a board provides substitute teachers other benefits, it may consider listing them here.

[8] 105 ILCS 5/21B-20(4), amended by P.A. ~~s 102-712 and~~ 103-111, governs Short-Term Substitute Teaching Licenses, which may be issued from 7-1-18 until 6-30-28. Short-Term Substitute Teaching Licenses are not eligible for endorsements. Id. Applicants for a Short-Term Substitute Teaching License must hold an associate's degree or have completed at least 60 credit hours from a regionally accredited institution of higher education. Individuals who have had their Professional Educator License or Educator License with Stipulations suspended or revoked are not eligible to be short-term substitutes. Id.

[9] 105 ILCS 5/10-20.67, amended by P.A. 103-111, requires boards to conduct this training. This requirement provides an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for a short-term substitute teacher training program that provides individuals who hold a Short-Term Substitute Teaching License with information on curriculum, classroom management techniques, school safety, and district and building operations. See also sample administrative procedure 5:220-AP, *Substitute Teachers*, and its f/n 3. These expectations will be most effective when they reflect local conditions and circumstances. Training and curriculum for a short-term substitute teacher training program may be subjects of mandatory collective bargaining, therefore consulting with the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing new programs for staff without first offering to negotiate them with the applicable exclusive bargaining representative.

School boards may choose to also offer this training program to individuals who hold a Substitute Teaching License and/or substitute teachers holding a Professional Educator License.

See f/n 1 above, regarding training on school evacuation drills and law enforcement lockdown drills.

[10] Through 6-30-28, a district may hire a short-term substitute teacher holding a short-term substitute teaching license for up to 15 consecutive school days for each licensed teacher if the Governor has declared a disaster due to a public health emergency pursuant to the Ill. Emergency Management Agency Act, 20 ILCS 3305/7. 105 ILCS 5/21B-20(4), amended by P.A. ~~s 102-712 and~~ 103-111.

[11] 105 ILCS 5/21B-20(3), amended by P.A. 103-193~~, eff. 1-1-24~~. An *emergency situation* is defined as one where an unforeseen vacancy has occurred and (i) a teacher is unexpectedly unable to fulfill his or her contractual duties, or (ii) the district's teacher capacity needs exceed previous indications or vacancies are unfilled due to a lack of qualified candidates and the district is actively engaged in advertising to hire a fully licensed teacher for the vacant position. Id.

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is limited to 30 calendar days of employment per each vacant position. The Superintendent shall notify the appropriate Regional Office of Education (ROE) within five business days after the employment of a substitute teacher in an emergency situation. The Board may continue to employ the same substitute teacher in a vacant position for 90 calendar days or until the end of the semester, whichever is greater, if, prior to the end of the then current 30 calendar-day-period, the District makes a written request to the ROE for a 30 calendar-day-extension and the extension is granted by the ROE.

LEGAL REF.: 105 ILCS 5/10-20.68, 5/21B-20(2), 5/21B-20(3), and 5/21B-20(4).
105 ILCS 128/22, School Safety Drill Act.
40 ILCS 5/16-118, Ill. Pension Code.
23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teaching License).

CROSS REF.: 5:30 (Hiring Process and Criteria)

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In order for a substitute teacher to remain in a vacant position for up to 90 days or until the end of the semester, whichever is greater, the position must remain vacant and the district must continue to actively seek qualified candidates and provide documentation to the Regional Office of Education that it has provided training specific to the position, including training on meeting the needs of students with disabilities and English learners if applicable. Id.

Use this alternative for districts in suburban Cook County: replace "Regional Office of Education (ROE)" with "Intermediate Service Center (ISC)."

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Educational Support Personnel

Duties and Qualifications [1]

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to School Board policies as they may be changed from time to time at the Board's sole discretion.

Paraprofessionals [2]

Paraprofessionals provide supervised instructional support. Service as a paraprofessional requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Ill. State Board of Education (ISBE).

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals, and the requirements in this section do not apply. In addition, individuals completing their clinical experiences and/or student teaching do not need to comply with this section, provided their service otherwise complies with ISBE rules. [3]

Nonlicensed Personnel Working with Students and Performing Non-Instructional Duties

Nonlicensed personnel performing non-instructional duties may be used:

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[2] ~~Educator licensure replaced the previous system of certification on 7-1-13. All Illinois teaching, administrative, and school service personnel certificates were converted to a corresponding license.~~ Except as provided in Ill. State Board of Education's (ISBE) ~~ISBE~~ rules at 23 Ill.Admin.Code §§1.630(b)(2), 25.433, and 25.510(a), all new applicants for a paraprofessional credential must hold an educator license with stipulations endorsed for a paraprofessional educator. 105 ILCS 5/21B-20(2)(J)~~, amended by P.A.s 101-220 and 101-594~~; 23 Ill.Admin.Code §§1.630 and 25.510. See ~~the Ill. State Board of Education's (ISBE)~~ ISBE's explanation at:

www.isbe.net/Pages/Educator-Licensure-Requirements.aspx.

A district may continue to use the term *teacher aide* to describe licensed personnel performing instructional support activities. In that situation, use the following alternative for the subhead and first paragraph:

> Paraprofessionals and Licensed Teacher Aides
>
> Paraprofessionals and licensed teacher aides provide supervised instructional support. Personnel performing instructional support activities must hold a current educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by ISBE.

If a district uses teacher aides to perform non-instructional support activities, *unlicensed teacher aides* may be inserted in the subhead for next section as follows: "Nonlicensed Personnel (Including Nonlicensed Teacher Aides) Working with Students and Performing Non-Instructional Duties."

Paraprofessionals are not required to maintain discipline under 105 ILCS 5/24-24. 23 Ill.Admin.Code §1.280.

[3] 105 ILCS 5/10-22.34~~, amended by P.A. 102-894~~; 23 Ill.Admin.Code §§1.630(c)(3) (other nonlicensed personnel) and 25.620 (student teaching). This paragraph is optional and may be deleted if the board desires a streamlined policy.

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1. For supervising study halls, long-distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities; [4]
2. As supervisors, chaperones, or sponsors for non-academic school activities or for school activities connected to the academic program during any time in which the Governor has declared a disaster due to a public health emergency, in accordance with ISBE rule; or [5]
3. For non-teaching duties not requiring instructional judgment or student evaluation. [6]

Nothing in this policy prevents a nonlicensed person from serving as a guest lecturer or resource person under a ~~certificated~~ licensed teacher's direction and with the administration's approval. [7]

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership.[8] Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automated External Defibrillator user according to rules adopted by the Illinois Department of Public Health.[9] Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law. [10]

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[4] 105 ILCS 5/10-22.34(a)(2).

[5] 105 ILCS 5/10-22.34(a)~~, amended by P.A. 102-894~~; 23 Ill.Admin.Code §1.630(c).

[6] 105 ILCS 5/10-22.34(a)(1); 23 Ill.Admin.Code §1.630(a).

[7] 105 ILCS 5/10-22.34b~~, amended by P.A. 102-894, last paragraph~~. Nonlicensed personnel may be used to provide specialized instruction in a field that an individual is particularly qualified by reason of specialized knowledge or skill. 23 Ill.Admin.Code §1.630(c)(3)(C). Districts that frequently use nonlicensed individuals to provide such instruction may consider adding the following optional sentence, substituting Intermediate Service Center Executive Director for Regional Superintendent, if applicable:

> When appropriate, the Superintendent may seek approval from the responsible Regional Superintendent for a nonlicensed individual to provide specialized instruction not otherwise readily available in the school environment, in the field that the individual is particularly qualified by reason of specialized knowledge or skill.

[8] A district should consult the handbooks and by-laws of the appropriate associations, e.g., the Ill. High School Association, the Southern Ill. Junior High School Athletic Association, and the Ill. Elementary School Association.

An optional sentence follows:

> The coach for an extracurricular athletic activity sponsored or sanctioned by the Illinois High School Association (IHSA) at or above the ninth grade level must have completed the IHSA's educational program and competency testing on preventing abuse of performance-enhancing substances, provided the program is available.

[9] Optional and may be amended. The first requirement identifies a basic competency, and the second two requirements are intended to ensure coaches are trained emergency responders. For AED training program requirements, see Automated External Defibrillator Act (410 ILCS 4/15) and Automated External Defibrillator Code (77 Ill.Admin.Code §§525.300 and 525.400).

[10] 225 ILCS 5/3 and 5/4.

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Bus Drivers

All school bus drivers must have a valid school bus driver permit.[11] The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver, that the bus driver permit holder who is a service member has been called to active duty.[12] New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: 34 C.F.R. §200.58.
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
625 ILCS 5/6-104 and 5/6-106.1, Ill. Vehicle Code.
23 Ill.Admin.Code §§1.280, 1.630, and 25.510.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

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[11] The regional superintendent is authorized to conduct school bus driver instruction courses and investigate whether persons hired to operate school buses have valid school bus driver permits. 105 ILCS 5/3-14.23.

School bus driver permits are issued by the Ill. Secretary of State (SOS). 625 ILCS 5/6-106.1, amended by P.A. ~~101-458~~104-256. Districts must conduct a pre-employment interview with bus driver candidates, distribute bus driver applications and medical forms, and submit the applicant's fingerprint cards to the Ill. State Police (ISP) for criminal background investigations. Districts must also certify in writing to the SOS that all pre-employment conditions were completed, including an Illinois-specific criminal background investigation through the ISP and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information. Id. The applicant presents this certification to the SOS when submitting the school bus driver permit application. Id.

A school bus driver operating a school bus at the time of an accident is deemed by the implied consent law to agree to submit to tests at the direction of a law enforcement officer of the driver's breath, blood, or urine to determine the presence of alcohol, or other drugs, in the person's system. 625 ILCS 5/6-516.

Anyone driving a bus chartered to transport students to or from interscholastic athletic or interscholastic or school-sponsored activities must have a valid school bus driver permit; this does not apply to any driver employed by a public transportation provider when the bus is on a regularly scheduled route for transporting other fare-paying passengers. 625 ILCS 5/6-104(d-5).

[12] This sentence is optional, but the notification is required by 625 ILCS 5/6-106.1(h). *Active duty* is defined in the statute as active duty pursuant to an executive order of the U.S. President, an act of the Congress, or an order of the Governor. 625 ILCS 5/6-106.1(j). *Service member* means a member of the Armed Services or reserve forces of the United States or a member of the Ill. National Guard. Id. Upon notification, the SOS will characterize the permit as inactive until a permit holder renews the permit pursuant to 625 ILCS 5/6-106.1(h).

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Educational Support Personnel

Schedules and Employment Year [1]

The Superintendent shall supervise a process for setting work schedules and an employment year for educational support employees in accordance with State and federal law, School Board policy, and applicable agreements and shall:

1. Assign each employee one supervisor who will establish a work schedule, including breaks, as required by building or District needs, workload, and the efficient management of human resources;
2. Allow for the ability to respond to changing circumstances by altering work schedules as needed; and
3. Consider the well-being of the employee. The Superintendent's approval is required to establish a flexible work schedule or job-sharing.

Breaks

An employee who works at least 7.5 continuous hours shall receive a 30-minute duty-free meal break that begins within the first five hours of the employee's workday.[2] The District accommodates employees who are nursing mothers and compensates them for reasonable time needed to express breast milk according to State and federal law. [3]

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This policy's provisions should be customized to meet the district's needs. The local collective bargaining agreement may contain provisions that exceed these requirements. If a collective bargaining agreement contains a provision that supersedes the policy, for those covered employees, the policy should state: "Please refer to the applicable collective bargaining agreement." For employees not covered, the policy should reflect the board's current practice.

The standards listed should be customized to reflect the local board's desires and/or district practices.

[2] This is the minimum required by 105 ILCS 5/10-20.14a.

[3] School districts must accommodate employees who choose to continue breastfeeding after returning to work and compensate the employee during their break time at the employee's regular rate of pay. See the Right to Breastfeed Act, 740 ILCS 137/; Nursing Mothers in the Workplace Act, 820 ILCS 260/, amended by P.A. 104-76, eff. 1-1-26; and Fair Labor Standards Act, 29 U.S.C. §218d, added by P.L. 117-328. Consult the board attorney to ensure the district is properly accommodating and compensating nursing mothers. See sample language for a personnel handbook in sample administrative procedure 5:10-AP, *Workplace Accommodations for Nursing Mothers.*

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LEGAL REF.: 29 U.S.C. §§207 and 218d, Fair Labor Standards Act.
105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5.
740 ILCS 137/, Right to Breastfeed Act.
820 ILCS 105/, Minimum Wage Law.
820 ILCS 260/, Nursing Mothers in the Workplace Act.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:35 (Compliance with the Fair Labor Standards Act)

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Instruction

School Year Calendar and Day [1]

School Calendar

The School Board, upon the Superintendent's recommendation and subject to State regulations, annually establishes the dates for opening and closing classes, teacher institutes and in-services, the length and dates of vacations, and the days designated as legal school holidays.[2] The school calendar shall have a minimum of 185 days to ensure 176 days of actual student attendance. [3]

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[2] State-mandated school holidays are found in 105 ILCS 5/24-2, amended by P.A. ~~s 102-15 (2022 General Election Day), 102-14 and 102-334 (both establishing Juneteenth National Freedom Day), and~~ 103-467 (2024 General Election Day). See sample policy 5:330, *Sick Days, Vacation, Holidays, and Leaves*, for a holiday listing. The law allows a school board to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on five identified school holidays if: (1) the school board first holds a public hearing on the proposal; and (2) the person or persons honored by the holiday are recognized through instructional activities conducted on the school holiday or on the first school day preceding or following the school holiday. Districts must redo the public hearing process in the event they change plans for use of holidays. See Ill. State Board of Education (ISBE) guidance at: www.isbe.net/Documents/district-holiday-plans13.pdf. This is an item on which collective bargaining may be required, and a board that wishes to implement this law should consult its attorney.

A State mandated school holiday on *Good Friday* is unconstitutional according to Metzl v. Leininger, 57 F.3d 618 (7th Cir. 1995). Closing school on religious holidays may still be permissible for those districts able to demonstrate, e.g., through surveys, that remaining open would be a waste of educational resources due to widespread absenteeism. Also, districts may be able to close school on Good Friday by adopting a *spring holiday* rationale or ensuring that it falls within spring break. School districts should discuss all of these options, and collective bargaining implications with their board attorneys.

If the county board or board of election commissioners chooses a school to be a polling place, the school district must make the school available. 10 ILCS 5/11-4.1. For Election Day, the law encourages a school district to either: (1) close the school; or (2) hold a teachers' institute on that day with the students not in attendance. Id. and 105 ILCS 5/24-2, amended by P.A. ~~s 102-15, 102-14, 102-334, 102-411, and~~ 103-467. ~~10 ILCS 5/1-24, added by P.A. 103-467 and repealing on 1-1-25, establishes *2024 General Election Day* as a State holiday and it requires schools to be available to an election authority as a polling place for *2024 General Election Day*. Id.~~

By July 1 each year, ISBE must prominently post on its website and distribute to each school district a nonexhaustive list of days and dates of cultural, religious, or other observances for, at a minimum, the school year that begins in the next calendar year. 105 ILCS 5/2-3.206, added by P.A. 104-115. The list is intended as a planning resource for districts to consider as they make scheduling decisions for *major school events*, which are school sanctioned or sponsored events that are part of a district's local school calendar, including, but not limited to, those that would be difficult for a student to make up. Id at (a). The list encourages schools to be mindful of the days and dates of cultural, religious, or other observances that impact student participation. Districts may still include additional days and dates on its locally created school calendars based on community feedback or demographics. Id. at (c).

[3] The school calendar must have a minimum 185 days to ensure 176 days of actual pupil attendance that may include remote learning days, blended remote learning days, and up to five remote and blended remote learning planning days pursuant to 105 ILCS 5/10-30. 105 ILCS 5/10-19 and 5/24-1; 23 Ill.Admin.Code §1.420. See sample policy 4:180, *Pandemic Preparedness; Management; and Recovery*, for information about remote and/or blended remote learning day plans. Schools must be closed during county institute days. 105 ILCS 5/24-3. The school calendar may be a mandatory subject of collective bargaining. The calendar for the school term and any changes must be submitted to and approved by the regional superintendent before the calendar or changes may take effect. 105 ILCS 5/10-19.

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Commemorative Holidays

The teachers and students ~~shall~~may devote a portion of the school day on each commemorative holiday designated in the School Code to study and honor the commemorated person or occasion.[4] The Board may, from time to time, designate a regular school day as a commemorative holiday.

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E-learning days allow a school district to provide instruction to students electronically while they are not physically present due to inclement weather or other unexpected events. 105 ILCS 5/10-20.56, amended by P.A. ~~s 102-584 (e-learning days allowed when a school is selected as a polling place under the Election Code), 102-697, and~~ 103-780. Before a school district can implement an e-learning program and use e-learning days it must, along with other requirements: (1) hold a public hearing on the initial proposal for the e-learning program, (2) obtain verification from the Regional Office of Education (ROE) or Intermediate Service Center (ISC) for the school district that the initial proposal meets the requirements specified in the law, and (3) by resolution adopt a research-based program for district-wide e-learning days. Before implementing an e-learning program, boards must collectively bargain the impact of the program on the wages, hours, terms, and conditions of employment with employee representative(s). Additionally, the ROE or ISC must annually verify the district's e-learning program before the district can implement any e-learning days in that school year, and the board must renew its program every three school years. More information about e-learning is available at: www.isbe.net/Pages/Electronic-Learning.aspx. The law requires that districts pay employees and contractors who provide educational support services their regular rate of pay if the employee/contractor otherwise would have worked on an e-learning day. Id. at (d-10) and (d-15). Consult the board attorney regarding whether the board must pay contractors for consumables, such as fuel and school meals; the legislative history supports that consumables were not intended to be part of the payment. See 102nd General Assembly House Transcript 3-1-22, p. 7~~6~~7, available at: www.ilga.gov/house/transcripts/htrans102/10200077.pdf.

[4] 105 ILCS 5/24-2(c), amended by P.A.s ~~102-411 and~~ 103-15 and 104-391, lists the following as commemorative holidays, which are optional to observe: Jan. 17 (Muhammad Ali's birthday), Jan. 28 (Christa McAuliffe Day commemorating space exploration); Feb. 15 (Susan B. Anthony's birthday); Mar. 29 (Vietnam War Veterans' Day); the last Friday in April (Arbor and Bird Day) (105 ILCS 5/24-2(c), amended by P.A. 104-391); Sept. 11 (Sept. 11th Day of Remembrance); Sept. 17 (Constitution Day); the school day immediately preceding Veterans' Day (Korean War Veterans' Day); Oct. 1 (Recycling Day); Oct. 7 (Iraq and Afghanistan Veterans Remembrance Day); October 9 (Leif Erikson Day) (105 ILCS 5/24-2(c), amended by P.A. 104-391); the day immediately after Thanksgiving (Native American Heritage Day) (105 ILCS 5/24-2(c), amended by P.A. 104-391); and Dec. 7 (Pearl Harbor Veterans' Day).

Other commemorative holidays include, but are not limited to: ~~Arbor and Bird Day on the last Friday in April (105 ILCS 5/27-18391); Leif Erickson Day on October 9 if a school day and otherwise on a school day nearest the date (105 ILCS 5/27-19391); American Indian Day on the 4th Friday of September (105 ILCS 5/27-20);~~ Ill. Law Week during the first full school week in May (105 ILCS 5/27-~~20.1~~1025, renumbered by P.A. 104-391); ~~Just Say No Day on a school day in May designated by official proclamation of the Governor (105 ILCS 5/20.2);~~ Ronald Reagan Day on Feb. 6 (5 ILCS 490/2); Barack Obama Day on August 4 (5 ILCS 490/3); Indigenous Peoples Day on the last Monday in September (5 ILCS 490/7); Lincoln's Birthday February 12 (5 ILCS 490/60); Juneteenth National Freedom Day on June 19 each year (5 ILCS 490/63), amended by P.A.s 102-14 (second to pass both houses and controlling (5 ILCS 70/6)) and 102-334 (first to pass both houses)~~)~~ – potential conflicts related to celebrating Juneteenth when it falls on a Saturday or Sunday exist, e.g., P.A. 102-14 states "when June nineteenth falls on a Saturday or Sunday, neither the preceding Friday nor the following Monday shall be held or considered as a *paid* holiday" but contrast P.A. 102-334, stating "when June nineteenth falls on a Sunday, the following Monday shall be held and considered the holiday" – notice the word *paid* is missing; consult the board attorney about whether Juneteenth should be celebrated as an *unpaid holiday* on either the preceding Friday or the following Monday when it falls on a Saturday or Sunday, respectively, or not at all when it falls on a Saturday); Martin Luther King, Jr. Birthday the third Monday in January (5 ILCS 490/65); Prairie Week the third full week in September (5 ILCS 490/75); Retired Teachers' Week the fourth week in May (5 ILCS 490/80); Veterans Day November 11 (5 ILCS 490/90); Preventing Lost Potential Day September 19 (5 ILCS 490/141); Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade on March 25 (5 ILCS 490/155); the first full week of January is Emancipation Proclamation Week (5 ILCS 490/160); Mother Mary Ann Bickerdyke Day on the second Wednesday in May (5 ILCS 490/175); April is Arab American Heritage Month (5 ILCS 490/6); and the first full week of April each year is Autism Acceptance Week (5 ILCS 490/137~~, added by P.A. 102-588~~).

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School Day

The Board establishes the length of the school day with the recommendation of the Superintendent and subject to State law requirements.[5] The Superintendent or designee shall ensure that observances required by State law are followed during each day of school attendance. [6]

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[5] A school day is required to consist of a minimum five clock-hours under the direct supervision of a teacher or non-teaching personnel or volunteer personnel that provides non-teaching or supervisory duties as specified in 105 ILCS 5/10-22.34(a), in order to qualify as a full day of attendance, unless (1) the Governor issues a disaster declaration due to a public health emergency pursuant 20 ILCS 3305/7, and (2) the State Superintendent of Education establishes minimum clock-hour requirements to align with the circumstances of the Governor's disaster declaration. 105 ILCS 5/10-19.05, amended by P.A.s 103-560 and 104-250, eff. 1-1-26. See 105 ILCS 5/10-19.05, amended by P.A.s 103-560 and 104-250, eff. 1-1-26, for additional exceptions to the attendance calculation.

Contrast 105 ILCS 5/18-12. It allows a partial day of attendance to be counted as a full day due to an adverse weather condition, condition beyond the control of the school district that poses a health and safety threat, or use of school facilities by local or county authorities for holding a memorial or funeral service in remembrance of a community member (up to two school days per school year) provided one of following conditions is met: (1) the school district has provided at least one hour of instruction prior to the closure of the school district; (2) a school building has provided at least one hour of instruction prior to the closure of the school building; or (3) the normal start time of the school district is delayed. The law also outlines the process to claim attendance prior to providing any instruction when a school district must close a building or buildings, but not the entire district, after consultation with a local emergency response agency or due to a condition beyond the control of the district. Additionally, 105 ILCS 5/18-12.5 outlines the process for claiming attendance when a school district must close a building or buildings, but not the entire district, specifically because of a public health emergency. Attendance for such days may only be claimed if the school building(s) was scheduled to be in operation on those days.

Alternative education programs may provide fewer than five hours under certain circumstances. 105 ILCS 5/13B-50.

[6] 105 ILCS 5/27-~~3~~510 requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. 105 ILCS 5/27-510, added by P.A. 104-391. Note that the Illinois statute does not require every student to recite the Pledge – that kind of mandatory participation would violate the U.S. Constitution. Schools may not coerce a student into saying the Pledge, nor may they punish students for refusing to participate in any aspect of the flag ritual, including standing, saluting the flag, and reciting the Pledge. West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943); Sherman v. Cmty. Consol. Sch. Dist. 21 of Wheeling Twp., 980 F.2d 437 (7th Cir. 1992). Consider using permissive rather than mandatory language to introduce the recitation of the Pledge, such as, "You may now stand to recite the Pledge." Schools may, of course, require that non-participants maintain order and decorum appropriate to the school environment.

The Silent Reflection and Student Prayer Act mandates a *brief period of silence* for all Illinois public school students at the opening of each school day. 105 ILCS 20/1. A student filed a federal lawsuit challenging the constitutionality of this law under the First Amendment, but the law was ultimately upheld by the Appeals Court. Sherman v. Koch, 623 F.3d 501 (7th Cir. 2010), *cert denied by* 565 U.S. 815 (2011). 105 ILCS 5/10-20.46 requires a moment of silence to recognize veterans during any type of event held at a district school on Nov. 11.

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LEGAL REF.: 105 ILCS 5/10-19, 5/10-19.05, 5/10-20.46, 5/10-20.56, ~~5/10-20.46,~~ 5/10-30, 5/18-12, 5/18-12.5, 5/24-2, 5/27-510~~3, 5/27-18~~, ~~5/27-19, 5/27-20,~~ and 5/27-1025~~20.1, and 5/27-20.2~~.
10 ILCS 5/11-4.1, Election Code.
5 ILCS 490/, State Commemorative Dates Act.
23 Ill.Admin.Code §1.420(f).
Metzl v. Leininger, 850 F.Supp. 740 (N.D. Ill. 1994), *aff'd by* 57 F.3d 618 (7th Cir. 1995).

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), 4:180 (Pandemic Preparedness; Management; and Recovery), 5:200 (Terms and Conditions of Employment and Dismissal), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 6:60 (Curriculum Content), 6:70 (Teaching About Religions), 7:90 (Release During School Hours)

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Instruction

Curriculum Development [1]

Adoption [2]

The Superintendent shall recommend a comprehensive curriculum that is aligned with:

1. The District's educational philosophy and goals,
2. Student needs as identified by research, demographics, and student achievement and other data,
3. The knowledge, skills, and abilities required for students to become life-long learners,
4. The minimum requirements of State and federal law and regulations for curriculum and graduation requirements, [3]
5. The curriculum of non-District schools that feed into or from a District school, provided that the necessary cooperation and information is available, [4]
6. The Illinois State Learning Standards and any District learning standards, and
7. Any required State or federal student testing.

The School Board will adopt, upon recommendation of the Superintendent, a curriculum that meets the above criteria. [5]

Experimental Educational Programs and Pilot Projects [6]

The Superintendent may recommend experimental educational programs and/or pilot projects for Board consideration. Proposals must include goals, material needs, anticipated expenses, and an evaluation process. The Superintendent shall submit to the Board periodic progress reports for programs that exceed one year in duration and a final evaluation with recommendation upon the program's completion.

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

[1] State or federal law controls this policy's content. For information about managing curriculum objections, see sample policy 6:260, *Complaints About Curriculum, Instructional Materials, and Programs*, and its footnotes.

[2] This section is not dictated by State or federal law, but reflects board work regarding curriculum. Each board should ~~dwell over~~ review this section to ensure it articulates the board's intent.

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

[4] Alternative for unit districts:

5. The curriculum District-wide and articulated across all grade levels.

[5] The following is an alternative for boards that do not want the sample language's degree of delegation:

The School Board will consider the Superintendent's recommendation and adopt a curriculum that meets the above criteria.

[6] Experimental educational programs may require the approval of the Ill. State Board of Education and an agreement with the affected exclusive bargaining agent. 105 ILCS 5/10-19~~, amended by P.A.s. 100-465, 101-12, and 101-643~~. Experimental educational programs may include, but are not limited to, e-learning days as authorized under 105 ILCS 5/10-20.56, amended by P.A.103-780; self-directed learning; or outside of formal class periods; other programs that comply with the requirements of the School Code for numbers of days of actual pupil attendance and courses of instruction.

Education preparation pilot programs are addressed in 105 ILCS 5/2-3.52A~~, amended by P.A. 100-1046~~.

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Single-Gender Classes and Activities [7]

The Superintendent may recommend a program of nonvocational[8] single-gender classes and/or activities to provide diverse educational opportunities and/or meet students' identified educational needs. Participation in the classes or activities must be voluntary, both genders must be treated with substantial equality, and the program must otherwise comply with State and federal law and with Board policy 7:10, *Equal Educational Opportunities*. At least every two years, tThe Superintendent must periodically evaluate any single-gender class or activity to ensure that: (1) it does not rely on overly broad generalizations about the different talents, capabilities, or preferences of either gender, (2) it is substantially related to the achievement of the important objective for the class or activity, and (32) it continues to comply with State and federal law and with Board policy 7:10, *Equal Educational Opportunities*.

Development [9]

The Superintendent shall develop a curriculum review program to monitor the current curriculum and promptly suggest changes to make the curriculum more effective, to take advantage of improved teaching methods and materials, and to be responsive to social change, technological developments, student needs, and community expectations.

The Superintendent shall report to the Board as appropriate, the curriculum review program's efforts to:

1. Regularly evaluate the curriculum and instructional program.
2. Ensure the curriculum continues to meet the stated adoption criteria.
3. Include input from a cross-section of teachers, administrators, parents/guardians, and students, representing all schools, grade levels, disciplines, and specialized and alternative programs.
4. Coordinate with the process for evaluating the instructional program and materials.

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[7] This subhead may be removed if a district will not offer single-gender classes or activities. The U.S. Dept. of Education (DOE) amended its regulation implementing Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. §1681) to make it easier for schools to have single-sex classes and extracurricular activities. 34 C.F.R. §106.34. Title IX generally protects students from discrimination on the basis of sex. However, the DOE added flexibility to its rules on single-sex classes and activities, citing research that suggests that some students benefit in single-sex classes. 71 Fed. Reg. 62530 (10-25-06). The federal rules require districts to evaluate single-sex classes and extracurricular activities at least every two years. 34 C.F.R. §106.34(b)(4)(ii). The rules are very specific and should be reviewed with the board attorney when designing single-sex classes or activities. See also an FAQ from the U.S. Dept. of Education's Office of Civil Rights at: www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf.

Consult the board attorney about accommodation issues for transgender or gender non-conforming students in single sex classes. State law prohibits gender-based discrimination, including transgender and gender non-conforming students. 775 ILCS 5/5-101(A)(11); 775 ILCS 5/1-103(O-1); and 23 Ill.Admin.Code §1.240. Title IX prohibits exclusion and discrimination on the basis of sex. 20 U.S.C. §1681(a). The DOE's Office for Civil Rights has taken varying positions on the application of Title IX to transgender or gender non-conforming students depending upon the administration in office. See sample procedure ~~www2.ed.gov/about/offices/list/ocr/lgbt.html;~~ 7:10-AP1, *Accommodating Transgender Students or Gender Non-Conforming Students*.

[8] 34 C.F.R. §106.34(b)(1).

[9] The last two sections of this policy provide a process for the board to monitor the extent that its ends for curriculum development are being pursued. However, a board may be concerned that these sections offend the board's efforts to delegate authority to the superintendent to manage the district. If so, these sections should be deleted. See the IASB *Foundational Principles of Effective Governance* at: www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/.

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Curriculum Guides and Course Outlines

The Superintendent shall develop and provide subject area curriculum guides to appropriate staff members.

LEGAL REF.: 20 U.S.C. §1681, Title IX of the Education Amendments of 1972~~, implemented by;~~ 34 C.F.R. Part 106.
105 ILCS 5/10-20.8 and 5/10-19.

CROSS REF.: 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:70 (Teaching About Religions), 6:80 (Teaching About Controversial Issues) 6:100 (Using Animals in the Educational Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:120 (Education of Children with Disabilities), 6:130 (Program for the Gifted), 6:135 (Accelerated Placement Program), 6:140 (Education of Homeless Children), 6:145 (Migrant Students), 6:150 (Home and Hospital Instruction), 6:160 (English Learners), 6:170 (Title I Programs), 6:180 (Extended Instructional Programs), 6:185 (Remote Educational Program), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights)

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Instruction

Curriculum Content [1]

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

1. In kindergarten through grade 8,[2] subjects include: (a) language arts, (b) reading,[3] (c) other communication skills, (d) science, (e) mathematics[4], (f) social studies, (g) art, and (h) music;~~[5]~~

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

[1] Districts must have a policy on: (1) physical education (23 Ill.Admin.Code §1.425) ~~and~~, (2) what grade level(s) students will be offered cursive writing instruction (105 ILCS 5/27-3~~15, renumbered by P.A. 104-391~~20.7), (3) educating students on the effective methods of preventing and avoiding traffic injuries related to walking and bicycling (105 ILCS 5/27-110, renumbered by P.A. 104-391), (4) activities to address intergroup conflict, if offered (105 ILCS 5/27-1050, amended by P.A. 103-542 and renumbered by P.A. 104-391), and (5) Internet safety education, if a district receives e-rate funding (47 C.F.R. §54.520(c)(1)(i)). Policies on the remaining topics in this policy are optional. State or federal law controls this policy's content. 23 Ill.Admin.Code §1.410, recommends that activities, including student internships and observations of government in action, be a part of the instructional program where appropriate.

State law mandates certain courses of study but local school boards may set requirements exceeding State-law mandated courses of study. 105 ILCS 5/10-20.8 and 5/27-1 et seq. For a resource on instructional mandates, see *Illinois Instructional Mandates* (formerly *Mandated Units of Study*), at: www.isbe.net/Pages/Learning-Standards.aspx, under the Administrator Resources tab.

[2] Items (a)-(h) are listed in 23 Ill.Admin.Code §1.430.

By 7-1-26, the Ill. State Board of Education (ISBE) will encourage districts to collect teaching resources to support American Sign Language (ASL) programs. 105 ILCS 5/2-3.206, added by P.A. 104-399, eff. 1-1-26. Teaching resources may include: (1) the importance and benefit of ASL instruction for early ages and the prevalence of ASL in the United States; (2) information on ways to implement ASL instruction into the K-8 curriculum; and (3) information on how to properly administer ASL for students in K-8. Id.

By 12-15-26, ISBE must adopt comprehensive guidance for districts about the establishment of new dual language education programs and the expansion of existing programs. 105 ILCS 5/14D, added by P.A. 104-266, eff. 1-1-26. By 7-1-27, ISBE must also establish recognition pathways for biliteracy at certain grade levels before high school. Id.

[3] 105 ILCS 5/2-3.200, added by P.A. 103-402 and renumbered by P.A. 103-605, required ~~the Ill. State Board of Education (~~ISBE~~)~~ to develop a Statewide literacy plan by 1-31-24, make certain resources and guidance on literacy curriculum and instruction available to schools by 7-1-24, and offer training opportunities for teachers by 7-1-25. For further information and resources, see www.isbe.net/literacyplan.

[4] 105 ILCS 5/2-3.156 requires ISBE to coordinate, adapt and develop middle and high school math curriculum models. There is no consistent definition for *middle school or high school* in either State or federal law. Districts are not required to use ISBE's models and may develop their own mathematics curricula.

The purpose of the math curriculum models will be to aid school districts and teachers in implementing the *Common Core Standards*. ISBE adopted math and English language arts (ELA) standards for K-12 education referred to as the *New Ill. State Learning Standards Incorporating the Common Core*. The goal of incorporating the *Common Core Standards* into the *State Goals for Learning and Learning Standards* is to better prepare Ill. students for success in college and the workforce in a competitive global economy. See www.isbe.net/Documents/cc-overview-0913.pdf.

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

~~[5] 23 Ill.Admin.Code §1.430(a).~~

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~~and (i) drug and substance abuse prevention including the dangers of opioid abuse~~.[6] A reading opportunity of 60 minutes per day will be promoted for all students in kindergarten through grade 3 whose reading levels are one grade level or more lower than their current grade level.[7] Daily time of at least 30 minutes (with a minimum of at least 15 consecutive minutes if divided) will be provided for supervised, unstructured, child-directed play for all students in kindergarten through grade 5.[8] Before the completion of grade 5, students will be offered at least one unit of cursive instruction.[9] In grades 6, 7, or 8, students must receive at least one semester of civics education in accordance with Illinois Learning Standards for social science.[10]

2. In grades 9 through 12, subjects include:[11] (a) language arts, (b) writing intensive courses, (c) science, (d) mathematics,[12] (e) social studies including U.S. history, American government and

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[6] ~~105 ILCS 5/27-13.2. See also f/n 33, below, regarding instruction on the dangers of fentanyl.~~

[7] 105 ILCS 5/10-20.53.

[8] 105 ILCS 5/27-~~7156.3~~, amended and renumbered by P.A. 104-391~~added by P.A. 102-357~~. Schools must provide at least 30 minutes of play time for any school day five clock hours or longer in length. For any school days less than that, the total time allotted during the school day must be at least one-tenth of a day of attendance for the student. Time spent dressing or undressing for outdoor play may not count towards the daily time allotment. Play time must be computer-, tablet-, phone-, and video-free. Play time may be withheld as a disciplinary or punitive action only if a student's participation poses an immediate threat to the safety of the student or others. Id. For ISBE guidance and resources, see www.isbe.net/Pages/School-Health-Issues.aspx (Unstructured Play Time/Recess dropdown).

[9] 105 ILCS 5/27-315, renumbered by P.A. 104-391~~20.7~~, requires districts to offer students a unit of cursive instruction before they complete grade 5. Other than before completing grade 5, the law is silent about what grade level(s) in which students must receive their unit of cursive instruction. This provides an opportunity for a board to have a conversation with the superintendent about local community expectations and direct him or her to determine the appropriate grade level(s) in which students will be offered a unit of cursive instruction.

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

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

[10] 105 ILCS 5/27-510(b), added by P.A. 104-391~~3.10~~. Course content must include discussion on current societal issues, service learning, simulations of the democratic process, and instruction on the Australian Ballot (secret ballot) system as a method of voting at elections.~~The statute specifically states that school districts may utilize private funding available for offering civics education.~~ If taught in grade 7 or 8, at least one hour a week, or an amount of time equal to one hour per school week through the school year, must be devoted to civics education. 105 ILCS 5/27-515, amended and renumbered by P.A. 104-391.

[11] 105 ILCS 5/27-60522, amended by P.A.~~s 102-366, 102-551, 102-864, and~~ 103-743 and 104-387 and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.440. ISBE may adopt rules to modify these requirements for students in grades 9 through 12 if the Governor declares a disaster due to a public health emergency pursuant to 20 ILCS 3305/7. 105 ILCS 5/27-60522(e)(3.5)~~, amended by P.A. 102-864,~~ and 5/27-60522(e-5)(3.5), both renumbered by P.A. 104-391~~ added by P.A. 102-864~~, require~~s~~ "a year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject." Because computer literacy may be included within another subject, it is not listed here, but in number ~~76~~ of this policy with f/n 26, below.

[12] 105 ILCS 5/2-3.156. See f/n 42.

105 ILCS 5/27-60522(e-5)(3), renumbered by P.A. 104-391, allows the substitution of an advanced placement computer science course for a year of mathematics. For specific requirements, see sample exhibit 6:300-E2, *State Law Graduation Requirements*, and sample policy 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-entering Students*.

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one semester of civics,[13] (f) foreign language,[14] (g) music, (h) art, (i) driver and safety education,[15] and (j) career and technical~~vocational~~ education.

Students otherwise eligible to take a driver education course must receive a passing grade in at least eight courses during the previous two semesters before enrolling in the course. The Superintendent or designee may waive this requirement if he or she believes a waiver to be in the student's best interest.[16] The course shall include: (a) instruction necessary for the safe operation of motor vehicles, including motorcycles, to the extent that they can be taught in the classroom,[17] (b) classroom instruction on distracted driving as a major traffic safety issue,[18] (c) instruction on required safety and driving precautions that must be observed at emergency situations, highway construction and maintenance zones, including worker safety in those zones, and railroad crossings and their approaches,[19] and (d) instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.[20] Automobile safety instruction covering traffic regulations and highway safety must include instruction on the consequences of alcohol consumption and the operation of a motor vehicle.[21] The eligibility requirements contained in State law for the receipt of a certificate of completion from the Secretary of State shall be provided to students in writing at the time of their registration. [22]

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

[13] 105 ILCS 5/27-60522(e-5)(5), renumbered by P.A. 104-391. The statute specifically states that school districts may utilize private funding available for offering civics education.

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

[15] The ISBE rule on driver education personnel is found at 23 Ill.Admin.Code §252.40. School districts may contract with a commercial driver training school (CDTS) for driver education. 105 ILCS 5/27-815, renumbered by P.A. 104-39124.2. To qualify to contract with a school district, a CDTS must: (a) hold a valid license issued by the Ill. Sec. of State; (b) provide teachers who meet the educator licensure and endorsement requirements under 105 ILCS 5/21B; and (c) follow the same evaluation and observation requirements that apply to non-tenured teachers under 105 ILCS 5/24A. Id. A district contracting with a CDTS must provide a list to ISBE of the CDTS instructors. Id. The list must include the name, personal ISBE identification number, birth date and driver's license number of each instructor who will teach driver education. Id. Although a formal waiver for outsourcing of driver's education is no longer required, districts must consider their applicable collective bargaining agreement(s), board policy, and the reduction in force (RIF) provisions of the School Code as they relate to outsourcing of instructional staff. Consult the board attorney for guidance.

A school district may decide to allow a student to take a portion of the driver education course through a distance learning course. This is determined on a case-by-case basis and must be approved by the district's administration, the student's driver's education teacher, and the student's parent/guardian. 105 ILCS 5/27-81524.2, renumbered by P.A. 104-391; 23 Ill.Admin.Code §252.20(c)(2).

[16] 105 ILCS 5/27-81024.1, ~~amended by P.A. 102-455,~~ and 5/27-81524.2, both renumbered by P.A. 104-391; 23 Ill.Admin.Code §252.25.

[17] 105 ILCS 5/27-81024.1, ~~amended by P.A. 102-455,~~ and 5/27-815-24.2, both renumbered by P.A. 104-391.

[18] Id.

[19] Id., amended by P.A. 103-944 and renumbered by P.A. 104-391.

[20] Id.

[21] Required if a board offers safety education under 105 ILCS 5/27-102017, amended and renumbered by P.A. 104-391.

[22] The Ill. Vehicle Code, 625 ILCS 5/6-408.5~~, amended by P.A. 102-1100,~~ contains these requirements; they are paraphrased below.

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

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3. In all schools, drug and alcohol abuse prevention education, including: (a) in each year in grades K though 4, age- and developmentally appropriate instruction, study, and discussion of effective methods for the prevention and avoidance of drugs and the dangers of opioid and substance abuse, (b) in grades 5 through 12, age- and developmentally appropriate classroom instruction on alcohol and drug use and abuse, (c) in grades 6-12, the dangers of fentanyl, and (d) in grades 7 through 12, ~~as well as in interscholastic athletic programs,~~ anabolic steroid abuse prevention, which must also be taught in interscholastic athletic programs. [23]
4. In kindergarten through grade 12, provided it can be funded by private grants or the federal government, violence prevention and conflict resolution must be stressed, including: (a) causes of conflict, (b) consequences of violent behavior, (c) non-violent resolution, and (d) relationships between drugs, alcohol, and violence.[24] In addition, anti-bias education and intergroup conflict resolution may be taught as an effective method for preventing violence and lessening tensions in schools; these prevention methods are most effective when they are respectful of individuals and their divergent viewpoints and religious beliefs, which are protected by the First Amendment to the Constitution of the United States. [25]
5. In grades kindergarten through 12, through the 2026-2027 school year, age-appropriate Internet safety must be taught, the scope of which shall be determined by the Superintendent or designee. The curriculum must incorporate Board policy 6:235, *Access to Electronic Networks*, and, at a minimum, include: (a) education about appropriate online behavior, (b) interacting

Commented [DJ1]: Note to subscribers: Drug abuse prevention education is no longer part of the Comprehensive Health Education Program (CHEP) and is therefore included as a separate item in this sample policy. P.A. 104-391 consolidated drug prevention education related topics into one new section of the School Code, 105 ILCS 5/27-255.

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

[23] Requirements (a)-(d) are addressed in 105 ILCS 5/27-255, added by P.A. 104-391~~23.3~~. These instructional requirements are also addressed in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*.

[24] 105 ILCS 5/27-~~23.4~~115, renumbered by P.A. 104-391.

[25] Optional. 105 ILCS 5/27-1050~~23.6~~, (anti-bias education), amended by P.A. 103-542 and renumbered by P.A. 104-391, allows districts to incorporate activities to address intergroup conflict, with the objectives of improving intergroup relations on and beyond the school campus, defusing intergroup tensions, and promoting peaceful resolution of conflict. If a district does not offer anti-bias education, delete "5/27-1050" from the Legal References.

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

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

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with other individuals on social networking websites and in chat rooms, and (c) cyberbullying awareness and response. [26]

~~5.~~6. Beginning in the fall of 2027, in grades 3-8 each year, age- and developmentally appropriate instruction on online safety. [27]

~~6.~~7. In all grades, students must receive developmentally appropriate opportunities to gain computer literacy skills that are embedded in the curriculum. [28]

~~7.~~8. In all grades, ~~character education must be taught including respect, responsibility, fairness, caring, trustworthiness, and citizenship in order to raise students' honesty, kindness, justice, discipline, respect for others, and moral courage.[29]~~ Instruction ~~in all grades will include~~on ~~examples of~~ behaviors that violate Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. [30]

Commented [DJ2]: Note to subscribers: P.A. 104-391 repealed the requirement to teach character education formerly at 105 ILCS 5/27-12.

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

[26] 47 C.F.R. §54.520 and 105 ILCS 5/27-410~~13.3~~ (scheduled for repeal on 7-1-27), amended by P.A. 104-399, eff. 1-1-26, and renumbered by P.A. 104-391, control this section. "Grades kindergarten through 12" is used because federal law requires school districts that receive E-rate funding to certify that they have an Internet safety education policy for all minors. 47 C.F.R. §54.520(c)(1)(i). This federal law defines minors as any individual who has not attained the age of 17 years. 47 C.F.R. §54.520(a)(4)(i).

105 ILCS 5/27-410~~13.3~~, amended by P.A. 104-391, only requires a unit on Internet safety for students in grades 3 or above. It recommends seven topics for the unit on Internet safety and required ISBE to "make available resource materials for educating children regarding child online safety." See www.isbe.net/Pages/Internet-Safety.aspx. It also invites schools to "adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12."

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

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

For boards that do not receive E-rate funds, but want to exceed the requirements of 105 ILCS 5/27-410~~13.3~~ to include grades K-2, replace this section with the following sentences:

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

[27] 105 ILCS 5/27-405(b), added by P.A. 104-391. Boards locally determine the scope and duration of this unit of instruction. Topics to include in online safety instruction are not mandated but the following are recommended: (1) safe and responsible use of the Internet, social networking websites, electronic mail, online messaging and posting, and other means of communication on the Internet; (2) recognizing, avoiding, and reporting online solicitations of students, their classmates, and their friends by sexual predators; (3) risks of transmitting personal information on the Internet; (4) recognizing and avoiding unsolicited or deceptive communications received online; (5) reporting online harassment, cyber-bullying, and illegal activities and communications on the Internet; (6) the legal penalties and social ramifications for illicit actions taken online, including infringement of copyright laws and the creation and sharing of harmful, defamatory, or sexually explicit content; and (7) the relationship between responsible use of online resources and social-emotional health. Id. *Online safety* means safe practices relating to an individual's or group's use of the Internet, social networking website, electronic mail, online messaging and posting, and other means of communication on the Internet. Id. at (a).

[28] 105 ILCS 5/10-20.79, 5/10-20.74, and 5/27-22(e-5)(3.5), amended by P.A. 102-894, and 5/27-605~~22~~(e-5)(3.5), renumbered by P.A. 104-391~~added by P.A. 102-894~~. 105 ILCS 5/10-20.74 requires that districts submit an annual report to ISBE regarding educational technology capacities and policies. See the subhead **Educational Technology Committee** and f/n 20 in sample administrative procedure 2:150-AP, *Superintendent Committees*.

~~[29] 105 ILCS 5/27-12.~~

[30] Required as part of a district's Bullying Prevention and Response Plan pursuant to 105 ILCS 5/22-1107~~-23.7~~, renumbered by P.A. 104-391. Because of the negative outcomes associated with bullying in schools, the Ill. General Assembly has found "that [school districts] should educate students, parents, and [school district personnel] about what behaviors constitute prohibited bullying." ~~105 ILCS 5/27-23.7~~Id. at (a). This language aligns with sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

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~~8.~~9. In all schools, citizenship values must be taught, including: (a) American patriotism, (b) principles of representative government (the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois), (c) proper use and display of the American flag, and (d) the Pledge of Allegiance~~, and (e) the voting process~~. [31]

~~9.~~10. In all grades, physical education must be taught including a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. Unless otherwise exempted, all students are required to engage in a physical education course with such frequency as determined by the Board after recommendation from the Superintendent,[32] but at a minimum of three days per five-day week.[33] For exemptions and substitutions, see Board policies 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students* and 7:260, *Exemption from Physical Education*. [34]

Commented [DJ3]: Note to subscribers: P.A. 104-391 moved instruction on the voting process to civics education for grades 6-8 (see Item #1 of the sample policy).

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The Ill. General Assembly invited boards to "make suitable provisions for instruction in gang resistance education in all grades and include such instruction in the courses of study regularly taught in those grades." See 105 ILCS 5/27-1055~~23.10~~(c), amended by P.A. 103-542 and renumbered by P.A. 104-391. A board that shares this concern may add the following option and add "5/27-1055" to the Legal References (in numerical order): "In addition, in all grades gang resistance education must be taught."

[31] 105 ILCS 5/27-510(a), (c), added by P.A. 104-391. This instruction may be taught as part of the curriculum in the semester of civics education for student in grades 6 through 8. See f/n 8, above. 105 ILCS 5/27-510(c)~~3~~ requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. See also Palmer v. City of Chicago, 466 F. Supp. 600 (N.D. Ill. 1979) (teacher would not teach and direct the Pledge of Allegiance to the flag of the United States for religious reasons and was terminated for not doing so because it was part of the curriculum). Requirements for displaying a U.S. flag at each school and in each classroom are found in 5 ILCS 465/3 and 465/3a.

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

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

[33] 23 Ill.Admin.Code §1.425(b). Boards that want their daily physical education requirement to align with their goal in policy 6:50, *School Wellness*, may replace "minimum of three days per five-day week" with their local daily requirements. See f/n 10 in sample policy 6:50, *School Wellness*.

[34] 105 ILCS 5/27-~~705~~5, renumbered by P.A. 104-391, requires school boards to provide for students' physical education and allows the P.E. course offered in grades 5 through 10 to include the health education courses required by the Critical Health Problems and Comprehensive Health Education Act (105 ILCS 5/27-205 through 5/27-230~~110~~/). See also 23 Ill.Admin.Code §1.425(c).

105 ILCS 5/27-~~710~~6, amended and renumbered by P.A. 104-391, describes when students may be excused from P.E. See also 23 Ill.Admin.Code §1.425(d).

105 ILCS 5/27-~~710~~6, amended and renumbered by P.A. 104-391, contains an exception to the minimum of three days per five-day week P.E. requirement for schools engaged in block scheduling; if this is applicable, substitute this sentence for the second-to-last sentence in this paragraph:

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

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11. In all schools, health education must be stressed, including[35]: (a) human ecology, health, growth, development, personal health habits, and nutrition, (b) family life, (c) prevention and control of disease, ~~proper nutrition, (b) physical fitness, (c) personal health habits, (d) dangers and avoidance of abduction,~~ (de) age- and developmentally -appropriate and evidence-informed sexual abuse and assault awareness and prevention education in all grades, (e) public health, environmental health, disaster preparedness, and safety education, (f) mental health and illness, (g) dental health, (h) cancer education, and (i) age- and developmentally appropriate consent education[36] ~~and (f) in grades 6-12, the dangers of fentanyl~~. The Superintendent shall implement a comprehensive health education program in accordance with State law. [37]

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105 ILCS 5/27-720, ~~6.5~~ renumbered by P.A. 104-391, describes physical fitness assessments required every school year for grades 3-12 in an effort to meet State Goal 20 of the Illinois Learning Standards for Physical Development and Health at: www.isbe.net/Pages/Enhanced-Physical-Education.aspx. Schools must integrate the testing into the curriculum as an instructional tool, to teach students how to assess their fitness levels, set goals for improvement, and monitor progress in reaching their goals.

See also 23 Ill.Admin.Code §1.425(g) and (h); ISBE's *IL Fitness Assessments and Data Reporting Requirements Questions and Answers (Rev. ~~2017~~2023)* at: www.isbe.net/Documents/Physical_Fitness_Assessment_FAQ.pdf.

105 ILCS 5/27-725, amended and renumbered by P.A. 104-391, describes the goals and requirements for P.E. courses; these are re-stated in this sample policy.

35 ~~Citations for I~~Letters (a) - (~~i~~), ~~are~~ required by the ~~C~~comprehensive ~~H~~health c~~E~~ducation pProgram (CHEP), at ~~(~~105 ILCS 5/27-215, added by P.A. 104-391, ~~110/3)~~ in this paragraph as follows:

(a) Id. at (a)(1); 105 ILCS 5/2-3.139(a)(2) (nutrition education) ~~and 105 ILCS 5/27-7 (proper nutrition) and S~~see also sample policy 6:50, *School Wellness*.

(b) Id. at (a)(2).~~Id. (physical fitness) and see also sample policy 6:50, *School Wellness*.~~

(c) Id. at (a)(3)~~Id. (healthy habits and attitudes for a healthy lifestyle)~~.

(d) Id. at (a)(4),~~105 ILCS 5/27-13.2 (dangers and avoidance of abduction). The Ill. State Police and ISBE must develop instruction on child abduction prevention. 20 ILCS 2605/2605-480.~~

~~(e) 105 ILCS 110/3~~ and 105 ILCS 5/10-23.13, ~~amended by P.A. 102-610~~ a/k/a *Erin's Law* ~~(child sexual abuse prevention)~~. See f/n 11 in sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*, for a definition of *evidence-informed*. 105 ILCS 5/10-23.13. While 105 ILCS 5/10-23.13(b) states pre-K through 12th, this policy uses *all* *schools~~grades~~* for brevity and ease of administration. *Erin's Law* requires a policy addressing child sexual abuse prevention and curriculum content on that subject (see sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*). A sentence in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*, restates the basic recommendations from page 16 of the *Erin's Law* Taskforce Final Report (Report) to Governor Quinn at: www.isbe.net/Documents/erins-law-final0512.pdf, which was the basis for ~~P.A. 102-676~~*Erin's Law*. The professional educator training component of *Erin's Law* is addressed in sample policies 5:90, *Abused and Neglected Child Reporting* and 5:100, *Staff Development Program*. The Report also encouraged parental involvement because parents play a key role in protecting children from child sexual abuse.

(c~~f~~) Id. at (a)(5)~~105 ILCS 110/3(c), amended by P.A. 103-810 (dangers of fentanyl)~~. 105 ILCS 5/27-815, renumbered by P.A. 104-391, also requires safety instruction in each of grades 1 through 8, equivalent to one class period each week. Neither CHEP nor 105 ILCS 5/27-815 (as it pertains to grades 1-8) define safety education or explain how it differs from the optional safety education that boards can offer under 105 ILCS 5/27-1020, renumbered by P.A. 104-391, though districts could draw from the topics listed in that section.

(f) Id. at (a)(6).

(g) Id. at (a)(7).

(h) Id. at (a)(8).

(i) Id. at (a)(9). Consent education under CHEP is limited to the definition of *consent* under 105 ILCS 5/27-215(a), added by P.A. 104-391; this basic consent instruction is separate from the more extensive, optional consent education under 105 ILCS 5/27-1010, amended and renumbered by P.A. 104-391, discussed in f/n 33, below.

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

37 105 ILCS 5/27-215~~110/3~~, ~~amended~~ added by P.A.104-391~~s 102-464, 102-1034, 103-212, 103-365, and 103-608~~; and 23 Ill.Admin.Code §1.420(n). ~~Each school system shall provide a program in compliance CHEP, 105 ILCS 110/.~~

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More detailed ~~critical health problems and~~ comprehensive health education program content and other health education topics covered in the School Code are ~~is~~ described in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*. That procedure ~~follows CHEP, 105 ILCS 110/3, amended by P.A.s 102-464, 102-1034, 103-212, 103-365, and 103-608, and it~~ formerly included the requirements for the development of the now-repealed family life and sex education programs in 105 ILCS 5/27-9.1 and 9.2~~, amended by P.A. 102-412 and repealed by P.A. 102-522~~.

The former family life and sex education programs were replaced with the National Sex Education Standards (NSES) (105 ILCS 5/27-1015~~9.1a~~, renumbered~~added~~ by P.A. 10~~4-391~~2-522) and an age- and developmentally appropriate consent education curriculum (105 ILCS 5/27-10109~~.1b~~, renumbered by P.A. 104-391~~added by P.A. 102-522~~). But the term *family life*, "including evidence-based and medically accurate information regarding sexual abstinence," remains in the CHEP. ~~The CHEP also includes many other health education topics that all elementary and secondary schools in Illinois must provide, including teen dating violence (105 ILCS 110/3.10, see sample policy 7:185, *Teen Dating Violence Prohibited*, for the required "teen dating violence policy") and cardiopulmonary resuscitation and automated external defibrillator use. 105 ILCS 110/3.~~ For ease of administration, sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*, content includes reference to the new NSES curriculum that is outlined in more detail at sample administrative procedure 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*. 105 ILCS 5/27-1015~~9.1a~~, added by P.A. 104-391~~102-522~~. ISBE's learning standards and resources are available at www.isbe.net/sexualhealth, however, no guidance exists about whether districts that provide the now-repealed family life and sex education programs formerly in 105 ILCS 5/27-9.1 and 9.2~~, repealed by P.A. 102-522~~, could continue to do so. Consult the board attorney if the district offered the now-repealed family life and sex education program to assess whether that program may continue during future school years.

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

1. No sex education; or
2. NSES a/k/a Comprehensive Personal Health and Safety and Sexual Health Education Program (105 ILCS 5/27-1015~~9.1a~~, renumbered~~added~~ by P.A. 104-391~~102-522~~, and see sample administrative procedure 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*).

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

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

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

The Superintendent shall implement a comprehensive health education program in accordance with State law, including a personal health and safety and sexual health education program (National Sex Education Standards) pursuant to 105 ILCS 5/27-~~9.1a~~1015.

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

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

The Superintendent shall also implement an age- and developmentally appropriate consent education curriculum pursuant to 105 ILCS 5/27-10109~~.1b~~.

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12. In all schools, abduction education that addresses the danger of and avoidance of abduction. [38]

13. In grades 9-12, the dangers of allergies must be taught. [39]

~~10.~~14. In grades 9-12, training on how to properly administer cardiopulmonary resuscitation and how to use an automated external defibrillator. [40]

~~11.~~15. In all schools, career/vocational education must be taught, including: (a) the importance of work, (b) the development of basic skills to enter the world of work and/or continue formal education, (c) good work habits and values, (d) the relationship between learning and work, and (e) if possible, a student work program that provides the student with work experience as an extension of the regular classroom. A career awareness and exploration program must be available at all grade levels.[41] In grades 6-12, students engage in career exploration and career development activities to prepare them to make informed plans and decisions about their future education and career goals.[42] In grades 9-12, a College and Career

Commented [DJ4]: Note to subscribers: These topics are no longer required by Comprehensive Health Education Program (CHEP), but they are addressed in new School Code provisions.

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

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

The Superintendent shall implement a comprehensive health education program in accordance with State law, including an age- and developmentally appropriate consent education curriculum pursuant to 105 ILCS 5/27-10109.1b.

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

[38] 105 ILCS 5/27-105, added by P.A. 104-391. The Ill. State Police and ISBE must develop instruction on child abduction prevention. 20 ILCS 2605/2605-480. See www.isbe.net/Documents/Child-Abduction-Prevention.pdf. This instructional requirement is also addressed in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*.

[39] 105 ILCS 5/27-245, added by P.A. 104-391. This instructional requirement is also addressed in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*.

[40] 105 ILCS 5/27-250, added by P.A. 104-391. This instructional requirement is also addressed in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*.

[41] 23 Ill.Admin.Code §1.420(i). See 105 ILCS 435/, Vocational Education Act

A unit or high school district may offer workplace preparation instruction in grades 9 through 12 that covers legal protections in the workplace, including protection against sexual harassment and racial and other forms of discrimination and protections for employees. 105 ILCS 5/27-1065~~-23.14~~, renumbered by P.A. 104-391~~.~~

For high school and unit boards, add~~insert~~ "5/27-1065~~"23.14," after 105 ILCS 5/27-23.11 in~~ to the Legal References (in numerical order) ~~or if a board offers a course on hunting safety as part of its curriculum during the school day (see the option in f/n 55 below), after its Legal Reference 105 ILCS 5/27-23.13,~~ and the following text to the end of number 15~~1~~ if the board wants to offer workplace preparation instruction:

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

105 ILCS 5/27-1075~~23.17 (final citation pending)~~, added by P.A. 103-598 and renumbered by P.A. 104-391, allows high schools to designate and annually observe a Workplace Readiness Week. If the week is observed, students must be provided information on their rights as workers in accordance with the topics listed in 105 ILCS 5/27-1075~~23.17~~(a) ~~(final citation pending)~~, added by P.A. 103-598 and renumbered by P.A. 104-391. Students in grades 11 and 12 must be provided the required information within the regular school program, but it may also be provided during special events after regular school hours. Id. at (b).

[42] 105 ILCS 5/10-20.84(a), ~~added by P.A. 102-917 and~~ renumbered by P.A. 103-154. For elementary districts, revise the grade levels to grades 6-8. Unless a board ~~has~~ opted out, career exploration and career development activities in grades 6-12 (or grades 6-8 in elementary districts) had to ~~must~~ be implemented by 7-1-25 in accordance with the model framework adopted by State agencies known as the PaCE Framework. See www.isac.org/pace/il-pace-resource-materials.html for the middle school and high school frameworks and additional implementation resources.

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Pathway Endorsement is awarded to students who meet the requirements for a specific endorsement area. [43]

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To fully or partially opt out of career exploration and career development activities under 105 ILCS 5/10-20.84(d), a board must adopt a set of findings that considers the following: (1) the district's current systems for college and career readiness; (2) the district's cost of implementation balanced against the potential benefits to students and families through improved postsecondary education and career outcomes; (3) the willingness and capacity of local businesses to partner with the district for successful implementation of pathways other than education; (4) the willingness of institutions of higher education to partner with the district for successful implementation of the pathway and whether the district has sought and established a partnership agreement with a community college district incorporating provisions of the Model Partnership Agreement under the Dual Credit Quality Act (110 ILCS 27/) (see www.isbe.net/Documents/DCQA-Model-Partnership-Agreement-Form.pdf); (5) the availability of a statewide database of participating local business partners, as provided under the Postsecondary and Workforce Readiness Act (110 ILCS 148/), for the purpose of career readiness and the accessibility of those work experiences and apprenticeships listed in the database to district students (see the link to the *Work-based Learning Database* at www.isbe.net/cte); and (6) the availability of properly licensed teachers or teachers meeting faculty credential standards for dual credit courses to instruct in the program required for the endorsement areas. 105 ILCS 5/10-20.84(d)(1)-(6), ~~added by P.A. 102-917 and~~ renumbered by P.A. 103-154. A board opting out must report its findings and decision to ISBE. A board may also reverse its decision regarding implementation in whole or in part at any time. 105 ILCS 5/10-20.84(d), ~~added by P.A. 102-917 and~~ renumbered by P.A. 103-154.

In practice, unless a district has created its own career exploration and career development activities framework that does not align with the PaCE Framework, a board is unlikely to opt out of the PaCE Framework under 105 ILCS 5/10-20.84(a) and still implement College and Career Pathway Endorsements under 105 ILCS 5/10-20.84(c) (CCPE) because career exploration activities are a prerequisite to award of the endorsements. 23 Ill.Admin.Code §258.20. See f/n 398, below.

Delete this sentence if the board ~~has~~ fully opted out of implementation of career exploration and career development activities under 105 ILCS 5/10-20.84(d), ~~added by P.A. 102-917 and~~ renumbered by P.A. 103-154. Regarding partial opt-out from this requirement, the law does not address the types of partial opt-out(s) available. As of the date of the publication of **PRESS** Issue 12017 (Oct. 20254), ISBE had not issued any rulemaking or guidance on this topic or any details regarding reporting of a full or partial opt-out to ISBE, other than to indicate to IASB that districts can submit their decision to CTE@isbe.net. Boards interested in opting out from this requirement should consult the Board attorney and check for any further guidance that may be issued by ISBE.

43 105 ILCS 5/10-20.84(b) and (c), ~~added by P.A. 102-917 and~~ renumbered by P.A. 103-154; 23 Ill.Admin.Code Part 258.

By 7-1-25, a board had~~must elect~~ to either implement CCPE or take action to opt out of it. See www.isbe.net/pathwayendorsements for more information. 105 ILCS 5/10-20.84(c) requires a district to implement CCPE either independently, through an area career center, or through an inter-district cooperative, on the following schedule: (1) at least one endorsement area for the graduating class of 2027; (2) at least two endorsement areas for the graduating class of 2029; and (3) at least three endorsement areas for the graduating class of 2031, if a district 's grade 9-12 enrollment is more than 350 students, as calculated by ISBE for the 2022-2023 school year. A board implementing CCPE had to~~must~~, by 7-1-25, submit the necessary application materials (including an Endorsement Plan, see 23 Ill.Admin.Code §258.20) to ISBE, or ~~the board must~~ adopt a timeline for implementation of the number of endorsement areas required by 105 ILCS 5/10-20.84(c). A board may opt out of implementing CCPE entirely or it may initially implement an endorsement area for the class of 2027 and then later choose to partially opt out by opting out of the class of 2029 and/or class of 2031 endorsement area schedule. 105 ILCS 5/10-20.84(c) and (d), ~~added by P.A. 102-917 and~~ renumbered by P.A. 103-154; 23 Ill.Admin.Code §258.40(a) and (b). A board that choseses to fully opt out of CCPE ~~must~~ had to submit documentation of its decision and specific findings to ISBE by 7-1-25. A board that later chooses to partially opt out of CCPE by opting out of the 2029 and/or 2031 endorsement area schedule must submit documentation of its decision and specific findings no later than July 1 immediately before the school year the district would be required to award the endorsement. Id. at (b).

If fully opting out of CCPE by 7-1-25 or later partially opting out of the 2029 and/or 2031 endorsement area schedule, a board must adopt a set of findings that considers the six factors described in f/n 387, above. 105 ILCS 5/10-20.84(d)(1)-(6), ~~added by P.A. 102-917 and~~ renumbered by P.A. 103-154. A board opting out must report its findings and decision on implementation by submitting the following information to ISBE, via the College and Career Pathway Endorsement portal: (1) the reasoning for opting out, and (2) copies of the board's meeting agenda, board findings, and board meeting minutes. 23 Ill.Admin.Code §258.40(a). A board can manage compliance with the documentation requirements by adopting a written resolution or adopting findings set forth in another document. A board may also reverse its decision regarding implementation of CCPE in whole or in part at any time. 105 ILCS 5/10-20.84(d), ~~added by P.A. 102-917 and~~ renumbered by P.A. 103-154.

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~~12.~~16. In grades 9 through 12, consumer education must be taught, including: (a) financial literacy, including consumer debt and installment purchasing (including credit scoring, managing credit debt, and completing a loan application); budgeting; savings and investing; banking (including balancing a checkbook, opening a deposit account, and the use of interest rates); understanding simple contracts; State and federal income taxes; personal insurance policies; the comparison of prices; higher education student loans; identity-theft security; and homeownership (including the basic process of obtaining a mortgage and the concepts of fixed and adjustable rate mortgages, subprime loans, and predatory lending); and (b) the roles of consumers interacting with agriculture, business, labor unions and government in formulating and achieving the goals of the mixed free enterprise system. [44] [45]

~~13.~~17. In grades 9 through 12, intensive instruction in computer literacy, which may be included as a part of English, social studies, or any other subject. [46]

~~14.~~18. In grades 9 through 12, through the 2026-2027 school year, a unit of instruction on media literacy that includes, but is not limited to~~, all of~~ the following topics: (a) accessing information to evaluate multiple media platforms and better understand the general landscape and economics of the platforms, and issues regarding the trustworthiness of the source of information; (b) analyzing and evaluating media messages to deconstruct media representations according to the authors, target audience, techniques, agenda setting, stereotypes, and authenticity to distinguish fact from opinion; (c) creating media to convey a coherent message using multimodal practices to a specific target audience that includes, but is not limited to, writing blogs, composing songs, designing video games, producing podcasts, making videos, or coding a mobile or software application; (d) reflecting on media consumption to assess how media affects the consumption of information and how it triggers emotions and behavior; and (e) social responsibility and civics to suggest a plan of action in the class, school, or community for engaging others in a respectful, thoughtful, and inclusive dialogue over a specific issue using facts and reason. Beginning in the fall of 2027, in grades 9 through 12, a unit of instruction on media literacy and Internet safety that includes, but is not limited to, all of the following topics: (a) accessing and evaluating information; (b) creating

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Delete this sentence if a board has fully opted out of implementing CCPE, and delete 105 ILCS 5/10-20.84 from the Legal References if the board has fully opted out of CCPE *and* also fully opted out of the career exploration and career development activities in grades 6-12 (see f/n 37, above).

[44] 105 ILCS 5/27-305, renumbered by P.A. 104-391~~12.1~~; 23 Ill.Admin.Code §1.420(k).

[45] For high school and unit boards that want to offer a unit of instruction about the process of naturalization pursuant to 105 ILCS 5/27-1070~~23.16, added by P.A. 102-472 and~~ renumbered by P.A. ~~102-813~~ 104-391, add "5/27-1070" to the Legal References (in numerical order), insert an optional number 1~~7~~3, and amend numbers after it accordingly:

1~~7~~3. In grades 9 through 12, a unit of instruction about the process of naturalization by which a foreign citizen or foreign national becomes a U.S. citizen that includes content from the components of the naturalization test administered by the U.S. Citizenship and Immigration Services.

[46] 105 ILCS 5/27-605~~22~~(e-5)(3.5), renumbered by P.A. 104-391. ISBE states that *computer literacy* is broadly defined as one's knowledge of and ability to use computers and related technologies efficiently and effectively. See www.isbe.net/keeplearning for more ISBE guidance on computer literacy.

