

AGENDA
Regular Meeting of the Board of Education
La Harpe Community School District #347
6 pm- 21 November 2023

School Library
La Harpe, Illinois

*Colored
Pages
for Pockets*

Regular Meeting

- | | | |
|-------|--|-------------|
| I. | Call to Order | Information |
| II. | Roll Call | Information |
| III. | Moment of Silence | Information |
| IV. | Public Comment | Information |
| V. | Consent Agenda | Action |
| | a. Approval of Agenda | |
| | b. Approval of Minutes of the 17 October 2023 regular meeting, 6 November 2023 Special Meeting | |
| | c. Review & Approval of Financial Reports | |
| | d. Review & Approval of Fund Balance Reports | |
| | e. Review & Approval of Payment of Bills | |
| | f. Verbatim Closed Meeting Recordings – action to delete 18 months and older | |
| VI. | Consideration and action on a Resolution declaring the intent to issue not to exceed \$6,500,000 General Obligation School Bonds (Alternate Revenue Source) pursuant to the Local Government Debt Reform Act of the State of Illinois, as amended, for the purpose of paying the costs of improving school sites and altering, Repairing and equipping school buildings and facilities of the District | Action |
| VII. | Consideration and action on a Resolution declaring the intent to issue \$1,450,000 Working Cash Fund Bonds for the District, for the purpose of increasing the Working Cash Fund of the District. | Action |
| VIII. | Athletic Official Pay | Action |
| IX. | School Mascot Official Logo | Action |
| X. | Athletic Wall Mat | Action |
| XI. | Board Policy Update – 1 st Read | Information |
| | 2:20- School Board Indemnification; 2:110 – Qualifications, Term & Duties of Board; 2:120- Board Member Training; 2:150-ap – Supt. Committees; 2:200 – Types of Board Meetings; 2:220 – Board Mtg. Procedures; 2:220-E2 – Closed Meeting Exceptions; 2:220-E6 – Log of Closed Mtgs; 3:50 – Admin Personnel; 4:10 – Fiscal & Business Mgmt; 4:30 – Revenue & Investments; 4:60 – Purchases & Contracts; 4:60-AP1 – Purchases procedures; 4:80-AP2- training requirements; 4:90 – Student Activity & Fiduciary Funds; 4:130-Free & Reduced Food Services; 4:130-E – Free & Reduced Food Services; 4:160- Environmental Quality; 4:160-AP – Environmental Quality; 4:170- Safety; 4:170-AP1 – Safety/Security Plans; 5:30 – Hiring Process & Criteria; 5:50 – Drug & Alcohol Free Workplace; 5:90 – Abused & Neglected Child Reporting; 5:90-AP1 – Coordination w/Children's Advocacy Center; 5:120-Employee Ethics; 5:120-AP2 – Employee Conduct Standards; 5:150-Peronnel Records; 5:150-AP – Personnel Records; 5:190-Teacher Qualifications; 5:200-Terms & Conditions of Employment & Dismissal; 5:210-Resignations; 5:220-Substitute Teachers; 5:220-AP – Substitute Teachers; 5:250-Leaves of Absence; 5:285-AP- Drug & Alcohol Testing; 5:330-Sick Days, Holidays, & Leaves; 6:15-School Accountability; 6:20-School Year Calendar & Day; 6:30-Organization of Instruction; 6:50-School Wellness; 6:60-Curriculum Content; 6:60-AP1-Comprehensive Health Education; 6:65-Student Social & Emotional Development; 6:230-Library Media Program; 6:230-AP – Complaints About Library Media Resources; 6:270-Guidance & Counseling Program; 6:280-Grading & Promotion; 7:50-School Admissions & Student Transfers To/From Non-District Schools; 7:60-Residence; 7:70-Attendance & Truancy; 7:160-Student Appearance; 7:165-School Uniforms; 7:190- Student Behavior; 7:190-AP9 -NEW – Administrative Transfer to SAFE school; 7:250-Student Support Services; 7:270-Administering Medicines to Students; 7:270-AP2- Checklist for Dist. Supply of Undesignated Medications; 7:285- Anaphylaxis Prevention & Mgmt; 7:285-AP- Anaphylaxis Prevention & Mgmt; 7:290- Suicide & Depression Awareness; 7:290-AP- Implementation of Suicide & Depression Awareness; 7:345- Use of Educational Technology; 7:345-AP- Use of Educational Technology; 8:30-Visitors to & Conduct on School Property | |
| XII. | DCFS Mandated Reporter (compliance) | Action |
| XIII. | Southside of Main Building Gutter Repair/Replacement | Action |
| XIV. | 2023 Tax Levy | Action |

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|--------|---|-----------------|
| XV. | 2024 8 th Grade Promotion Date | Action |
| XVI. | Volleyball Uniform Approval | Action |
| XVII. | Johnson Estate – Approval for Auction of old Senior Center | Action |
| XVIII. | Reports: <ul style="list-style-type: none">a. Board Committeesb. Board Membersc. Asst Principal/Athletic Director/Transportation Directord. Superintendent<ul style="list-style-type: none">i. School Board Member Appreciationii. October Team Member of the Monthiii. Triple I Conferenceiv. Compliance Visitv. Science Curriculumvi. Illinois Agriculture in the Classroom Grant Award - Hensley | |
| XIX. | Closed Session to Discuss Items included in 5 ILCS 120/2 (c) Exceptions – (1) Appointment, Employment, Compensation or dismissal of specific employees, and (14) Closed Session Minutes <ul style="list-style-type: none">a. Personnel Reportb. Closed Session Minutes from 6 November 2023 | Action to Enter |
| XX. | Closed Session Items: <ul style="list-style-type: none">a. Approval of Personnel Reportb. Approval of Closed Minutes from 6 November 2023 | Action |
| XXI. | Adjournment | Action |

The Board of Education of La Harpe Community School District #347 held a regular School Board meeting 17 October 2023 in the school library. President Dustin Detherage called the meeting to order at 6:00 PM. Roll Call was answered by Allen, Blythe, Collins, Detherage, Dietrich, Gebhardt, and Walker. Superintendent Janet Gladu, and Assistant Principal Ryan Hopper.

Visitors in attendance: Kiersten Sheets – Trajectory; Jadrien VanFleet – 1st grade teacher.

A Moment of Silence was observed.

Business Items:

Consent Agenda: The Consent Agenda included the Closed and Open Minutes of the 19 September 2023 Regular Board Meeting of the La Harpe CSD #347 School Board, Financial Report, Action to Delete Verbatim Closed Meeting Recordings 18 Months and Older, and 2022-2023 AFR.

A motion was made by Collins with second by Walker to approve the items on the Amended Consent Agenda as presented. Roll Call: Allen, yes; Blythe, yes; Collins, yes; Deitrich: yes, Detherage, yes; Gebhardt; yes, Walker, yes. Motion carried 7-0.

Financial Report: The fund balances listed below reflect transactions through October 2023

Fund	FY 2024
Education	\$2,524,504.23
Building	\$381,884.37
Debt Services	\$290,261.92
Transportation	\$99,459.90
IMRF	\$133,708.48
Capital Projects	\$0
Working Cash	\$148,401.55
TORT Immunity	\$172,322.03
Fire Prevention & Safety	\$239,167.90
Total	\$3,989,710.38
Comparison Year	Total
FY 2023	\$3,255,648.28
FY 2022	\$3,124,559.86
FY 2021	\$2,498,538.23
FY 2020	\$1,358,522.62

Jadrien VanFleet presented to the board. She demonstrated Heggerty (phonics). The board thanked Jadrien for her service to the district and asked if there was anything she needed. She stated she would like to have a class set of iPads.

Approval to purchase a classroom set of iPads for the 1st grade: A motion was made by Allen and seconded by Detherage to purchase a classroom set of iPads for 1st grade at an estimated cost of \$14,450. Roll Call: Allen, yes; Blythe, yes; Collins, yes; Deitrich, yes; Detherage, yes; Gebhardt, yes; and Walker, yes. Motion carried 7-0.

Approval Engie project design: A motion was made by Allen with second by Blythe to approve Option B design for a new cafeteria/multipurpose room. Roll Call: Allen, yes; Blythe, yes; Collins, yes; Deitrich; yes Detherage, yes; Gebhardt, yes; Walker, yes. Motion carried 7-0.

Approval of the Trajectory (Community Solar) Lease. A motion was made by Walker with a second by Collings to approve the Trajectory Solar Lease along with the name "Eagle Alley Solar". Roll Call: Allen, yes; Blythe, yes; Collins, yes; Deitrich; yes Detherage, yes; Gebhardt, yes; Walker, yes. Motion carried 7-0.

2023 Tax Levy: Superintendent Gladu presented the draft 2023 Tax Levy. Informational only.

Approval of the ELA Honor Society. A motion was made by Detherage with a second by Walker to approve the membership in the ELA Honor Society. Roll Call: Allen, yes; Blythe, yes; Collins, yes; Deitrich; yes Detherage, yes; Gebhardt, yes; Walker, yes. Motion carried 7-0.

Approval of the 2023-2025 Maintenance Grant: A motion was made by Collins with a second by Blythe to approve the 2023-2025 Maintenance grant to replace the HVAC units on the gym. Roll Call: Allen, yes; Blythe, yes; Collins, yes; Deitrich; yes Detherage, yes; Gebhardt, yes; Walker, yes. Motion carried 7-0.

Approval of the Health Life Safety (HLS) 10-year Audit: A motion was made by Collins with a second by Walker to approve the proposed decennial Health Life Safety Audit. Roll Call: Allen, yes; Blythe, yes; Collins, yes; Deitrich; yes Detherage, yes; Gebhardt, yes; Walker, yes. Motion carried 7-0.

Approval of the Staff Christmas Gift: A motion was made by Deitrich with a second by Blythe to approve the annual staff Christmas gift of a ham and a turkey. Roll Call: Allen, yes; Blythe, yes; Collins, yes; Deitrich; yes Detherage, yes; Gebhardt, yes; Walker, yes. Motion carried 7-0.

Approval of the Special Education Workload Plan: A motion was made by Collins with a second by Deitrich to approve the Special Education Workload Plan as presented. Roll Call: Allen, yes; Blythe, yes; Collins, yes; Deitrich; yes Detherage, yes; Gebhardt, yes; Walker, yes. Motion carried 7-0.

Smart Lab: Superintendent Gladu presented the proposal for a STEM lab. Informational only.

Reports to the Board: Assistant Principal Hopper discussed the athletic updates, school logo, referee/official pay. Superintendent Gladu discussed the staff member of the month, Triple I conference, Veterans Day program, Narcan training, Crisis Mapping, and the current electric school bus grant. Blythe made a motion to adjourn to closed session at 7:15 PM seconded by Collins. Roll Call: Allen; yes, Blythe; yes, Collins; yes, Deitrich; yes, Detherage; yes, Gebhardt; yes, and Walker; yes. Motion carried -0. Assistant Principal Hopper exited at 7:54 pm.

Personnel: A motion was made by Deitrich with second by Blythe to hire Betty Collins and Rebecca Quivey as substitute cafeteria employees. Roll Call: Allen, yes; Blythe, yes; Collins, Abstain; Deitrich, yes; Detherage, yes; Gebhardt, yes; Walker, yes. Motion carried 6-0-1 abstain.

Closed Minutes: A motion was made by Detherage with a second by Deitrich to approve the closed session minutes from 15 August 2023. Roll Call: Allen, yes; Blythe, yes; Collins, yes; Deitrich, yes; Detherage, yes; Gebhardt, yes; Walker, yes. Motion carried 7-0.

Adjournment: A motion was made by Detherage with second by Allen to adjourn the meeting at 8:00 PM
The voice vote response returned all in favor. No one opposed. The meeting adjourned

Board President

Board Secretary

Approved _____

The Board of Education of La Harpe Community School District #347 held a Special School Board meeting 6 November 2023 in the school library. President Dustin Detherage called the meeting to order at 5 PM. Roll call was answered by Allen, Blythe, Collins, Dietrich, Detherage, Gebhardt, and Walker. Superintendent Janet Gladu, Assistant Principal Ryan Hopper, and Admin. Assistant Shelly Rahn were also present.

Visitors in attendance: Chief Lynn Hoyt

A moment of Silence observed.

Approval of Agenda. A motion was made by Collins and seconded by Detherage to approve the agenda.

Roll Call: Blythe, yes; Collins, yes; Deitrich, yes; Detherage, yes; Gebhardt, yes; Walker, yes; Allen, yes,7-0

Closed Meeting: A motion was made by Gebhardt with a second by Blythe to adjourn to closed session at 5:01 pm to discuss items per 5 ILCS 120/2(c) (1) listed below:

(1) The Appointment, Employment, Compensation, Discipline, Performance, or Dismissal Of Specific Employees of the District (5 ILCS 120/2(C)(1).

Roll Call: Deitrich, yes; Detherage, yes; Walker, yes; Allen, yes; Blythe, yes; Collins, yes; Gebhardt, yes 7-0.

Board Action: Detherage called closed session to order at 5:02 pm on 6 November 2023.

Roll Call Gebhardt, Deitrich, Detherage, Walker, Allen, Blythe, Collins. All present.

Board Action: Moved by Collins seconded by Blythe to adjourn closed session at 6:11 pm. Voice vote

Board Action: Motion by Detherage and seconded by Collins at 6:12 pm to return to open session. Voice vote

Board Action: Moved by Blythe and seconded by Detherage to hire Betty Collins as assistant cook/dishwasher.

Roll Call Allen, yes; Blythe, yes; Collins, abstain; Deitrich, yes; Detherage, yes; Gebhardt, yes; Walker, yes 6-yes, 0-no, 1 abstain.

Board Action: Moved by Detherage and seconded by Allen to adjourn the 6 November 2023 board meeting at 6:13 PM. Voice vote

Board President

Board Secretary

Approved: _____

LA HARPE COMMUNITY SCHOOL DISTRICT #347									
STATEMENT OF POSITION									
October 31, 2023									
ASSETS	EDUCATION	BUILDING	DEBT SERV.	TRANSP.	I.M.R.F.	CAPITAL PROJECTS	WORKING CASH	TORT IMMUNITY	FIRE PREV & SAFETY
Cash in Bank	\$411,399.36	\$301,316.20	\$287,148.57	\$28,653.56	\$127,528.45	\$0.00	\$148,401.55	\$172,322.03	\$239,167.90
Petty Cash	\$350.00								
Change Fund/Elem-JRH	\$350.00								
Imprest Fund	\$5,000.00								
Property									
Loans to Education Fund									
Loan to Building Fund									
Loan to Transportation Fund									
Loan to IMRF Fund									
Loan to Fire & Prev. Fund									
IL Treas. Pool	\$2,161,058.67	\$58,977.00	\$3,113.35	\$99,360.75					
First State/Money Market									
TOTAL ASSETS	\$2,578,158.03	\$360,293.20	\$290,261.92	\$128,014.31	\$127,528.45	\$0.00	\$148,401.55	\$172,322.03	\$239,167.90
LIABILITIES									
Anticipation Note									
Western Area Ins									
Teachers Retirement									
Payroll A/P									
INTERFUND PAYABLE									
Loan payable to Educ.									
Loan payable to Bldg.									
Loan payable to Transp.									
Loan payable to W. Cash									
TOTAL LIABILITIES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
FUND BALANCE	\$2,578,158.03	\$360,293.20	\$290,261.92	\$128,014.31	\$127,528.45	\$0.00	\$148,401.55	172,322.03	\$239,167.90
<i>Laura Jones</i>									
Laura Jones								Grand Total	\$4,044,147.39

11-13-23
Date

LA HARPE COMMUNITY SCHOOL DISTRICT #347

TREASURER'S REPORT OCTOBER 31, 2023

FUND	CASH BALANCES: NOW ACCOUNT				INVESTMENTS	
	Balance 9/30/2023	Receipts	Disbursements	Balance 10/31/2023		
EDUCATION	\$542,056.94	\$26,224.88	\$156,882.46	\$411,399.36	\$0.00	F.STATE/M.MRKT. \$2,161,058.67 IL TREAS POOL
BUILDING	\$322,907.37	\$0.00	\$21,591.17	\$301,316.20	\$0.00	F.STATE/M.MRKT. \$58,977.00 IL TREAS POOL
DEBT SERVICE	\$287,148.57	\$0.00	\$0.00	\$287,148.57	\$0.00	F.STATE/M.MRKT. \$3,113.35 IL TREAS POOL
TRANSPORTATION	\$38,486.17	\$0.00	\$9,832.61	\$28,653.56	\$0.00	F.STATE/M.MRKT. \$99,360.75 IL TREAS POOL
IL MUNICIPAL RET.	\$133,708.48	\$0.00	\$6,180.03	\$127,528.45	\$0.00	F.STATE/M.MRKT. \$0.00 IL TREAS POOL
CAPITAL PROJECTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	F.STATE/M.MRKT.
WORKING CASH	\$148,401.55	\$0.00	\$0.00	\$148,401.55	\$0.00	F.STATE/M.MRKT. \$0.00 IL TREAS POOL
TORT IMMUNITY FUND	\$172,322.03	\$0.00	\$0.00	\$172,322.03	\$0.00	F.STATE/M.MRKT. \$0.00 IL.TREAS.POOL
FIRE PREV & SAFETY	\$239,167.90	\$0.00	\$0.00	\$239,167.90	\$0.00	IL. TREAS.POOL
CURRENT TOTAL	\$1,884,199.01	\$26,224.88	\$194,486.27	\$1,715,937.62	\$2,322,509.77	
INVESTMENTS				\$2,322,509.77		
CASH & INVESTMENTS AS OF 10-31-2023				\$4,038,447.39		
NOTES:	Daily Rate	Int./Month	Int./YTD			
NOW Account	0.25%	\$788.62	\$2,216.14			
Liquid Asset						
Treasurer's Pool	5.53%	\$10,342.71	\$36,993.98			
First State/M.Market						
Interest distributed to each FUND based on percentage invested.						
<i>Karen Nudd</i>	11-13-23					
Karen Nudd	Date					

La Harpe CSD 347 Revenue Report

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Education Fund 10		General Levy		M.T.D.		Y.T.D.		% of		State Account Number	
Source of Revenue	1000	Description	Revenue	Budget	Revenue	Revenue	Revenue	Balance	Budget	Revenue	
General Levy											
10-1110-01-1		EDUCATION-CURR-TAX LEVY	1,035,003.12	0.00	970,394.03	64,609.09	93.76	10-1110-01-1			
10-1130-01-1		EDUCATION/LEASE LEVY	26,504.77	0.00	24,994.25	1,510.52	94.30	10-1130-01-1			
10-1140-01-1		SPECIAL EDUC/LEVY	21,002.92	0.00	19,805.70	1,197.22	94.30	10-1140-01-1			
10-1210-01-1		MOBILE HOME TAXES	400.00	0.00	0.00	400.00	0.00	10-1210-01-1			
10-1230-1		CORP PERS PROP REPLACTAX	128,110.00	23,520.98	56,473.67	71,636.33	44.08	10-1230-1			
10-1510-1		INTEREST ON INVESTMENTS	35,000.00	10,159.62	36,464.99	(1,464.99)	104.19	10-1510-1			
10-1611-1		LUNCH SALES-PUPILS	1,500.00	811.95	2,263.05	(763.05)	150.87	10-1611-1			
10-1711-4-1		ADMISSIONS-JRHBB	1,000.00	0.00	0.00	1,000.00	0.00	10-1711-4-1			
10-1711-5-1		ADMISSIONS-JRHGB	1,000.00	0.00	0.00	1,000.00	0.00	10-1711-5-1			
10-1711-6-1		ADMISSIONS-JRHGV	1,000.00	0.00	0.00	1,000.00	0.00	10-1711-6-1			
10-1811-1		TEXTBOOK RENTALS	150.00	0.00	0.00	150.00	0.00	10-1811-1			
10-1999-1		OTHER & JOHNSON ESTATE	120,000.00	0.00	17,072.44	102,927.56	14.23	10-1999-1			
10-1999-1-1		OTHER/ALTHELIC BOOSTER	3,000.00	0.00	0.00	3,000.00	0.00	10-1999-1-1			
10-1999-5-1		MUSIC REIMB/CONSUM.	0.00	92.49	92.49	(92.49)	0.00	10-1999-5-1			
1000 General Levy			1,373,670.81	34,585.04	1,127,560.62	246,110.19	82.08	* Source of Revenue			
Revenue From State Sources											
10-3001-1		GEN STATE AID	517,722.52	47,066.00	141,198.00	376,524.52	27.27	10-3001-1			
10-3360-1		STATE FREE LUNCH	775.00	164.80	1,523.12	(748.12)	196.53	10-3360-1			
10-3705-10		EARLY CHILDHOOD GRANT/2023-2024	0.00	32,161.00	32,161.00	(32,161.00)	0.00	10-3705-10			
10-3705-11		EARLY CHILDHOOD GRANT/2022-2023	88,441.00	0.00	0.00	88,441.00	0.00	10-3705-11			
10-3999-1		TEACHER VACANCY GRANT	193,658.00	55,332.00	55,332.00	138,326.00	28.57	10-3999-1			
3000 Revenue From State Sources			800,596.52	134,723.80	230,214.12	570,382.40	28.76	* Source of Revenue			
Revenue From Federal Sources											
10-4210-1		FEDERAL LUNCH	124,000.00	11,010.60	17,825.60	106,174.40	14.38	10-4210-1			
10-4220-1		FEDERAL BREAKFAST	40,500.00	4,659.82	7,195.48	33,304.52	17.77	10-4220-1			
10-4300-14		TITLE I/2023-2024	0.00	17,575.00	17,575.00	(17,575.00)	0.00	10-4300-14			
10-4300-15		TITLE I/2022-2023	55,368.00	0.00	14,159.00	41,209.00	25.57	10-4300-15			
10-4331-PL		TITLE I PL	54,000.00	0.00	15,000.00	39,000.00	27.78	10-4331-1			
10-4399-1		REAP	22,227.00	0.00	0.00	22,227.00	0.00	10-4399-1			
10-4400-1		TITLE IV/SAFE & DRUG FREE	10,000.00	6,349.00	11,846.00	(1,846.00)	118.46	10-4400-1			
10-4600-1		IDEA PRESCHOOL/SUBGRANT-FLOW THROUGH	2,368.00	0.00	566.00	1,802.00	23.90	10-4600-1			
10-4620-1		IDEA SPECIAL ED-FLOW THROUGH	58,620.00	0.00	0.00	58,620.00	0.00	10-4620-1			
10-4932-1		TITLE I/ITC QUAL.	7,777.00	621.00	4,667.00	3,110.00	60.01	10-4932-1			
10-4991-1		MEDICAID ADM OUTREACH	10,000.00	0.00	2,516.41	7,483.59	25.16	10-4991-1			
10-4992-1		MEDICAID/FEE FOR SERVICE	330.00	0.00	0.00	330.00	0.00	10-4992-1			
10-4998-2		ESSR II	0.00	0.00	53,872.00	(53,872.00)	0.00	10-4998-2			
10-4998-3		ESSR III	10,683.00	0.00	94,150.00	(83,467.00)	881.31	10-4998-3			
10-4998-4		ESSR ARP	0.00	0.00	2,638.00	(2,638.00)	0.00	10-4998-4			

La Harpe CSD 347 Revenue Report

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La Harpe CSD 347

Education Fund - 10		Revenue From Federal Sources		Revenue From State Sources		Revenue From Debt Sources		Revenue From Other Sources	
Account	Description	M.T.D. Revenue	Y.T.D. Revenue	Budget Balance	% of Budget	State Account Number			
10-4998-5	ESSR - HT TUTORING	0.00	6,009.00	(6,009.00)	0.00	10-4998-5			
4000	Revenue From Federal Sources	395,873.00	248,019.49	147,853.51	62.65	*	Source of Revenue		
10	Education Fund	2,570,140.33	1,605,794.23	964,346.10	62.48		Fund		
General Levy									
20-1111-01-1	BLDG/CURR.TAX LEVY	282,000.00	265,528.92	16,471.08	94.16	20-1111-01-1			
20-1210-01-1	MOBILE HOME TAXES	100.00	0.00	100.00	0.00	20-1210-01-1			
20-1510-1	OBM-INT.ON INVESTMENT	100.00	0.00	100.00	0.00	20-1510-1			
20-1999-1	OBM/OTHER & JOHNSON EST.	200,000.00	0.00	200,000.00	0.00	20-1999-1			
1000	General Levy	482,200.00	265,528.92	216,671.08	55.07	*	Source of Revenue		
Revenue From State Sources									
20-3001-1	GEN STATE AID	50,000.00	0.00	50,000.00	0.00	20-3001-1			
3000	Revenue From State Sources	50,000.00	0.00	50,000.00	0.00	*	Source of Revenue		
Revenue From Federal Sources									
20-4998-2	ESSR II	0.00	52,665.00	(52,665.00)	0.00	20-4998-2			
20-4998-3	ESSR III	0.00	6,312.00	(6,312.00)	0.00	20-4998-3			
4000	Revenue From Federal Sources	0.00	58,977.00	(58,977.00)	0.00	*	Source of Revenue		
20	Oper, Build, & Maint Fund	532,200.00	324,505.92	207,694.08	60.97		Fund		
Debt Service Fund of Fund Group									
1000	General Levy	220,867.89	207,701.71	13,166.18	94.04	*	Source of Revenue		
30	Debt Service Fund of Fund Group	220,867.89	207,701.71	13,166.18	94.04		Fund		
General Levy									
30-1112-01-1	DEBT SERVICE/CURR.TAX LEVY	220,747.89	207,701.71	13,046.18	94.09	30-1112-01-1			
30-1210-01-1	MOBILE HOME TAXES	90.00	0.00	90.00	0.00	30-1210-01-1			
30-1510-1	DEBT SERVICES/INT.ON INVEST	30.00	0.00	30.00	0.00	30-1510-1			
1000	General Levy	220,867.89	207,701.71	13,166.18	94.04	*	Source of Revenue		
30	Debt Service Fund of Fund Group	220,867.89	207,701.71	13,166.18	94.04		Fund		
General Levy									
40-1113-01-1	TRANSPORTATION/CURR.TAX LEVY	64,500.00	60,827.90	3,672.10	94.31	40-1113-01-1			
40-1210-01-1	MOBILE HOME TAXES	25.00	0.00	25.00	0.00	40-1210-01-1			
40-1412-1	TRANS.FEES-OTHER DIST.	200.00	0.00	200.00	0.00	40-1412-1			
40-1510-1	TRANSP/INT. ON INVEST.	10.00	0.00	10.00	0.00	40-1510-1			
40-1999-1	TRANSP./OTHER & JOHNSON	85,000.00	0.00	85,000.00	0.00	40-1999-1			
1000	General Levy	149,735.00	60,827.90	88,907.10	40.62	*	Source of Revenue		
Revenue From State Sources									
40-3500-1	TRANSP.-REGULAR	79,976.59	21,700.63	58,275.96	27.13	40-3500-1			
40-3510-1	TRANSP/SPEC ED	73,264.04	16,686.39	56,577.65	22.78	40-3510-1			
3000	Revenue From State Sources	153,240.63	38,387.02	114,853.61	25.05	*	Source of Revenue		

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Transportation Fund - 40		Revenue From State Sources	
Source of Revenue	3000	Description	
Account		Revenue	% of Budget
		Y.T.D. Revenue	Budget Balance Revenue

Account	Revenue	M.T.D. Revenue	Y.T.D. Revenue	Budget Balance Revenue	% of Budget	State Account Number
40 Transportation Fund	302,975.63	38,367.02	99,214.92	203,760.71	32.75	Fund
General Levy						
50-1114-01-1	67,107.88	0.00	63,286.44	3,821.44	94.31	50-1114-01-1
50-1150-01-1	58,358.00	0.00	55,034.66	3,323.34	94.31	50-1150-01-1
50-1210-01-1	50,000.00	0.00	0.00	50.00	0.00	50-1210-01-1
50-1230-1	35,000.00	0.00	35,100.85	(100.85)	100.29	50-1230-1
50-1510-1	50.00	0.00	0.00	50.00	0.00	50-1510-1
1000 General Levy	160,565.88	0.00	153,421.95	7,143.93	95.55	* Source of Revenue
50 I.M.R.F./Soc. Sec. Fund	160,565.88	0.00	153,421.95	7,143.93	95.55	Fund
General Levy						
70-1115-01-1	24,153.00	0.00	22,775.69	1,377.31	94.30	70-1115-01-1
70-1210-01-1	10.00	0.00	0.00	10.00	0.00	70-1210-01-1
70-1510-1	10.00	0.00	0.00	10.00	0.00	70-1510-1
1000 General Levy	24,173.00	0.00	22,775.69	1,397.31	94.22	* Source of Revenue
70 Working Cash Fund	24,173.00	0.00	22,775.69	1,397.31	94.22	Fund
General Levy						
80-1120-01-1	182,006.00	0.00	171,639.22	10,366.78	94.30	80-1120-01-1
80-1210-01-1	70.00	0.00	0.00	70.00	0.00	80-1210-01-1
80-1510-1	80.00	0.00	0.00	80.00	0.00	80-1510-1
1000 General Levy	182,156.00	0.00	171,639.22	10,516.78	94.23	* Source of Revenue
80 Tort Immunity and Judgment Fund	182,156.00	0.00	171,639.22	10,516.78	94.23	Fund
General Levy						
90-1118-01-1	26,006.00	0.00	24,524.70	1,481.30	94.30	90-1118-01-1
90-1210-01-1	10.00	0.00	0.00	10.00	0.00	90-1210-01-1
90-1510-1	10.00	0.00	0.00	10.00	0.00	90-1510-1
1000 General Levy	26,026.00	0.00	24,524.70	1,501.30	94.23	* Source of Revenue
90 Capital Improvement Fund	26,026.00	0.00	24,524.70	1,501.30	94.23	Fund
Report Total:	4,019,104.73	247,911.28	2,609,578.34	1,409,526.39	64.93	

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Education Fund 10		1000 Instruction		Current Budget	M.T.D. Activity	Y.T.D. Activity	Budget Balance	% of Budget	State Account Number
Function Account	Description								
10-1101-110-1	ELEM/JRH TCH SALARIES	525,000.00	21,909.30	154,799.68	370,200.32	29.49	10-1101-110-1		
10-1101-115-1	ELEM/JRH CLRM CLERKS & AIDES	125,000.00	5,655.70	30,293.63	94,706.37	24.23	10-1101-115-1		
10-1101-120-1	ELEM-JRH SUB TCH	20,000.00	1,200.00	1,380.00	18,620.00	6.90	10-1101-120-1		
10-1101-125-1	ELEM-JRH SUB CLERKS & AIDES	15,000.00	112.50	1,462.50	13,537.50	9.75	10-1101-125-1		
10-1101-211-1	ELEM/JRH TCH SALARIES (38B)	11,000.00	349.47	2,380.39	8,619.61	21.64	10-1101-211-1		
10-1101-212-1	ELEM/JRH TCH SALARIES (51B)	3,000.00	133.36	904.59	2,095.41	30.15	10-1101-212-1		
10-1101-220-1	ELEM-JRH/INS BENEFITS	149,000.00	7,474.67	53,107.71	95,892.29	35.64	10-1101-220-1		
10-1101-410-1	ELEM/GENERAL SUPL	3,200.00	12,480.22	15,545.05	(12,345.05)	485.78	10-1101-410-1		
10-1101-410-14	SUPPLIES - TITLE I VACANCY GRANT	0.00	0.00	167.11	(167.11)	0.00	10-1101-410-14		
10-1101-410-3-1	3RD GRADE SUPPLIES	0.00	0.00	236.57	(236.57)	0.00	10-1101-410-3-1		
10-1101-411-1-1	MATH 6-7-8	0.00	0.00	9,050.60	(9,050.60)	0.00	10-1101-411-1		
10-1101-411-14	SUPPLIES - TITLE I SCHOOL IMPROVEMENT	0.00	2,946.23	3,100.17	(3,100.17)	0.00	10-1101-411-14		
10-1101-411-3-1	SOCIAL STUDIES 6-7-8	20,000.00	0.00	47.95	19,952.05	0.24	10-1101-411-3-1		
10-1101-411-4-1	LANGUAGE/ARTS 6-7-8	0.00	0.00	84.28	(84.28)	0.00	10-1101-411-4-1		
10-1101-411-6-1	PE & HEALTH SUPL	1,600.00	0.00	1,737.50	(137.50)	108.59	10-1101-411-550-1		
10-1101-411-7-1	ART SUPPLIES/ELEM - JRH	500.00	0.00	394.78	105.22	78.96	10-1101-411-7-1		
10-1101-411-8-1	ACTIVITY FUND PURCH.	1,000.00	0.00	0.00	1,000.00	0.00	10-1101-411-8-1		
10-1101-411-9-1	JRH BAND & CHORAL MUSIC	1,000.00	0.00	89.90	910.10	8.99	10-1101-411-9-1		
10-1101-413-1	BAND REPAIRS & SUPL	500.00	380.00	563.50	(63.50)	112.70	10-1101-413-1		
10-1125-100-110-10	PRE K/TC SALARY 2023-2024	54,000.00	3,011.41	12,195.66	41,804.34	22.58	10-1125-110-100-10		
10-1125-100-110-11	PRESCH TCH SAL./2022-2023	0.00	0.00	8,673.66	(8,673.66)	0.00	10-1125-110-100-11		
10-1125-100-115-10	PRE K/AIDE SALARY 2023-2024	20,000.00	0.00	0.00	20,000.00	0.00	10-1125-115-100-10		
10-1125-100-115-11	PRESCH/AIDE SAL. 2022-2023	0.00	0.00	3,285.34	(3,285.34)	0.00	10-1125-115-100-11		
10-1125-100-122-10	PRESCH-SUB/TCH	0.00	240.00	240.00	(240.00)	0.00	10-1125-122-100-10		
10-1125-100-126-10	PRESCH-SUB CLERK	0.00	112.50	112.50	(112.50)	0.00	10-1125-126-100-10		
10-1125-211-100.10	PRE K/TC SALARY 2023-24 (38B)	1,000.00	35.78	143.07	856.93	14.31	10-1125-211-100-10		
10-1125-212-100.11	PRESCH TCH SAL./2022-2023 (388)	0.00	0.00	136.20	(136.20)	0.00	10-1125-211-100-11		
10-1125-100-115-10	PRE K/TC SALARY 2023-24 (51B)	300.00	13.62	53.25	246.75	17.75	10-1125-212-100-10		
10-1125-100-115-11	PRESCH TCH SAL./2022-2023 (51B)	24,000.00	477.96	1,783.84	22,216.16	7.43	10-1125-212-100-11		
10-1125-212-100.10	PRE SCH AT RISK/INSURANCE	0.00	0.00	50.32	(50.32)	0.00	10-1125-212-100-10		
10-1125-212-100.11	PRESCH/INS BENEFIT	700.00	0.00	2,476.38	(2,476.38)	0.00	10-1125-220-100-10		
10-1125-100-220-11	PRESCH/FOOD SERV	0.00	0.00	226.20	473.80	32.31	10-1125-400-256-10		
10-1125-256-400-10	PRE KAT RISK/SUPPLIES	0.00	0.00	1,246.51	(1,246.51)	0.00	10-1125-410-100-10		
10-1125-100-410-10	SPEC ED-TCH SAL.	130,000.00	5,404.70	34,961.20	95,038.80	26.89	10-1205-110-1		
10-1205-110-1	SPEC.ED./HOMEBOUND TUTORING	400.00	0.00	0.00	400.00	0.00	10-1205-113-1		
10-1205-113-1	SPEC ED-CLERK SAL.	85,000.00	3,225.12	23,296.91	61,703.09	27.41	10-1205-115-1		
10-1205-115-1	SPEC ED-TCH SAL. (38B)	2,000.00	52.92	297.84	1,702.16	14.89	10-1205-211-1		
10.1205.211.1	SPEC ED-TCH SAL. (51B)	500.00	19.75	110.23	389.77	22.05	10-1205-212-1		
10.1205.212.1	SPEC ED-BENE/INS.	50,000.00	2,351.60	15,479.76	34,520.24	30.96	10-1205-220-1		

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Education Fund: 10		1000 Instruction		Current Budget		M.T.D. Activity		Y.T.D. Activity		Budget Balance		% of Budget		State Account Number	
Function	Account	Description	Instruction												
	10-1205-300-1			250.00	0.00	0.00	0.00	0.00	250.00	0.00	10-1205-300-1	0.00			
	10-1205-410-1-1			500.00	0.00	0.00	925.80	0.00	(425.80)	185.16	10-1205-410-09-1	185.16			
	10-1205-410-2-1			500.00	0.00	0.00	136.94	0.00	363.06	27.39	10-1205-410-2-1	27.39			
	10-1205-410-3-1			2,368.00	566.00	566.00	566.00	0.00	1,802.00	23.90	10-1205-410-3-1	23.90			
	10-1205-410-4-1			58,620.00	13,548.00	13,548.00	13,548.00	0.00	45,072.00	23.11	10-1205-410-4-1	23.11			
	10-1250-100-110-14			61,000.00	3,941.71	3,941.71	11,566.84	0.00	49,433.16	18.96	10-1250-110-100-14	18.96			
	10-1250-221-110-14			25,000.00	0.00	0.00	0.00	0.00	25,000.00	0.00	10-1250-110-221-14	0.00			
	10-1250-100-211-14			4,600.00	192.05	192.05	311.78	0.00	4,288.22	6.78	10-1250-211-100-14	6.78			
	10-1250-110-211-14			100.00	0.00	0.00	0.00	0.00	100.00	0.00	10-1250-211-110-14	0.00			
	10-1250-212-100-14			800.00	22.86	22.86	67.08	0.00	732.92	8.39	10-1250-212-100-14	8.39			
	10-1250-212-100-14			100.00	0.00	0.00	0.00	0.00	100.00	0.00	10-1250-212-110-14	0.00			
	10-1250-110-212-14			11,000.00	766.67	766.67	2,068.86	0.00	8,931.14	18.81	10-1250-220-100-14	18.81			
	10-1250-100-220-14			5,000.00	0.00	0.00	5,099.00	0.00	(99.00)	107.98	10-1250-300-221-14	107.98			
	10-1250-221-300-14			14,000.00	0.00	0.00	381.20	0.00	13,638.80	2.58	10-1250-310-100-14	2.58			
	10-1250-100-310-14			7,000.00	0.00	0.00	345.83	0.00	6,654.17	4.94	10-1250-400-221-14	4.94			
	10-1250-221-400-14			200.00	0.00	0.00	367.86	0.00	(167.86)	183.93	10-1250-400-290-14	183.93			
	10-1250-290-400-14			23,000.00	165.00	165.00	6,413.32	0.00	16,586.68	27.88	10-1250-410-100-14	27.88			
	10-1250-100-410-14			500.00	1,178.75	1,178.75	1,178.75	0.00	(678.75)	235.75	10-1250-410-300-14	235.75			
	10-1255-100-110-15			0.00	0.00	0.00	9,591.50	0.00	(9,591.50)	0.00	10-1255-110-100-15	0.00			
	10-1255-100-211-15			0.00	0.00	0.00	150.60	0.00	(150.60)	0.00	10-1255-211-100-15	0.00			
	10-1255-212-100-15			0.00	0.00	0.00	55.64	0.00	(55.64)	0.00	10-1255-212-100-15	0.00			
	10-1255-212-100-15			0.00	0.00	0.00	1,650.92	0.00	(1,650.92)	0.00	10-1255-220-100-15	0.00			
	10-1255-100-220-15			10,000.00	800.00	800.00	4,340.00	0.00	5,660.00	43.40	10-1400-110-1	43.40			
	10-1400-110-1			0.00	0.00	0.00	3,544.27	0.00	(3,544.27)	0.00	10-1408-300-1	0.00			
	10-1408-300-1			3,600.00	0.00	0.00	2,251.68	0.00	1,348.32	62.55	10-1408-410-1	62.55			
	10-1408-410-1			24,000.00	4,173.56	4,173.56	13,495.36	0.00	10,504.64	56.23	10-1408-411-1	56.23			
	10-1408-411-1			2,000.00	122.45	122.45	3,868.59	0.00	(1,868.59)	193.33	10-1408-412-1	193.33			
	10-1408-412-1			4,500.00	0.00	0.00	0.00	0.00	4,500.00	0.00	10-1408-413-1	0.00			
	10-1408-413-1			22,250.00	167.76	167.76	335.52	0.00	21,914.48	1.51	10-1408-424-1	1.51			
	10-1408-426-1			5,000.00	709.10	709.10	5,477.73	0.00	(477.73)	109.55	10-1510-410-1	109.55			
	10-1510-410-1			27,000.00	6,305.33	6,305.33	8,295.64	0.00	18,704.36	30.72	10-1520-110-1	30.72			
	10-1520-110-1			400.00	4.46	4.46	35.68	0.00	364.32	8.92	10-1520-211-1	8.92			
	10-1520-211-1			100.00	1.65	1.65	13.20	0.00	96.80	13.20	10-1520-212-1	13.20			
	10-1520-212-1			2,000.00	46.01	46.01	357.63	0.00	1,642.37	17.88	10-1520-220-1	17.88			
	10-1520-220-1			300.00	0.00	0.00	97.11	0.00	202.89	32.37	10-1520-332-1	32.37			
	10-1520-332-1			2,200.00	0.00	0.00	280.00	0.00	1,920.00	12.73	10-1520-410-1	12.73			
	10-1520-410-1			2,200.00	0.00	0.00	0.00	0.00	2,200.00	0.00	10-1520-411-1	0.00			
	10-1520-411-1			2,200.00	65.00	65.00	2,328.30	0.00	(128.30)	105.83	10-1520-412-1	105.83			
	10-1520-412-1			2,200.00	0.00	0.00	0.00	0.00	2,200.00	0.00	10-1520-413-1-1	0.00			
	10-1520-413-1			2,200.00	0.00	0.00	187.50	0.00	2,012.50	8.52	10-1520-600-1	8.52			
	10-1520-600-1			1,570,388.00	100,343.17	100,343.17	479,426.91	0.00	1,090,961.09	30.53		30.53			

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Education Fund 10		2000		Support Services		Current		M.T.D.		Y.T.D.		Budget		% of		State Account Number	
Function	Account	Description	Budget	Activity	Budget	Activity	Budget	Activity	Budget	Activity	Budget	Activity	Balance	Budget	Budget		
		Support Services															
10-2110-300-1		SOCIAL WORKER PURCH SERV	25,000.00	3,054.00	3,054.00	3,054.00	3,054.00	3,054.00	3,054.00	3,054.00	3,054.00	3,054.00	21,946.00	12.22	10-2110-300-1		
10-2120-110-1		COUNSELOR-TCH SALARY	45,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45,000.00	0.00	10-2120-110-1		
10-2120-110-212-1		TRS/NEC	700.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	700.00	0.00	10-2120-110-212-1		
10-2120-110-211-1		TRS/THIS BENEFIT	700.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	700.00	0.00	10-2120-110-211-1		
10-2120-220-1		COUNSELOR-BENE/INS.	12,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12,000.00	0.00	10-2120-220-1		
10-2120-332-1		COUNSELOR-TRAVEL	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	10-2120-332-1		
10-2130-300-1		HEALTH SERVICES	3,500.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	2,656.00	24.11	10-2130-300-1		
10-2130-410-1		SCH.HEALTH SUPPLIES	270.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	212.95	21.13	10-2130-410-1		
10-2140-110-1		PSYCHOLOGY-SALARY	10,000.00	1,800.87	1,800.87	1,800.87	1,800.87	1,800.87	1,800.87	1,800.87	1,800.87	1,800.87	2,796.50	72.04	10-2140-110-1		
10-2140.211.1		PSYCHOLOGY-SALARY (38B)	0.00	28.27	28.27	28.27	28.27	28.27	28.27	28.27	28.27	28.27	(113.11)	0.00	10-2140-211-1		
10-2140.212.1		PSYCHOLOGY-SALARY (51B)	0.00	10.45	10.45	10.45	10.45	10.45	10.45	10.45	10.45	10.45	(41.80)	0.00	10-2140-212-1		
10-2140-220-1		PSYCH.-BENE/INS.	0.00	440.07	440.07	440.07	440.07	440.07	440.07	440.07	440.07	440.07	(1,742.26)	0.00	10-2140-220-1		
10-2140-410-1		PSYCH.-SUPPLIES	700.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	700.00	0.00	10-2140-410-1		
10-2150-110-1		SPEECH-TEACHERS SALARY	20,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20,000.00	0.00	10-2150-110-1		
10-2150-410-1		SPEECH-SUPPLIES	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	200.00	0.00	10-2150-410-1		
10-2210-221-2-1		TITLE III(4932)IMPROV INSTRUC	7,600.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,078.70	20.02	10-2210-221-1		
10-2210-300-3-1		TITLE III(SOFTWARE	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	200.00	0.00	10-2210-290-3-1		
10-2210-400-4-1		TITLE IV-(4400) SUPPLIES	10,000.00	365.98	365.98	365.98	365.98	365.98	365.98	365.98	365.98	365.98	555.34	94.45	10-2210-400-4-1		
10-2220-110-1		LIBRARY - SALARY	26,000.00	1,070.27	1,070.27	1,070.27	1,070.27	1,070.27	1,070.27	1,070.27	1,070.27	1,070.27	17,714.92	31.87	10-2220-110-1		
10-2220-220-1		LIBRARY-BENE/INS	11,000.00	476.73	476.73	476.73	476.73	476.73	476.73	476.73	476.73	476.73	7,570.16	31.18	10-2220-220-1		
10-2220-410-1		LIBRARY SUPPLIES	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	97.90	51.05	10-2220-410-1		
10-2220-430-1		LIBRARY BOOKS	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	200.00	0.00	10-2220-430-1		
10-2220-432-1		AV MATERIALS	500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	296.20	40.76	10-2220-432-1		
10-2310-310-1		BD OF EDUC.-PURCH SERV.	12,000.00	505.00	505.00	505.00	505.00	505.00	505.00	505.00	505.00	505.00	9,980.00	16.83	10-2310-310-1		
10-2310-318-1		BD OF EDUC.-LEGAL	8,000.00	368.75	368.75	368.75	368.75	368.75	368.75	368.75	368.75	368.75	3,764.92	52.94	10-2310-318-1		
10-2310-319-1		BANK & WIRE CHGS.	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	44.00	12.00	10-2310-319-1		
10-2310-332-1		BD OF ED.-TRAVEL	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	10-2310-332-1		
10-2310-340-1		BD OF EDUC.-POSTAGE	1,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,406.04	6.26	10-2310-334-1		
10-2310-350-1		ADVERTISING	1,000.00	56.00	56.00	56.00	56.00	56.00	56.00	56.00	56.00	56.00	922.91	7.71	10-2310-350-1		
10-2310-410-1		SUPPLIES	15,000.00	142.60	142.60	142.60	142.60	142.60	142.60	142.60	142.60	142.60	11,177.24	25.49	10-2310-410-1		
10-2310-540-1		BD OF EDUC.-CAP. OUTLAY	4,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,320.00	42.00	10-2310-540-1		
10-2310-610-1		MISC /OTHER	2,600.00	379.46	379.46	379.46	379.46	379.46	379.46	379.46	379.46	379.46	2,042.37	21.45	10-2310-610-1		
10-2310-640-1		DUES & FEES	3,000.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	2,600.00	13.33	10-2310-640-1		
10-2310-690-1		MISC-CONVENTION	10,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,717.30	62.83	10-2310-690-1		
10-2320-110-1		SUPT SALARY	112,500.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	91,700.00	18.49	10-2320-110-1		
10-2320-115-1		SUPT SECY/CO-OP STU	32,000.00	1,475.44	1,475.44	1,475.44	1,475.44	1,475.44	1,475.44	1,475.44	1,475.44	1,475.44	20,989.05	34.41	10-2320-115-1		
10-2320.211.1		SUPT SALARY (39B)	2,000.00	40.82	40.82	40.82	40.82	40.82	40.82	40.82	40.82	40.82	1,673.44	16.33	10-2320-211-1		
10-2320.212.1		SUPT SALARY (35B)	1,000.00	15.08	15.08	15.08	15.08	15.08	15.08	15.08	15.08	15.08	879.36	12.06	10-2320-212-1		
10-2320-220-1		EMPL.BENE/INS	12,000.00	478.22	478.22	478.22	478.22	478.22	478.22	478.22	478.22	478.22	10,240.99	14.66	10-2320-220-1		
10-2320-340-1		POSTAGE	0.00	83.50	83.50	83.50	83.50	83.50	83.50	83.50	83.50	83.50	(356.00)	0.00	10-2320-340-1		

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Education Fund 10		2000 Support Services		Current Budget		M.T.D. Activity		Y.T.D. Activity		Budget Balance		% of Budget		State Account Number	
Function	Account	Description													
	10-2320-410-1	OFFICE SUPL./SUBSCRIP	0.00	0.00	105.23	(105.23)	0.00	10-2320-410-1	0.00						
	10-2320-540-1	CAPITAL OUTLAY	0.00	0.00	818.13	(818.13)	0.00	10-2320-540-1	0.00						
	10-2320-640-1	DUES & FEES	1,500.00	0.00	1,073.60	426.40	71.57	10-2320-640-1	71.57						
	10-2410-110-1	ELEM.PRINC.-SALARY	52,000.00	4,983.33	46,699.98	5,300.02	89.81	10-2410-110-1	89.81						
	10-2410-115-1	ELEM SEC.-SALARY	30,000.00	1,087.73	12,221.93	17,778.07	40.74	10-2410-115-1	40.74						
	10-2410-211-1	ELEM.PRINC.-SALARY (39B)	100.00	78.24	733.22	(633.22)		10-2410-211-1	733.22						
	10-2410-211-1	TRS BENEFIT EXP.	1,000.00	0.00	0.00	1,000.00	0.00	10-2410-211-110-1	0.00						
	10-2410-212-1	ELEM.PRINC.-SALARY (35B)	100.00	28.90	270.84	(170.84)		10-2410-212-1	270.84						
	10-2410-212-1	TRS/NEW EMPLOY. CONTR.	500.00	0.00	0.00	500.00	0.00	10-2410-212-110-1	0.00						
	10-2410-220-1	ELEM.PRINC.-SALARY (48B)	4,000.00	388.44	5,909.79	(1,909.79)		10-2410-220-1	147.74						
	10-2410-220-1	ELEM.PRINC.-BENE.INS.	24,000.00	0.00	0.00	24,000.00	0.00	10-2410-220-1-1	0.00						
	10-2410-600-1	OTHER MISC. EXPENSE	200.00	0.00	0.00	200.00	0.00	10-2410-300-1	0.00						
	10-2410-332-1	ELEM.PRINC.-TRAVEL	200.00	0.00	0.00	200.00	0.00	10-2410-332-1	0.00						
	10-2410-410-1	ELEM.OFFICE SUPPLIES	2,500.00	0.00	636.46	1,863.54	25.46	10-2410-410-1	25.46						
	10-2410-640-1	ELEM.PRINC.-DUES & FEES	500.00	0.00	298.00	202.00	59.60	10-2410-640-1	59.60						
	10-2510-110-1	SALARY-BOOKKEEPER	65,000.00	2,441.25	20,605.70	44,394.30	31.70	10-2510-110-1	31.70						
	10-2510-220-1	EMPLOYEE BENE INS	11,500.00	476.73	3,323.27	8,176.73	28.90	10-2510-220-1	28.90						
	10-2510-300-1	PURCHASED SERVICES	1,200.00	0.00	0.00	1,200.00	0.00	10-2510-300-1	0.00						
	10-2510-332-1	TRAVEL	875.00	0.00	0.00	875.00	0.00	10-2510-332-1	0.00						
	10-2510-652-1	BOOKKEEPER FIDELITY BOND	2,500.00	0.00	2,195.00	305.00	87.80	10-2510-652-1	87.80						
	10-2520-300-1	FISCAL SERVICES/AUDIT	13,000.00	13,250.00	13,250.00	(250.00)	101.92	10-2520-300-1	101.92						
	10-2540-340-1	UTIL-TELEPHONE	8,100.00	635.90	2,837.55	5,262.45	35.03	10-2540-340-1	35.03						
	10-2560-110-1	CAFETERIA SALARIES	66,000.00	4,000.31	23,596.78	42,403.22	35.75	10-2560-110-1	35.75						
	10-2560-220-1	EMPLOYEE BENE INS	34,350.00	953.46	8,923.33	25,426.67	25.98	10-2560-220-1	25.98						
	10-2560-300-1	CAFETERIA/PURCH.SERVICES	5,000.00	40.00	160.00	4,840.00	3.20	10-2560-300-1	3.20						
	10-2560-323-1	REPAIRS/MAINTENANCE	3,000.00	0.00	0.00	3,000.00	0.00	10-2560-323-1	0.00						
	10-2560-332-1	TRAVEL	500.00	0.00	157.20	342.80	31.44	10-2560-332-1	31.44						
	10-2560-410-1	SUPL.-OTHER(NON FOOD)	12,000.00	283.86	641.48	11,358.52	5.35	10-2560-410-1	5.35						
	10-2560-411-1	SUPPLIES-FOOD ITEMS	80,000.00	10,043.16	18,731.95	61,268.05	23.41	10-2560-411-1	23.41						
	10-2560-600-1	MISC OTHER EXPENSES	1,400.00	0.00	794.30	605.70	56.74	10-2560-600-1	56.74						
	10-2660-600-1	DATA PROC./COPIER RENTAL	9,000.00	1,290.47	4,220.62	4,779.38	46.90	10-2660-600-1	46.90						
		2000 Support Services	820,645.00	53,993.29	257,795.24	562,849.76	31.41	Function	31.41						
		Nonprogrammed Charges													
	10-4120-320-1	TUITION PMTS-WCISEC	40,000.00	1,534.00	1,534.00	38,466.00	3.84	10-4120-320-1	3.84						
		4000 Nonprogrammed Charges	40,000.00	1,534.00	1,534.00	38,466.00	3.84	Function	3.84						
		10 Education Fund	2,431,033.00	155,870.46	738,756.15	1,692,276.85	30.39	Fund	30.39						
		Support Services													
	20-2540-110-1	OBM-REG.SALARIES	115,000.00	5,444.92	61,369.15	53,630.85	53.36	20-2540-110-1	53.36						
	20-2540-220-1	OBM-BENE/INS.	23,000.00	953.46	7,428.81	15,571.19	32.30	20-2540-220-1	32.30						
	20-2540-300-1	PURCHASED SERVICES	50,000.00	330.39	28,224.51	21,775.49	56.45	20-2540-300-1	56.45						

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Oper, Build, & Maint Fund 20		Support Services		Current		Y.T.D.		Budget		% of	
Function	2000	Description	M.T.D.	Activity	Budget	Balance	Activity	Balance	Budget	Budget	State Account Number
Account			Activity								
20-2540-321-1		UTIL-HEATING	247.71	2,076.97	37,923.03		2,076.97		5.19		20-2540-321-1
20-2540-327-1		OBM/UTIL-ELECTRIC	7,369.03	29,318.16	62,681.84		29,318.16		31.87		20-2540-327-1
20-2540-328-1		OBM/UTIL-WATER & SEWAGE	623.21	2,109.68	6,890.32		2,109.68		23.44		20-2540-328-1
20-2540-332-1		TRAVEL	0.00	193.37	1,806.63		193.37		9.87		20-2540-332-1
20-2540-334-1		UNIT TRUCK EXPENSE	0.00	0.00	600.00		0.00		0.00		20-2540-334-1
20-2540-410-1		OBM-CUSTODIAL SUPPLIES	414.63	11,976.37	(1,976.37)		11,976.37		119.76		20-2540-410-1
20-2540-411-1		REPAIRS/MAINT SUPPLIES	939.82	7,168.40	17,831.60		7,168.40		28.87		20-2540-411-1
20-2540-540-1		OBM-CAPITAL OUTLAY	0.00	2,121.60	47,878.40		2,121.60		4.24		20-2540-540-1
20-2540-540-2		OBM-ESSR 2 CAP PROJECTS	5,268.00	5,268.00	(5,268.00)		5,268.00		0.00		20-2540-540-2
20-2540-600-1		OBM-OTHER EXP.	0.00	0.00	1,800.00		0.00		0.00		20-2540-600-1
	2000	Support Services	21,591.17	157,255.02	261,144.98		157,255.02		37.58		* Function
	20	Oper, Build, & Maint Fund	21,591.17	157,255.02	261,144.98		157,255.02		37.58		Fund
Debt Services											
30-5200-621-1		DEBT SERVICE-INT EXPENSE/LONG TERM	0.00	0.00	30,411.60		0.00		0.00		30-5200-621-1
30-5300-650-1		DEBT SERVICES-PRINCIPAL LONG TERM	0.00	0.00	186,000.00		0.00		0.00		30-5300-650-1
30-5400-655-1		DEBT SERVICE-OTHER (AGENT FEE)	0.00	0.00	500.00		0.00		0.00		30-5400-655-1
	5000	Debt Services	0.00	0.00	216,911.60		0.00		0.00		* Function
	30	Debt Service Fund or Fund Group	0.00	0.00	216,911.60		0.00		0.00		Fund
Support Services											
40-2550-110-1		TRANSP-REG. SALARY	5,679.11	34,211.24	100,788.76		34,211.24		25.34		40-2550-110-1
40-2550-211-1		TRANSP-REG. SALARY (388B)	2.79	5.58	(5.58)		5.58		0.00		40-2550-211-1
40-2550-212-1		TRANSP-REG. SALARY (51B)	1.03	2.06	(2.06)		2.06		0.00		40-2550-212-1
40-2550-220-1		TRANSP-BENE/INS.	505.52	3,058.05	11,941.95		3,058.05		20.39		40-2550-220-1
40-2550-300-1		LABOR REPAIR/PARTS	1,173.87	4,354.14	5,645.86		4,354.14		43.54		40-2550-300-300-1
40-2550-310-1		HEALTH SERVICES	0.00	0.00	1,700.00		0.00		0.00		40-2550-310-1
40-2550-315-1		TRANSP./PURCH SERVICES	0.00	0.00	500.00		0.00		0.00		40-2550-315-1
40-2550-332-1		TRAVEL	0.00	0.00	300.00		0.00		0.00		40-2550-332-1
40-2550-411-1		GASOLINE & DIESEL	1,422.29	7,727.09	37,272.91		7,727.09		17.17		40-2550-411-1
40-2550-412-1		OIL & GREASE	0.00	0.00	50.00		0.00		0.00		40-2550-412-1
40-2550-413-1		TIRES & TUBES	65.00	1,244.00	1,256.00		1,244.00		49.76		40-2550-413-1
40-2550-550-1		CAPITAL OUTLAY-VEHICLES	0.00	74,030.76	4,000.24		74,030.76		94.87		40-2550-550-1
40-2550-600-1		OTHER EXPENSE	983.00	1,658.88	841.12		1,658.88		66.36		40-2550-600-1
	2000	Support Services	9,832.61	126,291.80	164,289.20		126,291.80		43.46		* Function
	40	Transportation Fund	9,832.61	126,291.80	164,289.20		126,291.80		43.46		Fund
Instruction											
50-1101-212-1		ELEM AIDES/IMRF	613.66	3,286.94	4,313.06		3,286.94		43.25		50-1101-212-1

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Function Account	1000 Description	Instruction	Current Budget	M.T.D. Activity	Y.T.D. Activity	Budget Balance	% of Budget	State Account Number
50-1101-213-1	ELEM. AIDES/FICA		6,450.00	441.27	2,429.34	4,020.66	37.66	50-1101-213-1
50-1101-214-1	ELEM/JRH TCH-MED ONLY		8,200.00	334.41	2,263.91	5,936.09	27.61	50-1101-214-1
50-1125-212-100.10	PRE K/AIDE SALARY 2019-20 (33B)		1,900.00	84.97	339.88	1,560.12	17.89	50-1125-212-100-10
50-1125-212-100.11	PRESCH/AIDE SAL. 2020-21 (33B)		100.00	0.00	356.46	(256.46)	356.46	50-1125-212-100-11
50-1125-213-100.10	PRE K/AIDE SALARY 2019-20 (FR)		1,250.00	68.52	248.25	1,001.75	19.86	50-1125-213-100-10
50-1125-213-100.11	PRESCH/AIDE SAL. 2020-21 (FR)		100.00	0.00	251.32	(151.32)	251.32	50-1125-213-100-11
50-1125-214-100.10	PRE K/ITCH SALARY 2019-20 (MR)		675.00	36.79	135.90	539.10	20.13	50-1125-214-100-10
50-1125-214-100.11	PRESCH TCH SAL./2020-2021 (MR)		100.00	0.00	125.76	(25.76)	125.76	50-1125-214-100-11
50-1205-212-1	LD AIDES/IMRF		11,000.00	288.89	2,466.68	8,533.32	22.42	50-1205-212-1
50-1205-213-1	LD AIDES/FICA		7,300.00	246.72	1,782.22	5,517.78	24.41	50-1205-213-1
50-1205-214-1	LD TCH/MEDICARE ONLY		2,000.00	78.03	506.60	1,493.40	25.33	50-1205-214-1
50-1250-214-100.14	TITLE I SALARIES 2017-201 (MR)		0.00	57.16	167.71	(167.71)	0.00	50-1250-214-100-14
50-1255-212-100.15	TITLE I-SALARIES/2020-21 (33B)		200.00	0.00	0.00	200.00	0.00	50-1255-212-100-15
50-1255-213-100.15	TITLE I-SALARIES/2020-21 (FR)		200.00	0.00	0.00	200.00	0.00	50-1255-213-100-15
50-1255-214-100.15	TITLE I-SALARIES/2020-21 (MR)		800.00	0.00	139.08	660.92	17.39	50-1255-214-100-15
50-1400-213-1	TECH/FICA		765.00	61.20	289.94	475.06	37.90	50-1400-213-1
50-1400-214-1	TECH TCH/MED. ONLY		0.00	0.00	7.98	(7.98)	0.00	50-1400-214-1
50-1520-213-1	JRH ATHLETICS/FICA		1,000.00	480.60	460.60	539.40	46.06	50-1520-213-1
50-1520-214-1	JRH ATHLETICS/MED.ONLY		500.00	4.12	32.96	467.04	6.59	50-1520-214-1
1000 Instruction			50,140.00	2,776.34	15,291.53	34,848.47	30.50	* Function
Support Services								
50-2120-214-1	GUIDANCE/MEDICARE ONLY		500.00	0.00	0.00	500.00	0.00	50-2120-214-1
50-2140-214-1	PSYCH/MEDICARE ONLY		0.00	26.11	104.44	(104.44)	0.00	50-2140-214-1
50-2210-212-3.1	TITLE II/TUTOR (33B)		200.00	0.00	0.00	200.00	0.00	50-2210-212-3-1
50-2210-213-3.1	TITLE II/TUTOR (FR)		200.00	0.00	0.00	200.00	0.00	50-2210-213-3-1
50-2210-214-3.1	TITLE II/TUTOR (MR)		200.00	0.00	0.00	200.00	0.00	50-2210-214-3-1
50-2220-212-1	LIBR/IMRF		2,900.00	116.12	898.92	2,001.08	31.00	50-2220-212-1
50-2220-213-1	LIBR./FICA		2,100.00	81.88	633.84	1,466.16	30.18	50-2220-213-1
50-2320-212-1	CENT.OFFICE/IMRF		4,300.00	160.09	1,194.71	3,105.29	27.78	50-2320-212-1
50-2320-213-1	CENT.OFFICE/FICA		2,800.00	112.87	842.34	1,957.66	30.08	50-2320-213-1
50-2320-214-1	SUPT./MEDICARE ONLY		1,751.00	37.70	301.60	1,449.40	17.22	50-2320-214-1
50-2410-212-1	ELEM.PRINC.SEC./IMRF		3,800.00	118.02	1,268.48	2,531.52	33.38	50-2410-212-1
50-2410-213-1	ELEM PRINC. SEC./FICA		2,500.00	83.21	934.99	1,565.01	37.40	50-2410-213-1
50-2410-214-1	ELEM PRINC./MED.ONLY		1,537.00	72.27	677.17	859.83	44.06	50-2410-214-1
50-2510-212-1	BKPR/IMRF		7,300.00	264.88	2,235.75	5,064.25	30.63	50-2510-212-1
50-2510-213-1	BKPR/FICA		5,000.00	186.76	1,576.37	3,423.63	31.53	50-2510-213-1
50-2540-212-1	CUSTODIAL/IMRF		12,500.00	496.15	4,274.62	8,225.38	34.20	50-2540-212-1
50-2540-213-1	CUSTODIAL/FICA		9,000.00	416.53	4,694.70	4,305.30	52.16	50-2540-213-1
50-2550-212-1	BUS DRIVER-IMRF		7,000.00	293.68	2,234.89	4,765.11	31.93	50-2550-212-1
50-2550-213-1	BUS DRIVER-FICA		9,000.00	420.86	2,589.96	6,410.04	28.78	50-2550-213-1
50-2550-214-1	TRANSP-REG. SALARY (MR)		0.00	2.58	5.16	(5.16)	0.00	50-2550-214-1

La Harpe CSD 347 Expenditure Report - Bc

Printed: 11/13/2023 9:07:51PM
La Harpe CSD 347

I.M.R.F./Soc. Sec. Fund 50		Support Services					
Function	2000	Description	M.T.D. Activity	Y.T.D. Activity	Budget Balance	% of Budget	State Account Number
Account							
50-2560-212-1		COOKS/MRF	207.95	2,210.19	5,789.81	27.63	50-2560-212-1
50-2560-213-1		COOKS/FICA	306.03	1,798.15	4,201.85	29.97	50-2560-213-1
50-2560-214-1		CAFETERIA SALARIES (MR)	0.00	1.33	(1.33)	0.00	50-2560-214-1
2000 Support Services			3,403.69	28,477.61	58,110.39	32.89	* Function
50 I.M.R.F./Soc. Sec. Fund			6,180.03	43,769.14	92,958.86	32.01	Fund
Support Services							
80-2362-300-1		WORKERS' COMPENSATION INS	0.00	16,258.51	241.49	98.54	80-2362-300-1
80-2363-300-1		TORT/UNEMPLOYMENT INS.EXP.	0.00	1,729.04	7,270.96	19.21	80-2363-300-1
80-2364-300-1		PROPERTY/CASUALTY INS.EXP.	0.00	55,787.23	212.77	98.62	80-2364-300-1
80-2367-100-1		TORT/ED, INSPECT, SUPERV, SERV	0.00	0.00	100,000.00	0.00	80-2367-100-1
2000 Support Services			0.00	73,774.78	107,725.22	40.65	* Function
80 Tort Immunity and Judgment Fund			0.00	73,774.78	107,725.22	40.65	Fund
Support Services							
90-2530-300-1		FIRE PREV & SAFETY/ PURCH SERV.	0.00	0.00	8,000.00	0.00	90-2530-300-1
2000 Support Services			0.00	0.00	8,000.00	0.00	* Function
90 Capital Improvement Fund			0.00	0.00	8,000.00	0.00	Fund
Report Total:			3,683,153.60	1,139,846.89	2,543,306.71	30.95	

Paid Accounts Payable by Vendor

Printed: 11/14/2023 11:58:22AM
 La Harpe CSD 347
 Expense on Date: 11/14/2023 to 11/14/2023

Invoice #	A.S.N.	Description	Override	Batch #	P.O. #	Check Date	Check #	Amount	State Account Number
CARSON MOTORS INC.									
43844	40-2550-600-1	TEST BUS #5		14 0		11/14/2023	90778	56.00	40-2550-600-1
								<u>\$56.00</u>	Payee Vendor Total
CLOVER'S TIRE SHOP									
43844	40-2550-300-1	SERVICE VAN - SEPT		14 0		11/14/2023	90779	85.50	40-2550-300-300-1
								<u>\$85.50</u>	Payee Vendor Total
CONSTELLATION NEWENERGY I									
10/24/2023	20-2540-327-1	OBM/UTIL-ELECTRIC		14 0		11/14/2023	90780	4,916.26	20-2540-327-1
								<u>\$4,916.26</u>	Payee Vendor Total
COPPEs TERMITE & PEST									
115188	10-2560-300-1	MONTHLY PEST CONTROL - CAFETERIA		14 0		11/14/2023	90781	40.00	10-2560-300-1
								<u>\$40.00</u>	Payee Vendor Total
DARLING INTERNATIONAL									
12974116	10-2560-300-1	ANNUAL GREASE PICKUP		14 0		11/14/2023	90782	150.00	10-2560-300-1
								<u>\$150.00</u>	Payee Vendor Total
DIGITAL COPY SYSTEMS									
235521	10-2660-600-1	DATA PROC./COPIER RENTAL		14 0		11/14/2023	90783	1,290.15	10-2660-600-1
								<u>\$1,290.15</u>	Payee Vendor Total
EARTHGRAINS/BIMBO BAKERIE									
10/31/2023	10-2560-411-1	CAFETERIA		14 0		11/14/2023	90784	497.70	10-2560-411-1
								<u>\$497.70</u>	Payee Vendor Total
ELA HONOR SOCIETY									
ELA-18	10-1101-411-4-1	LAHARPE CHAPTER ELA HONOR SOCIETY		14 0		11/14/2023	90785	150.00	10-1101-411-4-1
								<u>\$150.00</u>	Payee Vendor Total
FAYHEE PM SOLUTIONS									
08/31/2023	20-2540-411-1	KEYS		14 0		11/14/2023	90786	25.90	20-2540-411-1
								<u>\$25.90</u>	Payee Vendor Total
FRANK MILLARD & CO INC									
194891	20-2540-300-1	REPLACE PUMP MOTOR - BOILER		14 0		11/14/2023	90787	2,557.00	20-2540-300-1
195026	20-2540-300-1	ROOF STORM DAMAGE REPAIR		14 0		11/14/2023	90787	9,895.00	20-2540-300-1
195547	20-2540-300-1	GYM RTU		14 0		11/14/2023	90787	165.00	20-2540-300-1
								<u>\$12,617.00</u>	Payee Vendor Total
GETZ FIRE EQUIPMENT									
I2-578721	20-2540-300-1	CHECK FIRE ALARM HORN		14 0		11/14/2023	90788	552.60	20-2540-300-1

Paid Accounts Payable by Vendor

Printed: 11/14/2023 11:58:22AM
 La Harpe CSD 347
 Expense on Date: 11/14/2023 to 11/14/2023

Invoice #	A.S.N.	Description	Override	Batch #	P.O. #	Check Date	Check #	Amount	State Account Number	Payee Vendor Total
HOLT SUPPLY								\$552.60		
3418370	20-2540-411-1	TOILET REPAIR			14 0	11/14/2023	90789	274.99	20-2540-411-1	
								\$274.99		Payee Vendor Total
IL ASSOC OF SCHL ADM.								(150.00)	10-2310-640-1	
09/15/2023	10-2310-640-1	Void TAX LEVY WORKSHOP - DR GLADU		9318 0		11/14/2023	90741	(50.00)	10-2310-640-1	
23108	10-2310-640-1	Void 2023-2024 REGION MEMBERSHIP DUJES		9318 0		11/14/2023	90741	150.00	10-2310-640-1	
84-101623	10-2310-640-1	TAX LEVY CONFERENCE - GLADU		14 0		11/14/2023	90790	(\$50.00)		Payee Vendor Total
ILLINOIS DIGITAL EDUCATOR								299.00	10-1250-300-221-14	
IDEA24-0010	10-1250-221-300-14	SIMMONS - REGISTRATION - TITLE I/IMPROV.		14 0		11/14/2023	90791	\$299.00		Payee Vendor Total
JACKSON DISPOSAL - LRS								278.30	20-2540-328-1	
100812	20-2540-328-1	OBM/GARBAGE		14 0		11/14/2023	90792	\$278.30		Payee Vendor Total
K & C ENTERPRISES								79.70	40-2550-300-300-1	
36876	40-2550-300-1	SERVICE VAN - OCT		14 0		11/14/2023	90793	647.97	40-2550-300-300-1	
36847	40-2550-300-1	VAN BRAKE CALIBERS		14 0		11/14/2023	90793	\$727.67		Payee Vendor Total
KAREN NUDD								505.00	10-2310-310-1	
11/14/2020	10-2310-310-1	TREASURER DUTIES		14 0		11/14/2023	90794	\$505.00		Payee Vendor Total
KOHL GROCER								5,910.95	10-2560-411-1	
11/01/2023	10-2560-411-1	CAFETERIA		14 0		11/14/2023	90795	\$5,910.95		Payee Vendor Total
LA HARPE TELEPHONE CO.								620.42	10-2540-340-1	
10/31/2023	10-2540-340-1	UTIL-TELEPHONE		14 0		11/14/2023	90796	\$620.42		Payee Vendor Total
LA HARPE WATERWORKS								332.55	20-2540-328-1	
10/31/2023	20-2540-328-1	OBM/UTIL-WATER & SEWAGE		14 0		11/14/2023	90797	\$332.55		Payee Vendor Total
LEARNING TECHNOLOGY CENTE								125.00	10-1250-300-221-14	
10/15/2023	10-1250-221-300-14	HALEY DIXON - TECH CONFERENCE		14 0		11/14/2023	90798	\$125.00		Payee Vendor Total

Paid Accounts Payable by Vendor

Printed: 11/14/2023 11:58:22AM
 La Harpe CSD 347
 Expense on Date: 11/14/2023 to 11/14/2023

Invoice #	A.S.N.	Description	Override	Batch #	P.O. #	Check Date	Check #	Amount	State Account Number
MELTON'S AUTO									
42598	40-2550-300-1	SERVICE BUS #5			14 0	11/14/2023	90799	287.87	40-2550-300-300-1
								<u>\$287.87</u>	Payee Vendor Total
MEMORIAL MEDICAL CLINICS									
RAHN	10-2130-300-1	RAHN PHYSICAL			14 0	11/14/2023	90800	75.00	10-2130-300-1
								<u>\$75.00</u>	Payee Vendor Total
MENARDS									
84840	20-2540-411-1	REPAIRS/MAINT SUPPLIES			14 0	11/14/2023	90801	110.89	20-2540-411-1
85143	10-1205-410-1-1	SUPPLIES-ELEM			14 0	11/14/2023	90801	69.98	10-1205-410-09-1
								<u>\$180.87</u>	Payee Vendor Total
MID-WEST TRUCKERS ASSOC.									
31706	40-2550-310-1	SHUMAKER - GRAVES ANNUAL DRUG TEST			14 0	11/14/2023	90802	166.00	40-2550-310-1
31705	40-2550-310-1	SCHAEFER PRE-EMPLOY DRUG TEST			14 0	11/14/2023	90802	93.00	40-2550-310-1
								<u>\$259.00</u>	Payee Vendor Total
MILLER, TRACY, BRAUN, FUN									
104910	10-2310-318-1	BD OF EDUC.-LEGAL			14 0	11/14/2023	90803	516.25	10-2310-318-1
								<u>\$516.25</u>	Payee Vendor Total
NATIONAL LOUIS UNIVERSITY									
RR23-033710-1250-221-300-14		RUSSELL LITERAACY CONFERENCE			14 0	11/14/2023	90804	600.00	10-1250-300-221-14
								<u>\$600.00</u>	Payee Vendor Total
NICOR GAS									
10/31/202320-2540-321-1		UTIL-HEATING			14 0	11/14/2023	90805	254.48	20-2540-321-1
								<u>\$254.48</u>	Payee Vendor Total
PEOPLES NATIONAL BANK OF									
11/01/202330-5400-655-1		DEBT SERVICE-OTHER (AGENT FEE)			14 0	11/14/2023	90806	500.00	30-5400-655-1
11/01/202330-5200-621-1		DEBT SERVICE-INT EXPENSE/LONG TERM			14 0	11/14/2023	90806	15,894.00	30-5200-621-1
11/01/202330-5300-650-1		DEBT SERVICES-PRINCIPAL LONG TERM			14 0	11/14/2023	90806	186,000.00	30-5300-650-1
								<u>\$202,394.00</u>	Payee Vendor Total
PLUMBING ETC									
1355	20-2540-300-1	FLUSH VALVE			14 0	11/14/2023	90807	65.00	20-2540-300-1
1316	20-2540-300-1	CENTRAL OFFICE FURNACE			14 0	11/14/2023	90807	65.00	20-2540-300-1
								<u>\$130.00</u>	Payee Vendor Total
PRAIRIE FARMS DAIRY									
10/31/202310-2560-411-1		CAFETERIA			14 0	11/14/2023	90808	1,841.55	10-2560-411-1

Paid Accounts Payable by Vendor

Printed: 11/14/2023 11:58:22AM
 La Harpe CSD 347
 Expense on Date: 11/14/2023 to 11/14/2023

Invoice #	A.S.N.	Description	Override	Batch #	P.O. #	Check Date	Check #	Amount	State Account Number	Payee Vendor Total
								\$1,841.55		
QUALITY NETWORK SOLUTIONS										
71646	10-1408-411-1	MONTHLY CONTRACT			14 0	11/14/2023	90809	1,947.50	10-1408-411-1	
								\$1,947.50		Payee Vendor Total
QUINCY PUBLIC SCHOOLS										
10/05/2023	10-1205-113-1	SPEC.ED./HOMEBOUND TUTORING-SHUIMAKE			14 0	11/14/2023	90810	50.00	10-1205-113-1	
								\$50.00		Payee Vendor Total
REG. OFFICE OF EDUC.#26										
10/17/2023	40-2550-600-1	MATHEW FINGERPRINTS			14 0	11/14/2023	90811	70.00	40-2550-600-1	
10/20/2023	10-2130-300-1	B COLLINS FINGERPRINTS			14 0	11/14/2023	90811	70.00	10-2130-300-1	
10/19/2023	10-2130-300-1	R QUIVEY FINGERPRINTS			14 0	11/14/2023	90811	70.00	10-2130-300-1	
								\$210.00		Payee Vendor Total
THE CENTER										
311888	10-1125-100-410-10	ELS ASSESSMENT			14 0	11/14/2023	90812	199.00	10-1125-410-100-10	
								\$199.00		Payee Vendor Total
WEST CENT.JILL.SPEC.ED.										
11/08/2023	10-4120-320-1	AUGUST - SEPTEMBER TUITION			14 0	11/14/2023	90813	3,458.92	10-4120-320-1	
11/14/2023	10-4120-320-1	PER CAPITA - NOV			14 0	11/14/2023	90813	353.00	10-4120-320-1	
11/14/2023	10-4120-320-1	FLAT FEE - NOV			14 0	11/14/2023	90813	56.00	10-4120-320-1	
11/14/2023	10-4120-320-1	OP-PT - NOV			14 0	11/14/2023	90813	358.00	10-4120-320-1	
11/14/2023	10-2110-300-1	SOCIAL WORKER - NOV			14 0	11/14/2023	90813	1,527.00	10-2110-300-1	
11/14/2023	10-1205-410-4-1	ARRA IDEA PART B FLOW THROUGH- NOV			14 0	11/14/2023	90813	6,774.00	10-1205-410-4-1	
11/14/2023	10-1205-410-3-1	ARRA IDEA PART B PRESCH - NOV			14 0	11/14/2023	90813	283.00	10-1205-410-3-1	
								\$12,809.92		Payee Vendor Total
WEST CENTRAL FS, INC.										
35740	40-2550-411-1	1303 GL GAS @2.45/GL			14 0	11/14/2023	90814	3,804.54	40-2550-411-1	
								\$3,804.54		Payee Vendor Total
								\$254,964.97		Report Total

Balance Sheet

Date Range: 10/01/23 to 10/31/2023

Printed: 11/09/2023 10:22:03AM
La Harpe CSD 347

Agency Fund or Fund Group 99
 Account Class 100
 Description

Y.T.D. Bal.Fwd. M.T.D. Activity Y.T.D. Activity State Account Number

Account Class	Description	Y.T.D. Bal.Fwd.	M.T.D. Activity	Y.T.D. Activity	State Account Number
100	ACTIVITY CASH IN BANK	22,710.45	(2,493.59)	20,216.86	99-112
	Current Assets	22,710.45	(2,493.59)	20,216.86	* Account Class
	CONCESSIONS	(2,544.47)	0.00	(2,544.47)	99-481-1000-99
	JH GIRLS BASKETBALL	(4,810.14)	2,500.00	(2,310.14)	99-481-1200-99
	JH BASEBALL	(84.56)	0.00	(84.56)	99-481-1300-99
	JH VOLLEYBALL	(766.54)	0.00	(766.54)	99-481-1400-99
	JH BOYS BASKETBALL	(295.79)	0.00	(295.79)	99-481-1500-99
	REGIONAL TOURNAMENT	(6,552.50)	0.00	(6,552.50)	99-481-1600-99
	NOW INTEREST	(143.34)	(6.41)	(149.75)	99-481-2100-99
	MEMORIAL FUND	(499.00)	0.00	(499.00)	99-481-2200-99
	JUNIOR HIGH	(292.47)	0.00	(292.47)	99-481-2300-99
	BAND/MUSIC	(1,387.68)	0.00	(1,387.68)	99-481-2400-99
	LIBRARY	(689.92)	0.00	(689.92)	99-481-2500-99
	DRAMA	(3.75)	0.00	(3.75)	99-481-2600-99
	STUDENT COUNCIL FUND	(4,490.81)	0.00	(4,490.81)	99-481-2700-99
	PBIS	(149.48)	0.00	(149.48)	99-481-2800-99
400	Current Liabilities	(22,710.45)	2,493.58	(20,216.86)	* Account Class
99	Agency Fund or Fund Group	0.00	0.00	0.00	Fund
	Report Total:	0.00	0.00	0.00	

MINUTES of a regular public meeting of the Board of Education of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, held in the School Library, 404 West Main Street, La Harpe, Illinois in said School District at 7:00 o'clock P.M., on the 21st day of November, 2023.

* * *

The meeting was called to order by the President, and upon the roll being called, Dustin Detherage, the President, and 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 in view of the need to pay the costs of improving school sites and altering, repairing and equipping school buildings and facilities, the Board of Education would consider the adoption of a resolution authorizing the issuance of General Obligation School Bonds (Alternate Revenue Source) and directing the publication of a notice setting forth the determination of the Board to issue such bonds.

Whereupon Member _____ presented and the Secretary read by title a resolution as follows, a copy of which was provided to each Member prior to said meeting and to everyone in attendance at said meeting who requested a copy:

**NOTICE OF INTENT TO ISSUE BONDS
AND RIGHT TO FILE PETITION**

Notice is hereby given that pursuant to a resolution adopted on the 21st day of November, 2023 (the "*Resolution*"), School District Number 347, Hancock, Henderson and McDonough Counties, Illinois (the "*District*"), intends to issue general obligation school bonds (alternate revenue source) (the "*Bonds*") in an aggregate principal amount not to exceed \$6,500,000 for the purpose of improving school sites and altering, repairing and equipping school buildings and facilities. The revenue source that will be pledged to the payment of the principal of and interest on the Bonds will be taxes, grants, state aid, interest earnings and other revenues received by the District and available to be expended for the improvement, maintenance, repair and benefit of school buildings and property. If such revenue source is insufficient to pay the Bonds, ad valorem property taxes levied upon all taxable property in the District without limitation as to rate or amount are authorized to be extended to pay the principal of and interest on the Bonds. A complete copy of the Resolution follows this notice.

Notice is hereby further given that a petition signed by 199 or more electors of the District, said number of electors being equal to the greater of (i) 7.5% of the number of registered voters in the District or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less, may be submitted to the Secretary of the Board of Education of the District (the "*Secretary*") within thirty (30) days of publication of this notice and the Resolution asking that the question of the issuance of the Bonds be submitted to referendum. If such petition is filed with the Secretary within thirty (30) days after the date of publication of this notice, an election on the proposition to issue said bonds shall be held on the 19th day of March, 2024.

The Circuit Court may declare that an emergency referendum should be held prior to said election date pursuant to the provisions of Section 2A1.4 of the Election Code of the State of Illinois, as amended. If no such petition is filed within said thirty (30) day period, then the District shall thereafter be authorized to issue the Bonds for the purpose hereinabove provided.

By order of the Board of Education of the District.

DATED this 21st day of November, 2023.

Shelly Rahn
Secretary, Board of Education,
School District Number 347, Hancock,
Henderson and McDonough Counties,
Illinois

RESOLUTION authorizing the issuance of General Obligation School Bonds (Alternate Revenue Source) of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, in an aggregate principal amount not to exceed \$6,500,000 pursuant to the Local Government Debt Reform Act of the State of Illinois, as amended, for the purpose of paying the costs of improving school sites and altering, repairing and equipping school buildings and facilities, of said District.

* * *

WHEREAS, School District Number 347, Hancock, Henderson and McDonough Counties, Illinois (the "*District*"), is a duly organized and existing school district created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the School Code of the State of Illinois, as amended; and

WHEREAS, the Board of Education of the District (the "*Board*"), has considered the existing school facilities and the improvements and extensions necessary to be made thereto in order that the same will adequately serve the educational needs of the District; and

WHEREAS, the Board has determined that it is advisable, necessary and in the best interests of the District to pay the costs of improving school sites and altering, repairing and equipping school buildings and facilities (the "*Project*"), all in accordance with the preliminary estimate of cost heretofore approved by the Board and now on file in the office of the Secretary of the Board; and

WHEREAS, the Board has further determined the estimated cost of the Project, including legal, financial, bond discount, capitalized interest, printing and publication costs and other expenses, to be not less than \$6,500,000, and there are insufficient funds on hand and lawfully available to pay such costs; and

WHEREAS, the Board has further determined that it is advisable and necessary that the Project be undertaken and, in order to raise the funds required to pay such costs, that the District borrow the sum of \$6,500,000 and, in evidence thereof, issue General Obligation School Bonds

(Alternate Revenue Source) in an aggregate principal amount of \$6,500,000 (the “*Bonds*”), in accordance with the provisions of Section 15 of the Local Government Debt Reform Act of the State of Illinois, as amended; and

WHEREAS, the revenue source that will be pledged to the payment of the principal of and interest on the Bonds will be taxes, grants, state aid, interest earnings and other revenues received by the District and available to be expended for the improvement, maintenance, repair and benefit of school buildings and property (the “*Pledged Revenues*”); and

WHEREAS, if the Pledged Revenues are insufficient to pay the Bonds, ad valorem property taxes upon all taxable property in the District without limitation as to rate or amount are authorized to be extended to pay the principal of and interest on the Bonds:

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of Education of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, as follows:

Section 1. Incorporation of Preambles. The Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

Section 2. Determination to Issue Bonds. It is necessary and in the best interests of the District to undertake the Project and the Bonds are hereby authorized to be issued and sold for that purpose.

Section 3. Publication. This Resolution, together with a notice in the statutory form, shall be published in the *Hancock County Quill*, the same being a newspaper of general circulation in the District, and if no petition, signed by 199 electors, the same being equal to the greater of (i) 7.5% of the number of registered voters in the District or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less, asking that the issuance of the Bonds be submitted to referendum, is filed with the Secretary of the Board within thirty (30) days after

the date of the publication of this Resolution and said notice, then the Bonds shall be authorized to be issued.

Section 4. Additional Resolutions. If no petition meeting the requirements of applicable law is filed during the petition period hereinabove referred to, then the Board may adopt additional resolutions or proceedings supplementing or amending this Resolution providing for the issuance and sale of the Bonds and prescribing all the details of the Bonds, so long as the maximum amount of the Bonds as set forth in this Resolution is not exceeded and there is no material change in the Project or the purposes described herein. Such additional resolutions or proceedings shall in all instances become effective immediately without publication or posting or any further act or requirement. This Resolution, together with such additional resolutions or proceedings, shall constitute complete authority for the issuance of the Bonds under applicable law.

Section 5. Severability. If any section, paragraph, clause or provision of this Resolution shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

Section 6. Repealer. All resolutions or orders, or parts thereof, in conflict herewith be and the same are hereby repealed, and that this Resolution be in full force and effect forthwith upon its adoption.

Adopted November 21, 2023.

President, Board of Education

Secretary, Board of Education

Member _____ moved and Member _____ seconded the motion that said resolution as presented and read by title be adopted.

After a full and complete 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:

and the following members voted NAY:

Whereupon the President declared the motion carried and the resolution adopted, and henceforth did approve and sign the same in open meeting and did direct the Secretary to record the same in full in the records of the Board of Education of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at said meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

Secretary, Board of Education

STATE OF ILLINOIS)
) SS
COUNTY OF HANCOCK)

CERTIFICATION OF RESOLUTION AND MINUTES

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Education of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois (the “Board”), and as such official I am the keeper of the books, records and files of 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 21st day of November, 2023, insofar as same relates to the adoption of a resolution entitled:

RESOLUTION authorizing the issuance of General Obligation School Bonds (Alternate Revenue Source) of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, in an aggregate principal amount not to exceed \$6,500,000 pursuant to the Local Government Debt Reform Act of the State of Illinois, as amended, for the purpose of paying the costs of improving school sites and altering, repairing and equipping school buildings and facilities of said District, including the installation of solar panels.

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 taken 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 at least 96 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 96hour period preceding said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, that said meeting was called and held in strict accordance with the provisions of the School Code of the State of Illinois, as amended, the Open Meetings Act of the State of Illinois, as amended, and the Local Government Debt Reform Act of the State of Illinois, and that the Board has complied with all of the applicable provisions of said Code and said Acts and its procedural rules in the adoption of said resolution.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 21st day of November, 2023.

Secretary, Board of Education

STATE OF ILLINOIS)
) SS
 COUNTY OF HANCOCK)

PETITION

We, the undersigned, being registered voters of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, do hereby petition you to cause the following question to be submitted to the voters of said School District: "Shall La Harpe School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, be authorized to issue \$6,500,000 general obligation alternate bonds of said School District to pay the costs of improving school sites and altering, repairing and equipping school buildings and facilities of said District, as provided for by the Resolution adopted by the Board of Education of said School District on 21st day of November, 2023, said bonds being payable from taxes, grants, state aid, interest earnings and other revenues received by said School District and available to be expended for the improvement, maintenance, repair and benefit of school buildings and property (the "Pledged Revenues"), unless said revenue sources are insufficient to pay said bonds, in which case ad valorem property taxes upon all taxable property in said School District without limitation as to rate or amount are authorized to be extended for such purpose?", and we do hereby further request that said question be certified to the County Clerks of The Counties of Hancock, Henderson and McDonough, Illinois, and submitted to the electors of said School District at the general primary election to be held on the 19th day of March, 2024:

SIGNATURE	STREET ADDRESS OR RURAL ROUTE NUMBER	CITY, VILLAGE OR TOWN	COUNTY
_____	_____	_____	County, Illinois
_____	_____	_____	County, Illinois
_____	_____	_____	County, Illinois
_____	_____	_____	County, Illinois
_____	_____	_____	County, Illinois
_____	_____	_____	County, Illinois
_____	_____	_____	County, Illinois
_____	_____	_____	County, Illinois

The undersigned, being first duly sworn, deposes and certifies that he or she is at least 18 years of age, his or her residence address is _____
 (Street Address), _____ (City, Village or Town), _____
 County, _____ (State), that he or she is a citizen of the United States of America, that the signatures on the foregoing petition were signed in his or her presence and are genuine, that to the best of his or her knowledge and belief the persons so signing were at the time of signing said petition registered voters of said School District and that their respective residences are correctly stated therein.

Signed and sworn to before me this
 ____ day of _____, 2023.

 Illinois Notary Public
 My commission expires _____

(NOTARY SEAL)

PETITION

We, the undersigned, do hereby certify that we are voters of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, and as such voters, we do hereby request that the following proposition be submitted to the voters of said School District: "Shall the Board of Education of La Harpe School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, be authorized to issue \$1,450,000 bonds for a working cash fund as provided for by Article 20 of the School Code?"; and we do hereby further request that the Secretary of said Board of Education of said School District certify said proposition to the County Clerks of The Counties of Hancock, Henderson and McDonough, Illinois, for submission to said voters at the election to be held on the 19th day of March, 2024:

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE NUMBER	CITY, VILLAGE OR TOWN	COUNTY
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois
_____	_____	_____	_____	_____ County, Illinois

The undersigned, being first duly sworn, deposes and certifies that he or she is at least 18 years of age, his or her residence address is _____ (Street Address), _____ (City, Village or Town), _____ County, _____ (State), that he or she is a citizen of the United States of America, that the signatures on the foregoing petition were signed in his or her presence and are genuine, that to the best of his or her knowledge and belief the persons so signing were at the time of signing said petition registered voters of said School District and that their respective residences are correctly stated therein.

Signed and sworn to before me this _____ day of _____, 2023.

 Illinois Notary Public
 My commission expires _____
 (NOTARY SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF HANCOCK)

CERTIFICATION OF MINUTES AND RESOLUTION

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Education of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois (the “Board”), and that as such official I am the keeper of the records and files of 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 21st day of November, 2023, insofar as same relates to the adoption of a resolution entitled:

RESOLUTION declaring the intention to issue \$1,450,000 Working Cash Fund Bonds of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, for the purpose of increasing the Working Cash Fund of said School District, and directing that notice of such intention be published in the manner provided by law.

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 at least 96 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 96hour period preceding said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, 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 21st day of November, 2023.

Secretary, Board of Education

Member _____ moved and Member _____
seconded the motion that said resolution as presented and read by title be adopted.

After a full and complete discussion thereof, the President directed the Secretary to call the roll for a vote upon the motion to adopt said resolution.

Upon the roll being called, the following members voted AYE:

The following members voted NAY:

Whereupon the President declared the motion carried and said resolution adopted, and in open meeting approved and signed said resolution and directed the Secretary to record the same in full in the records of the Board of Education of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at said meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

Secretary, Board of Education

Section 5. Further Proceedings. If no petition signed by the requisite number of voters is filed with the Secretary of the Board within thirty (30) days after the date of the publication of such notice of intention to issue the Bonds, the Board shall, by appropriate proceedings to be hereafter taken, fix the details concerning the issue of the Bonds and provide for the levy of a direct annual tax to pay the principal and interest on the same.

Section 6. Severability. If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. Repealer and Effective Date. All resolutions and parts of resolutions in conflict herewith be and the same are hereby repealed and that this Resolution be in full force and effect forthwith upon its adoption.

Adopted November 21, 2023.

President, Board of Education

Secretary, Board of Education

By order of the Board of Education of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois.

DATED this 21st day of November, 2023.

Shelly Rahn
Secretary, Board of Education,
School District Number 347, Hancock,
Henderson and McDonough Counties, Illinois

Dustin Detherage
President, Board of Education,
School District Number 347, Hancock,
Henderson and McDonough Counties, Illinois

**NOTICE OF INTENTION OF SCHOOL DISTRICT NUMBER 347,
HANCOCK, HENDERSON AND MCDONOUGH COUNTIES, ILLINOIS
TO ISSUE \$1,450,000 WORKING CASH FUND BONDS**

PUBLIC NOTICE is hereby given that on the 21st day of November, 2023, the Board of Education (the "*Board*") of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois (the "*District*"), adopted a resolution declaring its intention and determination to issue bonds in the aggregate amount of \$1,450,000 for the purpose of increasing the Working Cash Fund of the District, and it is the intention of the Board to avail of the provisions of Article 20 of the School Code of the State of Illinois, and all laws amendatory thereof and supplementary thereto, and to issue said bonds for the purpose of increasing said Working Cash Fund. Said Working Cash Fund is to be maintained in accordance with the provisions of said Article and shall be used for the purpose of enabling the District to have in its treasury at all time sufficient money to meet demands thereon for expenditures for corporate purposes.

A petition may be filed with the Secretary of the Board (the "*Secretary*") within thirty (30) days after the date of publication of this notice, signed by not less than 132 voters of the District, said number of voters being equal to ten percent (10%) of the registered voters of the District, requesting that the proposition to issue said bonds as authorized by the provisions of said Article 20 be submitted to the voters of the District. If such petition is filed with the Secretary within thirty (30) days after the date of publication of this notice, an election on the proposition to issue said bonds shall be held on the 19th day of March, 2024. The Circuit Court may declare that an emergency referendum should be held prior to said election date pursuant to the provisions of Section 2A1.4 of the Election Code of the State of Illinois, as amended. If no such petition is filed within said thirty (30) day period, then the District shall thereafter be authorized to issue said bonds for the purpose hereinabove provided.

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of Education of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, as follows:

Section 1. Incorporation of Preambles. The Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

Section 2. Declaration of Intent. The Board hereby declares its intention to avail of the provisions of the Code, and to issue Bonds in the amount of \$1,450,000 for the purpose of increasing the Fund and enabling the District to have in its treasury at all time sufficient money to meet demands thereon for expenditures for corporate purposes.

Section 3. Notice of Intent. In accordance with the provisions of Section 5 of the Local Government Debt Reform Act of the State of Illinois, as amended, notice of said intention to avail of the provisions of Article 20 of the Code and to issue Bonds for the purpose of increasing the Fund shall be given by publication of such notice at least once in the *Hancock County Quill*, the same being a newspaper of general circulation in the District.

Section 4. Form of Notice. The notice of intention to issue the Bonds shall be in substantially the following form:

RESOLUTION declaring the intention to issue \$1,450,000 Working Cash Fund Bonds of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, for the purpose of increasing the Working Cash Fund of said School District, and directing that notice of such intention be published in the manner provided by law.

* * *

WHEREAS, pursuant to the provisions of Article 20 of the School Code of the State of Illinois, and all laws amendatory thereof and supplementary thereto (the "*Code*"), a fund to be known as a Working Cash Fund (the "*Fund*") may be created and maintained in and for School District Number 347, Hancock, Henderson and McDonough Counties, Illinois (the "*District*"), in the manner prescribed in the Code, for the purpose of enabling the District to have in its treasury at all time sufficient money to meet demands thereon for expenditures for corporate purposes; and

WHEREAS, the District has heretofore created and maintained such Fund in the manner prescribed by the Code; and

WHEREAS, under the provisions of the Code, the Board of Education of the District (the "*Board*") is authorized to incur an indebtedness and issue bonds as evidence thereof (the "*Bonds*") for the purpose of increasing the Fund; and

WHEREAS, the Board has determined and does hereby determine that it is advisable, necessary and in the best interests of the District that the Fund be increased and that the District incur an indebtedness and issue Bonds as evidence thereof in the amount of \$1,450,000 for said purpose; and

WHEREAS, before such Bonds may be issued for said purpose, the Board must adopt a resolution declaring its intention to issue such Bonds for said purpose and direct that notice of such intention be published as provided by law:

MINUTES of a regular public meeting of the Board of Education of School District Number 347, Hancock, Henderson and McDonough Counties, Illinois, held in the School Library, 404 West Main Street, LaHarpe, Illinois in said School District at 7:00 o'clock P.M., on the 21st day of November, 2023.