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media; (c) reflecting on media consumption and social responsibility; (d) legal and social penalties for illicit actions online; and (e) reporting illicit content online. [47]

~~15.~~19. In grades 9 through 12, an opportunity for students to take at least one computer science course aligned to Illinois learning standards. Computer science means the study of computers and algorithms, including their principles, hardware and software designs, implementation, and impact on society. Computer science does not include the study of everyday uses of computers and computer applications; e.g., keyboarding or accessing the Internet. [48]

~~16.~~20. In all schools, environmental education, including instruction on: (a) the current problems and needs in the conservation of natural resources and (b) beginning in the fall of 2026, instruction on climate change. [49]

21. In all schools, instruction as determined by the Superintendent or designee on United States (U.S.) history must be taught, including: (a) the principles of representative government, (b) the Constitutions of the U.S. and Illinois, (c) the role of the U.S. in world affairs, (d) the role of labor unions, (e) the role and contributions of ethnic groups, including but not limited to, African Americans, Albanians, Asian Americans, Bohemians, Czechs, French, Germans, Hispanics (including the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression), Hungarians, Irish, Italians, Lithuanians, Polish, Russians, Scots, and Slovakians in the history of this country and State, (f) a study of the roles and contributions of lesbian, gay, bisexual, and transgender (LGBT) people in the history of the U.S. and Illinois, (g) Illinois history, (h) the contributions made to society by Americans of different faith practices, including, but not limited to, Muslim Americans, Jewish Americans, Christian Americans, Hindu Americans, Sikh Americans, Buddhist Americans, and any other collective community of faith that has shaped America, (i) Native American nations' sovereignty and self-determination, both historically and in the present day, with a focus on urban Native Americans, and (j) ~~beginning in the fall of 2024,~~ the

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[47] 105 ILCS 5/27-20.08, ~~scheduled to be repealed on 7-1-27 by P.A. 104-391, added by P.A. 102-55;~~ 105 ILCS 5/27-405, added by P.A. 104-391, details the requirements for media literacy and Internet safety instruction effective for the 2027-2028 school year. ISBE is required to make available instructional resources and professional development available for the development of a unit of instruction under 105 ILCS 5/27-405, subject to appropriation. Beginning with the 2027-2028 school year, media literacy instruction must also: (1) be age- and developmentally appropriate for each grade level being taught; (2) teach about the harmful physical, emotional, and psychological effects associated with unhealthy use of the Internet and social media; and (3) provide information on resources to report cyberbullying and the illicit online behavior of others. 105 ILCS 5/27-405, added by P.A. 104-391. *Media literacy* means the ability to access, analyze, evaluate, create, and communicate using a variety of objective forms, including, but not limited to, print, visual, audio, interactive, and digital texts. For additional resources, see www.isbe.net/keeplearning. See also f/n 24, above, regarding internet safety.

[48] 105 ILCS 5/27-310~~23.15~~(b), renumbered by P.A. 104-391. Subject to appropriation, school districts can apply for a competitive grant to support computer science programs. 105 ILCS 5/2-3.199, added by P.A. 103-264 and renumbered by P.A. 103-605.

[49] 105 ILCS 5/27-260~~13.1~~, amended by P.A. 103-837 and renumbered by P.A. 104-391, ~~eff. 7-1-25~~; 23 Ill.Admin.Code §1.420(l). Instruction on the conservation of natural resources must include, but is not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of animals. Id. Instruction on climate change must include, but is not limited to, identifying the environmental and ecological impacts of climate change on individuals and communities and evaluating solutions for addressing and mitigating the impact of climate change. Id. Instruction on climate change must align with State learning standards, as appropriate and subject to funding, and ISBE is required to make instructional resources and professional development learning opportunities available for educators. Id.

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events of the Native American experience and Native American history within the Midwest and Illinois since time immemorial in accordance with 105 ILCS 5/27-20.05. [50]

In addition, all schools shall hold an educational program on the United States Constitution on Constitution Day, each September 17, commemorating the September 17, 1787 signing of the Constitution. However, when September 17 falls on a Saturday, Sunday, or holiday, Constitution Day shall be held during the preceding or following week. [51]

~~17. In grade 7 and all high school courses concerning U.S. history or a combination of U.S. history and American government, students must view a Congressional Medal of Honor film made by the Congressional Medal of Honor Foundation, provided there is no cost for the film. [52]~~

Commented [DJ5]: Note to subscribers: This requirement was repealed by P.A. 104-391, formerly at 105 ILCS 5/27-3.5.

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

50 105 ILCS 5/27-5052~~1~~, amended by P.A.~~s 102-411 (adding contributions made to society by Americans of different faith practices) and~~ 103-422 (adding teaching about Native American nations' sovereignty and self-determination) and renumbered by P.A. 104-391, and 105 ILCS 5/27-5202~~0.05~~, added by P.A. 103-422 (adding instruction on Native American experience and history) and amended and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.420(r). 105 ILCS 5/27-5052~~1~~, amended by P.A.~~s 102-411 and~~ 103-422~~;~~ and renumbered by P.A. 104-391, requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. "[Evidence of having comprehensive knowledge [of United States history], which may be administered remotely" is not clear. The practical reading is that it refers to teachers collecting evidence through remote assessments when students are engaged in a remote learning program during a disaster declaration due to a public health emergency.

~~Note that instruction on Native American nations' sovereignty and self-determination under 105 ILCS 5/27-21, amended by P.A.s 103-422 and 103-564, is not required until instructional materials are made available on ISBE's website, which ISBE was required to post by 7-1-24. ISBE has indicated that instruction materials should be posted by the fall of 2024.~~

Instruction in events of the Native American experience and Native American history must include "the contributions of Native Americans in government and the arts, humanities, and sciences, as well as the contributions of Native Americans to the economic, cultural, social, and political development of their own nations and of the United States." Additionally, in grades 6 through 12, the instruction must include "the study of the genocide of and discrimination against Native Americans, as well as tribal sovereignty, treaties made between tribal nations and the United States, and the circumstances around forced Native American relocation." 105 ILCS 5/27-20.05, added by P.A. 103-422. See also f/n 48, below. ISBE's *Native American and Indigenous Peoples Resource Guide* (March 2025) is available at: www.isbe.net/keeplearning~~ may make instructional materials and professional development opportunities available to support instruction on Native Americans under 105 ILCS 5/27-20.05, added by P.A. 103-422~~. ISBE has shared that professional development opportunities (for a fee) may also be available through Northwestern University, see Homepage | Teaching With and About Native Peoples. For additional resources, see https://americanindian.si.edu/nk360 and www.iste.org/explore/classroom/15-resources-teaching-native-american-history-and-culture. 105 ILCS 5/27-5052~~1~~ does not specify at what grade level districts must cover these topics as part of U.S. history instruction; however, no student may graduate from grade 8 unless the student has received instruction in U.S. history and demonstrated comprehensive knowledge of the subject matter.

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

1. Inclusive Curriculum Law Frequently Asked Questions (FAQs) at:

   www.phimc.org/wp-content/uploads/2020/05/Inclusive-Curriculum-FAQs.pdf;

2. Inclusive Curriculum Law Overview at:

   www.phimc.org/wp-content/uploads/2020/05/Inclusive-Curriculum-One-Pager.pdf; and

3. Inclusive Curriculum Implementation Guidance (Condensed Edition) at:

   www.isbe.net/Documents/Support-Students-Implementation-Guidance.pdf

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

~~**52** 105 ILCS 5/27-3.5. The Congressional Medal of Honor film is available on ISBE's website for no cost at: www.isbe.net/Pages/Medal-of-Honor.aspx.~~

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~~18.~~22. In all schools, the curriculum includes instruction as determined by the Superintendent or designee on the Holocaust and crimes of genocide, including Nazi atrocities of 1933-1945, the Native American genocide in North America, Armenian Genocide, the Famine-Genocide in Ukraine, and more recent atrocities in Cambodia, Bosnia, Rwanda, and Sudan. [53]

~~19.~~23. In all schools, the curriculum includes instruction as determined by the Superintendent or designee on the history, struggles, and contributions of women. [54]

~~20.~~24. In all schools, the curriculum includes instruction as determined by the Superintendent or designee on Black History, including the history of the pre-enslavement of Black people from 3,000 BCE to AD 1619, the African slave trade, slavery in America, the study of the reasons why Black people came to be enslaved, the vestiges of slavery in this country, the study of the American civil rights renaissance, as well as the struggles and contributions of African-Americans. [55]

~~21.~~25. In all schools offering a secondary agricultural education program, the curriculum includes courses as required by 105 ILCS 5/2-3.80. [56]

~~22.~~26. In all schools, instruction during courses as determined by the Superintendent or designee on disability history, awareness, and the disability rights movement. [57]

~~23.~~27. In all schools, instruction as determined by the Superintendent or designee on the events of Asian American history, including the history of Asian Americans in Illinois and the Midwest, as well as the contributions of Asian Americans toward advancing civil rights from the 19th century onward, which must include the contributions made by individual Asian Americans in government and the arts, humanities, and sciences, as well as the contributions

Commented [DJ6]: **Note to subscribers:** The optional Irish famine instruction is not new but is now offered as optional language for this policy.

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[53] 105 ILCS 5/27-525~~20.3~~, amended by P.A.s 103-422 and 103-564 and renumbered by P.A. 104-391. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. Beginning with the 2024-2025 school year, instruction on Native American genocide in grades 6-12 is ~~also~~ required by 105 ILCS 5/27-520~~20.05~~, added by P.A. 103-422 and renumbered by P.A. 104-391~~in grades 6-12~~. ~~Note that instruction on Native American genocide under 105 ILCS 5/27-20.3, amended by P.A.s 103-422 and 103-564, is not required until instructional materials are made available on ISBE's website, which ISBE was required to post by 7-1-24. See f/n 45, above.~~

A district may include in its curriculum a unit of instruction studying the causes and effects of mass starvation in mid-19th century Ireland, known as the "Irish Famine." 105 ILCS 5/27-1030, renumbered by P.A. 104-391. If offered, the board locally determines the minimum amount of instruction time. Id. For a resource originally developed by the NJ Commission on Holocaust Education, see www.oregon.gov/ode/educator-resources/standards/socialsciences/Documents/IrishFamine.pdf. If a board provides this instruction, insert "the Irish Famine" before the last item listed in this sentence and insert "5/27-1030" in the Legal References (in numerical order).

[54] 105 ILCS 5/27-535~~20.5~~, renumbered by P.A. 104-391. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. House Resolution 365 (98th General Assembly, 2013) and Senate Resolution 1073 (98th General Assembly, 2014) both urge all Illinois educators to share with students of an appropriate age the story of *comfort women* when discussing the history of Asia or World War II, or the issue of human trafficking.

[55] 105 ILCS 5/27-530~~20.4~~, renumbered by P.A. 104-391. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. A school may meet this curriculum requirement through an online program or course. Id.

[56] 105 ILCS 5/2-3.80(e) or (f), as applicable.

[57] 105 ILCS 5/27-545~~23.8~~, renumbered by P.A. 104-391. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. The statute requires that the instruction be founded on the principle that all students, including students with disabilities, have the right to exercise self-determination. It urges districts to request individuals with disabilities to assist with the development and delivery of this instruction and allows instruction to be supplemented by knowledgeable guest speakers.

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of Asian American communities to the economic, cultural, social, and political development of the United States. [58]

~~24.~~28. In kindergarten through grade 8, education must be available to students concerning effective methods of preventing and avoiding traffic injuries related to walking and bicycling. [59] [60]

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[58] 105 ILCS 5/27-~~540~~20.8, renumbered by P.A. 104-391~~added by P.A. 102-44~~. Id. at (c) states that the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate] will monitor districts' compliance with this law during the annual compliance review visits. Districts may meet this law's requirements through online programs or courses. Id. at (d). 105 ILCS 5/3-0.01 states any reference to "regional superintendent" includes the chief administrative officer of Intermediate Service Centers established under 105 ILCS 5/2-3.62. For resources, see www.isbe.net/Pages/ContinueEDResources.aspx (TEACCH Act).

[59] 105 ILCS 5/27-110, renumbered by P.A. 104-391~~23.11~~ requires districts that maintain any of the grades kindergarten through 8 to adopt a policy. The law is silent about how to educate students on this topic. See sample exhibit 6:60-AP1, E2, *Resources for Biking and Walking Safety Education*, for additional information.

[60] A school district may offer a course on hunting safety as part of its curriculum during the school day. 105 ILCS 5/27-1060~~23.13~~, renumbered by P.A. 104-391. No grade levels are specified in the statute. Insert "5/27-1060~~23.13~~," ~~after 105 ILCS 5/27-23.11~~ in the Legal References (in numerical order), and an optional number 2~~9~~6, if the board wants to offer a course on hunting safety as part of its curriculum:

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

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LEGAL REF.: Pub. L. No. 108-447, Section 111 of Division J, Consolidated Appropriations Act of 2005.
Pub. L. No. 110-385, Title II, 122 stat. 4096 (2008), Protecting Children in the 21st Century Act.
47 C.F.R. §54.520.
5 ILCS 465/3 and 465/3a.
20 ILCS 2605/2605-480.
105 ILCS 5/2-3.80(e) and (f), 5/10-20.79, 5/10-20.84, 5/10-23.13, 5/22-110~~5/27-3~~, ~~5/27-3.5, 5/27-5, 5/27-6, 5/27-6.5, 5/27-7, 5/27-12, 5/27-12.1, 5/27-13.1, 5/27-13.2, 5/27-20.05, 5/27-20.08, 5/27-20.3, 5/27-20.4, 5/27-20.5, 5/27-20.7, 5/27-20.8, 5/27-21, 5/27-22, 5/27-23.3, 5/27-23.4, 5/27-23.7, 5/27-23.8, 5/27-23.10, 5/27-23.11, 5/27-23.15, 5/27-23.16, 5/27-24.1, and 5/27-24.25~~/27-105, 5/27-110, 5/27-115, 5/27-210, 5/27-215, 5/27-245, 5/27-250, 5/27-255, 5/27-260, 5/27-305, 5/27-310, 5/27-315, 5/27-405, 5/27-410 (scheduled for repeal on 7-1-27), 5/27-415 (scheduled for repeal on 7-1-27), 5/27-505, 5/27-510, 5/27-515, 5/27-520, 5/27-525, 5/27-530, 5/27-535, 5/27-540, 5/27-545, 5/27-605, 5/27-705, 5/27-710, 5/27-715, 5/27-720, 5/27-725, 5/27-810, 5/27-815, and 5/27-1050.
~~105 ILCS 110/3, Comprehensive Health Education Program.~~
105 ILCS 435/, Vocational Education Act.
625 ILCS 5/6-408.5, Ill. Vehicle Code.
23 Ill.Admin.Code §§1.420, 1.425, 1.430, and 1.440.

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

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Instruction

Program for the Gifted [1]

The Superintendent or designee shall implement an education program for gifted and talented learners that will challenge and motivate academically advanced learners and engage them in appropriately differentiated learning experiences to develop their unique abilities.[2] This program will be responsive to student needs and within the budget parameters as set by the Board.~~If the State Superintendent of Education issues a Request for Proposals because sufficient State funding is available to support local programs of gifted education the Superintendent or designee shall inform the Board concerning the feasibility and advisability of developing a "plan for gifted education" that would qualify for State funding.~~ [3]

Eligibility to participate in the gifted program shall not be conditioned upon race, religion, sex, disability, or any factor other than the student's identification as gifted or talented learner. [4]

The School Board will monitor this program's performance by meeting periodically with the Superintendent or designee to determine and/or review the indicators and data that evidence whether the educational program for gifted and talented learners is accomplishing its goals and objectives and is otherwise in compliance with this policy.

LEGAL REF.: 105 ILCS 5/14A.

~~23 Ill.Admin.Code Part 227.~~

CROSS REF.: 6:135 (Accelerated Placement Program)

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

[1] State law controls this policy's content~~ to the extent that districts can qualify for State funding for the education of gifted and talented children, should such funding be available~~. 105 ILCS 5/14A, amended by P.A. 104-129, eff. 1-1-26. While a policy on programs for gifted and talented children is not required, a policy on accelerated placement is required. 105 ILCS 5/14A-32 (the Accelerated Placement Act)~~, amended by P.A.s 101-654 and 102-209~~. See sample policy 6:135, *Accelerated Placement Program*, and sample administrative procedure 6:135-AP, *Accelerated Placement Program Procedures*.

[2] The goals and objectives of this program may be modified by the board.

[3] School districts have the authority and flexibility to design education programs for gifted and talented learners~~, but these programs must comply with~~ 105 ILCS 5/14A-15 and 5/14A-30, amended by P.A. 104-129, eff. 1-1-26~~; and 23 Ill.Admin.Code Part 227~~.

~~If a board does not wish to tie the gifted program to requirements for State funding, use this alternative:~~

~~The Superintendent or designee shall implement an education program for gifted and talented learners that is responsive to student needs and is within the budget parameters as set by the Board.~~

[4] 105 ILCS 5/14A-25.

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Instruction

Accelerated Placement Program [1]

The District provides an Accelerated Placement Program (APP). The APP advances the District's goal of providing educational programs with opportunities for each student to develop to his or her maximum potential.[2] The APP provides an educational setting with curriculum options usually reserved for students who are older or in higher grades than the student participating in the APP.[3] APP options include, but may not be limited to: (a) accelerating a student in a single subject; (b) other grade-level acceleration; and (c) early entrance to kindergarten or first grade.[4] Participation in the APP is open to all students who demonstrate high ability and who may benefit from accelerated placement. It is not limited to students who have been identified as gifted and talented.[5] Eligibility to participate in the District's APP shall not be conditioned upon the protected classifications identified in Board policy 7:10, *Equal Educational Opportunities*, or any factor other than the student's identification as an accelerated learner. [6]

The Superintendent or designee shall implement an APP that includes:

1. Decision-making processes that are fair, equitable, and involve multiple individuals, e.g. District administrators, teachers, and school support personnel, and a student's parent(s)/guardian(s). [7]
2. Processes that provide a student's parent(s)/guardian(s) with: [8]
    a. Written notification when their child is eligible for enrollment in accelerated courses; and

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

[1] State law requires this subject matter be covered by policy and controls its content. 105 ILCS 5/14A (the Accelerated Placement Act (APA)); 23 Ill.Admin.Code Part 227. Ill. State Board of Education (ISBE) rules require this policy to be posted on the district website, if available. 23 Ill.Admin.Code §227.60(a). ISBE rules also require districts to annually report, by July 31, demographic information regarding students participating in accelerated placement. 23 Ill.Admin.Code §227.60(c).

[2] Optional. Ensure this statement matches the board's current educational philosophy and objectives. See sample policy 6:10, *Educational Philosophy and Objectives*.

[3] 105 ILCS 5/14A-17, amended by P.A. 103-263; 23 Ill.Admin.Code §227.5.

[4] Id. For high school districts, delete "~~; and (c) early entrance to kindergarten or first grade~~" and insert the word "and" between (a) and (b).

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (*School year – School age.*). The APA requires accelerated placement to include "early entrance to kindergarten or first grade." 105 ILCS 5/14A-17. 105 ILCS 5/10-20.12 *permits* districts to offer early entrance to kindergarten or first grade "based upon an assessment of the student's readiness to attend school." 105 ILCS 5/10-20.12 also states that students may enter first grade early when they: (1) are assessed for readiness; (2) have attended a non-public preschool and continued their education at that school through kindergarten; (3) were taught in kindergarten by an appropriately certified teacher; and (4) will attain the age of 6 years on or before December 31. Id. See sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. **Consult the board attorney for guidance**.

[5] 105 ILCS 5/14A-32(a)(1); 23 Ill.Admin.Code §227.5.

[6] 105 ILCS 5/14A-25.

[7] 105 ILCS 5/14A-32(a)(2) requires that the accelerated placement policy include "a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians" but does not specify what individuals are to be involved or limit those individuals to district employees. Amend this listing to align with the local board's preference.

[8] Id. at (a-25), added by P.A. 103-743, and (a)(3).

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b. Notification of a decision affecting their child's participation in the APP.

3. Assessment processes that include multiple valid, reliable indicators. [9]
4. The automatic enrollment, in the following school term, of a student into the next most rigorous level of advanced coursework offered by the high school if the student meets or exceeds State standards in English language arts, mathematics, or science on a State assessment administered under 105 ILCS 5/2-3.64a-5, as follows: [10]
    a. A student who meets or exceeds State standards in English language arts shall be automatically enrolled into the next most rigorous level of advanced coursework in English, social studies, humanities, or related subjects.
    b. A student who meets or exceeds State standards in mathematics shall be automatically enrolled into the next most rigorous level of advanced coursework in mathematics.
    c. A student who meets or exceeds State standards in science shall be automatically enrolled into the next most rigorous level of advanced coursework in science.
5. Waiver of a course completion requirement under Board policy 6:300, *Graduation Requirements*, if the District determines that the student has demonstrated mastery of or competency in the content of the course or unit of instruction. [11]

The Superintendent or designee shall annually notify the community, parent(s)/guardian(s), students, and school personnel about the APP, the process for referring a student for possible evaluation for accelerated placement, and the methods used to determine whether a student is eligible for accelerated placement, including strategies to reach groups of students and families who have been historically

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[9] Id. at (a)(4).

[10] Required only for districts with grades 9-12 by 105 ILCS 5/14A-32(a-5), amended by P.A.s ~~102-209 and~~ 103-743 and 104-261, eff. 1-1-26. Delete for elementary school districts. This provision originally applied to "a student who meets or exceeds State standards" but was amended by P.A.s 103-743 and 104-261, eff. 1-1-26, to only apply to "a student who ~~meets or~~ exceeds State standards." P.A. 103-743 also added new 105 ILCS 5/14A-32(a-10), requiring that by the beginning of the 2027-28 school year, districts with grades 9-12 state in their policy that "a student who meets State standards" will, in the following school term (the 2028-29 school year), be automatically enrolled in the next most rigorous level of advanced coursework offered by the high school. Nothing in the law prohibits districts from continuing to offer automatic enrollment to students who meet State standards before the 2028-29 school year. **Consult with the board attorney to determine whether to keep or strike "meets or" from Item #4 and its subsections (a)-(c).**

Though not set forth explicitly in the statute, ISBE asserts that 105 ILCS 5/14A-32(a-5), amended by P.A.s ~~102-209 and~~ 103-743 and 104-261, eff. 1-1-26, is limited to "[d]istricts with grades 9-12." See ISBE *Accelerated Placement Policy Guidance for Districts Frequently Asked Questions* (May 2024), at: www.isbe.net/Documents/Accelerated-Placement-Act-FAQ.pdf. The FAQ further explains that districts must "have the automatic enrollment policy in place prior to the start of the school year 2023-24 and districts will use scores from that school year to automatically enroll students during school year 2024-25." Id.

A district must provide the parents/guardians of a student eligible for automatic enrollment with the option to instead enroll in alternative coursework that better aligns with the student's postsecondary education or career goals. For a student entering grade 12, the next most rigorous level of advanced coursework in English language arts or mathematics must be a *dual credit course* (as defined in the Dual Credit Quality Act, 110 ILCS 27/5), an *Advanced Placement course* (as defined in the College and Career Success for All Students Act, 105 ILCS 302/10), or an International Baccalaureate course. The same is true for all other subjects, except that the next most rigorous level of advanced coursework may also include an honors class, an enrichment opportunity, a gifted program, or another program offered by the district. 105 ILCS 5/14A-32(a-15), ~~amended by P.A. 102-209 and~~ renumbered by P.A. 103-743. See sample administrative procedure 6:135-AP, *Accelerated Placement Program Procedures*.

For a description of State assessments, see www.isbe.net/Pages/Assessment.aspx.

[11] Optional and only for districts with grades 9-12. 105 ILCS 5/14A-32(a-20), added by P.A. 103-743 and amended by 104-261, eff. 1-1-26.

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underrepresented in accelerated placement programs and advanced coursework.[12] Notification may: (a) include varied communication methods, such as student handbooks and District or school websites; and (b) be provided in multiple languages, as appropriate. [13]

LEGAL REF.: 105 ILCS 5/14A.
23 Ill.Admin.Code Part 227, Gifted Education.

CROSS REF.: 6:10 (Educational Philosophy and Objectives), 6:130 (Program for the Gifted), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

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

[12] Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require "procedures for annually informing the community at-large, including parents or guardians, community-based organizations, and providers of out-of-school programs, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework[.]"

[13] Optional. 105 ILCS 5/14A does not require this but it is a recommended best practice and aligns with sample policy 7:10, *Equal Educational Opportunities*.

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Instruction

Education of Homeless Children [1]

Each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youths, including a public pre-school education. A *homeless child* is defined as provided in the McKinney-Vento Homeless Assistance Act and the Education for Homeless Children Act.[2] [3] The Superintendent or designee shall act as or appoint a Liaison for Homeless Children to coordinate this policy's implementation. [4]

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

[1] State and federal law control this policy's content. This sample policy contains the basic requirements of the Education for Homeless Children Act (105 ILCS 45/), as well as the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11431 et seq.). Other policies that are relevant to the education of homeless children are listed in the Cross References, e.g., school admissions and immunizations.

105 ILCS 5/2-3.206, added by P.A. 104-302, eff. 1-1-26, requires districts to annually report to the Ill. State Board of Education (ISBE) on funding to serve homeless children and youth and how such funding was spent.

[2] For high school districts, delete "including a public pre-school education" at the end of the sentence.

[3] Under the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11434a(2)), *homeless children and youths* means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of 42 U.S.C. §11302(a)(1)) and includes:

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C));
(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
(iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Note: Section §11434a(2) no longer includes children "awaiting foster care placement" within the definition of *homeless children and youths*.

Under the Education for Homeless Children Act (105 ILCS 45/1-5), *Homeless person, child, or youth* includes, but is not limited to, any of the following:

(1) An individual who lacks a fixed, regular, and adequate nighttime place of abode.
(2) An individual who has a primary nighttime place of abode that is:
(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);
(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
(C) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

See www.isbe.net/Pages/Homeless.aspx for helpful informational resources and training with regard to the education of homeless children in Illinois. See https://nche.ed.gov/legislation/mckinney-vento/ for the U.S. Dept. of Education's information about federal requirements.

[4] 42 U.S.C. §11432(g)(l)(J)(ii).

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A homeless child may attend the District school that the child attended when permanently housed or in which the child was last enrolled. A homeless child living in any District school's attendance area may attend that school. [5]

The Superintendent or designee shall review and revise rules or procedures that may act as barriers to the enrollment of homeless children and youths. In reviewing and revising such procedures, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.[6] Transportation shall be provided in accordance with the McKinney-Vento Homeless Assistance Act and State law.[7] The Superintendent or designee shall give special attention to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.[8] If a child is denied enrollment or transportation under this policy, the Liaison for Homeless Children shall immediately refer the child or his or her parent/guardian to the ombudsperson appointed by the Regional Superintendent and provide the child or his or her parent/guardian with a written explanation for the denial.[9] Whenever a child and his or her parent/guardian who initially share the housing of another person due to loss of housing, economic hardship, or a similar hardship continue to share the housing, the Liaison for Homeless Children shall, after the passage of 18 months and annually thereafter, conduct a review as to whether such hardship continues to exist in accordance with State law. [10]

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[5] 105 ILCS 45/1-10.

[6] The first two sentences in this paragraph are required by 42 U.S.C. §11432(g)(7). 410 ILCS 535/25.3 requires fees for certified copies of birth records be waived for individuals whose homeless status has been verified. A public school homeless liaison or school social worker may verify homeless status, in accordance with procedures established by the State Registrar of Vital Records. Id.

[7] 42 U.S.C. §11432(g)(l)(J)(iii), 42 U.S.C. §11432(g)(4)(A), and 105 ILCS 45/1-15. The School Code and Education for Homeless Children Act permit school districts to use their State transportation funds to provide financial assistance to children who are homeless or who qualify as *at risk of becoming homeless* when: (1) the financial assistance is not in excess of the district's actual costs for providing the transportation to the student, and (2) the district is not otherwise claiming the expenditures through another State or federal grant. 105 ILCS 5/29-5 (transportation reimbursement), amended by P.A. 102-539, and 105 ILCS 45/1-17 (homeless assistance). A child is considered *at risk of becoming homeless* if the child's parent/guardian, other person who enrolls the child, or unaccompanied minor provides documented evidence that the child's living situation will no longer be fixed, regular, and adequate within eight weeks, resulting in the child becoming homeless. 105 ILCS 45/1-17(d). Prior to providing such financial assistance, a district must enter into a written housing plan with the parent/guardian, person who enrolled the child, or unaccompanied minor. Id. at 1-17(c). Financial assistance may include: (1) mortgage or rental assistance that will allow a child to remain permanently in his/her living situation or obtain a new living situation; and/or (2) assistance with unpaid bills, loans, or other financial debts that results in housing being inadequate. Id. at 1-17(a). See sample administrative procedure 6:140-AP, *Education of Homeless Children*, f/n 1, for a discussion of issues that districts should consider in developing such plans.

[8] Required by 42 U.S.C. §11432(g)(7)(C).

[9] Required by 105 ILCS 45/1-25; 23 Ill.Admin.Code §1.241. ~~The Ill. State Board of Education's~~ISBE's *Homeless Dispute Resolution Procedures* (updated February 2024) are available at: www.isbe.net/Pages/Homeless.aspx.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "Intermediate Service Center Executive Director."

[10] Optional. 105 ILCS 45/1-25(a-5). As an alternative, a school board may omit this sentence or change the word "shall" to "may." Any change required as a result of this review becomes effective at the close of the school year. Any person who knowingly or willfully presents false information in any review commits a Class C misdemeanor.

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LEGAL REF.: 42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
105 ILCS 45/, Education for Homeless Children Act.
23 Ill.Admin.Code §1.241.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:110 (Transportation), 4:140 (Waiver of Student Fees), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment and Intra-District Transfer), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students)

ADMIN. PROC.: 6:140-AP (Education of Homeless Children)

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Instruction

English Learners [1]

The District offers opportunities for resident English Learners to achieve at high levels in academic subjects and to meet the same challenging State academic standards that all children are expected to meet. The Superintendent or designee shall develop and maintain a program for English Learners that will:

1. Assist all English Learners to achieve English proficiency, facilitate effective communication in English, and encourage their full participation in school activities and programs as well as promote participation by the parents/guardians of English Learners. [2]
2. Appropriately identify students with limited English language proficiency. [3]

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

[1] State or federal law controls this policy's content. The assessment and accountability provisions in the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act, and State law include English Learners. 20 U.S.C. §§6312, 6314, 6315, and 6318; 34 C.F.R. Part 200.

ESEA Title III, Part A, also known as the English Language Acquisition, Language Enhancement, and Academic Achievement Act, provides funding to support schools' efforts to help children who are English learners "achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet." 20 U.S.C. §6812(2). Reimbursement for programs is contingent on the submission and approval of a program plan and request for reimbursement in accordance with the requirements in 105 ILCS 5/14C-12 and 23 Ill.Admin.Code Part 228. This policy uses *English Learners* (EL) rather than *English Language Learners* (ELL) or *Limited English Proficient* (LEP). LEP and ELL are no longer terms used generally among educators and researchers in the field of English language acquisition. 37 Ill. Reg. 16804. The Ill. State Board of Education (ISBE) now uses the term *English learners*, which are synonymous with LEP and ELL. P.A. 99-30 also deleted *language* from "English ~~language~~ learner."

For purposes of this policy, *English Learners* is synonymous with the School Code definition, which means: (1) all students in grades Pre-K through 12 who were not born in the United States, whose native tongue is a language other than English, and who are incapable of performing ordinary classwork in English; and (2) all students in grades Pre-K through 12 who were born in the United States of parents possessing no or limited English-speaking ability and who are incapable of performing ordinary classwork in English. 105 ILCS 5/14C-2. **Note**: The Ill. Administrative Code definition of *English Learner* still provides that *English Learner* means any student in preschool, kindergarten or any of grades 1 through 12, whose home language background is a language other than English and whose proficiency in speaking, reading, writing, or understanding English is not yet sufficient to provide the student with: (1) the ability to meet the State's proficient level of achievement on State assessments; (2) the ability to successfully achieve in classrooms where the language of instruction is English, or (3) the opportunity to participate fully in the school setting. 23 Ill.Admin.Code §228.10.

The Office for Civil Rights (OCR) at the U.S. Dept. of Education (DOE) and the Civil Rights Division at the U.S. Dept. of Justice (DOJ) have issued joint guidance to assist school districts and all public schools in meeting their legal obligations to ensure that English Learners can participate meaningfully and equally in educational programs and services. The guidance is available at: www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf (copy and paste link into browser if clicking doesn't work). In support of this guidance, the Office of English Language Acquisition released an *English Learner (EL) Tool Kit* to assist school districts in providing EL students with the support necessary to achieve their full academic potential. The *Tool Kit* is available at: www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html.

[2] This policy's first sentence and the first numbered paragraph both allow a school board to consider the goals for its English Learners programs; a board should amend the sample policy accordingly.

[3] 23 Ill.Admin.Code §228.15. Districts must administer a home language survey to each student entering the district's schools for the first time within 30 days after the student's enrollment. The survey's purpose is to identify students of non-English background. ISBE's website contains useful information about communicating with parents/guardians of English Learners (www.isbe.net/Pages/Resources-for-Families-of-English-Learners.aspx), including sample Home Language Surveys and program letters in many languages (www.isbe.net/Pages/Screening-for-English-Language-Proficiency.aspx).

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3. Comply with State law regarding the Transitional Bilingual Educational Program (TBE) or Transitional Program of Instruction (TPI), whichever is applicable. [4]
4. Comply with any applicable State and federal requirements for the receipt of grant money for English Learners and programs to serve them. [5]
5. Determine the appropriate instructional program and environment for English Learners. [6]
6. Annually assess the English proficiency of English Learners and monitor their progress in order to determine their readiness for a mainstream classroom environment. [7]
7. Include English Learners, to the extent required by State and federal law, in the District's student assessment program to measure their achievement in reading/language arts and mathematics. [8]
8. Provide information to the parents/guardians of English Learners about: (a) the reasons for their child's identification, (b) their child's level of English proficiency, (c) the method of instruction to be used, (d) how the program will meet their child's needs, (e) how the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation, (f) specific exit requirements of the program, (g) how the program will meet their child's individualized education program, if applicable, and (h) information on parent/guardian rights. Parents/guardians will be regularly apprised of their child's progress and involvement will be encouraged. [9]

Parent/Guardian Involvement [10]

Parents/guardians of English Learners will be informed how they can: (1) be involved in the education of their children; (2) be active participants in assisting their children to attain English proficiency, achieve at high levels within a well-rounded education, and meet the challenging State academic standards expected of all students; and (3) participate and serve on the District's Transitional Bilingual Education Programs Parent Advisory Committee.

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For purposes of identifying students eligible to receive special education, districts must administer non-discriminatory procedures to English Learners coming from homes in which a language other than English is used. 105 ILCS 5/14-8.02.

[4] 105 ILCS 5/14C-3, amended by P.A. 104-261, eff. 1-1-26, and 23 Ill.Admin.Code §§228.25, and 228.30.

[5] 20 U.S.C. §§6312, 6314, 6315, 6318, and 6801 et seq.; 34 C.F.R. Part 200; 105 ILCS 5/14C-1 et seq.; and 23 Ill.Admin.Code Part 228.

[6] 23 Ill.Admin.Code §228.25.

[7] 23 Ill.Admin.Code §228.25(b). Districts must annually assess the English language proficiency of all English learners using the assessment prescribed by the State Superintendent of Education. This assessment is the Assessing Comprehension and Communication in English State to State for English Language Learners (ACCESS for ELLs) test. See www.isbe.net/Pages/AccessforELL.aspx

[8] 34 C.F.R. Part 200.

[9] 20 U.S.C. §6312(e)(3)(A) and 23 Ill.Admin.Code §228.40.

[10] 20 U.S.C. §6312(e)(3)(C) and 23 Ill.Admin.Code Part 228. 105 ILCS 5/14C-10 requires school districts to establish parental advisory committees for transitional bilingual education programs. See sample administrative procedure 2:150-AP, *Superintendent Committees*.

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LEGAL REF.: 20 U.S.C. §§6312, 6314, 6315, and 6318.
20 U.S.C. §6801 et seq.
34 C.F.R. Part 200.
105 ILCS 5/14C-1 et seq.
23 Ill.Admin.Code Part 228.

CROSS REF.: 6:15 (School Accountability), 6:170 (Title I Programs), 6:340 (Student Testing and Assessment Program)

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Instruction

Instructional Materials [1]

All District classrooms and learning centers should be equipped with an evenly-proportioned, wide assortment of instructional materials, including textbooks, workbooks, audio-visual materials, and electronic materials. These materials should provide quality learning experiences for students and: [2]

1. Enrich and support the curriculum;
2. Stimulate growth in knowledge, literary appreciation, aesthetic values, and ethical standards;
3. Provide background information to enable students to make informed judgments and promote critical reading and thinking;
4. Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society; and
5. Contribute to a sense of the worth of all people regardless of sex, race, religion, nationality, ethnic origin, sexual orientation, disability, or any other differences that may exist.

The Superintendent or designee shall annually provide a list or description of textbooks and instructional materials used in the District to the School Board. Anyone may inspect any textbook or instructional material. [3]

Teachers are encouraged to use age-appropriate supplemental material only when it will enhance, or otherwise illustrate, the subjects being taught. No R-rated movie shall be shown to students unless prior approval is received from the Superintendent or designee, and no movie rated NC-17 (no one 17 and under admitted) shall be shown under any circumstances. These restrictions apply to television programs and other media with equivalent ratings. The Superintendent or designee shall give parents/guardians an opportunity to request that their child not participate in a class showing a movie, television program, or other media with an R or equivalent rating. [4]

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

[1] State or federal law controls some of this policy's content.

[2] A local board may customize these standards to be consistent with the board's mission, vision, and goals. See sample policy 6:260, *Complaints About Curriculum, Instructional Materials, and Programs*, at f/n 3, for discussion of accommodation of parent religious objections to instructional materials.

[3] This paragraph is optional; either or both sentences may be struck although the second sentence describes a right granted by statute. 105 ILCS 5/28-19.1. The requirement to provide the board with a list or description of texts and instructional material allows the board to monitor this policy's implementation. Moreover, as 105 ILCS 5/28-19.1 grants anyone the right to inspect texts and instructional materials, having an annual list of texts and instructional materials facilitates compliance with such a request. Because some instructional materials, e.g., Internet sites, are difficult to list, the sample policy permits a list or *description*. Federal law grants parents/guardians the right to inspect all instructional material that will be used for a survey, analysis, or evaluation. 20 U.S.C. §1232h. See sample policy 7:15, *Student and Family Privacy Rights*.

[4] This paragraph is optional. Its content is at the board's discretion. While allowing parents/guardians to opt their child out of viewing such material is not a legal requirement, it is a best practice.

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Instructional Materials Selection and Adoption

The Superintendent shall approve the selection of all textbooks and instructional materials according to the standards described in this policy.[5] The School Code governs the adoption and purchase of textbooks and instructional materials. [6]

LEGAL REF.: 105 ILCS 5/10-20.8 and 5/28-19.1.

CROSS REF.: 6:30 (Organization of Instruction), 6:40 (Curriculum Development), 6:80 (Teaching About Controversial Issues), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 8:110 (Public Suggestions and Concerns)

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[5] An alternative provision:

> The Superintendent shall recommend to the Board for consideration and adoption all textbooks and instructional materials and shall include the following information: (1) title, publisher, copyright dates, number of copies desired, and cost; (2) any texts being replaced; and (3) rationale for recommendation.

A board that does not have the capacity or desire to approve all instructional materials may use the following alternative:

> The Superintendent shall recommend to the Board for consideration and adoption all textbooks and primary instructional materials and shall include the following information: (1) title, publisher, copyright dates, number of copies desired, and cost; (2) any texts being replaced; and (3) rationale for recommendation. The Superintendent shall approve the selection of all other instructional materials.

[6] 105 ILCS 5/28~~, amended by P.A. 101-17~~. The term *textbook* includes electronic or digital textbooks used for educational purposes. 105 ILCS 5/28-20. The term *instructional materials* means both print and non-print materials, including electronic textbooks being used in the educational process. Id.

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Instruction

Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct [1]

The Superintendent or designee shall establish a *Bring Your Own Technology* (BYOT) *Program*. The program will: [2]

1. Promote educational excellence by facilitating resource sharing, innovation, and communication to enhance (a) technology use skills; (b) web-literacy and critical thinking skills about Internet resources and materials, including making wise choices; and (c) habits for responsible digital citizenship required in the 21st century. [3]
2. Provide sufficient wireless infrastructure within budget parameters. [4]
3. Provide access to the Internet only through the District's electronic networks. [5]
4. Identify approved BYOT devices and what District-owned technology devices may be available; e.g., laptops, tablet devices, E-readers, and/or smartphones.
5. Align with Board policies 4:140, *Waiver of Student Fees*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; 5:125, *Personal Technology and Social Media; Usage and Conduct*; 5:170, *Copyright*; 6:120, *Education of Children with Disabilities*; 6:235,

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

[1] This policy is optional. It concerns an area in which the law is unsettled. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Consult the board attorney and the district's information technology professional(s) for advice to create a legally sound program that fits your district's mission statement for instruction.

[2] Customize paragraphs 1-8 to reflect the how the program will align with the board's mission statement for instruction and goals for its program.

[3] 105 ILCS 5/27-4104~~13.3~~, renumbered by P.A. 104-391 and scheduled for repeal on 7-1-27; 5/27-405, added by P.A. 104-391, and 47 C.F.R. §54.520(c)(1)(i) require Internet safety instruction. See f/n 24 in 6:60, *Curriculum Content*, for more discussion.

[4] Districts may want to consider a *guest network*, similar to what hotels and other service industry hosts provide to their customers. This can protect a district's network from malicious software, which is discussed in f/n 5 below.

[5] Care must be taken to comply with the Children's Internet Protection Act (CIPA) (47 U.S.C. §254). CIPA requires the district to provide content filters, blocking lists, or district monitoring of Internet website traffic for patterns of usage that could indicate inappropriate network usage. While a program using district-owned technology devices is always subject to the district's electronic network rules, a BYOT program creates the possibility for students to bypass the district's electronic network and access the Internet through their own wireless providers' signals. This *bypass* complicates a district's duty under CIPA because it cannot guarantee students use its electronic network; preventing bypassing is hard for school officials to control.

Consult the board attorney about managing CIPA compliance issues in the context of a BYOT program. This sample policy is conservative, and it requires that CIPA govern the use of any BYOT device's Internet access capability while the device is at school. If the board will allow a student to bypass the district's electronic network and access his or her wireless providers' signals, consult the board attorney.

Care must also be taken to reduce the electronic network's vulnerability to malicious viruses and malware. Malicious viruses and malware ~~are increasingly being~~ may target~~ed to~~ smartphone users through spam text messages. ~~This is evidenced by the Federal Trade Commission (FTC) filing lawsuits around the country accusing companies of ordering or engineering the sending of hundreds of millions of spam text messages to mobile phone users.~~ The district may want to require students to ensure their BYOT devices contain an anti-virus and/or anti-malware software product. While many of these software products are free, some are not. Requiring all BYOT devices to have this type of software presents equity issues between students because it may require parents/guardians to spend funds to participate (see the discussion at~~in~~ f/n 6 below).

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Access to Electronic Networks; 7:140, *Search and Seizure*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; 7:190*, Student Behavior*; 7:340, *Student Records*; and 7:345, *Use of Educational Technologies; Student Data Privacy and Security*. [6]

6. Provide relevant staff members with BYOT professional development opportunities, including the provision of: [7]
    a. Classroom management information about issues associated with the program, e.g., technical support, responsible use, etc.;

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[6] A BYOT program must continue to follow established policies. Boards may use this alternative, "Align with established Board policies."

Managing the following board policy issues may require a consultation with the board attorney:

1. 4:140, *Waiver of Student Fees*, needs examination because most BYOT programs require parents/guardians to spend funds to participate. 105 ILCS 5/10-20.13, amended by P.A. 104-391~~s 102-1032 and 102-805, eff. 1-1-23~~, requires districts, at a minimum, to waive charges for textbooks, instructional materials, and other fees for children whose families are unable to afford them. See also policy 6:210, *Instructional Materials*, stating that district classrooms and learning centers should be equipped with an evenly-proportioned, wide assortment of instructional materials, including textbooks, workbooks, audio-visual materials, and electronic materials.
2. Management issues concerning 5:125, *Personal Technology and Social Media; Usage and Conduct*, and 5:170, *Copyright* are discussed in f/ns 7 and 8 below.
3. 6:120, *Education of Children with Disabilities*, requires consideration for students with disabilities when integrating any technology programs into the educational environment. As with district-provided devices (often referred to as 1:1 *technology programs*), devices must be accessible to students with disabilities, including those who are blind, have low vision or have a disability that affects their ability to access print information. The use of mobile devices that do not allow a student with a disability to access the instructional materials would be a violation of the student's right under the Individuals With Disabilities Education Act (IDEA) (20 U.S.C. §1400 et seq.).
4. 6:235, *Access to Electronic Networks*, is discussed in f/n 5 above.
5. 7:140, *Search and Seizure*, still applies in a BYOT program. The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. However, 105 ILCS 5/10-22.6(e) allows school officials to inspect the personal effects left by a student on property owned or controlled by the school, e.g., lockers, desks, and parking lots. Many cases suggest that to search a student's possessions left in the locker, school officials need individualized suspicion of wrongdoing. Many of the issues re: the search of electronic devices that are discussed in 7:190-AP6, *Guidelines for Investigating Sexting Allegations*, will apply to investigations involving BYOT devices. To minimize mediating with law enforcement for parents/guardians about confiscated devices, districts should distinguish whether they are acting upon their own initiative or need to contact law enforcement. See f/ns in sample policy 7:140, *Search and Seizure*, and the policy's **Seizure of Property** subhead.
6. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, and 7:190, *Student Behavior*, present similar issues to #3 and #4 above. Students must be aware that traditional expectations for appropriate behavior, and the consequences for inappropriate behavior, apply to a BYOT program.
7. See 7:340, *Student Records*. The law is not clear whether materials created by students participating in a BYOT program through a district's network access are *school student records*.
8. 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, requires districts to comply with the Student Online Personal Protection Act (SOPPA), 105 ILCS 85/~~, amended by P.A. 101-516~~; see also 23 Ill.Admin.Code Part 380. Implementation of a BYOT program does not exempt a district from complying with SOPPA's contractual and security mandates, including implementation and maintenance of reasonable security procedures and practices designed to protect student's *covered information*. Reasonable security practice guidance adopted by ISBE recommends, in part, that districts create a separate wireless network for personal or untrusted devices. See sample policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, at f/n 11 for more information.

[7] See f/n 1 above re: collective bargaining. Moving forward without properly training educators to manage BYOT issues may create pedagogical problems. One option for this training is to incorporate it into the training required during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*. Many issues involved in BYOT programs intersect with maintenance of appropriate behavior and policy 5:125, *Personal Technology and Social Media; Usage and Conduct*.

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b. A copy of or access to this policy and any building-specific rules for the program;
c. Additional training, if necessary, about 5:170, *Copyright*; and
d. Information concerning appropriate behavior of staff members as required by State law and Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*. [8]

7. Provide a method to inform parents/guardians and students about this policy.
8. Include the program in the annual report to the Board as required under Board policy 6:10, *Education Philosophy and Objectives*.

The District reserves the right to discontinue its BYOT program at any time. The District does not provide liability protection for BYOT devices, and it is not responsible for any damages to them.

Responsible Use [9]

The District recognizes students participating in the program as responsible young adults and holds high expectations of their conduct in connection with their participation in the program. Teachers may encourage students to bring their own devices as supplemental in-class materials when: (a) using the devices will appropriately enhance, or otherwise illustrate, the subjects being taught; (b) the Building Principal has approved their use and found that their use is age-appropriate; and (c) the student's parent/guardian has signed the *Bring Your Own Technology* (BYOT) *Program Participation Authorization and Responsible Use Agreement Form*. A student's right to privacy in his or her device is limited; any reasonable suspicion of activities that violate law or Board policies will be treated according to policy 7:140, *Search and Seizure*.

Responsible use in the program incorporates into this policy the individual's *Acceptable Use of Electronic Networks* agreement pursuant to Board policy 6:235, *Access to Electronic Networks*. Responsible use also incorporates the established usage and conduct rules in Board policies~~y~~ 5:125, *Personal Technology and Social Media; Usage and Conduct*, for staff, and 7:190, *Student Behavior*, for students. Failure to follow these rules and the specific BYOT program student guidelines may result in: (a) the loss of access to the District's electronic network and/or student's BYOT privileges; (b) disciplinary action pursuant to Board policies 7:190, *Student Behavior*; 7:200, *Suspension Procedures*; or 7:210, *Expulsion Procedures*; and/or (c) appropriate legal action, including referrals of suspected or alleged criminal acts to appropriate law enforcement agencies.

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[8] 23 Ill.Admin.Code §22.20 and 105 ILCS 5/21B-75~~, amended by P.A. 102-552~~.

[9] This section provides general guidelines. A BYOT program will require a parent/guardian authorization to participate in it and specific guidelines for students. See sample exhibits 6:220-E1, *Authorization to Participate in the Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct Agreement*; 6:220-E2, *Bring Your Own Technology (BYOT) Program Student Guidelines*; and 6:235-E5, *Children's Online Privacy Protection Act*. See f/ns 7 and 8 above re: teachers' guidelines. See f/n 1, above discussing how the application of additional guidelines for teachers may have collective bargaining implications.

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LEGAL REF.: 15 U.S.C. §§6501-6506~~8~~, Children's Online Privacy Protection Act; 16 C.F.R. Part 312, Children's Online Privacy Protection Rule.
20 U.S.C §~~6751 et seq.~~7101, Every Student Succeeds Act~~Enhancing Education Through Technology Act~~.
47 U.S.C. §254(h) and (l), Children's Internet Protection Act.
47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.
~~105 ILCS 5/10-20.28.~~

CROSS REF.: 1:30 (School District Philosophy), 4:140 (Waiver of Student Fees), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:170 (Copyright), 6:10 (Educational Philosophy and Objectives), 6:40 (Curriculum Development), 6:120 (Education of Children with Disabilities), 6:210 (Instructional Materials), 6:235 (Access to Electronic Networks), 7:140 (Search and Seizure), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:340 (Student Records), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)

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Instruction

Access to Electronic Networks [1]

Electronic networks are a part of the District's instructional program and serve to promote educational excellence by facilitating resource sharing, innovation, and communication. [2]

The term *electronic networks* includes all of the District's technology resources, including, but not limited to:

1. The District's local-area and wide-area networks, including wireless networks (Wi-Fi), District-issued Wi-Fi hotspots, and any District servers or other networking infrastructure;
2. Access to the Internet or other online resources via the District's networks or to any District-issued online account from any computer or device, regardless of location;
3. District-owned or District-issued computers, laptops, tablets, phones, or similar devices.

The Superintendent shall develop an implementation plan for this policy and appoint system administrator(s). [3]

The School District is not responsible for any information that may be lost or damaged, or become unavailable when using the network, or for any information that is retrieved or transmitted via the Internet.[4] Furthermore, the District will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

Curriculum and Appropriate Online Behavior

The use of the District's electronic networks shall: (1) be consistent with the curriculum adopted by the District as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library resource

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[1] State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. This policy concerns an area in which the law is unsettled.

A policy on Internet safety is necessary to receive *E-rate* funds under the Elementary and Secondary Education Act, Student Support and Academic Enrichment Grants (20 U.S.C. §7131) and to qualify for universal service benefits under the Children's Internet Protection Act (CIPA) (47 U.S.C. §254(h) and (l)).

Generally, federal rules prohibit schools from soliciting or accepting gifts or other things of value exceeding $20 from Internet service providers that participate or are seeking to participate in the E-rate program. 47 C.F.R. §54.503. However, during the COVID-19 pandemic, the Federal Communications Commission (FCC) temporarily waived its rules prohibiting such gifts to enable service providers to support remote learning efforts without impacting school E-rate funding. See https://docs.fcc.gov/public/attachments/DA-20-1479A1.pdf.

[2] This goal is repeated in sample exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-AP1, E2, *Staff Authorization for Access to the District's Electronic Networks*.

[3] Topics for the implementation plan include integration of the Internet in the curriculum, staff training, and safety issues. The implementation plan can also include technical information regarding service providers, establishing Internet accounts, distributing passwords, software filters, menu creation, managing resources and storage capacity, and the number of access points for users to connect to their accounts. Another topic is investigation of inappropriate use.

[4] No system can guarantee to operate perfectly or to prevent access to inappropriate material; this policy statement attempts to absolve the district of any liability.

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center materials. As required by federal law and Board policy 6:60, *Curriculum Content*, students will be educated about appropriate online behavior, including but not limited to: (1) interacting with other individuals on social networking websites and in chat rooms, and (2) cyberbullying awareness and response.[5] Staff members may, consistent with the Superintendent's implementation plan, use the Internet throughout the curriculum.

The District's electronic network is part of the curriculum and is not a public forum for general use. [6]

Acceptable Use [7]

All use of the District's electronic networks must be: (1) in support of education and/or research, and be in furtherance of the goals stated herein, or (2) for a legitimate school business purpose. Use is a privilege, not a right.[8] Users of the District's electronic networks have no expectation of privacy in any material that is stored on, transmitted, or received via the District's electronic networks. General rules for behavior and communications apply when using electronic networks. The District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, contains the appropriate uses, ethics,

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[5] Required by 47 U.S.C. §254(h)(5)(B)(iii) and 47 C.F.R. §54.520(c)(i) only for districts that receive *E-rate* discounts for Internet access or plan to become participants in the *E-rate* discount program. All boards receiving an *E-rate* funding for Internet access were required to certify that they had updated their Internet safety policies. See, *FCC Report and Order 11-125* (8-11-11). This sentence is optional if the district only receives discounts for telecommunications, such as telephone service, unless the district plans to participate in the *E-rate* discount program.

[6] School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988). This policy allows such control by clearly stating that school-sponsored network information resources are not a "public forum" open for general student use but are, instead, part of the curriculum.

It is an unfair labor practice (ULP) under the Ill. Educational Labor Relations Act (IELRA) for an employer to discourage employees from becoming or remaining members of a union. 115 ILCS 5/14(a)(10). In connection with that potential penalty, the IELRA requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources. 115 ILCS 5/14(c-5). This policy aligns with IELRA requirements by clarifying the District's electronic network is not a public forum for general use by outside parties and by limiting use of the network to the purposes stated under the **Acceptable Use** subhead. However, districts are still prohibited under the First Amendment to the U.S. Constitution from suppressing messages based on viewpoint and may be subject to liability if they affirmatively block individual senders. See Lindke v. Freed, 601 U.S. 187 (2024); Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983); People for the Ethical Treatment of Animals v. Tabak, 109 F.4th 627 (D.C. Cir. 2024). Consult the board attorney if the board wants to amend this policy to prohibit access by specific parties and/or before taking steps to "block" any specific party from the district's email system based on the content of the party's message.

[7] This paragraph provides general guidelines for acceptable use regardless of whether Internet use is supervised. In practice, many districts allow for incidental personal use of their networks during duty-free times. The specific rules are provided in sample exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks,* and 6:235-AP1, E2, *Staff Authorization for Access to the District's Electronic Networks* (see also f/n 1). This paragraph's application to faculty may have collective bargaining implications.

[8] The "privilege, not a right" dichotomy is borrowed from cases holding that a student's removal from a team does not require due process because such participation is a privilege rather than a right. The deprivation of a privilege typically does not trigger the Constitution's due process provision. Clements v. Bd. of Educ. of Decatur Public Sch. Dist. No. 61, 133 Ill.App.3d 531 (4th Dist. 1985). But see Mahanoy Area Sch. Dist. v. B.L., 594 U.S. 180. (2021). Use of the privilege concept in the context of district network access has not been tested. Increasing integration of 1:1 devices into school curriculum may impact the analysis. Consult the board attorney for guidance in this area. ~~Nevertheless~~Even if due process protections do not apply, before access privileges are revoked, the user should be notified and allowed to give an explanation.

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and protocol.[9] Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials. [10]

Internet Safety [11]

Technology protection measures shall be used on each District computer with Internet access.[12] They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by federal law and as determined by the Superintendent or designee.[13] The Superintendent or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent or system administrator.[14] The

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[9] If students are allowed only supervised access and are not required to sign the *Authorization for Access to the District's Electronic Networks*, the provisions from the *Authorization* should be used as administrative procedures for covering student Internet use. See 6:235-AP1, *Acceptable Use of the District's Electronic Networks*. This is an optional sentence:

The Superintendent shall establish administrative procedures containing the appropriate uses, ethics, and protocol for Internet use.

The Harassing and Obscene Communications Act criminalizes harassing and obscene electronic communication. 720 ILCS 5/26.5.

[10] The Fourth Amendment to the U.S. Constitution protects individuals from searches only when the person has a legitimate expectation of privacy. This provision attempts to avoid Fourth Amendment protection for communications and downloaded material by forewarning users that their material may be read or searched, thus negating any expectation of privacy.

Email and computer files are "public records" as defined in the Ill. Freedom of Information Act (FOIA) if they are, as in this policy, "under control" of the school board. 5 ILCS 140/2. They may be exempt from disclosure, however, when they contain information that, if disclosed, "would constitute a clearly unwarranted invasion of personal privacy." 5 ILCS 140/7.

Alternatively, a school board may believe that making email semi-private enhances its educational value. The following grants limited privacy to email communications and can be substituted for the sample policy's sentence preceding this footnote:

School officials will not intentionally inspect the contents of email without the consent of the sender or an intended recipient, unless as required to investigate complaints regarding email that is alleged to contain material in violation of this policy or the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*.

[11] See f/n 1.

[12] While it is best practice to do so, neither CIPA nor the rules for the E-Rate program specifically address whether school-owned computers or other mobile computing devices must be filtered when using a non-school Internet connection. Consult the board attorney for guidance on this issue.

[13] This sample policy language is broader than the requirements in federal law (20 U.S.C. §7131, 47 U.S.C. §254, and 47 C.F.R. §54.520(c)(i)). It does not distinguish between minors (children younger than 17) and non-minors. The terms, *minor*, *obscene*, *child pornography*, and *harmful to minors* have not changed, but are now explicitly referred to in the regulations at 47 C.F.R. §54.520(a). Federal law defines *harmful to minors* as:

…any picture, image, graphic image file, or other visual depiction that–(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The Federal Communications Commission specifically declined to find that access to social networking websites are per se *harmful to minors*. However, the U.S. Dept. of Health and Human Services issued a Surgeon General's Advisory stating there is not enough evidence to conclude that social media is safe for children. See www.hhs.gov/surgeongeneral/reports-and-publications/youth-mental-health/social-media/index.html. School officials have discretion about whether or not to block access to these and similar sites. See ~~supra~~ f/n 3, above.

[14] Permitted by 20 U.S.C. §7131(c). The policy's provision for prior approval is not in the law and may be omitted. The entire sentence may be eliminated if a board does not want the filtering device to be disabled.

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Superintendent or designee shall include measures in this policy's implementation plan to address the following: [15]

1. Ensure staff supervision of student access to online electronic networks, [16]
2. Restrict student access to inappropriate matter as well as restricting access to harmful materials,
3. Ensure student and staff privacy, safety, and security when using electronic communications,
4. Restrict unauthorized access, including "hacking" and other unlawful activities, and
5. Restrict unauthorized disclosure, use, and dissemination of personal identification information, such as, names and addresses.

Use of Artificial Intelligence (AI)-Enabled Tools [17]

The Board recognizes that AI-enabled tools are important to enhance student learning, educator effectiveness, and school operations. The use of AI-enabled tools in the District shall be implemented in a safe, ethical, and equitable manner and in accordance with Board policies 1:30, *School District Philosophy*, and 7:345, *Use of Educational Technologies; Student Data Privacy and Security*.

To implement the use of AI-enabled tools in the District, the Superintendent or designee shall:

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[15] In order to qualify for universal service benefits under the federal Children's Internet Protection Act (CIPA), the district's Internet safety policy must address the items listed in the sample policy. 47 U.S.C. §254(l). The sample policy accomplishes this task by requiring these items be addressed in the policy's implementation plan or administrative procedure.

Note that federal law required school boards to hold at least one hearing or meeting to address the *initial* adoption of the Internet safety policy. Later revisions of the existing policy need not follow the public notice rule of CIPA, though a board will still need to follow its policy regarding revisions and the mandates of FOIA.

CIPA also requires this policy and its documentation to be retained for at least five years after the last day of service delivered in a particular funding year. This means the five-year retention requirement begins on the last day of service delivered under E-rate, not from the day the policy was initially adopted. Consult the board attorney about this requirement and the best practices for your individual board.

[16] Monitoring the online activities of *students* is broader than the requirement in federal law to monitor *minors*. The definition of minor for this purpose is "any individual who has not attained the age of 17 years." See 47 C.F.R. §54.520(a)(4)(i). The use of the word *students* is a best practice.

[17] Optional. Artificial intelligence is a rapidly evolving and complex technology that implicates many unsettled legal and ethical issues. This content contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

A Statewide Generative AI and Natural Language Processing Taskforce issued a report to the General Assembly in December 2024 (https://doit.illinois.gov/content/dam/soi/en/web/doit/meetings/ai-taskforce/reports/2024-gen-ai-task-force-report.pdf) that recommended the Ill. State Board of Education (ISBE) provide guidance on the use of AI in schools, best practices, and educator training. 105 ILCS 5/2-3.118a, added by P.A. 104-399, eff. 1-1-26, requires ISBE to develop statewide guidance by 7-1-26 on the use of AI in K-12 education in nine different areas, and it empowers ISBE to convene a statewide council as needed to develop further guidance, resources, or other support. The U.S. Dept. of Education released a toolkit to assist education leaders with the safe, ethical, and equitable integration of AI within education systems, available at: http://downloads.microscribepub.com/il/press/federal_resources/FINAL-ED-OET-EdLeaders-AI-Toolkit-10.29.24_20250221.pdf. Note: This resource may no longer be available on a federal government website but is being maintained at **PRESS** Online to provide consistent subscriber access. Additional resources are also available through the Learning Technology Center of Illinois, at: www.ltcillinois.org/focus/ai/ and www.ltcillinois.org/anticipating-il-ai/.

Adopting policy language that addresses AI provides (a) a way for boards to monitor how this technology is being used in the district, and (b) an opportunity for the board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Before adoption of this subhead, the board may want to have a conversation with the superintendent to determine how local conditions, resources, and current practices will support the full implementation of a policy that addresses AI and its goals. The use of AI will be most effective when the policy reflects local conditions and circumstances. Consult the board attorney about these issues. See sample administrative procedure 6:235-AP3, *Development of Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines*, for a suggested framework for developing an AI plan and guidelines.

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1. Develop a District-wide AI Plan that addresses the District's approach to the integration of AI;
2. Based on the District-wide AI Plan, establish AI Responsible Use Guidelines to address the responsible use of AI in the District by students and staff;
3. Ensure that AI-enabled tools comply with State and federal law;
4. Ensure that staff receive training and students receive instruction on the use of AI, as appropriate; and
5. Review the District's AI Plan and AI Responsible Use Guidelines on an annual basis and update them as needed.

Authorization for Electronic Network Access [18]

Each staff member must sign the *Authorization for Access to the District's Electronic Networks* as a condition for using the District's electronic network. Each student and his or her parent(s)/guardian(s) must sign the *Authorization* before being granted unsupervised use. [19]

Confidentiality

All users of the District's computers to access the Internet shall maintain the confidentiality of student records. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network.

Violations

The failure of any user to follow the terms of the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

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[18] The District's administrative procedure, 6:235-AP1, *Acceptable Use of the District's Electronic Networks*, rather than this board policy, specifies appropriate conduct, ethics, and protocol for Internet use. This is consistent with the principle that detailed requirements are not appropriate for board policy; instead, they should be contained in separate district documents that are authorized by board policy. Keeping technical rules specifying acceptable use out of board policy will allow for greater flexibility, fewer changes to the policy manual, and adherence to the belief that board policy should be confined to governance issues and the provision of guidance on significant district issues. This sample policy only requires staff and students to sign the *Authorization*; however, all users of the District's Electronic Networks, including board members and volunteers, are bound by this policy and its implementing procedure and should be familiar with their content.

[19] The Superintendent's implementation plan should describe appropriate supervision for students on the Internet who are not required, or refuse, to sign the *Authorization*.

The use of personal electronic communication devices owned by students but used to gain Internet access that has been funded by *E-rate* is not addressed yet.

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LEGAL REF.: 20 U.S.C. §7131, Elementary and Secondary Education Act.
47 U.S.C. §254(h) and (l), Children's Internet Protection Act.
47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.
115 ILCS 5/14(c-5), Ill. Educational Labor Relations Act.
720 ILCS 5/26.5.

CROSS REF.: 5:100 (Staff Development Program), 5:170 (Copyright), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:210 (Instructional Materials), 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct), 6:230 (Library Media Program), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)

ADMIN. PROC.: 6:235-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)

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Instruction

Field Trips [1]

Field trips are permissible when the experiences are a part of the school curriculum and/or contribute to the District's educational objectives. [2]

All field trips must have the Superintendent or designee's prior approval, except that field trips beyond a 200-mile radius of the school or extending overnight must have the prior approval of the School Board.[3] The Superintendent or designee shall analyze the following factors to determine whether to approve a field trip:[4] educational value, student safety, parent concerns, heightened security alerts, and liability concerns. On all field trips, a bus fee set by the Superintendent or designee may be charged to help defray the transportation costs. [5]

Parents/guardians of students: (1) shall be given the opportunity to consent to their child's participation in any field trip; and (2) are responsible for all entrance fees, food, lodging, or other costs, except that the District will pay such costs for students who qualify for a fee waiver under Board policy 4:140, *Waiver of Student Fees*. All non-participating students shall be provided an alternative experience. Any field trip may be cancelled without notice due to an unforeseen event or condition.

Privately arranged trips, including those led by District staff members, shall not be represented as or construed to be sponsored by the District or school. The District does not provide liability protection for privately arranged trips and is not responsible for any damages arising from them. [6]

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

[1] This is an optional policy. The following is an optional section for including recreational class trips; add to the bottom of the policy and add "and Recreational Class Trips" to the policy's title.

> Recreational Class Trips
>
> Recreational class trips are permissible provided they do not interfere with the District's educational program. The provisions in this policy concerning field trips, except those regarding educational value, are also applicable to recreational class trips.

[2] As an alternative, substitute the verb "encouraged" for "permissible." State law also permits educational tours as a course supplement but does not authorize the use of school funds for such tours. 105 ILCS 5/10-22.29b.

[3] According to 105 ILCS 5/29-3.1, "[t]he school board may provide transportation for pupils on bona fide field trips in Illinois or adjacent states." The superintendent or designee is delegated the responsibility to approve field trips after considering the factors in the policy.

105 ILCS 5/29-6.3, amended by P.A. 104-367, eff. 1-1-26, allows districts to transport students in multi-function school activity buses (MFSABs) for school sponsored activities. The use of an MFSAB for curriculum-related or career-related activities is subject to certain conditions. 625 ILCS 5/11-1414.1, amended by P.A.s 104-256, eff. 7-1-26, and 104-367, eff. 1-1-26.

[4] These are at the local board's discretion.

[5] Transportation fees are permitted by 105 ILCS 5/29-3.1. Such fees cannot exceed the cost of transportation but may include a reasonable allowance for vehicle depreciation. Id.

[6] This paragraph is optional. It seeks to distinguish privately arranged trips from those that are controlled and sponsored by the district and provides a disclaimer.

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LEGAL REF.: 105 ILCS 5/29-3.1.

CROSS REF.: 4:140 (Waiver of Student Fees), 6:10 (Educational Philosophy and Objectives), 7:10 (Equal Educational Opportunities), 7:270 (Administering Medicines to Students)

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Instruction

Complaints About Curriculum, Instructional Materials, and Programs

Parents/guardians have the right to inspect any instructional material used as part of their child's educational curriculum pursuant to School Board policy 7:15, *Student and Family Privacy Rights*. [1]

Parents/guardians, employees, and community members who believe that curriculum, instructional materials, or programs violate rights guaranteed by any law or Board policy may file a complaint using Board policy 2:260, *Uniform Grievance Procedure*. [2]

Parents/guardians, employees, and community members with other suggestions or complaints about curriculum, instructional materials, or programs should complete a *Curriculum Objection Form*. A parent/guardian may request that his/her child be exempt from using a particular instructional material or program by completing a *Curriculum Objection Form*. The Superintendent or designee shall establish criteria for the review of objections and inform the parent/guardian, employee, or community member, as applicable, of the District's decision. [3]

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[1] 20 U.S.C. §1232h(c)(1)(C)(i).

[2] Limiting the scope of complainants in this policy to parents/guardians, employees, and community members aligns with sample policy 2:260, *Uniform Grievance Procedure*.

[3] The last sentence of this paragraph is optional. It strengthens the policy's connection to IASB's *Foundational Principles of Effective Governance*. See www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance. For criteria that can be used in reviewing curriculum objections, see sample administrative procedure, 6:260-AP, *Responding to Complaints About Curriculum, Instructional Materials, and Programs*.

A school district is not required to automatically accommodate a ~~student's or his/her~~ parent's~~'~~ religious beliefs by allowing the parent ~~student~~ to opt their child out of reading required materials or programs. ~~A student is entitled to A~~accommodation is required only if a district's requirement burdens ~~his/her~~the parent's free exercise of religion and the requirement is not justified by a compelling state interest. Mahmoud v. Taylor, 145 S.Ct. 2332 (2025). Instruction will burden parents' religious free exercise rights if it requires their children to submit to instruction "that poses 'a very real threat of undermining' the religious beliefs and practices that the parents wish to instill." Id. at 2342. Whether the instruction substantially interferes with the religious upbringing of a child is a fact-intensive inquiry. Relevant factors to consider include: (1) the specific religious beliefs/practices asserted, (2) the nature of the educational requirement or curriculum at issue, (3) the age of the students, and (4) whether the materials at issue are presented in a neutral manner or in a way that is hostile to religious viewpoints. Id. at 2353. In Mahmoud, the Court ruled that the district likely violated parents' free exercise rights when it refused to give notice and allow them to opt their elementary-age children out of literacy instruction that involved the use of LGBTQ+- inclusive storybooks. The Court found the books at issue contained normative messages to which young children were particularly susceptible. Moreover, the district's refusal to give notice and allow opt-outs based on administrative burden (where it previously provided notice and the ability to opt-out) was not a compelling enough a reason to justify the burden on the parents' religious exercise.~~Mozert v. Hawkins Co. Bd. of Educ., 827 F.2d 1058 (6th Cir. 1987). A student's free exercise right would unlikely be burdened by compelling the student to be exposed to ideas with which his/her religion disagrees. See Fleischfresser v. Directors of Sch. Dist. 200, 15 F.3d 680 (7th Cir. 1994). On the other hand, compelling a student to perform an act that violates the student's religious beliefs would burden his/her free exercise right, and the school district would need to justify the requirement with a compelling state interest in order to be able to enforce it.~~ Unless otherwise required by law, it is unclear from Mahmoud whether a district would ever need to give advance notice to all parents/guardians of the use of certain curriculum or instructional materials that could trigger religious objections. Doing so could present discrimination concerns. Given the many unsettled legal issues in this area and the fact-dependent nature of the analysis involved, boards should consult with the board attorney regarding any curriculum objections.

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LEGAL REF.: 20 U.S.C. §1232h, Protection of Pupil Rights Amendment.
Mahmoud v. Taylor, 145 S.Ct. 2332 (2025).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 7:15 (Student and Family Privacy Rights), 8:110 (Public Suggestions and Concerns)

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Instruction

Guidance and Counseling Program [1]

The School District provides a guidance and counseling program for students.[2] The Superintendent or designee shall direct the District's guidance and counseling program. School counseling services, as described by State law, may be performed by school counselors or licensed educators with a school support personnel endorsement in the area of school counseling. [3]

[For Elementary and Unit Districts]

Each staff member is responsible for effectively guiding students under his/her supervision in order to provide early identification of intellectual, emotional, social, or physical needs, diagnosis of any learning disabilities, and development of educational potential. The District's counselors shall offer counseling to those students who require additional assistance.