* * *

The meeting was called to order by the President, and upon the roll being called, Dustin Detherage, the President, and 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 in view of the current financial condition of the District, the Board of Education would consider the adoption of a resolution declaring its intention to issue \$1,450,000 working cash fund bonds pursuant to Article 20 of the School Code and directing that notice of such intention be published.

Whereupon Member _____ presented and the Secretary read by title a resolution as follows, a copy of which was provided to each member of the Board of Education prior to said meeting and to everyone in attendance at said meeting who requested a copy:

1. NO



2. BLESSES



3. BLESSES



4.



By signing this layout, you acknowledge that (a) the details presented in this proof of concept are accurate; (b) any requests for revisions will require a new proof prior to proceeding; (c) finished artwork positioning/alignment may vary on the finished product to accommodate necessary fabrication adjustments in order to achieve precise finished product measurements.

Please sign and date below to approve the above presented layout.

Customer Signature _____ **Date** _____

Proof #
03

Drawn By
Trell Crabtree

Date
10/27/2023

Coordinator
Scott Fritz

Fonts
Customer Provided

Pantones White Victory Bright Gold N/A N/A

This layout is a proof of concept, and may not be to scale of the final product. Colors on screen may vary from monitor to monitor. Final product is printed using CMYK process ink, and may differ slightly from Pantone colors or colors shown on screen or on standard printouts.

JOB DETAILS

Product Type: Gym Padding
Material: Vinyl 18oz
Color: Purple
Pieces: 16
Finishing: 1" nailing Lip Top & Bottom
Backing: Wood
Cutouts: N/A
Thickness: 2" Foam





PO Box 841393
 Dallas, TX 75284-1393
 Phone: 800-527-7510 Fax: 800-899-0149
 Visit us at www.bsnsports.com

Your Rep
 Douglas Dean Email: ddean@bsnsports.com | Phone: 309-224-2132

Bill to
 2755347
 LaHarpe Junior High School
 04 W. Main St
 LA HARPE IL 61450
 USA

Ship To
 2755347
 LaHarpe Junior High School
 404 W. Main St
 LA HARPE IL 61450
 USA

Order Summary

Cart #: 10804442
 Purchase Order #: Padding
 Cart Name: LaHarpe Wall Pad
 Order Date: 10/20/2023
 Estimated Delivery: 11/06/2023
 Payment Terms: NT30
 Ship Via:
 Ordered By: Doug Dean

Payer
 2755347
 LaHarpe Junior High School
 404 W. Main St
 LA HARPE IL 61450
 USA

Item Description	Qty	Unit Price	Total
3 ft and 2 inches long, 6 ft tall. wall Item # - NSPHG	1 EA	\$ 2,594.99	\$ 2,594.99

Subtotal: \$2,594.99
 Other: \$0.00
 Freight: \$155.00
 Sales Tax: \$0.00
 Order Total: \$2,749.99
 Payment/Credit Applied: \$0.00
Order Total: \$2,749.99

ISSUE 113
October 2023
**Update
Memo**



Please distribute to board members and appropriate staff.

Contents

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PRESS Terminology p. 2
PRESS Issue 113 Topic Bundles p. 2
Progress Report p. 6
Revisions to Policies, Administrative Procedures, and Exhibits (numerical table) p. 7
Next Issue: Veto Session

Online Instructions

Please follow these four easy steps to log in to **PRESS**:

1. Go to www.iasb.com and click on the  button on the top navigation.
2. Enter your email address and password.
 - If you do not know your password, do not create a new account; reset your password using your district email address. Use the "forgot your password?" link. Make sure to check your spam folder for an email from info@iasb.com, if you do not see it in your email inbox.
 - If you are still having difficulty logging in, please contact your District's Superintendent or Administrative Assistant to make sure you are listed as an authorized user on the District Roster.
 - If you continue to have difficulty signing on to www.iasb.com, please contact Michael Ifkovits at mifkovits@iasb.com.
3. Click the  button on the top navigator bar. This will bring you to your account page
4. Under "My Account Links," click on "PRESS Login."

PRESS

Policy Reference Education Subscription Service

This publication is designed to provide information only and is not a substitute for legal advice from the Board Attorney. If you have any questions, please contact Issue 113 Lead Debra Jacobson, Assistant General Counsel and Assistant **PRESS** Editor, (630) 629-3776, ext. 1211; Jeremy Duffy, IASB General Counsel and **PRESS** Editor, (630) 629-3776, ext. 1234; Maryam Brotine, Assistant General Counsel and Assistant **PRESS** Editor, (630) 629-3776, ext. 1219.

Please share this **PRESS** Update Memo with all board members and appropriate staff.

Two other important components of **PRESS** may be viewed and downloaded from **PRESS Online**: Committee Worksheets and the updated Policy Reference Manual (**PRM**) pages.

The Committee Worksheets, found by selecting a **PRESS Issue** at the top of the **PRESS Online** Table of Contents, show suggested changes to **PRESS** material by striking out deleted words and underscoring new words, a.k.a "tracked changes."

Updated **PRM** pages can be found in the IASB POLICY REFERENCE MANUAL Table of Contents. For visual instruction about how to download and use **PRM** pages to update your policy manual, please go to www.iasb.com/policy/ to view the **PRESS** video tutorial located under the header entitled: **PRESS – Policy Reference Education Subscription Service**.

PRESS Bundles

Each bundle summarizes the global reasons for changes to all materials that are listed.

Specific details about how each piece of material changed, e.g., legislation, administrative rules, **PRESS** Advisory Board feedback, continuous improvement, five-year review items, etc., are explained in numerical order in the **Revisions to Policies, Administrative Procedures, and Exhibits** table beginning on p. 7.

Please spend time reviewing the **PRESS** online Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

Have feedback on **PRESS** materials?
Click on the **PRESS** Feedback Button, located on the header bar of **PRESS** Online. For answers to more immediate questions about **PRESS** content, please contact a **PRESS** editor directly.

For answers to common questions about using **PRESS**, see [Q&A: Getting the Most Out of Your PRESS Subscription](#), now available on IASB's website.

Board Governance and Open Meetings

The General Assembly passed legislation this year impacting board governance and adding certain flexibilities to the Open Meetings Act:

1. 5 ILCS 120/7, amended by P.A. 103-311, adds unexpected childcare obligations to the list of reasons that a board member may attend a meeting remotely (with a quorum physically present).
2. 5 ILCS 120/2(c), amended by P.A. 103-311, permits boards to meet in closed session for hearings regarding denial of admission to school events or property under 105 ILCS 5/24-24.
3. 105 ILCS 5/3-11, amended by P.A. 103-413, eff. 1-1-24, defines the term *trauma* as it relates to professional development leadership training for school board members, which beginning this school year, had to include training on trauma-informed practices for students and staff.
4. 105 ILCS 5/8-2, amended by P.A. 103-49, requires school treasurers to execute a surety bond with a penalty of at least 10% (formerly 25%) of the bond issue.

The following **PRESS** materials are updated in response to this legislation:

- 2:110, Qualifications, Term, and Duties of Board Officers
- 2:120, Board Member Development
- 2:200, Types of School Board Meetings
- 2:220, School Board Meeting Procedure
- 2:220-E2, Motion to Adjourn to Closed Meeting
- 2:220-E6, Log of Closed Meeting Minutes
- 4:90, Student Activity and Fiduciary Funds
- 8:30, Visitors to and Conduct on School Property

District Operations

The General Assembly passed several laws related to school district finances and operations:

1. 105 ILCS 5/17-1.10(a), added by P.A. 103-394, requires boards to present at a board meeting each year a written report covering the annual average expenditures of its operational funds for the previous three fiscal years.
2. 30 ILCS 235/2, amended by P.A. 102-285, permits boards to invest in obligations of U.S. corporations provided certain criteria are met.
3. 105 ILCS 5/10-20.21, amended by P.A. 103-8, eff. 1-1-24, increases the bidding threshold for purchases from \$25,000 to \$35,000.
4. 105 ILCS 5/15A, added by P.A. 103-491, eff. 1-1-24, permits boards to utilize a *design-build* delivery system for construction projects, provided specific procedures are followed.
5. 105 ILCS 125/2.3, added by P.A. 103-532, establishes the Healthy School Meals for All Program and allows boards to participate in the program, subject to appropriation.

PRESS Terminology

What are the meanings of the “AP” and “E” after certain policy numbers?

The **PRESS Policy Reference Manual (PRM)** is an encyclopedia of sample board policies, administrative procedures, and exhibits. They are all in numerical order for easy reference. **PRESS** recommends that local school districts maintain separate board policy and administrative procedure manuals to help distinguish for the board, staff, students, parents, and community members, the distinction between board documents and staff documents, board work, and staff work.

Policy. The board develops policies with input from various sources like district administrators, the board attorney, and **PRESS** materials. The board then formally adopts the policies, often after more than one consideration.

After adoption by the board, each policy should have an adoption date.

Administrative Procedures. Administrative procedures are developed by the superintendent, administrators, and/or other district staff members. The staff develops the procedures that guide implementation of the policies. Administrative procedures are not adopted by the board, which allows the superintendent and staff the flexibility they need to keep the procedures current. **PRESS** sample procedures are numbered to correspond with the policies that they implement for easy reference. For example, policy 6:190’s related administrative procedure is 6:190-AP.

It is important to remember that administrative procedures do not require formal board adoption and are not included in a board policy manual.

Exhibits. Both board policies and administrative procedures may have related exhibits. Exhibits provide information and forms intended to be helpful to the understanding or implementation of either a board policy or administrative procedure, and they do not require formal board adoption. **PRESS** sample exhibits are numbered to correspond to the related board policy or administrative procedure. For example, board policy 2:70 has a related exhibit numbered 2:70-E. Administrative procedure 7:340-AP1 has a related exhibit numbered 7:340-AP1, E.

Exhibits labeled with an “E” may provide guidance for board work or staff work. Those providing guidance for board work should be dated for implementation by the board. Those providing guidance for the staff should be dated for implementation by the administrative staff.

Administrative procedures exhibits, always labeled with the “AP, E” format should be dated for implementation by the administrative staff.

6. 105 ILCS 160/, added by P.A. 103-496, prohibits schools serving grades K-8 from scheduling pesticide applications on school grounds during the school day when students are in attendance for instruction.
7. 105 ILCS 128/50, added by P.A. 103-194, eff. 1-1-24, 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.
8. 105 ILCS 128/20(c)(4), amended by P.A. 103-194, eff. 1-1-24, requires districts to include a student's IEP or 504 team when deciding whether to exempt a student from participating in a lockdown drill.

At the federal level, U.S. government agencies released new resources on K-12 cybersecurity:

1. *Protecting Our Future: Partnering to Safeguard K-12 Organizations from Cybersecurity Threats* (Jan. 2023), a report and toolkit issued by the U.S. Cybersecurity and Infrastructure Agency (CISA), includes cybersecurity recommendations for K-12 schools.

2. The U.S. Dept. Of Education released a series of *Digital Infrastructure Briefs* (Aug. 2023) that include additional recommendations and resources for K-12 schools.

The following **PRESS** materials are updated:

- 4:10, Fiscal and Business Management
- 4:30, Revenue and Investments
- 4:60, Purchases and Contracts
- 4:60-AP1, Purchases
- 4:130, Free and Reduced-Price Food Services - **REFORMATTED**
- 4:160, Environmental Quality of Buildings and Grounds
- 4:160-AP, Environmental Quality of Buildings and Grounds
- 4:170, Safety
- 4:170-AP1, Comprehensive Safety and Security Plan
- 7:345, Use of Educational Technologies; Student Data Privacy and Security
- 7:345-AP, Use of Educational Technologies; Student Data Privacy and Security

Hiring and Conditions of Employment

This year, another package of bills was passed aimed at addressing the ongoing teacher shortage in Illinois:

1. 105 ILCS 5/21B-15, amended by P.A. 103-111, extends the Short-Term Substitute Teaching License as a type of educator license to 6-30-28.
2. 105 ILCS 5/24-11, amended by P.A. 103-500, reduces the timeframe in which teachers gain tenure.
3. 40 ILCS 5/16-118, amended by P.A.s 103-88 and 103-525, extends the timeframe that retired teachers may substitute without affecting their pensions to 120 paid days or 600 paid hours in a school year, through June 30, 2026.
4. 105 ILCS 5/21B-20(3), amended by P.A. 103-193, eff. 1-1-24, allows a substitute teacher to remain in a vacant position for up to 90 days due to a lack of qualified candidates, subject to certain conditions.

Other laws passed also affecting hiring and conditions of employment for school district employees:

1. 105 ILCS 5/24-2(a), amended by P.A. 103-467, adds 2024 General Election Day (11-5-24) as a school holiday.
2. 820 ILCS 112/10(b-25), added by P.A. 103-539, eff. 1-1-25, requires employers to include the "pay scale and benefits" in job postings.
3. 105 ILCS 5/22-95, amended by PA 103-46, eff. 1-1-24, 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.
4. 105 ILCS 5/10-22.39, amended by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, streamlines training requirements for school personnel.
5. 105 ILCS 5/24-14, amended by P.A. 103-549, permits boards to refer both probationary and tenured teachers to ISBE if a teacher resigns during a school term to accept another teaching assignment, provided certain procedures are followed.

6. 820 ILCS 156/, added by P.A. 103-466, creates an unpaid leave entitlement for employees who experience the loss of a child by suicide or homicide.
7. 105 ILCS 5/24-3.5, added by P.A. 103-308, eff. 1-1-24, creates a paid leave entitlement of up to 10 days per school term for teachers elected to represent a statewide teacher association in federal advocacy work.
8. 820 ILCS 180/, amended by P.A. 103-314, allows eligible employees to use unpaid leave under the Victims' Economic Security and Safety Act to grieve and attend to matters necessitated by the death of a family or household member who is killed in a crime of violence.
9. 49 C.F.R Part 382, amended by 88 Fed. Reg. 27596, allows employers to utilize oral fluid testing for drug tests regulated by the U.S. Dept. of Transportation.

The following **PRESS** materials are updated:

- 3:50, Administrative Personnel Other Than the Superintendent
- 4:80-AP2, Fraud, Waste, and Abuse Awareness Program
- 5:30, Hiring Process and Criteria
- 5:90, Abused and Neglected Child Reporting
- 5:90-AP1, Coordination with Children's Advocacy Center
- 5:120, Employee Ethics; Code of Professional Conduct; and Conflict of Interest
- 5:120-AP2, Employee Conduct Standards
- 5:150, Personnel Records
- 5:150-AP, Personnel Records
- 5:190, Teacher Qualifications
- 5:200, Terms and Conditions of Employment and Dismissal
- 5:210, Resignations
- 5:220, Substitute Teachers
- 5:220-AP, Substitute Teachers
- 5:250, Leaves of Absence
- 5:285-AP, Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
- 5:330, Sick Days, Vacation, Holidays, and Leaves

Curriculum, Instruction, and Library Resources

Illinois became the first state in the country to enact legislation prohibiting book bans for libraries, including school libraries, as a condition of State grant funding. 75 ILCS 10/8.7, added by P.A. 103-100, eff. 1-1-24, requires boards that wish to be eligible for State library grants to either adopt the American Library Association's *Library Bill of Rights* or to develop a written statement prohibiting the practice of banning library materials. Sample PRESS policy 6:230, *Library Media Program*, outlines these options for boards.

Illinois joined other states this year in requiring districts to offer full-day kindergarten. 105 ILCS 5/10-22.18, amended by P.A. 103-410, requires boards to establish a full-day kindergarten program by 2027-2028, unless a board has applied for and been granted a two-year extension by the Ill. State Board of Education (ISBE), based on specific criteria.

The legislature also passed several laws impacting curriculum:

1. 105 ILCS 5/2-3.196, added by P.A. 103-402, requires ISBE to develop a Statewide literacy plan by 1-31-24 and to make available other guidance and training opportunities for teachers.
2. 105 ILCS 5/27-20.05, added by P.A. 103-422, requires that

beginning with the 2024-2025 school year, schools provide instruction on the Native American experience and Native American history within the Midwest and Illinois.

3. 105 ILCS 5/27-13.2(c), added by P.A. 103-365, mandates that beginning with the 2024-2025 school year, health instruction in grades 9-12 include instruction on the dangers of fentanyl.
4. 105 ILCS 110/3, amended by P.A. 103-212, eff. 1-1-24, requires that beginning with the 2024-2025 school year, health instruction in grades 9-12 include instruction on the dangers of allergies.

The following PRESS materials are updated in response to this legislation:

- 5:50, Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition
- 6:30, Organization of Instruction
- 6:60, Curriculum Content
- 6:60-API, Comprehensive Health Education Program
- 6:230, Library Media Program
- 6:230-AP, Responding to Complaints About Library Media Resources

Student Attendance

Several laws were enacted related to student attendance and residency:

1. 105 ILCS 5/24-2(a), amended by P.A. 103-467, adds 2024 General Election Day (11-5-24) as a school holiday.
2. 105 ILCS 5/24(c), amended by P.A. 103-15, adds Constitution Day (Sept. 17) as a commemorative holiday.
3. 105 ILCS 5/10-20.12a, amended by P.A. 103-111, permits boards to adopt a policy to waive non-resident tuition if the student is the child of a district employee.

Previously, districts had to submit a waiver application to ISBE for this purpose.

4. 705 ILCS 405/3-33.5, amended by P.A. 103-379, prohibits juvenile courts from imposing fines in contempt proceedings to enforce a truancy order.

The following PRESS materials are updated in response to this legislation:

- 6:20, School Year Calendar and Day
- 7:60, Residence
- 7:70, Attendance and Truancy

Student Health, Appearance, and Behavior

In response to a recent request from ISBE's Nutrition Dept., sample PRESS policy 6:50, *School Wellness*, is updated to include school-based activities to clearly show that this topic is addressed in policy as required by 7 C.F.R. §210.3 and as detailed in ISBE's *Local Wellness Policy Checklist* at www.isbe.net/Documents/Local-Wellness-Policy-Content-Checklist.pdf.

In the area of student behavior, a new sample administrative procedure, 7:190-AP9, *Administrative Transfer to Regional Safe School Program*, is created to address the *Safe Schools Law*, 105 ILCS 5/13A, amended by P.A. 103-473, which now requires districts to follow specific procedures when administratively transferring a disruptive student to an ISBE regional safe school. Additionally, in response to subscriber feedback and the increasing impact of artificial intelligence

(AI) on education, optional language prohibiting student use of artificial intelligence to complete schoolwork is included in PRESS sample policy 7:190, *Student Behavior*.

The General Assembly also passed legislation to address issues related to student appearance and health:

1. 20 ILCS 1705/76.2, added by P.A. 103-222, eff. 1-1-24, requires the Ill. Dept. of Human Services to work with ISBE to provide technical assistance for the provision of mental health care for students during the school day.
2. 105 ILCS 5/10-22.25b, amended by P.A. 103-463, requires districts to permit students to wear or accessorize their graduation attire with items associated with their cultural, ethnic, or religious identity, or other category protected by the Ill. Human Rights Act.

3. 105 ILCS 5/10-22.21b(c), amended by P.A. 103-175, replaces references to the recently retired *Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form* with the more generic term "allergy emergency action plan."
4. 105 ILCS 5/22-30(f), amended by P.A. 103-348, eff. 1-1-24, requires districts to maintain a supply of undesignated opioid antagonists, unless there is a shortage, in which case a district must make reasonable efforts to maintain a supply. Certain opioid antagonists can now be obtained without a prescription.
5. 105 ILCS 5/22-30(f), amended by P.A. 103-196, eff. 1-1-24, permits districts that have special educational facilities to maintain a supply of undesignated oxygen tanks.
6. 105 ILCS 5/10-20.76, amended by P.A. 103-143, requires districts that issue ID cards to students to include the Safe2Help Illinois helpline on student ID cards, in addition to the contact information for the National Suicide Prevention Lifeline and the Crisis Text Line.

The following **PRESS** materials are created or updated in response to this legislation:

- 6:50, School Wellness
- 6:65, Student Social and Emotional Development
- 7:50, School Admissions and Student Transfers To and From Non-District Schools
- 7:160, Student Appearance
- 7:165, School Uniforms
- 7:190, Student Behavior
- 7:190-AP9, Administrative Transfer to Regional Safe School Program - **NEW**
- 7:270, Administering Medicines to Students
- 7:270-AP2, Checklist for District Supply of Undesignated ~~Asthma Medication(s), Epinephrine Injectors, Opioid Antagonists, and/or Glucagon~~ - **RENAMED**
- 7:285, Anaphylaxis Prevention, Response, and Management Program
- 7:285-AP, Anaphylaxis Prevention, Response, and Management Program
- 7:290, Suicide and Depression Awareness and Prevention
- 7:290-AP, Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program

Miscellaneous

The following **PRESS** materials are updated due to legislation, administrative rule and/or continuous improvement changes, including subscriber feedback. These are also detailed in the [Revisions to Policies, Administrative Procedures, and Exhibits Table](#) in numerical order beginning on p. 7.

The following **PRESS** materials are updated:

- 2:20, Powers and Duties of the School Board; Indemnification
- 2:150-AP, Superintendent Committees
- 6:15, School Accountability
- 6:270, Guidance and Counseling Program
- 6:280, Grading and Promotion
- 7:250, Student Support Services

PRM Five-Year Reviews

PRESS Editors have a quality assurance goal to ensure that a review of each piece of the 1450+ page IASB **PRESS PRM** occurs once every five years. The **PRM** contains approximately 470 separate pieces of material, including policies, administrative procedures, and related exhibits. These are also detailed in the [Revisions to Policies, Administrative Procedures, and Exhibits Table](#) in numerical order beginning on p. 7.

The following **PRESS** material is updated in response to a five-year review:

- 4:130-E, Free and Reduced-Price Food Services; Meal Charge Notifications

Please also spend time reviewing the **PRESS** Online Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

PRESS Issue 113 Trivia

343 PRM pages • 81,779 words • 66 PRM materials

Progress Report - The contents of this table frequently change.

Topics	Our Response
<p>Final Title IX Regulations Expected October 2023 or Later</p> <p>The U.S. Department of Education is expected to release final Title IX regulations in October 2023 or later. These regulations would replace 2020 Title IX regulations and would require extensive updates to existing policies and procedures governing discrimination based on sex, including sexual harassment.</p>	<p>Relevant PRESS materials, including sample policy 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i>, and its accompanying materials will be updated once the final regulations are issued.</p>
<p>Public Act 103-47 Will Require Bullying Policy Updates</p> <p>105 ILCS 5/27-23.7, amended by P.A. 103-47, made significant changes to bullying policy requirements that became effective 6-9-23 and yet it also charged ISBE with posting a template for a model bullying prevention policy nearly six months later, by 1-1-24. On 8-31-23, ISBE sent an email to districts informing them that changes made by P.A. 103-47 did not have to be included in bullying policy submissions due by 9-30-23. ISBE expects to release its template for a model bullying prevention policy before 1-1-24, and we are collaborating with ISBE to ensure that updates to PRESS sample policy 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>, and its accompanying materials align with the pending ISBE template. Given the overall immediate effective date of P.A. 103-47, please consult your board attorney to determine the appropriate timeline for your district to update its bullying policy.</p>	<p>The 7:180 suite of PRESS materials will be updated in PRESS Issue 114.</p>
<p>Public Act 103-542 Streamlines School Staff Training Requirements</p> <p>P.A. 103-542 significantly streamlines school staff training requirements into the following categories: (1) health conditions of students; (2) social-emotional learning; (3) developing cultural competency; (4) identifying warning signs of mental illness and suicidal behavior in youth; (5) domestic and sexual violence and needs of expectant and parenting youth; (6) protections and accommodations for students; (7) educator ethics; (8) responding to child sexual abuse and grooming behavior; and (9) effective instruction in violence prevention and conflict resolution. Though P.A. 103-542 is to be effective on 1-1-24, most of its changes become operative on 7-1-24. As a result, legislative action is expected during Veto Session to amend the effective date of P.A. 103-542 to 7-1-24.</p>	<p>Affected PRESS materials, including 5:100, <i>Staff Development</i>, will be updated in PRESS Issue 114.</p>
<p>Final Pregnancy Workers Fairness Act Regulations Expected by End of 2023</p> <p>On 8-7-23, the Equal Employment Opportunity Commission (EEOC) issued proposed regulations to implement the Pregnant Workers Fairness Act (PWFA), which was signed into law on 12-29-22. The PWFA expanded federal workplace protections for pregnant and nursing employees. The PUMP for Mothers Nursing Act (PUMP Act) was also signed into law on 12-29-22 and requires covered employers to provide both non-exempt and exempt employees with reasonable break time to nurse a child or express breast milk and provide a private space (other than a bathroom) to do so, for one year after a child's birth. The PWFA requires the EEOC to issue final regulations by 12-29-23.</p>	<p>Affected PRESS materials, including 5:10, <i>Equal Employment Opportunity and Minority Recruitment</i> and 5:10-AP, <i>Workplace Accommodations for Nursing Mothers</i>, will be updated once the final regulations are issued to reflect the enactment of the PWFA, PUMP Act, and the PWFA implementing regulations.</p>

Certain **PRM** materials in a **PRESS** Issue may be labeled in the **PRESS** Bundles, Revision Table and Committee Worksheets with one or more of the following categories:

NEW. This material is brand new to the **PRM**.

RENUMBERED. This material has been assigned a new number within the **PRM**, usually due to the addition of **NEW** material.

RENAMED. The title of the material has been amended.

REWRITTEN. The material has undergone significant revisions. To preserve the readability of the Committee Worksheets, suggested changes are not shown as tracked changes.

REFORMATTED. Non-substantive changes in formatting, e.g., list renumbering, have been applied for consistency throughout the **PRM**. To preserve the readability of the Committee Worksheets, such formatting changes are not reflected as tracked changes.

Revisions to Policies, Administrative Procedures, and Exhibits

Number and Title	Revision Descriptions
2:20, Powers and Duties of the School Board; Indemnification	<p>The policy and footnotes are updated in response to:</p> <ol style="list-style-type: none"> 105 ILCS 5/10-20.21, amended by P.A. 103-8, raising the bidding threshold to \$25,00035,000; and 105 ILCS 5/2-3.25f, amended by P.A. 103-175, changing state interventions available for School Improvement and District Improvement Plans. <p>Continuous improvement updates are also made to the footnotes.</p>
2:110, Qualifications, Term, and Duties of Board Officers	<p>The policy is unchanged. Footnote 22 is updated in response to 105 ILCS 5/8-2, amended by P.A. 103-49, reducing the minimum amount of a treasurer bond penalty from an amount no less than 25% to an amount no less than 10%, as measured on the final day of the school district's most recent fiscal year. Continuous improvement updates are also made to the footnotes.</p>
2:120, Board Member Development	<p>The policy, Legal References, and footnotes are updated for continuous improvement. Footnote 3 is updated in response to 105 ILCS 5/3-11, amended by P.A. 103-413, adding definitions of <i>trauma</i>, <i>trauma-responsive learning environments</i>, and <i>whole child</i> to the School Code.</p>
2:150-AP, Superintendent Committees	<p>The procedure is updated in response to 105 ILCS 5/2-3.130(e), amended by P.A. 103-175, requiring <i>entities</i>, including school districts, to develop school<i>entity-specific plans</i> to reduce and eventually eliminate the use of isolated time out, time out, and physical restraint, and for continuous improvement.</p>
2:200, Types of School Board Meetings	<p>The policy, footnotes, and Cross References are updated. The policy is updated in response to the Open Meetings Act (OMA), 5 ILCS 120/2(c)(4.5), added by P.A. 103-311, permitting boards to meet in closed session for hearings regarding denial of admission to school events under 105 ILCS 5/24-24. Continuous improvement updates are also made to the footnotes, and 8:30, <i>Visitors to and Conduct on School Property</i>, is added to the Cross References.</p>
2:220, School Board Meeting Procedure	<p>The policy, Legal References, and footnotes are updated. The policy is updated in response to 5 ILCS 120/7(a), amended by P.A. 103-311, allowing a public body to permit a member to attend remotely due to unexpected childcare obligations. The Legal References and footnotes are updated for continuous improvement.</p>
2:220-E2, Motion to Adjourn to Closed Meeting	<p>The exhibit is updated in response to 5 ILCS 120/2(c)(4.5), added by P.A. 103-311, permitting boards to meet in closed session for hearings regarding denial of admission to school events under 105 ILCS 5/24-24, and for continuous improvement.</p>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

2:220-E6, Log of Closed Meeting Minutes	The exhibit is updated for the reasons stated in 2:220-E2, <i>Motion to Adjourn to Closed Meeting</i> , above. <input type="checkbox"/>
3:50, Administrative Personnel Other than the Superintendent	The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/24-2, adding 2024 Election Day as a school holiday, and for continuous improvement. <input type="checkbox"/>
4:10, Fiscal and Business Management	The policy, Legal References, and footnotes 12 and 20 are updated in response to 105 ILCS 5/17-1.10, added by P.A. 103-394, requiring a board to annually present at a board meeting a written report that includes the annual average expenditures of the district's operational funds for the previous three fiscal years. Continuous improvement updates are also made to the footnotes. <input type="checkbox"/>
4:30, Revenue and Investments	The policy and footnotes are updated in response to 30 ILCS 235/2, amended by P.A. 102-285, adding as an authorized investment obligations of certain U.S. corporations and amending requirements for investment in short-term obligations of U.S. corporations. Continuous improvement changes are also made to the footnotes. <input type="checkbox"/>
4:60, Purchases and Contracts	<p>The policy, Legal References, and footnotes are updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/15A, added by P.A. 103-491, eff. 1-1-24, permitting boards to utilize a design-build delivery system for construction projects, provided specific procedures are followed; and 2. 105 ILCS 5/10-20.85, added by P.A. 103-393, requiring boards to substantially present the terms of and approve new contracts for district-administered assessments at a regular board meeting. <p>The policy and footnote 4 are also updated in response to 105 ILCS 5/10-20.21, amended by P.A. 103-8, eff. 1-1-24, raising the bidding threshold to \$25,000<u>\$35,000</u>. Continuous improvement updates are also made to the footnotes. <input type="checkbox"/></p>
4:60-AP1, Purchases	The procedure is updated for the reasons stated in 4:60, <i>Purchases and Contracts</i> , above, and in response to guidance issued by the Ill. Dept of Public Health, <i>Compliance with the Coal Tar Sealant Disclosure Act</i> . <input type="checkbox"/>
4:80-AP2, Fraud, Waste, and Abuse Awareness Program	The procedure is updated in response to 105 ILCS 5/10-22.39(b) and (b-35), both amended by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, requiring in-service training on educator ethics, teacher-student conduct, and school employee-student conduct for school personnel who work with students within six months of employment and at least once every five years thereafter. <input type="checkbox"/>
4:90, Student Activity and Fiduciary Funds	The policy is unchanged. The footnotes are updated for the reasons stated in 2:110, <i>Qualifications, Term, and Duties of Board Officers</i> , above. <input type="checkbox"/>
4:130, Free and Reduced-Price Food Services	REFORMATTED. The policy, Legal References, and footnotes are updated. The policy is updated in response to the School Breakfast and Lunch Program Act, 105 ILCS 125/2.3, added by P.A. 103-532, establishing the Healthy School Meals for All Program. The Legal References are updated in response to style changes. The footnotes are updated for the same reason as the policy and for continuous improvement. <input type="checkbox"/>
4:130-E, Free and Reduced-Price Food Services; Meal Charge Notifications	The exhibit is updated in response to a five-year review. <input type="checkbox"/>
4:160, Environmental Quality of Buildings and Grounds	The policy, Legal References, and footnote 3 are updated in response to the Pesticide Application at Schools Act, 105 ILCS 160/, added by P.A. 103-496, prohibiting schools serving students in grades K-8 from scheduling pesticide applications on school grounds during a school day when students are in attendance for instruction. The policy and footnotes are also updated for continuous improvement. <input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

4:160-AP, Environmental Quality of Buildings and Grounds	The procedure is updated for the reasons stated in 4:160, <i>Environmental Quality of Buildings and Grounds</i> , above.	<input type="checkbox"/>
4:170, Safety	<p>The policy is unchanged. The footnotes are updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 128/50 (final citation pending), added by P.A. 103-8, creating crisis response mapping data grants; 2. 105 ILCS 128/50 (final citation pending), added by P.A. 103-194, eff. 1-1-24, requiring 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; and 3. 105 ILCS 128/20(c)(4), amended by P.A. 103-197, requiring that school administrators and support personnel considering whether to exempt a student from participating in a lockdown drill will include the student's individualized education program team or 504 plan team in the decision. <p>Continuous improvement updates are also made to the footnotes. A Cross Reference to 4:190, <i>Targeted School Violence Prevention Program</i>, is added.</p>	<input type="checkbox"/>
4:170-AP1, Comprehensive Safety and Security Plan	<p>The procedure is updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 128/50 (final citation pending), added by P.A. 103-194, eff. 1-1-24, requiring 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; 2. 105 ILCS 128/20(c)(4), amended by P.A. 103-197, requiring that school administrators and support personnel considering whether to exempt a student from participating in a lockdown drill will include the student's individualized education program team or 504 plan team in the decision; 3. 105 ILCS 5/10-20.85, added by P.A. 103-128, allowing school districts to maintain an on-site trauma kit at each school for bleeding emergencies; and 4. 105 ILCS 5/10-27.1A(c), amended by P.A. 103-34, clarifying the reporting obligations of school officials upon receipt of a report regarding a verified incident involving a firearm on school property. <p>Subsection J. Required Notices is also updated to align with the Required Notices sub-head in sample policy 7:190, <i>Student Behavior</i>. Other continuous improvement updates are made.</p>	<input type="checkbox"/>
5:30, Hiring Process and Criteria	<p>The Legal References and footnote 3 are updated in response to 820 ILCS 112/, amended by P.A. 103-539, eff. 1-1-25, requiring employers to include the "pay scale and benefits" for a position in any specific job posting. The footnotes are also updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/22-95, amended by P.A. 103-46, eff. 1-1-24, requiring districts to prioritize the hiring or assigning of educators who hold an educator license and endorsement in physical education, music, or the visual arts when hiring or assigning educators in those areas. 2. Guidance issued by the Equal Employment Opportunity Commission in May 2023 titled <i>Select Issues: Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Use in Employment Selection Procedures Under Title VII of the Civil Rights Act of 1964</i>; and 3. Continuous improvement. 	<input type="checkbox"/>
5:50, Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition	<p>The Legal References and footnotes are updated. The Legal References are updated in response to minor style changes. Footnote 17 is updated in response to 105 ILCS 5/27-13.2, amended by P.A. 103-365, mandating instruction on the dangers of fentanyl in health education for students in grades 9-12, beginning with the 2024-2025 school year. Continuous improvement updates are also made to the footnotes.</p>	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

5:90, Abused and Neglected Child Reporting	The policy is unchanged. Footnote 10 is amended and footnote 14 is deleted in response to 105 ILCS 5/10-23.12(a) and (b), whose contents were deleted by P.A. 103-542, eff. 1-1-24. The footnotes are also updated for continuous improvement.	<input type="checkbox"/>
5:90-AP1, Coordination with Children’s Advocacy Center	The procedure is updated in response to 105 ILCS 5/10-22.39(b-25), added by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, supplementing school personnel training requirements for addressing issues pertaining to students who are parents, expectant parents, or victims of domestic or sexual violence.	<input type="checkbox"/>
5:120, Employee Ethics; Code of Professional Conduct; and Conflict of Interest	<p>The policy is unchanged. The footnotes are updated in response to:</p> <ol style="list-style-type: none"> 1. The Ill. State Board of Education (ISBE) publication of the <i>Sexual Abuse and Response Prevention Resource Guide</i> (June 2023); 2. 105 ILCS 5/10-22.39(b-35), added by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, amending <i>Erin’s Law</i> training requirements currently found at 105 ILCS 5/10-22.39(f); 3. Ill. Human Rights Act, 775 ILCS 5/5A-102, amended by P.A. 103-472, eff. 8-1-24, supplementing the definition of civil rights violations in elementary and secondary schools to include harassment, sexual harassment, and failure to report; and 4. Continuous improvement. 	<input type="checkbox"/>
5:120-AP2, Employee Conduct Standards	<p>The procedure is updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/10-22.39(b-35), added by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, amending <i>Erin’s Law</i> training requirements currently found at 105 ILCS 5/10-22.39(f); 2. 775 ILCS 5/5A-102, amended by P.A. 103-472, eff. 8-1-24, supplementing the Ill. Human Rights Act’s definition of civil rights violations in elementary and secondary schools to include harassment, sexual harassment, and failure to report; 3. 105 ILCS 5/10-22.39, amended by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, streamlining school staff training requirements in the educator ethics category; 4. 105 ILCS 5/27-13.2, amended by P.A. 103-365, eff. 1-1-24, requiring instruction on the dangers of fentanyl for grades 9-12 beginning with the 2024-2025 school year; and 5. Continuous improvement. 	<input type="checkbox"/>
5:150, Personnel Records	The policy is unchanged. Footnote 2 is updated in response to 820 ILCS 40/2, amended by P.A. 103-201, eff. 1-1-24, requiring employers to email or mail a copy of a personnel record to an employee upon the employee’s request. The footnotes are also updated for continuous improvement.	<input type="checkbox"/>
5:150-AP, Personnel Records	The procedure is updated for the reasons stated in 5:150, <i>Personnel Records</i> , above, and in response to 820 ILCS 112/20, amended by P.A. 103-539, eff. 1-1-25, requiring employers to keep records of the pay scale, benefits, and job posting for each position for at least five years.	<input type="checkbox"/>
5:190, Teacher Qualifications	The Legal References and footnotes are updated. The Legal References are updated in response to the repeal of 105 ILCS 5/21-11.4. Footnote 3 is updated in response to 105 ILCS 5/21B-20, amended by P.A. 103-111, extending Short-Term Substitute Teaching Licenses as a type of teaching license until June 30, 2028. Other continuous improvement updates are also made to the footnotes.	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

<p>5:200, Terms and Conditions of Employment and Dismissal</p>	<p>The policy, Legal References, and footnotes are updated. The policy is updated in response to 105 ILCS 5/22-95(a), added by P.A. 103-46, eff. 1-1-24, requiring 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.</p> <p>The Legal References are updated in response to:</p> <ol style="list-style-type: none"> 1. Pump for Mothers Nursing Mothers Act, 29 U.S.C. §218(d), added by Pub. L. 117-328, requiring employers to accommodate both exempt and nonexempt nursing employees; and 2. Pregnant Workers Fairness Act, 42 U.S.C. §2000gg <i>et seq.</i>, added by Pub. L. 117-328, requiring employers to provide reasonable accommodations for an employee's known limitations related to pregnancy, childbirth, or related medical conditions. <p>The footnotes are updated for the same reasons as the policy and Legal References and in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/24-8, amended by P.A. 103-515, requiring the Commission on Government Forecasting and Accountability to annually certify and publish the teacher minimum salary for 2024-2025 and beyond; 2. 105 ILCS 5/24-11, amended by P.A. 103-500, generally condensing the timeframe in which teachers may acquire tenure, depending upon their evaluation ratings; 3. 105 ILCS 5/24-12(d), amended by P.A. 103-354, requiring hearing officers in tenured teacher dismissal hearings to make certain procedural accommodations if the charges involve witnesses who are/were students or under the age of 18; and 4. Continuous improvement. 	<input type="checkbox"/>
<p>5:210, Resignations</p>	<p>The policy and footnote are updated in response to 105 ILCS 5/24-14, amended by P.A. 103-549, addressing the resignation of teachers during a school term and amending the procedures a district must follow when referring a teacher to the State Superintendent of Education due to the teacher's resignation during the school term to accept another teaching assignment. Other continuous improvement updates are also made to the footnote.</p>	<input type="checkbox"/>
<p>5:220, Substitute Teachers</p>	<p>The policy and footnotes are updated in response to:</p> <ol style="list-style-type: none"> 1. Ill. Pension Code, 40 ILCS 5/16-118, amended by P.A.s 103-88 and 103-525, permitting TRS annuitants to substitute teach for 120 paid days or 600 paid hours in each school year through 6-30-26; and 2. 105 ILCS 5/21B-20(3), amended by P.A. 103-193, eff. 1-1-24, permitting a board to employ a substitute teacher in a vacant position for 90 calendar days or until the end of the semester, whichever is greater, due to a lack of qualified candidates, provided certain procedures are followed. <p>The footnotes are also updated in response to 105 ILCS 5/10-20.67 and 5/21B-20(4), amended by P.A. 103-111, extending Short-Term Substitute Teaching Licenses as a type of license until June 30, 20238, and board authority to develop training programs for short-term substitute teacher in collaboration with the exclusive bargaining representative of its teachers, and for continuous improvement.</p>	<input type="checkbox"/>
<p>5:220-AP, Substitute Teachers</p>	<p>The procedure is updated in response to 105 ILCS 5/10-20.67 and 5/21B-20(4), amended by P.A. 103-111, extending Short-Term Substitute Teaching Licenses as a type of license until June 30, 20238, and board authority to develop training programs for short term substitute teacher in collaboration the exclusive bargaining representative of its teachers, and for continuous improvement.</p>	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

<p>5:250, Leaves of Absence</p>	<p>The policy, Legal References, and footnotes are updated. The policy is updated in response to:</p> <ol style="list-style-type: none"> 1. Child Extended Bereavement Leave Act (CEBLA), 820 ILCS 156/, added by P.A. 103-466, providing an unpaid leave benefit to employees who experience the loss of a child by suicide or homicide; 2. Victims' Economic Security and Safety Act (VESSA), 820 ILCS 180/, amended by P.A. 103-314, eff. 1-1-24, permitting employees to use VESSA leave to grieve attend to matters necessitated by the death of a family or household member who is killed in a crime of violence; 3. 105 ILCS 5/24-3.5, added by P.A. 103-308, eff. 1-1-24, entitling teachers to 10 days of paid leave per school term for federal advocacy work, if they are elected to represent a statewide teacher association in such work; and 4. Continuous improvement. <p>The Legal References are updated in response to:</p> <ol style="list-style-type: none"> 1. CEBLA, 820 ILCS 156/, added by P.A. 103-466, providing an unpaid leave benefit to employees who experience the loss of a child by suicide or homicide; 2. Family Bereavement Leave Act (FBLA), 820 ILCS 154/, amended by P.A. 102-1050, amending the title of the Act to ChildFamily Bereavement Leave Act; and 3. 105 ILCS 5/10-20.83, amended by P.A. 103-154, finalizing the citation in the School Code for COVID-19 paid administrative leave. <p>The footnotes are updated for the same reasons as the policy and Legal References (except for reason #2 for the Legal References).</p>
<p>5:285-AP, Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers</p>	<p>The procedure is updated in response to:</p> <ol style="list-style-type: none"> 1. 49 C.F.R Part 382, amended by 88 Fed. Reg. 27596, allowing employers to utilize oral fluid testing for drug tests regulated by the U.S. Dept. of Transportation (including for school bus drivers), and for continuous improvement; 2. Ill. Vehicle Code, 625 ILCS 5/6-516, amended by P.A. 102-982, replacing the term <i>accident</i> with <i>crash</i> to clarify that not all crashes are accidental; and 3. Continuous improvement.
<p>5:330, Sick Days, Vacation, Holidays, and Leaves</p>	<p>The policy, Legal References, and footnotes are updated. The policy is updated in response to:</p> <ol style="list-style-type: none"> 1. CEBLA, 820 ILCS 156/, added by P.A. 103-466, providing an unpaid leave benefit to employees who experience the loss of a child by suicide or homicide, and for continuous improvement; and 2. 105 ILCS 5/24-2(a), amended by P.A.s 103-395, eff. 1-1-24, and 103-467, and 10 ILCS 5/1-24, added by P.A. 103-467 and scheduled to be repealed on 1-1-25, adding 2024 Election Day as a school holiday. <p>The Legal References are updated in response to:</p> <ol style="list-style-type: none"> 1. CEBLA, 820 ILCS 156/, added by P.A. 103-466, providing an unpaid leave benefit to employees who experience the loss of a child by suicide or homicide; 2. FBLA, 820 ILCS 154/, amended by P.A. 102-1050, amending the title of the Act to ChildFamily Bereavement Leave Act; and 3. 105 ILCS 5/10-20.83, amended by P.A. 103-154, finalizing the citation in the School Code for COVID-19 paid administrative leave. <p>The footnotes are updated for the same reasons as the policy and Legal References (except for reason #2 for the Legal References) and in response to:</p> <ol style="list-style-type: none"> 1. VESSA, 820 ILCS 180/, amended by P.A. 103-314, eff. 1-1-24, permitting employees to use VESSA leave to grieve and attended to attend to matters necessitated by the death of a family or household member who is killed in a crime of violence; and 2. Continuous improvement.

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

6:15, School Accountability	<p>The policy and footnotes are updated. The policy and footnote 6 are updated in response to 105 ILCS 5/2-3.25f(a), amended by P.A. 103-175, providing that ISBE “shall provide technical assistance to schools in school improvement status to assist with the development and implementation of School and District Improvement Plans.”</p> <p>The footnotes are also updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/2-3.25a, amended by P.A. 103-175, clarifying ISBE standards for student performance and school improvement; 2. 105 ILCS 5/2-3.25b, amended by P.A. 103-175, granting ISBE authority to implement and carry out the issuance of school improvement designations via the accountability system identified in 105 ILCS 5/2-3.25a; and 3. 105 ILCS 5/10-17a, amended by P.A.s 103-116, 103-263, 103-413, eff. 1-1-24, and 105-503, eff. 1-1-24, adding new data elements to school district report cards. 	<input type="checkbox"/>
6:20, School Year Calendar and Day	<p>The policy is unchanged. The footnotes are updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/24-2, amended by P.A. 103-467, adding 2024 General Election Day as a school holiday; 2. 10 ILCS 5/1-24, added by P.A. 103-467 and scheduled to be repealed on 1-1-25, establishing 2024 General Election Day as a state holiday; 3. 105 ILCS 5/24-2(c), amended by P.A. 103-15, adding Sept. 17 as Constitution Day, a commemorative holiday; 4. 105 ILCS 5/10-19.05, amended by P.A. 103-560, eff. 1-1-24, expanding work-based learning experiences that count toward the calculation of clock hours of school work per day; and 5. Continuous improvement. 	<input type="checkbox"/>
6:30, Organization of Instruction	<p>The Legal References and footnotes are updated in response to 105 ILCS 5/10-20.19a, repealed by P.A. 103-410, and 105 ILCS 5/10-22.18, amended by P.A. 103-410, to require that boards establish a full-day kindergarten program by the beginning of the 2027-2028 school year. The Cross References are updated for continuous improvement.</p>	<input type="checkbox"/>
6:50, School Wellness	<p>The policy, Legal References, and footnotes are updated. The policy is updated with new subhead Goals for Other School-Based Activities in response to a request from the ISBE Nutrition Dept. and to federal requirements in 7 C.F.R. §210.31 for local school wellness policies. The footnotes are updated for the same reason, and the Legal References and footnotes are updated for continuous improvement.</p>	<input type="checkbox"/>
6:60, Curriculum Content	<p>The policy, Legal References, and footnotes are updated. The policy is updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/27-21 and 5/27-20.3, amended by P.A. 103-422, and 105 ILCS 5/27-20.05, added by P.A. 103-422, requiring instruction on the Native American experience and Native American history starting in the 2024-2025 school year, Native American nations’ sovereignty and self-determination, and Native American genocide in North America; 2. 105 ILCS 5/27-13.2(c), added by P.A. 103-365, eff. 1-1-24, requiring health education in grades 9-12 to include instruction on the dangers of fentanyl, beginning with the 2024-2025 school year; and 3. Continuous improvement. <p>The Legal References are updated in response to 105 ILCS 5/27-20.05, added by P.A. 103-422, requiring instruction on the Native American experience and Native American history.</p> <p>The footnotes are updated for the same reasons as the policy and in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 110/3, amended by P.A. 103-212, requiring health education in grades 9-12 to include instruction on the dangers of allergies, beginning with the 2024-2025 school year; and 2. 105 ILCS 5/2-3.196, requiring ISBE to develop a Statewide literacy plan by 1-31-24. 	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

6:60-AP1, Comprehensive Health Education Program	<p>The procedure is updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/27-13.2(c), added by P.A. 103-365, eff. 1-1-24, requiring health education in grades 9-12 to include instruction on the dangers of fentanyl, beginning with the 2024-2025 school year; 2. 105 ILCS 110/3, amended by P.A. 103-212, eff. 1-1-24, requiring health education in grades 9-12 to include instruction on the dangers of allergies, beginning with the 2024-2025 school year; and 3. Continuous improvement. 	<input type="checkbox"/>
6:65, Student Social and Emotional Development	<p>The policy is unchanged. The footnotes are updated in response to:</p> <ol style="list-style-type: none"> 1. 20 ILCS 1705/76.2, added by P.A. 103-222, eff. 1-1-24, requiring the Ill. Dept. of Human Services (DHS) to partner with ISBE to provide technical assistance for the provision of mental health care for students during school days; 2. 20 ILCS 1705/11.4, added by P.A. 103-546, requiring DHS to create and maintain an online Care Portal as a central resource for families with children with significant and complex behavioral health needs; and 3. Continuous improvement. 	<input type="checkbox"/>
6:230, Library Media Program	<p>The policy, Legal References, Cross References, and footnotes are updated. The policy, Legal References, and footnote 1 are updated in response to 75 ILCS 10/8.7, added by P.A. 103-100, eff. 1-1-24, requiring districts that wish to be eligible for State library grants to adopt the American Library Association's <i>Library Bill of Rights</i> or develop a written statement prohibiting the practice of banning books. Cross References to 2:260, <i>Uniform Grievance Procedure</i>, and 6:260, <i>Complaints About Curriculum, Instructional Materials, and Programs</i>, are added. The footnotes are also updated for continuous improvement.</p>	<input type="checkbox"/>
6:230-AP, Responding to Complaints About Library Media Resources	<p>The procedure is updated for the reasons stated in 6:230, <i>Library Media Program</i>, above.</p>	<input type="checkbox"/>
6:270, Guidance and Counseling Program	<p>The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/10-20.5a, amended by P.A. 103-204, eff. 1-1-24, requiring districts to make student directory information electronically accessible for official recruiting representatives of the armed forces and of state public institutions of higher education. The footnotes are also updated for continuous improvement.</p>	<input type="checkbox"/>
6:280, Grading and Promotion	<p>The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/2-3.25a, amended by P.A. 103-175, requiring ISBE to develop standards for student performance, and for continuous improvement.</p>	<input type="checkbox"/>
7:50, School Admissions and Student Transfers To and From Non-District Schools	<p>The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/13A, amended by P.A. 103-473, establishing specific procedures for administratively transferring a disruptive student to an ISBE regional safe school, and for continuous improvement.</p>	<input type="checkbox"/>
7:60, Residence	<p>The policy, Legal References, and footnotes are updated. The policy and footnotes are updated in response to 105 ILCS 5/10-20.12a(a), amended by P.A. 103-111, permitting boards to adopt a policy to waive nonresident tuition for a student who is the <i>child</i> of a district employee, and for continuous improvement. The Legal References are updated for continuous improvement by adding citations to provisions in the School Code addressing the residency of students with disabilities.</p>	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

7:70, Attendance and Truancy	<p>The Legal References are updated for continuous improvement. The footnotes are updated in response to:</p> <ol style="list-style-type: none"> 1. Child Labor Law, 820 ILCS 205/, amended by P.A. 103-201, amending certain enforcement procedures and penalty provisions; 2. Juvenile Court Act of 1987, 705 ILCS 405/3-33.5, amended by 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; and 3. Continuous improvement. 	<input type="checkbox"/>
7:160, Student Appearance	<p>The policy and footnotes are updated in response to 105 ILCS 5/10-22.25b, amended by P.A. 103-463, prohibiting schools from denying students the right to wear or accessorize their graduation attire with items associated with their culture, ethnic, or religious identity, or other characteristic or category protected under the IHRA. Continuous improvement updates are also made to the footnotes.</p>	<input type="checkbox"/>
7:165, School Uniforms	<p>The policy and footnotes are updated for the reasons stated in 7:160, <i>Student Appearance</i>, above.</p>	<input type="checkbox"/>
7:190, Student Behavior	<p>The policy, Legal References, and footnotes are updated. The policy is amended with optional language for Item #9 in the Prohibited Student Conduct subhead to prohibit academic dishonesty using a writing service and/or generative artificial intelligence technology. This optional language is further explained in new footnote 18.</p> <p>The Required Notices subhead of the policy and its accompanying footnotes are updated:</p> <ol style="list-style-type: none"> 1. To align with subsection J. Required Notices in sample administrative procedure 4:170-AP1, <i>Comprehensive Safety and Security Plan</i>; and 2. In response to 105 ILCS 5/10-27.1A(c), amended by P.A. 103-34, clarifying the reporting obligations of school officials upon receipt of a report regarding a verified incident involving a firearm on school property. <p>The Legal References citation to the Pro-Children Act is updated.</p> <p>The footnotes are also updated in response to 105 ILCS 5/13A, amended by P.A. 103-473, establishing specific procedures for administratively transferring a disruptive student to an ISBE regional safe school, and for continuous improvement.</p>	<input type="checkbox"/>
7:190-AP9, Administrative Transfer to Regional Safe School Program	<p>NEW. This procedure is created in response to 105 ILCS 5/13A, amended by P.A. 103-473, establishing specific procedures for administratively transferring a disruptive student to an ISBE regional safe school.</p>	<input type="checkbox"/>
7:250, Student Support Services	<p>The policy is unchanged. The footnotes are updated in response to 23 Ill.Admin.Code §25.48, amended by 47 Ill. Reg. 5973, making short-term emergency approval in special education available until 6-30-26 (previously 6-30-23). The footnotes are also updated for continuous improvement.</p>	<input type="checkbox"/>
7:270, Administering Medicines to Students	<p>The policy, Cross References, and footnotes are updated. The policy and footnotes are updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/10-22.21b and 105 ILCS 5/22-30, amended by P.A. 103-175, replacing the retired <i>Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form</i> with <u>allergy emergency action plan</u> in the School Code provisions regarding administration of medication to students; 2. 105 ILCS 5/22-30(f), amended by P.A. 103-348, eff. 1-1-24, requiring districts to maintain a supply of undesignated opioid antagonists to administer as necessary; and 3. 105 ILCS 5/22-30(f), amended by P.A. 103-196, eff. 1-1-24, permitting a district maintaining special education facilities to maintain a supply of undesignated oxygen tanks. <p>The footnotes are also updated for continuous improvement. The Cross References are updated in response to the renaming of 7:270-AP2, <i>Checklist for District Supply of Undesignated Asthma Medication(s), Epinephrine Injectors, Opioid Antagonists, and/or Glucagon</i>.</p>	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

7:270-AP2, Checklist for District Supply of Undesignated Asthma Medication(s), Epinephrine Injectors, Opioid Antagonists, and/or Glucagon	RENAMED. The procedure is updated for the reasons stated in 7:270, <i>Administering Medicines to Students</i> , above.	<input type="checkbox"/>
7:285, Anaphylaxis Prevention, Response, and Management Program	The Legal References and footnotes are updated in response to 105 ILCS 5/10-22.39, amended by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, streamlining training requirements regarding anaphylactic reactions and management for staff members who work with students. Continuous improvement updates are also made to the footnotes.	<input type="checkbox"/>
7:285-AP, Anaphylaxis Prevention, Response, and Management Program	<p>The procedure is updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/10-22.21b and 105 ILCS 5/22-30, amended by P.A. 103-175, replacing the retired Illinois Food Allergy Plan and Treatment Authorization Form with <u>allergy emergency action plan</u> in the School Code provisions regarding administration of medication to students; 2. 105 ILCS 5/10-22.39, amended by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, streamlining training requirements regarding anaphylactic reactions and management for staff members who work with students; 3. 105 ILCS 110/3, amended by P.A. 103-212, eff. 1-1-24, mandating that health education include instruction on the dangers of allergies, beginning with the 2024-2025 school year; 4. Renaming of 7:270-AP2, <i>Checklist for District Supply of Undesignated Asthma Medication(s), Epinephrine Injectors, Opioid Antagonists, and/or Glucagon</i>; and 5. Continuous improvement. 	<input type="checkbox"/>
7:290, Suicide and Depression Awareness and Prevention	The policy and footnotes are updated in response to 105 ILCS 5/10-22.39, amended by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, requiring teachers, administrators, and school support personnel who work with students to be trained on identifying warning signs of mental illness, trauma, and suicidal behavior in youth. The footnotes are also updated in response to 105 ILCS 5/10-20.81, amended by P.A. 103-143, requiring districts to insert contact information for the National Suicide Prevention Lifeline, the Crisis Text Line, and the Safe2Help Illinois helpline on student identification cards, and for continuous improvement.	<input type="checkbox"/>
7:290-AP, Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program	<p>The procedure is updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/10-20.81, amended by P.A. 103-143, requiring districts to insert contact information for the National Suicide Prevention Lifeline, the Crisis Text Line, and the Safe2Help Illinois helpline on student identification cards; 2. 20 ILCS 1705/76.2, added by P.A. 103-222, eff. 1-1-24, requiring DHS to partner with ISBE to provide technical assistance for the provision of mental health care for students during school days; and 3. Continuous improvement. 	<input type="checkbox"/>
7:345, Use of Educational Technologies; Student Data Privacy and Security	The Legal References are updated in response to a minor style change. The footnotes are updated in response to guidance documents issued by the federal government on K-12 cybersecurity, <i>Protecting Our Future: Partnering to Safeguard K-12 Organizations from Cybersecurity Threats</i> (Jan. 2023) and <i>Digital Infrastructure Briefs</i> (Aug. 2023), and for continuous improvement.	<input type="checkbox"/>
7:345-AP, Use of Educational Technologies; Student Data Privacy and Security	The procedure is updated for the reasons stated in 7:345, <i>Use of Educational Technologies; Student Data Privacy and Security</i> , above.	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

8:30, Visitors to and Conduct on School Property	<p>The policy, Legal References, Cross References, and footnotes are updated. The policy and footnotes are updated in response to: □</p> <ol style="list-style-type: none">1. PRESS Advisory Board member feedback requesting clarification that the scope of subhead Procedures to Deny Future Admission to Athletic or Extracurricular School Events or Meetings is limited, as specified in the new subhead title, to topics set forth in 105 ILCS 5/24-24;2. PRESS Advisory Board member feedback requesting clarification on the authority of boards to enforce conduct rules under 105 ILCS 5/10-20.5 and under various criminal trespass statutes; and3. OMA, 5 ILCS 120/2(c)(4.5), added by P.A. 103-311, permitting boards to meet in closed session for hearings regarding denial of admission to school events under 105 ILCS 5/24-24. <p>The Legal References are updated to:</p> <ol style="list-style-type: none">1. Reflect a citation change in the Pro-Children Act;2. Add citations to School Code provisions governing the authority of boards to enforce conduct rules;3. Add citations to Criminal Code provisions regarding trespass violations; and4. Implement style changes. <p>The footnotes are also updated in response to 625 ILCS 5/12-803(f), added by P.A. 103-404, prohibiting 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, and for continuous improvement.</p> <p>Policies 2:200, <i>Types of School Board Meetings</i>, and 2:230, <i>Public Participation at School Board Meetings and Petitions to the Board</i>, are added to the Cross References.</p>
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Required Investment Policy

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.

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

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.

Authorized Investments⁶

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 ~~three years~~ 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.
- 4.5. 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 three years 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 obligations of corporations under this paragraph.
- 5.6. 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.
- 6.7. 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

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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. [102-285100-752](#). Alternatively, a board may refer to that law by stating:

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

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/Issuance/Issuance.aspx](http://www.msrb.org/EdCenter/www.msrb.org/EdCenter/Issuance/Issuance.aspx). It provides information about bond issuance, required disclosures, and working with municipal advisors.

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.

~~7.8.~~ 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.

~~8.9.~~ 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 principle 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.

~~9.10.~~ 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.

~~10.11.~~ The Illinois School District Liquid Asset Fund Plus.⁷

~~11.12.~~ 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 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

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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 www.isdlafplus.com.

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.

~~12.13.~~ 13. Any investment as authorized by the Public Funds Investment Act, and Acts amendatory thereto. Paragraph ~~13~~ 13 supersedes paragraphs ~~1-12~~ 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. ~~102-285400-752~~.

(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 Brokers¹⁰

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, 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 may 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, the current and historical ratings that the financial institution has received, to the extent that those ratings are publicly available, under the federal Community Reinvestment Act of 1977;
2. 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;
3. The financial impact that the withdrawal or denial of District deposits might have on the financial institution;
4. 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
5. 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.

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⁹ This statement is required by 30 ILCS 235/2.5(a-5)-~~added by P.A. 101-473, eff. 1-1-20~~. See the Ill. Sustainable Investing Act (SIA)(30 ILCS 238/-~~added by P.A. 101-473, eff. 1-1-20~~) 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.

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 This paragraph is optional, but is authorized by 30 ILCS 235/8.

Collateral Requirements ¹⁵

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 ¹⁶

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 ¹⁷

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 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. ¹⁸

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. ¹⁹

Ethics and Conflicts of Interest ²⁰

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*

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¹⁵ 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.

¹⁶ The policy must address safekeeping and custody arrangements. 30 ILCS 235/2.5(a)(5). Registration requirements are in 30 ILCS 235/3.

¹⁷ 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.

¹⁸ The policy must include performance measures. 30 ILCS 235/2.5(8).

¹⁹ 105 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.

²⁰ 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).

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)

updated to match statute
→ Design builds
↓ District administered
assessments

Operational Services

Purchases and Contracts ¹

The Superintendent shall manage the District’s purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable School Board policies.

Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with applicable federal and State law. The Board Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts shall be approved or authorized by the Board.

All purchases and contracts should support a recognized District function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law.² No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Superintendent or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items outside budget parameters require prior Board approval, except in an emergency.³

When presenting a contract or purchase for Board approval, the Superintendent or designee shall ensure that it complies with applicable federal and State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of ~~\$35,000~~^{\$25,000} must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.⁴

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¹ State law controls this policy’s content. 105 ILCS 5/10-20.21, amended by P.A.s 102-1101 and 103-8, eff. 1-1-24, contains bidding plus other requirements. Other laws also govern district contracts. For example, the Prevailing Wage Act requires, among other things, that a district specify in all contracts for public works that the prevailing wage rate must be paid. 820 ILCS 130/. When a district awards work to a contractor without a public bid, contract, or project specification, the district must provide the contractor with written notice on the purchase order or a separate document indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work on the project. In addition, the district must notify all contractors of any rate changes by the Ill. Dept. of Labor (IDOL). 820 ILCS 130/4(f). The law allows a district to discharge this duty by including the following language in all contracts: “Any prevailing rate of wages as they are revised by the Ill. Dept. of Labor (IDOL) shall apply to this contract. You are notified that any rate changes to the prevailing wage rate are available on IDOL’s official website.” 820 ILCS 130/4(l). See 4:60-E, *Notice to Contractors*, for sample language.

² This end statement should be amended according to local board discretion.

³ An optional addition follows: “Notwithstanding the above, the Superintendent shall not commit to any single, non-customary purchase or expenditure, excluding personnel, of greater than \$ _____ without prior Board approval.” This optional provision’s intent is to provide an internal control as well as to keep the board involved when the district is making a large purchase or expenditure, e.g., copiers, computers, textbooks, or something that might not happen every year. It is intended to cover purchases/expenditures regardless of whether they were previously budgeted.

⁴ The bidding threshold increases from \$25,000 to \$35,000 on 1-1-24. 105 ILCS 5/10-20.21, amended by P.A. 103-8, eff. 1-1-24. See sample administrative procedure 4:60-API, Purchases, for bidding exemptions and the requirements for electronic bid opening. A board may set a lower bidding threshold by policy but should first seek its attorney’s advice because such action may expand a board’s vulnerability to a bidding challenge.

2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 *et seq.*
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.⁵
5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21(b-5). The Superintendent or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Superintendent or designee shall report this information to the Board by completing the necessary forms that must be attached to the District's annual budget.⁶
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10).⁷
7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*.⁸
8. Each contractor with the District is bound by each of the following:
 - a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/10-21.9(c) and 5/21B-80(c)⁹ to have direct, daily contact at a District school or school-related activity with one or more student(s); (2) prohibit any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense;¹⁰ and (3) require each of its employees who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her.¹¹
 - b. In accordance with 105 ILCS 5/22-94: (1) prohibit any of its employees from having *direct contact with children or students* if the contractor has not performed a sexual misconduct related employment history review (EHR) of the employee or if the District objects to the employee's assignment based on the employee's involvement in an instance of sexual misconduct as provided in 105 ILCS 5/22-94(j)(3), which the contractor is required to disclose; (2) discipline, up to and including termination or denial of employment, any employee who provides false information or willfully fails

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⁵ Concerning collective bargaining requirements, see McLean Co. Unit Dist. 5 v. AFSCME & IELRB, 12 N.E.3d 120 (4th Dist. 2014) (good faith bargaining on the decision to subcontract requires notice of the consideration of the subcontract before it is finalized; meeting with the union to provide an opportunity to discuss and explain the decision; providing information to the union; and giving consideration to any counterproposal the union makes).

⁶ 105 ILCS 5/10-20.21(b-5).

⁷ 105 ILCS 5/10-20.21(b-10).

⁸ 105 ILCS 5/10-20.19c.

⁹ 105 ILCS 5/10-21.9(c); 105 ILCS 5/21B-80(c).

¹⁰ *Id.*

¹¹ The implementation process is in sample administrative procedure 4:60-AP3, *Criminal History Records Check of Contractor Employees*. See sample administrative procedure 5:30-AP2, *Investigations*, for a list of offenses which disqualify an individual from having direct, daily contact with one or more students until seven years following the end of the individual's sentence for the criminal offense.

to disclose information required by the EHR; (3) maintain all records of EHRs and provide the District access to such records upon request; and (4) refrain from entering into any agreements prohibited by 105 ILCS 5/22-94(g).¹²

- c. In accordance with 105 ILCS 5/24-5: (1) concerning each new employee of a contractor that provides services to students or in schools, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease; and (2) require any new or existing employee who provides services to students or in schools to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Ill. Dept. of Public Health rules or order of a local health official.¹³

9. Any pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use must comply with the Coal Tar Sealant Disclosure Act.¹⁴

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¹² 105 ILCS 5/22-94, added by P.A. 102-702, ~~eff. 7-1-23~~. See sample administrative procedure 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*. For the definition of *sexual misconduct*, see 105 ILCS 5/22-85.5(c), added by P.A. 102-676, and sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*. *Direct contact with children or students* is defined as “the possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students.” 105 ILCS 5/22-94(b), added by P.A. 102-702, ~~eff. 7-1-23~~. This standard, which triggers the EHR, appears on its face to be broader than the *direct, daily contact* standard that triggers the *complete criminal history records check* in 105 ILCS 5/10-21.9(f). See sample administrative procedures 5:30-AP2, *Investigations*, 4:60-AP3, *Criminal History Records Check of Contractor Employees*, and 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*, for more information. For example, a contracted night custodian who may have some passing, routine interaction with students who are on campus for after-school events, but does not have direct, daily contact with students triggers an EHR but not necessarily a *complete criminal history records check*. It is less clear if the reverse scenario could arise where a *complete criminal history records check* under 105 ILCS 5/10-21.9(f) would be required but an EHR would not be required. For ease of administration, a district may wish to require contractors to undergo a *complete criminal history records check* whenever the obligation to conduct an EHR is triggered, and vice versa.

105 ILCS 5/22-94(g), added by P.A. 102-702, ~~eff. 7-1-23~~, prohibits contractors from entering any agreement that: (1) has the effect of suppressing information concerning a pending or completed investigation in which an allegation of sexual misconduct was substantiated, (2) affects the ability of the contractor to report sexual misconduct to the appropriate authorities, or (3) requires the contractor to expunge information about allegations or findings of suspected sexual misconduct, unless an allegation is found to be false, unfounded, or unsubstantiated following an investigation.

¹³ 105 ILCS 5/24-5. P.A. 98-716; expanded the scope of 105 ILCS 5/24-5 by adding a definition of *employee* that includes contractors’ employees for whom a criminal history records check is required. Since Aug. 2014, the Ill. Dept. of Public Health (IDPH) has not required school employees to be screened for tuberculosis other than workers in child day care and preschool settings. 77 Ill.Admin.Code §696.140(a)(3). Before requesting a contractor’s employee for a health examination, contact the board attorney concerning this action’s legality under other personnel laws, including the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 *et seq.*).

¹⁴ 410 ILCS 170/10(b), added by P.A. 102-242.

10. Design-build contracts must comply with 105 ILCS 5/15A-1 et seq. ¹⁵

~~9.11.~~ Any new contract for a district-administered assessment must comply with 105 ILCS 5/10-20.85. ¹⁶

~~10.12.~~ Purchases made with federal or State awards must comply with 2 C.F.R. Part 200 and 30 ILCS 708/, as applicable, and any terms of the award. ¹⁷

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided. ¹⁸

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¹⁵ 105 ILCS 5/15A-1 et seq., added by P.A. 103-491, eff. 1-1-24. Under a design-build delivery system for a construction project, a board contracts with a design-build entity that furnishes architecture, engineering, land surveying, public art or interpretive exhibits, and other construction services, as required for the project. It allows a single contractor to manage both the design and construction of a project, creating the potential for greater efficiency. Contrast this method with the traditional design-bid-build delivery method, in which a board contracts with multiple entities and utilizes a competitive bidding process for certain contractors, such as a general contractor. 105 ILCS 5/15A-1 et seq., added by P.A. 103-491, eff. 1-1-24, does not impact a district's ability to use a qualification-based selection process under 50 ILCS 510/, Local Government Professional Services Act (LGPSA), to select design professionals or construction managers for design-build projects. 105 ILCS 5/15A-50. See sample policy 2:170, Procurement of Architectural, Engineering, and Land Surveying Services. For design-build projects, consult with the board attorney as needed to ensure the district: (1) complies with the specific procedural requirements related to requests for proposals (RFPs) and evaluation of RFP submissions for these contracts, and (2) incorporates additional criteria for requests for proposals and evaluation of proposals based on local conditions and the specific project, as permitted by the statute. Note that under 105 ILCS 5/15A-20, added by P.A. 103-491, eff. 1-1-24, a board must employ or contract with an independent design professional or public art designer (as applicable) selected under the LGPSA to assist with developing the scope and criteria for performance for a request for proposal under a design-build delivery system.

¹⁶ 105 ILCS 5/10-20.85, added by P.A. 103-393. See sample administrative procedure 4:60-API, Purchases, for specific requirements. A district-administered assessment is one that requires all student test takers at any grade level to answer the same questions, or a selection of questions from a common bank of questions. It does not include the observational assessment tool used to satisfy the annual kindergarten assessment required by 105 ILCS 5/2-3.64a-10 or an assessment developed by district teachers or administrators that is used to measure student progress at an attendance center. Id.

¹⁷ 2 C.F.R. §§200.318-200.327; 30 ILCS 708/. The Grant Accountability and Transparency Act (GATA) adopts the federal uniform guidance for all grants, unless the Office of the Governor grants an exception. 30 ILCS 708/55; 44 Ill.Admin.Code §7000.60. For information about the scope of GATA as it pertains to grants administered by the Ill. State Board of Education, see www.isbe.net/gata.

¹⁸ This is an optional provision. The numerous reporting and website posting mandates are in [sample exhibit 2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records](#). As an alternative to the policy's default language, a board may insert the underscored:

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts and maintain a status report for monthly presentation to the Board, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided.

LEGAL REF.: 2 C.F.R. Part 200.
105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-20.85, 5/10-21.9, 5/10-22.34c, 5/15A-1 et seq., 5/19b-1 et seq., 5/22-94, and 5/24-5.
30 ILCS 708/, Grant Accountability and Transparency Act.
410 ILCS 170/, Coal Tar Sealant Disclosure Act.
820 ILCS 130/, Prevailing Wage Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:150 (Facility Management and Building Programs), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting)

Footnotes updated
contains new Statute language

Operational Services

Administrative Procedure - Purchases

The Board Attorney should be consulted, as needed, regarding the legal requirements presented by this administrative procedure as well as before a contract is presented to the Board. ¹

Requirements for Purchases and Contracts

- Requirements of Contract lang.
- A. Each of the following requirements describes the type of purchase and/or contract to which it applies; requirements in Sections B and C may also apply to a specific purchase or contract.
1. All purchases of goods or services must be made through the use of contracts or purchase orders, except for those purchases made from petty cash funds or the Imprest Fund, or as otherwise specifically authorized by the Superintendent.
 2. Ill. Use Tax Act compliance (105 ILCS 5/10-20.21(b) and 35 ILCS 105/):
 - a. Persons bidding for and awarded a contract, and all affiliates of the person, must collect and remit Ill. Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provision of the Ill. Use Tax Act.
 - b. All bids and contracts must include: (1) a certification that the bidder or contractor is not barred from bidding for or entering into a contract, and (2) an acknowledgment that the Board may declare the contract void if the certification is false.
 3. All entities seeking to enter into a contract with the District must provide written certification to the District that it will provide a drug free workplace by complying with the Ill. Drug Free Workplace Act, 30 ILCS 580/. All contractors must comply with the notification mandates and other requirements in the Ill. Drug Free Workplace Act. "Contractor" is defined in the Ill. Drug Free Workplace Act as "a corporation, partnership, or other entity with 25 or more employees at the time of letting the contract, or a department, division, or unit thereof, directly responsible for the specific performance under a contract of \$5,000 or more."
 4. Before soliciting bids or awarding a contract for supplies, materials, equipment, or services, a certified education purchasing contract that is already available through a State education purchasing entity (as defined in the Education Purchasing Program, 105 ILCS 5/28A), may be considered as a bid. 105 ILCS 5/10-20.21(d).
 5. All contracts must include provisions required by State or federal law, as applicable. Topics commonly requiring a provision include equal opportunity employment, prevailing wage, minimum wage, and performance bond. ²
 6. The procurement of architectural, engineering, and land surveying services is governed by the Local Government Professional Services Selection Act, 50 ILCS 510/, implemented by 2:170-AP, *Qualification Based Selection*.

The footnotes should be removed before the material is used.

¹ Many legal problems will be avoided by early and frequent consultation with the board attorney. A board cannot use its failure to follow proper bidding or contracting procedures to later avoid payment to contractors or vendors that perform a contract in good faith. *Restore Construction Co., Inc. v. Bd. of Educ. of Proviso Twp. High Sch. Dist. 209*, 444 Ill.Dec. 663 (Ill. 2020).

² For contract provisions required for non-federal entity contracts under federal awards and State awards governed by the Grant Accountability and Transparency Act (30 ILCS 708/), see Appendix II to 2 C.F.R. Part 200, available at: www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1.

7. A list must be posted on the District's website, if any, of all contracts in excess of \$25,000 and any contract with an exclusive bargaining representative. 105 ILCS 5/10-20.44(b).
8. Each contractor with the District must comply with 105 ILCS 5/10-21.9(f) and: (a) not allow any of its employees to have direct, daily contact with one or more students if the employee was found guilty of any offense listed in 105 ILCS 5/10-21.9(c) or 5/21B-80(c)³; (b) prohibit any of its employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense; (c) require each of its employees who will have direct, daily contact with one or more student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her; and (d) reimburse the District for the cost of the fingerprint-based criminal history records check that the District obtains on each employee of a contractor who will have direct, daily contact with a student(s). See 4:60-AP3, *Criminal History Records Check of Contractor Employees*.
9. For each position involving *direct contact with children or students*,⁴ each contractor must perform sexual misconduct related employment history reviews (EHRs) of its employees as required by 105 ILCS 5/22-94, added by P.A. 102-702, ~~eff. 7-1-23~~, and: (a) prohibit any of its employees from having direct contact with children or students if the contractor has not performed an EHR; (b) discipline, up to and including termination or denial of employment, any employee who provides false information or willfully fails to disclose information required by an EHR, and prohibit any such employee from having direct contact with children or students⁵; (c) immediately inform the District of any instances of sexual misconduct involving an employee as provided in 105 ILCS 5/22-94(j)(3); (d) prohibit any of its employees from having direct contact with children or students if the District objects to the employee's assignment after being informed of an instance of sexual misconduct; (e) maintain all records of EHRs and provide copies of such records upon the District's request; and (f) not enter into any agreements prohibited by 105 ILCS 5/22-94(g).⁶ See 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*.
10. Each contractor with the District must comply with 105 ILCS 5/24-5 and: (a) concerning each new employee who will provide services to students or in schools, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease; and (b) require any new or existing employee who provides services to students or in schools to complete additional health examinations as required by the District and be subject

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³ 105 ILCS 5/10-21.9(c), amended by P.A. 101-531; 105 ILCS 5/21B-80(c), amended by P.A. 101-531.

⁴ See sample policy 4:60, *Purchases and Contracts*, at f/n 12, for the definition of *direct contact with children or students* and its distinction from *direct, daily contact*, which requires a *complete criminal history records check*.

⁵ The law requires contractors to discipline employees who provide false information or willfully fail to disclose information required by a sexual misconduct related employment history review (EHR), but it does not specifically require contractors to prohibit such employees from having direct contact with children or students. 105 ILCS 5/22-94(d), added by P.A. 102-702, ~~eff. 7-1-23~~. This procedure prohibits contractors who have not provided the required EHR information from having direct contact with students as a best practice.

⁶ See sample policy 4:60, *Purchases and Contracts*, at f/n 12, for more information about the types of agreements that are prohibited by 105 ILCS 5/22-94(g), added by P.A. 102-702, ~~eff. 7-1-23~~.

to additional health examinations, including tuberculosis screening, as required by the Ill. Dept. of Public Health rules or order of a local health official.⁷

11. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10) (food donations).⁸

12. Any pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use must comply with the Coal Tar Sealant Disclosure Act by (a) requesting a bid with an alternative for asphalt-based or latex-based sealant product, and (b) considering whether an asphalt-based or latex-based sealant product should be used for the project based upon costs and life cycle costs that regard preserving pavements, product warranties, and the benefits to public health and safety.⁹

13. Guaranteed energy savings contracts must comply with 105 ILCS 5/19b-1 et seq.

14. Design-build contracts must comply with 105 ILCS 5/15A-1 et seq.¹⁰

12.15. Before the Board approves a new contract for a district-administered assessment: (a) the Superintendent or designee must substantially present the terms of the proposal at a regular board meeting, (b) the public must be afforded the opportunity to comment on the proposal at the meeting, and (c) the Board must hold a public vote on the contract at the meeting. The Superintendent or designee shall ensure the assessment is presented in a manner such that the assessment tool and any other intellectual property of the publisher is not able to be widely disseminated to the public.¹¹

B. To the extent feasible, the following govern all purchases and/or the award of contracts for supplies, materials, or work, and/or contracts with private carriers for transporting students, involving: (a) an expenditure of \$235,000 or less, or (b) in an emergency, an expenditure in excess of \$235,000, provided such expenditure is approved by three-quarters of the Board. See 105 ILCS 5/10-20.21(a)(xiv) (3/4s of the members of the Board must approve an emergency expenditure in excess of \$235,000 when the bidding process is not used) and 5/29-6.1, amended by P.A. 103-460 (time limitations for transportation contracts).

The footnotes should be removed before the material is used.

⁷ 105 ILCS 5/24-5. Since 2014, the Ill. Dept. of Public Health (IDPH) has only required school employees in daycare and preschool settings to be screened for tuberculosis. 77 Ill.Admin.Code §696.140(a)(3). Consult the board attorney before requesting a contractor's employee to complete a health examination, to ensure it is legal under other personnel laws, including the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.).

⁸ 105 ILCS 5/10-20.21(b-10).

⁹ 410 ILCS 170/10(b), added by P.A. 102-242. See the IDPH's Compliance With the Coal Tar Sealant Disclosure Act: Guidance for Public Schools and Licensed Day Care Facilities (Jan. 2023), available at: <https://dph.illinois.gov/content/dam/soi/en/web/idph/resources/topics-services/environmental-health-protection/toxicology/eh-factsheet-coaltarsealant-header.pdf> www.dph.illinois.gov/content/dam/soi/en/web/idph/resources/topics-services/environmental-health-protection/toxicology/eh-factsheet-coaltarsealant-header.pdf The IDPH and Ill. State Board of Education (ISBE) must post on their websites on or before 5-1-23 guidance on screening for coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product, requirements for a request for proposals, and requirements for disclosure. Id. at (d), added by P.A. 102-242.

¹⁰ See sample policy 4:60, Purchases and Contracts, at ¶n 15, for more information regarding the design-build delivery method.

¹¹ 105 ILCS 5/10-20.85, added by P.A. 103-393, To protect a publisher's intellectual property rights and the validity of an assessment, districts are required to include technical and procedural safeguards in their review to ensure materials are not widely disseminated to the general public. Id. For example, a district may provide a general description of the proposed assessment in board packet materials and at the board meeting, without including the actual content of the assessment tool or its accompanying copyrighted materials.

1. Telephone quotations, verbal quotations, or catalog prices are used to purchase materials that are needed urgently, or small quantity orders.
 2. Written quotations are used to purchase materials or services when time requirements allow. Whenever possible, quotations should be received from at least two competitors. The Superintendent or designee may negotiate with vendors at any time, including after receiving quotations.
- C. The following govern all purchases and/or the award of contracts involving an expenditure in excess of ~~\$35,000~~^{25,000} for supplies and materials or work. 105 ILCS 5/10-20.21(a).¹²
1. Contracts are awarded to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, except contracts or purchases for:
 - a. Services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;
 - b. Printing of finance committee reports and departmental reports;
 - c. Printing or engraving of bonds, tax warrants, and other evidences of indebtedness;
 - d. Perishable foods and perishable beverages;
 - e. Materials and work that have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price;
 - f. Maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent;
 - g. Use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services;
 - h. Duplicating machines and supplies;
 - i. Fuel, including diesel, gasoline, oil, aviation, natural gas, or propane, lubricants, or other petroleum products;
 - j. Equipment previously owned by some entity other than the District itself;
 - k. Repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$50,000 and not involving a change or increase in the size, type, or extent of an existing facility;
 - l. Goods or services procured from another governmental agency;
 - m. Goods or services that are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone, or telegraph;¹³
 - n. Emergency expenditures when such an emergency expenditure is approved by three-quarters of the members of the Board;
 - o. Goods procured through an education master contract, as defined in the Education Purchasing Program, 105 ILCS 5/28A; and

The footnotes should be removed before the material is used.

¹² 105 ILCS 5/10-20.21(a), amended by P.A.s 102-1101 and 103-8, eff. 1-1-24.

¹³ See *Tarsitano v. Twp. H.S. Dist. No. 211*, 385 Ill.App.3d 868 (1st Dist. 2008)(holding that school districts may enter into contracts for utility services, such as “water, light, heat, telephone or telegraph,” without using the competitive bidding process).

- p. Providing for the transportation of students, which contracts must be advertised in the same manner as competitive bids and awarded by first considering the bidder(s) most able to provide safety and comfort for the students, stability of service, and any other factors set forth in the request for proposal regarding quality of service, and then price.
- q. Goods, services, or management in the operation of a school's food service, including a school that participates in any of the U.S. Dept. of Agriculture's (USDA) child nutrition programs if a good faith effort is made on behalf of the District to give preference to contracts that: (a) procure food that promotes the health and well-being of students, in compliance with USDA nutrition standards for school meals, and contracts should also promote the production of scratch-made, minimally processed foods; (b) give a preference to State or regional suppliers that source local food products; (c) utilize producers that adopt hormone and pest management practices recommended by the USDA; (d) give a preference to food suppliers that value animal welfare; and (e) increase opportunities for businesses owned and operated by minorities, women, or persons with disabilities.

When this exemption applies, the bidder shall submit to the District at the time of the bid, to the best of the bidder's ability, and annually thereafter during the term of the contract, the food supplier data required in this Section q. The food supplier data shall also include the name and address of each supplier, distributor, processor, and producer involved in the provision of the products that the bidder is to supply.

2. Competitive bidding process:

- a. An invitation for bids is advertised, where possible, by public notice at least 10 days before the bid date in a newspaper published in the District, or if no newspaper is published in the District, in a newspaper of general circulation in the area of the District. 105 ILCS 5/10-20.21(a).
- b. The following information should be included in the advertisement for bids:
 - i. A description of the materials, supplies, or work involved;
 - ii. Completion or delivery date requirements;
 - iii. Requirements for bids, bonds, and/or deposits;
 - iv. Requirements for performance, labor, and material payment bonds;
 - v. Date, time, and place of the bid opening;
 - vi. The approximate time period between the opening of bids and the award of the contract; and
 - vii. Any other useful information.
- c. If specifications are available, the advertisement for bids describes where they may be obtained and/or inspected.
- d. All bids must be sealed by the bidder. 105 ILCS 5/10-20.21(a).
- e. A Board member or District employee opens the bids at a public bid opening at which time the contents are announced. 105 ILCS 5/10-20.21(a). Bids may be communicated, accepted, and opened electronically. The following safeguards apply to an electronic bid opening (105 ILCS 5/10-20.21(a)):
 - i. On the date and time of a bid opening, the primary person conducting the electronic bid process shall log onto a specified database using a unique username and password previously assigned to the bidder to allow access to the bidder's specific bid project number.
 - ii. The specified electronic database must be on a network that: (i) is in a secure environment behind a firewall; (ii) has specific encryption tools; (iii) maintains specific intrusion detection systems; (iv) has redundant systems architecture

with data storage back-up, whether by compact disc or tape; and (v) maintains a disaster recovery plan.

- f. Each bidder is given at least three days' notice of the time and place of the bid opening. 105 ILCS 5/10-20.21(a).
 - g. Conduct that promotes deception and collusion during the bidding process is prohibited and may violate the Ill. Criminal Code, 720 ILCS 5/33E-1 et seq. Examples include interference with public contracting, bid-rigging, and acquisition or disclosure of bidding information by a public official.
3. Following the opening of bids, the Superintendent (and Board Attorney, if needed) determines the lowest responsible bidder and verifies the bidders' qualifications. Contracts are awarded at a properly called open meeting of the Board. If the Superintendent recommends a bidder other than the lowest bidder, the Superintendent must provide the Board with the factual basis for the recommendation in writing. The Board, if it accepts a bid from a bidder other than the lowest, records the factual basis for its decision in its minutes. A contract arises only when the Board votes to accept a bid, although written notice of the award will later be given to the successful bidder.
 4. Notwithstanding the foregoing, the District is relieved from bidding when making joint purchases with other public entities in compliance with the Governmental Joint Purchasing Act. 30 ILCS 525/.

LEGAL REF.: 105 ILCS 5/10-20.21, 5/10-20.44, 5/10-20.85, 5/10-21.9, 5/19A-1 et seq., 5/21B-80, 5/22-94, and 5/24-5.
30 ILCS 580/, Ill. Drug Free Workplace Act.
35 ILCS 105/, Ill. Use Tax Act.
50 ILCS 510/, Local Government Professional Services Selection Act.
410 ILCS 170/10, Coal Tar Sealant Disclosure Act.

Updated
ethics training
for staff

Operational Services

Administrative Procedure - Fraud, Waste, and Abuse Awareness Program

The Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) and federal regulations (2 C.F.R. §200.113) require grant fund recipients to timely disclose, in writing, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal awarding agency or pass-through entity, e.g., Ill. State Board of Education (ISBE).

In alignment with best practices contained in ISBE's *Fiscal Procedures Handbook*, the District has a Fraud, Waste, and Abuse Awareness Program, which includes employee reporting procedures for suspected fraud, waste, or abuse. The District will take all appropriate measures to deter fraud, waste, and abuse.

Reporting

The District encourages all District employees to be vigilant and report suspicions of fraud, waste, or abuse. Employees who make good faith reports of suspected violations of law, public corruption or wrongdoing are protected from retaliation by the provisions of the Ill. Whistleblower Act (740 ILCS 174/). See the chart below for details on how to make a report.

Enforcement

Staff members found to have engaged in fraud, waste, or abuse will be disciplined, up to and including discharge. The District will also seek to recover any wrongfully obtained assets from the employee.

Definitions¹

Fraud is defined as: (1) fraudulent financial reporting, (2) misappropriation of assets, and/or (3) corruption (bribery and other illegal acts). Examples of *fraud* include:

- Embezzlement, e.g., theft of cash, use of entity credit card or accounts payable systems to purchase personal items
- Collusion with others to circumvent internal controls
- Forgery or alteration of documents, e.g., checks, time cards, receipts, contracts, purchase orders, expense reimbursement paperwork, student bills, electronic files, bids, or other financial documents
- Fraudulent reporting of expenditures or other District financial information
- Misappropriation or misuse of resources, e.g., cash, securities, inventory, facilities, equipment, services, supplies, or other assets
- Impropriety in the handling or reporting of cash or financial transactions
- Unless properly authorized, accepting or seeking anything of material value from contractors, vendors, or persons providing services or materials-

The footnotes should be removed before the material is used.

¹ The definitions of *fraud*, *waste*, and *abuse* in this exhibit are based on those in the *Standards for Internal Control in the Federal Government* issued by the Comptroller General of the United States (September 2014). See sample policy 4:80, *Accounting and Audits*, at f/n 9 for further discussion of these standards, which have been endorsed by ISBE in its own GATA guidance.

- Authorization or receipt of payment for goods not received or services not performed, e.g., payments to fictitious employees or vendors
- Submitting multiple vouchers for the same expense reimbursement
- Using the District’s tax exempt status for purchase of personal items
- Authorization or receipt of unearned wages or benefits
- Personal use of District property in commercial business activities
- Identity theft
- Conflict of interest or other ethics violations
- Destruction, removal, or inappropriate use of records, buildings, furniture, fixtures, or equipment
- Any similar or related irregularity to those listed

Waste is the act of using or expending resources carelessly, extravagantly, or to no purpose.

Abuse is behavior that is deficient or improper compared to the behavior that a prudent person would consider reasonable and necessary operational practice given the facts and circumstances.

The terms *fraud*, *waste*, and *abuse* are not mutually exclusive; certain conduct may constitute fraud, waste, and/or abuse.

Roles, Responsibilities, and Reporting Procedures

Actor	Action
Any Staff Member	<p>Staff members who suspect fraud, waste, and/or abuse should do the following:</p> <ol style="list-style-type: none"> 1. Make an oral or written report to the Superintendent that describes the factual basis of the suspicion, including any employees involved, a description of the alleged misconduct, and any supporting evidence. Oral reports shall be followed up in writing by the staff member or Superintendent. 2. If the staff member does not feel comfortable identifying himself/herself in making a report, the employee may deliver the report anonymously to the attention of the Superintendent or make an anonymous call to the Superintendent.² 3. If the report concerns alleged misconduct by the Superintendent, the report may be either be made to a Complaint Manager identified in Board Policy 2:260, <i>Uniform Grievance Procedure</i>, who will notify the Board President of the report, or directly to the Board President. 4. If the reporting staff member has evidence of fraud, waste, and/or abuse, he/she must preserve the evidence and provide it to the Superintendent or designee (or designated Complaint Manager or Board President, if the report concerns the Superintendent) charged with investigating the suspected fraud, waste, or abuse.

The footnotes should be removed before the material is used.

² Other options for anonymous reporting may include setting up a separate *fraud hotline* at the District or allowing for anonymous reports to be submitted through the District’s website.

Actor	Action
Superintendent and/or Designee (or Complaint Manager/Board President, for cases concerning the Superintendent)	<p>Manages actual or suspected fraud, waste, or abuse in the District. With respect to any investigation, the Superintendent and/or designee (or Complaint Manager/Board President, for cases concerning the Superintendent) shall:</p> <ol style="list-style-type: none"> 1. Ensure all reported instances of fraud, waste, or abuse are investigated by the District, and, if appropriate, reported to the proper authorities for further investigation and potential prosecution. 2. Consult with the board attorney as needed regarding any investigation. 3. Keep the Board informed of any ongoing investigations. 4. Ensure the District cooperates with law enforcement in any criminal fraud investigations. 5. Make all reasonable efforts to ensure the preservation of evidence relevant to an investigation. 6. Effectuate (or recommend to the Board) discipline of employees who engage in fraud, waste, or abuse in accordance with Board policies and any applicable collective bargaining agreement(s). 7. Manage communications with the media regarding investigations, as needed. 8. Manage District efforts to seek recovery of wrongfully obtained assets, as appropriate.
Superintendent and/or Designee	<ol style="list-style-type: none"> 1. Manage annual communication of the District's Fraud, Waste, and Abuse Awareness Program to staff and grant sub-recipients/subcontractors, including how employees should report suspected fraud, waste, or abuse. 2. Manage ethics and standards of conduct training for all District employees.³ 3. Periodically review the District's Fraud, Waste, and Abuse Awareness Program and related reporting procedures.

The footnotes should be removed before the material is used.

³ See sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest* and sample administrative procedure 5:120-AP2, *Employee Conduct Standards*, for guidance regarding the possible content of such training. The School Code requires in-service training for all school personnel teachers, administrators, and school support personnel who work with students on educator ethics, teacher-student conduct, and school employee-student conduct all school personnel within six months of employment and at least once every five years thereafter at least once every two years. 105 ILCS 5/10-22.39(b-f), amended by P.A. 103-542, eff. 1-1-24, and operative 7-1-24 and (b-35), added by P.A. 103-542, eff. 1-1-24 and operative 7-1-24. However, the GATA *Fiscal and Administrative Internal Controls Questionnaire (ICQ)*, which is annually administered to grantees statewide, may asks if ethics and standards of conduct training is conducted at employee orientation, annually, or both. Districts should consult with their auditors and/or board attorneys for further guidance regarding such training.

Footnotes updated

Operational Services

Student Activity and Fiduciary Funds¹

The School Board, upon the Superintendent or designee's recommendation, establishes student activity funds to be managed by student organizations under the guidance and direction of a staff member for educational, recreational, or cultural purposes.² The Board, upon the Superintendent or designee's recommendation, also establishes fiduciary funds to be supervised by the Superintendent or designee. The District has custodial responsibilities for fiduciary funds but no direct involvement in the management of such funds.³

Student Activity Funds

The Superintendent or designee shall be responsible for supervising student activity funds in accordance with Board policy, 4:80, *Accounting and Audits*; State law; and the Ill. State Board of Education (ISBE) rules for student activity funds. The Board will appoint a treasurer for each fund to serve as the fund's sole custodian and be bonded in accordance with the School Code.⁴ The treasurer shall have all of the responsibilities specific to the treasurer listed in ISBE rules for school activity funds, including the authority to make loans between activity funds.⁵

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. See 105 ILCS 5/10-20.19 and 23 Ill.Admin.Code §§100.80, 100.85. Due to their decentralized nature, student activity funds have historically been an area ripe for fraud, waste, and abuse. This policy supports a board member's fulfillment of his or her fiduciary duty and oath to protect the assets of the district by directing the proper maintenance and control of student activity and fiduciary funds. 105 ILCS 5/10-16.5; see [sample](#) policy 2:80, *Board Member Oath and Conduct*. Adoption of this policy also aligns with mandatory board member training on fiduciary and financial oversight responsibilities. 105 ILCS 5/10-16a(b).

ISBE's rules in Part 125 (Student Activity Funds and Convenience Accounts) were in effect only through 6-30-08 after which they were replaced by Part 100. The rules in Part 100 do not provide for *convenience accounts*. The rules in Part 100 were subsequently amended to recognize *fiduciary funds* separately from *student activity funds* in response to *Governmental Accounting Standards Board Statement No. 84*, available at: www.gasb.org. [Sample Policy](#), 7:325, *Student Fundraising Activities*, contains the elements required by State law for a policy on student fundraising activities.

² Student activity funds are established to account for money used to support the activities of student organizations and clubs, e.g., homeroom, yearbook, class year, choral or band group, class projects, student clubs, student council, and student-sponsored bookstore. 23 Ill.Admin.Code §100.20. Student activity funds are under the school board's control, giving it a fiduciary responsibility to safeguard them along with district assets. In contrast to *fiduciary funds* (see f/n 7, below), the board, superintendent, or other district employees have direct involvement in how *student activity funds* are spent or attained. And, unlike fiduciary funds, student activity funds must be reported as part of a district's Educational Fund for its annual financial reporting and budget, in accordance with *Governmental Accounting Standards Board Statement No. 84*. 23 Ill.Admin.Code §§100.80(e), 100.85.

³ See f/n 7, below.

⁴ 105 ILCS 5/8-2, [amended by P.A. 103-449](#). A board's insurance carrier can assist the board with obtaining bonds for these individuals.

⁵ See 23 Ill.Admin.Code §100.80(c) for the treasurer's duties. ISBE's rule permits the activity fund treasurer to make loans between funds "if and as authorized by the board's policy." 23 Ill.Admin.Code §100.80. A board that does not want to allow loans between activity funds should choose one of these alternatives:

Alternative 1: The treasurer shall have all of the authority and responsibilities specific to the treasurer listed in the Illinois State Board of Education rules for school activity funds, except that the treasurer is not authorized to make loans between activity funds.

Unless otherwise instructed by the Board, a student activity fund's balance will carry over to the next fiscal year. An account containing student activity funds that is inactive for 12 consecutive months shall be closed and its funds transferred to another student activity fund or authorized fund with a similar purpose.⁶

Fiduciary Funds⁷

The Superintendent or designee shall be responsible for supervising fiduciary funds in accordance with Board policy 4:80, *Accounting and Audits*; State law; and ISBE rules for fiduciary funds. The Board will appoint a treasurer for each fund to serve as the fund's sole custodian and be bonded in accordance with the School Code.⁸ The treasurer shall have all of the responsibilities specific to the treasurer listed in the ISBE rules for fiduciary funds.⁹

LEGAL REF.: 105 ILCS 5/8-2 and 5/10-20.19.
23 Ill.Admin.Code §§100.20, 100.80, and 100.85.

CROSS REF.: 4:80 (Accounting and Audits), 7:325 (Student Fundraising Activities)

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

Alternative 2: The treasurer shall have all of the authority and responsibilities specific to the treasurer listed in the Illinois State Board of Education rules for school activity funds, except that the treasurer must have the Board's approval before making a loan between activity funds.

⁶ The authority for this paragraph's first sentence is 23 Ill.Admin.Code §100.80(c)(7); the second sentence is up to the local board's discretion. The following option may be inserted after the first sentence: "However, money remaining in any Senior Class fund after graduation will automatically transfer to the next year's class."