[For High School and Unit Districts]

The guidance program will assist students to identify career options consistent with their abilities, interests, and personal values. Students shall be encouraged to seek the help of counselors to develop specific curriculum goals that conform to the student's career objectives. High school juniors and seniors will have the opportunity to receive career-oriented information. Representatives from colleges and universities, occupational training institutions and career-oriented recruiters, including the military,

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[1] State or federal law controls this policy's content.

[2] School boards may employ school counselors. 105 ILCS 5/10-22.24a~~, amended by P.A. 102-894~~. 105 ILCS 5/10-22.24b, amended by P.A.s ~~102-876,~~ 103-542, ~~and~~ 103-780, and 104-353 provides an extensive but non-exhaustive list of permissible school counseling services, including but not limited to providing: educational opportunities for students, teachers, and parents on mental health issues; academic, social-emotional, and college and career supports to all students irrespective of special education or Section 504 status; and collaborating as a team member in Multi-Tiered Systems of Support and other school initiatives. These services must be provided to address the needs of all students regardless of their citizenship status. Id. See www.oneclickadmit.org/ for more information.

All districts must conduct a comprehensive needs assessment to determine the scope of pupil needs in the areas of guidance and counseling, psychological, social work, and health. 23 Ill.Admin.Code §1.420(q).

The Children's Mental Health Act requires districts to develop protocols for responding to students with social, emotional, or mental health needs that impact learning. 405 ILCS 49/~~, amended by P.A. 102-899~~. See f/n 3 in sample policy 6:65, *Student Social and Emotional Development*, for further information. See sample policy 7:250, *Student Support Services*, and sample administrative procedure 7:250-AP2, *Protocol for Responding to Students with Social, Emotional, or Mental Health Needs*.

[3] Optional. 105 ILCS 5/10-22.24b, amended by P.A.s ~~102-876,~~ 103-542, and 103-780, provides that school counselors as defined in 105 ILCS 5/10-22.24a or individuals who hold a Professional Educator License with a school support personnel endorsement in the area of school counseling under 105 ILCS 5/21B-25 may provide school counseling services. The following optional sentence recognizes the importance of interventions; however, it creates duties that are not present in law. This is a classic "who, gets what, for how much" issue.

> The counseling program will assist students with interventions related to academic, social and/or personal issues. Students shall be encouraged to seek academic, social, and/or personal assistance.

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may be given access to the school campus in order to provide students and parents/guardians with information. [4]

LEGAL REF.: 105 ILCS 5/10-22.24a and 5/10-22.24b.
23 Ill.Admin.Code §1.420(q).

CROSS REF.: 6:50 (School Wellness), 6:65 (Student Social and Emotional Development), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:120 (Education of Children with Disabilities), 6:130 (Program for the Gifted), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:250 (Student Support Services), 7:290 (Suicide and Depression Awareness and Prevention)

ADMIN. PROC.: 7:340-AP1 (School Student Records), 7:340-AP1, E1 (Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records), 7:340-AP1, E3 (Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information)

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

[4] A district must provide military recruiters and state public institutions of higher education access to students if it has provided such access to persons or groups who tell students about educational or occupational opportunities. 105 ILCS 5/10-20.5a, amended by P.A. 103-204 and 104-15. By 1-1-24, districts were to make student directory information electronically accessible through a secure centralized data system for official recruiting representatives of the armed forces and for State public institutions of higher education. Id. Beginning 7-1-26 and on 7-1 each year after that, schools must make student directory information and student direct admission information for students graduating within the next year, available to the Ill. Student Assistance Commission (ISAC) through a centralized data system of ISAC to carry out the Public University Direct Admissions Program Act. 105 ILCS 5/10-20.5a, amended by P.A. 104-15.

Such access must be consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g). Id. Parents or students who are age 18 or older must sign an opt-in form to release student direct admission information, which includes a student's name, home address, birth date, telephone number, email address, cumulative grade point average, and high school, to ISAC. 105 ILCS 5/10-20.5a, amended by P.A. 104-15.

Another federal law requires a secondary school to grant military recruiters and institutions of high learning, upon their request, access to secondary school students' names, addresses, and telephone numbers, unless the parents/guardians request that the information not be disclosed without prior written consent. 20 U.S.C. §7908. See also sample administrative procedure 7:340-AP1, *School Student Records*, and sample exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*.

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Instruction

Grading and Promotion [1]

The Superintendent or designee shall establish a system of grading and reporting academic achievement to students and their parents/guardians.[2] The system shall also determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be based on successful completion of the curriculum, attendance, and performance on the standardized tests required by the Ill. State Board of Education (ISBE) and/or other assessments.[3] A student shall not be promoted based upon age or any other social reason not related to academic performance.[4] The administration shall determine remedial assistance for a student who is not promoted. [5]

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

[1] State law requires districts to have a school board policy containing the reasons for which a grade may be changed and prohibiting social promotion. 105 ILCS 5/10-20.9a. State law controls this policy's content.

If a district uses weighted grades for classes by degree of difficulty, it must be reflected in the affected students' class ranking and permanent records. 105 ILCS 5/27-27.

[2] Absent a court order to the contrary, upon the request of either parent of a student whose parents are divorced, copies of report cards, along with other notices and records, must be furnished to both parents by the district. If a student is in the legal custody of the Ill. Dept. of Children and Family Services (DCFS), copies must be furnished to the DCFS Office of Education and Transition Services. 105 ILCS 5/10-21.8~~, amended by P.A. 102-199~~.

[3] 105 ILCS 5/10-20.9a, amended by P.A. 104-391. Each board may determine its own promotion criteria and augment the statute's criteria. ~~105 ILCS 5/10-20.9a(c) and (d), added by P.A. 102-727, and 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. Given potential different interpretations, the exact date on which this law expires is unclear; consult the board attorney for guidance on this issue. See also 105 ILCS 5/28-19.2, which prohibits student punishment of any kind, including the lowering of grades, if a parent/guardian is unable to pay school fees.~~ **Note:** P.A. 104-391 purported to both amend and repeal 105 ILCS 5/10-20.9a. It is IASB's understanding that the repeal of this provision was in error and will be addressed if needed; it is therefore retained in this sample policy.

105 ILCS 5/2-3.64 contained the State assessment program until it was repealed by P.A. 98-972.

105 ILCS 5/2-3.25a, amended by P.A. 103-175, requires ISBE to "develop standards for student performance, such as proficiency levels on State assessments." 105 ILCS 5/2-3.64a-5(b) requires ISBE to "establish the academic standards that are to be applicable to students who are subject to State assessments." It contains the schedule for assessing students by calendar year and grade. ISBE selects standardized tests for the State assessment and accountability measure. In House Joint Resolution 54 (2015), members of the Ill. House and Senate encouraged school districts to not use results of the *Partnership for Assessment of Readiness for College and Careers* (PARCC) test for the 2014-2015 through the 2017-2018 school years "as a determining factor for making decisions about a student's educational opportunities, the evaluation of educators, and the allocation of resources based on educational achievement on this assessment." Starting in 2019, PARCC was no longer used by ISBE.

105 ILCS 5/2-3.64a-5(c) requires that the assessment administered by ISBE for the purpose of student application to or admissions consideration by institutions of higher education be administered on a school day during regular student attendance hours. Assessments are not required if ISBE receives a waiver from the administration of assessments from the U.S. Dept. of Education. Id.

105 ILCS 5/2-3.64a-5(e) no longer requires that the scores attained by a student on an assessment that includes a college and career readiness determination be entered on the student's transcript; however, the scores must still be placed in the student's permanent record. See also 23 Ill.Admin.Code §375.10.

[4] 105 ILCS 5/10-20.9a(b).

[5] Id.

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Every teacher shall maintain an evaluation record for each student in the teacher's classroom. A District administrator cannot change the final grade assigned by the teacher without notifying the teacher.[6] Reasons for changing a student's final grade include:

- A miscalculation of test scores,
- A technical error in assigning a particular grade or score,
- The teacher agrees to allow the student to do extra work that may impact the grade,
- An inappropriate grading system used to determine the grade, or
- An inappropriate grade based on an appropriate grading system.

Should a grade change be made, the administrator making the change must sign the changed record.

LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/10-20.9a, 5/10-21.8, and 5/27-27.

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:300 (Graduation Requirements), 6:340 (Student Testing and Assessment Program), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

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

[6] The specific reasons and procedure for changing a grade are at the local board's discretion; however, State law provides that no grade may be changed without notification to the teacher concerning the nature and reason for the change. 105 ILCS 5/10-20.9a(a). The person making the change must assume all responsibility and must initial the change. Id.

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Instruction

Graduation Requirements [1]

To graduate from high school, unless otherwise exempted, each student is responsible for:

1. Completing all District graduation requirements that are in addition to the State requirements.[2]
2. Completing all courses as provided in the School Code, 105 ILCS 5/27-22605. [3]
3. Completing all minimum requirements for graduation as specified in State law. [4]
4. Passing an examination on patriotism, and principles of representative government, and proper use and display of the American flag methods of voting, and the Pledge of Allegiance. [5]

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[1] State or federal law controls this policy's content. Graduation requirements are often published in student handbooks. The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh.

In accordance with 105 ILCS 5/2-3.159, amended by P.A. 101-503, and 23 Ill.Admin.Code Part 680, a school district may establish a program to recognize high school graduates who attained a high level of proficiency in one or more languages in addition to English by designating on a student's diploma and transcript a State Seal of Biliteracy. See sample policy 6:320, *High School Credit for Proficiency*.

105 ILCS 5/10-20.9a(e) and (d), added by P.A. 102-727, and 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 f/n 3, for a discussion about the expiration date of this law.

[2] Optional. 23 Ill.Admin.Code §1.440(f). A school board should ensure that all district graduation requirements that are in addition to the State requirements are aligned with the district educational objectives. See sample policy 6:10, *Educational Philosophy and Objectives*.

[3] 105 ILCS 5/27-60522(e), amended by P.A.s 101-464, 101-654, 102-366, 102-551, and 102-864renumbered by P.A. 104-391, contains the list of required courses in effect for students entering 9th grade through the 2023-2024 school year. 105 ILCS 5/27-60522(e-5), amended by P.A. 104-387 and renumbered by P.A. 104-391 added by P.A. 101-654 and amended by P.A. 102-864, contains the list of required courses for students entering 9th gradeeffective beginning with the 2024-2025 school year (to include two years of laboratory science). 105 ILCS 5/27-60522(e-10), added by P.A. 101-654 renumbered by P.A. 104-391, increases the foreign language requirement from one to two years beginning with the 2028-2029 school year. 105 ILCS 5/27-60522(e)(3) and (e-5)(3) allow the substitution of an advanced placement computer science course for a year of mathematics, and it further states that a mathematics course that includes geometry content may be offered as an integrated, applied, interdisciplinary, or career and technical education course that prepares a student for a career readiness path. 105 ILCS 5/27-60522(e)(5), amended by P.A. 102-366, and 105 ILCS 5/27-60522(e-5)(5), both renumbered by P.A. 104-391amended by P.A. 102-864, require students entering the 9th grade in the 2016-2017 school year and each year thereafter to complete one semester of civics. As part of the two-year social studies requirement, districts may include a financial literacy course that is one semester or part of one semester. Id. For specific requirements, see sample exhibit 6:300-E2, *State Law Graduation Requirements,* and sample policy 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students*. The Ill. State Board of Education (ISBE) may adopt rules modifying graduation requirements for students in grades 9-12 if the Governor has declared a disaster due to a public health emergency under 20 ILCS 3305/7. 105 ILCS 5/27-60522(i), renumbered by P.A. 104-391 added by P.A. 101-643.

[4] 105 ILCS 5/27-60522(e), renumbered by P.A. 104-391 and (e-5), amended by P.A. 104-387 and renumbered by P.A. 104-391amended by P.A.s 101-464, 101-654, 102-366, 102-551, and 102-864; 23 Ill.Admin.Code §1.440.

[5] Required by 105 ILCS 5/27-5103, amended by P.A. 101-643 added by P.A. 104-391.

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5. Participating in State assessments that are required for graduation by State law. [6]
6. Filing one of the following: (1) a Free Application for Federal Student Aid (FAFSA) with the U.S. Dept. of Education, (2) an application for State financial aid, or (3) an Ill. State Board of Education (ISBE) waiver form indicating that the student understands what these aid opportunities are and has chosen not to file an application. If the student is not at least 18 years of age or legally emancipated, the student's parent/guardian must file one of these documents on the student's behalf.

   A student is exempt from this requirement if: (1) the student is unable to file a financial aid application or an ISBE waiver due to extenuating circumstances, (2) the Building Principal attests the District made a good faith effort to assist the student or the student's parent/guardian with filing a financial aid application or an ISBE waiver form, and (3) the student has met all other graduation requirements. [7]

The Superintendent or designee is responsible for: [8]

1. Maintaining a description of all course offerings that comply with the above graduation requirements.
2. Notifying students and their parents/guardians of graduation requirements.
3. Developing the criteria for #4 above.

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

[6] 105 ILCS 5/2-3.64a-5(c)~~, amended by P.A. 101-643,~~ states that "[s]tudents who do not take the State's final accountability assessment or its approved alternate assessment may not receive a regular high school diploma unless the student is exempted." Assessments are not required if ISBE receives a waiver from the administration of assessments from the U.S. Dept. of Education. Id.

105 ILCS 5/2-3.64a-5(c)~~, amended by P.A.101-643~~; 23 Ill.Admin.Code §1.30. Section 2-3.64a-5(c) requires that the assessment administered by ISBE for the purpose of student application to or admissions consideration by institutions of higher education be administered on a school day during regular student attendance hours.

105 ILCS 5/2-3.64a-5(e) no longer requires that the scores attained by a student on an assessment that includes a college and career readiness determination be entered on the student's transcript. The student's final accountability assessment scores, however, must be placed in the student's permanent record. See also 23 Ill.Admin.Code §375.10.

[7] 105 ILCS 5/22-87, amended by P.A.s 104-13 and 104-14~~added by P.A. 101-180~~; 23 Ill.Admin.Code §1.440(c)(4). See sample exhibit 6:300-E3, *Form for Exemption from Financial Aid Application Completion*. ISBE provides a waiver form, the FAFSA Nonparticipation Form, for a parent/guardian or eligible student to opt of this graduation requirement, which is available through the Ill. Student Assistance Commission's (ISAC) student portal, see https://studentportal.isac.org/. Instructions for the form are available at: www.isbe.net/Pages/FAFSA.aspx. The Alternative Application for Ill. Financial Aid referenced in that form is intended for use by qualifying undocumented and transgender students and is available at: https://studentportal.isac.org/alternativeapp.

Beginning with the 2025-2026 school year, each high school must: (1) designate at least one staff member as a contact for matters related to the financial aid application graduation requirement; (2) inform high school seniors of the designated staff member who is available to answer their questions about this requirement or refer them to an appropriate resource, such as ISAC (see www.isac.org/students/before-college/financial-aid-planning/index.html); and (3) annually provide the name and contact information of the designated staff member to ISBE and ISAC. 105 ILCS 5/22-87(b), amended by P.A.s 104-13 and 104-14. The designated staff member must complete an initial orientation and is encouraged to participate in annual briefings, for which the individual may receive professional development hours, if applicable. Id.

Additionally, beginning with the 2025-2026 school year, each district must offer appropriate supports to each high school student to educate and assist them with completion of the financial aid application. How, when, and where this support is offered is at a district's discretion; however, a district must provide an opportunity for students to get help during the school day completing the student portion of the application. Districts may request free assistance from ISAC to support completion of financial aid applications. Id.

[8] Items #1 and #2 are required by 23 Ill.Admin.Code §1.440(d) and (e), respectively. Item #3 must be addressed because the law leaves many implementation issues unanswered. A comprehensive Student Handbook can provide notice of the district's graduation requirements, conduct rules, and other important information. Item #4 includes discussion of the adjustments required by the Educational Opportunity for Military Children Act, 105 ILCS 70/35(d).

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4. Complying with State law requirements for students who transfer during their senior year because their parent(s)/guardian(s) are on active military duty. This includes making reasonable adjustments to ensure graduation if possible, or efforts to ensure that the original (transferor) school district issues the student a diploma.
5. Taking all other actions needed or necessary to implement this policy.

Early Graduation [9]

The Superintendent or designee shall implement procedures for students to graduate early, provided they finish seven semesters of high school and meet all graduation requirements.

Certificate of Completion [10]

A student with a disability who has an Individualized Education Program prescribing special education, transition planning, transition services, or related services beyond the student's four years of high school, qualifies for a certificate of completion after the student has completed four years of high school. The student is encouraged to participate in the graduation ceremony of his or her high school graduation class. The Superintendent or designee shall provide timely written notice of this requirement to children with disabilities and their parents/guardians.

Service Member Diploma [11]

The District will award a diploma to a service member who was killed in action while performing active military duty with the U.S. Armed Forces or an honorably discharged veteran of World War II, the Korean Conflict, or the Vietnam Conflict, provided that he or she (1) resided within an area currently within the District at the time he or she left high school, (2) left high school before graduating in order to serve in the U.S. Armed Forces, and (3) has not received a high school diploma.

LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/22-27, 5/22-87, 5/27-5103, 5/27-60522, and 5/27-61522.10.
105 ILCS 70/, Educational Opportunity for Military Children Act.
23 Ill.Admin.Code §1.440.

CROSS REF.: 6:30 (Organization of Instruction), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:315 (High School Credit for Students in Grade 7 or 8), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

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[9] This is optional. State law and rules are silent regarding early graduation. As an alternative, a board may delete the phrase "~~finish 7 semesters of high school and~~."

[10] Required by 105 ILCS 5/14-16.

[11] Optional. 105 ILCS 5/22-27~~, amended by P.A. 101-131,~~ does not designate a time requirement for when the service member killed in action or veteran "resided within an area currently within the district." Thus, a reasonable interpretation may be adopted locally. The sample policy designates "at the time he or she left high school" as the pertinent time for residence. See sample exhibit 6:300-E1, *Application for a Diploma for a Service Member Killed in Action or for Veterans of WWII, the Korean Conflict, or the Vietnam Conflict*.

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Instruction

High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students [1]

Credit for Non-District Experiences [2]

A student may receive high school credit for successfully completing any of the listed courses or experiences even when it is not offered in or sponsored by the District:

1. Distance learning course, including a correspondence, virtual, or online course
2. Courses in an accredited foreign exchange program
3. Summer school or community college courses [3]
4. College or high school courses offering dual credit at both the college and high school level [4]

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[1] State law requires that several of the programs in this policy be covered in policy. State law controls this policy's content. Note that 23 Ill.Admin.Code §1.420(b) requires "[e]very school district [to] have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, online, or from other external sources, that can be disseminated to other schools within the State." Section 1.460 requires "[e]ach local board of education with a high school [to] adopt a policy which defines the board's position with reference to the awarding of high school credit on the basis of local examinations to pupils who have achieved the necessary proficiencies through independent study, either with or without private tutoring, or for work taken in or from another institution." 23 Ill.Admin.Code §1.460.

Sample policy 6:185, *Remote Educational Program*, provides for educational programs **delivered by the district** in a location outside of the school.

Sample policy 6:315, *High School Credit for Students in Grade 7 or 8*, allows students enrolled in grade 7 or 8 to enroll in a course required for high school graduation. 105 ILCS 5/27-615~~22.10~~(a), amended and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.440(c)(3).

[2] Each board may choose for which, if any, of the listed non-district experiences the district will grant high school credit. If a district does not grant credit for any of the listed activities, substitute the following alternative for all text in the entire section: "The District does not grant graduation credit for learning experiences that an enrolled student does not complete through the District."

[3] 105 ILCS 5/27-905~~22.1~~, amended and renumbered by P.A. 104-391, provides that no fewer than 60 hours of classroom instruction in summer school is required for one semester of high school course credit. Districts may accept courses completed in a community college (CC) toward graduation. 23 Ill.Admin.Code §1.440(f). Superintendents, pursuant to 105 ILCS 5/10-21.4, must annually report to the Ill. State Board of Education (ISBE) the number of students enrolled in accredited courses at any CC along with the name(s) and number(s) of the course(s) each student is taking.

[4] The Dual Credit Quality Act (DCQA) (110 ILCS 27/, amended by P.A. 104-12) defines dual credit as a college course taken by a high school student for credit at both the college and high school level. 110 ILCS 27/5 and 105 ILCS 5/10-20.62(a). An instructor who teaches a dual credit course does not need the certification required by Article 21 of the School Code but must meet the minimum standards set forth in 110 ILCS 27/20(1), (2), (2.5), or (3). Dual credit programs require: (a) a specific partnership agreement between the district and a CC containing specified elements, as long as the district is in the CC's jurisdiction (110 ILCS 27/16), or (b) cooperation between the school district and the *postsecondary institution* (defined as an *institution of higher learning* under ~~providing the dual credit courses (see~~ the Higher Education Student Assistance Act~~, at~~ 110 ILCS 947/10~~ for a definition of *institution*~~). Partnership agreements that are entered into, amended, renewed, or extended after 1-1-23, must allow high school students who do not otherwise meet the CC's academic eligibility requirements to enroll in a dual credit course taught at the high school, but only for high school credit. 110 ILCS 27/16.5(a). Upon a district's written request for a partnership agreement, the district and community college district must each designate a liaison and begin negotiations on an agreement within 60 calendar days of the district's initial request. Id. at 27/16(a), amended by P.A. 104-12. If the district and CC cannot agree within 180 days of a district's initial request to enter into a partnership agreement, the two parties must use the model partnership agreement referenced at 110 ILCS 27/19.

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5. Foreign language courses taken in an ethnic school program approved by the Illinois State Board of Education [5]
6. Work-related training at manufacturing facilities or agencies in a Tech Prep Partnership for Careers p~~P~~rogram [6]
7. Credit earned in a Vocational Academy [7]

The student must seek approval from the Superintendent or designee to receive graduation credit for any non-District course or experience. The Superintendent or designee shall determine the amount of credit and whether a proficiency examination is required before the credit is awarded. As approval is not guaranteed, students should seek conditional approval of the experience before participating in a non-District course or experience. The student assumes responsibility for any fee, tuition, supply, or other expense. The student seeking credit is responsible for (1) providing documents or transcripts that demonstrate successful completion of the experience, and (2) taking a proficiency examination, if requested. The Superintendent or designee shall determine which, if any, non-District courses or experiences, will count toward a student's grade point average, class rank, and eligibility for athletic and extracurricular activities. When applicable, the Building Principal or designee shall, prior to the

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Out-of-state dual credit contracts are prohibited until a district first offers the CC in the CC district in which the district is located the opportunity to provide a dual credit course. 110 ILCS 27/17, amended by P.A. 104-12. In addition, a district seeking to enter into an agreement with an out-of-state postsecondary institution must provide notice to the Ill. Community College Board~~State Board of Higher Education~~ (ICCB~~BHE~~) of its intent, to which the ICCB~~BHE~~ will have 30 days to provide the district with a list of in-state postsecondary institutions that can provide the district an equivalent dual credit opportunity. Id. Beginning 6-30-25, a district may not enter into a contract with an out-of-state postsecondary institution until it demonstrates to the ICCB that it has taken appropriate steps to consider the listing of in-state postsecondary institutions and provides a rationale as to why the course can only be provided by an out-of-state postsecondary institution. ~~Agreements between a district and an out-of-state institution that were in effect before 1-1-19 were not affected.~~ Id. A high school evaluation of a dual credit program must also incorporate the analysis of data from the ISBE statewide longitudinal data system (see the P-20 Longitudinal Education Data System Act, 105 ILCS 13/, for more information). Id. at 27/30.

105 ILCS 5/10-20.62(c), requires school boards to require the district's high schools, if any, to inform all 11th and 12th grade students of dual enrollment and dual credit opportunities at public CCs for qualified students. Qualified students may enroll in an unlimited amount of dual credit courses and earn an unlimited amount of academic credits from them if the course(s) are taught by an Ill. instructor, as provided by 110 ILCS 27/. Id. at (b). In addition, all dual credit coursework completed by a high school student must be transferred to all public institutions in Illinois on the same basis as coursework completed by a public CC student who previously earned a high school diploma in the manner set forth under the Ill. Articulation Initiative Act. Id. at 27/1~~8~~9.

The DCQA requires partnership agreements between districts and CCs to address access to dual credit courses by individual students with disabilities. 110 ILCS 27/16(b)(8.5), amended by P.A. 104-12. 105 ILCS 5/14-8.03 also requires districts to provide special education students with information about career and technical education (CTE) opportunities, including at the postsecondary level. See *Increasing Postsecondary Opportunities and Success for Students and Youth with Disabilities* at: www.sites.ed.gov/idea/idea-files/qa-increasing-postsecondary-opportunities-success-for-students-youth-with-disabilities-sept-17-2019/#Letter for information on providing transition services to high school students who have individualized education programs (IEPs), are receiving services under the IDEA, and take courses offered by a community college or other postsecondary education institution program prior to high school graduation.

[5] 105 ILCS 5/2-3.44 and 5/10-22.43a. An ethnic school is a part-time, private school that teaches the foreign language of a particular ethnic group as well as the culture, geography, history, and other aspects of a particular ethnic group. 105 ILCS 5/2-3.44; 23 Ill.Admin.Code §1.465(b). For requirements, see 23 Ill.Admin.Code §1.465.

[6] Optional. 105 ILCS 5/2-3.115, amended by P.A. 104-261, eff. 1-1-26, authorizes ISBE to make grants to districts to be used for these programs.~~The State Superintendent and Board of Higher Education were encouraged by 105 ILCS 5/2-3.115 to establish a program of academic credit for Tech Prep work based learning for secondary school students with an interest in pursuing such career training, which could be instituted by school districts.~~ See also 23 Ill.Admin.Code §1.445.

[7] Vocational Academies Act, 105 ILCS 433/. The Act's purpose is to "integrate workplace competencies and career and technical education with core academic subjects." School districts are permitted to partner with CCs, local employers, and community-based organizations to establish a vocational academy that functions as a two-year school within a school for grades 10 through 12. Grant funds may be available from ISBE when the vocational academy meets statutory requirements.

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first day of class, inform individual high school students enrolled in a mixed enrollment dual credit course that includes students who have and have not met the community college's criteria for dual credit coursework of whether or not they are eligible to earn college credit for the course.[8] This section does not govern the transfer of credits for students transferring into the District.

Substitutions for Required Courses

Vocational or technical education.[9] A student in grades 9-12 may satisfy one or more high school courses (including physical education) or graduation requirements by successfully completing related vocational or technical education courses if: [10]

1. The Building Principal approves the substitution(s) and the vocational or technical education course is completely described in curriculum material along with its relationship to the required course; and
2. The student's parent/guardian requests and approves the substitution(s) in writing on forms provided by the District.

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[8] 110 ILCS 27/16.5(c). Written notification is not required by the law, but it is a best practice to show compliance with this requirement.

[9] Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/27-610~~22.05~~, amended and renumbered by P.A. 104-391. By 7-1-26, ISBE is required to post on its website a form for organizations to submit opportunities for externships, internships, or volunteer work related to career and technical education pathways. After its review and approval, ISBE will annually post a list of approved opportunities on its website. 105 ILCS 5/2-3.206, added by P.A. 104-249, eff. 1-1-26.

[10] The *related* requirement is met if the course contains at least 50% of the content of the required course. Id. 23 Ill.Admin.Code §1.445 requires that the vocational or technical education course be completely described in the policy along with its relationship to the required course. The sample policy satisfies these requirements by referring to the courses as described in curricular material.

ISBE requires that the parent/guardian of a student under the age of 18 request the course substitution "on forms that the school district makes available" and that the request must be maintained in the student's temporary record. 23 Ill.Admin.Code §1.445. See sample exhibit 6:310-E, *Class Substitution Request*. There is no parallel recordkeeping requirement in the rules for registered apprenticeships; however, it is best practice to maintain all types of substitution requests as evidence of compliance with the form requirement.

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Registered Apprenticeship Program.[11] The Superintendent or designee will ensure that the District complies with State law requirements for registered apprenticeship programs.[12] The opportunities and requirements for registered apprenticeship programs contained in this policy will be posted on the District's website, and parents/guardians and students will also be notified of such opportunities in the appropriate school handbook(s). [13]

A student in grades 9-12 who is 16 years or older may satisfy one or more high school courses (including physical education) or graduation requirements by successfully completing a registered apprenticeship program if:

1. The registered apprenticeship program meets all criteria contained in State law;
2. The registered apprenticeship program is listed by the District, or the student identifies a registered (but not listed) apprenticeship program with a business or organization if one is not offered in the District;
3. The student enrolled in a registered apprenticeship program has the opportunity to earn post-secondary credit toward a certificate or degrees, as applicable;
4. The student's parent/guardian requests and approves the substitution(s) in writing on forms provided by the District and on its website; [14]
5. The Building Principal approves the substitution(s); and

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[11] Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/2-3.175; 23 Ill.Admin.Code §255.200. A *registered apprenticeship program* is an industry-based occupational training program of study with standards reviewed and approved by the U.S. Dept. of Labor that meets characteristics set forth in State law and ISBE rules. The introductory sentence and listed items 1, 3, 4, and 6 are required to be in the policy if a board decides to allow students to participate in registered apprenticeship programs. See 23 Ill.Admin.Code §255.200(b). Item #2 is not required to be stated in policy, but is required to be included in a district's website notification (if any) to parents/guardians about registered apprenticeship opportunities. See f/n 13, below.

If a board adopts a policy to allow for student participation in registered apprenticeship programs, the policy must be posted on the district's website (if any) for students, parents, and members of the business and industry community to access. 23 Ill.Admin.Code §255.200(c)(1). See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and f/ns 13 and 14 below for other related website posting requirements.

Employers providing apprenticeships may be eligible for tax credits for certain educational expenses they incur on behalf of qualifying apprentices. 35 ILCS 5/231(b), amended by P.A. 103-1059. Districts that carry out registered apprenticeship programs should, but are not required to, aid an employer in claiming an available credit by providing a written receipt documenting the apprenticeship education expenses paid to the school by the employer. 14 Ill.Admin.Code §522.50(e). See https://dceo.illinois.gov/expandrelocate/incentives/ilapprenticeshiptaxcredit.html for more information about the credit.

[12] 105 ILCS 5/2-3.175; 23 Ill.Admin.Code Part 255. In addition to the requirements listed in the policy, districts allowing for student participation in registered apprenticeship programs must also: (1) submit data on participating students through ISBE's Student Information System, (2) identify and attempt to eliminate any barriers to student participation, and (3) include the program in the Career Pathway Endorsement if the district awards endorsements under the Postsecondary and Workforce Readiness Act (110 ILCS 148/). 23 Ill.Admin.Code §255.200(d)-(f).

[13] 23 Ill.Admin.Code §255.200(c). The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH),* at: www.ilprincipals.org/msh. The notification to students and parents on the district's website must include: (1) a statement that a student may participate in any registered apprenticeship program listed by the district; and (2) a statement that a student may find a registered, but not listed, apprenticeship program with a business or organization, if a registered apprenticeship program is not offered in the district. 23 Ill.Admin.Code §255.200(c)(2). See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. For districts that do not maintain a website, use the following alternative sentence:

> Parents/guardians and students will be notified of opportunities for registered apprenticeship programs in the appropriate school handbook(s).

[14] 23 Ill.Admin.Code §255.200(b)(4). See sample exhibits 6:310-E, *Class Substitution Request*, and 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. If the district does not maintain a website, delete ~~and on its website~~.

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6. All non-academic requirements mandated by the School Code for high school graduation that would otherwise prohibit or prevent the student from participating in the registered apprenticeship program are waived.

Advanced placement computer science.[15] The advanced placement computer science course is equivalent to a high school mathematics course. A student in grades 9-12 may substitute the advanced placement computer science course for one year of mathematics, in accordance with Section 27-22 of the School Code. The transcript of a student who completes the advanced placement computer science course will state that it qualifies as a mathematics-based, quantitative course.

Substitutions for physical education. A student in grades 9-12, unless otherwise stated, may submit a written request to the Building Principal to be excused from physical education courses for the reasons stated below.[16] The Superintendent or designee shall maintain records showing that the criteria set forth in this policy were applied to the student's individual circumstances, as appropriate. [17]

1. Ongoing participation in a marching band program for credit; [18]
2. Enrollment in Reserve Officer's Training Corps (ROTC) program sponsored by the District;[19]
3. Ongoing participation in an *interscholastic* or *extracurricular athletic program*; [20]

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

[15] Optional, but allowed by 105 ILCS 5/27-~~60522~~(e)(3) and 5/27-~~60522~~(f-5), both renumbered by P.A. 104-391.

[16] Optional, but allowed by 105 ILCS 5/27-~~7106~~(b), renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.425(e). A board that wants to allow any of these P.E. exemptions must include the ones it selects in a policy that excuses students on an individual basis.

[17] 23 Ill.Admin.Code §1.425(e).

[18] 23 Ill.Admin.Code §1.425(e)(4)(A). This policy excuses students from P.E. only during the marching band season because the statute allows the exemption "for ongoing participation in such marching band program." Thus, if the marching band season is over, the student's *ongoing participation* has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue until the end of the current grading period.

[19] 23 Ill.Admin.Code §1.425(e)(4)(B).

[20] 23 Ill.Admin.Code §1.425(e)(2) and (e)(3)(A). Prior to P.A. 100-465, the statute only allowed students in grades 11 and 12 to be excused from P.E. "for ongoing participation in an interscholastic athletic program." ~~105 ILCS 5/27-6(b)(1).~~ 105 ILCS 5/27-~~7106~~(b) ~~now~~, renumbered by P.A. 104-391, states "on a case-by-case basis, excuse pupils in grades 7 through 12 who participate in an interscholastic or extracurricular athletic program." While the statute no longer requires such participation to be *ongoing*, 23 Ill.Admin.Code §1.425(e)(3) requires *ongoing participation*. Thus, if the athletic program is over, the student's *ongoing participation* has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue only until the end of the grading period during which the athletic program is active. 23 Ill. Admin. Code §1.425(e)(2) limits interscholastic and extracurricular athletic programs to those that are sponsored by the school district as defined in school board policy. Boards do not have the "authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district." Id. at §1.425(e)(6).

State statutes do not define *interscholastic athletic program* or *extracurricular athletic program*; however, 105 ILCS 5/22-80 defines *interscholastic athletic activity* as "any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling." 23 Ill.Admin.Code §1.425(e)(2) defines *interscholastic* and *extracurricular athletic programs* as "those programs that are sponsored by the school district as defined by school district policy." Boards have no authority to honor parental excuses based upon students' participation in athletic training, activities or competition conducted outside the auspices of the school district. 23 Ill.Admin.Code §1.425(e)(6).

For boards that want to explain the meaning of *interscholastic or extracurricular athletic program*, insert the following option at the end of #3:

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4. Enrollment in academic classes that are required for admission to an institution of higher learning (student must be in the 11th or 12th grade);[21] or
5. Enrollment in academic classes that are required for graduation from high school, provided that failure to take such classes will result in the student being unable to graduate (student must be in the 11th or 12th grade). [22]

A student who is eligible for special education may be excused from physical education courses pursuant to 7:260, *Exemption from Physical Education*.

Volunteer service credit.[23] A student participating in the District's Volunteer Service Credit Program, if any, may earn credit toward graduation for the performance of community service. The amount of credit given for program participation shall not exceed that given for completion of one semester of language arts, math, science, or social studies.

Re-Entering Students [24]

Individuals younger than 21 years of age may re-enter high school to acquire a high school diploma or an equivalency certificate, subject to the limitations in Board policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. Re-entering students may obtain credit through the successful completion of the following (not all of these may be available at any one time):

1. District courses
2. Non-District experiences described in this policy
3. Classes in a program established under Section 10-22.20 of the School Code, in accordance with the standards established by the Illinois Community College Board
4. Proficiency testing, correspondence courses, life experiences, and other nonformal educational endeavors
5. Military service, provided the individual making the request has a recommendation from the American Council on Education

The provisions in the section **Credit for Non-District Experiences**, above, apply to the receipt of credit for any non-District course.

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(organized school-sponsored or school-sanctioned activities for students that are not part of the curriculum, not graded, not for credit, generally take place outside of school instructional hours, and under the direction of a coach, athletic director, or band leader)

For unit districts, ensure the definition matches the definition in policy 7:260, *Exemption from Physical Education*.

[21] 23 Ill.Admin.Code §1.425(e)(3)(B).

[22] 23 Ill.Admin.Code §1.425(e)(3)(C).

[23] Optional. The credit given for one semester may not exceed that stated in this policy. 105 ILCS 5/27-1035~~22.3~~, renumbered by P.A. 104-391. The program may include participation in the organization of a high school or community blood drive or other blood donor recruitment campaign. Id. ISBE must provide assistance to districts opting to offer the program. 105 ILCS 5/2-3.108.

[24] Required by 23 Ill.Admin.Code §1.470(a). While the sample policy does not provide for it, a school board may permit adults 21 years of age or older to re-enter high school. 23 Ill.Admin.Code §1.470(b). Items #4 & #5 are optional, but must be included in a policy if credit will be granted for them. 105 ILCS 5/27-6; 27-610~~22.05~~, amended and renumbered by P.A. 104-391.

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LEGAL REF.: 105 ILCS 5/2-3.44, 5/2-3.108, 5/2-3.115(b), 5/2-3.142, 5/2-3.175, 5/10-22.43a, 5/10-20.62, 5/27-610, 5/27-7106, and 5/27-1035~~22.3, and 5/27-22.05~~.
110 ILCS 27/, Dual Credit Quality Act.
23 Ill.Admin.Code §§1.425(e), 1.440(f), 1.470(c), and Part 255.

CROSS REF.: 6:180 (Extended Instructional Programs), 6:300 (Graduation Requirements), 6:315 (High School Credit for Students in Grade 7 or 8), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:260 (Exemption from Physical Education)

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Instruction

High School Credit for Students in Grade 7 or 8 [1]

The Superintendent or designee may investigate, coordinate, and implement a program for students in grades 7 and 8 to enroll in a course required for a high school diploma.

[*The next two paragraphs are only for unit and high school districts; the final paragraph is only for elementary districts.*]

If a program is available, students in grades 7 and 8 may enroll in a course required for a high school diploma when the course is offered by the high school that the elementary student would attend and ~~either~~ one of the following is satisfied: (1) the student participates in the course at the high school and the elementary student's enrollment in the course would not prevent a high school student from being able to enroll, or (2) the student participates in the course where the student attends school as long as the student passes the course and the end-of-course examination given at the high school granting the credit for the same course, demonstrating proficiency at the high school level, or (3) the course is taught by a teacher who holds a professional educator license with an endorsement for the grade level and content area of the course. [2]

A student who successfully completes a course required for a high school diploma while in grades 7 and 8 shall receive academic credit for the course.[3] That academic credit shall satisfy the requirements of ~~Section 27-22 of the School Code~~105 ILCS 5/27-615 for purposes of receiving a high school diploma, unless evidence about the course's rigor and content show that the course did not address the relevant Illinois learning standard at the level appropriate for the high school grade during which the course is usually taken.[4] The student's grade in the course shall also be included in the student's grade point average. [5]

[*Elementary school districts only*]

If a program is available, students in grades 7 and 8 may enroll in a course required for a high school diploma. Students in grades 7 and 8 who successfully complete a course required for a high school

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

[1] While State law controls this policy's content, districts are not required to implement it. The board of any district that maintains any grades 9-12 may adopt a policy for students enrolled in grade 7 or 8 to enroll in a course required for high school graduation. 105 ILCS 5/27-~~22.10~~615(a), amended by P.A. 104-267, eff. 1-1-26, and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.440(c)(3). The first sentence recognizes that this policy's implementation requires cooperation between school districts, superintendents, building principals, and other administrators.

[2] A high school board may choose the following alternative if it believes condition (2) would be difficult to manage because its students come from multiple districts having been taught by multiple non-district teachers:

> If a program is available, students in grades 7 and 8 may enroll in a course required for a high school diploma when the course is offered by the high school that the elementary student would attend when the student participates in the course at the high school and the elementary student's enrollment in the course would not prevent a high school student from being able to enroll.

[3] 105 ILCS 5/27-~~22.10~~615(c), amended and renumbered by P.A. 104-391.

[4] Id. ~~at (c).~~

[5] Id. at (d), renumbered by P.A. 104-391.

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diploma will receive academic credit if permitted by, and in accordance with, the policy of the district where the elementary student will attend high school.

LEGAL REF.: 105 ILCS 5/10-22.43 and 5/27-615~~22.10~~.
23 Ill.Admin.Code §1.460.

CROSS REF.: 6:135 (Accelerated Placement Program), 6:300 (Graduation Requirements), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:320 (High School Credit for Proficiency)

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Instruction

High School Credit for Proficiency

Proficiency Credits [1]

Subject to the limitations in this policy and State law, the Superintendent or designee is authorized to establish and approve a program for granting credit for proficiency with the goal of allowing a student who would not benefit from a course because the student is proficient in the subject area to receive credit without having to take the course. A student who demonstrates competency under this program will receive course credit for the applicable course and be excused from any requirement to take the course as a graduation prerequisite. No letter grade will be given for purposes of the student's cumulative grade point average. The Superintendent or designee shall notify students of the availability of and requirements for receiving proficiency credit.

Proficiency credit will be offered in the following subject areas: [2]

Foreign language - A student is eligible to receive one year of foreign language credit if the student has graduated from an accredited elementary school and can demonstrate proficiency, according to this District's academic criteria, in a language other than English.[3] A student who demonstrates proficiency in American Sign Language is deemed proficient in a foreign language and will receive one year of foreign language credit.[4] A student who studied a foreign language in an approved ethnic school program is eligible to receive appropriate credit according to the level of proficiency reached; the student may be required to take a proficiency examination. [5]

Other proficiency testing - The program for granting credit for proficiency may allow, as the Superintendent deems appropriate, course credit to be awarded on the basis of a local examination to a student who has achieved the necessary proficiency through independent study or work taken in or through another institution.[6] Proficiency testing may also be used to determine eligible credit

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

[1] An ISBE rule requires districts with a high school to have a policy on earning credit through proficiency exams. 23 Ill.Admin.Code §1.460. State law controls this policy's content. Students must *successfully complete* the courses listed in 105 ILCS 5/27-~~22~~605, amended by P.A. 104-387, and amended and renumbered by P.A. 104-391~~s 101-643, 101-654, 102-366~~, in order to receive a high school diploma. See 6:300-E2, *State Law Graduation Requirements*. 105 ILCS 5/27-~~12.1~~305, renumbered by P.A. 104-391, no longer allows districts to grant consumer education proficiency credit.

In accordance with 105 ILCS 5/2-3.159~~, amended by P.A. 101-503,~~ and 23 Ill.Admin.Code §680.20, a school district may establish a program to recognize high school graduates who attain a high level of proficiency in one or more languages in addition to English by designating on a student's diploma and transcript a State Seal of Biliteracy.

[2] This paragraph should be revised to reflect the actual practice concerning granting proficiency credits. A board may delete all text concerning foreign language proficiency credit and keep only the text in the second indented paragraph without using a subheading.

[3] Optional, but permitted by 105 ILCS 5/10-22.43.

[4] See f/n 2. Required only if the district offers proficiency credit for foreign language. Id.

[5] See f/n 2. Optional, but permitted by 105 ILCS 5/10-22.43a.

[6] Optional. *Local examination* is not defined but is generally understood to mean examinations developed by the district, school, or instructor, not standardized examinations developed by the state or an outside entity, e.g. advanced placement examinations by the College Board.

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for other subjects whenever students enter from non-graded schools, non-recognized or non-accredited schools, or were in a home-schooling program.

LEGAL REF.: 105 ILCS 5/10-22.43, 5/10-22.43a, and 5/27-60522, and 5/27-24.3.
23 Ill.Admin.Code §1.460; Part 680, State Seal of Biliteracy.

CROSS REF.: 6:300 (Graduation Requirements), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:315 (High School Credit for Students in Grade 7 or 8)

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Students

Equal Educational Opportunities [1]

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race,[2] national origin, religion, sex,[3] sexual orientation, ancestry, age, physical or mental disability, gender identity,[4] status of being homeless, immigration status, order of protection status,

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

[1] State or federal law requires this subject matter be covered by policy and controls this policy's content. Many civil rights laws guarantee equal educational opportunities; see citations in the Legal References.

[2] The Ill. Human Rights Act (IHRA) defines *race* to include traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists. 775 ILCS 5/1-103(M-5). The Ill. Dept. of Human Rights' (IDHR) jurisdiction over schools as "places of public accommodation" is limited, see f/n 4, below. See also sample policy 7:160, *Student Appearance*, regarding hairstyles associated with race.

[3] With some exceptions, Title IX of the Education Amendments of 1972 (Title IX) guarantees that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance…" 20 U.S.C. §1681(a). See sample policy 2:265, *Title IX Grievance Procedure*, for further discussion.

Title IX implementing regulations at 34 C.F.R. §106.40 and 49 C.F.R. §25.445 prohibit "any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex." Ill. State Board of Education (ISBE) sex equity regulation at 23 Ill.Admin.Code §200.50(e) prohibits discrimination against a student "because of his or her actual or potential marital or parental status," and it specifies that: (1) pregnancy shall be treated as any other temporary disability, (2) pregnancy or parenthood shall not be considered cause for dismissal or exclusion from any program or activity, (3) participation in special programs provided for pregnant students or students who are parents shall be at the student's option, and (4) systems shall eliminate administrative and programmatic barriers to school attendance and school completion by pregnant students or students who are parents. Id. See f/n 8, below, regarding support services for pregnant and parenting students.

[4] The IHRA and an ISBE rule prohibit schools from discriminating against students on the basis of *sexual orientation* and *gender identity*. 775 ILCS 5/1-103(Q), 5/5-101(11), and 5/5-102; 23 Ill.Admin.Code §1.240. *Sexual orientation* is defined as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth." 775 ILCS 5/1-103(O-1). *Gender identity* is included in the definition of sexual orientation in the IHRA. The IHRA permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms. 775 ILCS 5/5-103.

Adopting separate policies or inserting policy statements about accommodations and inclusion of transgender students in the educational program are unsettled areas of the law. Some lawyers believe doing so may open boards to equal protection challenges for not creating separate policies for other protected statuses, e.g., race, national origin, religion, etc. Governor Pritzker issued Executive Order (EO) 2019-11, titled "Strengthening Our Commitment to Affirming and Inclusive Schools" which established the Affirming and Inclusive Schools Task Force (Task Force) to identify strategies and best practices for ensuring welcoming, safe, supportive, and inclusive school environments for transgender, nonbinary, and gender nonconforming students. The Task Force delivered a report that served as the basis for two non-regulatory guidance documents entitled *Supporting Transgender, Nonbinary and Gender Nonconforming Students* and *Sample District Policy and Administrative Procedures* at www.isbe.net/supportallstudents. ~~The Ill. State Board of Education (~~ISBE~~)~~ hosts these documents on its website. The Ill. Dept. of Human Services, the Legal Council for Health Justice and other community organizations partnered to create ILPrideConnect, which has resources for school administrators, parents, and students at www.ilprideconnect.org/school-and-education.

Consult the board attorney if your board wishes to adopt a separate policy or insert policy statements about accommodations and inclusion of transgender students.

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military status, unfavorable military discharge, reproductive health decisions, or actual or potential marital or parental status, including pregnancy.[5] Further, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the District remains viewpoint neutral when granting access to school facilities under Board policy 8:20, *Community Use of School Facilities*.[6] Any student may file a discrimination complaint by using Board policy 2:260, *Uniform Grievance Procedure*, or in the case of discrimination on the basis of race, color, or national origin, Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*. [7]

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

For boards that want to incorporate ISBE's *Sample District Policy and Administrative Procedures* policy recommendation into this policy, insert the following in place of "gender identity,": gender, gender identity (whether or not traditionally associated with the student's sex assigned at birth), gender expression.

If the board inserts this option, it must also insert the options in f/n 2~~7~~, below and in f/n 2 of sample policy 7:20, *Harassment of Students Prohibited*, but note the protected statuses list in this policy is different and should not be copied from here into 7:20, *Harassment of Students Prohibited*.

See sample administrative procedure 7:10-AP1, *Accommodating Transgender, Nonbinary, or Gender Nonconforming Students*, for a case-by-case procedure that school officials may use when a student requests an accommodation based upon his or her gender identity.

For a list of policies that address the equal educational opportunities, health, safety, and general welfare of students within the District, see sample exhibit 7:10-E, *Equal Educational Opportunities Within the School Community*.

[5] 105 ILCS 5/22-105, added by P.A. 104-288, eff. 1-1-26, codifies Plyler v. Doe, 457 U.S. 202 (1982), which held that it is unconstitutional for states to deny children a free public education based on immigration status. The law prohibits districts from taking any action that would deny a child free public education based on the child's or their parent's/guardian's actual or perceived citizenship or immigration status, and it requires districts to establish a policy and procedures regarding agency and law enforcement requests, to ensure this right is preserved. 105 ILCS 5/22-105(c)(1-3), added by P.A. 104-288, eff. 1-1-26. See sample policy 7:150, *Agency and Law Enforcement Requests*, and sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*. In 23 Ill.Admin.Code §1.240, ISBE states that "no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (Plyler v. Doe, 457 U.S. 202 (1982))."

775 ILCS 5/1-102(A), amended by P.A.s 103-472 and 103-785, lists the following protected categories: race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, reproductive health decisions, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations, including in elementary, secondary, and higher education. See sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, and its footnotes for definitions of some of these terms.

The IHRA prohibits schools from discriminating against students on the bases of *reproductive health decisions*. 775 ILCS 5/1-103(Q), amended by P.A. 103-785. See 775 ILCS 5/1-103(O-2), amended by P.A. 103-785, for a definition of *reproductive health decisions*.

The IHRA's jurisdiction in regard to schools as places of public accommodation is specifically limited to: (1) failing to enroll an individual, (2) denying or refusing full and equal enjoyment of facilities, goods, or services, or (3) failing to take corrective action to stop severe or pervasive harassment of an individual. 775 ILCS 5/5-102.2.

[6] 23 Ill.Admin.Code §200.40(g) prohibits entering into agreements with entities that discriminate against students on the basis on sex. Section 200.80(a)(4) contains an exception for single sex youth organizations, e.g., Girl Scouts. Note that the U.S. Supreme Court refused to apply New Jersey's public accommodation law to the Boy Scouts because forcing the Scouts to accept a homosexual as a member would violate the Scouts' freedom of expressive association. Boy Scouts of America v. Dale, 530 U.S. 640 (2002). When deciding whether to allow non-school groups to use its facilities, a public school district may not engage in viewpoint discrimination. Good News Club v. Milford Central Sch., 533 U.S. 98 (2001).

[7] Districts must have a grievance procedure. See the Legal References following this policy and 105 ILCS 5/22-95, added by P.A. 103-472, regarding the internal complaint process for claims of discrimination on the basis of race, color, or national origin, which is addressed in sample policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*. Absent a specific statute or rule, there is no consensus on whether students have the right to appeal a board's decision to the Regional Superintendent and thereafter to the State Superintendent pursuant to 105 ILCS 5/2-3.8.

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Sex Equity [8]

No student shall, based on sex, sexual orientation, or gender identity[9] be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance Procedure*. A student may appeal the Board's resolution of the complaint to the Regional Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8). [10]

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

[8] Every district must have a policy on sex equity. 23 Ill.Admin.Code §200.40(b). The IHRA, Public Accommodation section, prohibits schools from: (1) failing to enroll an individual, (2) denying or refusing an individual full and equal enjoyment of its facilities, goods, or services, or (3) failing take corrective action to stop severe or pervasive harassment of an individual (775 ILCS 5/5-102.2), on the basis of the individual's sex or sexual orientation, among other classifications (775 ILCS 5/5-101(11)). Every four years, districts must evaluate their policies and practices to identify and eliminate sex discrimination as well as evaluate course enrollment data to identify disproportionate enrollment based on sex. In-service training for all staff members is required. 23 Ill.Admin.Code §200.40(e).

Every four years, districts must survey students about their athletic interests and must use survey results in planning for the future and assessing current program comparability. 23 Ill.Admin.Code §200.80(b)(1). Equal participation and equal opportunity in athletics is addressed in Title IX implementing regulations. 34 C.F.R. §106.41. Generally, when a school district offers a team for one gender but not for the other, a member of the excluded gender is allowed to try out for the team unless the sport is a *contact sport*. Contact sports are boxing, wrestling, rugby, ice hockey, football, basketball, and other sports involving bodily contact. The rules also list the factors that determine whether equal opportunities are available to both genders. These include: whether the selection of athletics accommodates the interests and abilities of both genders; equipment and supplies; scheduling; opportunity to receive coaching and academic tutoring; locker rooms, practice facilities, and fields; and publicity. Title IX prohibits any person from sexually harassing a student. See sample policy 2:265, *Title IX Grievance Procedure*, for further discussion.

105 ILCS 5/10-20.60 requires public schools to provide reasonable accommodations to breastfeeding students. See sample administrative procedure 7:10-AP2, *Accommodating Breastfeeding Students*, for specific *reasonable accommodations* under Illinois law.

105 ILCS 5/10-20.63 requires school districts to make menstrual hygiene products (defined as tampons and sanitary napkins for use in connection with the menstrual cycle) available, at no cost to students, in bathrooms of every school building that is open for student use in grades 4 through 12 during the regular school day. **Note:** While P.A. 102-340 expanded the availability of menstrual hygiene products to students in grades 4 and 5, it did not expand the definition of *school building*, which remains defined as serving students in grades 6 through 12. Consult with the board attorney about implementing this law.

105 ILCS 5/26A-40, added by P.A. 102-466, a/k/a *Ensuring Success in School Law*~~, eff. 7-1-25~~, requires schools to "facilitate the full participation of students who are parents, expectant parents, or victims of domestic or sexual violence" by providing certain in-school support services. For further information, see sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

[9] For boards that want to incorporate ISBE's *Sample District Policy and Administrative Procedures* policy recommendations into this policy (see f/n 4 above), insert:

1. In place of "or gender identity" as follows: "~~or~~ gender identity, or gender expression".
2. The following sentence as the second sentence of this subhead: "Students shall be supported in a manner consistent with their gender identity. This will include, but not be limited to, use of restrooms, locker rooms, and other facilities that correspond with the student's gender identity."

[10] Districts must have a sex equity grievance procedure and must tell students that they may appeal a board's resolution of a sex equity complaint to the Regional Superintendent and, thereafter, to the State Superintendent. 23 Ill.Admin.Code §200.40. Student complaints regarding breastfeeding accommodations must also be processed in accordance with these procedures. See sample policy 2:260, *Uniform Grievance Procedure*, at f/n 9.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."

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Any student may file a sexual harassment complaint by using Board policy 2:265, *Title IX Grievance Procedure*.

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator and a Title IX Coordinator.[11] The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and related grievance procedures. [12]

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106.
29 U.S.C. §791 et seq., Rehabilitation Act of 1973; 34 C.F.R. Part 104.
42 U.S.C. §2000d, Title VI of the Civil Rights Act of 1964; 34 C.F.R. Part 100.
42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
Plyler v. Doe, 457 U.S. 202 (1982).
Good News Club v. Milford Central Sch., 533 U.S. 98 (2001).
Ill. Constitution, Art. I, §18.
105 ILCS 5/3.25b, 5/3.25d(b), 5/10-20.12, 5/10-20.60, 5/10-20.63, 5/10-22.5, 5/22-105, 5/26A, and 5/27-1.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
775 ILCS 35/5, Religious Freedom Restoration Act.
23 Ill.Admin.Code §1.240 and Part 200.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:130 (Student Rights and Responsibilities), 7:150 (Agency and Law Enforcement Requests), 7:160 (Student Appearance), 7:165 (School Uniforms), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:250 (Student Support Services), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:330 (Student Use of Buildings - Equal Access), 7:340 (Student Records), 8:20 (Community Use of School Facilities)

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[11] Required by regulations implementing Title IX. 34 C.F.R. §106.8(a). See f/ns 24 and 25 in sample policy 2:260, *Uniform Grievance Procedure*. The Nondiscrimination Coordinator often also serves as the Title IX Coordinator.

[12] Required by regulations implementing Title IX. 34 C.F.R. Part 106; 23 Ill.Admin.Code §200.40. Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal but should be reviewed and approved by the superintendent and board. Faculty handbooks may contain working conditions and be subject to mandatory collective bargaining. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh.

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Students

Attendance and Truancy [1]

Compulsory School Attendance [2]

This policy applies to individuals who have custody or control of a child: (a) between the ages of six (on or before September 1) and 17 years (unless the child has graduated from high school), or (b) who is enrolled in any of grades kindergarten through 12 in the public school regardless of age.

Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because of religious reasons, including to observe a religious holiday, for religious instruction, or because his or her religion forbids secular activity on a particular day(s) or time of day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness (including mental or behavioral health of the student),[3] attendance at a verified medical or therapeutic appointment (including a victim services provider),[4] observance of a religious holiday, death in the

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[1] State law requires boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/22-92; 23 Ill.Admin Code Part 207. Any school receiving public funds must develop and annually communicate to its students and their parents/guardians an absenteeism and truancy policy. Id. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook* (MSH), at: www.ilprincipals.org/msh/.

This policy must be updated every two years and filed with the Ill. State Board of Education (ISBE) and the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate]. 105 ILCS 5/22-92(b); 23 Ill.Admin.Code §207.30(a). 105 ILCS 5/3-0.01 states that any references to *regional superintendent* include the chief administrative officer of Intermediate Service Centers established under 105 ILCS 5/2-3.62. See the **Updating~~Monitoring~~** subhead and f/n 2~~1~~, below.

[2] 105 ILCS 5/26-2 addresses enrolled students below or over set compulsory attendance ages. The law also requires any persons having custody or control of a child who is enrolled in grades kindergarten through 12 in the public school to cause the child to attend school.

105 ILCS 5/26-1 contains the compulsory school age exemptions. Each listed exception is specifically included in the statute, except the reference to *home school*. See sample policy 7:40, *Nonpublic School Students, Including Parochial and Home-Schooled Students*, regarding assigning students who enroll from a non-public school. See sample policy 6:150, *Home and Hospital Instruction*, regarding providing instruction to a pregnant student or other student who is medically unable to attend school.

[3] 105 ILCS 5/26-1 and 5/26-2a. A student may be absent for mental or behavioral health for up to five days without providing a medical note, and the student must be given an opportunity to make up any missed school work. *Medical note* is not defined, but the same portion of the statute discusses a student's inability to attend school due to a disability being certified by an Illinois licensed physician, chiropractic physician, advanced practice registered nurse, or physician assistant; presumably, any of these individuals could provide a *medical note*. After the second mental health day used, the student may be referred to the appropriate school support personnel. Id. See sample policy 7:250, *Student Support Services*.

[4] 105 ILCS 5/26-2a, amended by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*~~, eff. 7-1-25~~.

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immediate family, attendance at a civic event,[5] family emergency, other situations beyond the control of the student as determined by the Board, voting pursuant to Board policy 7:90, *Release During School Hours* (10 ILCS 5/7-42 and 5/17-15), other circumstances that cause reasonable concern to the parent/guardian for the student's mental, emotional, or physical health or safety, or other reason as approved by the Superintendent or designee.[6] For students who are parents, expectant parents, or victims of domestic or sexual violence, valid cause for absence also includes the fulfillment of a parenting responsibility and addressing circumstances resulting from domestic or sexual violence.[7] Students absent for a valid cause may make up missed homework and classwork assignments in a reasonable timeframe. [8]

Absenteeism and Truancy Program

The Superintendent or designee shall manage an absenteeism and truancy program in accordance with the School Code and School Board policy. The program shall include but not be limited to:

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified. [9]

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[5] 105 ILCS 5/26-1 and 5/26-2a. Subject to ISBE guidelines, a middle or high school student shall be permitted one school day-long excused absence per school year to engage in a *civic event*, defined as "an event sponsored by a non-profit organization or governmental entity that is open to the public. *Civic event* includes, but is not limited to, an artistic or cultural performance or educational gathering that supports the mission of the sponsoring non-profit organization. Schools may require students to provide an appropriate administrator with reasonable advance notice of the intended absence and documentation of participation.

[6] 105 ILCS 5/22-92(a)(1) requires a policy with a definition of valid cause for absence in accordance with 105 ILCS 5/26-2a. These reasons are in 105 ILCS 5/26-2a except that (1) "other reason as approved by the Superintendent," and (2) absences for students to vote authorized by 10 ILCS 5/7-42 and 5/17-15 were added. An ISBE rule requires that the absenteeism and truancy policy define valid causes for absence. 23 Ill.Admin.Code §1.290.

For elementary districts, delete the following phrase from the second sentence of this paragraph: "~~voting pursuant to policy 7:90, *Release During School Hours* (10 ILCS 5/7-42 and 5/17-15),~~" and delete 7:90, *Release During School Hours*, from the Cross References.

For high school and unit districts that do not wish to include the **Voting** subhead in policy 7:90, *Release During School Hours*, amend the second sentence of this paragraph as follows: "~~policy 7:90, Release During School Hours (~~the Election Code, 10 ILCS 5/7-42 and 5/17-15,~~)~~"and delete 7:90, *Release During School Hours* from the Cross References.

[7] 105 ILCS 5/26-2a, amended by P.A. 102-466, a/k/a *ESS Law*~~, eff. 7-1-25~~. *Fulfillment of a parenting responsibility* includes, but is not limited to, arranging and providing child care, caring for a sick child, attending prenatal or other medical appointments for the expectant student, and attending medical appointments for a child. Id. *Circumstances resulting from domestic or sexual violence* includes, but is not limited to, experiencing domestic or sexual violence, recovering from physical or psychological injuries, seeking medical attention, seeking services from a domestic or sexual violence organization as defined in 105 ILCS 5/26A-10, seeking psychological or other counseling, participating in safety planning, temporarily or permanently relocating, seeking legal assistance or remedies, or taking any other action to increase the safety or health of the student or to protect the student from future domestic or sexual violence. Id. Before an absence of three or more consecutive days that is related to domestic or sexual violence, a district may require a student to verify his or her claim of domestic or sexual violence under 105 ILCS 5/26A-45. Id. See sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

[8] See f/n 3. In addition, 105 ILCS 5/10-20.78 requires a written policy related to absences and missed homework or classwork assignments as a result of or related to a student's pregnancy. It makes sense to apply such a policy to all students who are absent for a valid cause.

[9] Any child "necessarily and lawfully employed" may be exempted from attendance by the superintendent "on certification of the facts by and the recommendation of the school board." 105 ILCS 5/26-1. The policy's language serves to delegate this "certification of the facts" to the superintendent or designee. The following option allows a board to consider and include specific criteria in the policy:

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2. A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran. [10]
3. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings. [11]
4. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification. [12]
5. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in 105 ILCS 5/26-2a.
6. A description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem. [13]
7. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, and information about available community services relevant to such students' needs.[14] See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.
8. A process for the collection and review of chronic absence data and to:
    a. Determine what systems of support and resources are needed to engage chronically absent students and their families, and

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A student may be excused, at the Superintendent's discretion, when: (1) the student has a last period study hall, (2) the parent/guardian provides written permission, (3) the student's employer provides written verification of employment, (4) the student provides evidence of a valid work permit, or (5) other reason deemed justifiable by the Superintendent.

Child Labor laws include: 29 C.F.R. Part 570 (minimum age standards, occupations, conditions, etc.); Child Labor Law of 2024, 820 ILCS 206/, added by P.A. 103-721; 56 Ill.Admin.Code Part 250 (child labor regulations). To streamline the employment certificate process for minors, the Ill. Dept. of Labor (IDOL) has a paperless certification system for districts to provide IDOL with the name and contact information of the superintendent or designee as the *issuing officer*. The *school issuing officer* will then be granted access to electronically complete and submit either the IDOL's *Employment Certificate Form* or *Temporary Employment Certificate Form*, at: ~~www2.illinois.gov/idol/Laws-Rules/FLS/Pages/Employment-Certificates-Minors.aspx~~https://labor.illinois.gov/laws-rules/fls/employment-certificates-minors.html.

[10] 105 ILCS 5/26-1. A student must notify the building principal or other administrator at least two days prior to the absence providing the date, time, and location of the military honors funeral. This requirement may be waived if the student did not receive notice at least two days in advance, but the student shall notify the administration as soon as possible of the absence.

A student whose absence is excused to sound *Taps* shall be counted in attendance for purposes of calculating the average daily attendance of students in the district. The district must allow the student reasonable time to make up school work and if school work is satisfactorily completed, the day of absence is counted as an attendance day for the student.

[11] 105 ILCS 5/26-1. Such a student must be granted five days of excused absences in any school year and, at the board's discretion, may be granted additional excused absences to visit the student's parent/guardian. The student and his/her parent/guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his/her return to school from the excused absence period. Id.

[12] This notification is required by 105 ILCS 5/26-3b. Delete for high school districts.

[13] 105 ILCS 5/22-92(a)(2).

[14] Id. at (3). The School Code references to dropout prevention include: 105 ILCS 5/26-3a (regional superintendent activities and annual report); 105 ILCS 5/10-20.25a (annual report by boards); and 105 ILCS 5/1A-4(E) (ISBE report).

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b. Encourage the habit of daily attendance and promote success. [15]

9. Reasonable efforts to provide ongoing professional development to all school personnel, Board members, and school resource officers on the appropriate and available supportive services for the promotion of student attendance and engagement. [16]
10. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered. [17]
11. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records. [18]

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[15] 105 ILCS 5/22-92(a)(4) requires the incorporation of provisions relating to chronic absenteeism in accordance with 105 ILCS 5/26-18. 105 ILCS 5/26-18 requires districts to collect and review chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. 105 ILCS 5/26-18(c). The review must include an analysis of chronic absence data from each attendance center. Id. Districts are also encouraged to: (1) provide a system of support to students at risk of reaching or exceeding chronic absence levels, i.e., those available through the Illinois Multi-tiered Systems of Support Network; and (2) make resources available to families, i.e., those available through ISBE's Family Engagement Framework, to support and engage students and their families. 105 ILCS 5/26-18(d). *Chronic absence* means "absences that total 10% or more of school days of the most recent school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student." 105 ILCS 5/26-18(a). In contrast, a *chronic or habitual truant* is "a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days." 105 ILCS 5/26-2a.

[16] 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896.

[17] Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

[18] 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services. 705 ILCS 405/3-33.5, amended by P.A. 103-379. Truant minors in need of supervision may be required by the court to perform reasonable public service that does not interfere with school hours, school-related activities, or work commitments of the minor or the minor's parent, guardian, or legal custodian. Id. Fees or costs may not be ordered or imposed in contempt proceedings related to the minor's adjudication as a truant minor in need of supervision. Id.

Counties may regulate truants by ordinance and impose fines and/or community services on truants, as permitted by law, or, if the truant is under 10 years of age, on the parent or custodian. 55 ILCS 5/5-1078.2; 55 ILCS 5/5-1101.3, amended by P.A. 103-379. Municipalities may regulate truants by ordinance and impose fines and/or community services on truants, as permitted by law, or, if the truant is under 13 years of age, on the parent or custodian. 65 ILCS 5/11-5-9. Local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as: (a) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (b) *juvenile authorities* within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Ill. School Student Records Act. 105 ILCS 10/6(a)(6.5). Id. **A superintendent should consult with the board attorney before disclosing school student records to non-district entities.** See 7:340-AP1, *School Student Records*, for a sample procedure for release of such records to juvenile authorities.

Passed in response to a ProPublica article series entitled The Price Kids Pay, at: www.propublica.org/series/the-price-kids-pay, P.A. 103-379 restricts the ability of the juvenile courts and certain county boards to assess fines, fees, assessments, and costs to minors and the minor's parents/guardians, subject to the minor's adjudication under various ordinances and statutes.

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12. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student. [19]

13. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. [20]

~~13.~~14. An approval process for students to attend activities allowed under 105 ILCS 5/10-19.05(k), including provisions for making up missed coursework that do not penalize students. [21]

[*For high school and unit districts only*]

~~14.~~15. A process for a 17-year-old resident to participate in the District's various programs and resources for truants.[22] The student must provide documentation of his/her dropout status for the previous six months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in Board policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.

~~15.~~16. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. [23]

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[19] 105 ILCS 5/26-12, amended by P.A. 104-430, prohibits punitive action "unless available supportive services and other school resources have been provided to the student." School personnel may not refer a truant, chronic truant, or truant minor to any other local public entity, school resource officer, or peace officer to issue the child a fine or fee as punishment for truancy. Id. In addition, "a truant minor may not be expelled for nonattendance unless he or she has accrued 15 consecutive days of absences without valid cause and the student cannot be located by the school district or the school district has located the student but cannot, after exhausting all available supportive services, compel the student to return to school." Id.

[20] 105 ILCS 5/26-3a requires the district to "establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship."

This statute also requires the "clerk or secretary" of the board to quarterly report to the regional superintendent and Secretary of State the identity of students who were removed from the regular attendance roll, exclusive of transferees, because they were expelled; have withdrawn; left school; withdrew due to extraordinary circumstances; have re-enrolled in school since their names were removed from the attendance rolls; were certified to be chronic or habitual truants; or were previously certified as chronic or habitual truants who have resumed regular school attendance. The statute provides that the status of a driver's license or instructional permit will be jeopardized for a student who is the subject of this notification because of non-attendance unless the non-attendance is due to extraordinary circumstances as determined by the local district. State Superintendent Koch announced in his *Weekly Message*, 8-28-07, see **Funding & Disbursements** subhead, p.2, at: www.isbe.net/Documents_Superintendent_Weekly_Message/message_082807.pdf, that ISBE is delaying implementing this statute based upon legal guidance from the U.S. Dept. of Education's Family Policy Compliance Office that its implementation would violate the federal Family Educational Rights and Privacy Act.

[21] Required by 105 ILCS 5/10-19.05(k), amended by P.A. 104-250, eff. 1-1-26, no later than the beginning of the 2026-27 school year. Allowable activities are: (1) instruction in a college course where the student is dually enrolled for both high school and college credit, (2) participation in a Supervised Career Development Experience in which student participation and learning outcomes are approved by an educator licensed under 105 ILCS 5/21B for assessment of competencies, (3) participation in any work-based learning experience in which student participation and learning outcomes are approved by an educator who holds an Educator License with Stipulations with a career and technical educator endorsement and a work-based learning designation, (4) participation in a youth apprenticeship in which student participation and learning outcomes are approved by an educator licensed under 105 ILCS 5/21B for assessment of competencies, and (5) participation in a blended learning program approved by the district in which course content, student evaluation, and instructional methods are supervised by an educator licensed under 105 ILCS 5/21B. Id.

[22] A district must allow this participation; the length of the drop-out period and the documentation requirement contained in the next sentence are permissive. 105 ILCS 5/26-14.