⁷ Fiduciary funds are funds "received from an independent, outside source in which the school board is acting in an administrative capacity." 23 Ill.Admin.Code §100.20, e.g., outside, independent scholarship funds in which the district has no authority to decide how the funds are attained or awarded. *Id.* Unlike student activity funds, where "[t]he school board, superintendent, or district employees have direct involvement with the decisions of how the funds are spent or attained," a district has no control over how fiduciary funds are spent or raised. 23 Ill.Admin.Code §§100.20, 100.80, and 100.85. See 23 Ill.Admin.Code §100.85 for the specific characteristics and permitted activities of a fiduciary fund. Boards must take a number of specific actions for fiduciary funds that are delegated to the superintendent or designee in this policy and align with IASB's *Foundational Principles of Effective Governance*, at www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/—www.iasb.com/principles_popup.efm. 23 Ill.Admin.Code §100.85(b). Boards should consult their local auditors for guidance on whether a particular fund should be classified as a student activity fund or fiduciary fund.

⁸ See f/n 4, above.

⁹ See 23 Ill.Admin.Code §100.85(d) for the treasurer's duties.

Reflects new law
(unfunded) for free Breakfast/Lunch
for all

REFORMATTED

October/November 2018/2023

4:130

Operational Services

Free and Reduced-Price Food Services¹

Notice

Commented [DJ1]: Please note the large area of blank space on this page is intentional due to new formatting styles within PRESS materials. The spacing appears normal once the footnotes are removed.

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. A policy on eligibility for free and reduced-price meals is required by 7 C.F.R. §245.10 for districts participating in the National School Lunch or Breakfast Programs. See f/n 2 below for more information about programs.

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Page 1 of 4

The Superintendent shall be responsible for implementing the District's free and reduced-price food services policy and all applicable programs.^{2 3}

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

² Every public school must have a free lunch program. School Breakfast and Lunch Program Act, 105 ILCS 125/.

Each school where at least 40% or more of the students are eligible for free or reduced-price lunches must operate a school breakfast program. Childhood Hunger Relief Act, 105 ILCS 126/15. A school district may opt-out if the expense reimbursement would not fully cover the costs of implementing and operating the breakfast program. To do so, the district must petition its regional superintendent by February 15. The regional superintendent, after a public hearing, and by March 15, informs the district of his or her decision. If the regional superintendent does not grant an exemption, the district must implement a school breakfast program by the first student attendance day of the next school year. However, the school district or a resident of the school district may appeal the regional superintendent's decision to the State Superintendent of Education.

School districts must, by February 15, promulgate a plan to serve breakfast and/or lunch at each school where 50% or more of the students are eligible for free or reduced-price school meals *and* have a summer school program operating during the summer months. 105 ILCS 126/20. School districts must implement these programs every summer as long as the school district has a school or schools that meet the criteria. If a school building with a 50% or greater free and reduced percentage does not operate a summer school program, the school district shall make information available regarding the number of children in the school eligible for free or reduced-price school meals upon request by a non-profit organization. A school district may utilize an *opt-out* provision if documentation shows the expense reimbursement would not fully cover the costs of implementing and operating a program. To do so, the district must petition its regional superintendent of schools by January 15. The regional superintendent, after a public hearing, and by March 1, informs the district of his or her decision. If the regional superintendent does not grant an exemption, the district must implement and operate the summer food program the summer following the current school year. However, the school district or a resident of the school district may appeal the regional superintendent's decision to the State Superintendent of Education who shall hear appeals and make a final decision no later than April 1. Resources for promulgating a plan for a summer breakfast or lunch (or both) food service program are available on ISBE's website at: www.isbe.net/Pages/National-School-Lunch-Program.aspx and www.isbe.net/Pages/Seamless-Summer-Option.aspx.

105 ILCS 126/16--added by P.A. 09-250, requires qualifying school districts to implement and operate a *breakfast after the bell* program in each of its school buildings where:

1. At least 70% or more of the students are eligible for free or reduced-price lunches based upon the previous year's October claim (for those schools that participate in the National School Lunch Program (NSLP),
2. At least 70% or more of the students are classified as low-income according to the Fall Housing Data from the previous year (for those schools that do not participate in the NSLP-National School Lunch Program), or
3. An individual building's site percentage for free or reduced-price meals of 70% or more (for those schools using Provision 2 under Section 11(a)(1) of the federal Richard B. Russell National School Lunch Act or the Community Eligibility Provision (CEP) under Section 104(a) of the federal Healthy, Hunger-Free Kids Act of 2010 to provide universal meals).

Schools that fall below the applicable 70% threshold for two consecutive years may either continue participating in the program or discontinue it. *Id.*

Each school under this Section may determine the *breakfast after the bell* service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second-chance breakfast. *Id.* at (c).

A district is not required to implement a breakfast after the bell program when it can demonstrate that:

- a. Delivery of school breakfasts effectively, as defined by 70% or more of free or reduced-price eligible students participating in the National School Breakfast Program (NSBP), or
- b. Its reimbursement for the program would not fully cover its implementation and operation costs due to district-specific circumstances (a cost analysis must be submitted to the school board, the board must hold a public hearing, and the board must pass a resolution that the district cannot afford to operate a breakfast after the bell program).

A board must post the time, date, place, and general subject matter of the public hearing on its website and notify the *Ill. State Board of Education* at least 14 days prior to the hearing. *Id.* at (d).

³ 7 C.F.R. §245.10(a)(1).

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If State funding is available for the Healthy School Meals for All Program, the Board will annually determine if it will participate in the program.⁴

Eligibility Criteria and Selection of Children⁵

A student's eligibility for free and reduced-price food services shall be determined by the income eligibility guidelines, family-size income standards, set annually by the U.S. Dept. of Agriculture and distributed by the Ill. State Board of Education.

Notification⁶

At the beginning of each school year, by letter, the District shall notify students and their parents/guardians of: (1) eligibility requirements for free and reduced-price food service; (2) the application process; (3) the name and telephone number of a contact person for the program;⁷ and (4) other information required by federal law. The Superintendent shall provide the same information to: (1) informational media, the local unemployment office, and any major area employers contemplating layoffs;⁸ and (2) the District's website (if applicable), all school newsletters, or students' registration

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⁴ Optional 105 ILCS 125/2.3, added by P.A. 103-532. Subject to appropriation, the Ill. State Board of Education (ISBE) is required to establish the Healthy School Meals for All Program. Id. at (b). Participating boards must offer eligible meals, without charge, to all students enrolled in schools that participate in the National School Breakfast Program (NSBP) and National School Lunch Program (NSLP). To receive State reimbursement under the Healthy School Meals for All Program, a board must: (1) annually notify ISBE of its intent to participate in the program; (2) maximize its access to federal funds for NSBP and NSLP by participating in the CEP or another special assistance alternative, if eligible; and (3) operate the NSBP and NSLP in a manner that, in the opinion of ISBE, draws down the most possible federal funding for meals served in the NSBP and NSLP. Id. at (b) and (c). If State funding is insufficient to cover reimbursement of all interested boards, ISBE is required to inform eligible schools of the impact of the inadequate funding so that boards can make an informed decision about food service administration in their districts.

⁵ 7 C.F.R. §245.3; see also the subhead titled Household Eligibility Criteria-Information on ISBE State Board of Education's website at: www.isbe.net/Pages/School-Based-Child-Nutrition-Documents.aspx. If a child transfers from one district school to another district school, his or her eligibility for free or reduced price meals or for free milk, if previously established, is honored by the receiving school.

Beginning in the year 2011-2012, the U.S. Depts. of Agriculture and Education implemented the CEP, a new claiming option for providing reimbursements to school districts that provide free breakfasts and lunches to all students in schools with significantly economically disadvantaged populations. It is called the Community Eligibility Provision (CEP). For more information about qualifying for and claiming through this reimbursement method, see www.isbe.net/Pages/Guidance-for-HHFKA.aspx.

For districts that qualify for and claim the CEP, insert the following sentence at the end of the first sentence:

From time to time, the income eligibility guidelines and standards may not be necessary when reimbursements for students' free breakfasts and lunches are claimed through the U.S. Depts. of Agriculture and Education's Community Eligibility Provision (CEP). When claiming the CEP, the District will follow its requirements.

All subheads in this policy that detail the legal requirements under State and federal laws continue to apply when CEP is used and should remain in the policy.

⁶ 7 C.F.R. §245.5; 23 Ill.Admin.Code §305.10(c). Any changes in the eligibility criteria must be announced according to 7 C.F.R. §245.5(b). Beginning 7-1-17, districts were required to clearly communicate their meal charge policy (or procedures) to students and their parents/guardians to ensure consistency and transparency. See sample exhibit 4.130-E, Free and Reduced-Price Food Services, Meal Charge Notifications. For additional guidance, see U.S. Dept. of Agriculture memo, Unpaid Meal Charges: Local Meal Charge Policies (7-8-16), available at: www.fns.usda.gov/en/unpaid-meal-charges-local-meal-charge-policies.

⁷ 23 Ill.Admin.Code §305.10(c) requires notification of this one additional piece of information.

⁸ 7 C.F.R. §245.5.

materials.⁹ Parents/guardians enrolling a child in the District for the first time, any time during the school year, shall receive the eligibility information.

Nondiscrimination Assurance¹⁰

The District shall avoid publicly identifying students receiving free or reduced-price meals and shall use methods for collecting meal payments that prevent identification of children receiving assistance.

Appeal¹¹

A family may appeal the District's decision to deny an application for free and reduced-price food services or to terminate such services as outlined by the U.S. Dept. of Agriculture in 7 C.F.R. §245.7, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools. The Superintendent shall establish a hearing procedure for adverse eligibility decisions and provide by mail a copy of them to the family. The District may also use these procedures to challenge a child's continued eligibility for free or reduced-price meals or milk.

During an appeal, students previously receiving food service benefits shall not have their benefits terminated. Students who were denied benefits shall not receive benefits during the appeal.¹²

The Superintendent shall keep on file for a period of three years a record of any appeals made and the hearing record. The District shall also maintain accurate and complete records showing the data and method used to determine the number of eligible students served free and reduced-price food services. These records shall be maintained for three years.

LEGAL REF.: U.S. Dept. of Agriculture, Food and Nutrition Service, National School Lunch Program, 7 C.F.R. Part 210.
U.S. Dept. of Agriculture, Food and Nutrition Service, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools, 7 C.F.R. Part 245.
[105 ILCS 125/, School Breakfast and Lunch Program Act and 126/](#)
[105 ILCS 126/, Childhood Hunger Relief Act.](#)
23 Ill.Admin.Code §305.10 et seq.

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⁹ 23 Ill Admin Code §305.10(c). Only one medium must be used; a board may choose one medium and delete the others from the policy or use them all.

¹⁰ 7 C.F.R. §§245.8 and 245.10(a)(4).

¹¹ 7 C.F.R. §245.7. The minimal hearing requirements are also found there.

¹² The Hunger-Free Students' Bill of Rights Act (HFSBRA) (105 ILCS 123/~~added by P.A. 100-1093~~) requires the district to provide a free meal or snack to a student who requests it, regardless of his or her ability to pay. See f/n's to sample policy 4.45, *Insufficient Fund Checks and Debt Recovery*, for more information about this law. The HFSBRA does not contain a publication requirement.

For boards that wish to inform their communities about students' rights under the HFSBRA, add "105 ILCS 123/, Hunger-Free Students' Bill of Rights Act" to the Legal References and insert the following sentence:

The status of a student's appeal or eligibility for free or reduced-price food services shall not relieve the District of its obligation to provide him or her with a free meal or snack under the Hunger-Free Students' Bill of Rights Act if he or she requests one, regardless of his or her ability to pay.

5 year review

Operational Services

Exhibit - Free and Reduced-Price Food Services; Meal Charge Notifications

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

Date:

To: Parents/Guardians, Students, and Staff

Re: Eligibility and Meal Charge Notifications

The following notification is provided to all households of students at the beginning of each school year as federally required notification regarding eligibility requirements and the application process for the free and reduced-price food services that are listed in Board policy 4:130, *Free and Reduced-Price Food Services*, and 4:140, *Waiver of Student Fees*. This notification is also provided to households of students transferring to the District during the school year. For more information, see www.fns.usda.gov/school-meals/unpaid-meal-charges, and/or contact the Building Principal or designee.

Free and Reduced-Price Food Services Eligibility

When the parents/guardians of students are unable to pay for their child(ren)'s meal services, meal charges will apply per a student's eligibility category and will be processed by the District accordingly.

A student's eligibility for free and reduced-price food services shall be determined by the income eligibility guidelines, family-size income standards, set annually by the U.S. Dept. of Agriculture, and distributed by the Ill. State Board of Education.

Meal Charges for Meals Provided by the District

The Building Principal and District staff will work jointly to prevent meal charges from accumulating. Every effort to collect all funds due to the District will be made on a regular basis and before the end of the school year. Contact your Building Principal or designee about whether your child(ren)'s charges may be carried over at the end of the school year, i.e., beyond June 30th.

Unpaid meal charges are considered delinquent debt when payment is overdue as defined by Board policy 4:45, *Insufficient Fund Checks and Debt Recovery* and the Hunger-Free Students' Bill of Rights Act (105 ILCS 123/- added by P.A. 100-1092). The District will make reasonable efforts to collect charges classified as delinquent debt including repeated contacts to collect the amounts and, when necessary, requesting that the student's parent(s)/guardian(s) apply for meal benefits to determine if the student qualifies for such benefits under Board policy 4:130, *Free and Reduced-Price Food Services*. The District will provide a federally reimbursable meal or snack to a student who requests one, regardless of the student's ability to pay or negative account balance.

When a student's funds are low or and when there is a negative balance, reminders will be provided to the staff, students, and their parent(s)/guardian(s) at regular intervals during the school year. State law allows the Building Principal to contact parents(s)/guardian(s) to attempt collection of the owed money when the amount owed is more than the amount of five lunches [*or insert lower amount*]. If a parent/guardian regularly fails to provide meal money for the child(ren) that he/she is responsible for in the District and does not qualify for free meal benefits or refuses to apply for such benefits, the

Commented [DJ1]: This statement is consistent with 105 ILCS 123/10 and federal guidance in which the USDA determined that students and parents/guardians must be informed about how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their accounts

Commented [DJ2]: Requiring notification of both low and negative balances is a best practice per federal guidance

Building Principal or designee will direct the next course of action. Continual failure to provide meal money may require the District to notify the Ill. Dept. of Children and Family Services (DCFS) and/or take legal steps to recover the unpaid meal charges, up to and including seeking an offset under the State Comptroller Act, if applicable.

LEGAL REF.: Healthy Hunger-Free Kids Act of 2010 (P.L. 111-296).
 7 C.F.R. §245.5.
 105 ILCS 123/, Hunger-Free Students' Bill of Rights Act.
 23 Ill.Admin.Code Part 305, School Food Service.

Restricts Pesticide Application when students are present

November 2021+October 2023

4:160

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

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

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/ www.ilprincipals.org/resources/model-student-handbook.
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-homeswww.idph.state.il.us/envhealth/factsheets/indoorairqualityguide_fs.htm.
3. The Smoke-Free Illinois Act, 410 ILCS 82/, bans tobacco smoking inside schools.
4. The Structural Pest Control Act, 225 ILCS 235/ requires [the Ill. Dept. of Public Health 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-managementwww.idph.state.il.us/envhealth/ipm/index.htm>, or www.idph.state.il.us/envhealth/entpest/SHts.htm <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 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.

² A board persuaded by #8 in the above footnote may add the following option:

4:160

Page 1 of 3

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 will not be prohibited applied 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

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

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.

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., amended 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.

Coal Tar Sealant⁶

Beginning on 1-1-23, b 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, eff. 1-1-23, 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/ www.ilprincipals.org/resources/model-student-handbook.

Updated
Pesticide Application
Requirements

Operational Services

Administrative Procedure - Environmental Quality of Buildings and Grounds

Hazardous and/or Infectious Materials

The Buildings and Grounds Supervisor is responsible for the District's compliance with State and federal law concerning toxic, hazardous, and/or infectious materials.¹ This includes requirements in the federal Occupational Safety and Health Administration (OSHA) Hazard Communication Standards (29 C.F.R. §1910.1200), adopted by the State Toxic Substances Disclosure to Employees Act (820 ILCS 255/, otherwise inoperative). See information on OSHA's website at www.osha.gov/hazcom.

Pesticide Application on School Grounds²

The Buildings and Grounds Supervisor is responsible for compliance with the Lawn Care Products Application and Notice Act (415 ILCS 65/3) [and the Pesticide Application at Schools Act \(105 ILCS 160/\)](#)³ and shall:

1. Provide an annual schedule of pesticide application to the supervisor of each District building, [ensuring that the applications take place outside of normal school hours \(Monday through Friday, before 7 a.m. or after 4 p.m. or on days when students are not in attendance\)](#).
2. In coordination with the supervisor of each District building (including each Building Principal), notify employees and students and their parents/guardians in each building. The notification must:
 - a. Be provided at least four business days before a pesticide application on school grounds.
 - b. Be written or by telephone. If written, the notice may be included in newsletters, calendars, or other correspondence currently being published.
 - c. Identify the intended date of the application.
 - d. Provide the name and telephone contact number for the Buildings and Grounds Supervisor or other school personnel responsible for the pesticide program.

Prior notice is not required if an imminent threat to health or property exists. If such a situation arises, the Buildings and Grounds Supervisor must sign a statement describing the circumstances that gave rise to the health threat and ensure that written or telephonic notice is provided as soon as practicable.

The footnotes should be removed before the material is used.

¹ Alternatively, these duties may be given to another staff member, in which case that staff member's title should replace "Buildings and Grounds Supervisor" throughout this procedure.

² Notice to parents/guardians of students is required before pesticides are applied on school grounds (see the Lawn Care Products Application and Notice Act, 415 ILCS 65/3(f)). Notice to employees, while not required, is included in this procedure because notice to employees is mandated by the Structural Pest Control Act, 225 ILCS 235/10.3. Item #1 is not legally required. Items #2a-d are required by 415 ILCS 65/3(f)(3). The district may alternatively maintain a registry of parents/guardians requesting written notification of pesticide application and notify only those people in the registry. Be sure the notice provision is consistent with board policy.

³ [Delete the citation to the Pesticide Application at Schools Act \(PASA\) from this sentence and the Legal References for high school only districts. 105 ILCS 160/, added by P.A. 103-496, only applies to schools serving grades K-8. See sample policy 4:160, Environmental Quality of Buildings and Grounds, at ¶n 3, for a discussion about the differences between PASA and the Illinois Pesticide Act \(IPA\), 415 ILCS 60/. For ease of administration, this procedure uses the stricter normal school hours standard in the IPA.](#)

Pesticide Application in School Buildings and Structures⁴

The Buildings and Grounds Supervisor is responsible for compliance with the requirements in the Structural Pest Control Act (225 ILCS 235/) and shall:

1. Provide an annual schedule of pesticide application to the supervisor of each District building, ensuring that the applications take place outside of normal school hours (Monday through Friday, before 7 a.m. or after 4 p.m. or on days when students are not in attendance).
2. In coordination with the supervisor of each District building (including each Building Principal):
 - a. Maintain a registry of all employees and parents/guardians of students.
 - b. Notify those employees and parents/guardians of students before pesticides are applied in or on each building. The notification must:
 - i. Be provided at least two business days before a pesticide application in or on school buildings.
 - ii. Be written. The notice may be included in newsletters, bulletins, calendars, or other correspondence currently being published.
 - iii. Identify the intended date of the application.
 - iv. Provide the name and telephone contact number for the Buildings and Grounds Supervisor or other school personnel responsible for the pesticide program.

Prior notice is not required if an imminent threat to health or property exists. If such a situation arises, the Buildings and Grounds Supervisor must sign a statement describing the circumstances that gave rise to the health threat and ensure that written notice is provided as soon as practicable.

The Buildings and Grounds Supervisor is responsible for the District's integrated pest management program and the District's compliance with the Structural Pest Control Act, 225 ILCS 235/.

- Applicable if the Superintendent determines that an integrated pest management program is economically feasible:*

The Buildings and Grounds Supervisor or designee shall: (1) develop and implement a program incorporating the Department of Public Health guidelines; (2) notify the Department, on forms provided by the Department, that a program is being implemented; (3) repeat the notification every five years after the initial notification; and (4) keep copies of all notifications and all written integrated pest management program plans.

- Applicable if the Superintendent determines that adopting an integrated pest management program is not economically feasible because such adoption would result in an increase in pest control costs:*

The Buildings and Grounds Supervisor or designee shall: (1) notify the Department, on forms provided by the Department, that the development and implementation of an integrated pest management program is not economically feasible; (2) include in the notification the projected pest control costs for the term of the pest control program and projected costs for implementing a program for that same time period; (3) repeat this notification every five years after the initial

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⁴ Item #1 is not legally required. The registry identified in item #2a is required by the Structural Pest Control Act, 225 ILCS 235/10.3. However, for ease of compliance, the procedure automatically puts all employees and parents/guardians in the registry. Change #2a as follows if the superintendent prefers to limit the registry to only those who expressed interest in being notified: "Maintain a registry of all employees and parents/guardians who have requested to receive notice before pesticides are applied to school property." The notice described in item #2b, i-iv, is required by 225 ILCS 235/10.3. Be sure the notice provision is consistent with board policy.

notification until a program is developed and implemented; and (4) attend a training course, approved by the Department, on integrated pest management and repeat attendance every five years thereafter until a program is developed and implemented in the District's schools.

The Buildings and Grounds Supervisor or designee shall maintain copies of all notifications that are required by the Structural Pest Control Act and provide the Building Principal(s) or designee(s) sufficient information to allow him/her/them to inform all parents/guardians and school employees at least once each school year that the District has met its notification requirements.

Training and Necessary Equipment

Each Building Principal and noncertificated staff supervisor shall ensure that all staff members under his or her supervision receive training on the safe handling and use of hazardous materials as required by 105 ILCS 5/10-20.17a. Emergency response and evacuation plans must be a part of the training.

Before an employee is given an assignment where contact with blood or bodily fluids or other hazardous material is likely, the employee must be provided the necessary training, including training in the universal precautions and other infection control measures to prevent the transmission of communicable diseases and/or to reduce potential health hazards as required by 23 Ill.Admin.Code §1.330. The appropriate supervisor shall maintain an attendance record of an employee's participation in the training.

Substitute Non-Hazardous Materials

District staff shall comply with State law governing toxic art supplies in schools. 105 ILCS 135/. This includes substituting non-hazardous material for hazardous substances whenever possible and minimizing the quantity of hazardous substances stored in school facilities. No art or craft material containing a toxic substance shall be ordered or purchased for use through grade 6; material containing toxic substances may be used in grades 7 through 12 only if properly labeled according to State law.

Infectious Materials

The Buildings and Grounds Supervisor shall prepare and distribute to all employees an Occupational Exposure Control Plan to eliminate or minimize occupational exposure to potentially infectious materials.⁵ The Plan shall comply with the Bloodborne Pathogens Standards adopted by State and federal regulatory agencies and an updated copy given to the Superintendent annually. The Plan shall address the following issues:

1. Exposure determination. Positions that do not subject the employee to occupational exposure are generally exempt from the Plan and the Standards.
2. Implementation schedule specifying how and when risks are to be reduced. The Standards are very specific on risks reduction, e.g., Universal Precautions must be followed; engineering and work practice controls are specified (hand washing, restricted food areas); personal protection equipment must be provided; housekeeping requirements are specified (regulated waste disposal and laundry); vaccination requirements (all employees who have occupational

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⁵ The federal regulatory agency administering the Occupational Safety and Health Act (OSHA) issued Bloodborne Pathogens Standards (29 C.F.R. Part §1910.1030) that were adopted by the Ill. Department of Labor (56 Ill.Admin.Code §350.700). The Standards were developed to reduce the risk of occupational exposure to bloodborne pathogens. According to the Standards, occupational exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." The Standards require employers to institute a written Exposure Control Plan containing the elements in the sample procedures.

exposure must be offered, at employer expense, the hepatitis B vaccine and vaccination series); communication of hazards to employees through labeling and training; and recordkeeping.

3. Process for ensuring that all medical evaluations and procedures, including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, are available as required by law.
4. Procedures for evaluating an exposure incident.

Emergency Response Plan

The Building Principal shall ensure that proper procedures for the cleanup of potentially hazardous material spills are followed including the following:

1. A building custodian is responsible for the actual cleanup,
2. Personal protective equipment, chemical neutralization kits, and absorbent material are available in each building at all times, and
3. Spill residue is placed in containers designated for such purpose and disposed of in compliance with local, State, and federal law.

Evacuation

The Building Principal shall ensure compliance with the School Safety Drill Act. 105 ILCS 128/. This includes, among other things, ensuring that evacuation rules are posted in each room and discussed with each class using the room during the first days of the school year. The evacuation rules indicate the primary and alternate exits and the evacuation area to which students should proceed upon leaving the building.

The Building Principal shall conduct evacuation drills according to School Board policy 4:170, *Safety*, and administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*.

LEGAL REF: 29 C.F.R. §1910.1030, Occupational Exposure to Bloodborne Pathogens, adopted by the Ill. Department of Labor at 56 Ill.Admin.Code §350.300.
 29 C.F.R. §1910.1200, Occupational Safety and Health Administration Hazard Communication Standards, adopted by 820 ILCS 255/1.5, Toxic Substances Disclosure to Employees Act.
 105 ILCS 5/10-20.17a and 5/10-20.49.
 105 ILCS 135/, Toxic Art Supplies in School 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 65/, Lawn Care Products Application and Notice Act.23 Ill.Admin.Code §1.330.

Operational Services

Safety¹

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 [security/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 (final citation pending), added by P.A. 103-8401-413.

Based upon the recommendation of the Federal Commission on School Safety in 2018 (www2.ed.gov/documents/school-safety/school-safety-report.pdf), 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 ~~simple~~ 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 128/50 (final citation pending), added by P.A. 103-194, eff. 1-1-24, 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 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, added by P.A. 101-455, 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](#).

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 Plan⁶

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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105 ILCS 5/10-20.72, ~~added by P.A. 101-548~~, 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.*

⁴ Required by 105 ILCS 128/20(b) and 105 ILCS 5/10-20.14(c) for all students. See 4:110-AP3, *School Bus Safety Rules*.

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 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 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.

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). 29 Ill.Admin.Code Part 1500.⁸

Automated External Defibrillator (AED)⁹

The Superintendent or designee shall implement a written plan for responding to medical 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 automated external defibrillator (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

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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, eff. 1-1-24.](#) 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.

⁸ 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 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. 102-395, and 128/30; 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.

⁹ 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 4:170-AP6, *Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED*.

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

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.

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:

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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.

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:

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 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

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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).

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. On 5-9-17, the IDPH posted [See Mitigation Strategies for Lead Found in School Drinking Water](https://dph.illinois.gov/sites/default/files/publications/school-lead-mitigation-strategies-050917.pdf) at: www.dph.illinois.gov/sites/default/files/publications/school-lead-mitigation-strategies-050917.pdf <https://dph.illinois.gov/content/dam/soi/en/web/idph/files/publications/school-lead-mitigation-strategies-050917.pdf>. Note: Page 2 of *Mitigation Strategies* states "IDPH is requiring the mitigation strategies and requirements contained in this guidance document to be followed for all plumbing fixtures identified with any level of lead," however the statute does not authorize the IDPH to impose such additional requirements.

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.

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)

*Update to
Safety Plan
Requirements*

Operational Services

Administrative Procedure - Comprehensive Safety and Security Plan¹

Contents:

- A. Safety- and Security-Related Administrative Procedures and Forms**
- B. Definitions**
- C. District Safety Coordinator and Safety Team; Responsibilities**
- D. Safety Team Meetings**
- E. Annual Safety Review**
- F. School Safety Drill Plan**
- G. School Emergency Operations and Crisis Response Plan (SEOCR)**
- H. Material to be Included in Each SEOCR**
- I. Managing Communications During and About an Emergency or Crisis**
- J. Required Notices**
- K. Resources**

Attachment A – School Emergency Operations and Crisis Response Plan Format

Attachment B – Alignment of Comprehensive Safety and Security Plan with Targeted School Violence Prevention Program

A. Safety and Security Related Administrative Procedures and Forms

Administrative material on school safety and security may be implemented under this plan, including, without limitation, any in the following list.

4:60-AP3	<i>Criminal History Records Check of Contractor Employees</i>
4:110-AP1	<i>School Bus Post-Accident Checklist</i>
4:110-AP3	<i>School Bus Safety Rules</i>
4:110-E	<i>Emergency Medical Information for Students Having Special Needs or Medical Conditions Who Ride School Buses</i>
4:160-AP	<i>Environmental Quality of Buildings and Grounds</i>
4:170-AP1, E1	<i>Accident or Injury Form</i>
4:170-AP1, E2	<i>Memo to Staff Members Regarding Contacts by Media About a Crisis</i>
4:170-AP2	<i>Routine Communications Concerning Safety and Security</i>
4:170-AP2, E1	<i>Letter to Parents/Guardians Regarding Student Safety</i>
4:170-AP2, E2	<i>Letter to Parents/Guardians Regarding the Dangers of Underage Drinking</i>

The footnotes should be removed before the material is used.

¹ This procedure follows the recommendations in the *Guide for Developing High-Quality School Emergency Operations Plans*, produced by a collaboration of federal agencies in 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.

4:170-AP2, E3	<i>Letter to Parents/Guardians About Disruptive Social Media Apps; Dangers</i>
<u>4:170-AP2, E4</u>	<u>Letter to Parents/Guardians About Preventing and Reducing Incidences of Sexting</u>
<u>4:170-AP2, E5</u>	<u>Notice to Parents/Guardians of Lockdown Drill; Opt-out</u>
4:170-AP4	<i>National Terrorism Advisory System</i>
4:170-AP5	<i>Unsafe School Choice Option</i>
4:170-AP6	<i>Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED</i>
4:170-AP6, E1	<i>School Staff AED Notification Letter</i>
4:170-AP6, E2	<i>Notification to Staff and Parents/Guardians of CPR and AED Video</i>
4:170-AP8	<i>Movable Soccer Goal Safety</i>
4:175-AP1	<i>Criminal Offender Notification Laws; Screening</i>
4:175-AP1, E1	<i>Informing Parents/Guardians About Offender Community Notification Laws</i>
4:180-AP1	<i>School Action Steps for Pandemic Influenza or Other Virus/Disease</i>
4:180-AP2	<i>Pandemic Influenza Surveillance and Reporting</i>
4:190	<i>Targeted School Violence Prevention Program</i>
4:190-AP1	<i>Targeted School Violence Prevention Program</i>
4:190-AP1, E1	<i>Targeted School Violence Prevention Program Resources</i>
4:190-AP2	<i>Threat Assessment Team (TAT)</i>
4:190-AP2, E1	<i>Principles of Threat Assessment</i>
4:190-AP2, E2	<i>Threat Assessment Documentation</i>
4:190-AP2, E3	<i>Threat Assessment Key Areas and Questions; Examples</i>
4:190-AP2, E4	<i>Responding to Types of Threats</i>
4:190-AP2, E5	<i>Threat Assessment Case Management Strategies</i>
4:190-AP2, E6	<i>Targeted School Violence Prevention and Threat Assessment Education</i>
6:235-E4	<i>Keeping Yourself and Your Kids Safe On Social Networks</i>
6:235-E5	<i>Children's Online Privacy Protection Act</i>
<u>7:140-AP</u>	<u>Use of Metal Detectors and Searches for Student Safety</u>
<u>7:140-E</u>	<u>Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act</u>

7:150-AP

Agency and Police Interviews

7:280-AP

Managing Students with Communicable or Infectious Diseases

7:290-AP

Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program

B. Definitions

*SEOCR*P is a School Emergency Operations and Crisis Response Plan² (formerly *Emergency Operations Plan*). Each school or facility has an *SEOCR*P.

First responders are local law enforcement, fire department officials, emergency medical services personnel, and any other entity in the community that provides emergency assistance.

Incident means any event or occurrence that threatens the safety and security of individuals on school property or at school events.

District Safety Coordinator is the individual who manages the District's safety and security efforts.

Safety Team is the Superintendent's administrative committee that is responsible for its respective *SEOCR*P. Each school or facility has a Safety Team.

SRO means school resource officer, defined as a law enforcement officer who has been primarily assigned to a school or school district under an agreement with a local law enforcement agency.³

C. District Safety Coordinator and Safety Team; Responsibilities

The Superintendent appoints an administrator to be the **District Safety Coordinator** to manage the District's safety and security efforts and serve as the District's spokesperson during a crisis or emergency.

The Superintendent appoints members of a **Safety Team** for each school or facility, with input from the District Safety Coordinator and each school's Building Principal. The Building Principal and SRO, if any, shall be members of the Safety Team.

The District Safety Coordinator and each school's Safety Team are responsible for developing, implementing, and maintaining a **SEOCR**P with the following objectives as explained in FEMA's *Guide for Developing High-Quality School Emergency Operations Plans (2013)*, at www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf:

- **Prevention**, meaning the capabilities needed to avoid, deter, or stop an incident. Prevention requires the use of: (a) research-based principles of safety and security, (b) an ongoing analysis of data (e.g., incident and inspection reports, complaints, suggestions), and (c) an ongoing program for identifying and evaluating unreasonable risks.
- **Protection**, meaning the capabilities needed to secure schools against violence and manmade or natural disasters. Protection focuses on ongoing actions that protect students, teachers, staff, visitors, networks, and property from a threat or hazard.

The footnotes should be removed before the material is used.

² 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*.

³ 105 ILCS 5/10-20.68.

4:170-API

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- **Mitigation**, meaning the capabilities needed to reduce the likelihood or impact of an incident or emergency. Mitigation requires, among other things, high-quality training, and instruction programs to execute and improve the SEOCRCP.
- **Response**, meaning the capabilities needed to stabilize an incident, save lives, establish a safe and secure environment, and facilitate the transition to recovery. Effective response requires, among other things, a clear, rapid, factual, and coordinated system of internal and external communication.
- **Recovery**, meaning the capabilities needed to restore the learning environment.

D. Safety Team Meetings

The District Safety Coordinator chairs the Safety Team meetings. The meetings are held as determined by the District Safety Coordinator. **At least once annually, the Safety Team shall request the participation of first responders and the Board Attorney in a meeting to review and provide input.** The following matters are suggested agenda items:

- Review the agenda and determine who will take meeting notes.
- Review the notes from the previous meeting.
- Discuss the status of previously submitted recommendations.
- Receive, review, and discuss individual and Safety Team committee reports and recommendations concerning one or more items below.
 1. Safety and security data from incidents, investigations, audits, etc.
 2. Recommendations received from stakeholders and first responders
 3. Emerging issues
 4. Status of the SEOCRCP
 5. Status of the safety and security communication system
 6. Status of training programs
 7. Status of programs to build awareness of, and support for, the SEOCRCP (contests, posters, drives, etc.)
- Clarify information and recommendations for a report to the Superintendent.
- Confirm the Safety Team meeting schedule and review upcoming meeting dates.

E. Annual Safety Review

The District Safety Coordinator facilitates the annual safety review meeting conducted by the School Board or its designee, as required by 105 ILCS 128/25, amended by P.A.s 101-455 and 102-395, and 128/30. During the annual safety review, the law requires the School Board or its designee to “review each school building’s emergency and crisis response plans, protocols, and procedures, including procedures regarding the District’s threat assessment team, the efficacy and effects of law enforcement drills, and each building’s compliance with the school safety drill programs.” If the school board uses a designee, it should preferably be someone other than the District Safety Coordinator to assure an unbiased audit. The District Safety Coordinator assists the Board or its designee to comply with annual review requirements, including without limitation, the completion of a report certifying that the review took place. See the Ill. State Board of Education (ISBE) website for an annual review checklist and report at: www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx. The Open Meetings Act (OMA) allows the Board to enter closed session to discuss security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to

the safety of employees, students, staff, the public, or public property. (5 ILCS 120/2(c)(8)). Consult the Board Attorney for assistance with this OMA exception.

F. School Safety Drill Plan

The School Safety Drill Act (105 ILCS 128/, amended by P.A.s ~~101-455, 102-395, and 102-791, 103-104, eff. 1-1-24, and 103-197, eff. 1-1-24~~) and any implementing State administrative rules shall supersede this procedure in the event of a conflict.

The Building Principal shall keep the Superintendent or designee informed of when drills are scheduled and/or accomplished. ISBE's fillable *School Drill Documentation* form for documenting the completion of minimum drill requirements may be used (see www.isbe.net/Documents/91-02_school_drill_documentation.pdf).

Each academic year, each school building that houses students must conduct a minimum of:

1. **Three school evacuation drills.** These drills prepare students and personnel for situations that occur when conditions outside of a school building are safer than inside a school building. Evacuation may be necessary depending on the circumstances. They may include a fire, suspicious item or person, or incident involving a hazardous material, including but not limited to a chemical, incendiary, explosive, and bomb threat.

One of the three school evacuation drills requires the participation of the appropriate local fire department, unless waived as provided below. A date is selected according to the following timeline:

- No later than **September 1** of each year, the local fire department or fire district must contact the Building Principal in order to make arrangements.
- No later than **September 14** of each year, the Building Principal or designee and the local fire department or fire district may agree to waive the provisions concerning participation by the local fire department in a school evacuation drill.
- No later than **September 15** of each year, each Building Principal or designee must contact the responding local fire official and propose to the local fire official four dates within the month of October, during at least two different weeks of October, on which to hold the drill. The fire official may choose any of the four available dates, and if he or she does so, the drill occurs on that date.
- Alternatively, the Building Principal or designee and the local fire official may, by mutual agreement, set any other date for the drill, including a date outside of the month of October.
- If the fire official does not select one of the four offered dates in October or set another date by mutual agreement, the school does not need to include the local fire service in one of its mandatory school evacuation drills.

After a drill in which the local fire service participated, the Building Principal should request certification from the local fire service that the school evacuation drill was conducted. Additional school evacuation drills for fire incidents may involve the participation of the appropriate local fire department. In addition, schools may conduct additional school evacuation drills to account for other evacuation incidents, including without limitation, suspicious items or bomb threats.

2. **One school bus evacuation drill.** This drill prepares students and school personnel for situations that occur when conditions outside of the bus are safer than inside the bus. Evacuation may be necessary, depending on the circumstances, in the event of a fire,

suspicious items, and incidents involving hazardous materials. Schools may conduct additional bus evacuation drills.

In addition, instruction on safe bus riding practices should be provided for all students. See 4:110-AP3, *School Bus Safety Rules*.

3. **One severe weather and shelter-in-place drill.** This drill prepares students for situations involving severe weather emergencies or the release of external gas or chemicals. Severe weather and shelter-in-place drills must address and prepare students and school personnel for possible tornado incidents. Other drills shall be based on the needs and environment of particular communities, including severe weather (such as tornadoes, wind shears, lightning, and earthquakes), incidents involving hazardous materials, and incidents involving weapons of mass destruction.
4. **One law enforcement lockdown drill.**⁴ This drill addresses a school shooting incident and evaluates the preparedness of school personnel and students for situations calling for the involvement of law enforcement when there is an active threat or an active shooter within a school building. A law enforcement lockdown drill must occur no later than 90 days after the first day of each school year. This drill must be conducted: (a) according to the District's emergency operations and crisis response plan(s), (b) on days and times when students are normally present in the school building, and (c) with the participation of all school personnel and students present at school at the time of the drill, except for those exempted at the discretion of administrators or school support personnel. The appropriate local law enforcement agency must observe administration of the drill.

Schools must notify parents/guardians in advance of any lockdown drill that involves student participation, and must allow parents/guardians to exempt their child from participating for any reason. [The District may, at its 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, the District 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, eff. 1-1-24.](#) 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. See 4:170-AP2, E5, *Notice to Parent/Guardian of Lockdown Drill; Opt-out*. In addition, a law enforcement lockdown drill must meet each of the following criteria:

- During each calendar year, the appropriate local law enforcement agency contacts the Building Principal to request participation in the law enforcement lockdown drill. The Building Principal and the local law enforcement agency shall set, by mutual agreement, a date for the drill.
- The lockdown drill involves the onsite participation of the local law enforcement agency, provided that an agreeable date can be reached between the Building Principal and the local law enforcement agency. If the parties cannot reach an agreeable date, the school shall hold the drill without participation from the local law enforcement agency.

The footnotes should be removed before the material is used.

⁴ 105 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*.

- After a drill in which local law enforcement participated, the Building Principal should request a certification from local law enforcement that the law enforcement lockdown drill was conducted. The local law enforcement agency shall also notify the school of any deficiencies noted during the drill.
- The lockdown drill cannot include any simulations that mimic an actual school shooting incident or active shooter event. Law enforcement may only run an active shooter simulation, including simulated gun fire drills, on school days when students are not present.
- All lockdown drills must be announced in advance to all school personnel and students prior to the commencement of the drill.
- Lockdown drill content must be age and developmentally appropriate, and must include trauma-informed approaches to address the concerns and well-being of school personnel.
- Lockdown drills must include and involve school personnel, including school-based mental health professionals.

The District Safety Coordinator, in cooperation with the Building Principal, shall encourage local law enforcement agencies to establish a school walk-through program. This program encourages local law enforcement officials to walk through school properties during their patrols with the goal of increasing security (school districts are encouraged, but not mandated, to do this by House Resolution 153 (98th General Assembly, 2013)).

G. School Emergency Operations and Crisis Response Plan (SEOCRCP)

Each Safety Team shall develop, implement, and maintain a SEOCRCP using the process below, as explained in FEMA's *Guide for Developing High-Quality School Emergency Operations Plans (2013)*, at: www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf:

1. Develop a schedule and invite the participation of first responders.
2. Identify threats and hazards, assess risks, and prioritize threats and hazards.
3. Determine goals and objectives.
4. Develop, review, evaluate, and maintain the SEOCRCP.
5. Share the SEOCRCP with stakeholders and train them. This includes, without limitation, having the SEOCRCP accessible in a digital format.

Each SEOCRCP shall include a plan for local law enforcement to rapidly enter a school building in an emergency. 105 ILCS 128/50 (final citation pending), added by P.A. 103-194, eff. 1-1-24.

Each SEOCRCP shall be in the format suggested by and explained in FEMA's *Guide for Developing High-Quality School Emergency Operations Plans (2013)*, at www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf. See also *The Role of Districts in Developing High-Quality School Emergency Operations Plans: A Companion to the School Guide (2019)*, at: https://rems.ed.gov/docs/District_Guide_508C.pdf; and the **Attachment** to this procedure.

H. Material to be Included in Each SEOCRCP

Each school Safety Team annually gathers and/or renews the following material for inclusion in the SEOCRCP:

1. District-level Targeted School Violence Prevention Plan. See Board policy 4:190, *Targeted School Violence Prevention Program*, and 4:190-AP1, *Targeted School Violence Prevention Program*.
2. Building-level Threat Assessment Team procedures. See 4:190-AP2, *Threat Assessment Team (TAT)*.
3. Building evacuation protocol. The Building Principal or designee shall: (a) keep a comprehensive evacuation map - describing main and alternate routes - in the main office, (b) post signs containing main and alternate evacuation routes for each occupied area in a conspicuous place, preferably near the exit, (c) prepare evacuation plans for outdoor areas (playgrounds and stadiums), and (d) keep all staff informed of the evacuation plans.
4. Documents concerning safety drills. The Building Principal shall schedule, execute, and document safety drills as per the School Safety Drill Act (105 ILCS 128/, amended by P.A.s ~~401-455~~, 102-395, ~~and~~ 102-791, 103-104, eff. 1-1-24, and 103-197, eff. 1-1-24) and this procedure.
5. Maps and layouts, including: (a) campus map, (b) building floor plan, (c) location of first aid kits, AEDs, ~~and~~ fire extinguishers, and any trauma kits (105 ILCS 5/10-20.85, added by P.A. 103-128), and (d) map or plan describing the areas to be used in the event of an emergency or crisis for triage, emergency helicopter landing, media center, non-victim students, and parents/guardians. The Safety Team or Principal shall annually give a copy of these to first responders.
6. A protocol to secure a list of people present in the building at any time.
7. Tornado response plan, including a map showing tornado wall locations (105 ILCS 128/25).
8. Carbon monoxide alarm or detector activation plans, protocols, and procedures (105 ILCS 5/10-20.57 and 430 ILCS 135/).
9. The safety equipment's maintenance schedule and the person(s) responsible.
10. An emergency early dismissal protocol.
11. A plan for inviting warnings or tips, e.g., a hotline or website for individuals to make anonymous tips.
12. A protocol for student supervision in the event of an emergency or crisis.
13. A safety patrol plan (105 ILCS 5/10-22.28).
14. Bicycle use rules.
15. Roadway and parking rules.
16. Procedures on student and staff illness and injuries at school and school events (23 Ill.Admin.Code §1.530(c)).
17. A plan for giving students instructions on safe school bus riding practices, including the operation and use of emergency doors and windows (as a means of escape), seat belts, and fire extinguisher (105 ILCS 128/20(b)). The District's parent-teacher advisory committee, in cooperation with school bus personnel, establishes and maintains bus safety rules (105 ILCS 5/10-20.14). See 4:110-AP3, *School Bus Safety Rules*.

18. Safety and security related administrative material. See section A, above.
19. The location of any door security locking means and the use of the locking and unlocking means from within and outside the room(s) (105 ILCS 5/10-20.72, ~~added by P.A. 101-548 and~~ renumbered by P.A. 102-558).
20. Other documents identified by the Safety Team.

I. Managing Communications During and About an Emergency or Crisis

The District Safety Coordinator, with assistance from the Safety Team, is responsible for compiling information and preparing communications concerning an emergency or crisis. The District Safety Coordinator serves as the spokesperson during a crisis or emergency. All District communications should come from this source to ensure accuracy, creditability, and compliance with laws granting confidentiality to student records.

The spokesperson shall follow best practices for spokespersons during an emergency or crisis and receive training on public relations. The Board Attorney serves as a resource to the spokesperson. The objective is:

- To provide the maximum amount of verified information to staff members, students' family members, and the media as quickly as possible,
- While simultaneously respecting student privacy and complying with laws granting confidentiality to student records (Ill. School Student Records Act, 105 ILCS 10/; Family Educational Rights and Privacy Act, 20 U.S.C. §1232g). See 7:340-AP1, *School Student Records*.

All staff members are requested to refrain from spreading information about an emergency or crisis unless the information is from the District Safety Coordinator. All inquiries should be directed to the spokesperson.

Everyone in the school community can positively affect an emergency or crisis situation by:

1. Avoiding speculation as to the cause.
2. Avoiding allocation of blame.
3. Helping school and law enforcement officials gather the facts.
4. Sticking to the facts during discussions.
5. Deferring all media requests to the spokesperson.
6. Comforting and supporting each other.

J. Required Notices

A school staff member shall immediately notify the Building Principal when he or she:

1. Observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision. 105 ILCS 5/10-27.1A(a).
2. ~~Observes or H~~has reason to suspect that any person on school grounds is or was involved in a drug-related incident. 105 ILCS 5/10-27.1B.
3. Observes ~~an attack on a battery committed against~~ any staff member or is subject to an ~~battery~~attack. 105 ILCS 5/10-21.7, amended by P.A. 102-894.

Upon receiving a report of No. 1, above, the Building Principal or designee shall immediately notify local law enforcement. [105 ILCS 5/10-27.1A\(b\), 5/10-27.1B, and 5/10-21.7](#). In addition, upon receiving a report on any of the above Nos. 1-3, the Building Principal or designee must notify the Superintendent or designee [and any involved student's parent/guardian.](#)⁵ See [the Required Notices subhead of policy 7:190, Student Behavior, and 3:60-E, Event Reporting and Notice Requirements for Building Principals Concerning School Safety and Security](#).

Upon receiving a report of ~~any of the above~~ Nos. 1-3, ~~above~~, the Superintendent or designee shall immediately notify local law enforcement. [105 ILCS 5/10-27.1A\(c\), amended by P.A. 103-34, 5/10-27.1B\(b\), and 5/10-21.7](#). The Superintendent or designee will also report incidents involving ~~attacks on battery against~~ staff members to ISBE through its web-based School Incident Reporting System (SIRS) as they occur during the year and no later than August 1 for the preceding school year. 105 ILCS 5/10-21.7, amended by P.A. 102-894. SIRS is available at [www.isbe.net/Pages/School-Incident-Reporting-System.aspx](#) or by going to ISBE's home page and accessing the District's Web Application Security (IWAS) account. [Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.](#)

K. Resources

Guide for Developing High-Quality School Emergency Operations Plans: At a Glance
[www.rems.ed.gov/K12GuideForDevelHQSchool.aspx](#)

Guide for Developing High-Quality School Emergency Operations Plans
[www.rems.ed.gov/docs/REMS_K-12_Guide_508.pdf](#)

The Role of Districts in Developing High-Quality School Emergency Operations Plans: A Companion to the School Guide [https://rems.ed.gov/docs/District_Guide_508C.pdf](#)

Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center Tool Box [www.rems.ed.gov/toolbox.aspx](#)

ALICE (Alert, Lockdown, Inform, Counter, Evacuate) Training Institute [www.alicetraining.com](#)

ISBE/OSFM All Hazard Preparedness Guide for Illinois Schools [www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx](#)

Illinois Emergency Management Agency (IEMA) [www2.illinois.gov/ready/Pages/default.aspx](#)

Schools/Campus – Resources, including School Safety Information Sharing
[https://ready.illinois.gov/plan/schools.html](#)[www2.illinois.gov/ready/plan/Pages/Schools.aspx](#)

Safe2Help Illinois, designed to offer students a safe, confidential way in which to share information that might help prevent suicides, bullying, school violence, or other threats to school safety, [www.safe2helpil.com/](#)

Illinois Terrorism Task Force (ITTF) [www2.illinois.gov/iema/ITTF/Pages/default.aspx](#)
[https://ready.illinois.gov/hazards/terrorism.html](#)

The footnotes should be removed before the material is used.

⁵ [The building principal must notify the student's parent/guardian only when the alleged offense is firearm possession, 105 ILCS 5/27.1A\(b\). The Required Notices subhead of sample policy 7:190, Student Behavior, expands this notification duty to include drug-related incidents and battery of a staff member. See l/n 56 in sample policy 7:190, Student Behavior. If your board has not expanded this notification duty in policy 7:190, Student Behavior, amend the second sentence as follows: In addition, upon receiving a report on any of the above Nos. 1-3, the Building Principal or designee must notify the Superintendent or designee and, if a student is reportedly in possession of a firearm, also any involved student's parent/guardian.](#)

National Association of School Psychologists (NASP) - Recommendations for Comprehensive School Safety and Crisis Policies www.nasponline.org/resources-and-publications/resources-and-podcasts/school-safety-and-crisis~~www.nasponline.org/resources-and-publications/resources/school-safety-and-crisis~~

U.S. Secret Service (USSS) National Threat Assessment Center (NTAC)
www.secretservice.gov/protection/ntac

[Improving School Safety Through Bystander Reporting: A Toolkit for Strengthening K-12 Reporting Programs](http://www.secretservice.gov/sites/default/files/reports/2023-05/cisa-uss-k-12-bystander-reporting-toolkit-508_final_0.pdf), developed by the USSS NTAC and the Cybersecurity and Infrastructure Security Agency (CISA) www.secretservice.gov/sites/default/files/reports/2023-05/cisa-uss-k-12-bystander-reporting-toolkit-508_final_0.pdf

Bomb Threat Response Planning Tool, developed by the U.S. Dept. of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives and the U.S. Dept. of Education's Office of Safe and Drug Free Schools www.threatplan.org/default.htm www.ojp.gov/ncjrs/virtual-library/abstracts/bomb-threat-response-interactive-planning-tool-schools-cd-rom

School Crisis Guide - Help and Healing in a Time of Crisis, published by NEA Health Information Network- www.nea.org/resource-library/neas-school-crisis-guide

Attachment A

School Emergency Operations and Crisis Response Plan Format

Basic Plan

- | | |
|--|--|
| 1. Introductory Material | 3. Concept of Operations |
| 1.1 Promulgation Document and Signatures | 4. Organization and Assignment of Responsibilities |
| 1.2 Approval and Implementation | 5. Direction, Control, and Coordination |
| 1.3 Record of Changes | 6. Information Collection, Analysis, and Dissemination |
| 1.4 Record of Distribution | 7. Training and Exercises |
| 1.5 Table of Contents | 8. Administration, Finance, and Logistics |
| 2. Purpose, Scope, Situation Overview, and Assumptions | 9. Plan Development and Maintenance |
| 2.1 Purpose | 10. Authorities and References |
| 2.2 Scope | |
| 2.3 Situation Overview | |
| 2.4 Planning Assumptions | |

Functional Annexes

Note: This is not a complete list, but it is recommended that all SEOCRPs include at least the following functional annexes:

- | | |
|-------------------------------|------------------------------------|
| 1. Communications | 6. Reunification |
| 2. Evacuation | 7. Continuity of Operations (COOP) |
| 3. Shelter-in-Place | 8. Security |
| 4. Lockdown | 9. Recovery |
| 5. Accounting for All Persons | 10. Health and Medical |

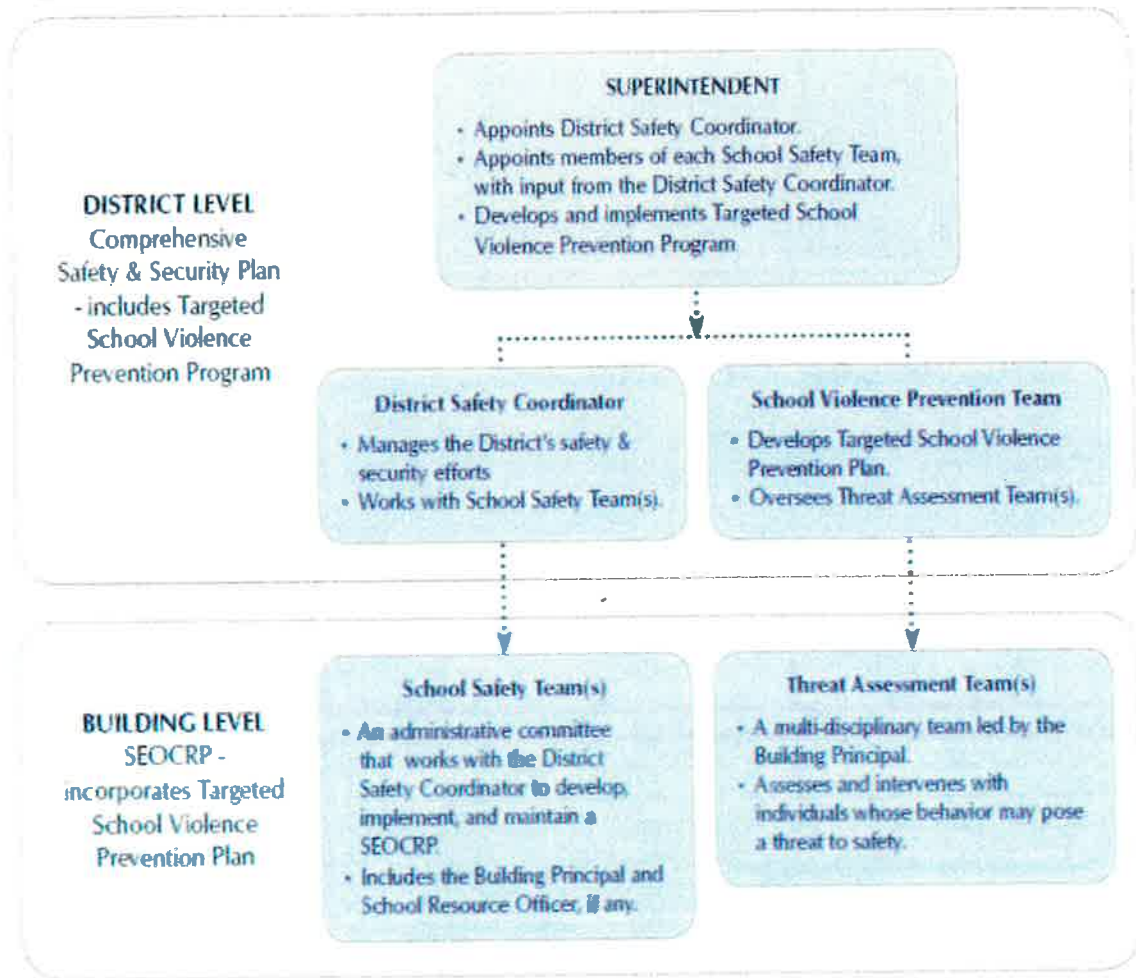
Threat- or Hazard-Specific Annexes

Note: This is not a complete list. Each school's annexes will vary based on its hazard analysis.

- | | |
|---------------------------------|---------------------------------|
| 1. Hurricane or Severe Storm | 5. Mass Casualty Incident |
| 2. Earthquake | 6. Active Shooter |
| 3. Tornado | 7. Pandemic or Disease Outbreak |
| 4. Hazardous Materials Incident | |

Attachment B

Alignment of Comprehensive Safety and Security Plan with Targeted School Violence Prevention Program



Section 2/1

Requires listing pay range on job posting

General Personnel

Hiring Process and Criteria ¹

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunity and minority recruitment.² The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board.³ If the Superintendent’s recommendation is rejected, the Superintendent must submit another.⁴ No individual will be employed who has been convicted of a criminal offense listed in 105 ILCS 5/21B-80(c).⁵

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. This policy contains an item on which impact 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 See [sample](#) policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Districts may not classify a job as either a male or female job. 29 C.F.R. §1604.5, 34 C.F.R. §106.55.

[105 ILCS 5/22-95, amended by PA 103-46, eff. 1-1-24, 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.](#)

³ Boards must consider the superintendent’s recommendations concerning, among other things, “the selection, retention, and dismissal of employees.” 105 ILCS 5/10-16.7. The board may want to use this alternative sentence:

All personnel decisions are made by the Board, but only on the recommendation of the Superintendent.

~~Subject to an applicable collective bargaining agreement in effect on 6-13-11, aA~~ board that fills a “new or vacant teaching position” must select a candidate based on: (1) certifications, (2) qualifications, (3) merit and ability (including performance evaluation, if available), and (4) relevant experience, provided that the length of continuing service with the district must not be considered a factor, unless all other factors are determined by the school district to be equal. 105 ILCS 5/24-1.5. The statute does not define “new or vacant teaching positions.” The requirement does not apply to filling vacant positions under 105 ILCS 5/24-12 (reduction in force and recall). Consult the board attorney about these issues.

[The Equal Pay Act of 2003, 820 ILCS 112/10\(b-25\), added by P.A. 103-539, eff. 1-1-25, makes it unlawful for employers with 15 or more employees to fail to include the “pay scale and benefits” for a position in any specific job posting. “Pay scale and benefits” means the wage or salary, or the wage or salary range, and a general description of benefits and other compensation. Id. at 112/5, amended by P.A. 103-539, eff. 1-1-25. To satisfy the posting requirement, an employer can include a hyperlink to a public webpage that includes the pay scale and benefit information. Id. at 112/10\(b-25\), added by P.A. 103-539, eff. 1-1-25. If an employer uses a third party to post its job postings, then the employer must provide the pay scale and benefits or a hyperlink containing the information to the third party. Id. The Act also requires employers to inform current employees of promotion opportunities within 14 calendar days after the employer posts externally for the position. Id. Employers are not prohibited from asking applicants about their wage or salary expectations for a position. Id.](#)

⁴ An additional optional sentence follows:

The Superintendent may select personnel on a short-term basis for a specific project or emergency condition before the Board’s approval.

⁵ 775 ILCS 5/2-103.1 prohibits employers from using conviction records as a basis to refuse to hire or to take any adverse action against an applicant or employee 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. For the disqualifying offenses listed in 105 ILCS 5/21B-80, amended by P.A. 102-552, a district does not have to show a *substantial relationship* between the offense and the position or that hiring or continuing to employ the person would involve an unreasonable risk. However, the Ill. Dept. of Human Rights (IDHR) interprets the Ill. Human Rights Act (IHRA) to still require the employer to notify the applicant of the disqualification pursuant to law and to afford the applicant at least five business days to respond in case the applicant wants to dispute the accuracy of the conviction record. [Id.](#) at 5/2-103.1(C). See IDHR’s *Conviction Record Protection – Frequently Asked Questions* (March 2021), at:

All applicants must complete a District application in order to be considered for employment. ⁶

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

<https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html>.

Attorneys have different opinions as to whether the IHRA requires the *interactive assessment* outlined in 775 ILCS 5/2-103.1(c), which includes preliminary and final notices, when a disqualifying offense listed in 105 ILCS 5/21B-80 is found in a conviction record; **consult the board attorney for guidance on this issue**. See [sample](#) administrative procedure 5:30-AP2, *Investigations*, and its footnotes for more detail regarding the IHRA notice provisions and the need for districts to also comply with the seven-day notification requirement in the Ill. Uniform Conviction Information Act, 20 ILCS 2635/7. **Note:** The protections of 775 ILCS 5/2-103.1 do not cover *unpaid interns*, which may include student teachers in the K-12 context. The definition of *employee* in the IHRA only extends to include unpaid interns for civil rights violations involving sexual harassment. 775 ILCS 5/2-101(A)(1)(c) and 5/2-102(D).

105 ILCS 5/10-21.9(c); 105 ILCS 5/21B-80, amended by P.A. 102-552, allows individuals with criminal histories involving certain drug convictions to apply for or to reinstate their educator licenses seven years after their sentence for the criminal offense is completed. Consult the board attorney about whether the board wants to continue prohibiting employment for any individual who has a criminal history involving these exempted drug offenses.

For more discussion regarding criminal history records checks and screenings required by 105 ILCS 5/10-21.9, amended by P.A.s 102-552 and 102-702, [eff. 7-1-23](#), see f/n 5 and 6 in [sample](#) policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.

⁶ Any person who applies for employment as a teacher, principal, superintendent, or other certificated employee who willfully makes a false statement on his or her application for employment, material to his or her qualifications for employment, which he or she does not believe to be true, is guilty of a Class A misdemeanor. 105 ILCS 5/22-6.5. District employment applications must contain a statement to this effect. *Id.* Each employment application for these positions must state the following (*Id.*):

Failure to provide requested employment or employer history which is material to the applicant's qualifications for employment or the provision of statements which the applicant does not believe to be true may be a Class A misdemeanor.

Many districts ask applicants about disqualifying criminal convictions on their employment applications or at another point before a job offer is made. State law does not expressly prohibit this practice; however, guidance issued by IDHR regarding implementation of 775 ILCS 5/1-103(G-5) and 5/2-103.1 states “[u]nless authorized by law, an employer is prohibited from inquiring about an applicant’s conviction record prior to making a job offer to the applicant.” See *Conviction Record Protection – Frequently Asked Questions* guidance issued by IDHR (March 2021), at:

<https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html>.

While the School Code and Job Opportunities for Qualified Applicant Act do not prohibit districts from asking about disqualifying convictions before a job offer is made, it is unclear whether they affirmatively *authorize* such inquiries. The IDHR’s guidance does not carry the force of law, but it may impact its handling of a discrimination charge based on a conviction record. It is also unclear if an applicant’s mere disclosure of a disqualifying conviction on an application, absent results of a fingerprint-based criminal history records check, Ill. Sex Offender Registry check, or Violent Offender Against Youth Registry check, triggers the district’s obligation to provide notice to the applicant under 775 ILCS 5/2-103.1(C); see also f/n 5, above. Consult the board attorney for advice on these issues and how they may affect application processes.

Any employer that asks applicants to record video interviews and uses an artificial intelligence (AI) analysis of the applicant-submitted videos must comply with the Artificial Intelligence Video Interview Act, 820 ILCS 42/. Employers should also be careful that use of AI, software, and algorithms to assess applicants does not violate the Americans with Disabilities Act (ADA) (42 U.S.C. §12101 *et seq.*). See [EEOC technical assistance documents](#), *The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees (May 2022)*, at: www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence and *Select Issues: Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Use in Employment Selection Procedures Under Title VII of the Civil Rights Act of 1964 (May 2023)*, at: www.eeoc.gov/select-issues-assessing-adverse-impact-software-algorithms-and-artificial-intelligence-used technical assistance document issued by the U.S. Equal Employment Opportunity Commission (May 2022) at: www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence. Given the rapidly changing technologies in this area, please consult the board attorney.

Job Descriptions

The Board maintains the Superintendent's job description and directs, through policy, the Superintendent, in his or her charge of the District's administration.⁷

The Superintendent shall develop and maintain a current comprehensive job description for each position or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.⁸

Investigations

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database is performed on each applicant as required by State law.⁹ When the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President shall

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⁷ 105 ILCS 5/10-16.7. The foundation for a productive employment relationship begins with a board's policy, a thoughtfully crafted employment contract and job description, and procedures for communications and ongoing assessment. See IASB's *Foundational Principles of Effective Governance*, **Principle 3. The board employs a superintendent**, at: www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/.

See also [sample exhibit 3:40-E, Checklist for the Superintendent Employment Contract Negotiation Process](#), for best practice discussions about establishing the board-superintendent employment relationship and contract.

⁸ Job descriptions will become the basis for categorizing a teacher into one or more positions that the teacher is qualified to hold for reduction in force (RIF) dismissal and recall purposes. 105 ILCS 5/24-12(b). A board should consult with its attorney to review its current list of job descriptions and discuss the district's specific responsibilities.

A job description is evidence of a position's essential functions. 29 C.F.R. §1630.2(n). The ADA protects individuals who have a disability and are qualified, with reasonable accommodation, to perform the *essential functions* of the job. 42 U.S.C. §12101 *et seq.*, amended by the ADA Amendments Act (ADAAA), Pub. L. 110-325. Determining which functions are essential may be critical to determining if an individual with a disability is qualified. An individual is qualified to perform a job even though he or she is unable, due to a disability, to perform tasks which are incidental to the job. Only when an individual is unable to perform the *essential functions* of a job may a district deny the individual employment opportunities. 29 C.F.R. §1630.2(m). For a definition of essential functions see *Id.* at 1630.2(n). Whether a particular function is essential is a factual determination.

Important: The ADAAA made significant changes to the ADA's definition of disability that broadened the scope of coverage and overturned a series of U.S. Supreme Court decisions that made it difficult to prove that an impairment was a qualifying disability. There is information about the regulations and a link to them at: www.eeoc.gov/laws/guidance/fact-sheet-eeocs-final-regulations-implementing-adaaawww.eeoc.gov/laws/regulations/adaaa-fact-sheet.efm. Consult the board attorney regarding how these amendments impact the district's hiring processes.

⁹ The policy's requirements on criminal records checks for applicants for employment are mandated by 105 ILCS 5/10-21.9, amended by P.A.s 102-552 and 102-702, *eff. 7-1-23*. See [sample administrative procedure 5:30-AP2, Investigations](#), for the process, timing, and positions requiring criminal background investigation and what steps a district must take if it wants to disqualify an applicant based on a conviction record. The Statewide Sex Offender Database (a/k/a Sex Offender Registry) is available at: <https://isp.illinois.gov/Sor/Disclaimer>. The Statewide Murderer and Violent Offender Against Youth Database is available at: <https://isp.illinois.gov/MVOAY/Disclaimer>. For more discussion regarding criminal history records checks and screenings required by 105 ILCS 5/10-21.9, amended by P.A. 102-702, *eff. 7-1-23*, see f/n 5 in [sample policy 4:175, Convicted Child Sex Offender; Screening; Notifications](#). See [sample policy 4:60, Purchases and Contracts](#), for requirements concerning (1) criminal background checks of employees of contractors who have *direct, daily contact* with students and (2) sexual misconduct related employment history reviews (EHRs) of employees of contractors of have *direct contact with children or students*.

ensure that these checks are completed.¹⁰ The Superintendent or designee, or if the applicant is a successful superintendent candidate, then the Board President shall notify an applicant if the applicant is identified in either database.¹¹ The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, the Ill. State Police and/or Statewide Sex Offender Database for purposes of clarifying the information, and/or the Teachers' Retirement System of the State of Illinois when required by law.¹² The Board reserves its right to authorize additional background inquiries beyond a fingerprint-based criminal history records check when it deems it appropriate to do so, in accordance with applicable laws.

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¹⁰ *Id.* If a board wants to require additional background inquiries beyond the fingerprint-based criminal history records information check required by 105 ILCS 5/10-21.9, amended by P.A.s 102-552 and 102-702, ~~eff. 7-1-23~~, and the EHR required by 105 ILCS 5/22-94, added by P.A. 102-702, ~~eff. 7-1-23~~, including the federal *Rap Back Service* (20 ILCS 2630/3.3) and/or checks through consumer reporting agencies regulated by the Fair Credit Reporting Act (15 U.S.C. §1681 *et seq.*), consult the board attorney. For more detailed information, see the laws listed in sample exhibit 3:40-E, *Checklist for the Superintendent Employment Contract Negotiation Process*, under the checklist item entitled **Conditions of Employment**, in the **Other Background Check Laws** row.

¹¹ 105 ILCS 5/10-21.9(b) and 105 ILCS 5/21B-10. The School Code requires the board president to keep a conviction record confidential. It is impossible to know whether a fingerprint-based criminal history records check and a check of the Statewide Sex Offender and Violent Offender Against Youth Databases on a successful superintendent candidate will come back with a conviction record.

Therefore, in accordance with best practice (ensuring compliance and aligning with good governance principles), this policy does not assign a designee for the board president to complete this task. However, to balance the requirement to keep conviction records confidential with the practical implementation of ensuring a fingerprint-based criminal history records check and a check of the Statewide Sex Offender and Violent Offender Against Youth Databases are performed on each successful superintendent applicant, a board president may want to designate the duty to order these checks to the individuals otherwise listed in 105 ILCS 5/10-21.9(b). Those individuals include the board president, the superintendent or designee, regional superintendent (if the check was requested by the district), state superintendent of education, state Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for clarification purposes, the Ill. State Police and/or Statewide Sex Offender Registry.

¹² *Id.* at 5/10-21.9(b) and 105 ILCS 5/21B-85, amended by P.A. 102-552. The School Code continues to define the board president's role in conducting criminal background investigations and receiving the results of these investigations, including the results for employees of district contractors. 105 ILCS 5/10-21.9. Many districts delegate this task in the hiring process to a human resources department.

105 ILCS 5/21B-85, amended by P.A. 102-552, requires a board to provide prompt written notice to the board of trustees of the Teachers' Retirement System of the State of Illinois (TRS) when it learns that any teacher has been convicted of a felony offense (which provides for a sentence of death or imprisonment for one year or more). The notice to TRS is limited to (1) the name of the license holder, (2) fact of conviction, (3) name and location of the court in which the conviction occurred, and (4) the assigned case number from the court. *Id.*

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

For more discussion regarding responses to results obtained by criminal history records checks and screenings as required by 105 ILCS 5/10-21.9(e), amended by P.A. 102-702, ~~eff. 7-1-23~~, see f/n 6 in [sample](#) policy 4:175, *Convicted Child Sex Offender: Screening; Notifications*.

Each newly hired employee must complete a U.S. Citizenship and Immigration Services Form as required by federal law. ¹³

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in 105 ILCS 5/21B-80¹⁴ or who falsifies, or omits facts from, his or her employment application or other employment documents. If an indicated finding of abuse or neglect of a child has been issued by the Ill. Department of Children and Family Services or by a child welfare agency of another jurisdiction for any applicant for student teaching, applicant for employment, or any District employee, then the Board must consider that person's status as a condition of employment. ¹⁵

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law and complies with each of the following: ¹⁶

1. The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position. ¹⁷
2. The District does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria. ¹⁸
3. The District does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation. ¹⁹

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

¹³ Immigration Reform and Control Act, 8 U.S.C. §1324a *et seq.* Consult with the board attorney regarding the district's rights and responsibilities under all Illinois laws if the district uses any electronic employment verification system, including *E-Verify* and/or the Basic Pilot Program. 820 ILCS 55/12. This statute urges employers who voluntarily use *E-Verify* (formerly known as the Basic Pilot/Employment Eligibility Verification Program) to consult the Ill. Dept. of Labor's website for current information on the accuracy of *E-Verify* and to review and understand their legal responsibilities relating to the use of any electronic employment verification systems. See ¶n 2 in [sample administrative procedure](#) 5:150-AP, *Personnel Records*, for a more detailed discussion of *E-Verify* issues.

¹⁴ See ¶n 5, above.

¹⁵ 105 ILCS 5/10-21.9(c) and (g). See ¶n 6 in [sample policy](#) 4:175, *Convicted Child Sex Offender; Screening; Notifications*, for further discussion.

¹⁶ As an alternative to describing the prohibited investigations, a board may substitute this sentence:

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law, including without limitation, investigation into or inquiry concerning: (1) credit history or report unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; (2) claim(s) made or benefit(s) received under Workers' Compensation Act; and (3) access to an employee's or applicant's social networking website, including a request for passwords to such sites.

The default policy provision and the alternative stated above – whichever is selected – may be made a prohibition rather than a duty of the superintendent; to do this, delete the stricken text as follows: “The Superintendent shall ensure that the District does not engage”

¹⁷ Employee Credit Privacy Act, 820 ILCS 70/10. This Act allows inquiries into an applicant's credit history or credit report or ordering or obtaining an applicant's credit report from a consumer reporting agency when a satisfactory credit history is an established bona fide occupational requirement of a particular position. 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.

¹⁸ 820 ILCS 112/10(b-5). If an employer violates this subsection, the employee may recover in a civil action any damages incurred, special damages up to \$10,000, injunctive relief, and costs and reasonable attorney's fees. 820 ILCS 112/30(a-5).

¹⁹ [Id. at 112/10\(b-5\).](#)

4. The District does not request or require an applicant to disclose wage or salary history as a condition of employment. ²⁰
5. The District does not ask an applicant or applicant's current or previous employers about wage or salary history, including benefits or other compensation. ²¹
6. The District does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act. ²²
7. The District does not request of an applicant or employee access in any manner to his or her personal online account, such as social networking websites, including a request for passwords to such accounts. ²³
8. The District provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

Sexual Misconduct Related Employment History Review (EHR) ²⁴

Prior to hiring an applicant for a position involving *direct contact with children or students*, the Superintendent shall ensure that an EHR is performed as required by State law. When the applicant is

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²⁰ Id.

²¹ 820 ILCS 112/10(b-10). **Note:** Attorneys caution that using the exceptions in 820 ILCS 112/10(b-10)(1) and (2) may trigger litigation. Violating this subsection entitles an employee to recover in a civil action any damages incurred, special damages up to \$10,000, injunctive relief, and costs and reasonable attorney's fees. 820 ILCS 112/30(a-5).

A school board that wishes to preserve these exceptions should consult its board attorney; then they may supplement number 5 by adding the following after "compensation":

unless the applicant's wage or salary history is a matter of public record, or is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with State or federal law; or the applicant is a current employee applying for a position with the same current employer.

²² Right to Privacy in the Workplace Act, 820 ILCS 55/10(a).

²³ Id. at 55/10(b)(~~6~~)(B) (commonly known as the *Facebook Password Law*). A *personal online account* is defined as an online account used primarily by a person for personal purposes. *Personal online account* does not include an account created, maintained, used, or accessed for the business purpose of a person's employer or prospective employer. Id. at 55/10(b)(~~6~~5). Bracketed explanations follow the statutory language in 105 ILCS 55/10(b)5:

"Nothing in this subsection shall prohibit or restrict an employer from complying with a duty to screen employees or applicants prior to hiring...provided that the password, account information, or access sought by the employer only relates to an online account that:

(A) an employer supplies or pays; or

(B) an employee creates or maintains on behalf of under the direction of an employer in connection with that employee's employment."

[Based on this explanation, it is implausible that an applicant would have an account, service, or profile for business purposes of a school employer.]

The statute specifically permits an employer to: (1) maintain workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use; and (2) monitor usage of the employer's (district's) electronic equipment and electronic mail. The statute also states that it does *not prohibit* an employer from obtaining information about an applicant or an employee that is in the public domain or that is otherwise obtained in compliance with the statute. Finally, the statute does not apply to all types of personal technology that employees may use to communicate with students or other individuals, such as text messages on a personal phone. Consult the board attorney about these issues.

²⁴ 105 ILCS 5/22-94, added by P.A. 102-702, ~~eff. 7-1-23~~. See sample administrative procedure 5:30-AP3, *Sexual Misconduct Related Employment History Review (EHR)*, for the process, timing, and positions requiring an EHR. See sample policy 4:60, *Purchases and Contracts*, and sample administrative procedure 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*, for EHR requirements for employees of contractors who have *direct contact with children or students*.

a superintendent candidate, the Board President shall ensure that the EHR is initiated before a successful superintendent candidate is offered employment by the Board.

Physical Examinations ²⁵

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. The physical fitness examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination performed no more than 90 days before submitting evidence of it to the District.

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity.²⁶ The Board will pay the expenses of any such examination.

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position. Before beginning employment, each employee must sign the *Acknowledgement of Mandated Reporter Status* form as provided in policy 5:90, *Abused and Neglected Child Reporting*.

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²⁵ 105 ILCS 5/24-5. According to this statute, a new or existing employee or substitute teacher employee may be subject to additional health examinations, including tuberculosis screening, as required by rules adopted by the Ill. Dept. of Public Health (IDPH) or by order of a local public health official. The IDPH does not require school employees to be screened for tuberculosis other than workers in child day care and preschool settings. 77 Ill.Admin.Code §696.140(a)(3).

The last sentence of the first paragraph exceeds State law requirements and may be deleted.

Note that while examination by a spiritual leader/practitioner is sufficient for purposes of leaves, the statute does not permit an examination by a spiritual leader/practitioner for initial employment exams. This difference may present a constitutional issue; contact the board attorney for an opinion if an applicant wants to use an examination by a spiritual leader/practitioner.

Federal law limits pre-employment medical inquiries to whether the applicant is able to perform job-related functions; required medical examinations of applicants is forbidden. ADA, 42 U.S.C. §12112(d)(2); see also f/n 8 for an explanation regarding the ADA. Districts may condition an employment offer on taking and passing medical inquiries or physical exams, provided that all entering employees in the same classification receive the same conditional offer.

²⁶ The State law (105 ILCS 5/24-5) allowing boards to require physicals of current employees "from time to time," is superseded by the ADA. 42 U.S.C. §12112(d)(4). The ADA allows medical inquiries of current employees only when they are job-related and consistent with business necessity or part of a voluntary employee wellness program. *Id.* Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would not either eliminate the risk or reduce it to an acceptable level. 42 U.S.C. §12113; 29 C.F.R. §1630.2(r). See f/n 8 for an explanation regarding the ADA.

See f/n 25 for a discussion of examinations by spiritual leaders/practitioners.

LEGAL REF.: 42 U.S.C. §12112, Americans with Disabilities Act; 29 C.F.R. Part 1630.
15 U.S.C. §-1681 et seq., Fair Credit Reporting Act.
8 U.S.C. §1324a et seq., Immigration Reform and Control Act.
105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/10-22.34, 5/10-22.34b,
5/21B-10, 5/21B-80, 5/21B-85, 5/22-6.5, 5/22-94, and 5/24-5.
20 ILCS 2630/3.3, Criminal Identification Act.
820 ILCS 55/, Right to Privacy in the Workplace Act.
820 ILCS 70/, Employee Credit Privacy Act.
820 ILCS 112/, Equal Pay Act of 2003.
Duldulao v. St. Mary of Nazareth Hospital, 136 Ill. App. 3d 763 (1st Dist. 1985),
aff'd in part and remanded 115 Ill.2d 482 (Ill. 1987).
Kaiser v. Dixon, 127 Ill. App. 3d 251 (2nd Dist. 1984).
Molitor v. Chicago Title & Trust Co., 325 Ill. App. 124 (1st Dist. 1945).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 3:50 (Administrative Personnel Other Than
the Superintendent), 4:60 (Purchases and Contracts), 4:175 (Convicted Child Sex
Offender; Screening; Notifications), 5:10 (Equal Employment Opportunity and
Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease),
5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of
Professional Conduct; and Conflict of Interest), 5:125 (Personal Technology and
Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Duties and
Qualifications)

updated
footnotes

General Personnel

Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition ¹

All District workplaces are drug- and alcohol-free workplaces. ²

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. 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. The Right to Privacy in the Workplace Act (RPWA) allows employers to regulate employees' use of lawful products that impair an employee's ability to perform his or her assigned duties. 820 ILCS 55/5(b), ~~amended by P.A. 101-27~~. The Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/10-35(a)(8), ~~amended by P.A. 101-593~~, allows penalties issued by employers of law enforcement officers for consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances while on or off-duty to be collectively bargained; districts that employ school resource officers should consult their board attorneys about this provision of the CRTA.

The federal Drug-Free Workplace Act applies only to the specific programs receiving federal funds. 41 U.S.C. §8101 et seq. For ease of administration, this policy makes its requirements applicable to all employees to avoid confusion during implementation and to avoid complications when obtaining and maintaining federal funds. The CRTA, 410 ILCS 705/, ~~added by P.A. 101-27 and amended by P.A. 101-593~~, legalized cannabis, but it remains a *Schedule I* (c)(17) controlled substance under federal law, meaning that it has no currently accepted medical use in addition to a high potential for abuse. 21 U.S.C.A. §812 (exempting hemp as defined at 7 U.S.C.A. §1639o). 41 U.S.C. §§8101, 8102 and 8103. While not law, in June 2019, the U.S. House of Representatives, in a voice vote, voted in favor of an amendment to H.R. 3055, which was introduced by Reps. Earl Blumenauer (D-OR), Tom McClintock (R-CA), and Eleanor Holmes Norton (D-D.C.), prohibiting the U.S. Dept. of Justice (DOJ) from interfering with a state's decision to implement laws governing the legalization of cannabis (recreational and medicinal). This marked the first time that either branch of the U.S. Congress has voted to protect state recreational cannabis laws from federal enforcement actions. If the amendment becomes law, it would block the DOJ from using funds to intervene in state and territory cannabis legalization laws. This policy continues to prohibit employees from using cannabis as allowed by the CRTA. See f/n 9, below.

The federal Safe and Drug-Free Schools and Communities Act provides funds, upon application, for drug and violence prevention programs; it does not contain policy mandates. Illinois also has a Drug Free Workplace Act (30 ILCS 580/) that applies to districts with 25 or more employees working under a state contract or a grant of \$5,000 or more.

² Replace this sentence with the district's drug- and alcohol- free policy goal(s), if any.

With the passage of the CRTA, 410 ILCS 705/, ~~added by P.A. 101-27 and amended by P.A. 101-593~~, each board and superintendent may wish to engage in a risk-management conversation about the district's drug- and alcohol-free policy enforcement and discipline goals. Enforcement and discipline goals depend upon a board's risk-level tolerance and community expectations. Risk-level-tolerance decisions will depend upon many factors, including, but not limited to: (1) the board attorney's recommendations, (2) the district's budget parameters, if any, for reasonable suspicion training on identification of symptoms of impairment and/or being under the influence, (3) drug testing, and (4) the community's expectations. Answers to the following questions might structure this risk-management conversation:

1. Does the board want to implement a reasonable suspicion program (or any other type of *just cause* provisions in an applicable collective bargaining agreement) to identify employees suspected of being impaired and/or under the influence to enhance its ability to discipline?
2. Does the board want the superintendent to secure training for designated district employees to educate them to identify symptoms of impairment or being under the influence of the substances prohibited in this policy?
3. How does the board want to address employees in positions of leadership, e.g., the superintendent and/or building principal(s), who are perpetually on call due to the nature of their positions and responsibilities (see f/n 3, below)?
4. How will the district manage its duty to educate students about the dangers of drugs and alcohol against the reality that employees are allowed to use lawful products off-duty and off the district's premises (820 ILCS 55/5(~~ab~~), ~~amended by P.A. 101-27~~)?
5. Will licensed educators be held to a higher standard than non-licensed employees due to their professional code of conduct expectations?

All employees are prohibited from engaging in any of the following activities while on District premises or while performing work or being *on call*³ for the District: ⁴

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance. ⁵
2. Distribution, consumption, use, possession, or being impaired by or under the influence of an alcoholic beverage; being present on District premises or while performing work for the District when alcohol consumption is detectible, regardless of when and/or where the use occurred. ⁶
3. Distribution, consumption, possession, use, or being impaired by or under the influence of cannabis; being present on District premises or while performing work for the District when impaired by or under the influence of cannabis, regardless of when and/or where the use occurred, unless distribution, possession, and/or use is by a school nurse or school administrator pursuant to *Ashley's Law*, 105 ILCS 5/22-33.⁷ The District considers employees impaired by

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6. Will employees working directly with students be held to a higher standard than employees not working directly with students?

³ An employee is *on call* when the employer schedules him or her with at least 24 hours' notice to be on standby or otherwise responsible for performing employment-related tasks either at the employer's location or another previously-designated location. 820 ILCS 55/5, ~~amended by P.A. 101-27~~. Consult the board attorney regarding how the board wants to treat employees who may be considered on call, e.g., superintendents, principals, coaches, and/or maintenance workers, etc.

For boards that do not want this text, delete ~~or being on call~~.

⁴ To align with best practices for identifying and subsequently initiating discipline of employees for violating this policy (especially with the passage of the CRTA) and any possible collective bargaining agreement provisions, the superintendent may want to convene the **Employee Substance Abuse Prevention Committee** (see [sample administrative procedure 2:150-AP, Superintendent Committees](#)).

⁵ These actions are prohibited by both federal (41 U.S.C.A. §§8101, 8102 and 8103) and State Workplace Acts. See f/n 13, below. These laws do not address *under the influence* but a board may add: “, or being impaired by or under the influence of any illegal substance or any detectible use of any illegal substance regardless of when or where the use occurred.” This option is limited to *illegal* substances to avoid prohibiting employees from using lawfully prescribed controlled substances. See f/n 13. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement. This policy's third paragraph addresses prescribed medications other than cannabis.

⁶ Optional; alcohol is not addressed in either the federal or State Drug-Free Workplace Acts. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement. The Ill. Court of Appeals held that when the policy defines *under the influence* as any “mental, emotional, sensory or physical **impairment** due to the use of drugs or alcohol,” the school district must prove that the teacher showed signs of impairment even though she registered 0.056 blood-alcohol level on a Breathalyzer. Kinsella v. Bd. of Ed. of the City of Chicago, 27 N.E.3d 226 (Ill. App. Ct. 1st Dist. 2015).

⁷ “[R]egardless of when and/or where the use occurred” is intended to mean that an employer may reach an employee's conduct on or off-duty depending upon the facts of the disciplinary situation; however, the CRTA contains a specific requirement that law enforcement employers adopt a policy outlining penalties for discipline of law enforcement employees for their on or off-duty conduct involving consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances. Id. at 10-35(a)(8), ~~amended by P.A. 101-593~~. See also f/ns 1, above, and 9, below. Consult the board attorney if the district employs a school resource officer(s) (SRO(s)) as opposed to contracting with a local law enforcement agency for SRO services.

or under the influence of cannabis when there is a good faith belief that an employee manifests specific articulable symptoms⁸ while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position.⁹

Upon the Superintendent or designee's reasonable suspicion of an employee's violation of any of the prohibited activities stated above, the Superintendent or designee may direct the employee to undergo a drug and/or alcohol test to corroborate or refute the alleged violation. State law protects the District from liability when it takes actions pursuant to a reasonable workplace drug policy, including but not limited to subjecting an employee or applicant to reasonable drug and alcohol testing, reasonable and

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410 ILCS 130/25(b) prohibits discipline or arrest of school nurses and/or administrators for acting in accordance with *Ashley's Law*, 105 ILCS 5/22-33, amended by P.A. 101-370. Employers may enforce drug-free workplace policies when they are applied in a nondiscriminatory manner. 410 ILCS 705/10-50(a), added by P.A. 101-27, includes disciplining employees – even those who are *registered qualifying patients* – for violating drug-free workplace policies (410 ILCS 130/50 and 705/10-35(a)(1), added by P.A. 101-27). Contact the board attorney for advice concerning the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)).

⁸ Specific articulable symptoms listed in 410 ILCS 705/10-50(d), added by P.A. 101-27, include: the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others. In contrast to the CRTA, the MCPA, while listing the same specific, articulable, symptoms, does not require an employer to have a *good faith belief* that a *registered qualifying patient* is under the influence of cannabis. 410 ILCS 130/50(f), and scheduled to be repealed on 7-1-20.

⁹ 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27 allows reasonable, nondiscriminatory, zero-tolerance policies. If the district seeks to discipline an employee on the basis that he or she is under the influence of or impaired by cannabis, it must afford the employee a reasonable opportunity to contest the basis of the determination. *Id.* at 10-50(d), added by P.A. 101-27. See also f/n 7, above. **Contact the board attorney for advice concerning this provision and whenever the district seeks disciplinary action or dismissal of an employee on the basis of the cannabis prohibitions in the policy.**

See also the Ill. Vehicle Code 625 ILCS 5/11-501.2(b-5) number one: when an individual's tetrahydrocannabinol concentration (THC) is five nanograms or more in whole blood or 10 nanograms or more in another bodily substance, e.g., saliva, urine, etc., as defined in 625 ILCS 5/11-501.2(a), a presumption under Illinois law exists that the individual is under the influence of cannabis. Under 625 ILCS 5/11-501.2(b-5) number two: when an individual's [THC] is less than five nanograms in whole blood or less than 10 nanograms or more in another bodily substance, e.g., saliva, urine, etc., as defined in 625 ILCS 5/11-501.2(a), the individual may still be considered impaired.

In addition to a zero-tolerance policy, the CRTA also allows civil, criminal, or other penalties for:

1. Engaging in tasks under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct (410 ILCS 705/10-35(a)(1));
2. Possessing cannabis on a school bus or on school grounds (*Id.* at 10-35(a)(2)(A)-(B) unless permitted under the MCPA);
3. Using cannabis on a school bus or on school grounds (*Id.* at 10-35(a)(3)(A)-(B) unless permitted under the MCPA);
4. [Using cannabis] in a public place [while impaired or under the influence of cannabis] (*Id.* at 10-35(a)(3)(F));
5. Knowingly being [impaired by or under the influences of cannabis] in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the MCPA (*Id.* at 10-35(a)(3)(G));
6. Smoking [and/or *vaping* (see f/n 19, below for a definition of *vaping*)] it in any place where smoking is prohibited under the Smoke Free Illinois Act (*Id.* at 10-35(a)(4));
7. Using [cannabis] as an on-duty law enforcement officer, corrections officer, probation officer, or firefighter (*Id.* at 10-35(a)(8)), or consuming, possessing, selling, purchasing, or delivering cannabis or a cannabis-infused substance(s) while on or off-duty [only if a policy has been adopted] *Id.* at 10-35(a)(8), amended by P.A. 101-593; or
8. [Using cannabis while [b]]eing on duty as an individual holding a school bus permit or Commercial Driver's License (*Id.* at 10-35(a)(9)).

nondiscriminatory random drug testing, discipline, termination of employment, or withdrawal of a job offer due to a failure of a drug test. ¹⁰

For purposes of this policy, a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

For purposes of this policy, *District premises*¹¹ means workplace as defined in the Cannabis Regulation and Tax Act (CRTA) in addition to 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. School grounds means 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, designated school bus stops where students are waiting for the school bus, and school-sponsored or school-sanctioned events or activities. “Vehicles used for school purposes” means school buses or other school vehicles.

As a condition of employment, each employee shall: ¹²

1. Abide by the terms of this Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than five calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee’s licensed health care provider, provided that an employee’s work performance is not impaired. ¹³

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¹⁰ 410 ILCS 705/10-50(d). For boards that will not communicate to employees what will happen when reasonable suspicion exists, delete the first sentence of this paragraph: ~~Upon the Superintendent or designee’s reasonable suspicion of an employee’s violation of any of the prohibited activities stated above, the Superintendent or designee may direct the employee to undergo a drug and/or alcohol test to corroborate or refute the alleged violation.~~

410 ILCS 705/10-50(e)(1), ~~amended by P.A. 101-593~~, protects the district from liability for actions described in the last sentence of this paragraph. Delete it if the board will not communicate this information to its employees.

¹¹ 410 ILCS 705/10-35 and 10-50(a), ~~added by P.A. 101-27 and amended by P.A. 101-593~~, allows employers to prohibit cannabis in the *workplace*. Many attorneys agree it is a best practice for employers to define workplace in policies that prohibit cannabis. 410 ILCS 705/10-50(h), ~~added by P.A. 101-27~~, defines *workplace* as the employer’s premises, including any building, real property, and parking area under the control of the employer or area used by an employee while in performance of the employee’s job duties, and vehicles, whether leased, rented, or owned – and may be further defined by the employer’s written policy when it is consistent with this definition.

This policy’s definition of workplace expands the above CRTA definition to areas that board policy and/or the School Code impose duties upon districts to keep students safe, including:

1. The *school property* definition from [sample policy 8:30, Visitors to and Conduct on School Property](#);
2. The *school grounds* definition at 105 ILCS 5/10-27.1A(d); and
3. Places that school districts must prevent and respond to bullying, including vehicles used for school purposes. 105 ILCS 5/27-23.7(a).

¹² Required by the State and federal Drug-Free Workplace Acts.

¹³ This optional paragraph is not addressed in State or federal drug-free workplace acts. An employer should generally not ask an employee about his or her use of medication. See rules implementing the Americans with Disabilities Act, 29 C.F.R. §1630.14. Consult the board attorney if an employee is suspected of working while impaired or under the influence.

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following: ¹⁴

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted. ¹⁵
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations. ¹⁶
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.
5. Establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace,
 - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
 - c. The penalties that the District may impose upon employees for violations of this policy.
6. Remind employees that policy 6:60, *Curriculum Content*, requires the District to educate students, depending upon their grade, about drug and substance abuse prevention and relationships between drugs, alcohol, and violence. ¹⁷

E-Cigarette, Tobacco, and Cannabis Prohibition ¹⁸

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of e-cigarettes,¹⁹ tobacco, and cannabis

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¹⁴ Numbers one through five in this paragraph are required by the State and federal Drug-Free Workplace Acts. 30 ILCS 580/3.

¹⁵ As an alternative, replace the phrase “in a place where other information for employees is posted” with the district’s local method, e.g., staff intranet, Internet, etc.

¹⁶ Grants may be available from the Ill. State Board of Education for developing a drug-free awareness program. 105 ILCS 5/2-3.93. The drug-free awareness program requirement can be met by developing a brochure on drug abuse or by contacting local, State, or national anti-drug abuse organizations for materials. The materials should be distributed to employees along with a list of places employees may call for assistance.

¹⁷ Optional. This statement serves as a display of good judgement and a reminder to employees that 105 ILCS 5/27-13.2, amended by P.A.s 102-195 and 103-365, and 5/27-23.4 (provided it can be funded by private grants or the federal government) require districts to educate students about the prevention and avoidance of drugs abuse, and the dangers of opioid and substance abuse, and the dangers of fentanyl.

¹⁸ 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act, 410 ILCS 82/, and the CRTA, 410 ILCS 705/10-35(a)(4)(smoking anyplace where smoking is prohibited under the Smoke Free Illinois Act). Federal law prohibits smoking inside schools. 20 U.S.C. §6083(a).

The prohibition in [sample policy 8:30, *Visitors to and Conduct on School Property*](#), referred to here, applies “on school property or at a school event.” Here, “at a school event” is clarified with the phrase “while ... performing work for the District” in order to align with this policy’s other prohibitions.

¹⁹ While 720 ILCS 675/1, amended by P.A. 101-2, excludes e-cigarettes from its definition of tobacco, it does not address vaporization. Prohibiting *e-cigarettes* aligns with the district’s obligation to maintain a safe, smoke-free environment and is logical extension of 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act (410 ILCS 82/), and The Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675, amended by P.A. 101-2 (raising-provides the legal age to buy tobacco and e-cigarette products to 21 years of age). In addition, the U.S. Food and Drug Administration now regulates e-cigarettes. 21 C.F.R. Parts 1100, 1140, and 1143, amended by 81 Fed.Reg. 28973.

products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event's location.

Tobacco has the meaning provided in 105 ILCS 5/10-20.5b.

Cannabis has the meaning provided in the CRTA, 410 ILCS 705/1-10.

E-Cigarette is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device.²⁰

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination.²¹ In addition or alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

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E-Cigarettes may resemble cigarettes but contain a battery-operated heating element that turns a liquid into an aerosol (or vapor) that sometimes includes nicotine, flavorings, and other chemicals. The act of inhaling and exhaling the aerosol is known as *vaping*. See www.centeronaddiction.org/e-cigarettes/recreational-vaping/what-vaping <https://nida.nih.gov/publications/drugfacts/vaping-devices-electronic-cigarettes>. For ease of administration, this policy treats *vaping*, whether tobacco products or not, and smoking tobacco the same due to the outbreaks of lung disease associated with the use of e-cigarettes and vaping. Some e-cigarettes do not look like tobacco products; they are designed to resemble other objects, such as USB flash drives, to be more easily concealed. Like smoking tobacco, vaporization products may include nicotine, which is derived from and is the addictive drug in tobacco, and other potentially harmful chemicals. See *Tobacco/Nicotine and E-Cigs/Vaping* at: <https://nida.nih.gov/research-topics/tobacco/nicotine-vaping> www.drugabuse.gov/drugs-abuse/tobacco/nicotine-e-cigs. Unlike smoking tobacco, vaping does not produce smoke, but rather the aerosol, often mistaken for water vapor and consisting of fine particles. Many of these particles contain varying amounts of toxic chemicals, which have been linked to cancer and respiratory and heart disease. For resources, see www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm and https://digitalmedia.hhs.gov/tobacco/educator_hub-An-outbreak-of-lung-disease-has-been-associated-with-e-cigarette-use-and-vaping. See articles at: www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html; and www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease/health-departments/index.html.

²⁰ Optional. If a district does not want to include the statutory example that includes the term *vape pen*, which provides notice that vaping products are also prohibited through the term e-cigarette, replace ~~includes but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device~~ with “shall have the meaning provided in the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. 720 ILCS 675/1(a-9).”

²¹ An employee who currently uses *illegal* drugs is not protected under the Americans With Disabilities Act (ADA) when the district acts on the basis of such use. 42 U.S.C. §12114. Legal drug abusers and alcoholics may still be protected as *handicapped* under the Rehabilitation Act of 1973 (29 U.S.C. §706 et seq.) or the Ill. Human Rights Act (IHRA). 775 ILCS 5/1-101 et seq. and 56 Ill.Admin.Code §2500.20. The Rehabilitation Act, however, excludes from protection “an alcohol or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment ... would constitute a direct threat to the property or the safety of others.” 28 C.F.R. §42.540(k)(1) 29 U.S.C. §706(7)(B).