[23] Optional, but provided in 105 ILCS 5/26-2(c)(3); ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

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Updating [24]

Pursuant to State law and Board policy 2:240, *Board Policy Development*, the Board updates this policy at least once every two years. The Superintendent or designee shall assist the Board with its update.

LEGAL REF.: 105 ILCS 5/10-19.05(k), 5/22-92, ~~and~~ 5/26-1 through 5/26-3, 5/26-5 through 5/26-16, 5/26-18, and 5/26A.
705 ILCS 405/3-33.5, Juvenile Court Act of 1987.
23 Ill.Admin.Code §§1.242 and Part 207.

CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:90 (Release During School Hours), 7:190 (Student Behavior), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:340 (Student Records)

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

[24] 105 ILCS 5/22-92(b). Every two years this policy must be updated and, even if no updates are made, filed with ISBE and the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate]. Id.; 23 Ill.Admin.Code §207.30. The policy must contain all requirements of 105 ILCS 5/22-92, indicate the date of adoption (by month, day, and year) and any revision dates, and be filed electronically by September 30 each review year through ISBE's MyISBE (formerly Ill. Web Application Security (IWAS)) system. 23 Ill.Admin.Code §§207.20(a), 207.30(a). If, after review and re-evaluation of the policy, the district determines that no updates are necessary, either a copy of board minutes clearly indicating the policy was re-evaluated and no changes were deemed necessary or a signed statement from the board president indicating the policy was re-evaluated and no changes were deemed necessary must be submitted to MyISBE~~IWAS~~. 23 Ill.Admin.Code §207.30(a)(3). ISBE has stated that for districts that update the adoption date listed on a policy whenever the policy is updated, the date of adoption is sufficient to also indicate the revision date. See ISBE *Absenteeism and Truancy Policy FAQ*, at: www.isbe.net/Documents/Absenteeism-Truancy-Policy-FAQ.pdf.

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Students

Student Rights and Responsibilities [1]

All students are entitled to enjoy the rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.[2] Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures. [3]

Students may, during the school day, during noninstructional time, voluntarily engage in individually or collectively initiated, non-disruptive prayer or religious-based meetings that, consistent with the Free Exercise and Establishment Clauses of the U.S. and Illinois Constitutions, are not sponsored, promoted, or endorsed in any manner by the school or any school employee.[4] *Noninstructional time* means time set aside by a school before actual classroom instruction begins or after actual classroom instruction ends. [5]

LEGAL REF.: 20 U.S.C. §7904.
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
105 ILCS 20/5, Silent Reflection and Student Prayer Act.

CROSS REF.: 7:140 (Search and Seizure), 7:150 (Agency and Law Enforcement Requests~~Police Interviews~~), 7:160 (Student Appearance), 7:190 (Student Behavior), 7:330 (Student Use of Buildings - Equal Access)

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

[1] State or federal law controls this policy's content.

[2] In 1969 the U.S. Supreme Court changed the relationship between schools and students by finding that students "do not shed their constitutional rights at the schoolhouse door." Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).

[3] Consult the board attorney to ensure the district's non-discrimination coordinator and complaint managers are trained to appropriately respond to allegations of discrimination based upon bullying and/or sexual violence under Title IX's sexual harassment umbrella. U.S. Dept. of Education (DOE) guidance states that while acts of sexual violence are crimes, they may also be discrimination under Title IX. See *Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts*, U.S. Dept. of Education Office for Civil Rights, 111 LRP 23852 (~~April 4, 2011~~4-4-11), at https://obamawhitehouse.archives.gov/sites/default/files/fact_sheet_sexual_violence.pdf.

[4] This language is from 105 ILCS 20/5. The statute provides these examples of religious-based meetings: prayer groups, B I B L E (Basic Instruction Before Leaving Earth) clubs, and *meet at the flagpole for prayer* days. ~~**Districts with secondary schools should amend the Cross References by adding "7:330 (Student Use of Buildings – Equal Access)."**~~

In addition, federal law requires districts to certify that "no [district] policy... prevents, or otherwise denies participation in, constitutionally protected prayer in both public elementary and secondary schools." 20 U.S.C. §7904(b). The State provides certification instructions and DOE provides guidance on constitutionally protected prayer in public schools. See *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html. Certification with the Ill. State Board of Education occurs through the signed assurances that a superintendent provides through the grant application process.

[5] 105 ILCS 20/5.

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Students

Search and Seizure [1]

In order to maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects. "School authorities" includes school liaison police officers. [2]

School Property and Equipment as well as Personal Effects Left ~~On~~ on School Property by Students

School authorities may inspect and search school property and equipment owned or controlled by the school (such as, lockers, desks, and parking lots), as well as personal effects left there by a student, without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there. [3]

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[1] State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled. Consult the board's attorney with questions about implementing this policy and searching students or seizing their possessions.

According to Fourth Amendment cases, a search by the police requires "probable cause" supported by a warrant. However, in a U.S. Supreme Court decision cited in every student search case, the Court upheld the warrantless search of a student. A search is: (1) justified at its inception when there are reasonable grounds for suspecting the search of a particular student will turn up evidence that the student violated the law or school rules, and (2) permissible in its scope when it is reasonably related to the search's objective and not excessively intrusive. T.L.O. v. New Jersey, 469 U.S. 325 (1985).

[2] The Ill. Supreme Court upheld a search conducted by a school liaison officer, saying: "Decisions … that involve police officers in school settings can generally be grouped into three categories: (1) those where school officials initiate a search or where police involvement is minimal, (2) those involving school police or liaison officers acting on their own authority, and (3) those where outside police officers initiate a search. Where school officials initiate the search or police involvement is minimal, most courts have held that the reasonable suspicion test [applies]. …The same is true in cases involving school police or liaison officers acting on their own authority. …However, where outside police officers initiate a search, or where school officials act at the behest of law enforcement agencies, the probable cause standard has been applied. In the present case, the record shows that Detective Ruettiger was a liaison police officer on staff at the Alternate School, which is a high school student with behavioral disorders. … We hold that the reasonable suspicion standard applies under these facts." People v. Dilworth, 169 Ill.2d 195 (1996).

[3] The School Code allows school officials to inspect the personal effects left by a student on property owned or controlled by the school, e.g., lockers, desks, and parking lots. 105 ILCS 5/10-22.6(e). This law does not mean that school officials have an excuse for unjustifiably opening students' possessions looking for contraband (see footnote 1). See Doe v. Little Rick Sch. Dist., 380 F.3d 349 (8th Cir. 2004) (searches conducted pursuant to the following policy were unconstitutional: "[B]ook bags, backpacks, purses and similar containers are permitted on school property as a convenience for students," and "if brought onto school property, such containers and their contents are at all times subject to random and periodic inspections by school officials.").

The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. While case law supports that lockers, as school property, may be searched without individualized suspicion of wrongdoing, many cases suggest that in order to search a student's possessions left in the locker, school officials need individualized suspicion of wrongdoing. This paragraph, as well as 105 ILCS 5/10-22.6(e), attempts to avoid Fourth Amendment protection for personal property left by students on school property by telling students not to expect privacy in these places or in their personal property left there. **This is an unsettled area of the law and should be reviewed with the school board's attorney.**

Option for high school and unit districts, insert the following paragraph:

> In addition, Building Principals shall require each high school student, in return for the privilege of parking on school property, to consent in writing to school searches of his or her vehicle, and personal effects therein, without notice and without suspicion of wrongdoing.

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The Superintendent may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. [4]

Students [5]

School authorities may search a student and/or the student's personal effects in the student's possession (such as, purses, wallets, knapsacks, book bags, lunch boxes, etc.) when there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating either the law or the District's student conduct rules. [6] The search itself must be conducted in a manner that is reasonably related to its objective and not excessively intrusive in light of the student's age and sex, and the nature of the infraction. [7]

When feasible, the search should be conducted as follows: [8]

1. Outside the view of others, including students,
2. In the presence of a school administrator or adult witness, and
3. By a licensed employee or liaison police officer of the same sex as the student.

Immediately following a search, a written report shall be made by the school authority who conducted the search, and given to the Superintendent.

Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary

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[4] 105 ILCS 5/10-22.6(e). The sample policy may be amended to name other staff members who are authorized to request law enforcement aid.

[5] For more information about searches, seizures, and interviews of students, see *Guidelines for Interviews of Students at School by Law Enforcement Authorities*, published by the Ill. Council of School Attorneys and available at: www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf.

[6] T.L.O., 469 U.S. at 342. An unsubstantiated tip from a student may serve as the grounds for a search. People v. Pruitt, 278 Ill.App.3d 194 (1st. Dist. 1996).

[7] 105 ILCS 5/10-22.6(e) and T.L.O., 469 U.S. at 326.

[8] Optional; these are practical guidelines that will help to ensure that all searches comply with constitutional requirements. State or federal law requires nothing in this paragraph. For an alternative to intrusive pat-down searches and guidelines on strip searches, see Cornfield v. Consolidated High Sch. Dist. No. 230, 991 F.2d 1316 (7th Cir. 1993). There, school officials had reason to believe that a high school student was concealing illegal drugs in his crotch area. Believing a pat down to be excessively intrusive and ineffective at detecting drugs, the school officials required the student to change into his gym clothes in a locked locker room while male school officials observed him. The search was upheld. But see Stuczynski v. Bremen High Sch., 423 F.Supp.2d 823 (N.D.Ill. 2006) (the requisite individualized, reasonable suspicion to conduct a strip search was missing where the only reason for the strip search was the dean's belief that the students were the last students in a locker room before the money was reported missing.). See also Safford Unified Sch. Dist. v. Redding, 557 U.S. 364 (2009) (finding a strip search of student was not justified under the circumstances even though the asst. principal had reasonable suspicion but still awarded qualified immunity to the asst. principal because the law was unclear).

A school district may randomly conduct a mass search by using a metal detector. People v. Pruitt, 278 Ill.App.3d 194 (1st. Dist. 1996). The use of a metal detector must be according to the district's standards for when and how metal detector searches are to be conducted.

The U.S. Supreme Court upheld a random drug testing policy for student athletes and extracurricular participants. Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646 (1995); and Indep. Sch. Dist. No. 92 of Pottawatomie County v. Earls, 536 U.S. 822 (2002). The circumstances justifying random drug searches do not exist for the entire student body; thus, random drug tests of the student body would probably not survive constitutional scrutiny.

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action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities. [9]

Notification Regarding Student Accounts or Profiles on Social Networking Websites [10]

The Superintendent or designee shall notify students and their parents/guardians of each of the following in accordance with the Right to Privacy in the School Setting Act, 105 ILCS 75/:

1. School officials may not request or require a student or his or her parent/guardian to provide a password or other related account information to gain access to the student's account or profile on a social networking website.
2. School officials may conduct an investigation or require a student to cooperate in an investigation if there is specific information about activity on the student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to allow school officials to make a factual determination.

LEGAL REF.: T.L.O. v. New Jersey, 469 U.S. 325 (1985).
Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646 (1995).
Safford Unified Sch. Dist. No. 1 v. Redding, 557 U.S. 364 (2009).
~~105 ILCS 5/10-20.14, 5/10-22.6, and 5/10-22.10a.~~
~~105 ILCS 75/, Right to Privacy in the School Setting Act.~~
Cornfield v. Consolidated High Sch. Dist. No. 230, 991 F.2d 1316 (7th Cir. 1993).
105 ILCS 5/10-20.14, 5/10-22.6, and 5/10-22.10a.
105 ILCS 75/, Right to Privacy in the School Setting Act.
People v. Dilworth, 169 Ill.2d 195 (1996), *cert. denied*, 517 U.S. 1197 (1996).
People v. Pruitt, 278 Ill.App.3d 194 (1st Dist. 1996), *app. denied*, 167 Ill.2d 564 (1996).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:150 (Agency and Law Enforcement Requests~~Police Interviews~~), 7:190 (Student Behavior)

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[9] See 105 ILCS 5/10-22.6(e).

[10] Right to Privacy in the School Setting Act, 105 ILCS 75/15. This law prohibits school officials from requiring or requesting a student to provide a password or other related account information. It requires districts to provide parents/guardians with notice of the law. The notification must be published in the school's disciplinary rules, policies, or handbook, or communicated by similar means. The Ill. Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh/.

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Students

Agency and Law Enforcement Requests [1]

The District recognizes the right of every student to equal access to a free public education under State and federal law, consistent with Board policy 7:10, *Equal Educational Opportunities*. District administrators and staff stand *in loco parentis*[2] when government agency and law enforcement authority requests occur at school.

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

[1] By 7-1-26, 105 ILCS 5/22-105(d), added by P.A. 104-288, eff. 1-1-26, requires a board to adopt a policy to ensure that no child is denied a free public education based on the child's perceived or actual citizenship or immigration status, consistent with the U.S. Supreme Court's decision in Plyler v. Doe, 457 U.S. 202 (1982), which held that it is unconstitutional for states to deny children a free public education based on immigration status. The **Federal and State Law Requirements Regarding Citizenship and Immigration Status in Schools** subhead of this sample policy contains the policy elements required by 105 ILCS 5/22-105(d). By 7-1-26, districts are also required to develop procedures for reviewing and authorizing requests from *law enforcement agents* attempting to enter a school or school facility. 105 ILCS 5/22-105(c)(4), added by P.A. 104-288, eff. 1-1-26. 105 ILCS 5/22-105(b), added by P.A. 104-288, eff. 1-1-26, defines *law enforcement agent* as "an agent of federal, State, or local law enforcement authorized with the power to arrest or detain individuals or manage the custody of detained individuals for a law enforcement purpose, including civil immigration enforcement. *Law enforcement agent* does not include a school resource officer as defined in 105 ILCS 5/10-20.68. Id. See sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*.

The Illinois TRUST Act, 5 ILCS 805/, prohibits law enforcement agencies and officials from enforcing federal civil immigration laws. Under 5 ILCS 805/15(b), law enforcement cannot stop, arrest, search, detain, or continue to detain a person solely based on an individual's citizenship or immigration status. The Keep Illinois Families Together Act, 5 ILCS 835/, further provides that no law enforcement agency or official may enter into or remain in an agreement with U.S. Immigration and Customs Enforcement (ICE) under a federal 287(g) program, which would permit ICE to delegate certain enforcement duties to State and local law enforcement agencies.

An excellent resource is the *Guidelines for Interviews of Students*, published by the Ill. Council of School Attorneys (*ICSA Guidelines*) at: www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf. Another resource, *Policing in Schools, Developing a Governance Document for School Resource Officers in K-12 Schools*, developed by the American Civil Liberties Union (ACLU), is available at: www.aclu.org/racial-justice/policing-schools-developing-governance-document-school-resource-officers-k-12-schools. It, like the *ICSA Guidelines*, highlights the need for collaboration between law enforcement and school officials. It recommends that school officials provide law enforcement agencies with information about the school's mission to ensure a safe school environment while respecting student rights. To accomplish this, the ACLU recommends that school officials create a *model governance document*, e.g., 7:150-AP, *Managing Agency and Law Enforcement Requests,* and provide it to law enforcement authorities with whom they work.

The Ill. State Board of Education (ISBE) published *Non-Regulatory Guidance on Immigration Enforcement Actions* (Jan. 2025) available at: www.isbe.net/Documents/Immigration-Enforcement-Guidance.pdf. In addition, ISBE published *Non-Regulatory Guidance on Registration: Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers* (September 2025) available at: www.isbe.net/Documents/guidance_reg.pdf. Another helpful resource is *School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)*, from the Privacy Technical Assistance Center of the U.S. Dept. of Educ. (2019), at: www.studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa.

105 ILCS 5/10-20.64 prohibits *student booking stations* from being established or maintained on school grounds. A *student booking station* is "a building, office, room, or any indefinitely established space or site, mobile or fixed, which operates concurrently as: (1) predominantly or regularly a place of operation for a municipal police department, county sheriff department, or other law enforcement agency, or under the primary control thereof, and (2) a site at which students are detained in connection with criminal charges or allegations against those students, taken into custody, or engaged with law enforcement personnel in any process that creates a law enforcement record of that contact with law enforcement personnel or processes." 105 ILCS 5/10-20.64(d).

[2] 105 ILCS 5/24-24. See the *ICSA Guidelines*, for a discussion of *in loco parentis*.

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Federal and State Law Requirements Regarding Citizenship and Immigration Status in Schools [3]

No student shall be denied an education based on the student's, or their parent's/guardian's, actual or perceived citizenship or immigration status. Based on such status, the District will not:

1. Exclude a student from participating in, or deny them the benefits of, any District program or activity. [4]
2. Use policies or procedures or engage in practices that have the effect of excluding a student from participating in or denying the benefits of any District program or activity. [5]
3. Use policies or procedures or engage in practices that have the effect of excluding participation of a student's parent(s)/guardian(s) from District parental engagement activities or programs. [6]
4. Threaten to disclose information related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any other person, entity, or immigration or law enforcement agency. [7]
5. Disclose information related to the perceived citizenship or immigration status of a student or a person associated with the student to any other person, entity, or immigration or law enforcement agency if the District does not have direct knowledge of the student's or associated person's actual citizenship or immigration status, subject to the requirements in 105 ILCS 5/22-105(c)(3). [8]
6. Disclose information related to the actual citizenship or immigration status of a student or a person associated with the student to any other person or nongovernmental entity if the District has direct knowledge of the student's or associated person's actual citizenship status, subject to the requirements in 105 ILCS 5/22-105(c)(3). [9]

State law does not prohibit or restrict the District from sending or receiving information about the citizenship or immigration status of an individual to or from the U.S. Dept. of Homeland Security or any other governmental entity under 8 U.S.C. §§1373 and 1644.[10]

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[3] The contents of this subhead are required by 105 ILCS 5/22-105(d), added by P.A. 104-288, eff. 1-1-26.

[4] 105 ILCS 5/22-105(c)(1), added by P.A. 104-288, eff. 1-1-26.

[5] Id. at (c)(2), added by P.A. 104-288, eff. 1-1-26.

[6] Id., added by P.A. 104-288, eff. 1-1-26.

[7] Id. at (c)(3)(A), added by P.A. 104-288, eff. 1-1-26.

[8] Id. at (c)(3)(B), added by P.A. 104-288, eff. 1-1-26. Districts must also still comply with federal and State laws, e.g., FERPA and the Ill. School Student Records Act, governing the disclosure of student records or information. Id. 8 U.S.C. §1373(b) states, "Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual: (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service. (2) Maintaining such information. (3) Exchanging such information with any other Federal, State, or local government entity." 8 U.S.C. §1644 states, "Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States." See also, Section VII of the *ICSA Guidelines* for a discussion of the intersection of federal and state laws relating to compliance with immigration enforcement actions. This area of law is rapidly evolving and the subject of litigation by the federal government challenging Illinois laws that limit local and state cooperation with federal immigration authorities. **Consult the board attorney regarding legal requirements when requests are received from federal law enforcement agencies.**

[9] 105 ILCS 5/22-105(c)(3)(C), added by P.A. 104-288, eff. 1-1-26, and see f/n 8, above, for additional legal compliance considerations.

[10] See f/n 8, above.

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Responding to Agency and Law Enforcement Requests [11]

The Superintendent shall develop procedures to manage requests by government agencies or law enforcement authorities regarding students at school. Procedures will:

1. Recognize individual student rights and privacy.
2. Recognize the potential impact the release of information or an interview may have on an individual student.
3. Minimize potential disruption.
4. Foster a cooperative relationship with government agencies and law enforcement authorities.
5. Maintain discipline and recognize that school employees stand in the relationship of the parents/guardians to the students[12] during the school day.
6. Comply with State law including, but not limited to, ensuring that before a law enforcement agent, school resource officer, or other school security person detains and questions on school grounds a student under 18 years of age who is suspected of committing a criminal act, the Superintendent or designee will: [13]
    a. Notify or attempt to notify the student's parent(s)/guardian(s) and document the time and manner in writing;
    b. Make reasonable efforts to ensure the student's parent/guardian is present during questioning or, if they are not present, ensure that school employees (including, but not limited to, a school social worker, psychologist, nurse, counselor, or any other mental health professional) are present during the questioning; and
    c. If practicable, make reasonable efforts to ensure a trained law enforcement officer to promote safe interactions and communications with the student is present during questioning. [14]

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[11] With the exception of items #6 and #7, the listed standards for procedures are at the local school board's discretion and may be omitted. For procedures addressing #1-6, refer to the *ICSA Guidelines* in consultation with the board attorney. For procedures addressing the items listed in #7, refer to sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*, in consultation with the board attorney. Procedures covering item #7 are required by 105 ILCS 5/22-105, added by P.A. 104-288, eff. 1-1-26, and must be implemented by 7-1-26.

[12] See f/n 2, above.

[13] 105 ILCS 5/22-88. The statute does not specifically assign these duties to a school official, but instead states that "a law enforcement officer, school resource officer, or other school security personnel" must ensure these conditions are met before detaining and questioning a student on school grounds. For ease of implementation, this policy assigns these duties to a school official as they routinely contact parents/guardians and can arrange for the presence of school personnel during an interview. See the *ICSA Guidelines* for further discussion of school officials' responsibilities when law enforcement authorities interview students at school.

[14] 105 ILCS 5/22-88(b)(4). 105 ILCS 5/22-88 uses the term *law enforcement officer* but does not define it, whereas 105 ILCS 5/22-105, added by P.A. 104-288, eff. 1-1-26, uses and defines the term *law enforcement agent*. See f/n 1, above. With the exception of *trained law enforcement officer* in Item #6.c, this sample policy and sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*, use *law enforcement agent*. A *trained law enforcement officer* is someone who: (1) received training in youth investigations approved or certified by his/her law enforcement agency or under 50 ILCS 705/10.22, or (2) is a juvenile police officer per 705 ILCS 405/1-3(17). 105 ILCS 5/22-88(b)(4).

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7. Manage reviewing and authorizing requests from law enforcement agents attempting to enter a school or school facility, in accordance with the requirements of 105 ILCS 5/22-105(c)(4).[15]

LEGAL REF.: U.S. Constitution, Amend. IV.
8 U.S.C. §1373 and §1644.
Plyler v. Doe, 457 U.S. 202 (1982).
Ill. Constitution, Art. I, §6.
105 ILCS 5/10-20.64, 5/10-20.68, 5/22-88, 5/22-105, and 5/24-24.
55 ILCS 80/, Children's Advocacy Center Act.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/31-1 et seq., Interference with Public Officers Act.
725 ILCS 120/, Rights of Crime Victims and Witnesses Act.

CROSS REF.: 2:160 (Board Attorney), 2:260 (Uniform Grievance Procedure), and 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 5:90 (Abused and Neglected Child Reporting), 7:10 (Equal Educational Opportunities), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:190 (Student Behavior)

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[15] 105 ILCS 5/22-105(c)(4), added by P.A. 104-288, eff. 1-1-26, requires a district to develop procedures that: (1) designate authorized personnel at the school and the superintendent's office or school administrative office who may contact the board attorney, (2) require the designated authorized person and board attorney to work together to review requests from law enforcement agents to enter a school or school facility, including under judicial warrants, nonjudicial warrants, and subpoenas, (3) require the designated authorized personnel to monitor or accompany and to document all interactions with law enforcement agents while on the school's premises, and (4) require the designated authorized person to notify and seek consent from a student's parent/guardian, or from the student if the student is 18 years old or older or emancipated, if a law enforcement agent requests access to a student for immigration enforcement purposes, unless such access is in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the student's parent/guardian.

Regarding requirement #2 in the paragraph immediately above, ensure that the superintendent's authority to designate others to contact the board attorney aligns with policy 2:160, *Board Attorney*. The superintendent will need to work with the board attorney to create a list of administrators authorized to consult directly with the board attorney if any agency or law enforcement request is received. Factors to consider when drafting this list include: the type of request received, the type of agency or law enforcement unit making the request, whether or not a warrant is presented, and whether or not exigent circumstances are claimed.

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Students

Prevention of and Response to Bullying, Intimidation, and Harassment [1]

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important District goals.

Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, physical appearance, socioeconomic status, academic status, pregnancy, parenting status, homelessness, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity

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[1] All districts must have a policy on bullying, monitor it, review and re-evaluate it, and file it with the Ill. State Board of Education (ISBE) every two years, no later than September 30 of the review year. 105 ILCS 5/22-110~~27-23.7~~, amended by P.A. 103-47 and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.295. The policy must be based on ISBE's template for a model bullying prevention policy (available at www.isbe.net/Documents/Model-Bullying-Prevention-Policy.pdf), contain all requirements of 105 ILCS 5/22-110~~27-23.7~~, renumbered by P.A. 104-391, indicate the date of adoption (by month, day, and year), and be filed electronically each review year through ISBE's MyISBE~~IWAS~~ system (formerly known as Ill. Web Application Security (IWAS)). 105 ILCS 5/22-110~~7-23.7~~(d), amended by P.A. 103-47 and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.295(b), (c).

ISBE monitors policy implementation, including by providing technical assistance upon receipt of an allegation by a parent/guardian that a school or district has not substantially complied with its bullying policy. 23 Ill.Admin.Code §1.295(e)~~, (f)~~. If ISBE finds that a school or district has not substantially complied with its bullying policy, the school or district must accept technical assistance from ISBE. 23 Ill.Admin.Code §1.295(f). If a district fails to file its policy by the deadline or submits a deficient policy, ISBE will provide a written request for filing and provide the district with technical assistance and resources to assist it in meeting bullying policy requirements and, as appropriate, notify the district's regional office of education or intermediate service center. 105 ILCS 5/~~27-23.7~~22-110(d), renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.295(g). If the district still fails to file its policy within 14 days of receipt of ISBE's written request, ISBE shall issue a letter of non-compliance ~~(23 Ill.Admin.Code §1.295(e)(3)),~~ and publish notice of non-compliance on its website, and maintain the school or district on its website until thirty days after the district comes into compliance. ~~(~~105 ILCS 5/22-110(d)~~27-23.7(g)(3),~~ renumbered by P.A. 104-391~~);~~ 23 Ill.Admin.Code §1.295(e)(3).

This sample policy's first paragraph allows a school board to consider its goals for preventing bullying and remedying its consequences; it may be amended.

In addition to a bullying prevention policy, all districts must have a policy on student behavior. 105 ILCS 5/10-20.14, amended by P.A. 104-430; 23 Ill.Admin.Code §1.280. Boards must, in consultation with their parent-teacher advisory committees and other community-based organizations, address aggressive behavior, including bullying, in their student behavior policy. See sample policy 7:190, *Student Behavior*, and sample exhibit 7:190-E1, *Aggressive Behavior Reporting Letter and Form.*

This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. See f/n 9, below.

Additionally, 105 ILCS 5/~~27-23.7~~22-110(f), added by P.A. 103-47 and renumbered by P.A. 104-391, requires districts to collect non-identifiable data regarding verified allegations of bullying within the District and submit it in an annual report to ISBE by no later than August 15 of each year, beginning with the 2024-25 school year through the 2030-31 school year. ISBE rules for data submission require that data be submitted electronically on a form approved by ISBE and include: (1) a record of each verified allegation of bullying and action taken; (2) whether the instance of bullying was based on actual or perceived characteristics identified in 105 ILCS 5/~~27-23.7~~22-110(a) and, if so, lists the relevant characteristics; and (3) a record demonstrating that the district adhered to its bullying policy. 23 Ill.Admin.Code §1.295(h). If a school or district fails to submit the required data, ISBE will provide a written request for submission. Id. See www.isbe.net/Pages/Bullying-Prevention.aspx for ISBE's *Racism-Free Schools Law and Bullying Prevention Data Collection Guidance* (8-7-24) and *Bullying Racism Free Schools Data Collection Template*.

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or expression, unfavorable discharge from military service, order of protection status, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic **is prohibited** in each of the following situations: [2]

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the School District or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This paragraph (item #4) applies only when a school administrator or teacher receives a report that bullying through this means has occurred; it does not require staff members to monitor any nonschool-related activity, function, or program.

Definitions from 105 ILCS 5/22-110~~27-23.7~~ [3]

Artificial intelligence means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. *Artificial intelligence* includes generative artificial intelligence.

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

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

Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, posting or distributing sexually explicit images, theft, public humiliation, destruction of property, or

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[2] This paragraph and its subparts 1-4 are from the bullying prevention statute. 105 ILCS 5/~~27-23.7~~22-110(a), renumbered by P.A. 104-391; see also 775 ILCS 5/1-103 and 23 Ill.Admin.Code §1.240. With the exception of order of protection status, the protected statuses are mandated by the bullying prevention statute. *Order of protection status* is not a basis for bullying in 105 ILCS 5/22-110~~27-23.7~~, amended by P.A. 103-47 and renumbered by P.A. 104-391, but it is listed here because the Ill. Human Rights Act (IHRA) prohibits harassment based on *order of protection status*. 775 ILCS 5/1-103(K-5), (Q). Including *order of protection status* in the list of protected statuses aligns with the protected statuses listed in sample policy 7:20, *Harassment of Students Prohibited*.

[3] All definitions are directly from 105 ILCS 5/22-110~~27-23.7~~, amended by P.A. 104-338, eff. 7-1-26, and renumbered by P.A. 104-391, or any other statutes it incorporates by reference. See also resources from Cyberbullying Research Center, available at: www.cyberbullying.org/, and the U.S. School Safety Clearinghouse website at: www.SchoolSafety.gov, discussed in f/n 1, para. 3 of sample policy 4:170, *Safety*.

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retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

Cyberbullying means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the posting or distribution of an unauthorized digital replica by electronic means if the posting or distribution creates any of the effects enumerated in the definition of *bullying*. [4]

Digital replica means a newly created, electronic representation of the identity of an actual individual created using a computer, algorithm, software, tool, artificial intelligence, or other technology that is fixed in a sound recording or audiovisual work in which that individual did not actually perform or appear and that is so realistic that a reasonable observer would believe it is a performance by the individual being portrayed and no other individual.

Restorative measures means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school, and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act. [5]

School personnel means persons employed by, on contract with, or who volunteer in a school district, including without limitation school and school district administrators, teachers, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards. [6]

Unauthorized digital replica means the use of a digital replica of an individual without the consent of the depicted individual.

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[4] This sentence is required beginning with the 2026-27 school year. 105 ILCS 5/22-110, amended by P.A. 104-338, eff. 7-1-26, and renumbered by P.A. 104-391.

[5] ~~105 ILCS 5/27-23.7(b).~~

[6] ~~105 ILCS 5/27-23.7(b).~~

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Bullying Prevention and Response Plan

The Superintendent or designee shall develop and maintain a bullying prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below. [7]

1. The District uses the definition of *bullying* as provided in this policy. [8]
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Title IX Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking.[9] Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District named officials or any staff member. The District named officials and all staff members are available for help with a bully or to make a report about bullying.[10] Anonymous reports are also accepted; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

Nondiscrimination Coordinator: [11]

Name

Title IX Coordinator:

Name

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[7] Each numbered requirement, 1-12, corresponds with the same number in 5/~~27-23.7~~22-110(b)(1) - (b)(12), renumbered by P.A. 104-391, and the requirements of 105 ILCS 5/~~27-23.7~~22-110(b)(13), renumbered by P.A. 104-391, are included in numbered requirement 4. As a result, there are no reference citations in footnotes. All non-statutory requirements, plus alternatives and optional provisions, are described in footnotes.

[8] 105 ILCS 5/~~27-23.7~~22-110(b), para. 3(1), renumbered by P.A. 104-391. See f/n 4, above and ISBE's *School Policies for Bullying Prevention* at: www.isbe.net/Documents/Bullying-Prev-Policy-Req.pdf.

A board may augment the School Code requirement by using this alternative:

Using the definition of *bullying* as provided in this policy, the Superintendent or designee shall emphasize to the school community that: (a) the District prohibits bullying; and (b) all students should conduct themselves with a proper regard for the rights and welfare of other students. This may include a process for commending or acknowledging students for demonstrating appropriate behavior.

[9] The statute requires that the policy contain the email address and telephone number for the staff person(s) responsible for receiving bullying reports. Using the district Nondiscrimination Coordinator and Complaint Managers is consistent with sample policy 2:260, *Uniform Grievance Procedure*. While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored. A telephone number for making anonymous reports may also be added.

[10] 105 ILCS 5/~~27-23.7~~22-110(d), renumbered by P.A. 104-391, requires that "[s]chool personnel available for help with a bully or to make a report about bullying" be made known to parents/guardians, students, and school personnel.

[11] Sample policy 2:260, *Uniform Grievance Procedure*, states that a district's Nondiscrimination Coordinator often also serves as its Title IX Coordinator. Best practice is that throughout the board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.

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Address	Address
Email	Email
Telephone	Telephone

Complaint Managers:

Name	Name
Address	Address
Email	Email
Telephone	Telephone

1. Consistent with federal and State laws and rules governing student privacy rights, the parents/guardians of all students involved in an alleged incident of bullying will be notified of such, along with threats, suggestions, or instances of self-harm determined to be the result of bullying, within 24 hours after the school's administration is made aware of the student's involvement in the incident. As appropriate, the school's administration shall also discuss the availability of social work services, counseling, school psychological services, other interventions, and restorative measures. The school shall make diligent efforts to notify a parent or legal guardian, utilizing all contact information the school has available or that can be reasonably obtained within the 24-hour period. [12]
2. The Superintendent or designee shall promptly investigate and address reports of bullying, by, among other things:
    a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.
    b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
    c. Notifying the Building Principal or school administrator or designee of the reported incident of bullying as soon as possible after the report is received.
    d. Consistent with federal and State laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building Principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

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[12] 105 ILCS 5/10-20.14(d) contains a similar requirement. See sample exhibit 7:190-E1, *Aggressive Behavior Reporting Letter and Form.*

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The Superintendent or designee shall investigate whether a reported incident of bullying is within the permissible scope of the District's jurisdiction and shall require that the District provide the victim with information regarding services that are available within the District and community, such as counseling, support services, and other programs. [13]

3. The Superintendent or designee shall use interventions to address bullying, that may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services. [14]
4. A reprisal or retaliation against any person who reports an act of bullying **is prohibited**. Any person's act of reprisal or retaliation will be subject to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion[15] with regard to students.
5. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, a person who is found to have falsely accused another of bullying, as a means of retaliation, as a means of bullying, or provided false information will be treated as either: (a) *bullying*, (b) student discipline up to and including suspension and/or expulsion, and/or (c) both (a) and (b) for purposes of determining any consequences or other appropriate remedial actions.
6. The District's bullying prevention and response plan is based on the engagement of a range of school stakeholders, including students and parents/guardians.
7. The Superintendent or designee shall post this policy on the District's publicly accessible website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty. [16]
8. Pursuant to State law and Board policy 2:240, *Board Policy Development*, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The Superintendent or designee shall assist the Board with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. This process shall include, without limitation: [17]
    a. The frequency of victimization;

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[13] This sentence contains requirements found in 105 ILCS 5/~~27-23.7~~22-110(d), renumbered by P.A. 104-391.

[14] A grant may be available from ISBE for the promotion of a safe and healthy learning environment. 105 ILCS 5/2-3.180 and 3.181. A list of grant funding opportunities is available at: www.isbe.net/Pages/Grants.aspx. ISBE is also directed to create the Illinois Bullying and Cyberbullying Prevention Fund, through which a grant may be available to support anti-bullying programming. 30 ILCS 105/5.997 and 105 ILCS 5/~~27-23.7~~22-110(i)-(j), all added by P.A. 103-47 and renumbered by P.A. 104-391.

[15] Consult the board attorney about the potential conflict of 105 ILCS 5/~~27-23.7~~22-110(b)(7), renumbered by P.A. 104-391, (allowance of suspension and/or expulsion of students for reprisal/retaliation against reports of bullying) with 105 ILCS 5/10-22.6(b-20) (districts must resolve threats, address disruptions, and minimize the length (and implementation of) suspensions and expulsions to the greatest extent practicable). See sample policies 7:200, *Suspension Procedures*, at f/n 8 and 7:210, *Expulsion Procedures*, at f/ns 11 and 13.

[16] 105 ILCS 5/~~27-23.7~~22-110(b)(10), amended by P.A. 103-47 and renumbered by P.A. 104-391. The policy posted on the district's website may not be password protected and must be easily accessible to students and parents/guardians. 23 Ill. Admin. Code §1.295(c)(1).

[17] 105 ILCS 5/~~27-23.7~~22-110, renumbered by P.A. 104-391. See the ISBE guidance document that is cited in f/n 7, above. Including the month, date, and year that an updated policy was adopted is required by 23 Ill. Admin.Code §1.295(c)(2).

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b. Student, staff, and family observations of safety at a school;
c. Identification of areas of a school where bullying occurs;
d. The types of bullying utilized; and
e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

i. An updated version of the policy with the amendment/modification date specifying the date of adoption (indicated by month, date, and year) included in the reference portion of the policy;
ii. If no revisions are deemed necessary, a copy of Board minutes indicating that the policy was re-evaluated and no changes were deemed to be necessary; or
iii. A signed statement from the Board President indicating that the Board re-evaluated the policy and no changes to it were necessary.

The Superintendent or designee must post the information developed as a result of the policy re-evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

9. The Superintendent or designee shall fully implement the Board policies, including without limitation, the following: **18**
   a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
   b. 2:265, *Title IX Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
   c. 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*. Any person may use this policy to complain about discrimination or harassment on the basis of race, color, or national origin in violation of Title VI of the Civil Rights Act of 1964 and/or the Illinois Human Rights Act.
   d. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.

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18 The statute requires that the bullying policy *be consistent with* other board policies. The list of policies may be deleted and the following alternative used: "12. The District's bullying prevention plan must be consistent with other Board policies." If a policy list is included, be sure the referenced policies were adopted locally and amend the list accordingly.

The bullying statute does not identify staff member duties regarding the prevention of or response to student bullying. The following optional provision addresses staff member responsibilities and may be added as a new paragraph 13:

13. The Superintendent or designee shall fully inform staff members of the District's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes each of the following:
   a. Communicating the District's expectation and State law requirement that teachers and other licensed employees maintain discipline.
   b. Establishing the expectation that staff members: (1) intervene immediately to stop a bullying incident that they witness or immediately contact building security and/or law enforcement if the incident involves a weapon or other illegal activity, (2) report bullying, whether they witness it or not, to an administrator, and (3) inform the administration of locations on school grounds where additional supervision or monitoring may be needed to prevent bullying.
   c. Where appropriate in the staff development program, providing strategies to staff members to effectively prevent bullying and intervene when it occurs.
   d. Establishing a process for staff members to fulfill their obligation to report alleged acts of bullying.

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e. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
f. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
g. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
h. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
i. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
j. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members. [19]

LEGAL REF.: 105 ILCS 5/10-20.14, 5/10-22.6(b-20), 5/22-110, and 5/24-24~~, and 5/27-23.7~~.
405 ILCS 49/, Children's Mental Health Act.
775 ILCS 5/1-103, Ill. Human Rights Act.
23 Ill.Admin.Code §§1.240, 1.280, and 1.295.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Anaphylaxis Prevention, Response, and Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

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[19] For elementary districts, delete: ~~and 7:315, *Restrictions on Publications; High Schools*~~ and delete the Cross Reference to 7:315, *Restrictions on Publications; High Schools*. For high school districts, delete ~~7:310, *Restrictions on Publications; Elementary Schools,* and~~ and delete the Cross Reference to 7:310, *Restrictions on Publications; Elementary Schools*. In both cases, revise the beginning of the sentence to read: "This~~es~~ policy~~ies~~ prohibits students from and provides."

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Students

Student Behavior [1]

The goals and objectives of this policy are to provide effective discipline practices that: (1) ensure the safety and dignity of students and staff; (2) maintain a positive, weapons-free, and drug-free learning environment; (3) keep school property and the property of others secure; (4) address the causes of a student's misbehavior and provide opportunities for all individuals involved in an incident to participate in its resolution; and (5) teach students positive behavioral skills to become independent, self-disciplined citizens in the school community and society. [2]

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[1] All districts must have a policy on student discipline, including school searches and bullying prevention (105 ILCS 5/10-20.14, amended by P.A.s 103-896); re-engagement of students returning from an exclusionary discipline or an alternative school (105 ILCS 5/10-22.6(b-25), amended by P.A. 103-896); and corporal punishment (105 ILCS 5/24-24). See also 23 Ill.Admin.Code §1.280. See the Cross References for policies on searches and bullying. Each district must furnish a copy of the discipline policy to parents/guardians within 15 days after the beginning of the school year, or within 15 days after starting classes for a student who transfers into the district. 105 ILCS 5/10-20.14(a), amended by P.A.s 103-896 and 104-391. The school board must require that each school inform its pupils of the discipline policy's contents. Id.

School boards, along with the parent-teacher advisory committee, must annually review their pupil discipline policies, those policies' implementation, and any other factors related to the safety of their schools, students, and staff. Id. For more information about the parent-teacher advisory committee, see sample policy 2:150, *Committees*. The parent-teacher advisory committee, in cooperation with local law enforcement agencies, must develop, with the school board, a reciprocal reporting system. 105 ILCS 5/10-20.14(b), amended by P.A.s 103-896 and 104-430. See sample administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of ~~Criminal~~ Offenses Committed by Students*. ~~School districts are encouraged to create memoranda of understanding that define law enforcement's role in schools. See sample exhibit 7:190-E3, *Memorandum of Understanding*. In consultation with stakeholders~~ See also *Development of Reciprocal Reporting Systems Guidance*, developed by the Ill. State Board of Education (ISBE) in consultation with stakeholders, available at: www.isbe.net/Documents/Reciprocal-Reporting-June-2025.pdf ~~must draft and publish guidance for development of reciprocal reporting systems by 7-1-25.~~ Id.

105 ILCS 5/10-20.14(b), amended by P.A.s 103-896 and 104-430, encourages districts to create memoranda of understanding that define law enforcement's role in schools. Beginning 7-1-26, a memorandum of understanding with a local law enforcement agency is required for any district that uses a school resource officer. 105 ILCS 5/10-20.68(a-5), added by P.A. 104-430. See sample exhibit 7:190-E3, *Memorandum of Understanding*.

Given the unique concerns facing school officials, school disciplinary codes are not required to be drafted as narrowly or with the same precision as criminal statutes. Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

[2] The goals and objectives in this policy give the board a focus for monitoring it. This list can be deleted, replaced, or modified by the board. Data on student discipline is available at: www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx.

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

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When and *Where* Conduct Rules Apply [3]

A student is subject to disciplinary action for engaging in prohibited student conduct, as described in the section with that name below, whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

1. On, or within sight of, school grounds before, during, or after school hours or at any time;
2. Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;
3. Traveling to or from school or a school activity, function, or event; or
4. Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. [4]

Prohibited Student Conduct [5]

The school administration is authorized to discipline students for gross disobedience or misconduct, including but not limited to:

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[3] Board policy should provide a jurisdictional statement telling students and staff the circumstances under which the district will take disciplinary action. Jurisdictional rules in board policy should generally be as broad as possible to give staff members authority to respond to unforeseen situations. Taking jurisdiction over off-campus misconduct generally survives the test of reasonableness when the misconduct has a direct nexus to the school. A countervailing interest concerns liability for off-campus student injuries, i.e., the greater the jurisdiction a district is willing to impose, the greater the scope of liability it may be assuming. Ultimately, a decision whether to discipline for off-campus misconduct requires a thorough factual inquiry to determine the degree of nexus and impact on the school. Consult the board attorney in these situations.

A U.S. Supreme Court decision and many lower court decisions address disciplining a student for off-campus misconduct. See Mahanoy Area Sch. Dist. v. B.L., 594 U.S. 180 (2021), discussed in f/n 3 of sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities*; and J.S. v. Blue Mountain Sch. Dist., 650 F.3d 915 (3rd Cir. 2011), combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3d Cir. 2011), cert. denied 565 U.S. 1156 (2012)(absent evidence that parodies of school personnel caused, or could cause, substantial disruption, school districts may not punish out-of-school expressive conduct, even if it is lewd, indecent, or offensive speech).

In contrast, the 7th Circuit Court of Appeals upheld a student's expulsion for an article in an underground newspaper titled "So You Want to be a Hacker." The article's instructions for hacking into the school's computers clearly interfered with the school's operations. Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield, 134 F.3d 821 (7th Cir. 1998). See also Wisniewski v. Bd. of Educ. of the Weedsport Central Sch. Dist., 494 F.3d 34 (2nd Cir. 2007), cert. denied 552 U.S. 1296 (2008), (holding a student's transmission of an icon of a pistol with blood splattering and the words "Kill Mr. VanDer Molen" crossed the boundary of protected speech and posed a reasonably foreseeable risk that the icon would come to the attention of school authorities and materially and substantially disrupt the school).

Historically, schools have had more leeway in disciplining participants in athletics and extracurricular activities; however, the Mahanoy decision raises unresolved questions about the degree of leeway now afforded to school officials. See sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities* at f/n 3 for further discussion.

A judge may transfer a student to another school for committing stalking or non-consensual sexual contact against another student, or for aiding and abetting such an act; the parents/guardians are responsible for transportation and other costs associated with the transfer. Stalking No Contact Order Act and the Civil No Contact Order Act, 740 ILCS 21/80 and 22/213. A school district is seldom notified when a transfer order is requested. When notified, school officials should immediately seek the board attorney's advice concerning available options.

[4] The factual context will determine the appropriateness of taking jurisdiction. Contact the board attorney before disciplining a student for off-campus conduct. See, e.g., Doe v. Superintendent of Schs. of Stoughton, 767 N.E.2d 1054 (Mass. 2002)(suspension for off-campus commission of a felony was upheld). See f/n 3, above.

[5] Consult the board attorney for advice on deleting or modifying any of the items in this section on prohibited student conduct.

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1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes. [6]
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages.[7] Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
   a. Any illegal drug or controlled substance, or cannabis (including marijuana, hashish, and medical cannabis unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*). [8]
   b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription. [9]
   c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription. [10]
   d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited

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[6] 105 ILCS 5/10-20.5b prohibits use of tobacco on school property. Federal law prohibits smoking within schools by anyone. Pro-Children Act of 2004, 20 U.S.C. §7971 et seq. Districts that fail to comply risk a civil penalty of up to $1,000 per violation per day. 20 U.S.C. §7973(e)(1). See sample policy 8:30, *Visitors to and Conduct on School Property*, for more information.

The U.S. Food and Drug Administration now regulates electronic cigarettes. 21 C.F.R. Parts 1100, 1140, and 1143. An electronic or e-cigarette resembles a regular cigarette and contains a battery-operated heating element that turns a liquid into a mist for inhaling. The liquid may contain nicotine. E-cigarettes are sometimes referred to as e-cigs, vapes, e-hookahs, vape pens, and electronic nicotine delivery systems (ENDS), and they are generally involved in *vaping*. Vaping is the act of inhaling and exhaling the aerosol, often referred to as vapor that is produced by an e-cigarette or similar device. An e-cigarette resembles a cigarette and contains a battery-operated heating element that turns a liquid into a mist for inhaling. Some e-cigarettes do not look like tobacco products and are shaped like other objects, such as USB flash drives, and are more easily concealed.

Information and resources are available at:
www.isbe.net/Pages/School-Health-Issues.aspx
www.fda.gov/tobacco-products
www.cdc.gov/tobacco/e-cigarettes/index.html
www.dph.illinois.gov/topics-services/prevention-wellness/tobacco/e-cigarettes-and-vapes
https://nida.nih.gov/research-topics/tobacconicotine-vaping

[7] *Alcoholic beverages* are defined in 235 ILCS 5/1-3.01 to 3.05.

[8] *Controlled substance* is defined in 720 ILCS 570/102(f); *cannabis* is defined in 720 ILCS 550/3(a) and in 410 ILCS 705/1-10. Either spelling, *marihuana* or *marijuana*, is correct; however, *marijuana* is more common. See f/n 11 for a discussion of medical cannabis and *Ashley's Law*.

[9] *Anabolic steroid* is defined in 720 ILCS 570/102(c-1).

[10] See sample policies 7:240, *Conduct Code for Participants in Extracurricular Activities*, and 7:300, *Extracurricular Athletics*.

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unless the student is authorized to be administered a medical cannabis infused product under Ashley's Law. [11]

e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.

f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form. [12]

g. *Look-alike* or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy. [13]

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[11] To legally use medical cannabis, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program. 410 ILCS 130/. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis. This includes in a school bus or on the grounds of any preschool, or primary or secondary school unless the student meets the requirements of 105 ILCS 5/22-33, a/k/a *Ashley's Law*. 410 ILCS 130/30(a)(2) and (3). *Ashley's Law* provides that school districts "shall authorize a parent or guardian or any other individual registered with the Department of Public Health as a designated caregiver of a student who is a registered qualifying patient to administer a medical cannabis infused product to the student on the premises of the child's school or on the child's school bus if both the student (as a registered qualifying patient) and the parent or guardian or other individual (as a registered designated caregiver) have been issued registry identification cards under the Compassionate Use of Medical Cannabis Program Act." 105 ILCS 5/22-33(b). Once the product is administered, the designated caregiver must remove the product from the school premises/bus. Id. 105 ILCS 5/22-33(b-5) allows a properly trained school nurse or administrator to administer medical cannabis infused products to a student while at school, a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus. The product may not be administered in a manner that would (in the school or district's opinion) create a disruption or expose other students to the product, and schools are not required to authorize use of the product if the school or district would lose federal funding as a result. 105 ILCS 5/22-33(c). For more information, see f/ns 22-32 in sample policy 7:270, *Administering Medicines to Students*. Contact the board attorney for advice concerning medical cannabis, including whether a federal or State law requires the district to accommodate a student who is a *registered qualifying patient*. See Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.; Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §1400 et seq.; Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794; 105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b; and 23 Ill.Admin.Code Part 226.

[12] The Powdered Caffeine Control and Education Act states: "No person may sell, offer for sale, give away, or provide free samples of powdered pure caffeine to any person under age 18 located within the State or to any person under age 18 making the purchase from within the State." A limited exception to this prohibition exists for "the sale of any powdered pure caffeine product that receives explicit approval as safe and effective for its intended use under the federal Food, Drug, and Cosmetic Act or is lawfully marketed under an over-the-counter monograph issued by the United States Food and Drug Administration." 410 ILCS 647/20.

[13] *Counterfeit* and *look-alike substances* are defined in 720 ILCS 570/102(g) and (y). This provision is broader because it would apply, for example, if a student represents a powdered vitamin to be pure caffeine – pure caffeine is prohibited on campus even though it is a legal substance. Look-alike drugs should be defined; an unpublished Ill. appellate decision in 2000 found a policy prohibiting possession of *look-alikes* had vagueness problems.

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h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances. [14]

Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.

4. Using, possessing, controlling, or transferring a *weapon* as that term is defined in the **Weapons** section of this policy, or violating the **Weapons** section of this policy. [15]
5. Using or possessing an electronic paging device. [16]
6. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered off or silenced and out-of-sight[17] during the regular school day unless: (a) the supervising teacher grants permission; (b) use of the device is provided in a student's individualized education program (IEP) or Section 504 plan; (c) it is used during the student's lunch period, or (d) it is needed in an emergency that threatens the safety of students, staff, or other individuals. [18]
7. *Sexting*, which, for purposes of this policy, is the act of creating, sending, sharing, viewing, receiving, or possessing sexually explicit messages, images, or videos electronically, regardless of whether they are authentic or computer-generated, through the use of a computer, electronic communication device, or cellular phone. Sexting also includes creating, sending, sharing, viewing, receiving, or possessing *indecent visual depictions*, *non-consensual dissemination of*

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[14] *Drug paraphernalia* is defined in 720 ILCS 600/2(d), amended by P.A. 103-336. Contact the board attorney for advice concerning a student who is a *registered qualifying patient*, as explained in f/n 11.

[15] This language is broader than the **Weapons** section of this policy. The **Weapons** section contains the statutorily required punishment for "a student who is determined to have brought" a weapon to school along with the statutory definition of *weapon*. 105 ILCS 5/10-22.6(d). The language in item #4 is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the **Weapons** section. See the footnotes in the **Weapons** section for a discussion of the Firearm Concealed Carry Act's provisions.

[16] 105 ILCS 5/10-21.10.

[17] Delete "and out-of-sight" if the district wants to provide greater flexibility. A board should, in consultation with the superintendent and board attorney, carefully review its policy on the use of electronic devices to ensure it aligns with building-level practices and any student handbook provisions addressing student use of personal mobile devices, including, but not limited to, cell phones, smartwatches, and smart glasses.

[18] State law leaves to local boards the discretion whether to prohibit student possession of cellular phones. 105 ILCS 5/10-20.28. The misuse of camera phones can seriously invade a student's privacy. A board wanting a sweeping prohibition may use the following alternative for item #6:

> Using or possessing a cellular telephone, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.

Operating transmitters designed to jam or block wireless communications violates the federal Communications Act of 1934. 47 U.S.C. §§301, 302a, and 333. Fines are as high as $10,000 for each violation and/or imprisonment, and the device may also be seized. 47 U.S.C. §§501-510.

Making a video recording or live video transmission of another person without their consent in a restroom, locker room, or changing room is a Class 4 felony. 720 ILCS 5/26-4. A minor who distributes or disseminates an indecent visual depiction of another minor through the use of a computer or electronic communication device may be subject to adjudication as a minor in need of supervision. 705 ILCS 405/3-40.

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private sexual images, and *non-consensual dissemination of sexually explicit digitized depictions*, as defined in State law. [19]

8. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
9. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.
10. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, using a writing service and/or generative artificial intelligence technology in place of original work unless specifically authorized by staff,[20] wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
11. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct. [21]

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[19] This definition of *sexting* is adapted from Merriam-Webster's definition at www.merriam-webster.com/dictionary/sexting, and it incorporates offenses under State law that address the dissemination of explicit images. A district may wish to use another definition or create its own with the board attorney. See sample administrative procedure 7:190-AP6, *Guidelines for Investigating Sexting Allegations*, for definitions of the italicized terms in this paragraph and their accompanying citations. See also sample administrative procedure 7:190-AP5, *Student Handbook - Electronic Devices*.

[20] Optional. *Artificial intelligence* (AI) is defined in State law to mean "a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments" and to also include generative artificial intelligence. 105 ILCS 5/22-110, renumbered by P.A. 104-391 and incorporating by reference the definition of AI in the Digital Voice and Likeness Protection Act, 815 ILCS 550/. *Generative artificial intelligence* (Gen AI) is defined in State law as "an automated computing system that, when prompted with human prompts, descriptions, or queries, can produce outputs that simulate human-produced content, including, but not limited to, the following: (1) textual outputs, such as short answers, essays, poetry, or longer compositions or answers; (2) image outputs, such as fine art, photographs, conceptual art, diagrams, and other images; (3) multimedia outputs, such as audio or video in the form of compositions, songs, or short-form or long-form audio or video; and (4) other content that would be otherwise produced by human means." ~~775 ILCS 5/2-101(N), added by P.A. 103-804, eff. 1-1-26~~Id. When not used for academic dishonesty purposes, Gen AI tools may present innovative learning opportunities for students and teaching opportunities for educators. For further information, see sample policy 6:235, *Access to Electronic Networks*, and its f/n 17, and sample administrative procedure 6:235-AP3, *Development of an Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines*.

[21] All districts must have a policy on bullying. 105 ILCS 5/~~27-23.7~~22-110(d), amended by P.A. 103-47 and renumbered by P.A. 104-391. Sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the statutory definition of bullying. Districts must also have an age-appropriate policy on sexual harassment. 105 ILCS 5/10-20.69. See sample policy 7:20, *Harassment of Students Prohibited*, and its f/n 9 for further detail.

105 ILCS 5/10-20.14(d), amended by P.A. 103-896, requires boards, in consultation with their parent-teacher advisory committees and other community-based organizations, to include provisions in their student discipline policy to address aggressive behavior, including bullying. These provisions must include procedures for notifying a student's parents/guardians about his/her aggressive behavior and early intervention procedures based upon available community-based and district resources. See sample exhibit 7:190-E1, *Aggressive Behavior Reporting Letter and Form*. ~~In consultation with stakeholders~~*Guidance for Evidence-Based Intervention Procedures*, developed by ISBE in consultation with stakeholders, is available at: www.isbe.net/Documents/Evidence-Based-Intervention-June-2025.pdf~~must draft and publish guidance for evidence-based intervention procedures, including examples, by 7-1-25.~~ Id. *Evidence-based intervention* means an intervention that has demonstrated a statistically significant effect on improving student outcomes, documented in a peer-reviewed scholarly journal. Id.

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12. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.
13. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*. [22]
14. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property. [23]
15. Entering school property or a school facility without proper authorization.
16. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.
17. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants. [24]
18. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member. [25]
19. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia. [26]

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Suspending students for hazing was upheld in Gendelman v. Glenbrook North High Sch. and Northfield Twp. Sch. Dist. 225, 2003 WL 21209880 (N.D.Ill. 2003). This decision may have been legislatively overturned by amending 105 ILCS 5/10-20.14.

The failure of a school official (including any administrator, teacher, counselor, support staff, or coach) to report hazing is a Class B misdemeanor. 720 ILCS 5/12C-50.1.

A person commits a felony hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she commits assault, battery, aggravated assault, intimidation, stalking, cyberstalking, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, transmission of obscene message, harassment by telephone, or harassment through electronic communications as these crimes are defined in the Criminal Code. 720 ILCS 5/12-7.1. The penalty is heightened when the offense is committed in a school or administrative facility.

720 ILCS 5/26-1(a)(3.5) and (b) make transmitting a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

[22] All school boards must have a policy on prohibited teen dating violence. 105 ILCS ~~110/3.10~~5/27-240, renumbered by P.A. 104-391. Verify that the board adopted the policy listed and amend its title in this policy, if necessary.

[23] 720 ILCS 5/26-1(a)(3.5) and (b) make threatening to destroy a school building or school property, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

[24] 105 ILCS 5/26-2a; 5/26-9; and 5/26-12. School personnel cannot refer a truant, chronic truant, or truant minor to any other local public entity, school resource officer, or peace officer to have them issue a fine or fee as punishment for truancy. 105 ILCS 5/26-12(b), amended by P.A. 104-430. See sample policies 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*, and 7:70, *Attendance and Truancy*.

[25] State law requires schools to suspend or expel any student who engages in this activity. 105 ILCS 5/31-3.

[26] See Kelly v. Bd. of Educ. of McHenry Cmty. High Sch. Dist. 156, 2007 WL 114300 (N.D.Ill. 2007) (upheld student's expulsion for drawing gang symbols while at school; testimony that the danger posed by gang signs and the presence of gangs at school supported the board's insistence on strict enforcement of board policy prohibiting gang related behavior and made expulsion a proper remedy).

740 ILCS 147/15 et seq. allows a school district to bring a civil suit against a gang, gang officers, or gang members for losses it suffers due to their criminal activity.

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20. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
21. Making an explicit threat on an Internet website against a school employee, a student, or any school-related personnel if the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school. [27]
22. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Superintendent or designee. [28]
23. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. [29]

For purposes of this policy, the term possession includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student's person; (b) contained in another item belonging to, or under the control of, the student, such as in the student's clothing, backpack, or automobile; (c) in a school's student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event. [30]

Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The Superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident.[31] The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

No disciplinary action shall be taken against any student that is based totally or in part on the refusal of the student's parent/guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. [32]

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[27] This statement of misconduct restates 105 ILCS 5/10-22.6(d-5). The following alternative provides a shorter statement but will require the administrator to check the statute before imposing discipline based on it:

> Making an explicit threat on an Internet website against a school, employee, or any school-related personnel under circumstances described in 105 ILCS 5/10-22.6(d-5).

[28] For more information regarding unmanned aircraft systems, see www.faa.gov/uas.

[29] A catchall provision, e.g., this one, gives staff members authority to respond to unforeseen situations.

If the board adopts a mandatory uniform policy (see sample policy 7:165, *School Uniforms*), add the following item to the list as number 22: "Failing to comply with the mandatory uniform policy, but only after repeated attempts to secure compliance, such as conferences with parents/guardians, have been unsuccessful."

[30] *Possession* should be defined to avoid vagueness problems.

[31] See f/n 2~~10~~.

[32] Mandated by 105 ILCS 5/10-20.36.

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Disciplinary Measures [33]

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary discipline before using out-of-school suspensions or expulsions.[34] School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.[35] Potential disciplinary measures include, without limitation, any of the following: [36]

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property. [37]

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[33] ~~**IMPORTANT:**~~ A student cannot be issued a monetary fine, fee, ticket, or citation as a school-based disciplinary consequence or for a municipal code violation on school grounds during school hours or while taking school transportation by any person. 105 ILCS 5/10-22.6(i), amended by P.A. 104-430.

The practice of suspending or expelling a student based on the number of accumulated disciplinary infractions is illegal under 105 ILCS 5/10-22.6. This includes a system of assigning points to specific infractions and then tallying the points a student receives over a period of time to determine a disciplinary exclusion from school.

Before amendments to 105 ILCS 5/10-22.6, courts used the following factors to determine if a board abused its discretion when it expelled a student: (1) the egregiousness of the student's conduct; (2) the record of the student's past conduct; (3) the likelihood that such conduct will affect the delivery of educational services to other students; (4) the severity of the punishment; and (5) the intent of the child. Robinson v. Oak Park, 213 Ill.App.3d 77 (1st Dist. 1991); Wilson ex rel. Geiger v. Hinsdale Elementary Dist., 349 Ill.App.3d 243 (2nd Dist. 2004). The amendments to 105 ILCS 5/10-22.6 called into question the validity of relying on past misconduct in suspension or expulsion decisions. At least one Ill. appellate court has held that the Robinson factors no longer apply because the legislature incorporated specific criteria for expulsion directly into 105 ILCS 5/10-22.6 when it amended the statute. A.A. v. Bd. of Educ.~~Summit Sch. Dist. No. 104~~, 257 N.E.3d 617 (Ill. App. Ct. 1st Dist. 2024)~~2024 IL App (1st) 232451~~. **Consult the board attorney for guidance**.

Aside from procedural due process protection, students have a constitutional substantive due process right. This right protects them from an abuse of government power which "shocks the conscience." While the scope of substantive due process is very limited, it is available to students who believe they were subject to arbitrary and excessive discipline. Generally, however, school officials need not fear being found guilty of a substantive due process violation. Federal courts are loath to second-guess school officials. See Tun v. Whitticker, 398 F.3d 899 (7th Cir. 2005) (expulsion did not amount to a substantive due process violation because it fell short of the required *shocks the conscience* standard).

[34] 105 ILCS 5/10-22.6(b-5). In addition, subsection c-5 states, "[s]chool districts must make reasonable efforts to provide ongoing professional development to all school personnel, school board members, and school resource officers on the requirements of [105 ILCS 5/10-20.14], the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments, as defined in [105 ILCS 5/3-11(b)], the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates." 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896.

[35] 105 ILCS 5/10-22.6(h).

[36] Most school attorneys advise against using a grade reduction as a disciplinary measure. A decision upholding such a policy is Knight v. Bd. of Educ., 38 Ill.App.3d 603 (4th Dist. 1976). A decision striking one is Smith v. Sch. City of Hobart, 811 F.Supp. 391 (N.D.Ind. 1993) (grade reduction policy requiring 9-week grades to be reduced 4% for each day of a suspension was found unconstitutional).

[37] While restitution is permitted, issuing a fine or fee as a disciplinary consequence is not permitted. 105 ILCS 5/10-22.6(i). Possible parental liability for damages under the Parental Responsibility Law (740 ILCS 115/5) is discussed in f/n 2 in sample policy 7:170, *Vandalism*.

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6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised. [38]
7. After-school study or Saturday study[39] provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs.[40] The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules. [41]
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*. [42]
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*.[43] A student who has been suspended may also be restricted from being on school grounds and at school activities. [44]
12. Expulsion from school and all school activities for a definite time period not to exceed two calendar years in accordance with Board policy 7:210, *Expulsion Procedures*.[45] A student who has been expelled may also be restricted from being on school grounds and at school activities.[46]

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[38] An in-school suspension program may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel, and districts may employ a school social worker or a licensed mental health professional to oversee in-school suspension programs. 105 ILCS 5/10-22.6(l). Providing programming during in-school suspensions is not required, however providing such programming will help distinguish them from exclusionary suspensions. See f/n 4 in sample policy 5:230, *Maintaining Student Discipline*, for further discussion of in-school suspension programs.

[39] Teachers may not be required to teach on Saturdays. 105 ILCS 5/24-2.

[40] See Herndon v. Chapel Hill-Carrboro City Bd., 89 F.3d 174 (4th Cir. 1996) (upheld policy requiring students to complete community service in order to graduate).

[41] Consult the board attorney for advice concerning confiscated devices. There is no binding Ill. court decision regarding school personnel seizing and retaining a student's property. The Supreme Court of Arkansas held that a teacher and principal did not violate a student's state or federal rights when they confiscated and retained a student's cell phone for two weeks for violating school rules on cell phones. Koch v. Adams, 361 S.W.3d 817 (Ark. 2010).

[42] 105 ILCS 5/10-22.6(b) and (b-30). *School Bus Safety Guidance*, developed by ISBE in consultation with stakeholders, is available at: www.isbe.net/Documents/Bus-Safety-Guidance-June-2025.pdf.

[43] A suspension may be imposed in only limited situations that vary according to the suspension's length. 105 ILCS 5/10-22.6(b-15)-(b-25). This is explained in sample board policy 7:200, *Suspension Procedures*, and its footnotes.

[44] This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

[45] An expulsion may be imposed in only limited situations. 105 ILCS 5/10-22.6(b-20). This is explained in sample policy 7:210, *Expulsion Procedures*, and its footnotes.

105 ILCS 5/10-22.6(d) permits expulsion for a definite period of time not to exceed two calendar years. School officials must document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

[46] This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

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13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code. [47]
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), look-alikes, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies. [48]

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available, and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion. [49]

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[47] 105 ILCS 5/10-22.6(a) and (b), amended by P.A. 103-896. 105 ILCS 5/13A, amended by P.A. 103-473, a/k/a *Safe Schools Law*, governs the transfer of *disruptive students*, defined to include suspension- or expulsion-eligible students in grades 6-12, to an alternative school program. See sample administrative procedure 7:190-AP9, *Administrative Transfer to Regional Safe School Program*, and the ISBE regional safe schools program webpage at: www.isbe.net/Pages/Regional-Safe-Schools-Program.aspx. 105 ILCS 5/13B governs the transfer of students to an alternative learning opportunities program. See ISBE's alternative learning opportunities program webpage at: www.isbe.net/Pages/Special-Education-Alternative-Learning-Opportunities-Programs.aspx.

Contact the board attorney regarding the necessary due process procedures before imposing a disciplinary transfer to an alternative school. The court in Leak v. Rich Twp. High Sch. Dist. 227 (397 Ill.Dec. 90 (1st Dist. 2015)), held that placement in an alternative school is tantamount to an expulsion. Thus, according to dicta in this decision, districts must follow expulsion procedures before a student is transferred to an alternative school. Schools may still reach agreements with parents/guardians to transfer students to such schools without completing the expulsion procedures.

The alternative program may not deny the transfer on the basis of the suspension or expulsion, except in cases in which the transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

[48] 105 ILCS 5/22-88. See sample policy 7:150, *Agency and Law Enforcement Requests~~Police Interviews~~*.

[49] **Note:** Districts that receive early childhood block grant funding (authorized by 105 ILCS 5/1C-2, amended by P.A. 103-594, of the School Code) are prohibited from expelling children from their early childhood programs. 105 ILCS 5/2-3.71(a)(7), amended by P.A. 103-594 (making it inoperative on 7-1-26), and 105 ILCS 5/10-22.6(k). On and after 7-1-26, the Dept. of Early Childhood Act, 325 ILCS 3/15-30(a)(7), added by P.A. 103-594, will prohibit expulsion of children enrolled in early childhood programs funded under 325 ILCS 3/1-10~~)~~. A district may, however, transition a child to a new program if: (1) it has documented evidence that all available interventions and supports recommended by a qualified professional have been exhausted; (2) the program determines that transitioning a child is necessary for the well-being of the child or his or her peers and staff; and (3) the current and pending programs create a transition plan for the child with parent or legal guardian permission. 105 ILCS 5/2-3.71(a)(7)(C) (inoperative on 7-1-26); 325 ILCS 3/15-30(a)(7)(C) on and after 7-1-26. A district may temporarily remove a child from attendance in the group setting in the case of a serious safety threat to a child or others, or in the case of possession of a weapon as described in 105 ILCS 5/10-22.6(d), but it must then begin the process of documenting interventions and supports as outlined in the law. 105 ILCS 5/2-3.71(a)(7)(E) (inoperative on 7-1-26); 325 ILCS 3/15-30(a)(7) on and after 7-1-26. ISBE rules implementing these requirements are at 23 Ill.Admin.Code §§ 235.300-235.340. For guidance on behavior support and transition plans, including links to ISBE Form 37-50A, *Early Childhood Block Grant (ECBG) Program Transition Plan*, and ISBE Form 37-50B, *Early Childhood Block Grant (ECBG) Behavior Support Plan*, see ISBE's *Frequently Asked Questions: Behavior Support and Program Transition* (~~March 2021~~November 2024) at: www.isbe.net/Documents/EC-FAQ-Behavior-Transition-Plan.pdf. **Consult the board attorney for advice to ensure compliance with ISBE rules.** Compliance with this law does not relieve a district of its obligations to also comply with the Individuals with Disabilities Education Improvement Act of 2004 when disciplining students with disabilities. For further information, see sample policy 7:230, *Misconduct by Students with Disabilities*. For districts that receive early childhood block grant funding, add the following:

Students enrolled in the District's State-funded preschool program(s) may be temporarily removed or transitioned to a new program in accordance with federal and State law. State law prohibits the expulsion of students from the program(s).

If this language is inserted, add 105 ILCS 5/2-3.71(a)(7) to the Legal References for this policy.

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Corporal punishment is prohibited in all circumstances. *Corporal punishment* is defined as a discipline method in which a person deliberately inflicts pain upon a student in response to the student's unacceptable behavior or inappropriate language, with an aim to halt an offense, prevent its recurrence, or set an example for others.[50] It includes slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as permitted by 105 ILCS 5/10-20.33. [51]

Isolated Time Out, Time Out, and Physical Restraint [52]

Neither isolated time out, time out, nor physical restraint shall be used to discipline or punish a student. These methods are only authorized for use as permitted in 105 ILCS 5/10-20.33, Ill. State Board of Education (ISBE) rules (23 Ill.Admin.Code §§ 1.280, 1.285), and the District's procedure(s).

Weapons [53]

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than two calendar years:

1. A *firearm*, meaning any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code (18 U.S.C. § 921), firearm as defined in Section 1.1 of the Firearm

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[50] 105 ILCS 5/22-100, added by P.A. 103-806.

[51] The last two sentences of this paragraph paraphrase 105 ILCS 5/24-24, amended by P.A. 103-806.