The ADA neither authorizes nor prohibits drug testing; it allows the results of such tests to be used as the basis for disciplinary action. 42 U.S.C. §12114; 29 C.F.R. §1630.16-(c). Drug tests may still violate other laws, e.g., Title VI and the Rehabilitation Act. 42 U.S.C. §2000e et seq.; and 29 U.S.C. §7016 et seq. Drug tests may also be a subject of collective bargaining. See paragraph one of f/n 1, above. Consult the board attorney before implementing a drug testing program to enforce this policy.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction. ²²

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction. ²³

Disclaimer ²⁴

The Board reserves the right to interpret, revise or discontinue any provision of this policy pursuant to the **Suspension of Policies** subhead in policy 2:240, *Board Policy Development*.

LEGAL REF.: [20 U.S.C. §7101 et seq., Safe and Drug-Free School and Communities Act of 1994.](#)
[21 U.S.C. §812, Controlled Substances Act; 21 C.F.R. §1308.11-1308.15.](#)
[41 U.S.C. §8101 et seq., Drug-Free Workplace Act of 1988.](#)
42 U.S.C. §12114, Americans With Disabilities Act.
[21 C.F.R. Parts 1100, 1140, and 1143.](#)
[21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15, Controlled Substances Act.](#)
[41 U.S.C. §8101 et seq., Drug-Free Workplace Act of 1988.](#)
[20 U.S.C. §7101 et seq., Safe and Drug-Free School and Communities Act of 1994.](#)
30 ILCS 580/, Drug-Free Workplace Act.
105 ILCS 5/10-20.5b.
410 ILCS 82/, Smoke Free Illinois Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
410 ILCS 705/1-1 et seq., Cannabis Regulation and Tax Act.
720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act.
820 ILCS 55/, Right to Privacy in the Workplace Act.
[21 C.F.R. Parts 1100, 1140, and 1143.](#)
23 Ill.Admin.Code §22.20.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 6:60 (Curriculum Content), 8:30 (Visitors to and Conduct on School Property)

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²² Required by both the federal and State Drug-Free Workplace Acts.

²³ *Id.*

²⁴ Optional best practice text.

updated
foot notes

General Personnel

Abused and Neglected Child Reporting¹

Any District employee who suspects or receives knowledge that a student may be an abused or neglected² child or, for a student aged 18 through 22, an abused or neglected individual with a

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 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 and non-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). 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 1920* below) and the immunity for such disclosures, the sample policy directs the initial phone call to DCFS. The Dept. of Human Services Act (DHSA) (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).

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, ~~eff. 7-1-23~~.

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. DHSA covers abuse and neglect of adult students with a disability. 20 ILCS 1305/1-17(b). 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). 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.

disability³, shall: (1) 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), and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.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 pornography on electronic and information technology equipment shall immediately report it to local law enforcement, the National Center for Missing and

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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 Dept. of Human Services Act (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). 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. 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 have 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).

Exploited Children's CyberTipline 1-800-THE-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.

Commented [MB1]: The contents of 105 ILCS 5/10-23.12(a) are deleted by P.A. 103-542, eff. 1-1-24. It contained duplicative staff training requirements that are covered by ANCRA.

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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 pornography depicted on an item of electronic and information technology equipment. 325 ILCS 5/4.5(b). 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. 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. 7:190-AP1, *Hazing Prohibited*, uses the same definition of *hazing*; this definition is based on 720 ILCS 5/12C-50.

¹⁰ While it is unclear whether this is a duty or power, 105 ILCS 5/10-23.12(a), amended by P.A. 100-413, authorizes boards "to provide staff development for local school site personnel who work with pupils in grades kindergarten through 8, in the detection, reporting, and prevention of child abuse and neglect."

The drill during such training should be: "If in question, report."

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⁺⁴

Commented [MB2]: The contents of 105 ILCS 5/10-23.12(b) are deleted by P.A. 103-542, eff. 1-1-24

Alleged Incidents of Sexual Abuse: Investigations¹⁵

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.¹⁶

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¹¹ ANCRA ~~also~~ 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 15+7~~, 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 (*aka*/a *Erin's Law*). For additional *Erin's Law* requirements and definitions, see 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*.

~~¹⁴ 105 ILCS 5/10-23.12(b) permits DCFS to cooperate with school officials to distribute informational ANCRA materials in school buildings. The following optional sentence provides that information: "The Superintendent or designee will display DCFS-issued materials that list the DCFS toll-free telephone number and methods for making a report under ANCRA in a clearly visible location in each school building."~~

¹⁵ 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.

¹⁶ 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.

If a District employee reports an alleged incident of sexual abuse to DCFS¹⁷ and DCFS accepts the report for investigation, DCFS will refer the matter to the local Children's Advocacy Center (CAC).¹⁸ The Superintendent or designee will implement procedures to coordinate with the CAC.

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.¹⁹ 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 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.²⁰

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.²¹ The Superintendent must make the

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¹⁷ 105 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.

¹⁸ 105 ILCS 5/22-85(d).

¹⁹ 105 ILCS 5/22-85(j), (k).

²⁰ 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 policy 5:150, *Personnel Records*.

See also f/n 4 of 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.

²¹ Alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."

report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder. ²²

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, 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. ²³

The Superintendent shall execute the recordkeeping requirements of *Faith's Law*. ²⁴

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. ²⁵

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. ²⁶

When the Board learns that a licensed teacher was convicted of any felony, it must promptly report it to the State agencies listed in policy 2:20, *Powers and Duties of the School Board; Indemnification*. ²⁷

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²² 105 ILCS 5/10-21.9(e-5), amended by P.A.s 102-552 and 102-702-~~eff 7-1-23~~, requires these notifications and provides superintendents immunity from any liability, whether civil or criminal or that otherwise might result by complying with the statute.

²³ 105 ILCS 5/22-85.10, added by P.A. 102-702-~~eff 7-1-23~~. See sample [administrative procedure 5:90-AP2, Parent/Guardian Notification of Sexual Misconduct](#).

²⁴ 105 ILCS 5/22-94(e), added by P.A. 102-702-~~eff 7-1-23~~. See sample [administrative procedure 5:150-AP, Personnel Records](#).

²⁵ 325 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 ~~he or she~~ ~~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.

²⁶ 105 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*.

²⁷ 105 ILCS 5/21B-85(a) and (b), amended by P.A. 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/n's tied to these duties in sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

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 Police Interviews)

updated
staff training
requirements

General Personnel

Administrative Procedure - Coordination with Children's Advocacy Center¹

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

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

Glossary of Terms

Alleged incident of sexual abuse - An incident of sexual abuse of a child (as defined in the Ill. Criminal Code of 2012, 720 ILCS 5/11-9.1A) that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred either: on school grounds during a school activity, outside of school grounds, or not during a school activity. 105 ILCS 5/22-85(b).²

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

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

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

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

School personnel - School employees, vendors, and volunteers.

Sexual Abuse and Sexual Assault - See Ill. Criminal Code of 2012 definitions at:

720 ILCS 5/11-9.1A. Permitting sexual abuse of a child.

The footnotes should be removed before the material is used.

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

² See the f/n ~~1514~~ analysis in sample policy 5:90, *Abused and Neglected Child Reporting*. To provide boards with clarity, this procedure uses the definition of *sexual abuse* from the Ill. Criminal Code of 2012.

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

Coordination with CAC

Actor	Action
ISBE	Identifies persons in positions who may be appropriate child advocates for students during a school’s investigation into an alleged incident of sexual abuse. As of March 2023, ISBE has not identified any persons.
Superintendent or designee	<p>Establishes a CAC Communication Committee (Committee) to operate as a Superintendent committee. See 2:150-AP, <i>Superintendent Committees. Consider including:</i></p> <ul style="list-style-type: none"> • District Nondiscrimination Coordinator (see 2:260, <i>Uniform Grievance Procedure</i>; and 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i>) • District Safety Coordinator (see 4:170-AP1, <i>Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities</i>) • District-level administrators • Building Principals (Building Principals are mandatory for successful implementation of the Alleged Incidents of Sexual Abuse; Investigations subhead of policy 5:90, <i>Abused and Neglected Child Reporting</i>) • School personnel • Employees from the accredited CAC that serves the District <p>Chairs and convenes Committee meetings for the purpose of implementing the Alleged Incidents of Sexual Abuse; Investigations subhead of policy 5:90, <i>Abused and Neglected Child Reporting</i>.</p> <p>Note: To achieve the minimum requirement of State law that the District coordinate with its local CAC, this procedure establishes an administrative committee. Establishing a committee provides a best practice for aligning with governance principles and examining implementation issues specific to each individual school district and the CACs that serve each district. While smaller school districts, e.g., one-building districts, may be able to implement a program through one meeting, larger school districts will likely require the uniform coordination this Committee provides.</p> <p>Informs the School Board of the Committee’s progress and needs by adding information items to the Board’s agendas as needed.</p> <p>Ensures that at least every two years, school personnel are trained to understand, provide information and referrals to, and address issues pertaining to students who are parents, expectant parents, or victims of domestic or sexual violence. Note: 105 ILCS 5/10-22.39(b-25), added by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, requires this training to be</p>

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

The footnotes should be removed before the material is used.

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

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

The footnotes should be removed before the material is used.

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

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

The footnotes should be removed before the material is used.

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

Actor	Action
	<p>1. Verifies the CAC has obtained informed consent from an alleged victim over the age of 13 or the alleged victim’s parent/guardian for school personnel to view the forensic interview (105 ILCS 5/22-85(h); and Note: Each CAC may have its own consent form. Contact your local CAC to confirm that it will obtain written consent from the alleged victim over the age of 13 or the alleged victim’s parent/guardian (if under the age of 13).</p> <p>2. Views the electronic recording of the forensic interview.</p> <p>If the CAC has not performed a forensic interview of the alleged victim within 15 calendar days after DCFS/law enforcement opens an investigation, notifies the CAC that the District intends to interview the alleged victim.</p>
CAC	<p>After receiving notification that the District intends to interview the alleged victim, has 10 additional calendar days to conduct a forensic interview. 105 ILCS 5/22-85(g).</p>
Nondiscrimination Coordinator	<p>If the CAC does not conduct a forensic interview of the alleged victim within the 10 additional calendar days, proceeds with the District’s interview of the alleged victim. <u>Id.</u></p> <p>If the alleged victim is under 18 years old, makes a child advocate available to the alleged victim and allows the child advocate to be present during the interview. A child advocate may be a school social worker, a school or equally qualified psychologist, or a person in a position that ISBE has identified as an appropriate advocate for a student during a school’s investigation into an alleged incident of sexual abuse. 105 ILCS 5/22-85(i).</p> <p>Schedules regular follow-up calls to DCFS/law enforcement to inquire if the investigation of an incident has been suspended and/or is complete, including the outcome of the investigation. 105 ILCS 5/22-85(j), (k).</p>

update footnotes

General Personnel

Employee Ethics; Code of Professional Conduct; and Conflict of Interest¹

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; and (3) federal and state reporting requirements is essential to maintaining the Board's goal of professional and appropriate conduct.³

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

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); (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 ~~by 7-1-23~~, 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 \(June 2023\) is at: www.isbe.net/Documents/Faiths-Law-Resource-Guide.pdf](http://www.isbe.net/Documents/Faiths-Law-Resource-Guide.pdf). A *Faith's Law* trailer bill, P.A. 102-702, ~~eff. 7-1-23~~, 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 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and 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.

³ See 105 ILCS 5/22-85.5(b), added by P.A. 102-676.

The Superintendent or designee shall identify employee conduct standards⁴ 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 policies 2:265, *Title IX Sexual Harassment 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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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, eff. 1-1-24, requires ~~that beginning 7-1-24, each board to conduct in-service training on educator ethics~~ and responding to child sexual abuse and grooming behavior including, but not limited to, teacher-student conduct, and 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 expectations 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.s ~~101-564 and~~ 102-604, requires district employees to complete mandated reporter training within three months of initial employment and at least every three years thereafter. ~~See f/n 10 in sample policy 5:90, Abused and Neglected Child Reporting, for further detail about the training requirements.~~

775 ILCS 5/2-109, added by P.A. ~~101-221~~, 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 administrative procedure 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*.

- 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 Sexual Harassment 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 behaviors¹⁵ include, at a minimum, *sexual misconduct*. *Sexual misconduct*¹⁶ is any act, including but not limited 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

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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 administrative procedure 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, eff. 8-1-24~~. Sexual harassment of a student is also prohibited by 2:265, *Title IX Sexual Harassment Grievance Procedure*, and 7:20, *Harassment of Students Prohibited*. Sexual harassment of an employee is also prohibited by policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, and 5:20, *Workplace Harassment Prohibited*.

¹² 325 ILCS 5/4(a)(4), ~~amended by P.A. 101-564~~; 105 ILCS 5/10-23.12(c) (all district employees), ~~added by P.A. 101-534~~; 105 ILCS 5/21B-75(b) (teachers), amended by P.A.s ~~101-534~~, 102-552, and 102-702, ~~eff. 7-1-23~~.

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. 102-676, defines *grooming* as follows: "A person commits grooming when he or she knowingly 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. As used in this Section, 'child' means a person under 17 years of age."

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.

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 III. 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, added by P.A. 101-221. See 5 ILCS 420/4A-102, amended by P.A.s 101-221, 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.s 101-221 and 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.*

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 partner²²; 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

Guidance Counselor Gift Ban²⁶

Guidance 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 guidance 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 www.grants.illinois.gov <https://gata.illinois.gov/>. See also ISBE's *Procurement and Purchasing Checklist* 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 and renumbered by P.A. 102-813. *Guidance 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.*

1. Opportunities, benefits, and services available on the same conditions as for the general public.
2. Anything for which the guidance 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 guidance counselor believes that it was provided due to the official position or employment of the guidance counselor and not due to the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the guidance 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 guidance counselor, including any previous exchange of gifts between those individuals.
 - b. Whether, to the actual knowledge of the guidance 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 guidance 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.

A guidance 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.

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 Sexual Harassment 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 Terminations and Suspensions), 7:20 (Harassment of Students Prohibited)

- added Erin Shaw
→ additional Reporting Requirements

General Personnel

Administrative Procedure - Employee Conduct Standards¹

Professional and appropriate conduct is expected of all District employees. The standards listed below serve as a notice of expected conduct. The standards are intended to protect the health, safety, and general welfare of students and employees, ensure the community a degree of accountability within the School District, and define misconduct justifying disciplinary action, up to and including dismissal. The listed standards are not a complete list of expectations, and depending on the factual context, an employee may be disciplined for conduct that is not specifically listed. The conduct standards apply to all District employees to the extent they do not conflict with an applicable collective bargaining agreement; in the event of a conflict, the provision is severable and the applicable bargaining agreement will control. In addition, all employees who are governed by the *Code of Ethics for Illinois Educators* must comply with 5:120-E, *Code of Ethics for Illinois Educators*, adopted by the Ill. State Board of Education (ISBE) (23 Ill.Admin.Code Part 22).

All school employees shall:

1. Exhibit positive examples of preparedness, punctuality, attendance, self-control, language, and appearance.
2. Exemplify honesty and integrity. Violations of this standard include, but are not limited to, falsifying, misrepresenting, omitting, or erroneously reporting the professional qualifications of oneself or another individual or information submitted in connection with job duties or during the course of an official inquiry/investigation.
3. Maintain professional and appropriate relationships with students by following established expectations and guidelines for employee-student boundaries, both in and outside the school. Attend all in-service trainings on educator ethics and responding to child sexual abuse and grooming behavior including, but not limited to, teacher-student conduct, and school

The footnotes should be removed before the material is used.

¹ This procedure's list of conduct standards is more comprehensive than the list in sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*. This procedure and its exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*, are tools to prompt local conversations related to employee conduct standards, including the prevention of sexual misconduct and grooming. **Do not automatically add them to the district's procedure or personnel manual.** Many districts already have collective bargaining agreements and/or personnel manuals addressing conduct and misconduct. These items are subjects of mandatory collective bargaining. Moreover, an employee conduct code is most effective when it reflects local conversations related to expectations around employee-student boundaries and other professional ethics conditions and circumstances. As employee conduct rules are frequently litigated, consulting the board attorney is a necessary part of their development.

The introductory paragraph recognizes that an applicable collective bargaining agreement will supersede a conflicting provision of the procedure. It also provides coverage for those employees who are not included in a bargaining unit. **This language, however, does not relieve a district from its collective bargaining mandate because the district would still be adopting conduct rules without bargaining.** Use the following alternative when the district intends to use the conduct rules for only those employees who are not represented by an exclusive bargaining agent:

The employee conduct standards apply to only those District employees who are not represented by an exclusive bargaining representative.

Our sample policies contain many personnel conduct rules. The following sample policies authorize the superintendent or designee to develop and implement procedures, e.g., conduct standards: 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; and 3:40, *Superintendent*.

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 (*Erin's Law*) for all personnel (105 ILCS 5/10-22.39(b-35), added by P.A. 103-542, eff. 1-1-23 and operative 7-1-24), as well as all required trainings on child abuse, grooming behaviors, and employee-student boundary violations (325 ILCS 5/4(j), 105 ILCS 5/10-23.12, and 5/10-23.13 (*Erin's Law*)). Violations of this standard include, but are not limited to: (a) committing any act of child abuse or cruelty to children; (b) willfully or negligently failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act (325 ILCS 5/); (c) engaging in harassing behavior, including but not limited to sexually harassing a student (775 ILCS 5/5A-102, amended by P.A. 103-472, eff. 8-1-24); (d) willfully or negligently failing to report an instance of suspected sexual harassment as required by Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 *et seq.*), (e) providing a recommendation of employment for an employee, contractor, or agent that the employee knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law, as prohibited by the Elementary and Secondary Education Act (20 U.S.C. § 7926), (f) engaging in *grooming* as defined in 720 ILCS 5/11-25; (g) engaging in prohibited grooming behaviors, including *sexual misconduct* as defined in 105 ILCS 5/22-85.5(c) (*Faith's Law*) and Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; (h) furnishing tobacco, alcohol, cannabis, or any other illegal/unauthorized substance, including e-cigarettes, to any student or allowing a student under his or her supervision to use tobacco, alcohol, cannabis (including medical cannabis unless the student is authorized to be administered a medical cannabis infused product by the school employee pursuant to *Ashley's Law*²); and (i) violating expectations and guidelines for employee-student boundaries set forth in 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*.

4. Maintain a safe and healthy environment, free from being impaired by and/or under the influence of prohibited substances to ensure high quality performance for the District and its students. The use of illegal drugs and/or abuse and misuse of alcohol, drugs, and other lawful products³ while on District premises or while performing work for the District diminishes the District's credibility and ability to educate students⁴ about drug and substance abuse prevention pursuant to Board policy 6:60, *Curriculum Content*. Violations of this standard include, but are not limited to, engaging in any of the prohibited activities listed in the District's drug- and alcohol-free workplace policy.⁵ Examples include using or being impaired by or under the influence of illegal drugs; abusing, misusing, and/or being impaired by or under the influence of alcohol, drugs, and/or other lawful products⁶ when performing work for the District when impairment is detectable regardless of when and/or where the use occurred; and/or using or

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² See f/n 11 in policy 7:190, *Student Behavior*, for a discussion of medical cannabis and *Ashley's Law*.

³ The Right to Privacy in the Workplace Act (RPWA) prohibits discrimination based on use of lawful products off premises during non-working and non on-call hours, e.g., alcohol, tobacco, and cannabis. 820 ILCS 55/5, ~~amended by P.A. 101-27~~. But see f/n 7, below.

⁴ 105 ILCS 5/27-13.2, amended by P.A.s 102-195 ~~and 103-365~~, eff. 1-1-24, and 5/27-23.4 (provided education of students about drug and substance abuse can be funded by private grants or the federal government).

⁵ See sample policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*.

⁶ 820 ILCS 55/5(b), ~~amended by P.A. 101-27~~, allows employers to regulate employees' use of lawful products which impair an employee's ability to perform assigned duties.

- being impaired or under the influence of or possessing medical cannabis⁷ in a school bus or on school grounds.
5. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, hazing, and violence, and free from bias and discrimination. Violations of this standard include, but are not limited to: (a) unless specifically permitted by the Firearm Concealed Carry Act, carrying a firearm on or into any District controlled building, real property, or parking area, or any transportation vehicle paid for in whole or in part with public funds;⁸ (b) willfully or negligently failing to immediately report suspected cases of child abuse or neglect or of gender harassment;⁹ (c) knowingly failing to report hazing to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement;¹⁰ and (d) failing to appropriately respond to a witnessed or reported incident of student-on-student bullying, harassment, hazing, or teen dating violence.
 6. Comply with the [Professional Testing Practices for Educators Code of Ethics For Test Administration](#), prepared and published by ISBE for educators who administer any standardized test (at www.isbe.net/Documents/prof-test-prac.pdf www.isbe.net/Documents/AssessmentCodeofEthics-2021-22.pdf), and with any assessment-specific administration guidance (see www.isbe.net/Pages/Assessment.aspx). ~~This document contains numerous examples of actions that violate test security; actions that must not be part of test preparation; actions that must not occur during test administration; and actions that must be avoided when reporting test results.~~
 7. Honor the public trust when entrusted with public funds and property by acting with a high level of honesty, accuracy, and responsibility. Violations of this standard include, but are not limited to: (a) misusing public or school-related funds; (b) failing to account for funds collected from students or parents/guardians; (c) submitting fraudulent requests for reimbursement of expenses or for pay; (d) co-mingling District or school funds with personal funds or checking accounts; and (e) using school property without the approval of the supervising school official.
 8. Maintain integrity with students, colleagues, parents/guardians, community members, and businesses concerning business dealings and when accepting gifts and favors. Violations of this standard include, but are not limited to, soliciting students or parents/guardians to purchase supplies or services from the employee or to participate in activities that financially benefit the employee without fully disclosing the interest.
 9. Respect the confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements. Violations of this standard include, but are not limited to: (a) disclosing confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results, unless disclosure is required or permitted by law; and (b) disclosing confidential information restricted by State or federal law.
 10. Demonstrate conduct that follows generally recognized professional standards and attend all in-service trainings on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39~~(f)~~, [amended by P.A. 103-542, eff. 1-1-24 and](#)

The footnotes should be removed before the material is used.

⁷ An employer may discipline any employee, including one who is a *registered qualifying patient*, for violating a drug-free workplace policy. 410 ILCS 130/50 and 705/10-35(a)(1) ~~- added by P.A. 101-27.~~

⁸ Firearm Concealed Carry Act, 430 ILCS 66/65(a)(1), (2), and (8).

⁹ 325 ILCS 5/4(a)(4) ~~- amended by P.A. 101-564~~; 105 ILCS 5/10-23.12(c) (all district employees) ~~- added by P.A. 101-534~~; 105 ILCS 5/21B-75(b) (teachers), amended by P.A.s ~~101-534~~, 102-552, and 102-702, ~~eff. 7-1-23.~~

¹⁰ 720 ILCS 5/12C-50.1.

operative 7-1-24). Unethical conduct is any conduct that impairs the employee's ability to function professionally in his or her employment position or a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

11. Comply with all State and federal laws and rules regulating public schools and Board policies, including but not limited to: 2:105 (*Ethics and Gift Ban*), 4:165 (*Awareness and Prevention of Child Sexual Abuse and Prohibited Grooming Behaviors*), 5:10 (*Equal Employment Opportunity and Minority Recruitment*), 5:20 (*Workplace Harassment Prohibited*), 5:30 (*Hiring Process and Criteria*), 5:50 (*Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*), 5:60 (*Expenses*), 5:90 (*Abused and Neglected Child Reporting*), 5:100 (*Staff Development Program*), 5:120 (*Employee Ethics; Code of Professional Conduct; and Conflict of Interest*), 5:130 (*Responsibilities Concerning Internal Information*), 5:140 (*Solicitations By or From Staff*), 5:170 (*Copyright*), 5:180 (*Temporary Illness or Temporary Incapacity*), 5:200 (*Terms and Conditions of Employment and Dismissal*), 5:230 (*Maintaining Student Discipline*), 5:280 (*Duties and Qualifications*), 5:290 (*Employment Termination and Suspensions*), 6:235 (*Access to Electronic Networks*), 7:20 (*Harassment of Students Prohibited*), 7:180 (*Prevention of and Response to Bullying, Intimidation, and Harassment*), 7:190 (*Student Behavior*), 7:340 (*Student Records*), and 8:30 (*Visitors to and Conduct on School Property*).

Conviction of any employment disqualifying criminal offense listed in 105 ILCS 5/10-21.9 or 5/21B-80 will result in dismissal. ¹¹

Before disciplinary action is taken, the supervisor will conduct a fair and objective investigation to determine whether the employee violated a standard or other work rule and the extent that any violation impacts educational or operational activities, effectiveness, or efficiency. Discipline must be appropriate and reasonably related to the seriousness of the misconduct and the employee's record. Any applicable provision in a contract, bargaining agreement, or State law will control the disciplinary process.

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¹¹ See also sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at f/n 19, for requirements of the Ill. Human Rights Act related to adverse employment actions based on conviction records. 775 ILCS 5/2-103.1, added by P.A. 101-656.

Requires mailing/mailing personnel file if requested

General Personnel

Personnel Records ¹

Maintenance and Access to Records

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and federal law and School Board policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District’s administrative office, under the Superintendent’s direct supervision.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent. ²
2. An employee’s supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee’s written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*. 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. 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 is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. When a policy’s subject matter is superseded by a bargaining agreement, the board policy can state, “Please refer to the applicable collective bargaining agreement(s).”

² An employee has the right to [view-inspect or request a copy of](#) his or her personnel file contents, with a few exceptions. Ill. Personnel Record Review Act (PRRA), 820 ILCS 40/2, [amended by P.A. 103-201, eff. 1-1-24](#). Thus, personnel files should contain only factual and accurate job-related information. Additionally, 105 ILCS 5/22-94(e), *a/k/a Faith’s Law*, added by P.A. 102-702, [eff. 7-1-23](#), requires a district to maintain as part of an employee’s personnel file a form including sexual misconduct related information; the form is completed at the time of separation of employment or at the request of the employee. See [sample administrative procedure 5:150-AP, Personnel Records](#). Finally, the PRRA identifies records that may not be kept: a record of an employee’s associations, political activities, publications, communications, or non-employment activities (820 ILCS 40/9, [subject to limited exceptions](#)) and records identifying an employee as the subject of an investigation by the Ill. Dept. of Children and Family Services (DCFS) if the investigation resulted in an unfounded report as specified in the Abused and Neglected Child Reporting Act (820 ILCS 40/13). See *fn 5*.

³ Unless a specific exemption is available, personnel file information is available to anyone making a FOIA request. 5 ILCS 140/. Specific exemptions protect the following:

1. *Private information* meaning “unique identifiers, including a person’s social security number, driver’s license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.” 5 ILCS 140/7(1)(b); 5 ILCS 140/2(c)-5.
2. *Personal information* “the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 ILCS 140/7(1)(c).

Prospective Employer Inquiries Concerning a Current or Former Employee's Job Performance

The Superintendent or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance.⁴ The Superintendent shall:⁵

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

3. *Information prohibited from being disclosed under the Illinois Educational Labor Relations Act (IELRA).* 5 ILCS 140/7.5(yy); 115 ILCS 5/3(d). The prohibitions in the IELRA overlap with some categories of private information identified in FOIA and include: (a) the employee's home address (including ZIP code and county); (b) the employee's date of birth; (c) the employee's home and personal phone number; (d) the employee's personal email address; (e) any information personally identifying employee membership or membership status in a labor organization or other voluntary association affiliated with a labor organization or a labor federation; and (f) e-mails or other communications between a labor organization and its members. Unless a specific exception in the IELRA applies, if a district receives a third-party request for any of these six categories of information about an employee, the district must provide the union with a copy of the written request (or written summary of an oral request), as well as a copy of the district's response within five business days of sending the response. If the employee is not in a bargaining unit, then these notices must be given directly to the employee. 115 ILCS 5/3(d). **Note:** It is best practice to maintain union-related documents, such as grievances, separately from an employee's personnel file.
4. *Information prohibited from being disclosed by the PRRA.* 5 ILCS 140/7.5(q). The PRRA prohibits the disclosure of a performance evaluation under FOIA. 820 ILCS 40/11. The treatment of a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age and nature of the responsive record. If the responsive record is more than four years old and is not related to an incident or attempted incident of sexual abuse, severe physical abuse, or sexual misconduct as defined in 105 ILCS 5/22-85.5(c), the request must be denied unless the disclosure is permitted by the Act. 5 ILCS 140/7.5(q); 820 ILCS 40/8, amended by P.A. 102-702, ~~eff. 7-1-23~~. If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse, severe physical abuse, or sexual misconduct as defined in 105 ILCS 5/22-85.5(c), the request cannot be denied. 820 ILCS 40/8, amended by P.A. 102-702, ~~eff. 7-1-23~~. If the responsive record is four years old or less (regardless of its nature), the district should provide the record and must notify the employee in written form or through email, if available. 820 ILCS 40/7 and 40/8, amended by P.A. 102-702, ~~eff. 7-1-23~~.

The School Code prohibits the disclosure of school teacher, principal, and superintendent performance evaluations except as otherwise provided in the certified employee evaluation laws. 105 ILCS 5/24A-7.1. Finally, sexual misconduct employment history review (EHR) information received pursuant to 105 ILCS 5/22-94, added by P.A. 102-702, ~~eff. 7-1-23~~, is not deemed a public record under the School Code. However, P.A. 102-702, ~~eff. 7-1-23~~, did not specifically amend or reference FOIA. Districts should consult their board attorneys if they receive FOIA requests for EHR information regarding current or former employees.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub.L. 104-191) created national standards to protect individuals' medical records and other personal health information. If a district is a *covered entity* (i.e., offers a self-insured group health plan or flexible spending account), it must establish clear procedures to protect the employee's health information. 45 C.F.R. §164.502. Such districts should consult their attorneys and insurance provider for assistance.

⁴ The Employment Record Disclosure Act (745 ILCS 46/10) provides conditional immunity to employers responding to a reference request; it states: "Any employer or authorized employee or agent acting on behalf of an employer who, upon inquiry by a prospective employer, provides truthful written or verbal information, or information that it believes in good faith is truthful, about a current or former employee's job performance is presumed to be acting in good faith and is immune from civil liability for the disclosure and the consequences of the disclosure." This immunity statute does not, however, create an exemption to the requirements in the PRRA. The PRRA requires an employer to give an employee written notice before divulging a "disciplinary report, letter of reprimand, or other disciplinary action to a third party." 820 ILCS 40/7. An employment application may contain a waiver of this notice. *Id.*

⁵ 325 ILCS 5/4(d) requires a superintendent, upon being asked 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. For more information, see [sample administrative procedure 5:150-AP, Personnel Records](#).

1. Execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for 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 Ill. Dept. of Children and Family Services (DCFS); and
2. Comply with the federal law prohibiting the District from providing a recommendation of employment for an employee, contractor, or agent that District knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law,⁶ but the Superintendent or designee may follow routine procedures regarding the transmission of administrative or personnel files for that employee.
3. Manage the District's responses to employer requests for sexual misconduct related employment history review (EHR) information in accordance with *Faith's Law*.⁷

When requested for information about an employee by an entity other than a prospective employer, the District will only confirm position and employment dates unless the employee has submitted a written request to the Superintendent or designee.

LEGAL REF.: 20 U.S.C. §7926.
 105 ILCS 5/22-94.
 325 ILCS 5/4, Abused and Neglected Child Reporting Act.
 745 ILCS 46/10, Employment Record Disclosure Act.
 820 ILCS 40/, Personnel Record Review Act.
 23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to District Public Records), 5:90 (Abused and Neglected Child Reporting), 7:340 (Student Records)

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Required by the Elementary and Secondary Education Act (ESEA) (20 U.S.C. §7926). On 6-27-2018, the U.S. Dept. of Education issued a *Dear Colleague Letter* stating that school policies must explicitly state this requirement. See the resources portion for the letter at: www2.ed.gov/policy/elsec/leg/essa/index.html. See also sample administrative procedure 2:265-API, *Title IX Sexual Harassment Response*, at f/n 7.

Consult the board attorney about what “or has probable cause to believe, has engaged in sexual misconduct” means. For guidance, sample policy 5:90, *Abused and Neglected Child Reporting*, and its f/n 15⁴ analysis define an “alleged incident of sexual abuse” as 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.

⁶ Consult the board attorney in these situations for help about what the superintendent may or may not say. Questions exist whether the superintendent says nothing, provides a neutral reference, or whether a *recommendation* could mean positive or negative statements.

⁷ 105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23.

Requires keeping pay scales/benefits
↓ job postings for 5 years

General Personnel

Administrative Procedure - Personnel Records

Applicant Records

Records for a successful employment applicant are maintained with the individual's employment records. Records for an unsuccessful employment applicant are maintained for no less than five years from the application date.¹ Applicant records include the following if received by the District:

- Employment application forms
- Transcripts
- Previous work experience
- References
- Such other relevant information as the District desires of applicants for screening purposes

Personnel Records

Personnel records for all employees include:

- [Job posting, pay scale, and benefits for the employee's position \(beginning 1-1-25\)](#) ²
- Pre-employment records, including verification of past employment
- Dates of employment
- Valid certificate and/or evidence of required credentials for services being performed
- Criminal background investigation history and report
- Sexual Misconduct Related Employment History Review (EHR) records ³
- Form I-9 required under the Immigration Reform and Control Act ⁴
- Records maintained pursuant to Internal Revenue Service regulations
- Payroll information and deductions, including all records required to be kept by 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act* (29 C.F.R. §§516.2 and 516.3) [and the Equal Pay Act of 2003, 820 ILCS 112/20](#) ⁵

The footnotes should be removed before the material is used.

¹ Equal Employment Opportunity Commission regulations require employers to retain all personnel records, including applications, for at least one year from the date the record was made or any personnel action was taken, whichever is later. 29 C.F.R. §1602.14. A longer retention period allows the district to gather data that may be used to defend a discrimination complaint.

² [820 ILCS 112/20, amended by P.A. 103-539, eff. 1-1-25. These records are not specifically required to be kept in an employee's personnel file but are included in this sample procedure for ease of administration.](#)

³ 105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23. See [sample administrative procedure 5:30-AP3, Sexual Misconduct Related Employment History Review \(EHR\)](#).

⁴ For information on Form I-9, see *Handbook for Employers, Instructions for Completing Form I-9, Form I-9 Resources* at: www.uscis.gov/i-9-central/form-i-9-resources. The Ill. Right to Privacy in the Workplace Act (820 ILCS 55/) imposes requirements on employers who use the E-Verify Program, see: <https://labor.illinois.gov/laws-rules/conmed/privacy-workplace.html>.

⁵ [The payroll recordkeeping requirements of the Equal Pay Act of 2003 \(EPA\), 820 ILCS 112/20, amended by P.A. 103-539, eff. 1-1-25, overlap with the requirements of the FLSA and are not separately listed in this procedure. They include employee name, address, occupation, and wages. Id. However, the EPA requires these records be maintained for five years, compared to three years under the Fair Labor Standards Act. Id.; 29 C.F.R. §516.5.](#)

Records maintained for the Ill. Teachers' Retirement System or the Ill. Municipal Retirement System
Credit release information
Sick leave, leaves of absence, personal leave, and vacation data (where appropriate)
Salary schedule data
Relevant health and medical records, including the verification of freedom from tuberculosis required by the School Code (105 ILCS 5/24-5) ⁶
Supervisory evaluations
Promotions
Awards received
Personnel documents that have been or are intended to be used in determining an employee's qualification for promotion, transfer, discharge, or disciplinary action ⁷
Disciplinary actions and accompanying records
Notice of discharge and accompanying records
Letter of resignation or retirement
Notification that an employee is the subject of an Ill. Dept. of Children and Family Services (DCFS) investigation pursuant to the Abused and Neglected Child Reporting Act (ANCRA) and any report to DCFS made or caused to be made by a District employee concerning another employee; this record will be deleted if DCFS informs the District that the allegations were unfounded ⁸
Any additional information the District deems to be relevant
In addition to the above, personnel records for all professional personnel include:
Valid certificate for services being performed
Copies of official transcripts required by the School Code (105 ILCS 5/24-23)
Transcripts of graduate work completed
Verification of past teaching experience, if any
Record of in-service work completed
Acknowledgement of mandated reporter status
Employment records will be maintained permanently for all District employees and former employees unless the Local Records Commission's approval is obtained to dispose of them.

Restrictions on Information that May Be Kept

The District will not gather or keep a record of an employee's associations, political activities, publications, communications, or non-employment activities, unless the employee submits the information in writing or authorizes the District in writing to keep or gather such records. However, the District may gather or keep records in an employee's personnel file concerning: (1) activities or associations with individuals or groups involved in the physical, sexual, or other exploitation of a minor,

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⁶ The Americans with Disabilities Act requires that employment health and medical records be kept separately from the regular personnel file. 42 U.S.C. §12112(d)(3).

⁷ The Personnel Record Review Act (PRRA) restricts an employer's ability to use record information during a proceeding in court or before a hearing officer that was not included in the personnel record. 820 ILCS 40/4. Thus, this item becomes a statement of what must be kept in an employee's personnel record.

⁸ 820 ILCS 40/13; 325 ILCS 5/4 and 5/7.4; see the last section of this procedure for additional requirements. According to ANCRA: (1) DCFS must notify the employer of an individual who is the subject of a formal child abuse or neglect investigation if his or her employment results in frequent contact with children (325 ILCS 5/7.4(b)(4)); and (2) when a report is made by a school district employee involving the conduct of an individual employed by the district, the appropriate Child Protective Service Unit must send a copy of its final finding report to the district superintendent (325 ILCS 5/7.4(c-5)).

or (2) activities occurring on the District's premises or during the employee's working hours that interfere with the performance of the employee's duties or activities, or those of other employees, regardless of when and where occurring, that constitute criminal conduct or may reasonably be expected to harm the District's property, operations or educational process, or programs, or that could, by the employee's actions, cause the District financial liability. 820 ILCS 40/9.

Access to Employee Records and Correction Requests

An employee is granted access to his or her personnel records according to provisions in the Ill. Personnel Record Review Act (PRRA), 820 ILCS 40/, and any relevant provisions in an applicable collective bargaining agreement. Except for the documents described in 820 ILCS 40/10, an employee is granted access to his or her personnel records at least two times in a calendar year at reasonable intervals. Unless otherwise indicated in an applicable bargaining agreement, access to the employee's personnel records will be according to the following guidelines:

1. The employee must submit a written inspection request to the Superintendent or the Superintendent's designee.
2. The Superintendent or designee will provide the employee the opportunity for inspection within seven working days after the request. If such deadline cannot reasonably be met, the District will have an additional seven days to comply.
3. The employee will inspect the personnel record at the District's administrative office during normal working hours or at another time mutually convenient to the employee and the Superintendent or designee.
4. Inspection of personnel records will be conducted under the supervision of an administrative staff member.
5. Neither an employee nor his or her designated representative will have access to records that are treated as exceptions in the PRRA discussed below.
6. The employee may copy material maintained in his or her personnel record. Payment for record copying will be based on the District's actual costs of duplication.
7. The employee may not remove any part of his or her personnel records from his or her file or may not remove any part of his or her personnel records from the District's administrative office.
8. ~~Should the employee demonstrate his or her inability to inspect his or her personnel records in person, Upon the employee's request, the District will email or mail a copy of the specific record(s) to the email address or mailing address identified by the employee for the purpose of receiving the record(s) upon written request. The District will charge a fee for providing a copy of the records not to exceed the actual cost of the copying.~~ ²
9. Should the employee be involved in a current grievance against the District or involved in any other contemplated proceedings against the District, the employee may designate in writing a representative who has the authority to inspect the personnel records under the same rights as the employee.
10. If the employee disagrees with any information contained in the personnel record, a removal or correction of that information may be mutually agreed upon by the District and employee. If agreement cannot be reached, the employee may submit a written statement explaining his or her position. The District will attach the employee's statement to the disputed portion of the personnel record and the statement will be included whenever that disputed record is released to a third party as long as the disputed record is part of the employee's personnel file. Inclusion

The footnotes should be removed before the material is used.

² Optional. 820 ILCS 40/2, amended by P.A. 103-201, eff. 1-1-24.

of any written statement attached to the disputed record in an employee's personnel file without any further comment or action by the District will not imply or create any presumption that the District agrees with the statement's contents.

Requests by Third Parties

The Board Attorney shall be consulted whenever a subpoena or court order requests personnel record information. Any other request for personnel information by a third party will be treated as a FOIA request and immediately forwarded to the School District's Freedom of Information Officer (see 2:250-AP1, *Access to and Copying of District Public Records*). Concerning a request for a disciplinary report, letter of reprimand, or other disciplinary action:

1. If the responsive record is more than four years old and is not related to an incident or an attempted incident of sexual abuse, severe physical abuse, or sexual misconduct as defined in 105 ILCS 5/22-85.5(c), access will be denied unless the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q); 820 ILCS 40/8, amended by [P.A. 102-702, eff. 7-1-23](#).
2. If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse, severe physical abuse, or sexual misconduct as defined in 105 ILCS 5/22-85.5(c), the request cannot be denied. 820 ILCS 40/8, amended by [P.A. 102-702, eff. 7-1-23](#).
3. If the responsive record is four years old or less, access will be granted (regardless of its nature). The District will provide the employee with written notice or through electronic mail, if available, on or before the day any such record is released, unless notice is not required under the Personnel Record Review Act. 5 ILCS 140/7.5(q); 820 ILCS 40/7 and 40/8, amended by [P.A. 102-702, eff. 7-1-23](#).
4. The employee will not be informed if the employee has specifically waived written notice as part of a written, signed employment application with another employer; the disclosure is ordered to a party in a legal action or arbitration; or information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

A FOIA request for a performance evaluation will be denied. 820 ILCS 40/11, 5 ILCS 140/7.5(q).

Before replying to a request from a third party, the District will review the requested records and delete or redact material that is protected from disclosure. 820 ILCS 40/8, amended by [P.A. 102-702, eff. 7-1-23](#).

Restriction on Employee Access

The PRRA, 820 ILCS 40/10, provides that the right of the employee or the employee's designated representative to inspect his or her personnel records does not extend to:

1. Letters of reference for that employee.
2. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document.
3. Materials relating to the employer's staff planning, such as matters relating to the District's development, expansion, closing or operational goals, where the materials relate to or affect more than one employee, provided, however, that this exception does not apply if such materials are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual employee's discharge or discipline.
4. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

5. Records relevant to any other pending claim between the District and employee that may be discovered in a judicial proceeding.
6. Investigatory or security records maintained by the District to investigate criminal conduct by an employee or other activity by the employee that could reasonably be expected to harm the District's property, operations, or education process or programs, or could by the employee's activity cause the District financial liability, unless and until the District takes adverse personnel action based on information in such records.

Complying with Requirements in the Abused and Neglected Child Reporting Act

The Superintendent will execute the requirements in ANCRA whenever a District employee makes a report to DCFS involving another District employee's conduct. This includes performing the following tasks (325 ILCS 5/4 and 820 ILCS 40/13):

1. Disclose to any school district requesting information concerning a current or former employee's job performance or qualifications the fact that he or she was the subject of another employee's report to DCFS. Only the fact that a District employee made a report may be disclosed.
2. Inform the District employee who is or has been the subject of such report that the Superintendent will make the disclosure as described above.
3. Delete the record of such a report if DCFS informs the District that the allegation was unfounded.

Complying with Requirements of Faith's Law¹⁰

The Superintendent or designee shall execute the recordkeeping requirements of *Faith's Law*. This includes performing the following tasks (105 ILCS 5/22-94(e)):

1. At the time of an employee's separation from employment, or upon request of any employee, ensures the completion of the *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response* form, using the Ill. State Board of Education *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response Template* at: www.isbe.net/Documents/Temp2-Auth-Release-Sexual-Misconduct-Related-Info.pdf.
2. If the District is still investigating an employee for *sexual misconduct*¹¹ after the employee's separation from employment, updates the information in the *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response* form accordingly.¹²
3. Maintains the completed *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response* form in the employee's personnel file.
4. Responds to employer requests for sexual misconduct related employment history information under *Faith's Law* by: (a) completing the *Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response* form provided by the employer

The footnotes should be removed before the material is used.

¹⁰ 105 ILCS 5/22-94(e), added by P.A. 102-702, ~~eff. 7-1-23~~. The contents of this subhead implement: (1) the *Faith's Law* recordkeeping requirements contained in the **Special Superintendent Responsibilities** subhead in sample policy 5:90, *Abused and Neglected Child Reporting*, and (2) the obligation to respond to employer requests for information under *Faith's Law* contained in the **Prospective Employer Inquiries Concerning a Current or Former Employee's Job Performance** subhead in sample policy 5:150, *Personnel Records*.

¹¹ *Sexual misconduct* is defined in 105 ILCS 5/22-85.5(c), added by P.A. 102-676.

¹² 105 ILCS 5/22-94(e), added by P.A. 102-702, ~~eff. 7-1-23~~.

within 20 calendar days of receipt, and (b) providing to the employer any relevant information, including copies of personnel records, regarding instances of sexual misconduct in accordance with the instructions on the form.

LEGAL REF.: 29 C.F.R. Part 516.
5 ILCS 140/, Freedom of Information Act.
105 ILCS 5/22-94.
325 ILCS 5/4 and 5/7.4, Abused and Neglected Child Reporting Act.
820 ILCS 40/, Personnel Record Review Act.
820 ILCS 112/20, Equal Pay Act of 2003.
23 Ill.Admin.Code §1.660.

Extends short term
substitute teaching
licensure

Professional Personnel

Teacher Qualifications¹

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 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. 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; 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). ~~School boards may participate in the Illinois Teacher Corps; however as of 9-1-11 individuals may no longer be admitted to Illinois Teacher Corps programs. 105 ILCS 5/21-11.4, repealed in 2013.~~

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 ~~401-643 and 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 6-30-2023, 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). 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) *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 ~~The highly-qualified teacher requirement of the No Child Left Behind Act, formerly found in §6319 of the Elementary and Secondary Education Act (ESEA, 20 U.S.C. §6319), was repealed by the Every Student Succeeds Act (ESSA, Pub. L. 114-95, eff. 12-10-15). ESEA federal implementing regulation 34 C.F.R. §200.55 was updated on 7-7-17 (82 Fed. Reg. 31706), and State implementing regulations at 23 Ill. Admin.Code Part 25, Appendix D (criteria for identification of teachers as highly-qualified) were finally repealed on 6-3-21. Information on State implementation of ESSA is available at: www.isbe.net/essa.~~

The Superintendent or designee shall:

3. Monitor compliance with State and federal law requirements that teachers be appropriately licensed;⁵
4. 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
5. 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, ~~5/21-11.4~~, 5/21B-15, 5/21B-20, 5/21B-25, 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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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).

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).

Prioritizing PE, Art

Music license holders

Section 4

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

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. 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/IASB/media/Documents/found_prin.pdf 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, amended by P.A.s 101-12 and 101-643. 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 101-642, 102-14, 102-15, 102-334, and 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 5/24-1-1e, added by P.A. 102-15 and scheduled to be repealed on 1-1-23, and 105 ILCS 5/24-2(e), amended by P.A.s 101-642 and 102-15, designated 2020 Election Day on 11-3-2020 and 2022 Election Day on 11-8-22 as legal school holidays for purposes of 105 ILCS 5/24-2. 10 ILCS 5/24-1-1e, added by P.A. 102-15 and scheduled to be repealed on 1-1-23, requires any school closed on 2022 Election Day to make itself available to an election authority as a polling place on those days.

No waiver exists for 2022 Election Day. 105 ILCS 5/24-2(b) and (e), amended by P.A.s 101-642 and 102-15 and 103-467.

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.

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 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 Transfers¹⁰

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.

Commented [JD1]: Footnote 10, which formerly appeared after the first sentence of the paragraph under this subhead, has been moved to the subhead title

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

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, eff. 1-1-24, added by P.A. 101-12 and amended by P.A. 101-643. See www.isbe.net/school-calendar for ISBE's instructional day changes notice regarding this law. See 105 ILCS 5/10-19.05, amended by P.A. 103-560, eff. 1-1-24, added by P.A. 101-12 and amended by P.A. 101-643, 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. §2000ge et seq, added by Pub.L. 117-328, 740 ILCS 137/820 ILCS 260/ ~~Ill. law requires more of employers than federal law~~. Consult the board attorney to ensure the district is properly accommodating nursing mothers. See [simple 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, amended by P.A. 101-443 (minimum salary). 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://foiarpac.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.*, 311 Ill. App.3d 550 (2nd Dist. 1975); *Lewis v. Bd. of Educ.*, 181 Ill. App.3d 689 (5th Dist. 1989).

105 ILCS 5/22-95(a), added by P.A. 103-46, eff. 1-1-24, 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 professional educator licensure applicants to pass the licensure content area test for the content area the educator is assigned to teach or complete nine semester hours of coursework in the content area prior to the educator's employment start date, among other requirements. Id. At (b). However, the law does not make clear whether the licensure requirements in 105 ILCS 5/22-95(b), added by P.A. 103-46, eff. 1-1-24, apply only to physical education, music, and visual arts. Consult the board attorney to determine the applicability of these provisions.