[52] *Physical restraint* or *restraint* does not include momentary periods of physical restriction by direct person to person contact, without the aid of material or mechanical devices, that are accomplished with limited force and that are designed to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property. 105 ILCS 5/10-220.33(b). Isolated time out, time out, or physical restraint may be used by staff members **only if** their use is authorized by policy and administrative procedure. 105 ILCS 5/2-3.130 and 5/10-20.33; 105 ILCS 5/24-24; 23 Ill.Admin.Code §§1.280(c) and 1.285. See sample administrative procedure 7:190-AP4, *Use of Isolated Time Out, Time Out, and Physical Restraint*. **The sample policy allows the use of isolated time out, time out, and physical restraint pursuant *only* to the conditions allowed in the School Code and ISBE rules.** State statute and ISBE rules contain complex restrictions on the use of isolated time out, time out, and physical restraint. 105 ILCS 5/2-3.130 and 5/10-20.33; 105 ILCS 5/24-24; 23 Ill.Admin.Code §§1.280(c) and 1.285. According to the ISBE rule, isolated time out, time out, and physical restraints are allowed only if a board authorizes their use in a policy containing the numerous components identified in the rule. To comply with ISBE's rule, a board must also incorporate by reference the district's procedure, i.e., 7:190-AP4, *Use of Isolated Time Out, Time Out, and Physical Restraint*. By doing this, the policy includes the district's procedure. **For a board that wants to prohibit the use of isolated time out, time out, and physical restraint** (1) replace the contents of this subhead with "The district prohibits the use of isolated time out, time out, and physical restraint, as defined in 105 ILCS 5/10-20.33."; (2) amend the Legal References as follows "23 Ill.Admin.Code §§ 1.280~~, 1.285,~~" and (3) delete "Incorporated by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)."

[53] This section paraphrases 105 ILCS 5/10-22.6(d) and contains the statutorily required punishment for bringing a weapon to school along with the statutory definition of *weapon*. When preparing for a due process hearing, a principal needs to use the applicable State and federal law definitions of *firearm* – not just the School Code.

While subsection 105 ILCS 5/10-22.6(b-10) explicitly forbids zero tolerance policies, it provides an exception for those zero tolerance policies established by State or federal law, which includes weapons in school. Section 10-22.6(d) provides that a student who brings a weapon to school, as defined in the section, "shall be expelled for a period not less than one year," unless modified by the superintendent or board. The federal Gun-Free Schools Act (20 U.S.C. §7961 et seq.) provides for at least a one-year expulsion for students who bring firearms to school. As directed by 20 U.S.C. §7961(b)(1), 105 ILCS 5/10-22.6(d), the superintendent and the board may modify that consequence; however, the superintendent/board may decline to exercise that discretion and instead impose the maximum penalty authorized by law. Analyzing the student's circumstances on a case-by-case basis may avoid a judicial finding that an expulsion is too severe. See Washington v. Smith, 248 Ill.App.3d 534 (1st Dist. 1993).

Item #4 in the **Prohibited Student Conduct** section is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the **Weapons** section.

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Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of 2012 (720 ILCS 5/24-1).

2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including *look-alikes* of any *firearm* as defined above.

The expulsion requirement under either paragraph one or two above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm.[54]

This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area. [55]

Re-Engagement of Returning Students [56]

The Superintendent or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit. [57]

Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on ~~or around~~ school grounds, becomes aware of any person in possession of a firearm on school grounds, or becomes aware of any threat of gun violence on school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any

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[54] Optional.

[55] The Firearm Concealed Carry Act permits a properly licensed individual to carry a concealed firearm within a vehicle into a school parking area and store it in a locked vehicle out of plain view. 430 ILCS 66/65(b). The federal Gun-Free Schools Act has a similar provision. 20 U.S.C. §7961(g). The School Code, however, contains no similar exception to the ban on firearms at schools. Contact the board attorney before permitting students to store their firearms in their vehicle's trunk while parked at school.

[56] Required by 105 ILCS 5/10-22.6(b-25), amended by P.A. 103-896. See sample administrative procedure 7:190-AP8, *Student Re-Engagement Guidelines*. ~~In consultation with stakeholders~~*Guidance for Re-Engagement*, developed by ISBE in consultation with stakeholders, is available at: www.isbe.net/Documents/Re-Engagement-Guidance-June-2025.pdf~~must draft and publish guidance for the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting by 7-1-25.~~ Id.

[57] A goal for re-engagement is optional. Schools must permit students who were suspended, including students suspended from the school bus who do not have alternate transportation to school, to makeup work for equivalent academic credit. 105 ILCS 5/10-22.6(b-30).

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staff member or is subject to a battery.[58] *School grounds* includes modes of transportation to school activities and any public way within 1000 feet of the school, as well as school property itself.

Upon receiving a report of (1), above, the Building Principal or designee shall immediately notify local law enforcement. If the report of (1), above, pertains to a threat of firearm violence made by a student, the Building Principal or designee shall attempt to notify the student's parent/guardian as soon as possible and shall further attempt to contact the parent/guardian to ensure that the student does not have access to a firearm. In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Superintendent or designee and any involved student's parent/guardian. [59]

Upon receiving a report on any of the above (1)-(3), the Superintendent or designee shall immediately notify local law enforcement. The Superintendent or designee shall also report these incidents to ISBE through its web-based School Incident Reporting System as they occur during the year and no later than July 31 for the preceding school year. [60]

Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Teachers, other licensed educational employees, and any other persons (whether or not a licensed employee) providing a related service for or with respect to a student, may only use reasonable force as permitted by 105 ILCS 5/10-20.33. Teachers may temporarily remove students from a classroom for disruptive behavior. [61]

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[58] 105 ILCS 5/10-27.1A(a), amended by P.A. 104-174; 105 ILCS 5/10-27.1B, amended by P.A.s 103-609 (first to pass both houses) and 103-780 (second to pass both houses and controlling)~~,~~; and 105 ILCS 5/10-21.7. *School grounds* includes the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground.

[59] Id. State law imposes the duty to report firearm possession only on school officials; this duty may be also imposed on volunteers and community members. Only staff members, however, are vulnerable to committing a petty offense for their failure to report, and only staff members are protected from civil or criminal liability that might arise as a result of making a report (although the liability potential for anyone making a report is remote).

The building principal must notify the student's parent/guardian only when the alleged offense is firearm possession by a student or a threat of firearm violence by a student. 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174. The policy expands this notification duty to include drug-related incidents and battery of a staff member; a board disinclined to do this should amend the second sentence as follows:

> In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Superintendent or designee and, if a student is reportedly in possession of a firearm or threatens firearm violence, also any involved student's parent/guardian.

[60] 105 ILCS 5/10-27.1A, amended by P.A.s 103-34, 103-609 (first to pass both houses), ~~and~~ 103-780 (second to pass both houses and controlling), and 104-174; 105 ILCS 5/10-27.1B, amended by P.A.s 103-609 (first to pass both houses) and 103-780 (second to pass both houses and controlling); and 105 ILCS 5/10-21.7. See f/n 6 and subhead **J. Required Notices** of sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.

[61] 105 ILCS 5/24-24, amended by P.A. 103-806, requires: (1) teachers, other licensed educational employees, and any other person (whether or not a licensed employee) providing a related service for or with respect to a student (except for individuals employed as paraprofessionals) to maintain discipline, and (2) the district to have a policy on discipline that provides that:

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The Superintendent, Building Principal, Assistant Building Principal, or Dean of Students is authorized to impose the same disciplinary measures as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to 10 consecutive school days, provided the appropriate procedures are followed.[62] The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons. [63]

Student Handbook [64]

The Superintendent, with input from the parent-teacher advisory committee,[65] shall prepare disciplinary rules implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment.

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[A] teacher, other licensed employee, and any other person, whether or not a licensed employee, providing a related service for or with respect to a student may only use reasonable force as permitted under [105 ILCS 5/10-20.33], shall provide that a teacher may remove a student from the classroom for disruptive behavior, and shall include provisions which provide due process to students. The policy shall prohibit the use of corporal punishment, as defined in [105 ILCS 5/22-100], in all circumstances. 105 ILCS 5/24-24, amended by P.A. 103-806.

[62] Required by 105 ILCS 5/10-22.6(b).

[63] Id.

[64] 105 ILCS 5/10-20.14(a), amended by P.A. 104-391, requires schools to provide a copy of the student discipline policy to parents/guardians within 15 days after the beginning of the school year, or within 15 days after a transfer student starts classes, but it does not specify how to provide copies. For ease of administration, this policy specifies that copies will be provided via student handbooks.

[65] The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline. See sample policy 2:150, *Committees.* This policy's dissemination requirements are from 105 ILCS 5/10-20.14.

A comprehensive student handbook can provide notice of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh/.

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by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)

LEGAL REF.: 20 U.S.C. §7971 et seq., Pro-Children Act of 2004.
20 U.S.C. §7961 et seq., Gun Free Schools Act.
105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10, 5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/22-33, 5/22-100, 5/22-110, 5/24-24, 5/26-12, 5/27-2427-23.7, and 5/31-3.
~~105 ILCS 110/3.10, Critical Health Problems and Comprehensive Health Education Act.~~
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.
410 ILCS 647/, Powdered Caffeine Control and Education Act.
430 ILCS 66/, Firearm Concealed Carry Act.
23 Ill.Admin.Code §§ 1.280, 1.285.

CROSS REF.: 2:150 (Committees), 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 7:70 (Attendance and Truancy), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:150 (Agency and Law Enforcement Requests~~Police Interviews~~), 7:160 (Student Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:270 (Administering Medicines to Students), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:30 (Visitors to and Conduct on School Property)

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Students

Student Support Services [1]

The District provides a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Ill. Dept. of Children and Family Services when enrolling in or changing schools. [2]

The following student support services may be provided by the School District: [3]

1. Health services supervised by a qualified school nurse.[4] The Superintendent or designee may implement procedures to further a healthy school environment and prevent or reduce the spread of disease.

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

[1] State or federal law controls this policy's content. The Children's Mental Health Act requires all districts to have a policy for incorporating social and emotional development into its educational program. 405 ILCS 49/15(b). The policy must address two areas: (1) teaching and assessing social and emotional skills; and (2) protocols for responding to children with social, emotional, or mental health problems, or a combination of such problems, that impact learning ability. Id. Sample policy 6:65, *Student Social and Emotional Development*, addresses the first required area and this sample policy addresses the second required area.

[2] Required by 105 ILCS 5/10-20.59. See f/n 16 in sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, for liaison responsibilities and requirements. Professional development and resources for educators supporting adoptive, foster, and kinship students are available through the nonprofit iCare 4 Adoptive And Foster Families, at: https://icare4aaff.org/.

[3] All districts are required to conduct a comprehensive needs assessment to determine the scope of student personnel services needs in the areas of: (1) guidance and counseling needs; (2) psychological needs; (3) social work needs; and (4) health needs. 23 Ill.Admin.Code §1.420(q). Endorsement requirements for various types of school support personnel are referenced in f/ns 3 through 6 below, and further information is available at: www.isbe.net/Pages/PEL-School-Support-Ed-Lic.aspx. Until 6-20-26, an individual who fails to meet the necessary qualifications for a specific school support personnel endorsement, but holds another professional license or certification approved by ISBE, may seek short-term approval for assignment to a position in situations where an unforeseen vacancy occurs. 23 Ill.Admin.Code §25.48. Short-term approvals are valid for three full fiscal years. 23 Ill.Admin.Code §25.432.

105 ILCS 5/2-3.147~~, added by P.A. 95-558 and repealed by P.A. 99-30~~, created the Ensuring Success in School Task Force. 105 ILCS 5/26A-15, added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law,* and scheduled to be repealed on 12-1-25, created a subsequent Ensuring Success in School Task Force. See f/n 1 in sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, for further information.

[4] School districts may employ non-professional-educator-licensed *registered professional nurse*s to perform professional nursing services. 105 ILCS 5/10-22.23; 23 Ill.Admin.Code §1.760(c). A *registered professional nurse* means any nurse who is licensed to practice professional nursing in Illinois under the Nurse Practice Act (225 ILCS 65/) and whose license is active and in good standing with the Ill. Dept. of Financial and Professional Regulation. 23 Ill.Admin.Code §1.760(b).

A *school nurse* means any registered professional nurse who also holds a professional educator license endorsed for school support services in school nursing, or any registered professional nurse who does not hold the professional educator license but was employed in the school district of current employment before 7-1-76. 23 Ill.Admin.Code §1.760(c).

105 ILCS 5/10-22.23 provides that any nurse first employed on or after 7-1-76, whose duties require teaching or the exercise of instructional judgment or educational evaluation of students, must be licensed under 105 ILCS 5/21B-25.

A school nurse may hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§1.760(c), 23.120, 25.245.

Health services may also be available through school based/linked health centers implemented by the Ill. Dept. of Public Health. 105 ILCS 129/; 77. Ill.Admin.Code Part 641. For further information, see: https://dph.illinois.gov/topics-services/life-stages-populations/maternal-child-family-health-services/school-health#resources.

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2. Educational and psychological testing services and the services of a school psychologist[5] as needed. In all cases, written permission to administer a psychological examination must be obtained from a student's parent(s)/guardian(s). The results will be given to the parent(s)/guardian(s), with interpretation, as well as to the appropriate professional staff.
3. The services of a school social worker.[6] A student's parent/guardian must consent to regular or continuing services from a social worker.
4. School counseling[7] services. The Superintendent or designee shall annually inform all school personnel and students 12 years of age and older, in writing, of the availability of counseling without parent/guardian consent under 405 ILCS 5/3-550. [8]

The Superintendent or designee shall develop protocols for responding to students with social, emotional, or mental health needs that impact learning ability.[9] The District, however, assumes no liability for preventing, identifying, or treating such needs.

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[5] A *school psychologist* means a psychologist who holds a Professional Educator License with a school psychologist endorsement per 105 ILCS 5/21B-25 and either: (1) has graduated with a master's degree or higher degree in psychology or educational psychology from an institution of higher education that maintains equipment, courses of study, and standards of scholarship approved by the Ill. State Board of Education (ISBE), has had at least one school year of full-time supervised experience in the delivery of school psychological service approved by the State Superintendent of Education, and has such additional qualifications as may be required by ISBE; or (2) holds a valid Nationally Certified School Psychologist credential. 105 ILCS 5/14-1.09. School psychologists hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§1.760(a), 23.130, 25.235. The scope of school psychological services is described in 105 ILCS 5/14-1.09.1.

[6] A *school social worker* means a social worker who has graduated from an accredited graduate school of social work and has such additional qualifications as may be required by ISBE and who holds a Professional Educator License with a school support personnel endorsement for school social work per 105 ILCS 5/21B-25. 105 ILCS 5/14-1.09a. See 105 ILCS 5/10-22.24a and 5/21B-25(2)(G); 23 Ill.Admin.Code §§1.760(a), 23.140, 25.215. School social workers may not provide services outside of their district employment to any student(s) attending school in the district. 105 ILCS 5/14-1.09a. The *School Social Work Best Practice Guide* (2020) published by ISBE and the Ill. Association of School Social Workers is available at: www.isbe.net/Documents/ISBE-IASSW-School-Social-Work-Guide.pdf.

School marriage and family therapists are another type of school support personnel; they hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§23.150, 25.260. The scope of school social worker services is described in 105 ILCS 5/14-1.09.2.

[7] *School counselors* hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 105 ILCS 5/10-22.24a; 23 Ill.Admin.Code §§1.760(a), 23.110, 25.225. *School counselors* refers to district employees that work in high schools to offer students advice and assistance in making career or college plans. 105 ILCS 5/22-93, amended by P.A. 103-1020. School counseling services shall address the needs of all students, regardless of citizenship status, and may include, but are not limited to, the numerous services detailed in 105 ILCS 5/10-22.24b, amended by P.A.s 103-542, ~~and~~ 103-780, and 104-353.

In contrast, *professional counselors* and professional counseling practice in Illinois are governed by the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act and its implementing regulations. 225 ILCS 107/; 68 Ill.Admin.Code Part 1375. The Mental Health and Developmental Disabilities Code, 405 ILCS 5/, provides that minors 12 years of age or older may request and receive up to eight 90-minute sessions (previously five 45-minute sessions) of professional counseling services or psychotherapy (provided by a clinical psychologist) without the consent of the minor's parent, guardian, or person in loco parentis. 405 ILCS 5/3-550. Most school districts do not regularly provide *professional* counseling or *clinical* psychological services to students. Instead, most districts provide *school counseling* or *school psychological* services to students, and Illinois law does not specify any limits on the number of school counseling or school psychological sessions which a minor may have before obtaining parent/guardian permission. If your district seeks to regularly provide *professional counseling* or *clinical psychological* services to students, consult with your board attorney about potential changes to board policies and administrative procedures, as well as collective bargaining issues.

[8] 105 ILCS 5/26A-40(h), added by P.A. 102-466, a/k/a *ESS Law*~~, eff. 7-1-25~~.

[9] Required by 405 ILCS 49/15(b).

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Erin's Law Counseling Options, Assistance, and Intervention [10]

The Superintendent or designee will ensure that each school building's Student Support Committee identifies counseling options for students who are affected by sexual abuse and grooming behaviors, along with District and community-based options for victims of sexual abuse and grooming behaviors to obtain assistance and intervention. Community-based options must include a Children's Advocacy Center and sexual assault crisis center(s) that serve the District, if any.

Article 26A Domestic or Sexual Violence and Parenting Resource Personnel [11]

The Superintendent or designee will ensure that at least one staff member in each school building is designated as a resource person (Article 26A Resource Person) for students who are parents, expectant parents, or victims of domestic or sexual violence and offers those services required by 105 ILCS 5/26A. See Board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*. The Article 26A Resource Person may be a member of the building's Student Support Committee.

The Superintendent shall ensure that this policy is implemented in a manner consistent with State and federal laws, including the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq., and that it is respectful of student privacy, including that student records are maintained and their confidentiality protected in accordance with Board policy and District procedures. [12]

LEGAL REF.: 105 ILCS 5/10-23.13(b), 5/10-20.59, 5/21B-25(G), and 5/26A.
405 ILCS 5/, Mental Health and Developmental Disabilities Code.
405 ILCS 49/, Children's Mental Health Act.
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.

CROSS REF.: 6:65 (Student Social and Emotional Development), 6:270 (Guidance and Counseling Program), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:280 (Communicable and Chronic Infectious Disease), 7:340 (Student Records)

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[10] Required by *Erin's Law,* 105 ILCS 5/10-23.13(b)(2), (3), and (5). See sample policy 5:90, *Abused and Neglected Child Reporting*, and sample administrative procedure 5:90-AP1, *Coordination with Children's Advocacy Center*, for more information on Children's Advocacy Centers.

[11] Required by 105 ILCS 5/26A-35, added by P.A. 102-466, a/k/a *ESS Law*~~, eff. 7-1-25~~. See sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

[12] This policy text is based on recommendations of the second ESS Task Force. See pp. 13-14 of the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf.

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Students

Suicide and Depression Awareness and Prevention [1]

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

Suicide and Depression Awareness and Prevention Program

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

1. Protocols for administering youth suicide awareness and prevention education to students and staff. [2]
    a. For students, implementation will incorporate Board policy 6:60, C*urriculum Content*, which implements ~~105 ILCS 5/2-3.139 and~~ 105 ILCS 5/27-215 ~~7~~(requiring education for students on mental health and illness~~to develop a sound mind and a healthy body~~).
    b. For staff, implementation will incorporate Board policy 5:100, *Staff Development Program*, and teacher's institutes under 105 ILCS 5/3-14.8 (requiring coverage of the warning signs of suicidal behavior).
2. Procedures for methods of suicide prevention with the goal of early identification and referral of students possibly at risk of suicide.[3] Implementation will incorporate:

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

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

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

For student protocols, see ~~105 ILCS 5/2-3.139 and~~ 105 ILCS 5/27-215~~7~~, added by P.A. 104-391.

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

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

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a. The training required by 105 ILCS 5/10-22.39 for all District staff who work with students to identify the warning signs of suicidal behavior in youth along with appropriate intervention and referral techniques, including methods of prevention, procedures for early identification, and referral of students at risk of suicide; and
b. Ill. State Board of Education (ISBE)-recommended guidelines and educational materials for staff training and professional development, along with ISBE-recommended resources for students containing age-appropriate educational materials on youth suicide and awareness, if available pursuant to *Ann Marie's Law* on ISBE's website.

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

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

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

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

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

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

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

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e. 7:10, *Equal Educational Opportunities*, and its implementing administrative procedure and exhibit, implementing supports for equal educational opportunities for students who are LGBTQ;
f. 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, implementing State law requirements related to students who are in foster care;
g. 7:250, *Student Support Services*, implementing the Children's Mental Health Act, 405 ILCS 49/ (requiring protocols for responding to students with social, emotional, or mental health issues that impact learning ability); and
h. State and/or federal resources that address emotional or mental health safety plans for students who are possibly at an increased risk for suicide, if available on the ISBE's website pursuant to *Ann Marie's Law*.

4. Methods of responding to a student or staff suicide or suicide attempt. Implementation of this requirement shall incorporate building-level Student Support Committee(s) established through Board policy 7:250, *Student Support Services*. [5]
5. Reporting procedures. Implementation of this requirement shall incorporate Board policy 6:270, *Guidance and Counseling Program*, and Board policy 7:250, *Student Support Services*, in addition to other State and/or federal resources that address reporting procedures. [6]
6. A process to incorporate ISBE-recommended resources[7] on youth suicide awareness and prevention programs, including current contact information for such programs in the District's Suicide and Depression Awareness and Prevention Program. [8]

Illinois Suicide Prevention Strategic Planning Committee

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

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

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

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

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

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

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

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Monitoring [10]

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

Information to Staff, Parents/Guardians, and Students

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

Implementation

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

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

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[10] Required by 105 ILCS 5/2-3.166(d).

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

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

[13] ~~105 ILCS 5/10-20.76, added by P.A. 102-134 and renumbered by P.A. 102-813 (district-issued ID cards for students, and information on districts' websites);~~ 105 ILCS 5/10-20.81, ~~added by P.A. 102-416, renumbered by P.A. 102-813, and~~ amended by P.A. 103-143 (districts must insert contact information for the National Suicide Prevention Lifeline, the Crisis Text Line, and the Safe2Help Illinois helpline on student identification (ID) cards for students in grades 6-12, and contact information must identify each helpline that may be contacted through text messaging; the same must be included in student handbooks and planners (if a student planner is custom printed by a district or its schools for distribution to students in any of grades 6 through 12) and P.A. 104-264 (districts must insert the same contact information required for student ID cards on employee ID cards for employees serving any of grades 6 through 12). See f/n 1 in sample administrative procedure 7:290-AP, *Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program*, for further information regarding Safe2Help Illinois.

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

LEGAL REF.: 42 U.S.C. § 12101 et seq., Individuals with Disabilities Education Act.
105 ILCS 5/2-3.166, ~~105 ILCS 5/2-3.139,~~ 5/3-14.8~~, 5/10-20.76~~, 5/10-20.81, 5/10-22.24a, 5/10-22.24b, 5/10-22.39, 5/14-1.01 et seq., 5/14-7.02, ~~and~~ 5/14-7.02b, and 5/27-215~~7~~.
5 ILCS 860/, Student Confidential Reporting Act.
405 ILCS 49/, Children's Mental Health Act.
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.
745 ILCS 10/, Local Governmental and Governmental Tort Immunity Act.

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

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

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

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

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

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Students

Restrictions on Publications; Elementary Schools [1]

[*For elementary or unit districts only*]

School-Sponsored Publications and Websites

School-sponsored publications, productions, and websites are part of the curriculum and are not a public forum for general student use.[2] School authorities may edit or delete material that is inconsistent with the District's educational mission.

All school-sponsored communications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated.

The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

Non-School Sponsored Publications Accessed or Distributed On-Campus [3]

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, (2) audio-visual material on any medium including electromagnetic media (e.g., images, digital files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, digital files, etc.) or online (e.g., any website, social networking site, database for

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[1] State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled. It applies only to elementary or unit districts (both elementary and high school students). Unit districts should adopt this policy and policy 7:315, *Restrictions on Publications; High Schools*. The Speech Rights of Student Journalists Act, 105 ILCS 80/5, applies to high school and unit districts.

[2] School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988). This policy allows such control by clearly stating that school-sponsored publications are not a "public forum" open for general student use but are, instead, part of the curriculum.

A school board that does not retain control of student publications can anticipate at least two problems: (1) how to keep content consistent with the district's mission, and (2) how to ensure that the Constitutional rights of third parties are not violated by student journalists. Concerning the second problem, a third party may seek to hold the district responsible for the student journalists' acts. See Yeo v. Town of Lexington, 131 F.3d 241 (1st Cir. 1997), *cert. denied* (1998).

[3] Non-school sponsored publications, like underground newspapers, cannot be subject to the same degree of regulation by school authorities as school-sponsored publications. Absent a showing of material and substantial interference with the requirements of good discipline, students retain their First Amendment free speech rights. The federal circuits disagree on whether school authorities may require prior approval before a student is allowed to distribute non-school-sponsored publications. The Seventh Circuit, which covers Illinois, refused to approve prior approval regulations. Fujishima v. Bd. of Ed., 460 F.2d 1355 (7th Cir. 1972), but see Baughman v. Freienmuth, 478 F.2d 1345 (4th Cir. 1973). Non-school sponsored web sites should be regulated in the same manner as non-school sponsored publications.

A school policy prohibiting junior high students from distributing written material at school that is prepared by non-students was upheld in Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

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information retrieval, etc.), or (3) information or material on electronic devices (e.g., text or voice messages delivered by cell phones, tablets, and other hand-held devices). [4]

Creating, distributing, and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the District.

Students are prohibited from creating, distributing, and/or accessing at school any publication that:

1. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities; [5]
2. Violates the rights of others, including but not limited to material that is libelous, invades the privacy of others, or infringes on a copyright; [6]
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by Board policy 7:190, *Student Behavior*, and/or Student Handbooks;
4. Is reasonably viewed as promoting illegal drug use;[7] or
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. Nothing herein shall be interpreted to prevent the inclusion of material from outside sources or the citation to such sources as long as the material to be distributed or accessed is primarily prepared by students. [8]

Accessing or distributing on-campus includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for:

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[4] The definition of publication is optional and may be amended. This sample definition uses broad and generally understood terms to keep the policy current with rapid technology changes.

[5] For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school's computer. School authorities could reasonably believe the article would be disruptive. Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield, 134 F.3d 821 (7th Cir. 1998).

[6] School officials may not regulate student speech based upon their fear or apprehension of disturbance. Many decisions address the tension between students' right to free speech and restrictions of it on campus. See, for example:

Brandt v. Bd. of Educ. of City of Chicago, 480 F.3d 460 (7th Cir. 2007), *cert. denied* (2007) (school did not violate students' First Amendment rights when it disciplined students for wearing T-shirts with a "talentless infantile drawing" that school officials reasonably found to undermine the educational atmosphere).

Nuxoll v. Indian Prairie Sch. Dist. #204, 523 F.3d 668 (7th Cir. 2008) (holding that the student was likely to succeed on merits of his claim that the school would violate his speech rights by preventing him from wearing T-shirt with slogan "Be Happy, Not Gay"). But see L.M. v. Town of Middleborough, Mass., 103 F.4th 854 (1st Cir. 2024)(holding a school could prohibit a student from wearing a shirt that read "There Are Only Two Genders" because the message directly attacked the personal characteristics of transgender and nonconforming students, which could cause lower grades and increased absences).

J.C. v. Beverly Hills Unified Sch. Dist., 711 F.Supp.2d 1094 (C.D.Cal. 2010) (discussed the "rights of others to be secure and let alone" argument from Tinker, but found that the school district violated a student's First Amendment rights for disciplining her when she posted a video clip on a website).

B.H. v. Easton Area Sch. Dist., 725 F.3d 293 (3rd Cir. 2013), *cert. denied* (2014) (school violated students' free speech rights by banning the wearing of cancer awareness bracelets containing the caption *I ♥boobies*).

[7] Morse v. Frederick, 551 U.S. 393 (2007).

[8] Optional. The rationale for this section is that prior to high school, students have not developed sufficient experience and education in critical review of external resource materials. Accordingly, in order to accomplish the district's educational mission, yet allow students the opportunity to communicate with their fellow students, widespread student distribution of written material in elementary and middle school may be limited to material primarily prepared by the students themselves. Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3rd 1295 (7th Cir. 1993); Leal v. Everett Public Schs., 88 F.Supp.3d 1220 (W.D.Wa. 2015).

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(1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school. [9]

Non-School Sponsored Publications Accessed or Distributed Off-Campus [10]

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

Bullying and Cyberbullying [11]

The Superintendent or designee shall treat behavior that is bullying and/or cyberbullying according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

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[9] See f/n 5, above.

[10] Optional. School officials must proceed carefully before disciplining a student for out-of-school conduct. A school's authority over off-campus expression is much more limited than expression on school grounds. Many decisions address the tension between public schools' authority to discipline students for off-campus speech and students' right to free speech. However, school officials may generally: (1) remove a student from extracurricular activities for failure to follow an extracurricular conduct code (see sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities*); and (2) suspend or expel a student from school attendance when the student's expression causes substantial disruption to school operations, as provided in this policy (see also sample policy 7:190, *Student Behavior*). For example, see:

> Mahanoy Area School Dist. v. B.L., 594 U.S. 180 (2021), (a school could not suspend a student from the cheerleading team for vulgar posts that she made on a social media platform where there was no evidence of substantial disruption of a school activity; schools also have more limited authority to punish students for vulgar, off-campus speech, unless there are circumstances involving severe bullying or harassment, threats aimed at teachers or other students, failure to follow rules concerning lessons, writing of papers, use of computers, participation in other online school activities, or breaches of school security devices including school computers).
>
> J.S. v. Blue Mountain Sch. Dist., 650 F.3d 915 (3rd Cir. 2011), combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3d Cir. 2011), *cert. denied* (2012) (schools may not punish students for their off-campus indecent and offensive parodies of their principals, absent a showing that the parodies caused, or could cause, substantial disruption in the schools).
>
> Kowalski v. Berkeley Cnty. Sch., 652 F.3d 565 (4th Cir. 2011), *cert. denied* (2012) (upheld a student's suspension for off-campus posts to a social network site that defamed a classmate because it was foreseeable that the expression would reach the school and the student's conduct involved substantial disruption and interference with the work and discipline of the school).

The statutory definition of *bullying* includes *cyberbullying* (105 ILCS 5/22-1107~~-23.7~~, amended by P.A. 104-338, eff. 7-1-26, and renumbered by P.A. 104-391); these terms are defined in sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

Consult the board attorney for guidance concerning off-campus speech. Every situation is fact-specific and the issues require careful evaluation.

[11] 105 ILCS 5/22~~7~~-110~~23.7~~, amended by P.A. 104-338, eff. 7-1-26, and renumbered by P.A. 104-391.

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LEGAL REF.: 105 ILCS 5/22-1107 ~~23.7~~.
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988).
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

CROSS REF.: 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:315 (Restrictions on Publications; High Schools), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities)

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Students

Restrictions on Publications; High Schools [1]

[*For high school or unit districts only*]

Definitions [2]

Libel means the willful or negligent publication of provably false and unprivileged statements of fact that do demonstrable harm to a living person's reputation.

Obscene means lewd; impure; indecent; calculated to shock the moral sense of humans by a disregard of chastity or modesty. Objectionable or offensive to accepted standards of decency.

School official means a Building Principal or designee.

School-sponsored media means any material that is prepared, substantially written, published, or broadcast by a student journalist, distributed or generally made available to members of the student body, and prepared under the direction of a student media advisor. It does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

Slander means the speaking of false statements of fact that seriously harm a living person's reputation.

Student journalist means a public high school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

Student media adviser[3] means an individual employed, appointed, or designated by the District to supervise or provide instruction relating to school-sponsored media.

School-Sponsored Media

School-sponsored publications, productions, and websites are governed by the Speech Rights of Student Journalists Act and School Board policies, and student journalists are responsible for determining the news, opinion, feature, and advertising content of those publications, productions, and websites. [4]

Student journalists must: [5]

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[1] State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled.

[2] Speech Rights of Student Journalists Act (SRSJA), 105 ILCS 80/5. See also *Black's Law Dictionary*, 11th ed. 2019.

[3] Id. uses *adviser*, not advisor. Adviser is used throughout this policy for consistency with the statute.

[4] Id. With some exceptions, the Act effectively restricts school authorities' power to reasonably regulate student expression in high school-sponsored publications for education-related reasons under Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988). See the last sentence in f/n 6, below.

[5] Consult the board attorney about text that balances the student journalists' rights to have control of their media publications with the board's interests in (a) ensuring differing opinions are published, (b) the SRSJA, and (c) providing student journalists opportunities to apply the Illinois media literacy curriculum mandates.

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1. Make decisions based upon news value and guided by the Code of Ethics provided by the Society of Professional Journalists, National Scholastic Press Association, Journalism Education Association, or other relevant group;
2. Produce media based upon professional standards of accuracy, objectivity, and fairness;
3. Review material to improve sentence structure, grammar, spelling, and punctuation;
4. Check and verify all facts and verify the accuracy of all quotations;
5. In the use of personal opinions, editorial statements, and/or letters to the editor, provide opportunity and space for the expression of differing opinions within the same media to align with the District's media literacy curriculum ~~mandate in 105 ILCS 5/27-20.08~~; and
6. Include an author's name with any personal opinions and editorial statements, if appropriate.

Student journalists may not create, produce, or distribute school-sponsored media that: [6]

1. Is libelous, slanderous, or obscene;
2. Constitutes an unwarranted invasion of privacy;
3. Violates federal or State law, including the Constitutional rights of third parties;[7] or
4. Incites students to: [8]

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Number 5 in the list is intended to align with the *media literacy* curriculum mandate for students in grades 9 through 12 and is listed at 105 ILCS 5/27-415, renumbered by P.A. 104-391 and scheduled for repeal on 7-1-27,~~20.08~~ and sample policy 6:60, *Curriculum Content*. Beginning with the 2027-2028 school year, media literacy instruction is combined with instruction on Internet safety under 105 ILCS 5/27-405(c), added by P.A. 104-391. *Media literacy* means the ability to access, analyze, evaluate, create, and communicate using a variety of objective forms, including, but not limited to, print, visual, audio, interactive, and digital texts. Id. Media literacy instruction must include a component on social responsibility and civics that includes "[s]uggesting a plan of action in the class, school, or community to engage others in a respectful, thoughtful, and inclusive dialogue over a specific issue using facts and reason." Providing opportunity and space for expression of differing opinions in media aligns with and promotes this inclusive dialog.

For boards that provide student journalists more flexibility, make the following three edits: (1) replace "must" with: "shall strive to," (2) amend number 5 to read: "In the use of personal opinions, editorial statements, and/or letters to the editor, determine the need to provide opportunity and space for the expression of differing opinions within the same media to align with the District's media literacy curriculum ~~mandate in~~ in 105 ILCS 5/27-20.08", and (3) delete number 6.

[6] 105 ILCS 80/15. A school board may retain control of material in student publications that falls within the listed exceptions. Consult the board attorney about how much control of high school student publications school officials may retain in the context of the Speech Rights of Student Journalists Act.

[7] 105 ILCS 80/15.

Delete "~~, including Constitutional rights of third parties~~" if the board wants only the word-for-word statutory language in its policy. Because the Constitutional rights of third parties are common controversies within the context of student-sponsored publications, the purpose of this additional text is to underscore that Constitutional rights of third parties are included under the exception of State and federal law.

While 105 ILCS 80/20 limits liability of school districts for a student journalist's expression, except in cases of willful or wanton misconduct, some attorneys believe it may still be possible that a third party may seek to hold the district responsible for the student journalists' acts. See Yeo v. Town of Lexington, 131 F.3d 241 (1st Cir. 1997), *cert. denied* (1998).

[8] 105 ILCS 80/15 broadly allows school boards to limit speech that would incite violation of any policy. This policy language follows the statute. Policies most often needing assessment are those that involve a district's educational mission and philosophy and social appropriateness language for student body's age(s)/maturity. School officials must be careful to understand that that law is written that student journalists using media to *incite* other students to act a certain way is the exception. Additional text may be added to (1) underscore that 105 ILCS 80/15 does not authorize or protect expression that *incites* students to violate board policies, and (2) reminds students and the community that school officials have many legal obligations to implement and enforce specific board policies and ensure school environments are safe and conducive to learning.

While 105 ILCS 80/20 limits liability of school districts for a student journalist's expression, except in cases of willful or wanton misconduct, discuss with the board attorney how to balance the rights of student journalists under this law and the other policy implementation duties that face school officials with board policies and laws.

For boards that want to provide additional text to the word-for-word statutory language in their policies, add to item 4.b:

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a. Commit an unlawful act;
b. Violate any of the District's policies; or
c. Materially and substantially disrupt the orderly operation of the school.

The District will not engage in prior restraint of material prepared by student journalists for school-sponsored media, unless the material fits into one of the four prohibited categories listed above, in which case the Superintendent or designee and/or student media adviser may review, edit, and delete such media material before publication or distribution of the media. [9]

No expression made by students in the exercise of freedom of speech or freedom of the press under this policy shall be deemed to be an expression of the District or an expression of Board policy. [10]

Non-School Sponsored Publications Accessed or Distributed On Campus [11]

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, (2) audio-visual material on any medium including electromagnetic media (e.g., images, digital files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, digital files, etc.) or online (e.g., any website, social networking site, database for information retrieval, etc.), or (3) information or material on electronic devices (e.g., text or voice messages delivered by cell phones, tablets, and other hand-held devices). [12]

Creating, distributing, and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the District.

Students are prohibited from creating, distributing, and/or accessing at school any publication that:

1. Will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities; [13]

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, including but not limited to (1) its educational mission in Board policies 1:30, *School District Philosophy* and 6:10, *Educational Philosophy and Objectives*, and (2) speech that is socially inappropriate or inappropriate due to the maturity of the students pursuant to Board policies 6:65, *Student Social and Emotional Development* and 7:180 *Prevention of and Response to Bullying, Intimidation, and Harassment*.

[9] 105 ILCS 80/10 requires school officials to show justification without undue delay before limiting student expression. For boards that want the student media advisor to provide student journalists with written justification prior to limiting materials, insert the following sentence to end the paragraph:

In such cases, the student media adviser will promptly provide the student journalist with a written justification prior to limiting the material.

[10] 105 ILCS 80/20.

[11] Non-school sponsored publications, like underground newspapers, cannot be subject to the same degree of regulation by school authorities as school-sponsored publications. Absent a showing of material and substantial interference with the requirements of good discipline, students retain their First Amendment free speech rights. The federal circuits disagree on whether school authorities may require prior approval before a student is allowed to distribute non-school-sponsored publications. The Seventh Circuit, which covers Illinois, refused to approve prior approval regulations. Fujishima v. Bd. of Ed., 460 F.2d 1355 (7th Cir. 1972), but see Baughman v. Freienmuth, 478 F.2d 1345 (4th Cir. 1973). Non-school sponsored web-sites should be regulated in the same manner as non-school sponsored publications.

A school policy prohibiting junior high students from distributing written material at school that is prepared by non-students was upheld in Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

[12] The definition of *publication* is optional and may be amended. This sample definition uses broad and generally understood terms to keep the policy current with rapid technology changes.

[13] For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school's computer. School authorities could reasonably believe the article would be disruptive. Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield, 134 F.3d 821 (7th Cir. 1998).

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2. Violates the rights of others, including but not limited to material that is libelous, slanderous or obscene, invades the privacy of others, or infringes on a copyright; [14]
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by Board policy 7:190, *Student Behavior*, and/or Student Handbooks;
4. Is reasonably viewed as promoting illegal drug use; [15]
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, material from outside sources or the citation to such sources may be allowed, as long as the material to be distributed or accessed is primarily prepared by students; [16] or
6. Encourages or incites students to violate any Board policies.

Accessing or distributing *on-campus* includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school. [17]

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[14] School officials may not regulate student speech based upon their fear or apprehension of disturbance. Many decisions address the tension between students' right to free speech and restrictions of it on campus. See, for example:

Brandt v. Bd. of Educ. of City of Chicago, 480 F.3d 460 (7th Cir. 2007), *cert. denied* (2007) (school did not violate students' First Amendment rights when it disciplined students for wearing T-shirts with a "talentless infantile drawing" that school officials reasonably found to undermine the educational atmosphere).

Nuxoll v. Indian Prairie Sch. Dist. #204, 523 F.3d 668 (7th Cir. 2008) (holding that the student was likely to succeed on merits of his claim that the school would violate his speech rights by preventing him from wearing T-shirt with slogan "Be Happy, Not Gay"). But see L.M. v. Town of Middleborough, Massachusetts, 103 F.4th 854 (1st Cir. 2024) (holding a school could prohibit a student from wearing a shirt which read "There Are Only Two Genders" because the message directly attacked the personal characteristics of transgender and nonconforming students, which could cause lower grades and increased absences).

J.C. v. Beverly Hills Unified Sch. Dist., 711 F.Supp.2d 1094 ~~593 F.3d 249~~ (C.D.Cal~~3rd Cir~~. 2010) (discussed the "rights of others to be secure and let alone" argument from Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969), but found that the school district violated a student's First Amendment rights for disciplining her when she posted a video clip on a website).

B.H. v. Easton Area Sch. Dist., 725 F.3d 293 (3rd Cir 2013), *cert. denied* (2014) (school violated students' free speech rights by banning the wearing of cancer awareness bracelets containing the caption *I ♥boobies*).

[15] Morse v. Frederick, 551 U.S. 393 (2007).

[16] Optional. The rationale for this section is that prior to high school, students have not developed sufficient experience and education in critical review of external resource materials. Accordingly, in order to accomplish the district's educational mission, yet allow students the opportunity to communicate with their fellow students, widespread student distribution of written material in elementary and middle school may be limited to material primarily prepared by the students themselves. Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3rd 1295 (7th Cir. 1993); Leal v. Everett Pub. Schs., 88 F.Supp.3d 1220 (W.D.Wa. 2015).

[17] See f/n 13, above.

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Non-School Sponsored Publications Accessed or Distributed Off-Campus [18]

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

Bullying and Cyberbullying [19]

The Superintendent or designee shall treat behavior that is *bullying* and/or *cyberbullying* according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

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

[18] Optional. School officials must proceed carefully before disciplining a student for out-of-school conduct. A school's authority over off-campus expression is much more limited than expression on school grounds. Many decisions address the tension between public schools' authority to discipline students for off-campus speech and students' right to free speech. However, school officials may generally: (1) remove a student from extracurricular activities when the conduct code for participation requires students to conduct themselves at all times as good citizens and exemplars of the school (see sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities*); and (2) suspend or expel a student from school attendance when the student's expression causes substantial disruption to school operations, as provided in this policy (see also sample policy 7:190, *Student Behavior*). For example, see:

Mahanoy Area School Dist. v. B.L., 594 U.S. 180 (2021) (a school could not suspend a student from the cheerleading team for vulgar posts that she made on a social media platform where there was no evidence of substantial disruption of a school activity; schools have more limited authority to punish students for vulgar, off-campus speech, unless there are circumstances involving severe bullying or harassment, threats aimed at teachers or other students, failure to follow rules concerning lessons, writing of papers, use of computers, participation in other online school activities, or breaches of school security devices including school computers).

J.S. v. Blue Mountain Sch. Dist., 650 F.3d 915 (3rd Cir. 2011), combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3rd Cir. 2011), *cert. denied*)(2012) (schools may not punish students for their off-campus indecent and offensive parodies of their principals, absent a showing that the parodies caused, or could cause, substantial disruption in the schools).

Kowalski v. Berkeley Cnty. Sch., 652 F.3d 565 (4th Cir. 2011), *cert. denied* (2012) (upheld a student's suspension for off-campus posts to a social network site that defamed a classmate because it was foreseeable that the expression would reach the school and the student's conduct involved substantial disruption and interference with the work and discipline of the school).

The statutory definition of *bullying* includes *cyberbullying* (105 ILCS 5/22-1107~~-23.7~~, renumbered by P.A. 104-391); these terms are defined in sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

Consult the board attorney for guidance concerning off-campus speech. Every situation is fact specific, and the issues require careful evaluation.

[19] 105 ILCS 5/22-1107~~-23.7~~, amended by P.A. 104-338, eff. 7-1-26 and renumbered by P.A. 104-391.

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LEGAL REF.: 105 ILCS 5/22-110 ~~5/27-20.08 and 5/27-23.7~~, 5/27-405, and 5/27-415 (scheduled for repeal on 7-1-27).
105 ILCS 80/, Speech Rights of Student Journalists Act.
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988).
Morse v. Frederick, 551 U.S. 393 (2007).
Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

CROSS REF.: 1:30 (School District Philosophy), 6:10 (Educational Philosophy and Objectives), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:310 (Restrictions on Publications; Elementary Schools), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities)

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Students

Student Records [1]

School student records are confidential. Information from them shall not be released other than as provided by law.[2] A school student record is any writing or other recorded information concerning a

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[1] State law requires school boards to adopt a policy and procedures implementing the Illinois School Student Records Act (ISSRA) and specifying the content of school student records. 23 Ill.Admin.Code §§375.100 and 226.740. Both State and federal law address school student records. See the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) implemented by federal rules at 34 C.F.R. Part 99) and ISSRA (105 ILCS 10/, amended by P.A.s 102-466, a/k/a *Ensuring Success in School (ESS) Law,* ~~eff. 7-1-25~~and 104-356, eff. 7-1-26, implemented by ISBE rules at 23 Ill.Admin.Code Part 375).

In addition, the U.S. Dept. of Education's (DOE) *Protecting Student Privacy* webpage, a service of the Privacy Technical Assistance Center (PTAC) and the Student Privacy Policy Office, is a *one-stop* resource for education stakeholders to learn about student privacy and confidentiality, including data privacy and security practices related to student-level longitudinal data systems, at: www.studentprivacy.ed.gov/. PTAC published a guide for school officials titled *Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices* (2014), at:

www.studentprivacy.ed.gov/resources/protecting-student-privacy-while-using-online-educational-services-requirements-and-best.

The DOE also issued a summary of resources on FERPA and virtual learning (2020) at: www.studentprivacy.ed.gov/resources/ferpa-and-virtual-learning. **Boards that wish to enter into cloud computing and other operator contracts must comply with the Student Online Personal Protection Act (SOPPA), 105 ILCS 85/, and should contact the board attorney for implementation guidance.** See also f/n 2, item #7, below.

Confusion persists regarding the interplay between the FERPA and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub. L. 104-191). The Privacy Rule implementing HIPAA, issued by the U.S. Dept. of Health and Human Services (HHS), addresses the disclosure of individuals' health information by *covered entities*. 45 C.F.R. Parts 160 and 164, Subparts A and E. Generally speaking, a school district becomes a *covered entity*, and must comply with applicable sections in the Privacy Rule, if it provides health care and transmits health information in electronic form in connection with transactions. However, *educational records* as defined by FERPA are excluded from HIPAA's definition of *protected health information.* 45 C.F.R. §160.103. In most cases this exception relieves school districts of complying with burdensome privacy notices and authorization forms. In December 2019, HHS and DOE issued an update to its *Joint Guidance on the Application of FERPA and HIPAA to Student Health* Records, at:

www.studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records.

The board attorney should be consulted on all HIPAA-related questions.

[2] A plethora of statutory and decisional law protects student records. Aside from the laws identified in f/n 1, other laws protecting student records include:

1. Schools may not provide a student's *personal information* to a business organization or financial institution that issues credit or debit cards. 105 ILCS 5/10-20.38.
2. Schools may not sell personal information concerning a child under the age of 16, with a few exceptions, unless a parent has consented. Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/.
3. The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is governed by the Mental Health and Developmental Disabilities Confidentiality Act. 740 ILCS 110/.
4. Schools must keep a sex offender registration form received from law enforcement separately from school student records maintained on behalf of the juvenile sex offender. 730 ILCS 152/121.
5. Divorced or separated parents/guardians with and without *parental responsibility* (formerly custody) are both permitted to inspect and copy the student's school student records. The Ill. Marriage and Dissolution of Marriage Act (IMDMA), 750 ILCS 5/602.11.
6. Schools may not provide a parent/guardian access to his or her child's school records if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. Id.

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student and by which a student may be identified individually that is maintained by a school or at its direction by a school employee, regardless of how or where the information is stored, except as provided in State or federal law as summarized below: [3]

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement professionals~~officers~~ working in the school. [4]
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses[5]) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement professionals~~officials~~, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 18 years who has been arrested or taken into custody. [6]

State and federal law grants students, parents/guardians, and when applicable, the Ill. Dept. of Children and Family Services' Office of Education and Transition Services, certain rights, including the right to

Commented [MM1]: Note to subscribers: This term is revised in #2 and #3 to match the text of ISSRA.

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7. SOPPA (105 ILCS 85/) addresses a school district's obligations related to *covered information* of students and contracts with educational technology *operators*. In some instances, covered information as defined under SOPPA may also qualify as education records under FERPA and school student records under ISSRA. See sample policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, and sample administrative procedure 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*, for a description of SOPPA obligations.
8. School employees or agents may not disclose information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence, or a student's status as a named perpetrator of domestic or sexual violence except under certain circumstances and only upon prior notice to, and discussion with, the student. 105 ILCS 5/26A-30, added by P.A. 102-466, a/k/a *ESS Law*~~, eff. 7-1-25~~. See sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and the **Confidentiality** subhead of sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

Note: Nos. 5 and 6 above may conflict with FERPA in that they restrict a parent/guardian's right to access his or her child's school records more than is expressly permitted by FERPA. 20 U.S.C. §1232g(a)(1)(A), (B); 34 C.F.R. §99.10(a). **Consult the board attorney for guidance.**

Allowing students to grade each other's papers does not violate FERPA; such student work is not a *school record* until it is recorded by the teacher. Owasso I.S.D. No. I-011 v. Falvo, 534 U.S. 426 (2002). School student records are *per se* prohibited from disclosure; a district is under no obligation to redact them. Chicago Tribune Co. v. Chicago Bd. of Educ., 332 Ill.App.3d 60 (1st Dist. 2002).

[3] 20 U.S.C. §1232g(a)(4); 34 C.F.R. §99.3; 105 ILCS 10/2(d); 705 ILCS 405/1-7 and 5-905; 23 Ill.Admin.Code §375.10. Rather than listing the exceptions in the policy, a school board may choose to end the sentence after the proviso "except as provided in State or federal law."

[4] For a helpful resource, see f/n 1 in sample policy 7:150, *Agency and* ~~*Police Interviews*~~ *Law Enforcement Requests*.

[5] For an explanation, see footnotes in sample policy 7:220, *Bus Conduct*.

[6] Many lawyers believe that once these records are received by a school, they are protected as *education records* under FERPA. Consult the board attorney for advice.

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inspect, copy[7], and/or challenge school student records.[8] The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child.[9] The District may release directory information as permitted by law, but a parent/guardian shall have the right to opt-out of the release of directory information regarding his or her child.[10] The District

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[7] 105 ILCS 10/5(a). ISSRA does not give DCFS representatives the right to challenge student records. 105 ILCS 10/7. For more information about DCFS liaison qualifications and duties, see sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, at f/n 16.

105 ILCS 10/5(c) requires that a parent's or student's request to inspect and copy records be granted no later than 10 business days (previously 15 school days) after the date of receipt of such a request by the official records custodian.

105 ILCS 10/5(c-5) outlines how a school district may extend the 10-business day timeline for response by not more than five business days from the original due date if one or more of these six reasons applies:

1. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
2. The request required the collection of a substantial number of specified records;
3. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
4. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
5. The request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) without unduly burdening or interfering with the operations of the school district; or
6. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district among two or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

The person making the request and the school district may also agree in writing to extend the timeline for compliance for a period to be determined by the parties. Id.

[8] 23 Ill.Admin.Code §375.10 provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If the board of a unit or high school district wants to allow this, insert:

A student or the student's parent/guardian may request, in writing, that scores received on college entrance examinations be included on the student's academic transcript.

Note: Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and FERPA attach to *eligible students* and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

If a board allows for the inclusion of college entrance examination scores on academic transcripts, amend the district's notification to parents/guardians and students of their school student records rights with the process for requesting the inclusion. 23 Ill.Admin.Code §375.30(d)(5). See sample exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, for an example.

[9] 23 Ill.Admin.Code §226.740(a).

[10] This sentence is required if the board allows schools to release student directory information. 20 U.S.C. §1232g; 23 Ill.Admin.Code §375.80; 34 C.F.R. §99.37. There is at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor supports that a district may not rely on the FOIA exemption for home addresses. PAO 12-3.

This sample policy does not identify the components of *directory information*, leaving that task to implementing material. Boards may want to discuss this quagmire with the superintendent knowing that there are good reasons to release directory information, e.g., to allow the district to publish information about specific students, and good reasons to not release directory information, e.g., to avoid releasing names and addresses pursuant to a FOIA request.

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will comply with State or federal law with regard to release of a student's school records, including, where applicable, without notice to, or the consent of, the student's parent/guardian or eligible student.[11] Upon request, the District discloses school student records without parent consent to the official records custodian of another school in which a student has enrolled or intends to enroll, as well as to any other person as specifically required or permitted by State or federal law. [12]

The Superintendent shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records. [13]

Student Biometric Information Collection [14]

The Superintendent or designee may recommend a student biometric information collection system solely for the purposes of identification and fraud prevention.[15] Such recommendation shall be consistent with budget requirements and in compliance with State law. Biometric information means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

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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, DOE guidance has consistently advised schools not to disclose a student's sex as directory information because it would be considered harmful or an invasion of privacy. See *Letter to Institutions of Postsecondary Education*, DOE Family Policy Compliance Office (September 2009). Consult the board attorney about the practical implementation of this issue. Some attorneys, for example, believe photos of the "Girls Volleyball Team" may contradict DOE guidance.

See sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*, at f/n 6, for a discussion about 105 ILCS 5/22-105(c)(4)(B), added by P.A. 104-288, eff. 1-1-26, which prohibits districts from designating place of birth as *directory information*.

[11] 20 U.S.C. §1232g(j), as added by Sec. 507 of the U.S.A. Patriot Act of 2001.

[12] 34 C.F.R. §99.31; 105 ILCS 10/6, amended by P.A. 104-356, eff. 7-1-26.

[13] Each school must have an *official records custodian.* 105 ILCS 10/4(a). Districts must notify students and parents/guardians of their rights concerning school student records. 105 ILCS 10/3; 105 ILCS 10/4; 23 Ill.Admin.Code §375.30; 34 C.F.R. §99.7. Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal, but should be reviewed and approved by the superintendent and board. See sample exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, and sample administrative procedure 7:340-AP1, *School Student Records*.

[14] This program is optional; however, districts either wishing to implement such a program or districts that have already engaged in the collection of student biometric information must have a policy consistent with the requirements of 105 ILCS 5/10-20.40. This section restates the School Code's requirements for a student biometric information policy.

[15] For districts already collecting biometric information, the following is an alternative:

The Superintendent or designee shall maintain a biometric screening program that is consistent with budget requirements and in compliance with State law.

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Before collecting student biometric information, the District shall obtain written permission from the person having legal custody/parental responsibility[16] or the student (if over the age of 18).[17] Upon a student's 18th birthday, the District shall obtain written permission from the student to collect student biometric information.[18] Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

All collected biometric information shall be stored and transmitted in a manner that protects it from disclosure. Sale, lease, or other disclosure of biometric information to another person or entity is strictly prohibited. [19]

The District will discontinue use of a student's biometric information and destroy all collected biometric information within 30 days after: (1) the student graduates or withdraws from the School District, or (2) the District receives a written request to discontinue use of biometric information from the person having legal custody/parental responsibility of the student or the student (if over the age of 18).[20] Requests to discontinue using a student's biometric information shall be forwarded to the Superintendent or designee.

The Superintendent or designee shall develop procedures to implement this policy consistent with State and federal law. [21]

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[16] Several statutes define legal custody and when a court may grant it; the term requires statutory construction/interpretation and school boards should discuss this issue with their attorney prior to adopting a policy on collection of student biometric information.

105 ILCS 5/10-20.40(b)(1) states the definition of legal custody is the same as the definition of legal custody for purposes of residency, payment of tuition, hearings, and criminal penalties at 105 ILCS 5/10-20.12b(2)(i)-(v).

The IMDMA, 750 ILCS 5/, changed the terms *custody* and *visitation* to *parental responsibility* and *parenting time*, respectively. It also requires a *parenting plan* that allocates: (1) significant decision-making responsibilities; and (2) each parent's right to access his or her child's school records. The IMDMA does not amend ISSRA or the School Code.

[17] Based upon 105 ILCS 5/10-20.40, written permission is not required annually; it is valid until a request for discontinuation of the use of biometric information is received or until the student reaches the age of 18. See sample exhibit 7:340-AP1, E5, *Biometric Information Collection Authorization*.

[18] Districts must reissue exhibit 7:340-AP1, E5, *Biometric Information Collection Authorization* to students turning 18 years of age during the school year. This is because all rights and privileges accorded to a parent under ISSRA become exclusively those of the student upon his or her 18th birthday, graduation from secondary school, marriage, or entry into military service, whichever comes first. 105 ILCS 10/2(g).

[19] State law contains two exceptions: (1) the individual who has legal custody/parental responsibility of the student or the student (if over the age of 18) consents to the disclosure; and (2) the disclosure is required by court order. 105 ILCS 5/10-20.40(b)(5).

[20] 105 ILCS 5/10-20.40(d). No notification to or approval from the district's local records commission, pursuant to the Local Records Act, is required to destroy student biometric information. See f/n 16 for a discussion about the terms *custody* and *parental responsibility*.

[21] Whether the student biometric information is an education record under FERPA or falls under an exception to an education record under FERPA is an issue about which school boards should consult their board attorney. Protected Health Information under the DHS's interpretations of HIPAA excludes education records covered by FERPA, and thus HIPAA requirements are not expected to be triggered by districts collecting student biometric information. However, before implementing policies and procedures to collect student biometric information, a board should discuss these issues with the board attorney.

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LEGAL REF.: 20 U.S.C. §1232g, Family Educational Rights and Privacy Act; 34 C.F.R. Part 99.
50 ILCS 205/7, Local Records Act.
105 ILCS 5/10-20.12b, 5/10-20.40, 5/14-1.01 et seq., and 5/26A-30.
105 ILCS 10/, Ill. School Student Records Act.
105 ILCS 85/, Student Online Personal Protection Act.
325 ILCS 17/, Children's Privacy Protection and Parental Empowerment Act.
750 ILCS 5/602.11, Ill. Marriage and Dissolution of Marriage Act.
23 Ill.Admin.Code Parts 226 and 375.
Owasso I.S.D. No. I-011 v. Falvo, 534 U.S. 426 (2002).
Chicago Tribune Co. v. Chicago Bd. of Ed., 332 Ill.App.3d 60 (1st Dist. 2002).

CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights), 7:220 (Bus Conduct), 7:255 (Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)

ADMIN. PROC.: 7:15-E (Notification to Parents of Family Privacy Rights), 7:255-AP1 (Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence), 7:340-AP1 (School Student Records), 7:340-AP1, E1 (Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records), 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 Recruiter Access to Students and Student Information, 7:340-AP1, E5 (Biometric Information Collection Authorization), 7:340-AP2 (Storage and Destruction of School Student Records), 7:340-AP2, E1 (Letter Containing Schedule for Destruction of School Student Records)

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Community Relations

Visitors to and Conduct on School Property [1]

The following definitions apply to this policy:

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

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

All visitors to school property are required to report to the Building Principal's office and receive permission to remain on school property. All visitors must sign a visitors' log, show identification, and wear a visitor's badge. When leaving the school, visitors must return their badge.[3] On those occasions when large groups of parents/guardians, friends, and/or community members are invited onto school property or when community members are attending Board meetings, visitors are not required to sign in but must follow school officials' instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution. [4]

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

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

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

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

[2] School-sponsored or school-sanctioned events or activities aligns with the text of 105 ILCS 5/22-110, renumbered by P.A. 104-391~~7-23.7(a)~~.

[3] This sentence and the one preceding it should be customized to reflect local practices for visitors.

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

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

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

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

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appropriate building. Access shall be facilitated according to guidelines from the Superintendent or designee. [5]

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

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

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

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

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

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

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

720 ILCS 5/24-1(c)(3) states an exception to the criminal offense of unlawful possession of weapons where law enforcement officers or security officers of a school or students are "carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package." Consult the board attorney about the presence of firearms on school property for use by school sports teams, such as trap and skeet teams.

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

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

[10] See e.g., 720 ILCS 5/11-9.3 (presence within school zone by child sex offenders prohibited), 5/11-14 (prostitution), and 5/11-18, amended by P.A. 103-1071, eff. 7-1-25 (patronizing a person engaged in the sex trade); 720 ILCS 5/21-11 (soliciting students to commit illegal acts).

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

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8. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug. [12]
9. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectible, regardless of when and/or where the use occurred. [13]
10. Use or possess medical cannabis, unless he or she has complied with policy 7:270, *Administering Medicines to Students*, implementing *Ashley's Law*. [14]
11. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner). [15]
12. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Board.
13. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized District employee's directive. [16]
14. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding. [17]
15. Violate other District policies or regulations, or a directive from an authorized security officer or District employee.
16. Engage in any conduct that interferes with, disrupts, or adversely affects the District or a School function.

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

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

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

Remember that *Ashley's Law* requires the designated caregiver to remove the product from the school premises or the school bus after administering it to the student, so as a result, sample policy 7:270, *Administering Medicines to Students*, requires immediate removal of medical cannabis infused products after administering them to the student (see f/n 27 of that policy for further discussions).

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

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

[17] The pivotal question in a negligence case is whether the defendant acted reasonably. A ban on rollerblading demonstrates that the district took reasonable steps to reduce the risk of injury.

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Convicted Child Sex Offender [18]

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

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

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

Exclusive Bargaining Representative Agent [19]

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

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[18] 720 ILCS 5/11-9.3(a). The definition of *child sex offender* is found at 720 ILCS 11-9.3(d), amended by P.A.s 103-1071 and 104-245, ~~eff. 7-1-25~~. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child's vicinity. See also the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75 - 154/105); sample policy 4:170, *Safety*; and sample administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*.

[19] 105 ILCS 5/24-25; 115 ILCS 5/3(c). If a provision contained in a collective bargaining agreement addresses this issue, it will supersede this policy for those covered employees. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement." For employees whose collective bargaining agreement does not address this subject, the policy should reflect the board's current practice. Consult the board attorney about this subhead. It is an item on which collective bargaining may be required. Any policy that impacts wages, hours, or terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Amend the language to reflect what is recommended by the board attorney.

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

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Enforcement

Any staff member may request identification from any person on school property; refusal to provide such information is a criminal act.[20] The Building Principal or designee shall seek the immediate removal of any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from or denied admission to school property in accordance with State law.[21] The person also may be subject to being denied admission to school athletic or extracurricular events for up to one calendar year in accordance with the procedures below. [22]

Procedures to Deny Future Admission to Athletic or Extracurricular School Events

Before any person may be denied admission to athletic or extracurricular school events, the person has a right to a hearing before the Board. The Superintendent may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a hearing notice, delivered or sent by certified mail with return receipt requested, at least ten days before the Board hearing date. The hearing notice must contain: [23]

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

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[20] 105 ILCS 5/24-25. Refusal to provide such information is a Class A misdemeanor.

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

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

[23] 105 ILCS 5/24-24. If a violator is a student, the hearing should be held in a closed meeting. 5 ILCS 120/2(c)(9). Otherwise, a hearing regarding denial of admission to *school events or property* pursuant to 105 ILCS 5/24-24, may take place in an open meeting or in a closed meeting so long as the board prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4.5), added by P.A. 103-311. Note: while 5 ILCS 120/2(c)(4.5), added by P.A. 103-311, refers to *school events or property*, 105 ILCS 5/24-24, only authorizes boards to deny admission to athletic and extracurricular *events*. The term *events* is arguably broader than *property* as school events may take place offsite; consult the board attorney for guidance.

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

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

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

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4. Instructions on how to waive a hearing. [24]

LEGAL REF.: 20 U.S.C. §7971 et seq., Pro-Children Act of 2001.
Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000).
105 ILCS 5/10-20.5, 10-20.5b, 5/10-22.10, 5/22-33, 5/22-110, and 5/24-25~~, and 5/27-23.7(a)~~.
115 ILCS 5/3(c), Ill. Educational Labor Relations Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
410 ILCS 705/, Cannabis Tax and Regulation Act.
430 ILCS 66/, Firearm Concealed Carry Act.
720 ILCS 5/11-9.3, 5/21-1, 5/21-1.2, 5/21-3, 5/21-5, 5/21-5.5, 5/21-9, and 5/21-11.

CROSS REF.: 2:200 (Types of School Board Meetings), 2:230 (Public Participation at School Board Meetings and Petitions to the Board), 4:170 (Safety), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Behavior), 7:270 (Administering Medicines to Students), 8:20 (Community Use of School Facilities)

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

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Community Relations

Relations with Other Organizations and Agencies

The District shall cooperate with other organizations and agencies, including but not limited to:

- County Health Department
- Law enforcement agencies [1]
- Fire authorities
- Planning authorities
- Zoning authorities [2]
- Illinois Emergency Management Agency (IEMA), local organizations for civil defense, and other appropriate disaster relief organizations concerned with civil defense [3]
- Other school districts

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 4:170 (Safety), 4:180 (Pandemic Preparedness; Management; and Recovery), 5:90 (Abused and Neglected Child Reporting), 7:150 (Agency and ~~Police Interviews~~Law Enforcement Requests)

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[1] A number of sample materials address interactions between schools and law enforcement. See e.g., sample policies 4:170, *Safety* and 7:150, *Agency and Law Enforcement Requests;* sample administrative procedures 4:170-AP1, *Comprehensive Safety and Security Plan* and 7:190-AP3, *Guidelines for Reciprocal Reporting of Offenses Committed by Students;* and sample exhibits 3:60-E, *Event Reporting and Notice Requirements for Building Principals Concerning School Safety and Security* and 7:190-E3, *Memorandum of Understanding*.

[2] 105 ILCS 5/10-22.13a, and Gruba v. Cmty. High Sch. Dist. 155, 40 N.E.3d 1 (Ill. 2015) (holding school districts are subject to, and school boards must comply with, local government zoning and storm water restrictions, i.e., a city's zoning powers). See also 55 ILCS 5/5-12021; 60 ILCS 1/110-70; and 65 ILCS 5/11-13-27 (outlining specific zoning provisions related to public schools, including requirements for counties, townships, and municipalities to refrain from regulating educational activities and make reasonable efforts to streamline zoning application and review process for public school districts, along with reducing fees and costs).

[3] 105 ILCS 5/10-22.35.

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School Board

Exhibit - Waiver and Modification Request Resource Guide

Waiver or Modification	Explanation, Special Considerations, and Resources
Exemptions from Unfunded Mandates, 105 ILCS 5/22-60.	**Explanation** Applies to unfunded or under-funded: (1) mandates in the School Code enacted after 8-20-10, or (2) regulatory mandates promulgated by the Ill. State Board of Education (ISBE) and adopted by rule after 8-20-10, other than those promulgated with respect to 105 ILCS 5/22-60 or statutes already enacted on or before 8-20-10. Allows the District to petition its Regional Superintendent or ~~an Suburban Cook County~~ Intermediate Service Center Executive Director, whichever is appropriate, to request exemption from implementing the mandate in school(s) in the next school year. **Special Considerations** 1. Whether the significance of the unfunded or under-funded mandate justifies the effort needed to seek an exemption, and 2. The advisability of simultaneously seeking a waiver or modification using ~~Section~~ 105 ILCS 5/2-3.25g (see *Explanation* section in the row below). **Resources** ISBE Rules and Waivers division at: www.isbe.net/Pages/Waivers.aspx, (217) 782-5270, or waivers@isbe.net.
School Code Mandates and ISBE Rules, 105 ILCS 5/2-3.25g, amended by 104-391, ~~amended by P.A. 100-465~~; 23 Ill.Admin.Code §1.100.	**Explanation** There are two options for the District (explanations are listed below each option): **Option 1: Petition ISBE** for a *waiver* of School Code mandates; ISBE forwards the petition for waiver to the Ill. General Assembly for consideration in its next-scheduled report. **Option 2: Petition ISBE** for one or more of the following: 1. A *modification* of the mandates in the School Code (this is different than asking for a *waiver* of mandates in the School Code).

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Waiver or Modification	Explanation, Special Considerations, and Resources
	2. A *waiver* of ISBE administrative rules. 3. A *modification* of ISBE administrative rules. For **Option 1**, *a waiver of mandates in the School Code*, the District must demonstrate that the waiver is necessary to: (a) stimulate innovation; (b) improve student performance; or (c) it can address the intent of the mandate in a more effective, efficient, or economical manner. 105 ILCS 5/2-3.25g~~, amended by P.A. 100-465~~, and 23 Ill.Admin.Code §1.100, list and describe mandates from which school districts may not seek a *waiver* or *modification*. For **Option 2**, *a modification of the mandates in the School Code and/or a waiver or modification of administrative rules*, the District must demonstrate that: (1) it can address the intent of the rule or mandate in a more effective, efficient, or economical manner; or (2) the waiver or modification is necessary to stimulate innovation or improve student performance. The District must also provide certain notices as follows: 1. Publish a notice in a newspaper of general circulation within the District of the time, date, place, and general subject matter of a public hearing on the proposed waiver or modification request. This notice must be published at least seven days before the hearing. 2. If there is no newspaper published in the county, give notice in a secular newspaper published in an adjoining county having general circulation within the District. 715 ILCS 5/2~~, amended by P.A. 100-72,~~ and ~~715 ILCS~~ 5/5. 3. Post the time, date, place, and general subject matter of the public hearing on the District's website at least 14 days before the hearing. 4. Notify, electronically or in writing, the affected exclusive bargaining agent(s) and the District's State legislators of the District's intent to seek approval of a waiver or modification and of the hearing to be held to take testimony from staff. This notice must occur at least seven days before the hearing, and the affected exclusive bargaining agent(s) shall be allowed to attend the public hearing. 105 ILCS 5/2-3.25g(c-5)~~, amended by P.A. 100-782~~. Check the ISBE website listed below in the *Special Considerations* section for changes in notice requirements. **Special Considerations**

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Waiver or Modification	Explanation, Special Considerations, and Resources
	The District must develop a plan supporting a waiver or modification request that meets the criteria in 105 ILCS 5/2-3.25g. See www.isbe.net/Pages/Overview-of-the-Waiver-Process.aspx. 105 ILCS 5/2-3.25g; 23 Ill.Admin.Code §1.100. **Resources** ISBE rules at: 23 Ill.Admin.Code §1.100 (*Waiver and Modification of State Board Rules and School Code Mandates*) 23 Ill.Admin.Code §1.110 (*Appeal Process Under Section 22-60 of the School Code*) ISBE waivers at: www.isbe.net/Pages/Waivers.aspx Waiver overview at: www.isbe.net/Pages/Overview-of-the-Waiver-Process.aspx Instructions at: www.isbe.net/Pages/Waiver-Application.aspx Application form at: www.isbe.net/documents/33-77_waiver_application.pdf
Physical Education, 105 ILCS 5/27-7106, ~~amend~~renumbered by ~~P.A. 100-465~~ P.A. 104-391. Driver Education, 105 ILCS 5/27-815~~24.2~~, renumbered by P.A. 104-391 and 105 ILCS 5/2-3.25g, amended by P.A. 104-391, ~~amended by P.A. 100-465~~.	**Explanation** See the *Explanation* section in the row above. **Special Considerations** In addition to the *Explanation* section above: 1. **Physical education** is managed as a *waiver* of School Code mandates discussed in the *Explanation* section above. A waiver of this School Code mandate may be in effect for up to five years. Recent legislative changes removed any cap applicable to renewal of waivers related to physical education. 2. **Driver education fee increases** require the District to include the proposed amount of the fee increase: (a) in the public notice; and (b) on the District's website. 105 ILCS 5/2-3.25g(c-5). **Note:** For a sample school district resolution to increase driver education fees, see 4:140-E3, *Resolution to Increase Driver Education Fees*. **Resources** See the *Resources* section in the row above.
Holidays, 105 ILCS 5/24-2(b).	**Explanation** Allows the District to hold school or schedule teachers' institutes, parent-teacher conferences, or staff

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Waiver or Modification	Explanation, Special Considerations, and Resources
	development on certain holidays without submitting a modification request to and obtaining approval from ISBE. After a public hearing, the District may hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on: 1. The third Monday in January (Dr. Martin Luther King, Jr.'s Birthday); 2. February 12 (President Abraham Lincoln's Birthday); 3. The first Monday in March (Casimir Pulaski Day); 4. The second Monday in October (Columbus Day); and/or 5. November 11 (Veterans Day). **Special Considerations** The Board must provide notice before the public hearing to both educators and parents/guardians with: (1) the time, date, and place of the hearing; (2) a description of the proposal; and (3) information that testimony from educators and parents/guardians will be taken about the proposal during the hearing. The District must prepare a proposal for recognizing the person(s) honored by the holiday through instructional activities conducted on that day or, if the day is not used for student attendance, on the first school day preceding or following that day. The District may also consider aligning the proposal with Board policies 5:200, *Terms and Conditions of Employment and Dismissal*; 5:330, *Sick Days, Vacation, Holidays, and Leaves*; and 6:20, *School Year Calendar and Day.* **Resources** See the tab labeled *Waivers and modifications no longer needed for legal school holiday requests, most parent-teacher conference schedules* on ISBE's website at: www.isbe.net/Pages/Modifications-of-the-School-Codes-and-Rules-of-the-State-Board.aspx.
Parent-Teacher Conferences (Attendance Calculation), 105 ILCS 5/10-19.05(d)~~, added by P.A. 101-12~~.	The District is allowed to count a parent-teacher conference as a full day of attendance under any of the following configurations: 1. A minimum of five clock-hours of parent-teacher conferences; 2. Both a minimum of two clock-hours of parent-teacher conferences held in the evening following a full day of student attendance, and a minimum of three clock-

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Waiver or Modification	Explanation, Special Considerations, and Resources
	hours of parent-teacher conferences held on the day immediately following evening parent-teacher conferences; or 3. Multiple parent-teacher conferences held in the evenings following full days of student attendance, in which the time used for the parent-teacher conferences is equivalent to a minimum of five clock-hours. **Special Considerations** Any other options for counting a parent-teacher conference as a full day of attendance not covered by the language above will require a waiver request to the General Assembly for its consideration. The above clock-hour requirements do not apply if the Governor declares a disaster due to a public health emergency pursuant to 20 ILCS 3305/7 and the State Superintendent of Education may establish minimum clock-hour requirements under 105 ILCS 5/10-30. 105 ILCS 5/10-19.05(j-5)~~, added by P.A. 101-643~~. **Resources** See the tab labeled *Waivers and modifications no longer needed for legal school holiday requests, most parent-teacher conference schedules* on ISBE's website at: www.isbe.net/Pages/Modifications-of-the-School-Codes-and-Rules-of-the-State-Board.aspx.

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School Board

Exhibit - Immediately Available District Public Records and Web-Posted Reports and Records [1]

[*For use by only those ~~D~~districts that have websites*.]

The District's Freedom of Information Officer designates the public records that are listed in this table as being immediately available to the public. The records that are asterisked (*) are posted on the District's website and may be immediately inspected, downloaded, printed, and/or copied. Any asterisked public record is also immediately available for inspection or copying upon request at the District's administrative office during its regular business hours, provided any applicable fees are paid. Unless otherwise noted in the special instructions column, records not asterisked (*) will be provided within five business days as allowed by the Freedom of Information Act, provided any applicable fees are paid.

Web-posted records and information (use of an * is explained in the paragraph above this table)	**Web-posting statutory reference and special instructions**
*Annual schedule of regular meetings for the current school year that are posted at the beginning of each calendar or fiscal year *Public notice of each Board meeting that is posted at least 48 hours before the meeting and remains posted until the meeting is concluded *Agenda of each regular meeting that is posted at least 48 hours before a meeting and remains posted until the meeting is concluded **Note:** For school districts that do not post board meeting notices and/or agendas on a website (because they do not	5 ILCS 120/2.02.

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[1] This exhibit has two purposes: (1) to identify the data and documents that must be posted on a district's website, if the district has a website; and (2) to fulfill the requirement in the Freedom of Information Act (FOIA) for the district's FOIA officer to designate the public records that are immediately available to the public. 5 ILCS 140/3.5(a). Many attorneys agree that using the required items for web-posting is an easy and practical way for the FOIA Officer to develop a list of public records that are *immediately available*. Some attorneys prefer that the district also retain copies of its web-posted public records for immediate inspection and/or copying upon request at the administrative office. The introductory paragraph manages this issue by indicating that copies of certain identified public records will also be immediately available in the district's administrative office. This exhibit suggests identifying public records for immediate availability that are easily reproduced and stored, i.e., not voluminous. The FOIA Officer should customize this list as appropriate to the district's circumstances.

Districts may respond to a FOIA request for a public record published on the district website by directing the requester to the website. However, if the requester is unable to reasonably access the record, the requester may re-submit his or her request, and the district must then make the record available for inspection and copying. See 5 ILCS 140/8.5; see also reference in Ill. Public Access Counselor binding opinion 10-1. Consult the board attorney for ideas to manage the district's specific FOIA compliance issues.

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
have a website maintained by a full-time staff member), the notice and agenda must be continuously available for public review during the entire 48-hour period preceding the meeting	
*Official open meeting minutes that are posted within 10 days of the Board's approval and remain posted for at least 60 days (required if the District has a website maintained by a full-time staff member)	5 ILCS 120/2.06(b).
*Description of the District and its records including: Summary of the District's purpose Functional subdivisions Total amount of operating budget Number and location of all of its separate offices Approximate number of full- and part-time employees (see also, salary and benefits information report for the Superintendent, administrators, and teachers, District's Statement of Affairs) Identification and membership of the Board Brief description of the methods whereby the public may request information and public records Directory information for the Freedom of Information Officer Address where requests for public records should be directed Fees	5 ILCS 140/4. The District must prominently post the list at each administrative office and make it available for inspection and copying.
*A hyperlink to an email address(es) for members of the public to communicate with members of the Board	50 ILCS 205/20. The hyperlink must be easily accessible from the District's home page.
Annual budget for current fiscal year, itemized by receipts and expenditures	105 ILCS 5/17-1.2. This may be accomplished using the Ill. State Board of Education (ISBE) *School*

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
	District Budget Form (50-36) or the summary pages from it. [2] The District must notify its students' parents/guardians when the budget is web-posted along with its website address.
*Notice of a public hearing under the Truth in Taxation Law, when applicable (required if the District has a website maintained by a full-time staff member)	35 ILCS 200/18-75, amended by P.A. 103-1018. The notice on the website must be posted for at least 30 consecutive days on or near the top of the District's website home page or on a page accessible through a direct link from the home page. The notice must be posted not more than 14 days nor less than seven days prior to the date of the public hearing. Id. at 18-80.
*Notice of public hearing on waiver or modification of a School Code mandate, when applicable	105 ILCS 5/2-3.25g(c-5). The time, date, place, and general subject matter of the public hearing must be posted at least 14 days prior to the hearing. If the District is requesting to increase the fee charged for driver education authorized pursuant to 105 ILCS 5/7-24.2, the website information must include the proposed amount of the fee the District will request. See 2:20-E, *Waiver and Modification Request Resource Guide*.
*District Report Card and a Report Card for each School (the Report Cards will be provided by ISBE by Oct. 31 of each year, unless otherwise provided by law)	105 ILCS 5/10-17a. Annually, no more than 30 calendar days after receiving the Report Cards from the State Superintendent, the District must: (1) present them at a regular Board meeting, (2) post them on the District's website, (3) make them available to a newspaper of general circulation serving the District, and (4) upon request, send them home to parents/guardians. 105 ILCS 5/10-17a(5).

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[2] For school officials who are concerned that some of their district's constituents may not have the proper software to access these documents, ISBE provides links to free *viewer or reader* products that support the ISBE School District Budget Form (50-36). These products can be downloaded and used to access the budget as posted on the district's website. See www.isbe.net/Pages/School-District-Joint-Agreement.aspx.

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
	The District also must send a written notice home to parents/guardians stating: (1) that the Report Cards are available on the website, (2) the website's address, (3) that a printed copy will be sent upon request, and (4) the telephone number to request a printed copy. Id.
*Hyperlink to ISBE's Expanded High School Snapshot Report	105 ILCS 5/10-17a(7), added by P.A. 103-503. The hyperlink must be displayed in a manner that is easily accessible to the public. ISBE is required to prepare a stand-alone report covering high schools beginning 10-31-27 and by Oct. 31 of each subsequent year.
*The District's discipline plan and progress on the plan, in the event the District is identified by ISBE to be in the top 20% (for three consecutive years) of districts for out-of-school suspensions, out-of-school expulsions, or racial disproportionality in the use of out-of-school suspensions and expulsions	105 ILCS 5/2-3.162. If the District is required to submit a plan to ISBE, it must be approved at a public board meeting and posted on the District's website. Within one year after being identified by ISBE, the District must submit to ISBE and post on its website a progress report describing implementation of the plan and the results achieved.
*A list of all contracts in excess of $25,000 and any contracts with an exclusive bargaining representative	105 ILCS 5/10-20.44~~.~~, amended by P.A. 104-261, eff. 1-1-26. ~~There is no statutory timeline for web-posting.~~ Each year, before Dec. 1, and in conjunction with the ~~submission~~ publication of the Statement of Affairs ~~to ISBE~~on the District's website and in a newspaper of general circulation, ~~before Dec. 1,~~ the District ~~must submit to ISBE~~shall include an annual report on all contracts over $25,000 awarded during the previous fiscal year.
*Contract(s) with any commercial driver training school(s) for driver education	105 ILCS 5/27-815~~24.2~~, renumbered by P.A. 104-391. The District is required to web-post this document if it has a website. If the District

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
	has no website, it must make the contract available upon request.
*Annual Statement of Affairs	105 ILCS 5/10-17~~.~~, amended by P.A. 104-261, eff. 1-1-26. Annually by Dec. 1, t~~T~~he District ~~is not required to web post this document. It must, annually by Dec. 1, submit the Statement to ISBE for posting on ISBE's website, have copies of the Statement available in the main administrative office,~~must post its statement of affairs on its website and ~~publish a summary of the Statement~~ in a newspaper of general circulation published in the District.
*Fiscal Efficiency Report, summarizing the District's attempts to improve fiscal efficiency through shared services or outsourcing in the prior fiscal year	105 ILCS 5/17-1.1. The report must be: (1) approved by the Board at an open meeting,[3] and (2) primarily in checklist form and approximately one page in length.
Beginning in levy year 2022, if the District has an aggregate property tax levy greater than $5,000,000, it will make good faith efforts to electronically publish the following data from all vendors and subcontractors doing business with the District: Whether the vendor or subcontractor is minority-owned, women-owned, or veteran-owned Whether the vendor or subcontractor holds a certification as a minority-owned, women-owned, or veteran-owned business as defined in 30 ILCS 575/, or if they are self-certifying; and If the vendor self-certifies, whether it qualifies as a small business under federal Small Business Administration	35 ILCS 200/18-50.2. The law does not define *electronically publish*; website posting is a means of compliance. This item is not asterisked should the District choose to electronically publish the information offline.

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[3] 105 ILCS 5/17-1.1 specifies that the report must be approved by the board at an "open meeting that allows for public comment." The public comment qualification is omitted here because it is redundant; all open meetings must have a period during which the public can offer comments. See sample policy 2:230, *Public Participation at School Board Meetings and Petitions to the Board*. This report is included in a district's annual financial report as the *Report on Shared Services or Outsourcing*. See www.isbe.net/Pages/Annual-Financial-Report.aspx.

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
standards (See www.sba.gov/federal-contracting/contracting-guide/size-standards).	
*Notice of a public hearing at which the Board will consider closing a school, when applicable	105 ILCS 5/10-22.13. The notice of the public hearing must be provided at least 10 days prior to the hearing and include the time, date, place, and name or description of the school building that the Board is considering closing.
*Explanation of the data elements of *covered information*[4] that the District collects, maintains, or discloses to any person, entity, third party, or governmental agency. *A description of the procedures[5] that parents/guardians may use to carry out their rights under 105 ILCS 85/33(c)(1), (2), & (3), including the right to: Inspect and review their child's covered information Request a paper or electronic copy of their child's covered information Request corrections for factual inaccuracies contained in their child's covered information	105 ILCS 85/27(a)(1). The explanation of data elements of covered information must be clear and understandable by a layperson and cover the following: (1) how the District uses the covered information; (2) to whom or what entities the District discloses the covered information; and (3) for what purpose the District discloses the covered information. The explanation of data elements and description of parent rights procedures must be updated by Jan. 31 and July 31 each year, as needed.
*A list of operators with whom the District has written agreements and the following for each operator: Copy of the agreement Business address List of any subcontractors to whom covered information may be disclosed or a link to a page on the operator's website that clearly lists the subcontractors	105 ILCS 85/27(a)(2) & (3). The District must post new operator contracts and an explanation of the data elements of covered information disclosed to the operator (see immediate row above) within 10 business days after entering into the contract. 105 ILCS 85/27(c).

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[4] *Covered information* means personally identifiable information or material (PII) or information linked to PII in any media or format that is not publicly available and is any of the following: (1) created by or provided to an operator by a student or the student's parent/guardian in the course of the student's/guardian's use of the operator's site, service or application for K-12 school purposes; (2) created by or provided to an operator by an employee or agent of the District; or (3) gathered by an operator through the operation of its site, service, or application. 105 ILCS 85/5. *Operators* are entities that operate Internet websites, online services, online applications, or mobile applications that are designed, marketed, and used for K-12 school purposes. Id. See sample administrative procedure 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*, for additional information regarding posting requirements under Student Online Personal Protection Act, 105 ILCS 85/, and sample exhibit 7:345-AP, E1, *Student Covered Information Reporting Form*, for a sample reporting format.

[5] See sample exhibit 7:345-AP, E4, *Notice of Parent Rights Regarding Student Covered Information*. Districts may choose to, but are not required to, include a description of these procedures in a student handbook.

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
	This list must also be updated by Jan. 31 and July 31 each year, as needed.
*A list of *breaches* of covered information maintained by the school or an operator involving 10% or more of the District's student enrollment. The list must include: Number of students whose covered information was involved in the breach, unless the breach involved *personal information* as defined in the Personal Information Protection Act, 815 ILCS 530/5, in which case the number of students involved may not be disclosed Date, estimated date, or estimated date range of the breach Name of the operator, if applicable	105 ILCS 85/27(a)(5). The District must update breach information by Jan. 31 and July 31 each year, and it must remain on the District's website for at least five years after the District adds it to the list. Breaches that occurred (or were estimated to have occurred) prior to 7-1-21 or breaches that were posted more than five years prior to updating the current list do not need to be posted. [6]
*Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment* *Information developed as a result of the evaluation and assessment of the bullying policy's outcomes and effectiveness	105 ILCS 5/22-1107 ~~23.7~~(b)(10) and (11), renumbered by P.A. 104-391.
*Contact information for the District's Title IX Coordinator(s) and Board policies 2:260, *Uniform Grievance Procedure*; and 2:265, *Title IX Grievance Procedure*	34 C.F.R. §106.8.
Training materials for any individuals designated as Title IX Coordinator(s), investigators, decision-makers, and informal resolution facilitators	34 C.F.R. §106. 45(b)(10)(i)(D). Naming only the training provider and course does not meet this requirement. The U.S. Dept. of Education (DOE) requires training materials to be publicly available "so that a district's approach to training Title IX personnel may be transparently viewed by the [district's] educational community and the public, including for the purpose of holding a [district] accountable for using training materials

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[6] 105 ILCS 85/27(d) states that individual notification to the parent/guardian of a child whose covered information was breached may be delayed if a law enforcement agency determines that notification will interfere with a criminal investigation and provides the District with a written request for a delay of notice. This basis for delay does not specifically apply to the more general website notification of a breach, however, such a delay may also be warranted depending upon the circumstances. Consult the board attorney for guidance on this issue.

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
	that comply with [Title IX] regulations." 85 Fed. Reg. 30254. Consult the Board Attorney regarding this requirement; making training materials of third-party consultants publicly available may violate their intellectual property rights. The DOE acknowledged the potential for intellectual property violations, suggesting that districts either "secure permission from the consultant to publish the training materials" or create their own training materials. 85 Fed. Reg. 30412.
*Board policy 7:20, *Harassment of Students Prohibited*, and age-appropriate explanations of its contents in student handbook(s)	105 ILCS 5/10-20.69. The District must have an age-appropriate policy on sexual harassment (1) in the student handbook(s), (2) posted on the District's website, and (3) posted in any other area where policies, rules and standards of conduct are posted in each school.
*Board policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence,* and procedures for requesting supportive services	105 ILCS 5/26A-20(d), added by P.A. 102-466, a/k/a *Ensuring Success in School Law*~~,~~ ~~eff. 7-1-25~~. Copies must be made available to students and parent(s)/guardian(s) at no cost at each school. Procedures for requesting supportive services that are available at the building level and on building-specific websites should include the building-level Article 26A Resource Person's name and contact information. See administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.
*Board policy 7:290, *Suicide and Depression Awareness and Prevention*	105 ILCS 5/2-3.166.
*Contact information for the National Suicide Prevention Lifeline (988), ~~and~~ the Crisis Text Line (Text 741741), and the Safe2Help Illinois helpline (Call 844-4-SAFEIL or Text SAFE2 to 72332) if the District does not issue	105 ILCS 5/10-20.81, amended by P.A.s 103-143 and 104-264, eff. 1-1-26.

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
student identification cards to all students in grades 6-12 or school employees serving those grades	
*Administrator and Teacher Salary and Benefits Report (itemized salary report for the Superintendent and all administrators and teachers); *benefits* includes, without limitation, vacation days, sick days, bonuses, annuities, and retirement enhancements	105 ILCS 5/10-20.47. [7] Annually on or before Oct. 1: (1) the information must be presented at a regular Board meeting and posted on the District's website, and (2) after the Board meeting at which the information was presented, the Report must be provided to ISBE.
All records pertaining to the creation, alteration or revision of school attendance areas shall be open to the public	105 ILCS 5/10-21.3. This law also requires school attendance areas to be periodically revised, if necessary, to prevent or eliminate segregation by color, race, or nationality. See Board policy 7:30, *Student Assignment and Intra-District Transfer*.
*Vacancies for teaching positions in a subject shortage area, before hiring a retired teacher to any such position	40 ILCS 5/16-150.1, amended by P.A. 103-588. The District must, on an ongoing basis, post the vacancy for a period of at least 90 days during the six months preceding either the fall or spring term for which it seeks to employ a retired teacher in a subject shortage area. This posting requirement is in effect for employment ending no later than June 30, 2027.
*Information regarding a Severance Agreement entered into because an employee or contractor was found to have engaged in sexual harassment or sexual discrimination	50 ILCS 205/3c. Within 72 hours of Board approval, the District must post: (1) the name/title of person receiving payment under the severance agreement, (2) the amount of payment, (3) that the employee or contractor was found to have engaged in sexual harassment or sexual discrimination, as applicable, and (4) the

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[7] 105 ILCS 5/10-20.47 does not specify whether a district must provide employee names as part of its salary and benefits report. The general practice of districts has been to include names in the report. Consult the board attorney for guidance.

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
	date, time, and location of the meeting at which the agreement was approved. **Note:** The Government Severance Pay Act (GSPA), 5 ILCS 415/10(a)(2), prohibits an employee of a school district with contract provisions for severance pay from receiving any severance if the employee is fired by the board for *misconduct*, which includes sexual harassment and/or discrimination. Id. at 415/5. For more discussion about ~~the~~ reconciling these laws, see f/n 7 in sample policy 2:260, *Uniform Grievance Procedure*.
*As an employer that participates in the Ill. Municipal Retirement Fund (IMRF), a compensation report for employees who have a total compensation package that exceeds $75,000 per year; *total compensation package* means salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted	5 ILCS 120/7.3. The report must be posted within six business days after the District approves a budget. The District may choose to post a physical copy of this information at its principal office in lieu of posting the information directly on the website in which case it must post directions on the website for accessing that information. The Ill. Attorney General's office has not provided guidance concerning whether this requirement applies to employees who do not participate in IMRF, e.g., Teachers' Retirement System (TRS) participants.
*As an employer that participates in the IMRF, a compensation report for employees who have a total compensation package that is equal to or in excess of $150,000 per year; total compensation package means payment by the employer to the employee for salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted	5 ILCS 120/7.3. The report must be posted at least six days before the District approves an employee's total compensation package that is equal to or in excess of $150,000. The District may choose to post a physical copy of this information at its principal office in lieu of posting the information directly on the website in which case it must post directions on the website for accessing that information. The Ill. Attorney General's office has not provided guidance concerning whether this requirement applies to employees who do

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
	not participate in IMRF, e.g., TRS participants.
*As an employer that participates in IMRF, a link to information posted on the IMRF website at: www.imrf.org/en/about-imrf/transparency/employer-cost-and-participation-information	40 ILCS 5/7-135.5.
*Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*	105 ILCS 5/22-85.5(e).
*A description of activities to address intergroup conflict (an optional program authorized by 105 ILCS 27-23.6)	105 ILCS 5/27-1050~~23.6~~(c), renumbered by P.A. 104-391.
The total number of personnel with a school support personnel endorsement, and for each endorsement area: 1. Those actively employed by the District on a full-time basis; 2. Those actively employed by the District on a part-time basis; and 3. Those actively employed by a special education cooperative providing services to students in the District	105 ILCS 5/10-20.80. Annually by Dec. 1, the District must report its school support personnel information as of Oct. 1 to ISBE and web-post it.
The total number of students enrolled in the District and of that total, the number of students with an individualized education program (IEP) or Section 504 plan	105 ILCS 5/2-3.182. Annually by Dec. 1, ISBE must make the enrollment information available on its website based on the District's enrollment information as of Oct. 1.
*Notice that students with disabilities who do not qualify for an IEP may qualify for services under Section 504	105 ILCS 5/14-6.01. The notice shall: (1) identify the location and phone number of the District office or employee to whom inquiries about the identification, assessment, and placement of children with disabilities should be directed, and (2) inform parents/guardians who are deaf or do not typically communicate using spoken English that they are entitled to the services of an interpreter when participating in a Section 504 meeting.
*Class size reporting that includes the information described in 105 ILCS 5/2-3.136a:	105 ILCS 5/10-20.70. Annually, the District must report its class size information, which ISBE must make available on its website by Jan. 31 (see

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
1. The total number of *teachers* actively employed in the District, listed by individual school; 2. The *pupil-teacher ratio* for the District; 3. The number of *class instructors*, by grade level and subject; 4. The *class size* for each *class* and *class section* at each school in the District and the total number of classes or class sections in each school that exceed the class size guidelines under 105 ILCS 5/18-8.15(b)(2) (evidence-based funding core teacher ratios).	www.isbe.net/Pages/class-size-report.aspx). See 105 ILCS 5/2-3.136a for definitions of the italicized terms.
*Names of Board members who have completed professional development leadership training	105 ILCS 5/10-16a requires the District to post on its website the names of all Board members who have completed professional development leadership training. The web-posting may be expanded to log all Board members' training and development activities. 5 ILCS 120/1.05(b) and (c) require each Board member to complete training on the Open Meetings Act. After completing the training, each Board member must file a copy of their certificate of completion with the Board. 105 ILCS 5/24-16.5 requires each Board member to complete a training program on performance evaluations before voting on a dismissal based on a performance evaluation pursuant to the Performance Evaluation Reform Act.
Immunization data ~~reported to ISBE by each Nov. 15~~	105 ILCS 5/22-105~~7-8.1~~(6), renumbered by P.A. 104-391. By Dec. 1, the District must annually make the immunization *data* that it must report to ISBE by Nov. 15 each year publicly available. The data, not its format, must be identical to the data reported to ISBE. Boards have control over the method(s) used to make this data publicly available. One method is to instruct the reader to ask for the data directly from ISBE.

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
Information on mental health issues and local treatment resources	The Ill. House of Representatives encouraged this in HR 478 (99th General Assembly, 5-31-15).
*All reliable assessments, scored by entities other than the District that are administered in each of the District's schools	105 ILCS 5/22-82(b). These must be made available to parents and/or guardians through the District's website or paper handouts.
*The District's Remote and/or Blended Remote Learning Day Plan, when the Governor has declared a public health emergency pursuant to 20 ILCS 3305/7.	105 ILCS 5/10-30(6).
*When the Board allows for student participation in registered apprenticeship programs: 1. Notification to students and parents of the opportunities for registered apprenticeships, which includes the following statements: a. Students may participate in any registered apprenticeship program listed by the District, and b. Students may find a registered, but not listed, apprenticeship program with a business or organization if a registered apprenticeship program is not offered in the District. 2. Board policy 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students* (specifically, the section titled **Registered Apprenticeship Program**) 3. A form for a parent/guardian to request that when their child successfully completes a registered apprenticeship program, it be substituted for a course	23 Ill.Admin.Code §255.200(b)(4) and (c).
*If offered by the District, identification of the curriculum the District uses to provide comprehensive personal health and safety and comprehensive sexual health education (National Sex Education Standards (NSES)), the scope and sequence of these instructional materials, and the name and contact information, including an email address, of a school staff member who can respond to inquiries about instruction and materials	105 ILCS 5/27-1015~~9.1a~~, renumbered by P.A. 104-391.

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Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
*Board policy 6:135, *Accelerated Placement Program*	23 Ill.Admin.Code §227.60(a).
*Board policy 7:70, *Attendance and Truancy*	105 ILCS 5/10-19.05(k), amended by P.A. 104-250, eff. 1-1-26; 23 Ill.Admin.Code §207.20(b).
*Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*	105 ILCS 5/22-95, added by P.A. 103-472.
*The name(s) of designated Prioritization of Urgency of Need for Services (PUNS)-trained employee(s) in each school within the District.	105 ILCS 5/2-3.163(c), amended by P.A. 103-504. Every public school must designate at least one employee to take the Ill. Dept. of Human Services' PUNS training. Id. See Board policy 5:100, *Staff Development Program*.
*If the District has one or more school buses equipped with an automated traffic law enforcement system, notice to drivers that its buses are so equipped.	625 ILCS 5/11-208.9(m).
*Type 1 diabetes informational material.	105 ILCS 5/2-3.204~~ (final citation pending)~~, added by P.A. 103-641. The informational materials to be posted are those made available on ISBE's website.
*Local postsecondary and career expectations framework	105 ILCS 5/10-20.84(a). The framework must be available at a prominent location on the District's website.
*Informational materials about the Illinois Achieving a Better Life Experience (ABLE) account program established under the State Treasurer Act.	105 ILCS 5/14-8.02i, amended by P.A. 104-314, eff. 1-1-26. The informational materials are distributed to the District by ISBE and must be posted by the District beginning with the 2026-2027 school year.

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General School Administration

Exhibit - Event Reporting and Notice Requirements for Building Principals Concerning School Safety and Security

The Building Principal shall comply with all State law reporting and notice requirements for principals. Compliance with the State law reporting and notice requirements is required by Board policy 3:60, *Administrative Responsibility of the Building Principal*, in its mandate to "perform all duties as described in State law." The specific statute identified in the following tables should be checked for current requirements. The lists of required reports and notices may not be exhaustive.

Events Requiring Reports Concerning School Safety and Security	Resources
A student or other person poses a clear and present danger to himself, herself, or others. This report is made to the Ill. State Police (ISP) within 24 hours after the Building Principal makes this determination. The Building Principal must also notify the Superintendent or designee whenever he or she makes a clear and present danger report to ISP. [1] This report is required by the Firearm Concealed Carry Act (430 ILCS 66/105), and the Mental Health and Developmental Disabilities Code (405 ILCS 5/6-103.3). The Building Principal may delegate making reports concerning students, but not otherwise. *Clear and present danger* is defined in 430 ILCS 65/1.1, amended by P.A. 104-270, as a person who: (1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner; or (2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, advanced practice psychiatric nurse, qualified examiner, school administrator, or law enforcement official. ISP rules implementing this duty to report are found in 20 Ill.Admin.Code §1230.120(b), and state, in relevant part:	The ISP has posted information and instructions at: https://isp.illinois.gov/StaticFiles/docs/FirearmsSafety/Forms/CPD%20Reporting%20handout.pdf. 3:60, *Administrative Responsibility of the Building Principal* 7:340, *Student Records* 7:340-AP1, *School Student Records*

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[1] Optional and suggested as a best practice. This aligns with sample administrative procedure 4:190-AP2, *Threat Assessment Team*.

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Events Requiring Reports Concerning School Safety and Security	Resources
b) Law enforcement officials and school administrators shall report determinations of a clear and present danger directly to ~~the Department~~ [ISP]. ~~The Department~~ [ISP] shall make a form and instruction for the reporting available to law enforcement officials and school administrators on its website. 1) Clear and present danger reports shall be reviewed by the Department to deny a FOID [Firearm Owners Identification] card application or revoke a FOID card under Section 8(f) or 8.1(d) of this Act. 2) Clear and present danger reporting shall be made consistent with the Family Educational Rights and Privacy Act (20 U.S.C. §1232g) to assist ~~the Department~~ [ISP] with protecting the health and safety of the public by denying persons who present a clear and present danger from having lawful access to weapons. **Note:** 430 ILCS 65/8.1(d), as amended by P.A. 104-5, also allows ISP to suspend a person's FOID card.	
A student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability. This report is made to the Ill. Dept. of Children and Family Services (DCFS) immediately upon suspicion or receipt of knowledge. The DCFS Child Abuse Hotline is 800/25-ABUSE (within Illinois) or 217/524-2606 (outside Illinois). In addition to the Building Principal, all school personnel are required to make this report. A staff member should inform the Building Principal if the staff member made a report; the Building Principal should inform the Superintendent of any report made. This report is required by the Abused and Neglected Child Reporting Act (325 ILCS 5/), and the Dept. of Human Services Act (20 ILCS 1305/). A knowing and willful failure to make the report to DCFS is a Class A misdemeanor for the first violation and a second or subsequent violation is a Class 4 felony. 325 ILCS 5/4.	Information and directions are available from DCFS at: www.state.il.us/dcfs/child/index.shtml. 5:90, *Abused and Neglected Child Reporting* 7:190-AP6, ~~*Administrative Procedure –*~~ *Guidelines for Investigating Sexting Allegations*
Child sexual abuse material~~pornography~~ is discovered on electronic and information technology equipment. This report is made immediately to local law enforcement, or the National Center for Missing and Exploited Children's CyberTipline 800/THE-LOST~~843-5678~~ or online at: ~~www.CyberTipline.com~~https://report.cybertip.org/. According to 325 ILCS 5/4.5,	5:90, *Abused and Neglected Child Reporting*

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Events Requiring Reports Concerning School Safety and Security	Resources
Electronic and information technology equipment means~~,~~ equipment used in the creation, manipulation, storage, display, or transmission of data, including internet and intranet systems, software applications, operating systems, video and multimedia, telecommunications products, kiosks, information transaction machines, copiers, printers, and desktop and portable computers. (Italics added.) An electronic and information technology equipment worker or the worker's employer is required to make this report by 325 ILCS 5/4.5, amended by P.A. 104-245, eff. 1-1-26. Failure to make this report is a business offense subject to a fine of $1,001. Id. at 5/4.5(e).	
Hazing resulted in bodily harm to any person. This report is required when the Building Principal or other school personnel or volunteer observes hazing. This report is made to the Superintendent or other supervising authority or, in the event of death or great bodily harm, to law enforcement. 720 ILCS 5/12C-50.1. The statute does not provide a deadline for making the report, but making the report immediately is prudent. Failure to report hazing is a Class B misdemeanor and if the hazing resulted in death or great bodily harm the failure to report is a Class A misdemeanor. Id. at 5/12C-50.1(c).	5:90, *Abused and Neglected Child Reporting* 7:190, *Student Behavior*
The person enrolling a student fails to provide a certified copy of the student's birth certificate within 30 days of enrolling the student. The Superintendent or designee is required to immediately notify local law enforcement. The Superintendent or designee must also notify the person enrolling the student, in writing, that unless the person complies within 10 days, the case will be referred to local law enforcement for investigation. If the person does not comply within 10 days, the Superintendent or designee refers the case to local law enforcement. 325 ILCS 50/5(b)(2) and 325 ILCS 55/5(b). This report is required by the Missing Children Records Act (325 ILCS 50/), and the Missing Children Registration Law (325 ILCS 55/).	7:50, *School Admissions and Student Transfers To and From Non-District Schools* 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*
The District receives notification from the ISP of the disappearance of a student currently or previously enrolled. The Superintendent or designee is required to flag records pertaining to the student, such that whenever a copy of or information regarding the flagged records is requested, the Superintendent or designee will be alerted. The Superintendent or designee must immediately report to local law enforcement any request concerning flagged records or	7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*

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Events Requiring Reports Concerning School Safety and Security	Resources
knowledge about where the student may be located. 325 ILCS 50/5(a) and 325 ILCS 55/5(a). This report is required by the Missing Children Records Act (325 ILCS 50/), and the Missing Children Registration Law (325 ILCS 55/).	
A drug-related incident occurred on school property, including any conveyance used to transport students, or on any public way within 1000 feet of the school. The Building Principal or designee is required to immediately notify the Superintendent or designee and any involved student's parent/guardian.[2] The Superintendent or designee is required to immediately report to local law enforcement. 105 ILCS 5/10-27.1B, amended by P.A.s 103-609 (first to pass both houses) and 103-780 (second to pass both houses and controlling). Schools must also report any verified incident involving drugs to the Ill. State Board of Education (ISBE) through its web-based School Incident Reporting System (SIRS) as it occurs during the year but no later than July 31 for the preceding school year. Id. See f/n 6 in sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan.* 105 ILCS 127/2 also requires reporting to the municipal police dept. or office of the county sheriff of the municipality or county where the school is located within 48 hours of becoming aware of the drug violation. 105 ILCS 127/2 sets forth specific drug violations that will trigger this duty to report; however, best practice suggests reporting any drug violation. This report is required by the School Reporting of Drug Violations Act, 105 ILCS 127/.	3:60, *Administrative Responsibility of the Building Principal* 4:170-AP1, *Comprehensive Safety and Security Plan,* Letter J. Required Notices
The safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal use or possession of weapons, or by illegal gang activity. If this occurs, the Building Principal is required to utilize the resources of proper law enforcement agencies. 105 ILCS 5/10-21.4a.	3:60, *Administrative Responsibility of the Building Principal* 7:190, *Student Behavior*

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[2] Parent/guardian notification is only required by law when the alleged offense is firearm possession by a student or a threat of firearm violence by a student, but parent/guardian notification is suggested here as a best practice. 105 ILCS 5/10-27.1A(b), amended by P.A. 104-174. This aligns with the **Required Notices** subhead of sample policy 7:190, *Student Behavior*, and section **J. Required Notices** of sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*, which provide that a parent/guardian will be notified of drug-related incidents and battery of a staff member. See f/n 5~~9~~6 in sample policy 7:190, *Student Behavior*, and f/n 5 in sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. If your board has not expanded this notification duty in policy 7:190, *Student Behavior*, delete "~~and any involved student's parent/guardian~~."

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Events Requiring Reports Concerning School Safety and Security	Resources
A student committed a criminal or civil offense. The Superintendent or designee is required to make this report. This report is made to local law enforcement agencies as part of a reciprocal reporting system between the District and local law enforcement agencies. No specified time period is stated in the statute. A reciprocal reporting system is required by 105 ILCS 5/10-20.14, amended by P.A. 104-430.	2:150, *Committees* 7:190-AP3, *Guidelines for Reciprocal Reporting of ~~Criminal~~ Offenses Committed by Students*
A threat of gun violence on school grounds is made, or a person on school grounds possesses a firearm. This report is made by the Building Principal or designee to local law enforcement **immediately** after receiving a report of a threat of gun violence on school grounds or of a person on school grounds possessing a firearm. If the report pertains to a threat of firearm violence made by a student, the Building Principal or designee must attempt to notify the student's parent/guardian **as soon as possible** and must further attempt to contact the parent/guardian to ensure that the student does not have access to a firearm. The Building Principal or designee must also notify the Superintendent or designee and any involved student's parent/guardian, and the Superintendent or designee must also immediately report to local law enforcement. Schools must also report any verified incident involving a firearm to ISBE through SIRS as it occurs during the year but no later than July 31 for the preceding school year. See f/n 6 in sample administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. These reports are required by 105 ILCS 5/10-27.1A, amended by P.A.s ~~102-197~~103-34, 103-609 (first to pass both houses) and 103-780 (second to pass both houses and controlling), and 104-174. A knowing and willful failure to make the report is a petty criminal offense for the first violation and a second or subsequent violation is a Class C misdemeanor. Id.	7:190, *Student Behavior* 4:170-AP1, *Comprehensive Safety and Security Plan,* Letter J. Required Notices
A staff member is battered. This report is made by the Building Principal or designee to the Superintendent or designee and to any involved student's parent/guardian.[3] The Superintendent or designee will immediately report to local law enforcement and will report to ISBE through SIRS as	4:170-AP1, *Comprehensive Safety and Security Plan,* Letter J. Required Notices

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[3] See f/n 1, above.

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Events Requiring Reports Concerning School Safety and Security	Resources
incidents occur during the school year and no later than August 1 for the preceding school year. 105 ILCS 5/10-21.7~~, amended by P.A. 102-894~~.	
A student engaged in aggressive behavior. The Superintendent or designee is required to make this report. This report is made to the parent/guardian of a student who engaged in aggressive behavior including, without limitation, bullying. 105 ILCS 5/10-20.14(d). No specific time period is stated in the statute.	7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment* 7:190, *Student Behavior* 7:190-E1, *Aggressive Behavior Reporting Letter and Form*

Required Notices Concerning School Safety and Security	Resources
Human Trafficking Hotline. The Superintendent or designee ensures the Ill. Dept. of Human Services' notice is posted in conspicuous and accessible locations such as administrative offices or other locations in view of school employees. This notice is required by the Human Trafficking Resource Center Notice Act, 775 ILCS 50/.	Notice available for download at: www.dhs.state.il.us/page.aspx?item=82023.
Lead in Drinking Water. If samples from any drinking water lead test performed in any District school(s) exceed five parts per billion, the Superintendent or designee provides notification of the sampling results to the parents or guardians of all enrolled students. This notification is required by 225 ILCS 320/35.5(c)(3).	4:170, *Safety*
Sex Offender Information is Available. This notice is provided to the parents/guardians of students at either registration or parent-teacher conferences. Either the Building Principal or teacher shall notify the parents/guardians that information about sex offenders is available on the ISP website. 730 ILCS 152/120(g). This notice is required by the Sex Offender Community Notification Law, 730 ILCS 152/120(g).	4:170, *Safety* 4:175-AP1, *Criminal Offender Notification Laws; Screening* 4:175-AP1, E1, *Informing Parents/Guardians About Offender Community Notification Laws*

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Instruction

Exhibit - State Law Graduation Requirements

This exhibit is intended as a reference, but it may not reflect recent legislative updates. Before relying on it, check the Ill. General Assembly website, www.ilga.gov, for the current statute. ***Note:*** *There is a lag between when a bill becomes law and when the law is updated* at *www.ilga.gov.*

The School Code, 105 ILCS 5/27-60522, amended by P.A. 104-387 and amended and renumbered by P.A. 104-391s 101-464, 101-654, 101-643, 102-366, 102-551, and 102-864, and 105 ILCS 5/22-87, added by P.A. 101-180amended by P.A.s 104-13 and 104-14, contains the following course requirements and financial aid application requirement for a student in Illinois to receive a high school diploma. Other graduation requirements, including additional course requirements, if any, are contained in School Board policy 6:300, *Graduation Requirements*. For guidance in offering the coursework necessary to meet the State graduation requirements, see the Ill. State Board of Education, *State Graduation Requirements, Guidance Document* (202516), available at: www.isbe.net/Documents/grad_require.pdf.

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State Law Graduation Requirements

105 ILCS 5/27-22605, amended by P.A. 104-387 and amended and renumbered by P.A. 104-391s 101-464, 101-643, 101-654, 102-366, 102-551, and 102-864.

Required high school courses.

(a) - (d) are not listed because they are blank in the statute.

(e) **Through the 2023-2024 school year**, as a prerequisite to receiving a high school diploma, each pupil entering the 9th grade must, in addition to other course requirements, successfully complete all of the following courses:

(1) Four years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I and one of which must include geometry content, and one of which may be an Advanced Placement computer science course. A mathematics course that includes geometry content may be offered as an integrated, applied, interdisciplinary, or career and technical education course that prepares a student for a career readiness path.

(3.5) For pupils entering the 9th grade in the 2022-2023 school year and 2023-2024 school year, one year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject and which may be counted toward the fulfillment of other graduation requirements.

(4) Two years of science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government and, beginning with

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pupils entering the 9th grade in the 2016-2017 school year and each school year thereafter, at least one semester must be civics, which shall help young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives. Civics course content shall focus on government institutions, the discussion of current and controversial issues, service learning, and simulations of the democratic process. School districts may utilize private funding available for purposes of offering civics education. Beginning with pupils entering the 9th grade in the 2021-2022 school year and each school year thereafter, one semester, or part of one semester, may include a financial literacy course.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, (D) vocational education, or (E) forensic speech (speech and debate). A forensic speech course used to satisfy the course requirement under subdivision (1) may not be used to satisfy the course requirement under this subdivision (6).

(f) The State Board of Education shall develop and inform school districts of standards for writing-intensive coursework.

(e-5) **Beginning with the 2024-2025 school year**, as a prerequisite to receiving a high school diploma, each pupil entering the 9th grade must, in addition to other course requirements, successfully complete all of the following courses:

(1) Four years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. If applicable, writing-intensive courses may be counted toward the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I, one of which must include geometry content, and one of which may be an Advanced Placement computer science course. A mathematics course that includes geometry content may be offered as an integrated, applied, interdisciplinary, or career and technical education course that prepares a student for a career readiness path.

(3.5) One year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject and which may be counted toward the fulfillment of other graduation requirements.

(4) Two years of laboratory science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government and at least one semester must be civics, which shall help young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives. Civics course content shall focus on government institutions, the discussion of current and controversial issues, service learning, and simulations of the democratic process. School districts may utilize private funding available for the purposes of offering civics education. One semester, or part of one semester, may include a financial literacy course.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, (D) ~~vocational~~ career and technical education, or (E) forensic speech (speech and debate). A forensic speech course used to satisfy the course requirement under subdivision (1) may not be used to satisfy the course requirement under this subdivision (6).

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(e-10) Beginning with the 2028-2029 school year, as a prerequisite to receiving a high school diploma, each pupil entering the 9th grade must, in addition to other course requirements, successfully complete 2 years of foreign language courses, which may include American Sign Language. A pupil may choose a third year of foreign language to satisfy the requirement under paragraph (6) of subsection (e-5).

(f) The State Board of Education shall develop and inform school districts of standards for writing-intensive coursework.

(f-5) If a school district offers an Advanced Placement computer science course to high school students, then the school board must designate that course as equivalent to a high school mathematics course and must denote on the student's transcript that the Advanced Placement computer science course qualifies as a mathematics-based, quantitative course for students in accordance with subdivision (3) of subsection (e) of this Section.

(g) The~~is~~ amendatory Acts of 1983 and of the 94th General Assembly do not apply to students with disabilities whose course of study is determined by an Individualized Education Program. [1]

Subdivision (3.5) of subsection (e) does not apply to pupils entering the 9th grade in the 2021-2022 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

Subsection (e-5) does not apply to pupils entering the 9th grade in the 2023-2024 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program. Subsection (e-10) does not apply to pupils entering the 9th grade in the 2027-2028 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

(h) The provisions of this Section are subject to the provisions of Section 27-~~22.05~~610 [substitutions for required courses].

(i) The State Board of Education may adopt rules to modify the requirements of this Section for any students enrolled in grades 9 through 12 if the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Management Agency Act.

105 ILCS 5/22-87, ~~added by P.A. 101-180~~amended by P.A.s 104-13 and 104-14.

Graduation requirements; Free Application for Federal Student Aid.

(a) Beginning with the 2020-2021 school year, in addition to any other requirements under this Code, as a prerequisite to receiving a high school diploma from a public high school, the parent or guardian of each student or, if a student is at least 18 years of age or legally emancipated, the student must comply with either of the following:

(1) File a Free Application for Federal Student Aid with the United States Department of Education or, if applicable, an application for State financial aid.

(2) On a form created by the State Board of Education, file a waiver with the student's school district indicating that the parent or guardian or, if applicable, the student understands what the Free Application for Federal Student Aid and application for State financial aid are and has chosen not to file an application under paragraph (1).

The footnotes should be removed before the material is used.

[1] This section has been modified to delete older, irrelevant language that still appears in the statute.

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(b) Each school district with a high school must require each high school student to comply with this Section and must provide to each high school student and, if applicable, his or her parent or guardian any support or assistance necessary to comply with this Section. A school district must award a high school diploma to a student who is unable to meet the requirements of subsection (a) due to extenuating circumstances, as determined by the school district, if (i) the student has met all other graduation requirements under this Code and (ii) the principal attests that the school district has made a good faith effort to assist the student or, if applicable, his or her parent or guardian in filing an application or a waiver under subsection (a).

Beginning with the 2025-2026 school year, each high school must designate at least one member of its staff as a contact for matters related to this Section, annually provide the individual's name and contact information to the State Board of Education and Illinois Student Assistance Commission in a form and manner that these agencies prescribe, and inform high school seniors that this individual is available to answer questions about this Section or to refer them to an appropriate resource, which may include, but is not limited to, the Illinois Student Assistance Commission. The contact shall serve as a designated point of contact for information from the State Board of Education and Illinois Student Assistance Commission related to this Section, including the free resources available to their students and schools to help them comply with this Section. A person designated as a point of contact under this Section shall, upon designation, be required to complete an initial orientation and, thereafter, shall be encouraged to participate in annual briefings. The individual shall be eligible to receive professional development hours for both the initial orientation and subsequent annual briefings, as applicable. [2]

Beginning with the 2025-2026 school year, the school district shall provide appropriate support to each high school student to assist with education about and the completion of a financial aid application as described in subsection (a). This support may be offered in a variety of formats, times, and settings and shall include an opportunity for the student to request and receive help during the school day in completing the student's portion of the financial aid application. The high school may request assistance from the Illinois Student Assistance Commission to support the completion of financial aid applications, including application completion events and individual assistance, at no cost to the high school. A high school student may choose whether to use the support or assistance provided under this Section.

A school district must award a high school diploma to a student who is unable to meet the requirements of subsection (a) due to extenuating circumstances, as determined by the school district, if (i) the student has met all other graduation requirements under this Code and (ii) the principal attests that the school district has made a good faith effort to assist the student or, if applicable, his or her parent or guardian in filing an application or a waiver under subsection (a).

(c) The State Board of Education may adopt rules to implement this Section.

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[2] The second and third paragraphs of 105 ILCS 5/22-87(b) reflect additions made by P.A.s 104-13 and 104-14, respectively. Because these public acts amended the same subsection, the final appearance of this subsection in the Ill. Compiled Statutes may be different than shown in this sample exhibit.

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Instruction

Exhibit – Form for Exemption from Financial Aid Application Completion

This form is to be used to document a parent/guardian or student's exemption from the State law requirement to file, as a prerequisite to receiving a high school diploma:

1. *A Free Application for Federal Student Aid (FAFSA) at* https://studentaid.gov/;
2. *An application for State financial aid at* www.isac.org/students/before-college/financial-aid-planning/retention-of-illinois-rise-act/; *or*
3. *An Ill. State Board of Education (ISBE) FAFSA Nonparticipation Form and instructions on accessing and completing the Form are at:* www.isbe.net/Pages/FAFSA.aspx~~www.isbe.net/Documents/FAFSA-Non-Participation-Form.pdf~~. *105 ILCS 5/22-87(b), amended by P.A. 104-13 and 104-14~~added by P.A. 101-180~~; 23 Ill.Admin Code §1.440(c)(4).*

Return a copy of thi~~s~~e completed form to the parent/guardian or student and keep a copy in the student's file.

Completed by ~~S~~student's parent/guardian or s~~S~~tudent, if 18 years or older or legally emancipated.

Student's Name: _____

Address: _____

School: _____

Grade: _____

I am unable to file a FAFSA, an application for State financial aid, or an ISBE FAFSA Nonparticipation Form because of the following:

_____

_____

_____

_____

_____

Completed by the High School Principal.

Due to extenuating circumstances, the Student is unable to file a FAFSA, an application for State financial aid, or an ISBE FAFSA Nonparticipation Form:

☐ Yes ☐ No, exemption denied

(Complete next portion only if the answer is Yes above)

I attest that the District has made the following good faith efforts to assist the Student's parent/guardian or Student, if applicable, in filing an application or a waiver from this requirement:

_____

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The student has met all other State law graduation requirements.

☐ Yes, exemption approved ☐ No, exemption denied

High School Principal Signature

Date

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Instruction

Exhibit - Class Substitution Request [1]

Students in grades 9-12 may satisfy one or more high school courses or graduation requirements by successfully completing related vocational or technical education courses, or a registered apprenticeship program. Students participating in a registered apprenticeship program must be at least 16 years old.

This request for class substitution must be completed by the student's parent/guardian (or by the student who is at least 18 years of age) and submitted to the Building Principal for approval. Such requests will be kept in the student's temporary school record in accordance with 23 Ill.Admin.Code §1.445 (as applicable) and Section 4 of the Ill. School Student Records Act (105 ILCS 10/4).

Student Name (*please print*) Grade

Parent/Guardian Name (*please print*) Telephone Student Birthdate

Class Requesting to Substitute	**Vocational/Technical Course/Registered Apprenticeship Program Substitute**

Student Signature Date

Parent/Guardian Signature (*For students under age 18*) Date

Request for class substitution: ☐ **Approved**
☐ **Denied**

Building Principal Date

The footnotes should be removed before the material is used.

[1] Optional. But, if offered, it must be included in board policy. 105 ILCS 5/27-~~610~~22.~~05~~, amended and renumbered by P.A. 104-391; 23 Ill.Admin.Code §1.445; 23 Ill.Admin.Code §255.200. See sample policy 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students*.

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Students

Exhibit - Memorandum of Understanding

Memoranda of Understanding (MOUs) vary by community. This exhibit contains two sample MOUs in two subheads: **General Law Enforcement Memorandum of Understanding (MOU)** and **School Resource Officer (SRO) Memorandum of Understanding (MOU).**[1] Beginning 7-1-26, an SRO MOU is required for any district that uses an SRO. 105 ILCS 5/10-20.68(a-5), added by P.A. 104-430. Depending upon the needs in the District, each MOU is designed to stand alone or be combined into one MOU.

Use these sample MOUs to develop the District's MOU with (1) assistance from the Board Attorney, (2) careful attention to the footnotes, which provide instructions, information, best practice considerations, and other resources, (3) alignment of their sample language to the District's or its individual school building's local conditions and student discipline needs, (4) careful attention to [INSERT] the requested information and fill boxes and blanks with the information indicated in the final MOU, (5) deletions of all sample language not used from the final MOU, (6) deletions of all footnotes from the final MOU.

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General Law Enforcement Memorandum of Understanding (MOU)

Table of Contents:

A. Introduction
B. Definitions/Acronyms
C. MOU Leadership Team
D. District Authority over the Educational Environment
E. Identified Needs for Services to Maintain the Educational Environment
F. Annual Evaluation of MOU; Renewal; Termination
G. Record Sharing
H. Reciprocal Reporting of ~~Criminal~~ Offenses Committed by Students
I. Live Feeds
J. Cell Phone/ Electronic Device Searches
K. Agency and Police Interviews
L. Body-Worn Cameras (BWCs)
M. General Provisions
1. Scope of Agreement
2. Amendment
3. Assignment
4. Notices
5. Governing Law
6. Non-Waiver of Breach
7. Severability
8. Enforcement

A. Introduction

In consideration of the mutual promises, terms, and conditions set forth in the sections below, and for other good and valuable consideration, the receipt and sufficiency of which is hereby expressly acknowledged,[2] this Memorandum of Understanding (MOU) is entered into by [INSERT District's

The footnotes should be removed before the material is used.

[1] **Consult the Board Attorney about developing these sample MOU(s).** Neither sample is meant to replace existing MOU(s) that the District may have with any Local Law Enforcement Agency (LLEA), but they may be helpful in reviewing any existing MOU(s). The District may have several **General MOU** agreements with multiple LLEAs.

[2] See f/n 1, and specifically discuss posting this as a contract on the District's website pursuant to 105 ILCS 5/10-20.44.

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name] (District) and [INSERT Local Law Enforcement Agency's name] (LLEA)on the [INSERT DATES _____ day of _____, 20__].

The District and LLEA agree that they may enter into and participate in joint programs and intergovernmental agreements with units of local government and other school districts to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance (Ill. Constitution, Art. VII, Sec. 10, 5 ILCS 220/1 et seq., and Board Policy 1:20, *District Organization, Operations, and Cooperative Agreements*).

The District is organized and operates as follows: [3]

The LLEA is organized and operates as follows: [4]

The District and LLEA further agree to the following sections:

B. Definitions/Acronyms [5]

Memorandum of Understanding (MOU) - Defines a local law enforcement agency's role in schools and describes the respective duties of a school district and local law enforcement agencies (105 ILCS 5/10-20.14(b) encourages school districts to create memoranda of understanding (MOU) with law enforcement agencies). Its purpose is to prevent confusion, decrease conflict, and promote school safety.

Leadership Team (Team) - A group of designated key staff members from each party. These individuals will be responsible for the implementation of the MOU. They will communicate directly with each other about MOU issues.

Local Law Enforcement Agency (LLEA) - A police department or State's Attorney's Office within the District's boundaries.

Police Officer - A police officer employed by the LLEA but who is not specifically assigned to the District or any of its buildings.

School Resource Officer (SRO) - A police officer who is assigned to the District or any of its buildings through an ~~intergovernmental agreement or a~~ memorandum of understanding with the LLEA. [6]

C. MOU Leadership Team (Team)

The following individuals are designated for the MOU Team as described in Section B, above.

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[3] Use the Board's statement from policy 1:20, *District Organization, Operations, and Cooperative Agreements*. Delete this statement if the Board does not have a statement or does not want to include it in the MOU.

[4] Delete this statement if the local law enforcement agency does not have or provide a statement.

[5] Amend these definitions to align with the local community.

[6] See 105 ILCS 5/10-20.68, amended by P.A. 104-430.

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District Staff: [7]

LLEA Staff: [8]

D. District Authority Over the Educational Environment [9]

The District has identified the need for a partnership with LLEA. LLEA will partner with District school officials to manage substantially disruptive student behavior and discipline issues. Collaboration between the District and LLEA and respect for the important role each party holds in connection with our community's youth are essential to the success of the mission of both parties. Where it is necessary for LLEA to be present on school property, its employees will conduct themselves according to the District's principles of schooling and interactions with minors, will not knowingly communicate false facts or lie to minors,[10] and will always recognize the responsibility and authority of the District's officials to manage the educational environment and work with them to minimize any impact its actions might have upon that environment. The District's management authority includes the ability to order the LLEA to leave District property immediately.

Both parties recognize that disciplining students is better left for District officials to manage, especially in light of 105 ILCS 5/10-20.14(b). If a student in the District is recommended for prosecution in a court of law, the Team conferences about the most appropriate form of discipline for the student. Final discretion regarding discipline lies with the District. Final discretion regarding whether to charge an individual with an ordinance, criminal, or traffic violation lies with the LLEA.

E. Identified Needs for Services to Maintain the Educational Environment [11]

LLEA's activities shall align to the District's identified needs for creating and maintaining its educational environment. All services rendered by LLEA for the District shall seek to implement a partnership that creates effective and positive school student discipline that (a) functions in concert with efforts to address school safety and climate; (b) utilizes all appropriate and available

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[7] Individuals for the District may include principals, teachers, school-employed mental health professionals, instruction/curriculum professionals, and a staff member skilled in data collection analysis.

20 ILCS 1705/76~~, added by P.A. 101-45,~~ requires the Ill. Dept. of Public Health to create and maintain an online database and resource page on its website that contains mental health resources specifically geared toward school social workers, school counselors, parents, teachers, and school support personnel. See the database at: www.dhs.state.il.us/page.aspx?item=118331.

[8] Individuals for the LLEA may include employees who have demonstrated interest and/or training in challenges specific to schools.

[9] 105 ILCS 5/10-20.14(b), amended by P.A. 104-430. See f/n 1. Defining parameters helps prevent school buildings from becoming unintended extensions of the LLEA. Discuss how the case law on this concept applies to the District and the MOU terms and insert any recommendations. See also the Ill. Council of School Attorneys' *Guidelines for Interview of Students,* at: www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf.

[10] Prohibiting the LLEA from communicating false facts or lying to minors is optional, but it aligns with new legislation that prohibits law enforcement and juvenile officers from lying to minors suspected of a crime during interrogation. 705 ILCS 405/5-401.6 and 725 ILCS 5/103-2.2~~, added by P.A. 102-101~~.

[11] This section lists communications and reports that are required or authorized by the School Code to be exchanged between the District and its LLEAs. Discuss local conditions within the District to determine other services that may be needed from the LLEA to maintain ideal educational environments. School climate surveys may also provide data to determine these needs.

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behavioral and disciplinary interventions, including restorative measures as defined in 105 ILCS 5/22-110-27-23.7(b)[12]; (c) is clear, consistent, and equitable; and (d) reinforces positive behaviors.

1. The District's identified needs for services from LLEA are each of the following:

    a. When requested, assistance with conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the District for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search produces evidence that the student has violated or is violating either the law, local ordinance, or the District's policies or rules, such evidence may be seized by school authorities and turned over to law enforcement authorities, and disciplinary action may be taken. 105 ILCS 5/10-22.6(e) and 10-22.10a.

    b. Utilization by Building Principals of proper law enforcement agency resources when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal possession or use of weapons, or by illegal gang activity. 105 ILCS 5/10-21.4a.

    c. Cooperation with the parent-teacher advisory committee to develop policy guideline procedures that establish and maintain a reciprocal reporting system between the District applicable local law enforcement agencies regarding criminal and civil offenses committed by students. 105 ILCS 5/10-20.14(b) and see Board Policy 2:150, *Committees*.

    d. Immediate required reporting to local law enforcement authorities by the superintendent of batteries committed against teachers, teacher personnel, administrative personnel, or educational support personnel. 105 ILCS 5/10-21.7, amended by P.A. 102-894.

    e. Immediate required notification by the Building Principal or his or her designee to a local law enforcement agency upon receiving a report that any person has been observed in possession of a firearm on school grounds, becomes aware of any person in possession of a firearm on school grounds, or becomes aware of any threat of gun violence on school grounds., other than a law enforcement official engaged in the conduct of his or her official duties. 105 ILCS 5/10-27.1A.

    f. Upon receipt of a report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property, immediate required notification by the Superintendent or designee to the local law enforcement authorities of all such firearm-related incidents occurring in a school or on school property. 105 ILCS 5/10-27.1A.

    g. Upon receipt of a report from any school personnel regarding a verified incident involving prohibited[13] drugs in a school or on school owned or leased property, immediate required reporting by the Superintendent or designee to the local law enforcement authorities of all such drug-related incidents occurring in a school or on school property. 105 ILCS 5/10-27.1B.

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[12] Optional. See 105 ILCS 5/22-11027-23.7, amended by P.A. 102-241, renumbered by P.A. 104-391, and sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment.*

[13] *Prohibited* is added because 105 ILCS 5/10-27.1B includes cannabis in its definition of *drugs*, but cannabis may be allowed in a school or on school property under limited circumstances. See f/n 11 in policy 7:190, *Student Behavior*.

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h. Implementation of other sections of the School Code that authorize the District to work with LLEA for the purposes of keeping schools safe and providing education or training.

i. Based upon locally based District outcomes, the District has identified these additional needs: [14]

2. The LLEA has identified partnership needs from the District, which include each of the following:

a. Sharing required reports to applicable Building Principals whenever a child enrolled in the District is detained for proceedings under the Juvenile Court Act of 1987 (705 ILCS 405/), or for any criminal offense or any violation of a municipal or county ordinance (105 ILCS 5/22-20). The report shall include the basis for detaining the child, circumstances surrounding the events that led to the child's detention, and status of proceedings. The report shall be updated as appropriate to notify the Building Principal of developments and the disposition of the matter. Building Principals shall keep this information separate from the official school record of the student and ensure that it does not become part of the official school record of the student. Such information shall not be a public record and will be used solely by the appropriate school official or officials that the Building Principal determines have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. 105 ILCS 5/22-20.

b. In accordance with administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of ~~Criminal~~ Offenses Committed by Students*, transmitting juvenile law enforcement records concerning a minor enrolled in any District school who has been arrested or taken into custody for certain offenses. 705 ILCS 405/1-7(A)(8)(A) and 405/5-905(1)(h)(A) and see *Section H., Reciprocal Reporting of ~~Criminal~~ Offenses Committed by Students*, below.

c. Based upon locally-based LLEA outcomes, the LLEA has identified these additional needs:

F. Annual Evaluation of MOU; Renewal; Termination

The parties will periodically review the MOU for relevancy, monitor its terms for effectiveness, and consider whether any modifications are required. This review may align with the School Board's annual policy review and monitoring calendar. The MOU will remain in effect and

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[14] Use school climate surveys and other information to identify additional needs from the LLEA, which may include, but not be limited to requiring the LLEA to:

- Cooperate with building principals and staff to coordinate and develop delinquency prevention programs, anti-crime programs and/or school emergency plans or other safety-related plans, including targeted school violence prevention efforts, and
- Explain the LLEA's role in society.

For more discussion about identifying and developing additional needs, see the discussion in f/n 27.

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automatically renew from year to year unless terminated. Any party may terminate its participation in this MOU upon thirty (30) days prior written notice to the other(s).

G. Record Sharing [15]

Both parties recognize the privacy protections of federal and State law in the disclosure of student records. When sharing information, State and federal laws regarding *school student records* apply. See the Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 C.F.R. Part 99) and the Illinois School Student Records Act (105 ILCS 10/; 23 Ill.Admin.Code Part 375). The applicable federal and/or State law shall control, and the District may refuse disclosure requests by LLEA without a warrant or subpoena/court order. The SRO and LLEA's officers shall at all times recognize and comply with the confidentiality of student and education records and may only seek such records in accordance with the requirements of the District's Policy 7:340, *Student Records*.

School student records may only be released to the LLEA by the Building Principal. Information kept by law enforcement professionals working in a school is not considered a *school student record*. See 105 ILCS 10/2. Information derived from reports of law enforcement to principals regarding students detained for proceedings are not considered a *school student record*. 105 ILCS 5/22-20. The *school student records* definition and 7:340-AP1, *School Student Records* are incorporated into this agreement.

Within its standard operating procedures, the LLEA will include training for its officers about these laws, along with information about how to access the District's policies and procedures for school student records. For general guidance both parties will refer to *Answers to FAQs Responding to a Subpoena* (Illinois Council of School Attorneys, Revised October 2021) at:

www.iasb.com/IASB/media/School-Law/FAQ_Responding_to_Subpoena.pdf.

H. Reciprocal Reporting of ~~Criminal~~ Offenses Committed by Students [16]

As outlined in Section E.2.b., above, the District and LLEA's officers shall at all times recognize and comply with (a) the School Code requirements for a reciprocal reporting system regarding criminal and civil offenses committed by students (105 ILCS 5/10-20.14(b)), and (b) the Juvenile Court Act of 1987 and the School Code's requirements for the management and sharing of law enforcement records and other information about students who have contact with LLEA.

The District's administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of ~~Criminal~~ Offenses Committed by Students* is incorporated into this MOU.

Nothing in this MOU is intended to impose upon any party a duty to report information to any other party that is not otherwise required by law. This MOU shall not be interpreted as making an obligation of a party mandatory that is otherwise discretionary under the law or vice versa. No party to this MOU waives any defenses or immunities it otherwise has under the law, including without limitation any immunities under the Sections 2-204 or 2-205 of the Local Governmental and Governmental Employees Tort Immunity Act or the State Employee Indemnification Act. 5 ILCS 350/.

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[15] For Sections G – L, see f/n 1 and ensure that the language for these sections aligns to local conditions. These sections may duly apply to an SRO-specific agreement. See f/n 26 for instructions to add them to the sample School Resource Officer (SRO) MOU below. For further resources, see f/n 1 in policy 7:150, *Agency and Law Enforcement Requests~~Police Interviews~~*.

[16] Id. Replace this section with a reference to any existing reciprocal reporting agreements already in place. **Important: exiting reciprocal reporting agreement(s) may be a part of a larger countywide agreement(s).**

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I. Live Feeds

The District will provide access to its live feeds to one or more of its buildings in the event of a health or safety emergency. Access is strictly to allow LLEA tactical forces to become familiar with current conditions that underlie the health or safety emergency in the District's building(s). [17]

J. Cell Phone/Electronic Device Searches [18]

The established procedures between the parties for searching cell phones/electronic devices must be followed. Both parties agree that cell phone/electronic device searches involve Fourth Amendment search and seizure issues and the federal Stored Communication Act (SCA) (18 U.S.C. §2701) issues. Generally asking for permission, calling the parents to come and search the phone, or getting a warrant solves this issue. Investigations of sexting allegations shall follow administrative procedure, 7:190-AP6, *Guidelines for Investigating Sexting Allegations*, which is incorporated into this agreement.

K. Agency and Police Interviews

Board Policy 7:150, *Agency and Law Enforcement Requests~~Police Interviews~~*, and administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests~~Police Interviews~~*, are incorporated into this MOU and must be followed at all times.

Within its standard operating procedures, LLEA will include training for its officers about this policy and procedure, along with information about how to access the District's policies and procedures. [19]

Before a student under 18 years of age who is suspected of committing a criminal act is detained and questioned on school grounds, a law enforcement officer, school resource officer, or other school security personnel will (a) notify or attempt to notify the student's parent/guardian, (b) document the time and manner of the notification or attempted notification, (c) make reasonable efforts to ensure the student's parent/guardian is present during questioning or, if not present, ensure that school personnel (including, but not limited to, a school social worker, school psychologist, school nurse, school counselor, or any other mental health professional) are present during the questioning, and (d) if practicable, make reasonable efforts to ensure a law enforcement

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[17] Id. Considerations to discuss with the Board Attorney for this section may include, but are not limited to:

1. Which parties have authority to activate a live feed?
2. If police are given authority to activate, what is the standard for activation? Is it upon request of the Superintendent or an emergency 911 call reporting a crime in progress at the school?
3. How and when is the live feed tested?
4. When and what are the requirements for testing the live feed?
5. Will the Superintendent have the right to review the activation logs to ensure that the live feed is/was being activated in accordance with the MOU terms?

[18] Id. See the following publications to develop more detailed researched-based local procedures for this section:

Searching and Seizing Computers and Obtaining Electronic Evidence Manual (Sept. 2009), Chapter 3, The Stored Communication Act, at: www.justice.gov/file/442111/download

Orin S. Kerr, A User's Guide to the Stored Communications Act, and a Legislator's Guide to Amending It, George Washington Law Review (Aug. 2004), at: courses.ischool.berkeley.edu/i205/s10/readings/week10/kerr-storedcomm.pdf

[19] The following optional sentence may be added: "For general guidance, both parties will refer to Ill. Council of School Attorneys' *Guidelines for Interview of Students,* at: www.iasb.com/policy-services-and-school-law/guidance-and-resources/guidelines-for-interviews-of-students/ ."

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officer trained in promoting safe interactions and communications with youth is present during questioning. [20]

L. Body-Worn Cameras (BWCs)

All parties agree that any use of BWCs by officers must be subject to and in compliance with federal, state, and local regulations regarding the use and operation of them. The LLEA shall notify the District at least two weeks before its officers assigned to the District are to begin use of BWCs, and it will provide written information and training to the Building Principals and assistant principals of the schools in which the officers may enter. Training shall include the objectives and procedures for the use of BWCs in public and in schools. Every officer equipped with a BWC shall be trained in the operation of the equipment prior to its use. To maximize the effectiveness of the BWC and the integrity of the video documentation, officers shall adhere to the objectives and procedures outlined in this MOU and the LLEA's General Operations Orders or similar policies when they utilize BWCs. LLEA shall, if not otherwise prohibited by law, provide to the District copies of any such filming of students, parents, employees, or others upon school property, upon request for such copies by the District, as a law enforcement record. In the event that the LLEA receives advice that providing a copy of such videos is prohibited, the LLEA agrees to facilitate the availability of its officer(s) that made the video to testify, upon request by the District, in any school disciplinary hearing concerning his/her/their knowledge of the facts and circumstances of the videoed incident. Any such film or video taken by and kept in the possession of LLEA's officers may be considered *law enforcement records* under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g and 34 C.F.R. §99.8) and Ill. School Student Records Act (ISSRA) (105 ILCS 10/2(d)). Any copy of such film or video, if permitted by law to be provided to the District, may become an *educational record* of the District. The LLEA's officers shall at all times recognize and comply with the confidentiality of student and education records and may only seek such records in accordance with the requirements of Board Policy 7:340, *Student Records*, which is incorporated into the terms of this MOU.

M. General Provisions [21] [22]

1. Scope of Agreement

Nothing in this MOU is intended to impose upon any party a duty to report information to any other party that is not otherwise required by law. This MOU shall not be interpreted as making an obligation of a party mandatory that is otherwise discretionary under the law or vice versa. No party to this MOU waives any defenses or immunities it otherwise has under the law, including without limitation any immunities under Sections 2-204 and/or 2-205 of the Local Governmental and Governmental Employees Tort Immunity Act or the State Employee Indemnification Act. 5 ILCS 350/.

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The footnotes should be removed before the material is used.

[20] 105 ILCS 5/22-85~~, added by P.A. 101-478 and amended by P.A.s 102-197 and 102-558~~. See sample policy 7:150, *Agency and Law Enforcement Requests~~Police Interviews~~*.

[21] If the District uses the same LLEA for school resource officer (SRO) services, and it wants its SRO MOU(s) referenced in this General MOU:

1. Change section M. General Provisions to: N. General Provisions, and
2. Insert the following:

M. School Resource Officer (SRO) Terms

The District's School Resource Officer (SRO) MOU dated [INSERT DATES ___ day of ____, 20__] is incorporated into this agreement.

[22] This section **M. General Provisions** includes general best practice terms for intergovernmental agreements. **Note:** If the optional section discussed in f/n 18 was added, this becomes section N.

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2. **Amendment**

   No change or modification of this MOU shall be valid unless it is in writing and is signed by all parties.

3. **Assignment**

   No party to this MOU may assign it or its rights or obligations.

4. **Notices**

   All notices required pursuant to this MOU shall be in writing and sent by U.S. certified mail, postage prepaid, return receipt requested or by overnight express delivery to the address of the party set forth below or as otherwise directed in writing by such party or as provided under applicable state law. Notice is deemed given three (3) days after being deposited in the U.S. Mail for certified mail delivery or one (1) day after being deposited with an overnight express delivery courier for delivery to the correct address.

5. **Governing Law**

   This MOU shall be construed in accordance with and pursuant to the laws of the State of Illinois.

6. **Non-Waiver of Breach**

   The failure of any party to insist upon strict performance of any of the terms or conditions of this MOU shall not be construed to be a waiver of such term or condition or any subsequent breach of it.

7. **Severability**

   The invalidity or unenforceability of any particular provision of this MOU shall not affect the other provisions of it, and it shall be construed in all respects as if such invalid or unenforceable provision were omitted.

8. **Enforcement**

   No party to this MOU shall be liable for any negligent or wrongful acts, either by omission or commission, chargeable to the other party. This MOU shall not be construed to create a duty owed by any party to any third party. The District and LLEA agree that the exclusive claims or remedies for breach of this MOU are limited to an action for specific performance or mandamus action or termination of the MOU. Each party waives any and all other claims and remedies, direct or indirect, by way of subrogation or otherwise, that it may have against the other party arising out of the performance or non-performance of any provision of this MOU.

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Board President	Date
Authorized Signatory for LLEA	Date

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School Resource Officer (SRO) Memorandum of Understanding (MOU) [23]

Table of Contents:

A. Introduction
B. Definitions/Acronyms
C. MOU Leadership Team
D. District Authority over the Educational Environment
E. Funding; Payment for SROs; Chain of Command
F. Data Collection; Review & Evaluation of SRO Program
~~F.~~G. Ongoing Training of SROs
~~G.~~H. SRO Selection Process; Qualifications & Certification
~~H.~~I. SRO Employer; Assignments; Mentoring & Outreach; Supervision; Performance Evaluations; Conflict Resolution; Termination/Replacement; Extra Duties/Projects

A. Introduction

[INSERT **Section A** from **General MOU** here.]

B. Definitions/Acronyms

[INSERT **Section B** from **General MOU** here.]

C. MOU Leadership Team

[INSERT **Section C** from **General MOU** here.]

D. District Authority Over the Educational Environment

[INSERT **Section D** from **General MOU**, above. End Section D with this sentence: "The LLEA recognizes that assigning SROs to District buildings is not a substitute for effective student discipline policies."]

E. Funding; Payment for SROs; Chain of Command [24]

1. **Funding.** Members of the Leadership Team (Team) will negotiate the terms for funding including any grant funding that is available. Any terms tied to grant funding, such as data collection include: [25]

2. **Payment for SROs.** The Team has agreed that the District shall compensate LLEA for the SROs in 10 equal installments commencing on August 15th of each fiscal year in the following amounts:

3. **Chain of Command.** The Team shall develop a local, District-specific chain of command for the placement of SROs in school buildings. Each District administrator responsible for

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[23] Required by 105 ILCS 5/10-20.68(a-5), added by P.A. 104-430, beginning 7-1-26 for any district that uses an SRO. **See f/n 1. This section does not replace any existing SRO MOU agreements that the District may have.** SRO terms must always be specifically aligned with the buildings in which the SROs will be assigned; therefore, SRO MOU agreements generally work best as a stand-alone agreement.

[24] See f/ns 1 and 2.

[25] Delete this language if grant funding does not apply.

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supervising and evaluating the SRO in his/her/their assigned building(s) shall be included in an individual SRO's District-specific chain of command. [26]

F. Data Collection; Review & Evaluation of SRO Program

1. **Data Collection.** The Team will outline a process for collecting data in accordance with 105 ILCS 5/2-3.206 on the number of students who are referred to a law enforcement agency or official and the number of instances of referrals to law enforcement that such students received. This District will annually report this data to the Ill. State Board of Education, disaggregated by race and ethnicity, sex, grade level, whether a student is an English learner, and disability. *Referral to law enforcement* means an action by which a student is reported to a law enforcement agency or official, including a school police unit, for an incident that occurred on school grounds, during school-related events or activities (whether in-person or virtual), or while taking school transportation, regardless of whether official action is taken. *Referral to law enforcement* includes citations, tickets, court referrals, and school-related arrests. [27]

2. **Review & Evaluation of SRO Program.** The Team will determine and implement a process for the regular review and evaluation of the SRO Program, which shall include community and stakeholder input. [28]

~~F.~~G. Ongoing Training of SROs [29]

Both parties agree that training is critical to the success of this partnership. The LLEA's assigned SROs (as defined in Section H below) will receive minimum in-service training and certification requirements as would normally apply to all other certified officers of LLEA through LLEA and/or local State's attorney offices. In addition, an ongoing District training calendar shall be developed for assigned SROs and District officials.

Trainings will consist of updates from the District's School Board Attorney on current laws and difficult issues such as search and seizure, questioning, and requests for student records. In addition, trainings will delineate legal authority for when assigned SROs will be acting at the direction of a District official (reasonableness) or at the direction of LLEA (probable cause).

Other LLEA employees that are not SROs but have frequent contact with District buildings will be encouraged to attend any of these trainings.

All trainings, when possible, must occur during school breaks or at times that would least impact the District and should include: (1) emerging education issues, (2) state law training requirements, (3) mental health awareness training, (4) restorative justice (if applicable), and (5) record sharing.

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[26] The District may have several SRO District chains of command based upon local conditions.

[27] Required by 105 ILCS 5/2-3.206 and 105 ILCS 5/10-20.68(a-5)(4), both added by P.A. 104-430. The annual reporting requirement begins with the 2027-28 school year and must occur in a manner and method determined by the Ill. State Board of Education. 105 ILCS 5/2-3.206(b), added by P.A. 104-430.

[28] Required by 105 ILCS 5/10-20.68(a-5)(5), added by P.A. 104-430.

[29] See f/n 1. Ongoing training is a best practice that SRO MOUs should address for both parties. Modify the language to match the District's practices.

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~~G.~~H. SRO Selection Process; Qualifications & Certification [30]

1. **Selection Process.** The Team shall develop formal screening criteria based upon the following *Office of Community Oriented Policing Services (COPS)* characteristics: (1) likes kids – wants to, and is able to, work with kids; (2) has the right demeanor and people skills, including being calm, patient, approachable, and "able to put up gracefully with guff from kids;" (3) has experience as a patrol officer or road deputy; (4) has above-average integrity; (5) demonstrated willingness to work hard, be dependable and on time, be self-directed, and has the ability to teach. Other formal screening criteria shall include:

   In addition, the Team shall designate the appropriate school officials in buildings to be assigned an SRO to provide input to LLEA on SRO applicants for open SRO positions, such as reviewing applications and memoranda of interest provided by candidates, sitting in on interviews of candidates and/or rating of applicants.

2. **SRO Qualifications & Certification.** The LLEA must ensure that the SRO has either of the following qualifications issued by the Ill. Law Enforcement Training Standards Board under Section 10.22 of the Ill. Police Training Act (50 ILCS 705/10.22): (1) a certificate of completion for the required course of instruction or (2) an approved waiver (prior experience and training only). Such training must include specific training on working with students with disabilities to ensure appropriate and effective interactions that support their educational and behavioral needs.[31] The certificate of completion or waiver of it must be obtained within one year of assignment to the District.[32] The SRO must possess, at minimum, 48 hours of National Association of School Resource Officer (NASRO) training,[33] along with the following other qualifications: [34]

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[30] See f/n 1. Restated from U.S. Department of Justice's Office of Community Oriented Policing Service (COPS) publication, A Guide to Developing, Maintaining, and Succeeding with Your School Resource Officer (SRO) Program, written by Peter Finn, Meg Townsend, Michal Shively, and Tom Rich, at:
www.popcenter.asu.edu/sites/default/files/Responses/school_police/PDFs/Finn_et_al_2005.pdf

[31] Required by 105 ILCS 5/10-20.68(a-5)(2), added by P.A. 104-430.

[32] Required by 105 ILCS 5/10-20.68(b), amended by P.A. 104-430. The District is not responsible for an officer's SRO certification training or payment for it. Additional training is available from the National Association of School Resource Officers.

[33] Optional. Delete this qualification requirement if the District does not wish to require it in addition to the required certification under 105 ILCS 5/10-20.68(b), amended by P.A. 104-430.

[34] A District may want to insert its own qualifications specific to local conditions. Delete this qualification requirement if the District does not wish to require additional qualifications.

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~~H.~~I. SRO Employer; Assignments; Mentoring & Outreach; Supervision; Performance Evaluations; Conflict Resolution; Termination/Replacement; Extra Duties/Projects [35] [36] [37]

1. **Employer.** SROs are employed by LLEA. The District does not employ any SROs that are assigned in any of its buildings. The District is not considered a joint employer of SROs for purposes of the Fair Labor Standards Act (FLSA). The SRO remains covered by the LLEA's insurance and continues to enjoy the immunities specific to his or her employment with LLEA. Section D, *District Authority Over the Educational Environment*, above shall apply to the District's specific responsibilities for supervision and performance evaluations of assigned SROs while in District school buildings as their duties pertain to fulfilling the identified needs and goals of a District building.

2. **Assignments.** For purposes of this section, SRO means a sworn police officer of LLEA who has been assigned to a District building pursuant to this MOU. SROs shall be assigned to District buildings by the LLEA with input from the MOU Leadership Team. Staffing issues at LLEA may take precedence to the assignment of an SRO to the District.

    a. **SRO Work Hours, Uniform, and Visibility on Campus.** The SRO shall remain on school grounds during normal school hours, except when necessary to attend a law enforcement emergency, to attend any meetings or trainings described in this MOU, or on limited occasions to attend to official law enforcement business off campus. With the exception of emergency situations out of the SRO's control, the SRO shall give the SRO Supervisor and Building Principal(s) reasonable advanced notice of any times when the SRO is not expected to be on campus during normal school hours, and LLEA may provide a replacement SRO to the extent possible.

    The SRO shall wear the official law enforcement uniform or other apparel issued by the LLEA at all times while serving on District property. The SRO shall make best efforts to maintain high visibility at all times when practical and safe to do so, especially in areas where incidents of crime or violence are most likely to occur.

    The SRO shall, whenever possible and in accordance with guidance from the Building Principal or designee, participate in or attend school functions during the SRO's regular duty hours in order to assure the peaceful operation of school-related programs.

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[35] ~~Id.~~ Defining the role, duties, and responsibilities of the SRO is required by 105 ILCS 5/10-20.68(a-5)(1), added by P.A. 104-430. ~~and s~~

See f/n 1. Replace this section with any existing intergovernmental agreement(s) or MOU(s) terms. Questions to answer while memorializing assignments in the MOU include:

- Will the SRO be a full-time or part-time assignment? A full-time SRO contract usually requires the SRO to be present during the times that students are on campus and would follow the District's calendar. A part-time SRO contract would generally require the SRO to be present during certain hours of the school day when students are on campus.
- Will the District have an SRO at each school within the District?
- Will the SROs only be assigned to high schools?

[36] See f/ns 1 and 12. If the District wants sections G – L from the **General MOU** in its SRO MOU, add them here and adjust the alphanumeric lettering.

Do not use this option or the f/n 27 option if the District uses the same LLEA for SRO services (see f/n 18).

[37] Id. If the District wants section **M. General Provisions** (see f/n 18) from the **General MOU**, insert it here and adjust the alphanumeric numbering. Discuss, if it exists, the District's targeted school violence prevention program (see sample policy 4:190, *Targeted School Violence Prevention Program*) and information sharing between the District and local law enforcement. See Recommendation 3 in *Recommendations of the Illinois Terrorism Task Force School Safety Working Group*, Presented to the Office of the Governor 4-5-18, at: www.iasb.com/safety/.

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b. **Student Search Assistance.** When requested, assistance with conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the District for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search produces evidence that the student has violated or is violating the law, local ordinance, or the District's policies or rules, such evidence may be seized by school authorities and/or turned over to law enforcement authorities, and disciplinary action may be taken. 105 ILCS 5/10-22.6 and 10-22.10a.

c. **Prohibition on Issuing Tickets or Citations.** In accordance with 105 ILCS 5/10-22.6(i), the SRO is prohibited from issuing municipal code tickets or citations to students for incidents occurring: (1) on school property during school hours; or (2) during school-related transportation. 105 ILCS 5/10-20.68(a-5)(3). [38]

~~c.~~d. **Administrative Hearings.** Contingent upon pre-approval by the LLEA, the SROs will attend suspension review and/or expulsion hearings upon the request of school officials or the Superintendent. The SRO will be prepared to provide testimony on any actions that were taken by the SRO and any personally observed conduct witnessed by the SRO.

~~d.~~e. **Goal Setting for Services in District.** [39]

3. **Mentoring & Outreach.** The SRO shall conduct himself or herself as a role model at all times and in all facets of the job; shall seek to establish a strong rapport with staff, faculty, students, parents, and other members of the school community; and shall encourage students to develop positive attitudes toward the school, education, law enforcement officers, and good citizenship in general.

4. **Supervision.** With input from the LLEA and/or the MOU Team, the District will assign school officials to supervise SROs in District buildings based upon the individual SRO's needs, School Board policies, available local resources, specific school building needs, and geographical realities. Both parties expect excellence from SROs and commit to frequent communication

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[38] Nothing in the law prohibits an SRO from issuing a ticket for student conduct that occurs outside school hours, nor does it prohibit LLEAs from issuing tickets or citations for traffic violations that occur on school grounds. Districts may still involve LLEAs in serious student misconduct and students may still be criminally charged if such misconduct occurs within the District's jurisdiction. See the **When and Where Conduct Rules Apply** subhead of sample policy 7:190, *Student Behavior*, for a sample jurisdictional statement.

[39] These may be identical to the **General MOU** terms in f/n 10. List whether the SRO will additionally:

- Assume any instructional responsibilities for short-term programs
- Provide individual mentoring to students, and become familiar with local youth-related service providers

Other questions to answer include whether the District wants a "law enforcement/safety officer," a problem solver and liaison to community resources, or both? Defining these roles helps to establish a successful relationship.

~~The following publication, U.S. Departments of Education and Justice Release School Discipline Guidance Package to Enhance School Climate and Improve School Discipline Policies/Practices, may be helpful for the District to identify and develop specific needs, goals and/or services from its LLEA. It is available at: www.ed.gov/news/press-releases/us-departments-education-and-justice-release-school-discipline-guidance-package-enhance-school-climate-and-improve-school-discipline-policiespractices. **Note:** These guidance documents were rescinded by a joint U.S. Dept. of Education and U.S. Dept. of Justice Dear Colleague letter dated 12-21-18, at: www2.ed.gov/about/offices/list/ocr/letters/colleague-201812.pdf (copy and paste link into browser if clicking doesn't work).~~

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between supervising school officials and the SROs assigned to their buildings. The SRO and his or her supervising District official shall meet both formally and informally on a regular basis to discuss issues, duties, and responsibilities.

5. **Performance Evaluations.** An instrument for SRO performance evaluations in the school setting shall be agreed upon by the assigned SRO and the District's official supervising the SRO. Both parties recognize that a performance evaluation instrument for an SRO should incorporate data results from the District's school climate assessments, if available.

6. **Conflict Resolution.** If the District's expectation of excellence is not being met by an SRO, the supervising District official will report unresolved concerns to the SRO's direct law enforcement supervisor at LLEA sooner rather than later. Addressing issues promptly helps increase understanding and minimize potential negative impact on the school environment. If that method of communication does not solve the conflict, the Team has agreed to the following formal conflict resolution process between the District and LLEA:

7. **Termination/Replacement of SROs.** When paragraph 6, *Conflict Resolution*, above, has not been successful, the District may request that the SRO be removed from his or her assignment and replaced with another SRO from LLEA. If a replacement is not immediately available, the District reserves the right to terminate the SRO's assignment in a specific building until a replacement is available.

8. **Extra Duties/Projects.** The Team has negotiated the below terms for special projects and/or extra duties:

Board President _____ Date _____

Authorized Signatory for LLEA _____ Date _____

Incorporated by reference: 1:20 (District Organization, Operations, and Cooperative Agreements), 2:150 (Committees), 7:150-AP (Managing Agency and Law Enforcement Requests ~~Police Interviews~~), 7:190 (Student Behavior), 7:190-AP3 (Guidelines for Reciprocal Reporting of ~~Criminal~~ Offenses Committed by Students), 7:190-AP6 (Guidelines for Investigating Sexting Allegations), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:340 (Student Records), 7:340-AP1 (School Student Records)

LEGAL REF.: 105 ILCS 5/2-3.206, 5/10-20.14(b), 5/10-20.68, 5/10-22.6(i), 5/22-20, and 5/22-85.
50 ILCS 705/10.22, Ill. Police Training Act.
705 ILCS 405/1-7, 1-8(F), 1-8(G), and 5-905, Juvenile Court Act of 1987.

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BUILDING OUR FUTURE

December 9, 2025

SHARON WILLIAMS, Ed. D.
SUPERINTENDENT OF SCHOOLS

ROCK ISLAND - MILAN
SCHOOL DISTRICT #41

AGENDA

- Project Overview
- Project Design Phase Updates
- Facilities Management Plan
  - Completed
  - Current
  - Upcoming
- Preventative Maintenance Plan
  - Completed
  - Current
  - Upcoming
- Bond Proceeds
  - Draw Update
  - Committed Funds

THREE - YEAR PROJECT OVERVIEW

2023 - 2024	2024 - 2025	2025 - 2026
Fire Alarms: Frances Willard **Tuckpointing:**RIHS (stadium) **HVAC:** Earl Hanson, Ridgewood, Eugene Field **Renovation:** RIHS (Auditorium Lobby, Bathrooms, Locker Room Showers), Frances Willard (Gym) **Parking:** WJHS	**Fire Alarms:** Earl Hanson, Thomas Jefferson **Tuckpointing:** Denkmann, Longfellow, RIHS **Roof:** Denkmann **Flooring:** RIHS **Secure Entry Redesign:** WJHS **Parking:** RICMS **Basement Repair:** WJHS	**Water Main:** RIHS **Additions:** RIA, Eugene Field, RIHS (Aquatics Center) **HVAC/Controls:** RIHS **Gym Floor/Stage:** WJHS **Renovation:** RIHS (Band/Orchestra) **Secure Entry Redesign:** EJHS

FACILITIES MANAGEMENT PLAN COMPLETED

Fire Alarms

- Earl Hanson
- Thomas Jefferson

8/18/25 11:51:48 AM CDT

Flooring

- RIHS Cafeteria

Parking Lot Improvements

- RICMS

Roof Replacement

- Denkmann

Secure Entry Redesign

- WJHS

Tuckpointing

- RIHS
- Longfellow

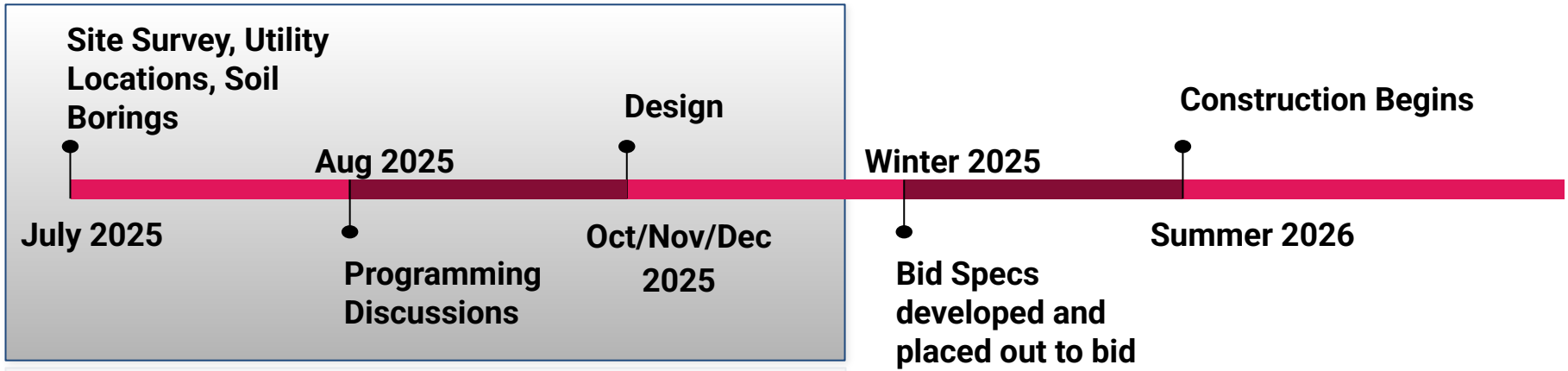
Water Main Replacement

- RIHS

CURRENT

- Eugene Field School Addition
  - ~~50% Design Due Oct 21st~~
  - ~~100% Design Due Oct 28th~~
  - ~~50% Construction Documents Due Nov 11th~~
  - ~~75% Construction Documents Due Nov 18th~~
  - ~~95% Construction Documents Due Nov 25th~~
  - Redesign to include staff restroom
  - 100% Construction Documents Due Mid Dec.
  - Final Issue for Bid Document Set Due Mid-Late Dec.
  - Board Approval February/March

EUGENE FIELD TIMELINE

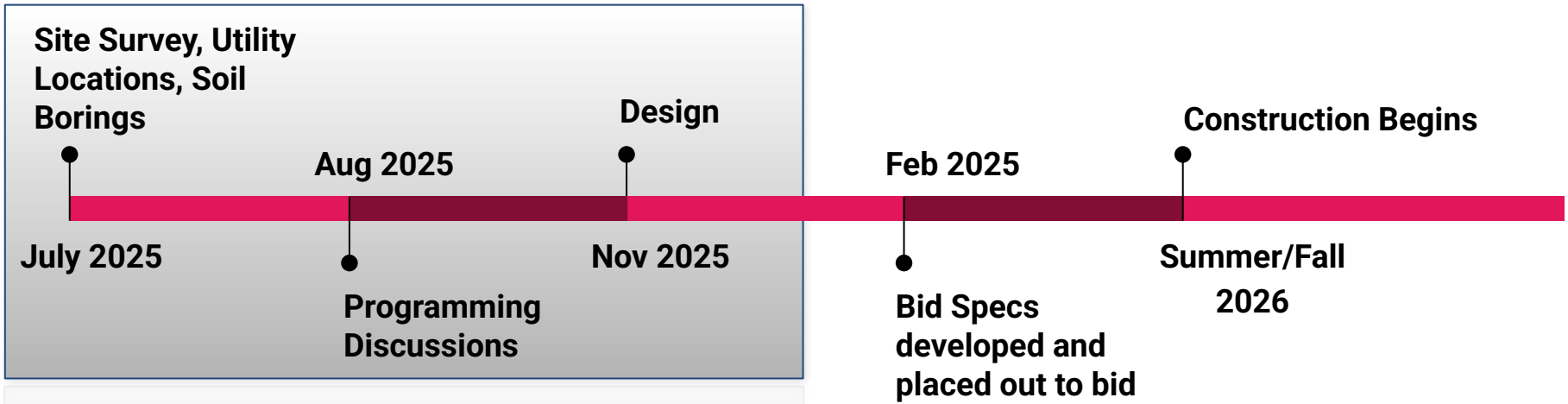


IDG+ ARCHITECTS

CURRENT

- Rock Island Academy School Addition
  - ~~100% Design Due Nov 21st~~
  - 50% Construction Documents Due Dec 15th
  - 75% Construction Documents Due Jan 5th
  - 95% Construction Documents Due Jan 23rd
  - 100% Construction Documents Due Jan 30
  - Final Issue for Bid Document Set Due February 4th
  - Board Approval April

CURRENT


Site Survey, Utility Locations, Soil Borings
July 2025
Aug 2025
Programming Discussions
Design
Nov 2025
Feb 2025
Bid Specs developed and placed out to bid
Construction Begins
Summer/Fall 2026

CURRENT

- RIHS Aquatic Center
  - New side entrance outside band room - Complete
  - Design Selections
    - Brick
    - Doors
    - Hardware
  - Electrical Service timing

- Estimated Completion - December 2026

AQUATIC CENTER AERIALS
10/29/2025




11/24/2025


11/24/2025

CURRENT

- RIHS Band & Orchestra Renovation
  - Design Documents
  - Construction Documents
  - Logistics of classroom relocation
  - Bid Documents TBD
- RIHS Controls Project
  - Design underway
  - Logistics of classroom relocation
  - Architect preparing scenarios
- EJHS - Secure Entry Redesign - (Winter Break)

UPCOMING

- Additional projects are TBD as the planning process is underway.
  - Architects have met with principals to:
    - Review facility assessments
    - Understand building-specific priorities
    - Develop a new document outlining priorities and updated costs
- Staff are meeting with architects on Dec 3rd & 4th to:
  - Review facility assessments, create scenarios for future work
- At February Committee of the Whole Meeting staff will outline:
  - Three-year plan for projects throughout the District
  - Present associated budget

PREVENTATIVE MAINTENANCE PLAN COMPLETED

- **Fieldhouse/Concrete Replacement**
  - RIHS
- **Hot water valve replacement**
  - RIA
- **Furniture & Equipment Removal**
  - Earl Hanson - Gym Bleachers
  - RIA - Retired Furniture
- **Tuckpointing**
  - TMLC (Library water infiltration)
- **Fire Alarm Programming & Updates**
  - RIA - Strobes
  - RIHS - Strobes
  - EJHS - Mapping & Programming
  - Ridgewood - Programming
- **Univent Filter Replacement**
  - RIHS

CURRENT

- **LED Lighting Replacement**
  - RIHS - in process, additional order being placed for supplies
- **Univent Filter Replacement**
  - Rock Island Academy

UPCOMING

- **December/Winter Break**
  - **Frances Willard -** Ceiling Repairs
  - **TMLC -** Water infiltration Repairs
    - Painting - Walls
  - **Washington** - Hot Water line replacement
- **January**
  - **TMLC - Water infiltration Repairs**
    - Painting - Floors
- **Spring**
  - **RIA** - Hot Water Heater Replacement

UPCOMING

- **TBD**
  - **Horace Mann - Sewer line Repair**
    - Planning for tree removal prior to scheduling replacement.
    - Timing TBD due to weather.
  - **Longfellow** - Condensation Pump Replacement
    - Awaiting lead time from the supplier.
  - **RIHS**
    - Chiller Replacement
    - Pool Infill & Temp Classrooms to accommodate RIHS FMP projects

BOND PROCEEDS UPDATE

Bond Proceeds: $55,000,000
Requirements
First Draw 10%: August 2025
First Payment Due: Jan 1, 2026
85% spent within 3 years

Total Committed Funds	Total Bond Draw	% Committed	% Drawn
$44.2M	$6,029,205	80.5%	11%

COMMITTED % BREAKDOWN

FMP Phase I Bond Proceeds	**$55,000,000.00**
	Total
2025 Summer Projects	$ 2,696,320.00
Aquatic Center (2025 Proceeds)	$ 12,301,462.00
RIA Addition (Approx.)	$ 6,071,368.00
Eugene Field Addition (Approx.)	$ 6,008,410.00
Band and Orchestra (Approx.)	$ 6,199,500.00
RIHS Controls (Approx.)	$ 10,400,000.00
Secure Entry Redesign	$ 225,900.00
Cafeteria Flooring	$ 301,700.00
	$ 44,204,660.00
Committed %	**80.5%**

FMP QUARTERLY MEETINGS 2025-2026

As a living document, it is expected that this plan will undergo periodic reviews and adaptations as required to meet the changing needs of the district.

Meeting Schedule
5:00 - 7:00 pm

~~**September 22, 2025**~~
December 15, 2025 (WJHS)
March 30, 2026 (EJHS)
June 1, 2026 (RIHS)

- **Learn about current and future projects**
- **Meet our architecture and construction partners**
- **Offer input and feedback on our current and future plans**
- **Learn about our funding strategies for short and long-term projects**

PARTNERS

RUSSELL

CORDOGAN CLARK
ARCHITECTURE • ENGINEERING • CONSTRUCTION

- RIHS
- RICMS
- Thomas Jefferson
- Ridgewood
- Washington
- Thurgood
- Longfellow

IDG+
ARCHITECTS

- Eugene Field
- RIA
- Edison
- Earl Hanson
- Frances Willard
- Horace Mann
- Denkmann

Sharon Williams, Ed.D.
Superintendent of Schools

To: RIMSD 41 Board of Education
From: Dr. Sharon Williams
Cabinet Champions: Scott Vance, Assistant Superintendent for Teaching and Learning
Date: December 9, 2025
Re: Explore Learning Amended Contract for Service

Explore Learning is an education technology company that offers supplemental support programs in K-12 STEM learning.

In September of 2025 the Board of Education approved a contract for service with Explore Learning for the purchase of the Reflex supplemental math program for several schools within the Rock Island-Milan School District aimed at improving math fluency. Since that purchase there have been additional requests for the purchase of Reflex Math.

Rock Island High School has requested the purchase of the Gizmo program. Gizmos are interactive online simulations and case studies for math and science that power inquiry and understanding through hands-on learning and experimentation. The program allows scholars to dig deeper into STEM subjects and understand challenging concepts as they form, analyze, and test ideas to find solutions.

These additional purchases require an adjustment to the original contract for service.

It is recommended that the Board of Education approve the amended contract for services with Explore Learning for $42,520.04 (Original $38,032.54) to purchase the Reflex Math and the Gizmo program.

Investment Period: July 2025-June 2026
Total Investment: $42,520.04 (Original $38,032.54)
Funding Source: State and District Funds

Rock Island-Milan School District #41
2000 7th Avenue, Rock Island, IL 61201
309-793-5900 x10210 | 309-793-5905 fax
Sharon.williams@rimsd41.org
www.rimsd41.org

Sharon Williams, Ed.D.
Superintendent of Schools

To: RIMSD 41 Board of Education
From: Dr. Sharon Williams
Cabinet Champion: Ramona Dixon, Director of Grants, Accountability, and Assessments
Date: September 9, 2025
Re: **ExploreLearning-Supplemental Math Fluency Resource**

In addition to required learning partners and curricular-based professional learning, the Illinois State Board of Education is now opening up the allowable uses categories to encourage flexibility in how school leaders spend funds. As such, districts are now allowed to use funds on supplemental learning tools such as subscriptions to aid in providing research-based interventions.

Each building leadership team in our district has worked to access and update their greatest areas of need, access root causes of low achievement, consult with the Illinois State Board of Education, and draft school improvement plans that hone in on the data collected, specifically for the target group (students with disabilities).

Math fluency was one of those greatest areas of need for all, and will be a focal point for all elementary schools designated as needing improvement. Math fact fluency is foundational to learning math and a significant predictor of student math performance. The Reflex system uses a fact family approach that builds on and reinforces critical mathematical concepts such as the commutative property and the relationship between the operations. It makes practicing fact fluency engaging. Students are even assessed and coached while learning and practicing math fact fluency through a fun, game-based approach. Reflex Math is fully adaptive so students get the individualized instruction they need to be successful at their level.

Therefore, it is recommended that the Board of Education approve a contract for service for a 3-year subscription for all elementary designated schools with Explore Learning, PO Box 844615, Boston, MA 02284-4615, for access to the online Reflex Math Fluency product in the amount not to exceed $38,032.54.

Investment Period: September 2025- June 2028
Total Investment: $38,032.54
Funding Source: Designated Building SIG Funds

Rock Island-Milan School District #41
2000 7th Avenue, Rock Island, IL 61201
309-793-5900 x10210 | 309-793-5905 fax
Sharon.williams@rimsd41.org
www.rimsd41.org

Contract for Service Form
Rock Island-Milan School District 41

VENDOR NAME: Explore Learning **CONTACT NAME:** Allison Gould

PHONE: 434-220-1484 **EMAIL:** allison.gould@explorelearning.com

ADDRESS: PO Box 844615, Boston, MA 02284-4615

DATES OF SERVICE TO BE COMPLETED: 2025-2026 School Year through 2027-2028 School Year

SCHOOL DISTRICT CONTACT: Paulette Risden-Rice

COMPENSATION: $38,032.54

Description	Contract Amount
• 1 Site Reflex Site License Frances Willard Elem School 12 $3,295.00 • 1 Site Reflex Site License Longfellow Liberal Arts ES 12 $3,295.00 • 1 Site Reflex Site License Ridgewood Elementary School 12 $3,295.00 • 1 Site Reflex Site License Rock Island Academy 12 $3,295.00 • 1 Site Reflex Site License Thomas Jefferson Elem School 12 $3,295.00 • 4 Webinars Included webinar training for up to 40 participants. x 3 years total (includes a $6,449.96 discount)	$38,032.54
Grand Total	**$38,032.54**

Invoicing Details: 1 invoice for $38,032.54

Is this a Subscription/Software: Yes ☐ or No ☐ **SOPPA Approved: Yes ☐ or No ☐**

If yes, this is an internal form that does not need to be sent to the vendor.

Subscription/Software Name: Reflex Math **Website:** www.explorelearning.com

Subscription/Software Start Date: September 2026 **End Date:** June 2028

School Board President or Superintendent: [signature] **Date:** 9-9-2025

Requesting School: Administration Center

Budget Code: SIG Funds - FW: $10,209.52, TJ: $2,000, RW: $2,000, RIA: $17,016.52, LF: $6,806.50

Signature of Vendor: _____ **Date:** _____

Signature of Requestor: R. Rixon **Date:** 9/2/25

Signature of Budget Administrator: R. Rixon **Date:** 9/2/25

ExploreLearning Reflex
For: Rock Island-Milan Sch Dist 41
Presented to: Dorian Maag, Curriculum Coordinator
By: Alison Gould
Proposal Expires on: October 31, 2025

Quantity	Product	Account	Months	Total
1 Site	Reflex Site License	Frances Willard Elem School	12	$3,295.00
1 Site	Reflex Site License	Longfellow Liberal Arts ES	12	$3,295.00
1 Site	Reflex Site License	Ridgewood Elementary School	12	$3,295.00
1 Site	Reflex Site License	Rock Island Academy	12	$3,295.00
1 Site	Reflex Site License	Thomas Jefferson Elem School	12	$3,295.00
4 Webinars	Included webinar training for up to 40 participants.	Rock Island-Milan Sch Dist 41	12	$0.00

Subtotal:	$16,475.00
Discount:	($1,647.50)
Total:	**$14,827.50**

Multi-year Discounts (Promo ends on 12/31/25)		Savings of
3 YEARS	$38,032.54	$6,449.96
2 YEARS	$26,763.64	$2,891.36

This proposal presented on August 29, 2025 is made on behalf of ExploreLearning, LLC (FEIN 38-3942548).

Prices contained herein do not include applicable state and local sales taxes. Sales tax may be adjusted at the time of invoicing. Pricing information made herein is strictly confidential and is supplied on the understanding that it will be held confidential and not disclosed to third parties without the prior written consent of ExploreLearning.

Acceptance

All ExploreLearning subscriptions and/or services are offered subject to ExploreLearning's standard license and terms of use and privacy policy (the "License Terms"), available on the product log in pages as supplemented by the terms of the applicable proposal - and ExploreLearning's K-12 processing (https://web.explorelearning.com/k12processing/). By placing an order, customer confirms its acceptance of the License Terms, as well as the fees in the proposal, which together with the awarded proposal and/or any other associated agreement entered into by ExploreLearning and customer regarding the subscriptions, products and services, constitute the entire agreement between customer and ExploreLearning regarding such subscriptions, products, and services (the "Agreement") and provides its authorization to ExploreLearning's K-12 processing as described. Customer and ExploreLearning agree that the terms and conditions of the Agreement supersede any additional or inconsistent terms or provision in any customer drafted purchase order, or any communications, whether written or oral, between customer and ExploreLearning relating to the subject matter hereof, which shall be of no effect. In the event of any conflict, the terms of the Agreement shall govern.

Next Steps

PLEASE NOTE THE QUOTE NUMBER (#Q-375697) MUST APPEAR ON PURCHASE ORDER(S) IN ORDER TO PROCESS.

If applicable, please include your certificate of tax-exempt status with your purchase order. Purchase Orders may be sent to ExploreLearning Orders via one of the following methods:

Email to: alison.gould@explorelearning.com to streamline processing
Fax to: 434-220-1484
Mail to: PO Box 844615, Boston, MA 02284-4615

You may also contact Alison Gould at 866-882-4141, ext. 323 or alison.gould@explorelearning.com for more information on any aspect of this proposal (#Q-375697).

To ensure the effective implementation of ExploreLearning products in your school or district, please provide us with the following:

CONTACT
Who is the primary contact to coordinate professional development for your school or district? Please provide the following for that contact:

Name: _____

Title: _____

Email: _____

Phone: _____

WORKSHOP DETAILS
Provide us some details for your workshop(s):

# of Teachers: _____

# of Teachers who are new to the product: _____

# of Teachers who are experienced with the product: _____

TECHNOLOGY
Please provide a description of the types of technology your teachers and students will be using to implement ExploreLearning products:

Additional Notes
Your implementation manager will be in touch with your PD contact via email to schedule your professional development workshop(s). We look forward to working with your teachers!
Professional development workshops are only scheduled for dates after the start of your subscription.

Contract for Service Form

Rock Island-Milan School District 41

VENDOR NAME: Explore Learning **EMAIL:** alison.gould@explorelearning.com

ADDRESS: PO Box 844615, Boston, MA 02284-4615

DATES OF SERVICE TO BE COMPLETED: 2025-2026 school year

SCHOOL DISTRICT CONTACT: Stacey Golz

COMPENSATION: $ additional 4,467.50 (original amount $38,032.54)

DESCRIPTION OF DUTIES:

Denkmann site license for Reflex - $1647.50
RIHS Gizmos licenses - $2820.00

Is this a Subscription/Software: Yes ■ or No ☐

If NO, go to next section. ***If YES, complete below, then go to next section (no vendor signature)***

Subscription/Software Name: Reflex **Website:**

Subscription/Software Start Date: 12/2025 **End Date:** 6/2026

SOPPA Approved: Yes ■ or No ☐

Requesting School: District

Budget Code: Building Funds and RIHS Prime Grant

Signature of Vendor: **Date:**

Signature of Budget Administrator: **Date:** 12/1/25

Superintendent or School Board President **Date**

Contract for Service Form

Rock Island-Milan School District 41

VENDOR NAME: Gizmos (Explore Learning) **EMAIL:** alison.gould@explorelearning.com

ADDRESS: 110 Avon St Suite 300, Charlottesville VA 22902

DATES OF SERVICE TO BE COMPLETED: 25-26 school year

SCHOOL DISTRICT CONTACT: Christopher Gabany; christopher.gabany@rimsd41.org

COMPENSATION: $ $2,820.00 for all four subscriptions

DESCRIPTION OF DUTIES:

Renewal of Explore Learning's Gizmos for:
Christopher Gabany; christopher.gabany@rimsd41.org
New subscriptions for:
Caitlin Clough; caitlin.clough@rimsd41.org (PRIME grant)
Ben Kirgan; ben.kirgan@rimsd41.org
Andrew Vogel; andrew.vogel@rimsd41.org (PRIME grant)

Is this a Subscription/Software: Yes ■ or No ☐

***If NO, go to next section.* If YES, complete below, then go to next section (no vendor signature)**

Subscription/Software Name: Gizmos **Website:** explorelearning.com

Subscription/Software Start Date: _____ **End Date:** 25-26 school year

SOPPA Approved: Yes ■ or No ☐

Requesting School: Rock Island High School

Budget Code: 1-5-100-000-1130-3140-0 (2) & RIMEF PRIME Grants (2)

Signature of Vendor: _____ **Date:** _____

Signature of Budget Administrator: [signature] **Date:** 8/13/25

[signature] 8/14/25

Superintendent or School Board President **Date**

Explor earning®

ExploreLearning Gizmos
For: Rock Island High School
Presented to: Christopher Gabany, Science Teacher/Coach
By: Alison Gould
Proposal Expires on: August 31, 2025

Proposed Subscription Dates:
Start Date: September 1, 2025 **End Date:** August 31, 2026

Quantity	Product	Account	Months	Total
4 Teachers	Gizmos Teacher Plus Students License	Rock Island High School	12	$3,760.00
1 Webinar	Included webinar training for up to 40 participants.	Rock Island-Milan Sch Dist 41	12	$0.00

Subtotal:	$3,760.00
Discount:	($940.00)
Total:	**$2,820.00**

Multi-year Discounts		Savings of
3 YEARS	$7,614.00	$846.00
2 YEARS	$5,358.00	$282.00

This proposal presented on May 16, 2025 is made on behalf of ExploreLearning, LLC (FEIN 38-3942548).

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Prices contained herein do not include applicable state and local sales taxes. Sales tax may be adjusted at the time of invoicing. Pricing information made herein is strictly confidential and is supplied on the understanding that it will be held confidential and not disclosed to third parties without the prior written consent of ExploreLearning.

Acceptance

All ExploreLearning subscriptions and/or services are offered subject to ExploreLearning's standard license and terms of use and privacy policy (the "License Terms"), available on the product log in pages as supplemented by the terms of the applicable proposal - and ExploreLearning's K-12 processing (https://web.explorelearning.com/k12processing/). By placing an order, customer confirms its acceptance of the License Terms, as well as the fees in the proposal, which together with the awarded proposal and/or any other associated agreement entered into by ExploreLearning and customer regarding the subscriptions, products and services, constitute the entire agreement between customer and ExploreLearning regarding such subscriptions, products, and services (the "Agreement") and provides its authorization to ExploreLearning's K-12 processing as described. Customer and ExploreLearning agree that the terms and conditions of the Agreement supersede any additional or inconsistent terms or provision in any customer drafted purchase order, or any communications, whether written or oral, between customer and ExploreLearning relating to the subject matter hereof, which shall be of no effect. In the event of any conflict, the terms of the Agreement shall govern.

Next Steps

PLEASE NOTE THE QUOTE NUMBER (#Q-371792) MUST APPEAR ON PURCHASE ORDER(S) IN ORDER TO PROCESS.

If applicable, please include your certificate of tax-exempt status with your purchase order. Purchase Orders may be sent to ExploreLearning Orders via one of the following methods:

Email to: alison.gould@explorelearning.com to streamline processing
Fax to: 434-220-1484
Mail to: 110 Avon Street, Suite 300, Charlottesville, VA 22902

You may also contact Alison Gould at 866-882-4141, ext. 323 or alison.gould@explorelearning.com for more information on any aspect of this proposal (#Q-371792).

Explor earning®

To ensure the effective implementation of ExploreLearning products in your school or district, please provide us with the following:

CONTACT
Who is the primary contact to coordinate professional development for your school or district? Please provide the following for that contact:

Name: _____

Title: _____

Email: _____

Phone: _____

WORKSHOP DETAILS
Provide us some details for your workshop(s):

# of Teachers: _____

# of Teachers who are new to the product: _____

# of Teachers who are experienced with the product: _____

TECHNOLOGY
Please provide a description of the types of technology your teachers and students will be using to implement ExploreLearning products:

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Additional Notes
Your implementation manager will be in touch with your PD contact via email to schedule your professional development workshop(s). We look forward to working with your teachers!
Professional development workshops are only scheduled for dates after the start of your subscription.

ExploreLearning® Reflex

For: Denkmann Elementary School
Presented to: Patrick Versluis, Principal
By: Alison Gould
Proposal Expires on: December 19, 2025

Proposed Subscription Dates:
Start Date: December 4, 2025 **End Date:** June 30, 2026

Quantity	Product	Account	Months	Total
1 Site	Reflex Site License	Denkmann Elementary School	6	$1,647.50

Total: $1,647.50

Multi-year Discounts		Savings of
3 YEARS	$8,896.50	$988.50
2 YEARS	$6,260.50	$329.50

This proposal presented on November 14, 2025 is made on behalf of LAZEL, Inc. (FEIN 27-1609020). As provided in the ExploreLearning, LLC customer notice, attached and incorporated herein, as of October 15, 2025, ExploreLearning® products and services are offered and available from its parent company, LAZEL, Inc., and provisioned and supported under the Company's integrated operational model.

Prices contained herein do not include applicable state and local sales taxes. Sales tax may be adjusted at the time of invoicing.

Acceptance

All ExploreLearning® subscriptions and/or services are offered subject to the Company's standard license and terms of use and privacy policy (the "License Terms"), available at https://apps.explorelearning.com/account/el/terms, as supplemented by the terms of this proposal. By placing an order, customer confirms its acceptance of the License Terms, as well as the fees in this proposal, which together with the awarded proposal and/or any other associated agreement entered into by Company and customer regarding the subscriptions, products and services under this proposal, constitute the entire agreement between customer and Company regarding such subscriptions, products, and services (the "Agreement"). Customer and Company agree that the terms and conditions of the Agreement supersede any additional or inconsistent terms or provisions in any customer drafted purchase order, which shall be of no effect, or any communications, whether written or oral, between customer and Company relating to the subject matter hereof. In the event of any conflict, the terms of the Agreement shall govern.

Next Steps

PLEASE NOTE THE QUOTE NUMBER (#Q-395528) MUST APPEAR ON PURCHASE ORDER(S) IN ORDER TO PROCESS.

If applicable, please include your certificate of tax-exempt status with your purchase order. Purchase Orders may be sent to ExploreLearning Orders via one of the following methods:

Email to: alison.gould@explorelearning.com to streamline processing
Fax to: 434-220-1484
Mail to: PO Box 844615, Boston, MA 02284-4615

You may also contact Alison Gould at 866-882-4141, ext. 323 or alison.gould@explorelearning.com for more information on any aspect of this proposal (#Q-395528).

Dear Valued Customer,

We are excited to share an important update regarding the operational integration of two of our businesses, ExploreLearning, LLC ("ExploreLearning") and Learning A-Z, LLC ("Learning A-Z"), which are affiliated companies under the common control of our parent company, LAZEL, Inc.

ExploreLearning and Learning A-Z are trusted leaders in K-12 educational technology. As of October 15, 2025, we will integrate the business operations of ExploreLearning and Learning A-Z under their existing parent company, LAZEL, Inc. By uniting these two businesses, we can deliver a broader, more impactful suite of solutions focused on making teaching easier, learning more fun, and outcomes stronger in the subjects that matter most.

For more detail and to access the press release, please click here.

What This Integration Means for You

As a prospective customer, you now have access to the combined expertise and resources of both ExploreLearning and Learning A-Z. Our authorized team members from both companies work together to support the full range of products and services we offer. This integration allows us to provide you with comprehensive educational technology solutions backed by the knowledge and experience of both organizations.

Your data will be managed by authorized and trained personnel from both companies, as well as by trusted third-party service providers who support our operations. All data handling follows applicable data privacy laws and our internal policies to ensure your information remains protected.

Agreement to Terms

By choosing to move forward with a relationship with ExploreLearning, Learning A-Z, or both, you acknowledge and agree to the integrated operational model under LAZEL, Inc. described above. This includes the shared support infrastructure, data management practices, and future purchasing processes.

Looking Ahead

Beginning in January 2026, you will be able to access the product and service offerings of both ExploreLearning and Learning A-Z through a dedicated account representative who can help you explore our comprehensive suite of educational solutions.

We are committed to making your experience with our integrated platform as seamless as possible and will continue to prioritize your educational needs throughout your journey with us.

Thank you for considering ExploreLearning and Learning A-Z as part of your educational journey.

ExploreLearning®
110 Avon Street
Charlottesville, VA 22902
866.882.4141
sales@explorelearning.com

SUMMARY OF CHECKS AND WIRES
November 28, 2025

COMPUTERIZED CHECK RUN

EDUCATION

Ed Fund CHECKS			Ed Fund ACH		
V207817-V207887			VA3895-VA3931		
Education	$	971,595.58	Education	$	283,933.02
Transportation	$	141,152.55	Transportation	$	5,986.40
Debt Service Fund			Debt Service Fund	$	2,507,794.78
Capital Projects			Capital Projects		
Life Safety			Life Safety		
Tort Immunity	$	38,745.00	Tort Immunity	$	1,466.00
	$	1,151,493.13		$	2,799,180.20
			TOTAL EDUCATION	**$**	**3,950,673.33**

O&M

O&M CHECKS			O&M Fund ACH		
B38773-B38805	$	264,001.70	BA577-BA584	$	27,170.85
			TOTAL O&M	**$**	**291,172.55**

HEALTH

Health Fund CHECKS	Health Fund ACH		
	TOTAL HEALTH	**$**	**-**

TOTAL COMPUTERIZED CHECK RUN	**$**	**4,241,845.88**

WIRES

Ed, Bldg, Tort Salary Checks	$	1,907,082.68
Federal Income Tax	$	257,304.00
OASDI/Medicare	$	156,282.08
State Withholdings	$	114,990.22
Teacher's Retirement Systems/IMRF	$	254,429.54
Employee Deductions	$	99,278.42
Benefits Payments		
TOTAL WIRES	**$**	**2,789,366.94**

GRAND TOTAL	**$**	**7,031,212.82**

ROCK ISLAND SCHOOLS

CHECK REGISTER FOR BH EDUCATION - VENDOR CHECKS - ACH

Report Code: AP_CHECKREG

CHECK NO.	CHECK DATE	TYPE	VENDOR TYPE - ID	VENDOR NAME	AMOUNT
3895	12/04/2025	ACH	P - 07843	BEIERLEIN, CHRISTINE M	40.25
3896	12/04/2025	ACH	P - 04858	CONAWAY, JEREMY A	35.42
3897	12/04/2025	ACH	P - 96007	LEE, MIRANDA L	154.33
3898	12/04/2025	ACH	P - 07846	MACKENNA, ELIZABETH A	222.88
3899	12/04/2025	ACH	P - 07108	MANWEILER, MATTHEW R	78.82
3900	12/04/2025	ACH	P - 06354	MATSON, VALERIE ANN	306.21
3901	12/04/2025	ACH	P - 96216	MINER, JAMIE L	11.98
3902	12/04/2025	ACH	P - 97388	RAMSEY, GLORIA J	36.00
3903	12/04/2025	ACH	P - 95799	ROHWER, AMY MARGARET	74.68
3904	12/04/2025	ACH	P - 06768	SCHULENBERG, ANN C	58.38
3905	12/04/2025	ACH	P - 07711	WEBER, AMANDA LYNNE	45.00

Total No. of Checks : 11				**Total Amount :**	**1,063.95**

CHECK REGISTER FOR BH EDUCATION - VENDOR CHECKS - CHECK

Report Code: AP_CHECKREG

CHECK NO.	CHECK DATE	TYPE	VENDOR TYPE - ID	VENDOR NAME	AMOUNT
207817	11/28/2025	Check	V - 21599	4IMPRINT, INC.	295.19
207818	11/28/2025	Check	V - 10245	ACT II TRANSPORTATION, INC.	6,735.00
207819	11/28/2025	Check	V - 11013	AFSCME COUNCIL 31	2,105.61
207820	11/28/2025	Check	V - 19097	ARMSTRONG SYSTEMS & CONSULTING	295.17
207821	11/28/2025	Check	V - 25721	AROUND THE HORN	5,500.00
207822	11/28/2025	Check	V - 21670	B.E. PUBLISHING	2,495.00
207823	11/28/2025	Check	V - 20275	BARNES & NOBLE	259.20
207824	11/28/2025	Check	V - 18615	BEARCOM	32,448.00
207825	11/28/2025	Check	V - 22296	BLITT AND GAINES, P.C.	303.74
207826	11/28/2025	Check	V - 22296	BLITT AND GAINES, P.C.	321.81
207827	11/28/2025	Check	V - 25948	CAMELOT THERAPEUTIC SCHOOLS, LLC	11,103.40
207828	11/28/2025	Check	V - 24698	CARTRIDGE INK QUAD CITIES	564.49
207829	11/28/2025	Check	V - 11364	CIRCA 21 DINNER PLAYHOUSE	210.00
207830	11/28/2025	Check	V - 26317	COLUMN SOFTWARE PBC	282.93
207831	11/28/2025	Check	V - 17527	EASTERN IOWA COMMUNITY COLLEGE	18.00
207832	11/28/2025	Check	V - 26462	EDUCATIONAL EPIPHANY LLC	15,000.00
207833	11/28/2025	Check	V - 10272	ERIKSEN CHEVROLET INC.	899.98
207834	11/28/2025	Check	V - 25837	ERNEST BEA JR.	30.00
207835	11/28/2025	Check	V - 24426	QUALITY GROUP	396.45
207836	11/28/2025	Check	V - 24084	FIRST	640.90
207837	11/28/2025	Check	V - 26250	FOLLETT CONTENT SOLUTIONS	133.60
207838	11/28/2025	Check	V - 16701	FRED J. MILLER INC.	845.06
207839	11/28/2025	Check	V - 24585	GALESBURG HIGH SCHOOL	144.00
207840	11/28/2025	Check	V - 15593	HUNGRY HOBO	173.97
207841	11/28/2025	Check	V - 11475	HY-VEE FOOD STORE	899.11
207842	11/28/2025	Check	V - 19444	IL ALLIANCE OF ADMINISTRATORS	2,050.00
207843	11/28/2025	Check	V - 12697	ILLINOIS DEPARTMENT OF	6,297.00
207844	11/28/2025	Check	V - 19730	ILLINOIS DEPARTMENT OF REVENUE	710.04
207845	11/28/2025	Check	V - 11230	ILLINOIS ASBO	500.00
207846	11/28/2025	Check	V - 19301	ILLINOIS ASSOCIATION FOR GIFTED CHILDREN	1,300.00
207847	11/28/2025	Check	V - 17211	ILLINOIS SCHOOL FOR THE	1,180.00
207848	11/28/2025	Check	V - 10441	JOHANNES BUS SERVICE INC.	149,372.44
207849	11/28/2025	Check	V - 19769	KIWANIS INTERNATIONAL - ROCK ISLAND	310.00
207850	11/28/2025	Check	V - 10300	SUMMIT FINANCIAL RESOURCES, L.P.	1,746.69
207851	11/28/2025	Check	V - 21997	LARSON EQUIPMENT & FURNITURE COMPANY	28,755.00
207852	11/28/2025	Check	V - 25974	LEARNWELL	2,298.24

CHECK REGISTER FOR BH EDUCATION - VENDOR CHECKS - CHECK

Report Code: AP_CHECKREG

CHECK NO.	CHECK DATE	TYPE	VENDOR TYPE - ID	VENDOR NAME	AMOUNT
207853	11/28/2025	Check	V - 20947	LOFFREDO FRESH PRODUCE CO., INC.	9,528.30
207854	11/28/2025	Check	V - 26438	LOGAN RIVER ACADEMY	20,183.18
207855	11/28/2025	Check	V - 26368	LOU FUSZ NISSAN OF MOLINE	384.44
207856	11/28/2025	Check	V - 15666	MIDWEST MAILWORKS, INC.	42.28
207857	11/28/2025	Check	V - 22505	MUSIC THEATRE INTERNATIONAL	400.00
207858	11/28/2025	Check	V - 10060	NORTH SCOTT COMM SCHL DIST	372.00
207859	11/28/2025	Check	V - 10613	OFFICE MACHINE CONSULTANT	593.00
207860	11/28/2025	Check	V - 26575	OVERDRIVE, INC.	506.29
207861	11/28/2025	Check	V - 19416	PAPA JOHN'S OF IOWA	6,689.50
207862	11/28/2025	Check	V - 10081	PIZZA & SUBS	128.30
207863	11/28/2025	Check	V - 26547	PROTOLIGHT, INC.	365.00
207864	11/28/2025	Check	V - 26425	QUAD CORPORATION INC	184.48
207865	11/28/2025	Check	V - 17693	PEORIA COUNTY REGIONAL OFFICE OF EDUCATION 48	105.00
207866	11/28/2025	Check	V - 11658	ROCK ISLAND FITNESS AND	865.08
207867	11/28/2025	Check	V - 13403	RIVER STONE GROUP, INC.	483.88
207868	11/28/2025	Check	V - 10721	ROCK ISLAND BOARD OF EDUCATION	58.00
207869	11/28/2025	Check	V - 18465	ROCK ISLAND SCHOOL DISTRICT 41	791,167.02
207870	11/28/2025	Check	V - 10476	SCHOOL SPECIALTY, INC.	73.16
207871	11/28/2025	Check	V - 25582	SCOTT COUNTY SHERIFF	154.01
207872	11/28/2025	Check	V - 25582	SCOTT COUNTY SHERIFF	312.51
207873	11/28/2025	Check	V - 26148	SMART SYSTEMS, INC.	28,710.00
207874	11/28/2025	Check	V - 26412	STAND FOR CHILDREN LEADERSHIP CENTER, INC	525.00
207875	11/28/2025	Check	V - 25874	SWANK K-12 STREAMING	1,737.00
207876	11/28/2025	Check	V - 24190	SWEETWATER SOUND, LLC	478.80
207877	11/28/2025	Check	V - 24241	TEACHER INNOVATIONS, INC	306.00
207878	11/28/2025	Check	V - 25298	ARC OF THE QUAD CITIES AREA	60.00
207879	11/28/2025	Check	V - 20539	TRANSITIONS	415.00
207880	11/28/2025	Check	V - 26017	TROPHY WORLD, INC.	1,026.20
207881	11/28/2025	Check	V - 26582	TWISTED PLAYS	65.00
207882	11/28/2025	Check	V - 24290	UNITY POINT HEALTH-TRINITY MEDICAL CTR	4,175.00
207883	11/28/2025	Check	V - 25313	UPSLOPE SOLUTIONS	195.00
207884	11/28/2025	Check	V - 25664	VARSITY YEARBOOK	3,048.52
207885	11/28/2025	Check	V - 14349	VIRCO INC	992.16
207886	11/28/2025	Check	V - 24843	WI SCTF	100.00
207887	11/28/2025	Check	V - 26532	WORLD'S FINEST CHOCOLATE, INC	444.00

Total No. of Checks : 71 **Total Amount : 1,151,493.13**

ROCK ISLAND SCHOOLS

CHECK REGISTER FOR BH OBM - OBM CHECKS - ACH

Report Code: AP_CHECKREG

CHECK NO.	CHECK DATE	TYPE	VENDOR TYPE - ID	VENDOR NAME	AMOUNT
577	12/04/2025	ACH	P - 96790	LOHMANN, RALPH AUGUST	7.77

Total No. of Checks : 1 **Total Amount : 7.77**

ROCK ISLAND SCHOOLS

CHECK REGISTER FOR BH OBM - OBM CHECKS - CHECK

Report Code: AP_CHECKREG

CHECK NO.	CHECK DATE	TYPE	VENDOR TYPE - ID	VENDOR NAME	AMOUNT
38773	11/28/2025	Check	V - 10018	ADEL WHOLESALERS, INC.	50.19
38774	11/28/2025	Check	V - 26387	ADVANTAGE	4,039.26
38775	11/28/2025	Check	V - 10409	AT&T	275.76
38776	11/28/2025	Check	V - 12747	B & B HARDWARE	51.88
38777	11/28/2025	Check	V - 22320	BI-STATE MASONRY, INC.	1,962.00
38778	11/28/2025	Check	V - 26561	BOXHUB	4,835.00
38779	11/28/2025	Check	V - 25870	CAMPOS #3 INC	52.00
38780	11/28/2025	Check	V - 26556	CONNOR CO	657.98
38781	11/28/2025	Check	V - 26490	CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC.	80.66
38782	11/28/2025	Check	V - 15518	CRAWFORD COMPANY	4,020.39
38783	11/28/2025	Check	V - 26566	D.S. EXCAVATING LTD	3,395.00
38784	11/28/2025	Check	V - 26262	FILTERBUY INC.	428.64
38785	11/28/2025	Check	V - 12258	GLASS SERVICE CENTER, INC.	535.00
38786	11/28/2025	Check	V - 26511	H-H INCORPORATED OF IOWA	2,153.48
38787	11/28/2025	Check	V - 23083	INTERSTATE BATTERY OF THE QUAD CITIES	313.90
38788	11/28/2025	Check	V - 10369	IOWA INTERSTATE RAILROAD CO.	1,021.70
38789	11/28/2025	Check	V - 23698	J.L. BRADY COMPANY, LLC	66,887.00
38790	11/28/2025	Check	V - 18292	LOWE'S	33.14
38791	11/28/2025	Check	V - 26488	MECHANICAL SERVICE, INC.	4,394.00
38792	11/28/2025	Check	V - 14673	MENARDS, INC.	171.66
38793	11/28/2025	Check	V - 10428	MIDAMERICAN ENERGY COMPANY	60,131.92
38794	11/28/2025	Check	V - 25119	O'REILLY AUTO PARTS	15.48
38795	11/28/2025	Check	V - 26199	ON-SITE DRAPERY CLEANERS	4,667.94
38796	11/28/2025	Check	V - 24758	PILLAR EQUIPMENT, INC	294.52
38797	11/28/2025	Check	V - 16700	PIONEER ATHLETICS	52.22
38798	11/28/2025	Check	V - 15355	POOLS WELDING	150.00
38799	11/28/2025	Check	V - 10722	CITY OF ROCK ISLAND	14,248.17
38800	11/28/2025	Check	V - 18465	ROCK ISLAND SCHOOL DISTRICT 41	35,012.17
38801	11/28/2025	Check	V - 23239	RUSSELL CONSTRUCTION COMPANY	52,690.50
38802	11/28/2025	Check	V - 23326	SHERWIN WILLIAMS	98.30
38803	11/28/2025	Check	V - 11412	STECKER GRAPHICS	300.00
38804	11/28/2025	Check	V - 23154	STUARD & ASSOCIATES, INC.	125.00
38805	11/28/2025	Check	V - 21614	THOMPSON ELECTRONICS COMPANY	856.84

Total No. of Checks : 33 **Total Amount : 264,001.70**

Report Code: AP_CHECKREG

Search Criteria:

Fiscal Year	**: 2026**
FY Period - Task	**: 5 - A4**
Start Due Date	**: None**
End Due Date	**: None**
Check Date	**: 11/28/2025**
Reprint Check Date	**: None**
Separate Check for Each Fund	**: No**
Group By	**: FIN_INST_ACCT_ID, FIN_INST_TRAN_SOURCE**
Sort By	**: VENDOR_SHORT_NAME**
Sort Employee Checks By Pay Location	**: No**

ROCK ISLAND SCHOOLS

CHECK REGISTER FOR BH EDUCATION - VENDOR CHECKS - ACH

Report Code: AP_CHECKREG

CHECK NO.	CHECK DATE	TYPE	VENDOR TYPE - ID	VENDOR NAME	AMOUNT
3906	12/04/2025	ACH	V - 25713	AMALGAMATED BANK OF CHICAGO	2,507,794.78
3907	12/04/2025	ACH	V - 25525	AMAZON.COM SERVICES, INC.	31,027.23
3908	12/04/2025	ACH	V - 24888	AMPLIFY EDUCATION INC	347.20
3909	12/04/2025	ACH	V - 26513	BSN SPORTS LLC	1,945.77
3910	12/04/2025	ACH	V - 17243	CDW GOVERNMENT, INC.	39.87
3911	12/04/2025	ACH	V - 24368	WRIGHT SPECIALTY INSURANCE AGENCY, LLC	1,466.00
3912	12/04/2025	ACH	V - 25711	CULLIGAN OF DAVENPORT	64.55
3913	12/04/2025	ACH	V - 18471	DELL INC.	12,842.00
3914	12/04/2025	ACH	V - 10221	DEMCO EDUCATIONAL CORP.	172.17
3915	12/04/2025	ACH	V - 25049	GREAT MINDS PBC	44,057.56
3916	12/04/2025	ACH	V - 10355	HANDY TRUE VALUE HARDWARE	21.99
3917	12/04/2025	ACH	V - 12439	ILLINOIS PRINCIPALS ASSOCIATION	1,248.00
3918	12/04/2025	ACH	V - 24908	KOHL WHOLESALE	128,342.29
3919	12/04/2025	ACH	V - 25154	LEXIA LEARNING SYSTEMS LLC	1,840.00
3920	12/04/2025	ACH	V - 15989	MAINSTREAMUSA INC.	7,405.93
3921	12/04/2025	ACH	V - 26008	PAN-O-GOLD BAKING CO.	4,119.40
3922	12/04/2025	ACH	V - 25751	QUALITY CONTROLLED STAFFING, INC.	5,986.40
3923	12/04/2025	ACH	V - 12585	S.J. SMITH CO., INC.	221.78
3924	12/04/2025	ACH	V - 19712	STAPLES ADVANTAGE	395.65
3925	12/04/2025	ACH	V - 26553	TEST INC AND QC ANALYTICAL	1,248.00
3926	12/04/2025	ACH	V - 18768	TRI-CITY ELECTRIC CO. OF IOWA	3,945.00

Total No. of Checks : 21				**Total Amount :**	**2,754,531.57**

ROCK ISLAND SCHOOLS

CHECK REGISTER FOR BH OBM - OBM CHECKS - ACH

Report Code: AP_CHECKREG

CHECK NO.	CHECK DATE	TYPE	VENDOR TYPE - ID	VENDOR NAME	AMOUNT
578	12/04/2025	ACH	V - 25525	AMAZON.COM SERVICES, INC.	1,081.79
579	12/04/2025	ACH	V - 17235	GREENWOOD CLEANING SYSTEMS, IN	5,403.22
580	12/04/2025	ACH	V - 10355	HANDY TRUE VALUE HARDWARE	300.06
581	12/04/2025	ACH	V - 24527	JOHNSON CONTROLS FIRE PROTECTION HOLDINGS LLC	3,155.75
582	12/04/2025	ACH	V - 10568	KONE INC.	529.70
583	12/04/2025	ACH	V - 24232	LAKEWOOD ELECTRIC & GENERATOR SVC, INC	15,768.00
584	12/04/2025	ACH	V - 23695	MIDWEST ALARM SERVICES	924.56

Total No. of Checks : 7 **Total Amount : 27,163.08**

Report Code: AP_CHECKREG

Search Criteria:

Fiscal Year	**: 2026**
FY Period - Task	**: 5 - A5**
Start Due Date	**: None**
End Due Date	**: None**
Check Date	**: 11/28/2025**
Reprint Check Date	**: None**
Separate Check for Each Fund	**: No**
Group By	**: FIN_INST_ACCT_ID, FIN_INST_TRAN_SOURCE**
Sort By	**: VENDOR_SHORT_NAME**
Sort Employee Checks By Pay Location	**: No**

ROCK ISLAND SCHOOLS

CHECK REGISTER FOR BH EDUCATION - VENDOR CHECKS - ACH

Report Code: AP_CHECKREG

CHECK NO.	CHECK DATE	TYPE	VENDOR TYPE - ID	VENDOR NAME	AMOUNT
3927	12/02/2025	ACH	V - 26444	AMERITAS LIFE INSURANCE CORP	19,436.78
3928	12/02/2025	ACH	V - 26020	ANNA THIRTYACRE	300.00
3929	12/02/2025	ACH	V - 26278	COMBINED INSURANCE COMPANY OF AMERICA	1,281.79
3930	12/02/2025	ACH	V - 11015	IMRF ACCOUNT	11,905.41
3931	12/02/2025	ACH	V - 26286	RELIANCE STANDARD LIFE INSURANCE COMPANY	10,660.70

Total No. of Checks : 5 **Total Amount : 43,584.68**

Report Code: AP_CHECKREG

Search Criteria:

Fiscal Year	**: 2026**
FY Period - Task	**: 5 - A6**
Start Due Date	**: None**
End Due Date	**: None**
Check Date	**: 11/28/2025**
Reprint Check Date	**: None**
Separate Check for Each Fund	**: No**
Group By	**: FIN_INST_ACCT_ID, FIN_INST_TRAN_SOURCE**
Sort By	**: VENDOR_SHORT_NAME**
Sort Employee Checks By Pay Location	**: No**

RIMSD 41 List of Donations 12.09.2025				
Donor	**Date**	**Amount**	**School**	**Purpose**
Anonymous	11/13/2025	$200.00	RIHS	Boys Soccer Team - to State
ACT 2 - Rick Lawson	11/6/2025	$300.00	RIHS	Boys Soccer Team - to State
McKenzie & Michael Mathews	11/25/2025	$50.00	RIHS	Rocky Resource Room
Karli Meyer	11/22/2025	$80.00	RIHS	Rocky Resource Room
Anonymous	11/22/2025	$1,200.00	RIHS	Rocky Resource Room
		$1,830.00		

Proposal for Overnight/Extended Student Trips (Athletic)

Email Address	*joel.stockwell@rimsd41.org*
Type of Trip	*Wrestling*
Proposed Departure Date	*Jan 16, 2026*
Return Date	*Jan 17, 2026*
Proposer	*Joel Stockwell*
School	*RIHS*
Position	*Head Coach*
Date By Which Response Is Needed	*Dec 16, 2025*
What is the major place to be visited or event to be attended?	*Champaign Illinois*
How is the trip related to the educational program of the District?	*University of Illinois Campus Tour*
In what ways will the students benefit?	*Exposure to a college campus. Seeing the State Farm Center which is where they will wrestle if the qualify for the State Tournament.*
In what ways will the District benefit?	*Positive exposure of the Rock Island brand. Students will be exposed to college and hopefully plant a seed to encourage them to continue their education post high school.*
How will the trip be evaluated to determine the extent to which these benefits were realized?	*Direct observation, group discussion, survey.*
Which students (grade, class, or organization) will be going?	*Varsity wrestlers, managers*
How many students in total?	*18*
How many students are currently experiencing academic problems?	*None*
Which staff members will be in charge?	*Joel Stockwell, Jake Boyd*
What previous experience has the staff member had in conducting overnight or extended field trips?	*Over 20 years of experience.*
What other staff members will be going?	*None*

Email Address	*joel.stockwell@rimsd41.org*
Type of Trip	*Wrestling*
Proposed Departure Date	*Jan 16, 2026*
Return Date	*Jan 17, 2026*
How many chaperones, in addition to staff members, will be going?	*None*
What are their names and affiliations with the students?	*N/A*
How many days of school will be missed?	*1*
How will teachers be advised in advance that the students will be out of school?	*Email*
How will missed work be made up?	*Students will coordinate with their teachers prior to leaving.*
What special assistance will be provided to students with academic problems?	*Tutoring*
What is the destination?	*Champaign, Illinois and Mahomet, Illinois*
What will be the mode of transportation? What liability insurance does the carrier have?	*Bus*
Where will the group be housed and fed?	*Country Inn and Suites, Champaign*
What enroute or supplementary activities are planned?	*Tour of the University Campus including the State Farm Center, Practice at the U of I Wrestling Room.*
What arrangements have been made for dealing with emergency situations?	*Student emergency folders*
If tour guides are involved, what liability insurance do they carry?	*N/A*
What is the estimated total cost and cost per student?	*$150*
What is the source of funds?	*School will cover transportation. The Rock Island Wrestling Club will cover the cost of food and lodging.*
How will the funds be collected and safeguarded?	*No funds will be collected.*
How will any shortfall be made up or excess funds used?	*Rock Island Wrestling Club*

Email Address	*joel.stockwell@rimsd41.org*
Type of Trip	*Wrestling*
Proposed Departure Date	*Jan 16, 2026*
Return Date	*Jan 17, 2026*
What provision has been made for students who are financially unable to pay any necessary costs?	*N/A*
How will you communicate to parents prior to, during, and after the trip?	*Group Me*
List telephone numbers at destination where group will be housed.	*(217) 355-6666*
What information will be provided to the media and the community?	*Results*
Athletic Director Approval (Athletic trips only)	Approved by *Mike Emendorfer*
Principal approval	Approved by *Patricia Ulrich*
Superintendent/Designee approval	Approved by *Scott Vance* on Nov 17, 2025 13:37
Signature of School Board Representative	

Personnel Recommendations
Board of Education Meeting
December 9, 2025

Non-Certified Appointments

It is recommended that the Board of Education approve the following non-certified appointments for the 2025-26 school year.

Christopher Fischer -	Special Education Paraprofessional at Thomas Jefferson Elementary School Salary - $19.62/hour
Shatoya Jones -	Paraprofessional at Washington Junior High School Salary - $19.62/hour
Niang Man -	Head Start Assistant Teacher at Horace Mann Early Learning Center Salary - $18.63/hour
Charles Pugh -	Security Personnel (Hall Monitor) at Rock Island High School Salary - $21.68/hour
Misty Slininger -	Head Start Assistant Teacher at Horace Mann Early Learning Center Salary - $19.00/hour
Lisa West -	Server at Rock Island High School Salary - $15.86/hour

Certified Coach Resignation

It is recommended that the Board of Education accept the following certified coach resignation during the 2025-26 school year.

Staff Member	Current Position	Years of Continuous Service
Laurie Vroman	Esports Coach at Rock Island High School	3.5 Years Effective 11/22/2025

Non- Certified Retirements

It is recommended that the Board of Education accept the following non-certified retirements during the 2025-26 school year.

Staff Member	Current Position	Years of Continuous Service
Diana Bush	Library Aide at Ridgewood Elementary School	29 Years Effective 06/30/2026
Lisa Donelson	Paraprofessional at Rock Island High School	28 Years Effective 06/30/2026
Cynthia Jennings	Special Education Paraprofessional at Earl Hanson Elementary School	13 Years Effective 12/31/2025

Sharon Williams, Ed.D.
Superintendent of Schools

To:	RIMSD 41 Board of Education
From:	Dr. Sharon Williams
Cabinet Champion:	Annaka Whiting, Chief Financial Officer
Date:	December 9, 2025
Re:	School Building Maintenance Project Grant

We are seeking approval to apply for the Fiscal Year 2026 Round 1 School Maintenance Project Grant through the Illinois State Board of Education. The application period is open through 4 p.m. Friday, January 30, 2026, and must be submitted through the School Maintenance Project Grants system accessed via IWAS by the January 30th deadline.

This grant is a competitive dollar-for-dollar state matching program that provides awards up to $50,000 to grantees exclusively for the maintenance or upkeep of buildings or structures for educational purposes. Applicants must provide a local match equal to the grant amount requested and submission of a grant application does not guarantee funding.

Staff recommends that the funding be used for the Building Automation System (BAS) Replacement Project at the Rock Island Center for Math and Science (RICMS). The project is anticipated to be bid and awarded in the spring, with work completed over the summer.

The current cost estimate is $105,082. This project addresses an outdated and partially functioning BAS that has led to temperature inconsistencies and inefficient heating and cooling. Since the school opened, it has relied on a fragmented system that no longer meets district standards.

Upgrading the BAS will align RICMS with districtwide technology expectations, enable full remote monitoring and scheduling capabilities, improve energy efficiency, reduce operational costs, and support a more stable and comfortable learning environment.

Per grant requirements, no work may begin prior to submission of the grant application. Once bids are received, staff will present a recommendation to the Board for approval prior to work beginning, pending final grant award. All project activities must be expended or legally obligated within two years of state disbursement.

Investment Period:	**SY 2025-2026**
Total Investment:	**Approx. $55,000**
Funding Source:	**School Maintenance Project Grant**

Rock Island-Milan School District #41
2000 7th Avenue, Rock Island, IL 61201
309-793-5900 x10210 | 309-793-5905 fax
Sharon.williams@rimsd41.org
www.rimsd41.org

SCHOOL MAINTENANCE PROJECT GRANT

FY 26 Application Cycle - Round 1

District Certification

Name : Rock Island SD 41

RCDT #: 49-081-0410-25

TIN #: 366005357

The submissions made to the Illinois State Board of Education by the applicant and the terms and conditions described in the Grant Application Certifications and Assurances and the Program Specific and Financial Assurances of this application shall constitute the grant agreement between the applicant and the Illinois State Board of Education for the use of the funds to complete the projects described in the “Work Item Listing” section of the School Maintenance Project Grant Application. This grant agreement shall be deemed to be entered into when the application has been approved by the Illinois State Board of Education. This grant agreement constitutes the entirety of the agreement between the parties and supersedes any other agreement or communication, whether written or oral, relating to the award of the grant funds. The person submitting this application on behalf of the applicant certifies and assures the Illinois State Board of Education that he or she has been duly authorized to file this application for and on behalf of the applicant, is the authorized representative of the applicant in connection with this grant agreement, and that he or she is authorized to execute these Certifications and Assurances and Standard Terms of the Grant on behalf of the applicant. Further, the person submitting this application on behalf of the applicant certifies under oath that all information in the grant agreement is true and correct to the best of his or her knowledge, information and belief, that grant funds shall be used only for the purposes described in this agreement, and that the award of this grant is conditioned upon this certification.

The authorized representative of the applicant who will affix his or her signature below certifies that he or she has read, understood and will comply with all of the provisions of the following certifications and assurances.

The person approving these Certifications, Assurances and Standard Terms of the Grant hereby certifies and assures the Illinois State Board of Education that the person submitting the final application on behalf of the applicant (and thereby executing the grant agreement with the Illinois State Board of Education) has the necessary legal authority to do so. (v2.23.2017)

The person approving this application certifies (1) to the statements contained in the list of certifications, and (2) that the statements herein are true, complete and accurate to the best of his/her knowledge. He/she also provided the required assurances titled “Grant Application Certifications and Assurances, and Standard Terms for the School Maintenance Project Grant” and “Program Specific and Financial

Assurances for the School Maintenance Project Grant" (found within the application under "Application Certifications and Assurances") and agrees to comply with any resulting terms if an award is accepted. He/she is aware that any false, fictitious, or fraudulent statements or claims may subject him/her to criminal, civil or administrative penalties. (U.S. Code, Title 18, Section 1001). The list of certification and assurances is included below.

By submitting this form, I certify to the above and that the local board of education or other school governing authority has authorized the school maintenance project during a duly convened meeting, and has reserved local funds to meet the local match requirement. In addition, the applicant has not obligated funds or begun work on any of the projects listed on this application prior to the submission of this application. Signing below certifies that he or she has read, understood, and will comply with all the provisions of the following:

• Grant Application Certifications and Assurances, and Standard Terms for the School Maintenance Project Grant, and

• Program-Specific and Financial Assurances for the School Maintenance Project Grant.

_____ _____

Signature of President of Board of Education *Date*

_____

Name of Board President (type or print)

A copy of this form signed by the President of the Board of Education AND the Taxpayer Identification Number Form MUST be printed, signed, and attached as a PDF under the Application Required Attachments before your application can be approved. No application will be processed without these two signed attachments.

Rock Island-Milan School District No. 41

Investment & Financial Report

for Quarter Ended
September 30, 2025

Presented to Board of Education:
December 9, 2025
Prepared by: Annaka Whiting

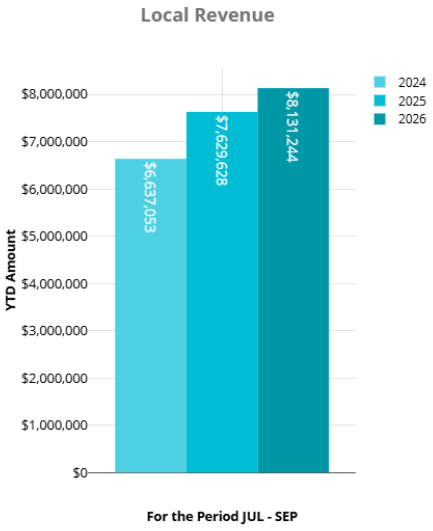
Financial Report

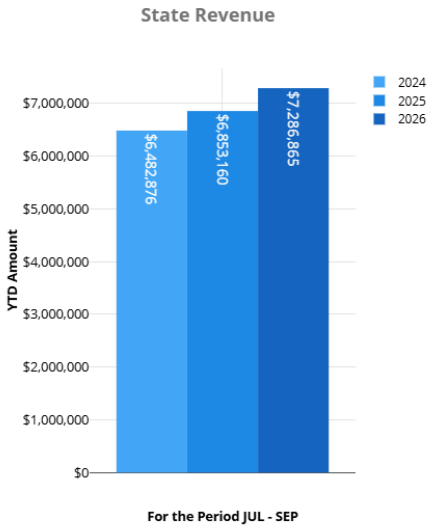
The District prepares quarterly financial reports to provide the Board of Education and the community with a clear, timely, and transparent view of the District's financial position. These reports highlight trends in revenues, expenditures, and fund balances, equipping decision-makers with the information necessary to monitor financial stability and guide long-term planning.

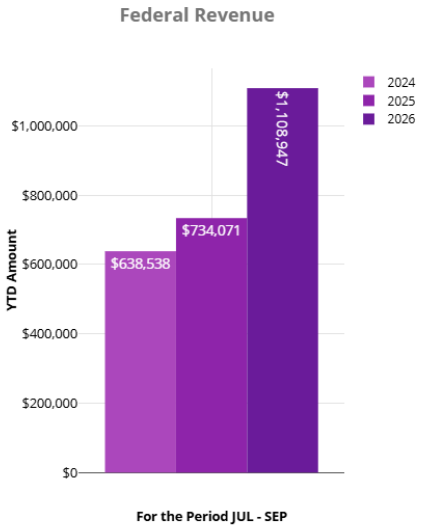
Quarterly reports focus on the Operating Funds; Educational, Operations & Maintenance, Transportation, Illinois Municipal Retirement & Social Security, Working Cash, and Tort, as these funds support the District's core services, account for the majority of recurring revenues and expenditures, and offer the most accurate measure of overall financial health. Other funds, including Debt Service and Capital Projects, are excluded because their restricted or irregular activity may distort ongoing financial trends.

Rock Island SD 41
Year to Date Revenue Overview - Operating Funds*
September 2025

Local Revenue	State Revenue	Federal Revenue
$8,131,244	**$7,286,865**	**$1,108,947**
16.65% of Budget	17.87% of Budget	7.29% of Budget







	FY 2024 YTD Amount	FY 2025 YTD Amount	FY 2026 YTD Amount	FY 2026 Annual Budget	FY 2026 % YTD Budget
LOCAL REVENUE					
1100 Ad Valorem Taxes	$5,204,925	$6,513,733	$7,270,359	$38,816,355	18.73%
1200 Payments in Lieu of Taxes	$401,914	$300,927	$189,268	$5,940,360	3.19%
1500 Earnings on Investments	$574,918	$563,754	$457,333	$2,361,220	19.37%
1600 Food Service	$12,415	$23,863	$15,928	$82,300	19.35%
1900 Other Revenue from Local Sources	$368,507	$164,924	$137,790	$1,511,799	9.11%
ALL OTHER LOCAL REVENUE	$74,375	$62,427	$60,566	$128,040	47.30%
TOTAL LOCAL REVENUE	$6,637,053	$7,629,628	$8,131,244	$48,840,074	16.65%
STATE REVENUE					
3000 Unrestricted Grants-in-Aid	$6,276,196	$6,567,852	$7,106,024	$39,083,140	18.18%
3100 Special Education	$112,774	$145,947	$92,688	$221,000	41.94%
3300 Bilingual Education	$50,028	$20,820	$0	$96,830	0.00%
3500 State Transportation Reimbursement	$0	$0	$0	$691,205	0.00%
ALL OTHER STATE REVENUE	$43,878	$118,541	$88,153	$680,775	12.95%
TOTAL STATE REVENUE	$6,482,876	$6,853,160	$7,286,865	$40,772,950	17.87%
TOTAL FEDERAL REVENUE	$638,538	$734,071	$1,108,947	$15,212,121	7.29%
TOTAL REVENUE	**$13,758,467**	**$15,216,859**	**$16,527,056**	**$104,825,145**	**15.77%**
OTHER FINANCING SOURCES	$0	$0	$0	$0	0.00%
TOTAL REVENUE & OTHER FINANCING SOURCES	**$13,758,467**	**$15,216,859**	**$16,527,056**	**$104,825,145**	**15.77%**

Revenue Insight:

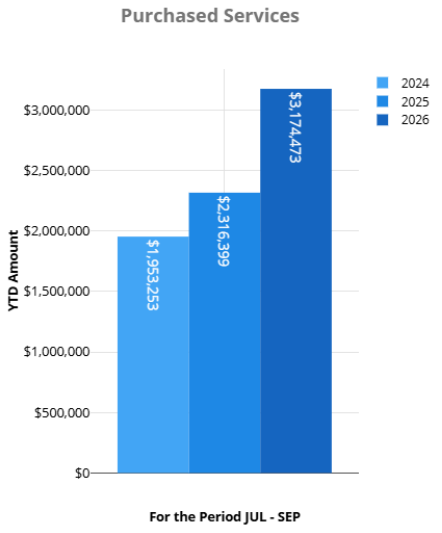
Operating Funds (excluding transfers) YTD revenues totaled $16,527,055 through September 2025, which is $1,310,197 or 7.9% more than the amount received last year for this period. The YTD difference is driven by an increase in 1000 Local Sources of $501,616, an increase in 3000 State Sources of $433,705, and an increase in 4000 Federal Sources of $374,876.

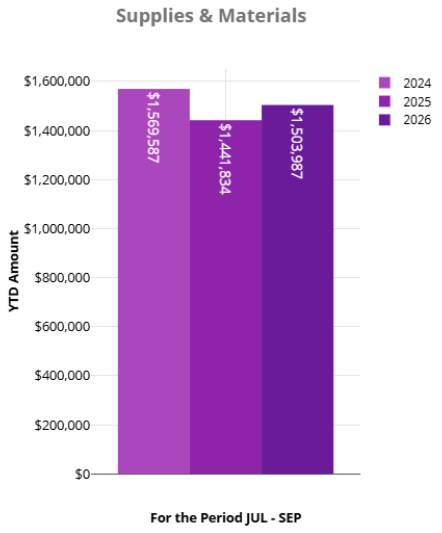
*Operating Funds = Educational, Operations & Maintenance, Transportation, Illinois Municipal Retirement & Social Security, Working Cash, Tort

Rock Island SD 41
Year to Date Expense Overview - Operating Funds*
September 2025

Salaries and Benefits	Purchased Services	Supplies & Materials
$15,467,304	**$3,174,473**	**$1,503,987**
18.81% of Budget	25.53% of Budget	25.18% of Budget







	FY 2024 YTD Amount	FY 2025 YTD Amount	FY 2026 YTD Amount	FY 2026 Annual Budget	FY 2026 % YTD Budget
SALARIES AND BENEFITS					
100 Salaries	$10,505,046	$11,085,553	$11,978,860	$64,691,248	18.52%
200 Benefits	$2,907,247	$3,188,512	$3,488,443	$17,526,570	19.90%
TOTAL SALARIES AND BENEFITS	$13,412,293	$14,274,065	$15,467,303	$82,217,818	18.81%
OTHER EXPENSES					
300 Purchased Services	$1,953,253	$2,316,399	$3,174,473	$12,434,904	25.53%
400 Supplies & Materials	$1,569,587	$1,441,834	$1,503,987	$5,972,902	25.18%
500 Capital Outlay	$761,908	$807,352	$-3,146	$948,775	-0.33%
600 Other Objects	$78,837	$31,240	$108,456	$1,837,699	5.90%
700 Non-Capitalized Equipment	$87,848	$64,970	$1,066,801	$1,297,398	82.23%
800 Termination Benefits	$0	$0	$0	$0	0.00%
TOTAL OTHER EXPENSES	$4,451,433	$4,661,795	$5,850,571	$22,491,678	26.01%
TOTAL EXPENSES	**$17,863,726**	**$18,935,860**	**$21,317,874**	**$104,709,496**	**20.36%**
OTHER FINANCING USES	$0	$0	$0	$0	0.00%
TOTAL EXPENSES & OTHER FINANCING USES	**$17,863,726**	**$18,935,860**	**$21,317,874**	**$104,709,496**	**20.36%**

Expense Insights:

Operating Funds (excluding transfers) YTD expenses totaled $21,317,874 through September 2025, which is $2,382,015 or 11.2% more than the amount spent last year for this period. The YTD difference is driven by an increase in 700 Non-Capitalized Equipment of $1,001,831, an increase in 100 Salaries of $893,307, and an increase in 300 Purchased Services of $858,074.

*Operating Funds = Educational, Operations & Maintenance, Transportation, Illinois Municipal Retirement & Social Security, Working Cash, Tort

Investment Report Summary

In December 1999, the Board of Education adopted Policy 6144 and Administrative Guidelines 6144, ensuring the District's compliance with SB1555. This legislation required public entities to establish policies and procedures for managing public funds under their custody and control.

As part of these guidelines, a quarterly investment report must be provided to the Board of Education. Enclosed is the report for the unaudited quarter ending September 30, 2025. The guidelines also specify a benchmark for the investment portfolio, which is the 90-day Treasury bill rate. All investments are collateralized by FDIC insurance and/or a perfected security interest, with collateral valued at 110% of the investment and marked to the market rate of the pledged assets.

The portfolio's cash and investment balance increased by $51,895,787 from the balance as of September 30, 2025. This increase is due to the sale of the Working Cash Fund Bond, but for the bond issuance, there would have been a decrease of $2,473,387 from the previous year.

	September 30, 2025			September 30, 2024		
Fund	**Cash/Invest**	**w/o cash**	**x-Mat**	**Cash/Invest**	**w/o cash**	**x-Mat**
Education	$42,462,125	3.34%	1	$39,542,435	3.97%	1
O & M	$4,503,826	3.57%	1	$6,823,313	4.33%	1
Bond & Int	$1,399,718	3.66%	1	$2,130,021	4.32%	1
Transportation	$2,580,212	3.57%	1	$2,534,422	4.32%	1
IMRF	$2,287,249	3.58%	1	$3,044,616	4.33%	1
Capital Proj	$69,698,594	4.02%	1	$16,119,268	4.64%	1
Tort	$1,156,011	3.57%	1	$2,002,656	4.32%	1
Life/Safety	$180,809	3.58%	1	$176,025	3.78%	1
Totals/Avgs	**$124,268,544**	**3.75%**	**1**	**$72,372,757**	**4.20%**	**1**

Portfolio rates are slightly lower with an average of 3.75% compared to that of the previous quarter ending June 30, 2025 at 3.85%. The district's portfolio shows 53.6% of funds held locally at Blackhawk Bank, with the remaining 46.4% split between Illinois Funds (0.60%) and PMA (45.8%). T-bill rates ranged from a high of 4.35% mid-quarter to 3.96% at quarter's end. Overall, investing funds continues to yield a higher return than keeping money in local accounts.

The portfolio is divided as follows: 68.1% in Checking/Money Market Accounts, 31.9% in REPO Accounts, and 0% in Commercial Paper or Certificates of Deposit. At quarter-end, the Rock Island-Milan School District portfolio is underperforming the benchmark by 0.12% with cash, 0.21% without cash, compared to the T-bill rate. It is important to note that during periods of declining rates, the portfolio rate of return typically outperforms the market. However, when rates start to rise after a decline, the portfolio will generally underperform the benchmark due to the timing of investments.

Performance over the past four quarters is presented below, including the portfolio's average rate of return and average maturity, with cash excluded from the calculation.

	September 30, 2025			June 30, 2025		
Fund	**Cash/Invest**	**w/o cash**	**x-Mat**	**Cash/Invest**	**w/o cash**	**x-Mat**
Education	$42,462,125	3.34%	1	$41,612,386	3.43%	1
O & M	$4,503,826	3.57%	1	$4,478,928	3.66%	1
Bond & Int	$1,399,718	3.56%	1	$485,170	3.66%	1
Transportation	$2,580,212	3.57%	1	$2,240,200	3.66%	1
IMRF	$2,287,249	3.58%	1	$2,666,994	3.66%	1
Capital Proj	$69,698,594	4.02%	1	$68,266,064	4.13%	1
Tort	$1,156,011	3.57%	1	$827,156	3.66%	1
Life/Safety	$180,809	3.58%	1	$179,191	3.66%	1
Totals/Avgs	**$124,268,544**	**3.75%**	**1**	**$120,756,087**	**3.85%**	**1**

	March 31, 2025			December 31, 2024		
Fund	**Cash/Invest**	**w/o cash**	**x-Mat**	**Cash/Invest**	**w/o cash**	**x-Mat**
Education	$41,586,615	3.43%	1	$31,637,256	3.40%	1
O & M	$4,478,928	3.66%	1	$5,924,400	3.78%	1
Bond & Int	$485,170	3.66%	1	$2,817,472	3.78%	1
Transportation	$2,240,200	3.66%	1	$2,830,653	3.78%	1
IMRF	$2,666,994	3.66%	1	$2,880,167	3.78%	1
Capital Proj	$68,233,484	4.15%	1	$17,784,602	3.82%	1
Tort	$827,156	3.66%	1	$2,313,203	3.78%	1
Life/Safety	$179,191	3.66%	1	$176,025	3.78%	1
Totals/Avgs	**$120,697,737**	**3.86%**	**1**	**$66,363,779**	**3.61%**	**1**

The investment report provides data by fund, with each fund invested to meet the criteria of liquidity, safety, and return on investment. The graphs presented include all cash within each fund, including cash on deposit to cover ongoing current expenses. The Education Fund incorporates the investment of the Working Cash Fund, while all other funds are invested individually.

Below is a chart displaying the balances, average investment rate (both with and without cash in the checking accounts), the benchmark, and the average maturity of the portfolio (x-Mat):

		Portfolio Avg. Return				T-Bill
Fund	**Cash/Invest**	**w/cash**	**x-Mat**	**w/o cash**	**x-Mat**	**Rate**
Education	$42,462,125	3.62%	1	3.34%	1	3.96%
O & M	$4,503,826	3.57%	1	3.57%	1	3.96%
Bond & Int	$1,399,718	3.66%	1	3.56%	1	3.96%
Transportation	$2,580,212	3.57%	1	3.57%	1	3.96%
IMRF	$2,287,249	3.58%	1	3.58%	1	3.96%
Capital Proj	$69,698,594	4.02%	1	4.02%	1	3.96%
Tort	$1,156,011	3.57%	1	3.57%	1	3.96%
Life/Safety	$180,809	3.58%	1	3.58%	1	3.96%
Totals/Avgs	**$124,268,544**	**3.84%**	**1**	**3.75%**	**1**	**3.96%**

From the chart, the aggregate portfolio, excluding cash in the calculation, is underperforming the benchmark (T-bill Rate) by 0.21%. The portfolio's average maturity is 89 days shorter than the benchmark (90-day Treasury bill).

- **Education Fund**: The portfolio is below the benchmark by 0.34% with operating cash included, and by 0.62% with cash excluded. The average maturity is 89 days below the benchmark, both with and without cash in the calculation. The portfolio consists entirely of cash (100%), with no investments in Commercial Paper or Certificates of Deposit.

- **O & M Fund**: The portfolio is underperforming the benchmark by 0.39% with operating cash included, and by 0.39% when cash is excluded. The average maturity is 89 days shorter than the benchmark, regardless of whether cash is included. This portfolio consists of 100% cash, with no Commercial Paper or Certificates of Deposit.

- **Bond & Interest Fund**: The current portfolio is performing 0.30% below the benchmark. However, this fund is more of a pass-through, in which money flows in and out to make scheduled debt payments, so investment returns are less of a focus.

- **Transportation Fund**: The portfolio is underperforming the benchmark by 0.39% with operating cash included, and by 0.39% with cash excluded. The average maturity is 89 days shorter than the benchmark in both cases.

- **IMRF Fund**: The portfolio is 0.38% below the benchmark when cash is included, and 0.38% below when cash is excluded. The average maturity is 89 days shorter than the benchmark with or without cash included. The portfolio consists of 100% cash, with no investments in Commercial Paper or Certificates of Deposit.

- **Capital Projects Fund**: The portfolio is 0.06% above the benchmark, both with and without the cash balance included. A portion of this fund is used to amortize the 2018 General Obligation Refunding School Bond and 2025 Working Cash Fund Bond and must maintain liquidity for scheduled payments on the bonds and interest. Investments are managed within the investment parameters set by the State of Illinois.

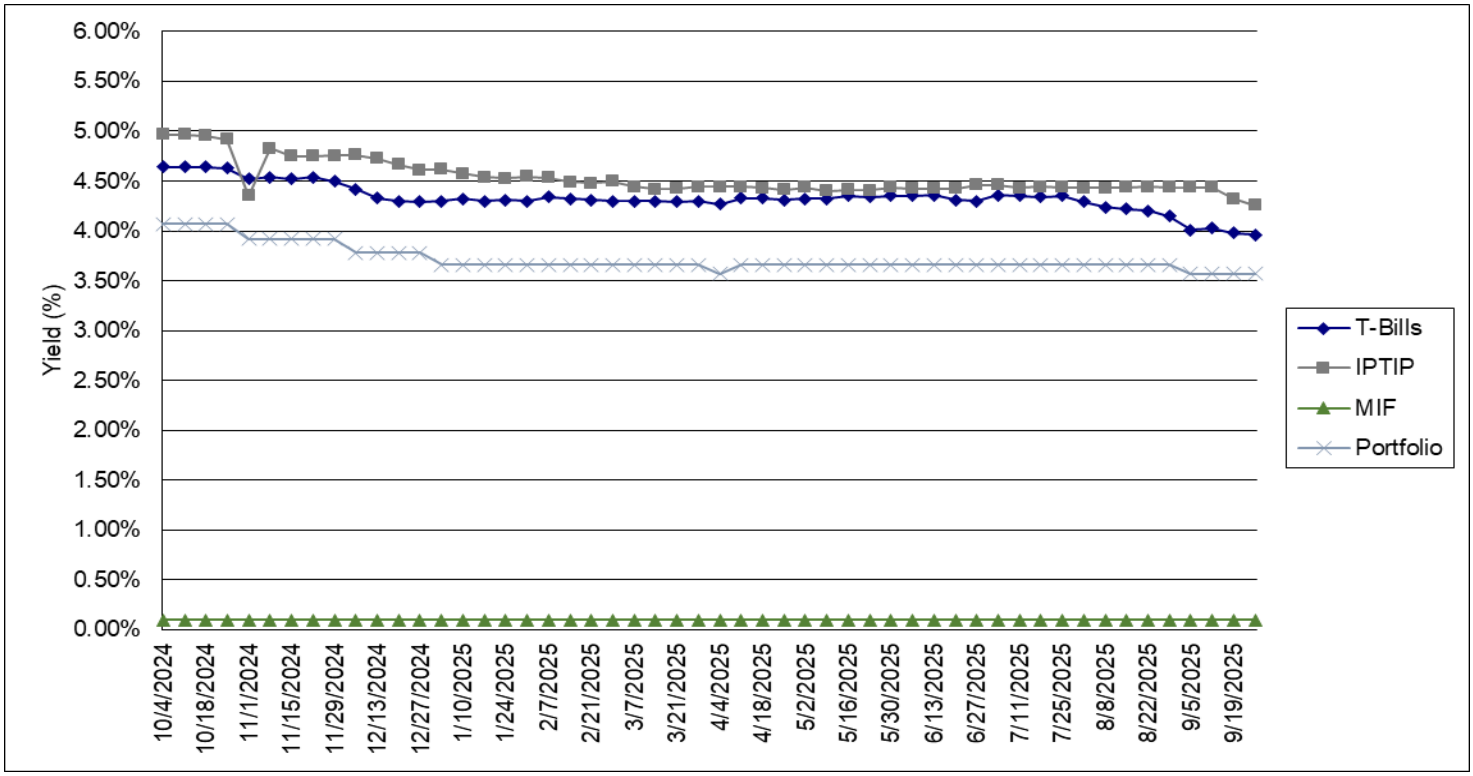
- **Tort Fund**: The portfolio is 0.39% below the benchmark with cash in, and 0.39% below with cash excluded. The average maturity is 89 days shorter than the benchmark in both cases.

- **Life/Safety Fund**: The portfolio is 0.38% below the benchmark when cash is included, and 0.38% below when cash is excluded.

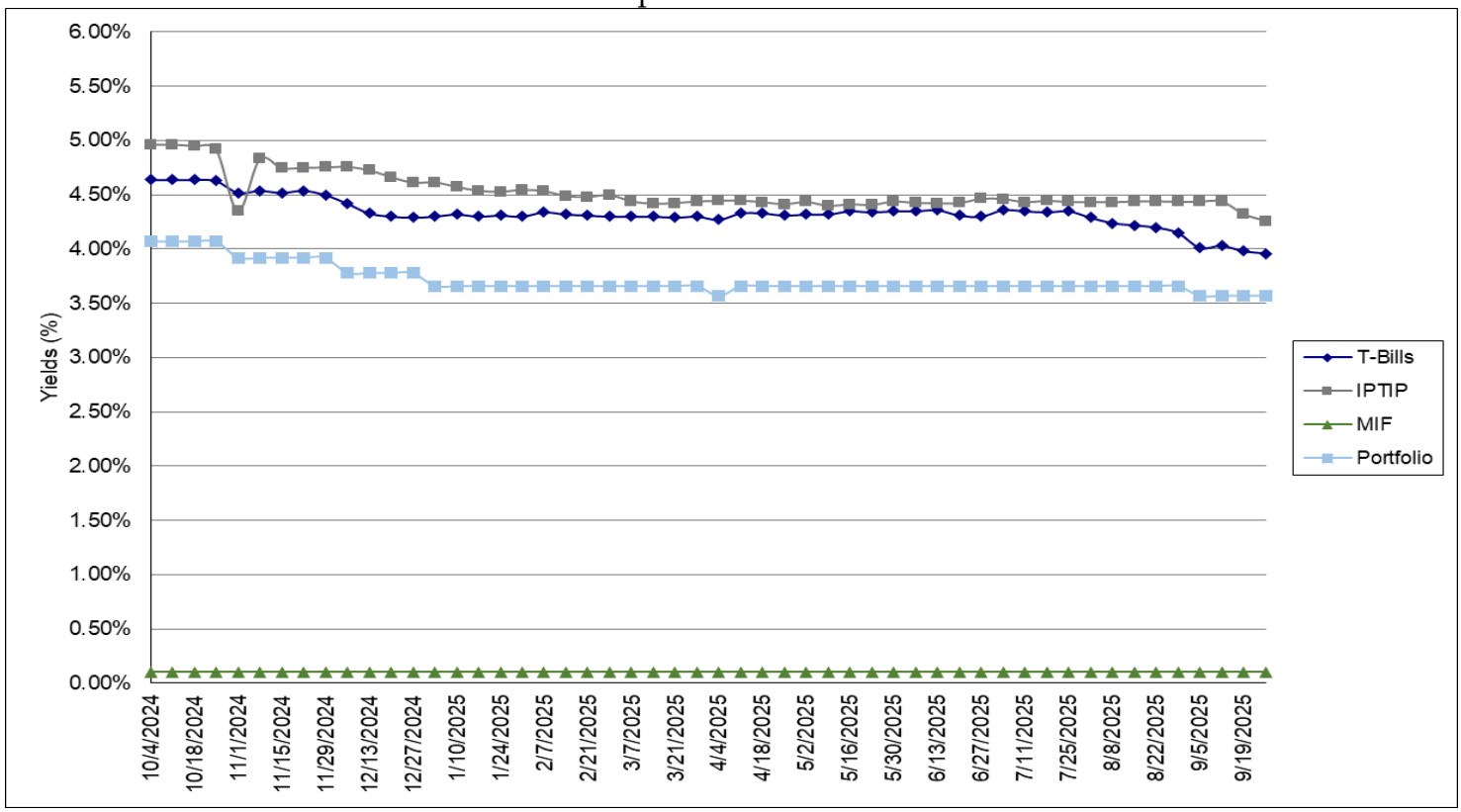
FUND ANALYSIS

Interest Comparisons September 30, 2024 – September 30, 2025

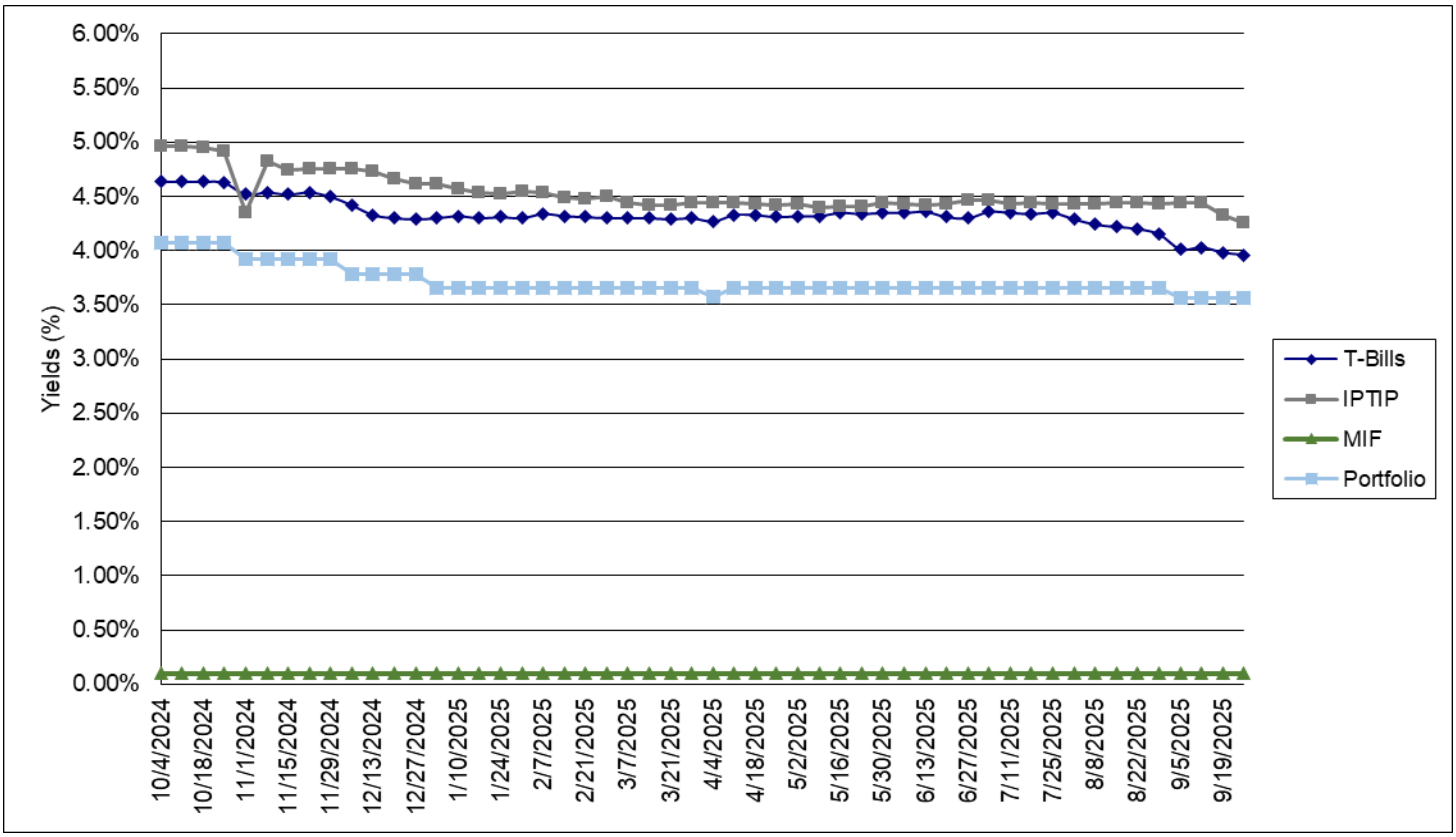
Education Fund



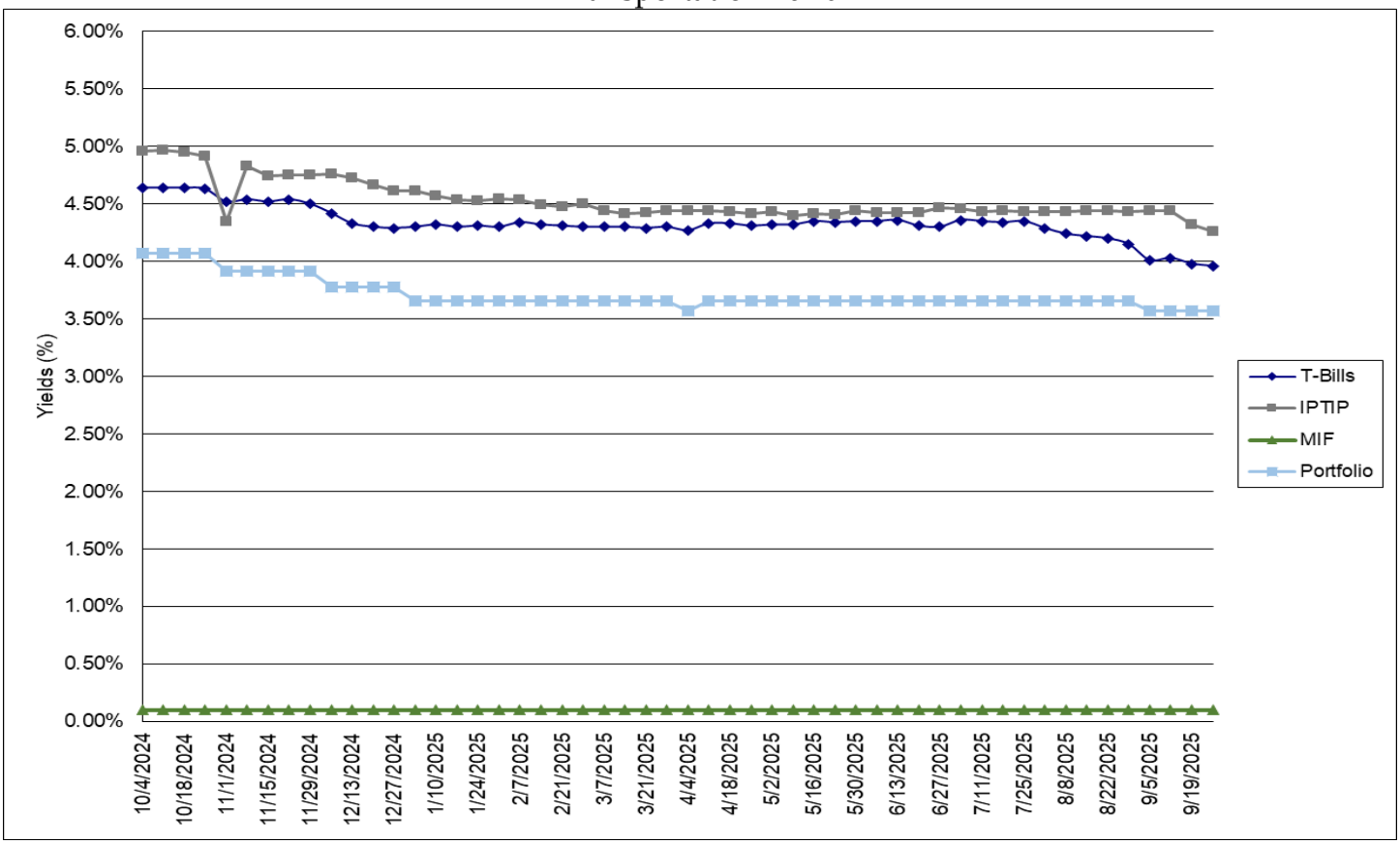
Operations Fund



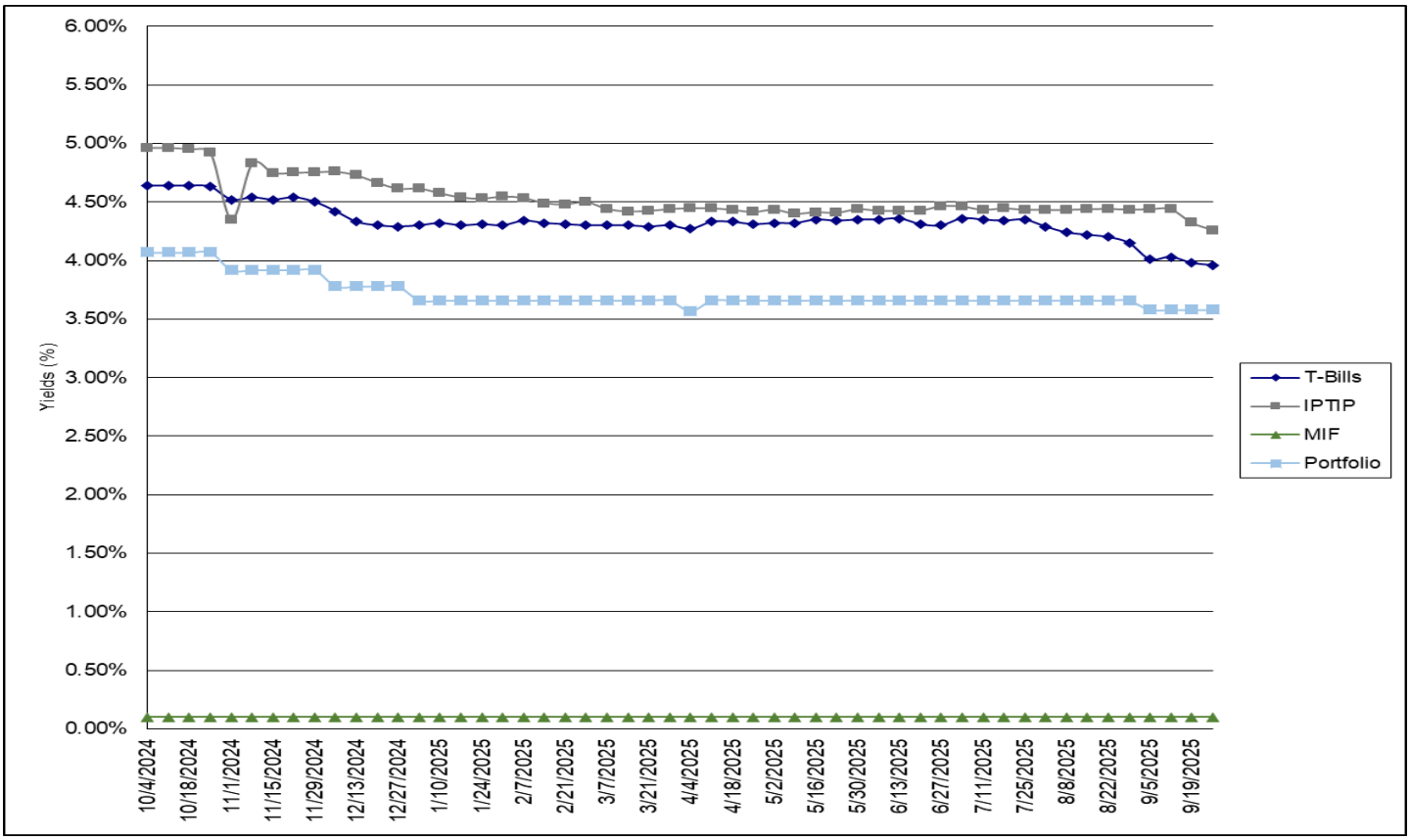
Bond & Interest Fund



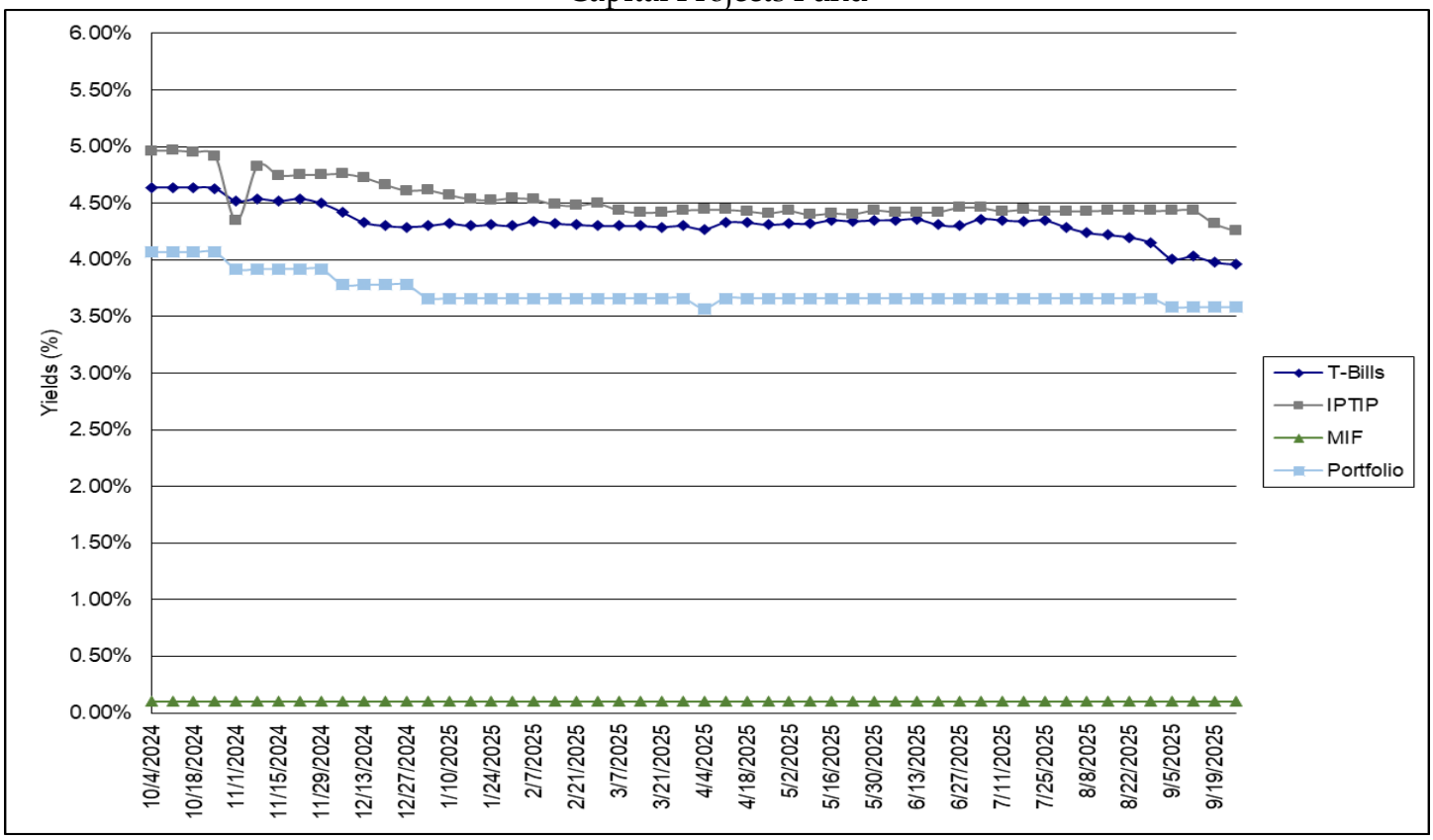
Transportation Fund



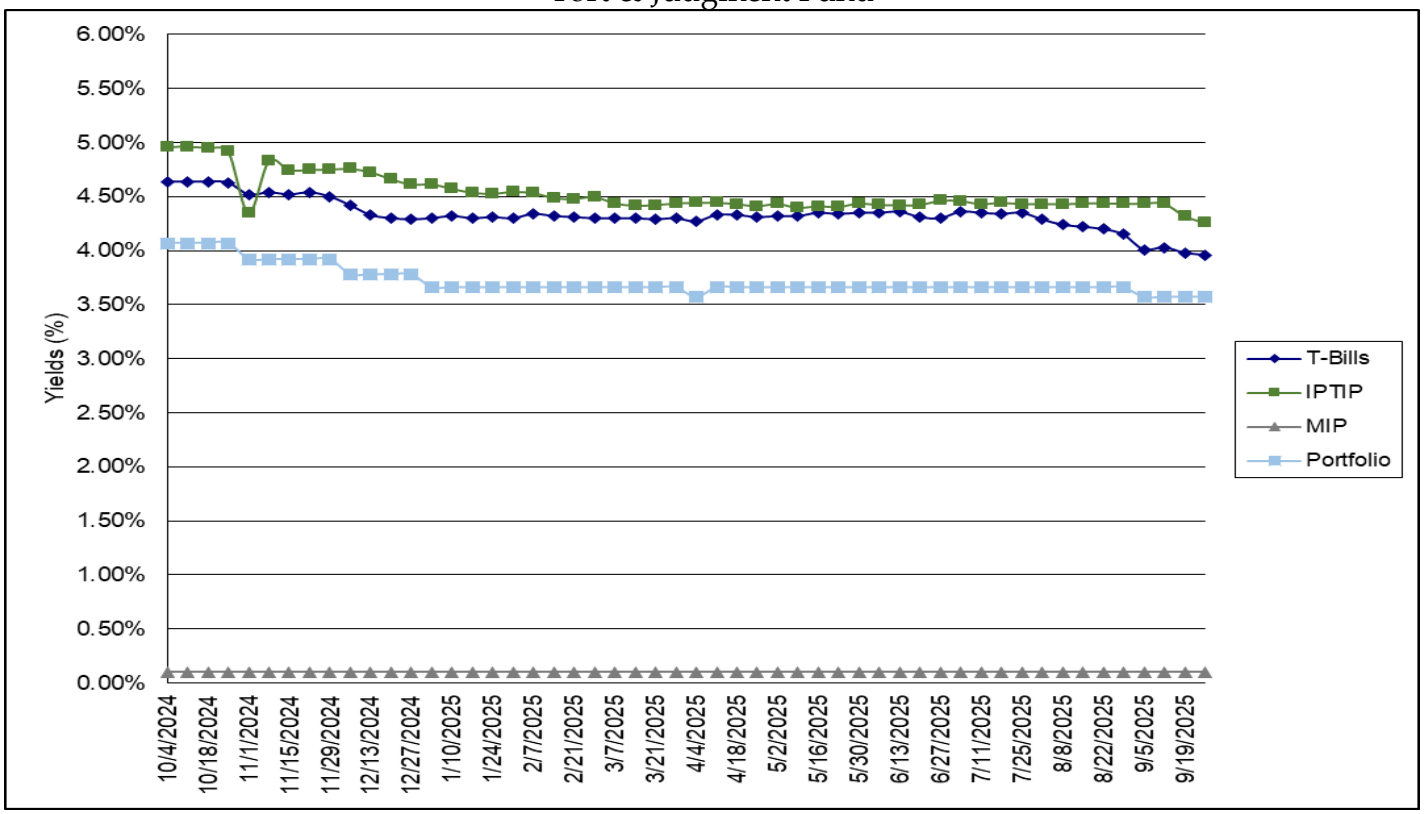
IMRF Fund



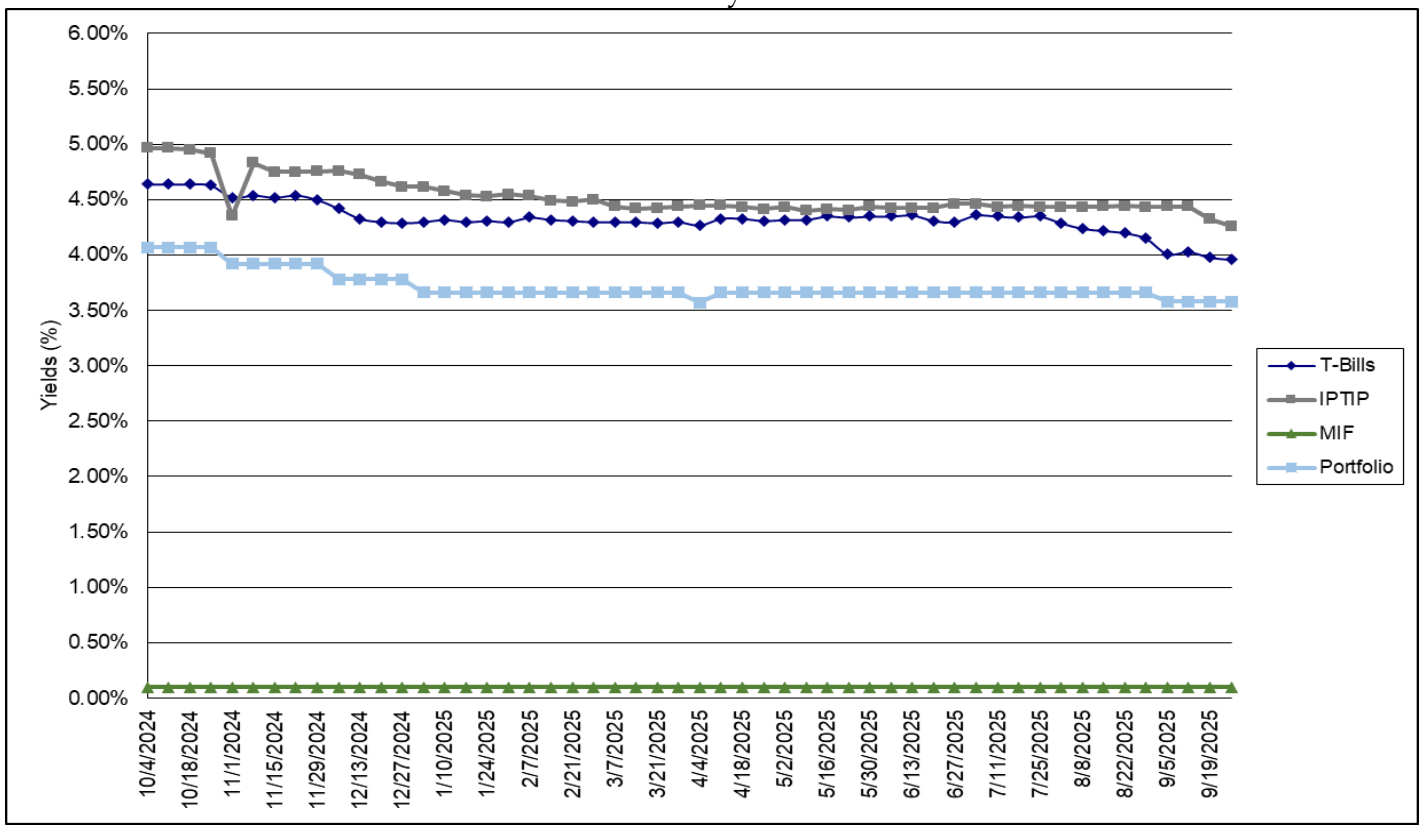
Capital Projects Fund



Tort & Judgment Fund



Life Safety Fund



Quarter End by Fund & Account

Education Fund

Date	Vendor	Investment Type	Amount	Interest Rate
9/30/2025	PTMA	Savings	$ 2,485,363	4.15%
9/30/2025	IPTIP	Repo	$ 758,815	4.26%
9/30/2025	Blackhawk	Checking	$ 9,711	3.57%
9/30/2025	Blackhawk	Development	$ 304,543	3.57%
6/30/2025	Blackhawk	Payroll	$ 39,280	3.61%
6/30/2025	Blackhawk	Repo	$38,864,413	3.57%

Operations Funds

Date	Vendor	Investment Type	Amount	Interest Rate
9/30/2025	Blackhawk	Checking	$ 4,503,826	3.57%

Bond & Interest Fund

Date	Vendor	Investment Type	Amount	Interest Rate
9/30/2025	Blackhawk	Money Market	$ 1,399,718	3.56%

Transportation Fund

Date	Vendor	Investment Type	Amount	Interest Rate
9/30/2025	Blackhawk	Checking	$ 2,580,212	3.57%

IMRF Fund

Date	Vendor	Investment Type	Amount	Interest Rate
9/30/2025	Blackhawk	Checking	$ 2,287,249	3.58%

Capital Projects Fund

Date	Vendor	Investment Type	Amount	Interest Rate
9/30/2025	PTMA	Savings	$54,369,174	4.15%
9/30/2025	Blackhawk	Checking	$15,329,420	3.58%

Tort & Judgment Fund

Date	Vendor	Investment Type	Amount	Interest Rate
9/30/2025	Blackhawk	Money Market	$ 1,156,011	3.57%

Life Safety Fund

Date	Vendor	Investment Type	Amount	Interest Rate
9/30/2025	Blackhawk	Money Market	$ 180,809	3.58%

Original: X
Amended:

ILLINOIS STATE BOARD OF EDUCATION
School Business Services Department
217-785-8779

CERTIFICATE OF TAX LEVY

A copy of this Certificate of Tax Levy shall be filed with the county clerk of each county in which the school district is located on or before the last Tuesday of December.

District Name	District Number	County
Rock Island-Milan School District 41	0410-25	Rock Island

Amount of Levy

Educational	$ 26,441,479	**Fire Prevention & Safety** *	$ 0
Operations & Maintenance	$ 6,197,222	**Tort Immunity**	$ 1,631,370
Transportation	$ 1,275,000	**Special Education**	$ 330,518
Working Cash	$ 413,148	**Leasing**	$ 413,148
Municipal Retirement	$ 790,000	**Other**	$
Social Security	$ 1,560,305	**Other**	$
		Total Levy	$ 39,052,190

* Includes Fire Prevention, Safety, Energy Conservation, Disabled Accessibility, School Security, and Specified Repair Purposes.

See explanation on reverse side.
Note: Any district proposing to adopt a levy must comply with the provisions set forth in the Truth in Taxation Law.

We hereby certify that we require:

the sum of 26,441,479 dollars to be levied as a special tax for educational purposes; and
the sum of 6,197,222 dollars to be levied as a special tax for operations and maintenance purposes; and
the sum of 1,275,000 dollars to be levied as a special tax for transportation purposes; and
the sum of 413,148 dollars to be levied as a special tax for a working cash fund; and
the sum of 790,000 dollars to be levied as a special tax for municipal retirement purposes; and
the sum of 1,560,305 dollars to be levied as a special tax for social security purposes; and
the sum of 0 dollars to be levied as a special tax for fire prevention, safety, energy conservation, disabled accessibility, school security and specified repair purposes; and
the sum of 1,631,370 dollars to be levied as a special tax for tort immunity purposes; and
the sum of 330,518 dollars to be levied as a special tax for special education purposes; and
the sum of 413,148 dollars to be levied as a special tax for leasing of educational facilities or computer technology or both, and temporary relocation expense purposes; and
the sum of _____ dollars to be levied as a special tax for _____; and
the sum of _____ dollars to be levied as a special tax for _____
on the taxable property of our school district for the year _____.

Signed this 9th day of December 20 2025 .

_____
(President)

_____
(Clerk or Secretary of the School Board of Said School District)

When any school is authorized to issue bonds, the school board shall file a certified copy of the resolution in the office of the county clerk of each county in which the district is situated to provide for the issuance of the bonds and to levy a tax to pay for them. The county clerk shall extend the tax for bonds and interest as set forth in the certified copy of the resolution, each year during the life of the bond issue. Therefore to avoid a possible duplication of tax levies, the school board should not include a levy for bonds and interest in the district's annual tax levy.

Number of bond issues of said school district that have not been paid in full 1 + (2 Alt Rev) .

(Detach and Return to School District)

This is to certify that the Certificate of Tax Levy for School District No. _____, _____ County, Illinois, on the equalized assessed value of all taxable property of said school district for the year _____, was filed in the office of the County Clerk of this County on _____.
In addition to an extension of taxes authorized by levies made by the Board of Education (Directors), an additional extension(s) will be made, as authorized by resolution(s) on file in this office, to provide funds to retire bonds and pay interest thereon.
The total levy, as provided in the original resolution(s), for said purposes for the year _____, is $_____

_____
(Signature of County Clerk)

_____ _____
(Date) *(County)*

MINUTES of a regular public meeting of the Board of Education of Rock Island School District Number 41, Rock Island County, Illinois, held at the Administration Center, 2000 7th Avenue, Rock Island, Illinois, in said School District at 6:00 o'clock P.M., on the 9th day of December, 2025.

* * *

The President called the meeting to order and directed the Clerk to call the roll.

Upon the roll being called, the following members were physically present at said location:

The following members were allowed by a majority of the members of the Board of Education in accordance with and to the extent allowed by rules adopted by the Board of Education to attend the meeting by video or audio conference:

No member was not permitted to attend the meeting by video or audio conference.

The following members were absent and did not participate in the meeting in any manner or to any extent whatsoever:

The President announced that the next item of business before the Board of Education was the consideration of a resolution abating the taxes heretofore levied for the year 2025 to pay debt service on the General Obligation School Bonds (Alternate Revenue Source), Series 2020, of the District.

Whereupon Member _____ presented and the Clerk read by title a resolution as follows, copies of which were available to everyone in attendance at said meeting who requested a copy:

RESOLUTION abating the taxes heretofore levied for the year 2025 to pay debt service on the General Obligation School Bonds (Alternate Revenue Source), Series 2020, of Rock Island School District Number 41, Rock Island County, Illinois.

* * *

WHEREAS, the Board of Education (the *"Board"*) of Rock Island School District Number 41, Rock Island County, Illinois (the *"District"*), by resolution adopted on the 12th day of May, 2020, as supplemented by a notification of sale (together, the *"Resolution"*), did provide for the issue of $14,700,000 General Obligation School Bonds (Alternate Revenue Source), Series 2020, of the District (the *"Bonds"*), and the levy of direct annual taxes sufficient to pay the principal of and interest on the Bonds (the *"Pledged Taxes"*); and

WHEREAS, the Resolution established a special fund of the District known as the "Alternate Bond Fund of 2020" (the *"Bond Fund"*) for the repayment of the Bonds; and

WHEREAS, the Board hereby determines that Pledged Revenues (as defined in the Resolution) or other lawfully available funds are available and on deposit in the Pledged Revenues Account of the Bond Fund in an amount sufficient to pay principal of and interest on the Bonds when due, so as to enable the abatement of all of the Pledged Taxes levied for the year 2025; and

WHEREAS, the Board hereby further determines that it is necessary and in the best interests of the District that the Pledged Taxes levied for the year 2025 to pay the Bonds be abated in their entirety:

NOW, THEREFORE, Be It and It is Hereby Resolved by the Board of Education of Rock Island School District Number 41, Rock Island County, Illinois, as follows:

Section 1. Abatement of Tax. The Pledged Taxes levied for the year 2025 in the Resolution are hereby abated in their entirety.

Section 2. Filing of Resolution. Forthwith upon the adoption of this Resolution, the Clerk of the Board shall file a certified copy hereof with the County Clerk of Rock Island County, Illinois, and it shall be the duty of said County Clerk to abate the Pledged Taxes levied for the year 2025 in accordance with the provisions hereof.

Section 3. Effective Date. This Resolution shall be in full force and effect forthwith upon its adoption.

Adopted December 9, 2025.

President, Board of Education

Clerk, Board of Education

Member _____ moved and Member _____ seconded the motion that said resolution as presented and read by title be adopted.

After a full discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt said resolution.

Upon the roll being called, the following members voted AYE:

NAY:

Whereupon the President declared the motion carried and said resolution adopted, approved and signed the same in open meeting and directed the Clerk to record the same in the records of the Board of Education of Rock Island School District Number 41, Rock Island County, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at the meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

Clerk, Board of Education

STATE OF ILLINOIS)
) SS
COUNTY OF ROCK ISLAND)

CERTIFICATION OF RESOLUTION AND MINUTES

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Board of Education (the *"Board"*) of Rock Island School District Number 41, Rock Island County, Illinois (the *"District"*), and as such official I am the keeper of the records and files of the District and the Board.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 9th day of December, 2025, insofar as same relates to the adoption of a resolution entitled:

> RESOLUTION abating the taxes heretofore levied for the year 2025 to pay debt service on the General Obligation School Bonds (Alternate Revenue Source), Series 2020, of Rock Island School District Number 41, Rock Island County, Illinois.

a true, correct and complete copy of which said resolution as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Board on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board on a day other than a Saturday, Sunday or legal holiday in the State of Illinois and at least 48 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A,* that at least one copy of said agenda was continuously available for public review from the time of such posting until said meeting, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the School Code of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board in the conduct of said meeting and in the adoption of said resolution.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 9th day of December, 2025.

Clerk, Board of Education

STATE OF ILLINOIS)
) SS
COUNTY OF ROCK ISLAND)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of Rock Island, Illinois, and as such official I do further certify that on the ____ day of _____, 20___, there was filed in my office a duly certified copy of a resolution entitled:

> RESOLUTION abating the taxes heretofore levied for the year 2025 to pay debt service on the General Obligation School Bonds (Alternate Revenue Source), Series 2020, of Rock Island School District Number 41, Rock Island County, Illinois.

duly adopted by the Board of Education of the Rock Island School District Number 41, Rock Island County, Illinois, on the 9th day of December, 2025, and that the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the year 2025 for the payment of General Obligation School Bonds (Alternate Revenue Source), Series 2020, as described in said resolution be abated in its entirety as provided in said resolution.

IN WITNESS WHERETO, I hereunto affix my official signature and the seal of said County, this ____ day of _____, 20___.

County Clerk of The County of Rock Island, Illinois

(SEAL)

MINUTES of a regular public meeting of the Board of Education of Rock Island School District Number 41, Rock Island County, Illinois, held at the Administration Center, 2000 7th Avenue, Rock Island, Illinois, in said School District at 6:00 o'clock P.M., on the 9th day of December, 2025.

* * *

The President called the meeting to order and directed the Clerk to call the roll.

Upon the roll being called, the following members were physically present at said location:

The following members were allowed by a majority of the members of the Board of Education in accordance with and to the extent allowed by rules adopted by the Board of Education to attend the meeting by video or audio conference:

No member was not permitted to attend the meeting by video or audio conference.

The following members were absent and did not participate in the meeting in any manner or to any extent whatsoever:

The President announced that the next item of business before the Board of Education was the consideration of a resolution abating the taxes heretofore levied for the year 2025 to pay debt service on the General Obligation School Bonds (Alternate Revenue Source), Series 2022, of the District.

Whereupon Member _____ presented and the Clerk read by title a resolution as follows, copies of which were available to everyone in attendance at said meeting who requested a copy:

RESOLUTION abating the taxes heretofore levied for the year 2025 to pay debt service on the General Obligation School Bonds (Alternate Revenue Source), Series 2022, of Rock Island School District Number 41, Rock Island County, Illinois.

* * *

WHEREAS, the Board of Education (the *"Board"*) of Rock Island School District Number 41, Rock Island County, Illinois (the *"District"*), by resolution adopted on the 25th day of October, 2022, as supplemented by a notification of sale (together, the *"Resolution"*), did provide for the issue of $19,400,000 General Obligation School Bonds (Alternate Revenue Source), Series 2022, of the District (the *"Bonds"*), and the levy of direct annual taxes sufficient to pay the principal of and interest on the Bonds (the *"Pledged Taxes"*); and

WHEREAS, the Resolution established a special fund of the District known as the "Alternate Bond Fund of 2022" (the *"Bond Fund"*) for the repayment of the Bonds; and

WHEREAS, the Board hereby determines that Pledged Revenues (as defined in the Resolution) or other lawfully available funds are available and on deposit in the Pledged Revenues Account of the Bond Fund in an amount sufficient to pay principal of and interest on the Bonds when due, so as to enable the abatement of all of the Pledged Taxes levied for the year 2025; and

WHEREAS, the Board hereby further determines that it is necessary and in the best interests of the District that the Pledged Taxes levied for the year 2025 to pay the Bonds be abated in their entirety:

NOW, THEREFORE, Be It and It is Hereby Resolved by the Board of Education of Rock Island School District Number 41, Rock Island County, Illinois, as follows:

Section 1. Abatement of Tax. The Pledged Taxes levied for the year 2025 in the Resolution are hereby abated in their entirety.

Section 2. Filing of Resolution. Forthwith upon the adoption of this Resolution, the Clerk of the Board shall file a certified copy hereof with the County Clerk of Rock Island County, Illinois, and it shall be the duty of said County Clerk to abate the Pledged Taxes levied for the year 2025 in accordance with the provisions hereof.

Section 3. Effective Date. This Resolution shall be in full force and effect forthwith upon its adoption.

Adopted December 9, 2025.

President, Board of Education

Clerk, Board of Education

Member _____ moved and Member _____ seconded the motion that said resolution as presented and read by title be adopted.

After a full discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt said resolution.

Upon the roll being called, the following members voted AYE:

NAY:

Whereupon the President declared the motion carried and said resolution adopted, approved and signed the same in open meeting and directed the Clerk to record the same in the records of the Board of Education of Rock Island School District Number 41, Rock Island County, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at the meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

Clerk, Board of Education

STATE OF ILLINOIS)
) SS
COUNTY OF ROCK ISLAND)

CERTIFICATION OF RESOLUTION AND MINUTES

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Board of Education (the *"Board"*) of Rock Island School District Number 41, Rock Island County, Illinois (the *"District"*), and as such official I am the keeper of the records and files of the District and the Board.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 9th day of December, 2025, insofar as same relates to the adoption of a resolution entitled:

> RESOLUTION abating the taxes heretofore levied for the year 2025 to pay debt service on the General Obligation School Bonds (Alternate Revenue Source), Series 2022, of Rock Island School District Number 41, Rock Island County, Illinois.

a true, correct and complete copy of which said resolution as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Board on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board on a day other than a Saturday, Sunday or legal holiday in the State of Illinois and at least 48 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A,* that at least one copy of said agenda was continuously available for public review from the time of such posting until said meeting, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the School Code of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board in the conduct of said meeting and in the adoption of said resolution.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 9th day of December, 2025.

Clerk, Board of Education

STATE OF ILLINOIS)
) SS
COUNTY OF ROCK ISLAND)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of Rock Island, Illinois, and as such official I do further certify that on the ____ day of _____, 20___, there was filed in my office a duly certified copy of a resolution entitled:

> RESOLUTION abating the taxes heretofore levied for the year 2025 to pay debt service on the General Obligation School Bonds (Alternate Revenue Source), Series 2022, of Rock Island School District Number 41, Rock Island County, Illinois.

duly adopted by the Board of Education of the Rock Island School District Number 41, Rock Island County, Illinois, on the 9th day of December, 2025, and that the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the year 2025 for the payment of General Obligation School Bonds (Alternate Revenue Source), Series 2022, as described in said resolution be abated in its entirety as provided in said resolution.

IN WITNESS WHERETO, I hereunto affix my official signature and the seal of said County, this ____ day of _____, 20___.

County Clerk of The County of Rock Island, Illinois

(SEAL