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

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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, added by P.A. 101-591, 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 101-643, 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 101-643 and 102-552 and 103-500.
Tenured and Non-tenure Teachers Reduction in Force	105 ILCS 5/24-12(b), amended by P.A.s 103-598, eff. 1-1-24, and 103-500/01-643, and (c)
Tenured Teacher Discharge Where Cause Remediable	105 ILCS 5/24-12(d) (prior reasonable warning required), amended by P.A.s 101-531, 101-643, and 102-708 and 103-354, eff. 1-1-24. 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.s 101-531, 101-643, and 102-708 and 103-354, eff. 1-1-24. 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 101-531, 101-643, 102-708 and 103-354, eff. 1-1-24. 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.s 101-531, 101-643, and 102-708 and 103-354, eff. 1-1-24. 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), amended by P.A. 101-643 (no prior warning required if cause(s) were subject of remediation plan) 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.s 101-531, 101-643, and 102-708 and 103-354, eff. 1-1-24. 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. 102-252 (forego remediation and proceed to dismissal) 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.s 101-531, 101-643, 102-708, and 103-354, eff. 1-1-24. 105 ILCS 5/10-22.4 (general authority)

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, [5/22-95](#), 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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Educational Support Personnel Employees (non-licensed)	105 ILCS 5/10-23.5, amended by P.A.s 101-46 and 102-854.
Probationary Teacher (non-tenure teacher)	105 ILCS 5/24-11, amended by P.A.s 101-643 ; 102-552, and 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 5/22-95, amended by PA 103-46, eff. 1-1-24, 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 ~~103-500/01-643~~, 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](#), ~~2022 IL App (2d) 2101872~~ 12 N.E.3d 565 (Ill. App. Ct. 2nd Dist. 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, ~~and~~ 102-729, ~~and~~ 103-85. Teacher evaluation plans are covered in *PERA Overview for School Board Members* at: www.iasb.com/law/PERAoverview.pdf.

Teacher Resignations during the school year

Professional Personnel

Resignations ¹

~~Tenured t~~Teachers may resign at any time with consent of the School Board ~~or by written notice sent to the Board Secretary at least 30 days before the intended date of resignation.~~ However, ~~n~~ No teacher may resign during the school term in order to accept another teaching position without the consent of the Board. A teacher may resign outside of a school term if the teacher provides written notice to the secretary of the Board, at least 30 calendar days prior to the first student attendance day of the following school year. Teachers who resign with less than 30 days' notice prior to the first student attendance day of the following school term will be deemed to have resigned during the school term.

LEGAL REF.: 105 ILCS 5/24-14.
Park Forest Heights School Dist. v. State Teacher Certification Bd., 363 Ill.App.3d 433 (1st Dist. 2006).

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

Districts may want to add a liquidated damages clause to individual teacher contracts in order to discourage teacher resignations in violation of this policy and law. 105 ILCS 5/24-14, amended by P.A.s 102-552 and 103-549, refers to a school term as commencing on the first day of student attendance. The term school term is undefined in 105 ILCS 5/24-14. There have been occasions where a regional superintendent has interpreted the school term to begin on a teacher institute day, rather than a student attendance day. A teacher who resigns during the school term, without the board's permission, or who resigns in order to accept another teaching assignment may be referred by the board to the State Superintendent of Education, who shall convene an informal evidentiary hearing within 90 days after receipt of a district's referral a resolution by the board. Id. 105 ILCS 5/24-14, amended by P.A.s 100-531 and 102-552. The referral to the State Superintendent must be submitted within 10 business days after the board denies acceptance of the resignation and contain: (1) a dated copy of the teacher's resignation letter; (2) a copy of the reporting district's current school year calendar; (3) proof of employment for the school year at issue; (4) documentation showing that the board did not accept the teacher's resignation; and (5) evidence that the teacher left the district in order to accept another teaching assignment. Id. The district must also notify the teacher of the referral within five business days after submitting it to the State Superintendent. Id. A teacher found guilty of resigning during the school term to accept another teaching position without board consent will have his or her license suspended for one calendar year. Id. In lieu of a hearing and finding, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent. Id. See also Park Forest Heights Sch. Dist. v. State Teacher Certification Bd., 363 Ill.App.3d 433 (1st Dist. 2006)(regional superintendent may suspend for one year the teaching certificate of a tenured or nontenured teacher who resigns to accept another position).

For further guidance, see Ill. State Board of Education non-regulatory guidance on the Application of Section 24-14 of the Illinois School Code to Teacher Resignations (10-28-19) at: www.isbe.net/Documents/section-24-14-guidance.pdf.

Pension for Subs + how long we can use Subs

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 120 days beginning with the 2021-2022 through the 2022-2023 school year, otherwise 90 paid school days in any one school term.
2. A teacher holding a Professional Educator License⁴ or Educator License with Stipulations⁵ 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, 2026³, a substitute teacher who is a TRS annuitant may substitute teach for a period not to exceed 100 paid 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

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¹ State law controls this policy's content. Sample pPolicy 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.

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(k). 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.s 101-594 and 102-894-eff. 1-1-23, and 23 Ill.Admin.Code Part 25. 105 ILCS 5/21B-20(2)(E) 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.

⁶ 40 ILCS 5/16-118, amended by P.A.s 101-645 (specifying permissible paid days and hours for TRS annuitants), 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.s 101-49 and 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."

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 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.

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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 inoperative on and after 7-1-23~~, governs Short-Term Substitute Teaching Licenses, which may be issued from 7-1-18 until 6-30-283. 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, scheduled to be repealed on 7-1-23~~, 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 in 5:220-AP. 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. ~~This provision repeals on 7-1-23.~~

¹⁰ Through 6-30-283, 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, inoperative on and after 7-1-23.~~

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.*

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)."

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).
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)

Professional Personnel

Administrative Procedure - Substitute Teachers¹

Minimum Qualifications of the Substitute Teacher

Substitute teachers are generally required to have one of the following that is valid in Illinois:

1. Professional educator license or professional educator license with stipulations that required a bachelor's degree for issuance
2. Substitute teaching license

Exceptions in 105 ILCS 5/21B-20(2)(E) and (F) allow individuals who do not hold a bachelor's degree to substitute teach in career and technical education classrooms if they hold an educator license with stipulations and such license holds: a career and technical educator endorsement or a provisional career and technical educator endorsement.

Additionally, any individual who serves as a substitute teacher for driver's education must be endorsed for driver's education pursuant to 23 Ill.Admin.Code §25.100(h).

Minimum Qualifications of the Short-Term Substitute Teacher²

Short-term substitute teachers must:

1. Hold a valid Short-Term Substitute Teaching License; and
2. Have completed the District's short-term substitute teacher training program.

The District's short-term substitute teacher training program provides short-term substitutes with information on curriculum, classroom management techniques, school safety, and District and building operations. This training program is also available to individuals who hold a Substitute Teaching License and/or substitute teachers holding a Professional Educator License.³

Personnel File Requirements

All substitute teachers shall have each of the following documents on file with the District Administrative Office.

1. Completed application for employment and transcript of college credits
2. Evidence of license registration

The footnotes should be removed before the material is used.

¹ These sample procedures must be amended to reflect actual practice. It should be clear who has responsibility for maintaining the substitute list, contacting them, recording work days, and evaluating them. A superintendent may also refer to a Substitute Handbook, if one exists, as well as additional pay provisions.

² 105 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 6-30-283.

³ 105 ILCS 5/10-20.67, amended by P.A. 103-111, requires boards to conduct this training. This provision repeals on 7-1-23. For further discussion see f/n 10 in [sample policy](#) 5:220, *Substitute Teachers*.

3. Evidence of physical fitness to perform assigned duties and freedom from communicable disease ⁴
4. State and federal tax forms
5. If applicable, Immigration and Naturalization Service, Form I-9
6. Signed *Acknowledgement of Mandated Reporter Status* form provided by DCFS and, if applicable, evidence that the individual completed mandated reporter training within three months of initial employment and at least every three years after that date (required by the Abused and Neglected Child Reporting Act, 325 ILCS 5/4)

Contact ISBE, the ROE, or Intermediate Service Center with questions. More information is on the ISBE website, *Substitute Teacher License* at: www.isbe.net/Pages/Educator-Licensure-Requirements.aspx.

District Responsibilities

1. The Superintendent or designee maintains a list of all substitute teachers in the District Administrative Office.
2. The Superintendent or designee verifies:
 - a. Criminal background check results
 - b. Appropriate license and registration
 - c. References and employment verification

Additional Requirements and Procedures

1. Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*
2. Administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*
3. Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*
4. Board policy 5:30, *Hiring Process and Criteria*
5. Administrative procedure 5:30-AP2, *Investigations*
6. Board policy 5:150, *Personnel Records*

Standard Duties of All Substitute Teachers

1. Keep and leave a status report of lesson plans completed and leave a report of the group's accomplishments.
2. Manage all recording of assignments and grading during the time worked as outlined in the applicable collective bargaining agreement or duties for substitute teachers.
3. Prepare plans for the following day's work.
4. Follow the regular teacher's lesson plans.
5. Leave the classroom and its equipment in order.
6. Leave a note reporting any unusual experience with a student during the day.
7. Hold as confidential any information concerning staff, parents, or students.
8. Be consistent in dealing with others; emphasize the positive, yet be firm and sympathetic.
9. When notified in time, arrive at least 20 minutes before the school period starts, and remain on duty at least 20 minutes after dismissal time.
10. Check with the office when reporting for substitute duty, and check with the office before leaving to see if you will be needed the next day.
11. If temporarily or permanently withdrawing from substitute work, so inform the District office.

The footnotes should be removed before the material is used.

⁴ 105 ILCS 5/24-5(b-5), amended by P.A. 101-81, states "A new or existing substitute teacher employee may be subject to additional health examinations, including screening for tuberculosis, as required by rules adopted by the Department of Public Health or by order of a local public health official." The Ill. Dept. of Public Health does not require school employees to be screened for tuberculosis other than workers in child day care and preschool settings. 77 Ill.Admin.Code §696.140(a)(3).

12. Report any issues you encounter to the Building Principal.

Compensation

1. The rate of pay for substitute teachers is established from time-to-time by the School Board.
2. Substitute teachers are employed and paid for only days actually worked. Substitutes are not paid for holidays, vacation days, or days of illness.

Assignment Procedures

Substitute teachers will be called as needed from the office of the Building Principal. Only individuals who are on the substitute teacher list, as compiled by the Superintendent or designee, may be called for substitute work. Substitute teachers are given as much notice as possible; however, they may be called the morning they are needed.

Building-Level Responsibilities

The person arranging for a substitute teacher's service shall provide each substitute with the information relevant to the service, for example:

1. District map with locations of District schools indicated
2. District and school building emergency procedures, location of emergency equipment, etc.
3. School directory
4. School calendar and handbook
5. District student behavior policy and procedures

LEGAL REF.: 105 ILCS 5/10-20.67, 5/21B-20(2), 5/21B-20(3), 5/21B-20(4), and 5/24-5(b-5).
23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teacher License).

Professional Personnel

Leaves of Absence¹

Each of the provisions in this policy applies to all professional personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Sick and Bereavement Leave²

Each full-time professional staff member is granted 10 days sick leave each school year at full pay. Unused days are allowed to accumulate to 180 days. Sick leave is defined in State law as personal

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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 is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. The introductory paragraph recognizes that an applicable collective bargaining agreement or individual employment contract will supersede a conflicting provision of the policy. It also provides policy coverage for those professional personnel who are not included in a bargaining unit or have employment contracts with conflicting provisions. Alternatively, if the policy's subject matter is superseded by a bargaining agreement, the board policy may state, "Please refer to the applicable collective bargaining agreement(s)."

Districts must coordinate leaves provided by State law and the local bargaining agreement with the leave granted by the Family and Medical Leave Act (FMLA) (29 U.S.C. §2612), amended by Sec. 565 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111-84). The FMLA grants eligible employees 12 weeks unpaid leave each year for: (1) the birth and first-year care of a child; (2) the adoption or foster placement of a child; (3) the serious health condition of an employee's spouse, parent, or child; (4) the employee's own serious health condition; (5) the existence of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on *covered active duty*; and (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. Districts are permitted to count paid leave (granted by State law or board policy) taken for an FMLA purpose against an employee's FMLA entitlement. 29 C.F.R. §825.207. See sample policy 5:185, *Family and Medical Leave*.

A plethora of State laws grant leaves to employees of the State and municipalities but are not applicable to school districts, including the Employee Blood Donation Leave Act (820 ILCS 149/), Local Government Disaster Service Volunteer Act (50 ILCS 122/), Organ Donor Leave Act (5 ILCS 327/), ~~and~~ Civil Air Patrol Leave Act (820 ILCS 148/), ~~and~~ [Paid Leave for All Workers Act \(820 ILCS 192/\)](#).

² The provisions in this section are required by 105 ILCS 5/24-6, amended by P.A.s 102-275, 102-697, and 102-866. Each specified number of days in this section is the statutory minimum. Before adopting this policy or applying its provisions, the district should examine any applicable bargaining agreements.

~~105 ILCS 5/24-6, amended by P.A.s 102-275, 102-697 and 102-866, requires districts to return any sick leave days used by a teacher for a qualifying COVID-19 related reason during the 2021-2022 school year, provided the teacher was "fully vaccinated against COVID-19" by 5-10-22. See f/n 26, below. The law prohibits districts from rescinding the returned sick leave in the event the definition of "fully vaccinated against COVID-19" is later updated by the Centers for Disease Control and Prevention (CDC) or the Ill. Dept. of Public Health (IDPH) to include recommended booster doses. 105 ILCS 5/24-6, amended by P.A.s 102-275, 102-697, and 102-866.~~

illness, mental or behavioral health complications, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, placement for adoption, or the acceptance of a child in need of foster care.

As a condition for paying sick leave after three days absence for personal illness or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a mental health professional licensed in Illinois providing ongoing care or treatment to the staff member, (3) a chiropractic physician licensed under the Medical Practice Act, (4) a licensed advanced practice registered nurse, (5) a licensed physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (6) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than three days for personal illness, the District shall pay the expenses incurred by the employee.

Staff members are entitled to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Such days may be used at any time within the 12-month period following the birth of the child. Intervening periods of nonworking days or school not being in session, such as breaks and holidays, do not count towards the 30 working school days. As a condition of paying sick leave beyond the 30 working school days, the Board or Superintendent may require medical certification.³

For purposes of adoption, placement for adoption, or acceptance of a child in need of foster care, paid sick leave may be used for reasons related to the formal adoption or the formal foster care process prior to taking custody of the child or accepting the child in need of foster care, and for taking custody of the child or accepting the child in need of foster care. Such leave is limited to 30 days, unless a longer leave is provided in an applicable collective bargaining agreement, and need not be used consecutively once the formal adoption or foster care process is underway. The Board or Superintendent may require that the employee provide evidence that the formal adoption or foster care process is underway.⁴

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Consult the board attorney about the Employee Sick Leave Act (ESLA). 820 ILCS 191/, amended by P.A. 102-4. It prohibits employers from limiting the use of sick time to an employee's own illnesses and allows employees to use employer-provided sick leave due to illness, injury, medical appointment, or *personal care of a covered family member*. *Id.* at 191/10(a), amended by P.A. 102-4. *Personal care* means: (1) activities to ensure a covered family member's basic medical, hygiene, nutritional, or safety needs are met, or to provide transportation to medical appointments, for a covered family member unable to meet those needs himself or herself; and (2) being physically present to provide emotional support to a covered family member with a serious health condition who is receiving inpatient or home care. *Id.* at 191/5, amended by P.A. 102-4. The ESLA defines *covered family members* as an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother- or father-in-law, grandchild, grandparent, or stepparent. *Id.* Leave may be taken under the same terms for which the employee would be permitted to take leave for his or her own illness or injury.

³ 105 ILCS 5/24-6, amended by P.A. 102-275, overturned the Illinois Supreme Court's decision in *Dynak v. Bd. of Educ. of Wood Dale Sch. Dist. 7*, 444 Ill.Dec. 651 (Ill. 2020) (finding that a teacher was not entitled to use 30 days of sick leave for birth consecutively before and after an intervening summer break). It is unclear from the language of the statute if an employee can be prohibited from *intermittent* use of 30 working sick days for birth, e.g., such as taking leave once a week. Consult the board attorney for guidance on this issue.

⁴ 105 ILCS 5/24-6, amended by P.A.s 102-275, 102-697, and 102-866.

Family Bereavement Leave⁵

State law allows a maximum of 10 unpaid work days for eligible employees (Family and Medical Leave Act of 1993, 20 U.S.C. §2601 *et seq.*) to take family bereavement leave. The purpose, requirements, scheduling, and all other terms of the leave are governed by the Family Bereavement Leave Act. Eligible employees may use family bereavement leave, without any adverse employment action, for: (1) attendance by the bereaved staff member at the funeral or alternative to a funeral of a covered family member, which includes an employee's child, stepchild, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent (2) making arrangements necessitated by the death of the covered family member, (3) grieving the death of the covered family member, or (4) absence from work due to a Significant Event, which includes: (i) miscarriage, (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party, (iv) a failed surrogacy agreement, (v) a diagnosis that negatively impacts pregnancy or fertility, or (vi) a still birth. An employee qualifying for leave due to a Significant Event will not be required to identify which specific reason applies to the employee's request.

The leave must be completed within 60 days after the date on which the employee received notice of the death of the covered family member or the date on which an event under item (4) above occurs. However, in the event of the death of more than one covered family member in a 12-month period, an employee is entitled to up to a total of six weeks of bereavement leave during the 12-month period, subject to certain restrictions under State and federal law. Other existing forms of leave may be substituted for the leave provided in the Family Bereavement Leave Act. This policy does not create any right for an employee to take family bereavement leave that is inconsistent with the Family Bereavement Leave Act.

Child Extended Bereavement Leave⁶

Unpaid leave from work is available to employees who experience the loss of a child by suicide or homicide. The Child Extended Bereavement Leave Act governs the duration, scheduling, continuity of benefits, and all other terms of the leave. Accordingly, if the District employs 250 or more employees on a full-time basis, an employee is entitled to a total of 12 weeks of unpaid leave within one year after

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⁵ Family Bereavement Leave Act, 820 ILCS 154/, amended by P.A. 102-1050, ~~eff. 1-1-23~~; 56 Ill.Admin.Code Part 252. These paragraphs discuss family bereavement leave. 820 ILCS 154/5, defines an *eligible employee* under the same terms as an employee under FMLA (29 U.S.C. 2601 *et seq.*). See f/n 1 above. The employer may require reasonable documentation as specified in 820 ILCS 154/10(d), amended by P.A. 102-1050, ~~eff. 1-1-23~~, but may not require that an employee identify which specific category under item (4) in the first paragraph of this subhead pertains to the leave. Note the term *Significant Event* does not appear in the statute; it is included in this sample policy as a shorthand term to refer to those events listed in 820 ILCS 154/10(a)(4).

Domestic partner, when used to refer to an unmarried employee, includes: (1) the person recognized as the domestic partner of the employee under any domestic partnership or civil union law of a state or political subdivision of a state, or (2) an unmarried adult who is in a committed, personal relationship with the employee, who is not a domestic partner as described in item (1) and who the employee designates as that employee's domestic partner. 820 ILCS 154/5, amended by P.A. 102-1050, ~~eff. 1-1-23~~.

The Act also provides that the leave must be completed within 60 days of the employee learning of the death of his or her *covered family member*, as defined by 820 ILCS 154/5. However, that 60-day limitation does not apply when more than one covered family member dies in a 12-month period. There may be times when an employer may want to grant more than 10 unpaid work days, e.g., when a deceased covered family member lived in a foreign country, etc. Consult the board attorney to resolve the complexities of determining whether an employee is an eligible employee under the FMLA that would trigger this Act.

⁶ 820 ILCS 156/, added by P.A. 103-466. Delete this subhead and the Legal Reference to 820 ILCS 156/. Child Extended Bereavement Leave Act, if the district has fewer than 50 full-time employees.

the employee notifies the District of the loss.⁷ An employee may elect to substitute other forms of leave to which the employee is entitled for the leave provided under the Child Extended Bereavement Leave Act.

Sabbatical Leave⁸

Sabbatical leave may be granted in accordance with the School Code.

Personal Leave⁹

Professional staff members are granted one personal leave day per year. A personal leave day is defined as a day to allow professional personnel time to conduct personal business (but not vacation, travel, or work stoppage), which is impossible to schedule at a time other than during a school day. Any unused personal leave day in a school year will be credited to the cumulative sick leave.

The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, personal leave requests should be submitted to the Building Principal three days in advance of the requested date,
2. No personal leave days may be used immediately before or immediately after a holiday unless the Superintendent grants prior approval,
3. Personal leave may not be used in increments of less than one-half day,
4. Personal leave days are subject to a substitute's availability,
5. Personal leave days may not be used during the first and/or last five days of the school year,
6. Personal leave days may not be used on in-service and/or institute training days, and
7. Personal leave may not be used by more than 10% of the teaching staff in each building at the same time.

Leave of Absence Without Pay¹⁰

The Board may grant a leave of absence without pay to tenured professional staff members who have rendered satisfactory service and desire to return to employment in a similar capacity at a time determined by the Board.

Each leave of absence shall be of the shortest possible duration required to meet the leave's purpose consistent with a reasonable continuity of instruction for students.

Leave to Serve as an Election Judge¹¹

Any staff member who was appointed to serve as an election judge under State law may, after giving at least 20-days' written notice to the District, be absent without pay for the purpose of serving as an

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

⁷ If the district employs at least 50 but fewer than 250 employees on a full-time basis, substitute the following sentence: "Accordingly, if the District employs at least 50 but not more than 249 employees on a full-time basis, an employee is entitled to a total of six weeks of unpaid leave within one year after the employee notifies the District of the loss." 820 ILCS 156/10, added by P.A. 103-466.

⁸ State law provides guidelines for sabbatical leaves but does not require boards to offer them. 105 ILCS 5/24-6.1.

⁹ State law does not address personal leave. It is not uncommon for professional staff to be granted more than one day of personal leave per year.

¹⁰ State law does not address leaves of absence without pay other than stating that a mutually agreed leave will not affect a teacher's contractual continued service. 105 ILCS 5/24-13.

¹¹ This paragraph restates 10 ILCS 5/13-2.5. The statute does not state whether the notice requirement is *calendar* days or *business* days. Support for it being *calendar* days is found in 10 ILCS 5/1-6; support for it being *business* days is found in 10 ILCS 5/1-3.

election judge. The staff member is not required to use any form of paid leave to serve as an election judge. No more than 10% of the District's employees may be absent to serve as election judges on the same Election Day.

Child-Rearing Leave ¹²

The Board shall grant a professional staff member's request for a non-paid, child-rearing leave, not to exceed the balance of the school year plus one additional school year (but in no event shall such leave exceed three semesters), provided the request complies with this policy. Nothing in this section shall prohibit a professional staff member from using paid sick days as provided in this policy. ¹³

A teacher should request, if possible, a child-rearing leave by notifying the Superintendent in writing no later than 90 days before the requested leave's beginning date.¹⁴ The request should include the proposed leave dates. The leave shall end before a new school year begins or before the first day of school after winter recess. ¹⁵

Subject to the insurance carrier's approval, the teacher may maintain insurance benefits at his or her own expense during a child-rearing leave.

A professional staff member desiring to return before the leave's expiration will be assigned to an available vacancy for which the teacher is qualified, subject to scheduling efficiency and instruction continuity.

Leaves for Service in the Military ¹⁶

Leaves for service in the U.S. Armed Services or any of its reserve components and the National Guard, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in military service does not acquire tenure.

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Rather than duplicate the statute's requirements in separate policies, sample policy 5:330, *Sick Days, Vacation, Holidays, and Leaves*, grants the leave to support personnel on the terms applicable to professional staff.

¹² The School Code does not address child-rearing. FMLA grants eligible employees a combined total of 12 weeks each year, with exceptions for teachers at the end of the school year, for, among other things, a child's: (1) birth and first-year care, and (2) adoption or foster placement (see sample policy 5:185, *Family and Medical Leave*). Districts not covered by the FMLA must treat a request for child-care leave to care for an adopted infant on terms comparable to those given biological mothers. McWright v. Alexander, 982 F.2d 222 (7th Cir. 1992).

¹³ Districts offering a child-rearing or maternity leave must be very careful not to violate anti-discrimination laws. Districts can prohibit pregnant teachers from combining paid disability leave with an unpaid maternity leave, provided that non-pregnant teachers are likewise prohibited from combining a paid disability leave with an unpaid general leave of absence. Maganuco v. Leyden Comm. High Sch. Dist. 212, 939 F.2d 440 (7th Cir. 1991); U.S. v. Consol. High Sch. Dist. 230, 983 F.2d 790 (7th Cir. 1993); E.E.O.C. v. Elgin Teachers' Ass'n., 780 F.Supp. 1195 (N.D.Ill. 1991). A sick leave bank exclusion of maternity benefits violates Title VII. U.S. v. Consol. High Sch. Dist. 230, *supra*.

¹⁴ The length of the notice - here 90 days - is *not* covered by State or federal law. If an employee fails to provide this notice, the employee still has the right to request a family and medical leave which has a much shorter notice requirement (see sample policy 5:185, *Family and Medical Leave*), and could be followed by a child-rearing leave.

¹⁵ For a high school, omit "the first day of school after winter recess" and insert "at the semester break." Alternatively, the board may want to be more flexible by stating:

Every effort shall be made to have the leave minimally interrupt instructional continuity by ending . . .

¹⁶ Required by the School Code (105 ILCS 5/10-20.7b, 5/24-13, and 5/24-13.1); the Service Member Employment and Reemployment Rights Act (330 ILCS 61/, streamlining several job-related protection laws into one statute, mandating leave for *active service*, and requiring the public employer to make up the difference between military pay and regular compensation); and the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §4301 *et seq.*).

General Assembly Leave ¹⁷

Leaves for service in the General Assembly, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in the General Assembly does not acquire tenure.

Leave for Employment in Department of Defense ¹⁸

The Board may grant teachers a leave of absence to accept employment in a Dept. of Defense overseas school.

School Visitation Leave

An eligible professional staff member is entitled to eight hours during any school year, no more than four hours of which may be taken on any given day, to attend school conferences, behavioral meetings, or academic meetings related to the teacher's child, if the conference or meeting cannot be scheduled during non-work hours.¹⁹ Professional staff members must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the professional staff member, except sick, and disability leave. ²⁰

The Superintendent shall develop administrative procedures implementing this policy consistent with the School Visitation Rights Act. ²¹

Leaves for Victims of Domestic Violence, Sexual Violence, Gender Violence, or Other Crime of Violence ²²

An unpaid leave from work is available to any staff member who: (1) is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence or (2) has a family or household member who is a victim of such violence whose interests are not adverse to the employee as it relates to the domestic violence, sexual violence, gender violence, or any other crime of violence. The unpaid

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¹⁷ Required by 105 ILCS 5/24-13.

¹⁸ State law provides guidelines for Dept. of Defense leaves but does not require boards to offer them. 105 ILCS 5/24-13.1.

¹⁹ 820 ILCS 147/15, amended by P.A. 101-486.

²⁰ *Id.* The school visitation leave entitlement applies to both professional and educational support personnel. Rather than duplicate its requirements in separate policies, sample policy 5:330, *Sick Days, Vacation, Holidays, and Leaves*, grants the leave on the same terms applicable to professional staff.

²¹ 820 ILCS 147/. Parents of children with *serious health conditions* may also be eligible to use FMLA leave for individualized education program (IEP) meetings. See U.S. Dept. of Labor *Wage and Hour Division Opinion Letter*, FMLA 2019-2-A (8-8-19), available at: www.dol.gov/sites/dolgov/files/WHD/legacy/files/2019_08_08_2A_FMLA.pdf.

²² Required by the Victims' Economic Security and Safety Act, (VESSA) (820 ILCS 180/, amended by P.A.s ~~101-221~~, 102-487, and 102-890, and 103-314, eff. 1-1-24, and 56 Ill.Admin.Code Part 280). *Gender violence* means: (1) one or more acts of violence or aggression that is 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), added by P.A. ~~101-221~~. *Other crime of violence* 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 provisions of the Criminal Code of 1961. 820 ILCS 180/10(2.5), added by P.A. 102-487. *Sexual violence* is not specifically defined in VESSA. While the law applies to all school districts (820 ILCS 180/10(10)), the number of employees determines the number of total workweeks of leave available during any 12-month period (820 ILCS 180/20(a)(2)). The term *employee* includes part-time workers. The Ill. Dept. of Labor must furnish to all employers a notice summarizing the law's requirements (*Your Rights Under Illinois Employment Laws* at: <https://labor.illinois.gov/employers/posters.html> ~~www2.illinois.gov/idol/Documents/flsposter.pdf~~). All districts must post this notice in a conspicuous place where notices to employees are customarily posted.

leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance, and to grieve and attend to matters necessitated by the death of a family or household member who is killed in a crime of violence, without suffering adverse employment action.

The Victims' Economic Security and Safety Act (VESSA) governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, if the District employs at least 50 employees, and subject to any exceptions in VESSA, an employee is entitled to a total of 12 work weeks of unpaid leave during any 12-month period.²³ Neither the law nor this policy creates a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. §2601 et seq.).²⁴

Leaves to Serve as an Officer, ~~or~~ Trustee, or Representative of a Specific Organization

Upon request, the Board will grant: (1) an unpaid leave of absence to an elected officer of a State or national teacher organization that represents teachers in collective bargaining negotiations,²⁵ (2) up to twenty days of paid leave of absence per year to a trustee of the Teachers' Retirement System in accordance with 105 ILCS 5/24-6.3,²⁶ and (3) a paid leave of absence for the local association president of a State teacher association that is an exclusive bargaining agent in the District, or his or her designee, to attend meetings, workshops, or seminars as described in 105 ILCS 5/24-6.2,²⁷ and (4) up to 10 days of paid leave per school term for teachers elected to represent a statewide teacher association in federal advocacy work in accordance with 105 ILCS 5/24-3.5.²⁸

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²³ If the district employs fewer than 50 employees, it may substitute the following sentence: "Accordingly, if the District employs at least 15 but not more than 49 employees, and subject to any exceptions in VESSA, an employee is entitled to a total of eight work weeks of unpaid leave during any 12-month period." 820 ILCS 180/20(a)(2), amended by P.A. 103-314, eff. 1-1-24.

If the district employs at least one but not more than 14 employees, it may substitute the following sentence: "Accordingly, if the District employs at least one but not more than 14 employees, and subject to any exceptions in VESSA, an employee is entitled to a total four (4) work weeks of leave during any 12-month period." Id. 820 ILCS 180/20(a)(2).

Under 820 ILCS 180/20(a)(4), added by P.A. 103-314, eff. 1-1-24, an employee is not entitled to more than two work weeks (10 work days) if the leave is to attend a wake or funeral (or an alternative event), make end-of-life arrangements, or grieve due to the death of a family or household member killed in a crime of violence. In these circumstances, the leave must be completed within 60 days after the date on which the employee receives notice of the death. Employees may qualify for unpaid leave under both VESSA and the Family Bereavement Leave Act; leave taken under one act does not diminish the availability of leave under the other. Id.

²⁴ VESSA states that an employee does not have a right to take unpaid leave that exceeds the unpaid leave time allowed under the FMLA. 820 ILCS 180/20(a)(2). Section 25 creates an ambiguity by stating, "[t]he employer may not require the employee to substitute available paid or unpaid leave for [leave available to victims of domestic violence, sexual violence, or gender violence]." 820 ILCS 180/25, amended by P.A.s ~~101-221~~ and 102-487. Contact the board attorney for advice resolving this ambiguity.

²⁵ Required by 105 ILCS 5/24-13.

²⁶ Required by 105 ILCS 5/24-6.3(a). See sample policy 5:330, *Sick Days, Vacation, Holidays, and Leaves*, for the leave for an elected trustee for the Ill. Municipal Retirement Fund.

²⁷ Required by 105 ILCS 5/24-6.2.

²⁸ 105 ILCS 5/24-3.5, added by P.A. 103-308, eff. 1-1-24. The statewide teacher association is required to reimburse a district for substitute teaching costs incurred due to the teacher's absence. Id.

COVID-19 Paid Administrative Leave²⁹

~~During any time when the Governor has declared a disaster due to a public health emergency under 20 ILCS 3305/7, When applicable, paid administrative leave related to COVID-19 will be granted is available to eligible employees in accordance with State law, if the District, State or any of its agencies, or the local health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee from being on District property for a reason outlined in State law.~~

~~For an employee to be eligible for COVID-19 paid administrative leave, the employee must be fully vaccinated against COVID-19 as defined in 105 ILCS 5/10-20.83 (final citation pending).³⁰~~

~~The employee will receive as many days of administrative leave as required to abide by the public health guidance, mandates, and requirements issued by the Ill. Dept. of Public Health, unless a longer period has been negotiated with the exclusive bargaining representative.~~

~~As a condition of being granted COVID-19 paid administrative leave, an employee shall provide all documentation necessary to substantiate the employee's eligibility for the leave, as requested by the Superintendent or designee.³¹ An employee who is on COVID-19 paid administrative leave will receive the employee's regular rate of pay; the leave will not diminish any other leave or benefits of the employee.³² Employees may not accrue COVID-19 paid administrative leave.³³~~

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

²⁹ ~~Required by 105 ILCS 5/10-20.83 (final citation pending), added by P.A. 102-697. Whether some or all of the COVID-19 related reasons listed in 105 ILCS 5/10-20.83(b) and (c) (final citation pending) apply will depend upon current health guidance and/or rules. The law requires that this leave also be provided retroactively to an employee for a qualifying reason prior to 4-5-22 if the employee was fully vaccinated by 5-10-22. *Id.* at (b). The law prohibits districts from rescinding the paid leave if the definition of "fully vaccinated against COVID-19" is later updated by the CDC or IDPH to include recommended booster doses. *Id.*~~

~~Consult the board attorney for guidance about whether the board must accommodate an employee's religion or disability by exempting the employee from the COVID-19 vaccination prerequisite in 105 ILCS 5/10-20.83 (final citation pending), added by P.A. 102-697, and/or if the board and union may agree that this leave will extend to all unvaccinated employees. Title VII of the Civil Rights Act of 1964 requires employers to accommodate an employee's sincere religious objection to an employer vaccination requirement unless doing so would be an "undue hardship" on the employer. 42 U.S.C §2000e(j). Similarly, the Americans with Disabilities Act requires an employer to exempt an employee with a disability (including pregnancy-related disability) from a safety-related standard, such as a vaccination requirement, unless the employee poses a *direct threat* to the health or safety of the employee or others while on the job. 29 C.F.R. §1630.2(r). See also the U.S. Equal Employment Opportunity Commission guidance document, *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws*, at: www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws.~~

³⁰ ~~105 ILCS 5/10-20.83(g) (final citation pending), added by P.A. 102-697. "Fully vaccinated against COVID-19" means: (1) two weeks after receiving the second dose in a two-dose series of a COVID-19 authorized for emergency use, licensed, or otherwise approved by the U.S. Food and Drug Administration (FDA), or (2) two weeks after receiving a single dose of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA. If the CDC later revises the definition of "fully vaccinated against COVID-19" to include booster doses, and the IDPH adopts the CDC's revised definition, then employees will have five weeks after IDPH's action to receive a booster (if eligible) to remain eligible for COVID-19 paid administrative leave. *Id.* at (a).~~

~~If the board requires fully vaccinated employees to participate in a district COVID-19 testing program, add the phrase "and participate in the District's COVID-19 testing program" to the end of this sentence. *Id.*~~

³¹ ~~This sentence is optional. 105 ILCS 5/10-20.83(d) (final citation pending), added by P.A. 102-697. It is a best practice for boards to require appropriate documentation to verify employee eligibility for the leave benefit.~~

³² ~~*Id.* at (e).~~

³³ ~~*Id.* at (f).~~

LEGAL REF.: 105 ILCS 5/10-20.83 (~~final citation pending~~), 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.
10 ILCS 5/13-2.5, Election Code.
330 ILCS 61/, Service Member Employment and Reemployment Rights Act.
820 ILCS 147/, School Visitation Rights Act.
820 ILCS 154/, ~~Child~~Family Bereavement Leave Act.
[820 ILCS 156/, Child Extended Bereavement Leave Act.](#)
820 ILCS 180/, Victims' Economic Security and Safety Act.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

allows oral drug testing ↓ word change

Educational Support Personnel

Administrative Procedure - Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers ¹

The District's drug and alcohol testing program shall apply to all individuals in positions that require a commercial driver's license² and those that require an Illinois school bus driver permit.³ This includes casual, intermittent, or occasional drivers, leased drivers and independent owner-operator contractors, as well as full-time, regularly employed drivers.⁴ The Superintendent or designee will identify which positions are covered by the various provisions of this procedure.

Pre-Employment Tests

A pre-employment drug test shall be required of an applicant only after he/she has been offered the position.⁵

Drug tests shall be conducted before the first time a driver performs any safety-sensitive function for the District.⁶ Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility

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¹ State and federal law control this procedure. Before using this procedure, a district should seek legal advice concerning the law's requirements, identifying which employees are covered, and determining any collective bargaining implications or bargaining agreement alignment issues. This procedure should not be used by the district to determine the type of licensure a specific position requires. A district that contracts out the testing of employees subject to mandatory drug and alcohol testing should replace this sample procedure with the procedure supplied by its contractor, while retaining those portions that apply to the employer of a school bus driver permit holder, where the district is that employer. IASB sponsors a Drug and Alcohol Testing Consortium administered by the Mid-West Truckers Association. See www.iasb.com/memberships-and-divisions/sponsored-programs/www.iasb.com/sponsored/datest.cfm for more information.

Federal drug testing requirements for commercial and school bus drivers, including random testing, are unaffected by the legalization of cannabis for medical and recreational use at the State level. See [sample](#) policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*, at f/n 1 for further information.

[Effective 6-1-23, federal regulations were revised to give employers the option to utilize either urine testing or oral fluid testing for all drug tests regulated by the Dept. of Transportation. However, this option is not available until the U.S. Dept. of Health and Human Services certifies two laboratories that can process the tests. For more information, see \[www.transportation.gov/odapc/Notice_Summary_May_2023\]\(http://www.transportation.gov/odapc/Notice_Summary_May_2023\).](#)

² Commercial motor vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle . . . (3) is designed to transport 16 or more passengers, including the driver. 49 C.F.R. §383.5. A commercial driver's license is required of the driver of any vehicle designed to transport 16 or more passengers, including the driver. 49 C.F.R. §383.91(a)(3); 625 ILCS 5/6-500(6)(A)(ii).

³ 625 ILCS 5/1-148.3a-5; 5/1-182; 5/1-217; 5/6-104.

See www.isbe.net/Documents/transportation_admin_manual.pdf for helpful links to ISBE documents.

⁴ Definition of *driver* at 49 C.F.R. §382.107.

⁵ This optional paragraph defers drug testing until after a job offer is made in order to limit the number of applicants tested.

⁶ 49 C.F.R. §382.301(a)-(c). If desired, the district may also do a pre-employment alcohol test as allowed by 49 C.F.R. 382.301(d).

for performing work.⁷ Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, provided that the District has been able to make all verifications required by law.⁸

Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary.

Controlled Substance Use⁹

Drivers shall inform their supervisors if at any time they are using a drug that their physician has prescribed for therapeutic purposes.¹⁰ Drivers using a Schedule I controlled substance cannot perform safety-sensitive functions.¹¹ Drivers using a non-Schedule I controlled substance may continue to perform safety-sensitive functions only if a licensed medical practitioner who is familiar with the driver's medical history has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle.¹² If the District has actual knowledge that a driver has used a controlled substance, it shall not permit the driver to perform or continue to perform a safety-sensitive function.¹³

Pre-Duty Use of Alcohol¹⁴

No driver shall perform safety-sensitive functions within four hours after using alcohol. If the District has actual knowledge that a driver has used alcohol within four hours, it shall not permit the driver to perform or continue to perform safety-sensitive functions.

On-Duty Use of Alcohol¹⁵

No driver shall use alcohol while performing safety-sensitive functions. If the District has actual knowledge that a driver is using alcohol while performing safety-sensitive functions, it shall not permit the driver to perform or continue to perform safety-sensitive functions.

The footnotes should be removed before the material is used.

⁷ Definition of *safety-sensitive function* at 49 C.F.R. §382.107. Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work, including: driving; remaining in readiness to operate the vehicle; waiting to be dispatched; all time, other than driving time, in or upon a commercial motor vehicle; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing other requirements related to accidents; and performing any other work for the district or paid work for any other entity.

⁸ 49 C.F.R. §382.301(b).

⁹ 49 C.F.R. §382.213.

¹⁰ Pursuant to 49 C.F.R. §382.213(d), the district may require a driver to inform the district when using any therapeutic drug.

¹¹ 49 C.F.R. §382.213(a).

¹² 49 C.F.R. §382.213(b).

¹³ 49 C.F.R. §382.213(c).

¹⁴ 49 C.F.R. §382.207. See sample policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*, which may be more restrictive than this federal regulation.

¹⁵ 49 C.F.R. §382.205.

Post-Accident Tests ¹⁶

Alcohol tests shall be conducted as soon after an accident¹⁷ as practicable on any surviving driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or ¹⁸
2. Who receives a citation within eight hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved: ¹⁹
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incurring disabling damage²⁰ as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Controlled substance tests shall be conducted as soon after an accident as practicable on any surviving driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; ²¹
2. Who receives a citation within 32 hours of occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. ²²

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. ²³

No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first. ²⁴

If an alcohol test is not administered within two hours following the accident or if a drug test is not administered within 32 hours following the accident, the District shall prepare and maintain records

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¹⁶ A school bus driver operating a school bus at the time of an accident crash is deemed by the Illinois implied consent law to have given consent to submit to tests to be administered at the direction of a law enforcement officer of the driver's breath, blood, or urine for the purpose of determining the presence of alcohol, or other drugs, in the person's system. 625 ILCS 5/6-516, amended by P.A. 102-982. State law uses the term *crash* instead of *accident* to clarify that not all crashes are accidental. *Id.*

¹⁷ *Accident* is defined at 49 C.F.R. §390.5T.

¹⁸ 49 C.F.R. §382.303(a)(1).

¹⁹ 49 C.F.R. §382.303(a)(2).

²⁰ *Disabling damages* means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. 49 C.F.R. §390.5T.

²¹ 49 C.F.R. §382.303(b)(1).

²² 49 C.F.R. §382.303(b)(2).

²³ 49 C.F.R. §382.303(e).

²⁴ 49 C.F.R. §382.209.

explaining why the test was not conducted.²⁵ Tests will not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs.²⁶

Tests conducted by authorized federal, State, or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath and blood tests meet the requirements of alcohol testing.²⁷ A urine test meets the requirements of a controlled substances test.²⁸

Random Tests²⁹

Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.³⁰ Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions.³¹

Employees off work due to leaves, vacation, and layoffs shall be informed that they remain subject to random testing. Employees drawn for such testing shall be notified and tested as soon as practicable after they return to duty.³²

Probable Cause Tests (Applicable to School Bus Driver Permit Holders)³³

A driver who has received a Uniform Traffic Ticket while in control of a school bus or any other vehicle owned or operated by or for the District, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the District, may be tested for alcohol. To justify an alcohol test, a police officer must have probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer.

Upon receipt of a law enforcement officer's sworn report that the test result was positive or that the driver refused to be tested, the Secretary of State will notify both the permit holder and the District of the sanction (sanction is effective on the 46th day following the date notice was given).

The footnotes should be removed before the material is used.

²⁵ 49 C.F.R. §382.303(d)(1)

²⁶ 49 C.F.R. §382.303(d)(1); (d)(2).

²⁷ 49 C.F.R. §382.303(g)(1).

²⁸ 49 C.F.R. §382.303(g)(2).

²⁹ 49 C.F.R. §382.305. The random tests described above must be conducted throughout the calendar year, not just at one time. Further, they should not be conducted at the same time each calendar year, and employees should be tested the same day as the tests are announced. Pursuant to 49 C.F.R. §382.305(b), the number of random alcohol tests annually must equal 10 percent of the average number of driver positions and the number of random drug tests annually must equal ~~50~~25 percent of the average number of driver positions. However, the Federal Motor Carrier Safety Administration Administrator is authorized to modify these percentages annually based on reported industry violation rates. 49 C.F.R. §382.305(c). See www.transportation.gov/odapc/random-testing-rates.

³⁰ 49 C.F.R. §382.305(i).

³¹ 49 C.F.R. §382.305(m).

³² Optional.

³³ 625 ILCS 5/6-106.1a.

Reasonable Suspicion Tests (Applicable to School Bus Driver Permit Holders) ³⁴

An alcohol or drug test shall be conducted if a supervisor or District official trained in accordance with law has reasonable suspicion that a driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances. ³⁵

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions.³⁶ An alcohol test may not be conducted by the supervisor or District official who determines that reasonable suspicion exists to conduct such a test.³⁷ If an alcohol test is not administered within two hours following a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following a determination of reasonable suspicion, the District shall cease attempts to administer the alcohol test and shall state in the record the reasons for not administering the test.³⁸ Notwithstanding the absence of a reasonable suspicion alcohol test, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while he or she is under the influence of or impaired by alcohol. ³⁹

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. ⁴⁰

The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site. ⁴¹

The Superintendent or designee shall notify the Secretary of State, in a manner and form prescribed by the Secretary, of the result of a reasonable suspicion test when: (i) the test indicates an alcohol concentration greater than 0.00; (ii) the test indicates a positive result on a National Institute on Drug Abuse five-drug panel utilizing the federal standards set forth in 49 C.F.R. 40.87; or (iii) when a driver refuses testing. The notification to the Secretary must be submitted within 48 hours of the refusal of testing or the employer's receipt of the test results. ⁴²

The footnotes should be removed before the material is used.

³⁴ 625 ILCS 5/6-106.1c. All applicants for a school bus driver permit must consent, in writing, to the release of results of reasonable suspicion drug and alcohol testing under Section 6-106.1c by the employer of the applicant to the Secretary of State. 625 ILCS 5/6-106.1(a)(15).

³⁵ 49 C.F.R. §382.307(a)-(b). Pursuant to 49 C.F.R. §382.603, persons designated to determine whether reasonable suspicion exists must receive at least 60 minutes of training that covers the physical, behavioral, speech, and performance indicators of alcohol misuse and an additional 60 minutes of training covers the indicators of controlled substance use.

³⁶ 49 C.F.R. §382.307(d).

³⁷ 49 C.F.R. §382.307(c).

³⁸ 49 C.F.R. §382.307(e)(1).

³⁹ 49 C.F.R. §382.307(e)(2). Except as provided in Section 382.307(e)(2), no employer shall take any action under 49 C.F.R. 382 against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit an employer with independent authority of this part from taking any action otherwise consistent with the law. 49 C.F.R. §382.307(e)(3).

⁴⁰ 49 C.F.R. §382.307(f).

⁴¹ Optional.

⁴² All provisions in the paragraph are required by 625 ILCS 5/6-106.1c.

Commercial Driver's License Drug and Alcohol Clearinghouse Checks for all CDL Drivers ⁴³

~~Beginning 1-6-20, p~~Prior to employment, the District⁴⁴ will conduct a full query of the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse to obtain information about the driver's eligibility under federal rules to perform a safety-sensitive function.⁴⁵ For current employees, the District will, at least annually, conduct a limited query⁴⁶ of the Clearinghouse for each driver. If information exists in the Clearinghouse about the individual driver, the District will conduct a full query within 24 hours to determine the driver's eligibility under federal rules to perform any safety-sensitive function. If the District fails to conduct a full query within 24 hours, it will not allow the driver to continue to perform any safety-sensitive function until it conducts the full query and confirms that the driver may perform such functions.

Enforcement for Non-School Bus Driver Permit Holders

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If the District has actual knowledge that a driver has an alcohol concentration of 0.04 or greater, it shall not permit the driver to perform or continue to perform safety-sensitive functions.⁴⁷

Federal laws require that any driver who refuses to submit to a post-accident, random, reasonable suspicion test, or follow-up test as described below, shall not perform or continue to perform safety-

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⁴³ 49 C.F.R. Part 382, Subpart G. The Drug and Alcohol Clearinghouse is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), state driver licensing agencies, and state law enforcement real-time information about CDL holders' drug and alcohol program violations. ~~Beginning 1-6-20, e~~mployers and consortia/third-party administrators are required to report drug and alcohol program violations to the Clearinghouse and, for a fee, check that no current or prospective employees are prohibited from performing safety-sensitive functions, such as operating a motor vehicle, due to an unresolved drug and alcohol program violations. See <https://clearinghouse.fmcsa.dot.gov/> for comprehensive FAQ information about the Clearinghouse, including information on queries, consent for queries, reporting and recordkeeping obligations. Until 1-6-23, prospective employers ~~must were required to~~ conduct manual inquiries with a driver's previous employers to satisfy the three-year timeframe for pre-employment driver investigations required under 49 C.F.R. §391.23(e). Thereafter, employers ~~will are be~~ able to rely on the Clearinghouse to satisfy that requirement, provided the prospective employee was previously subject to drug and alcohol testing through the FMCSA. Employers must retain records of Clearinghouse queries and responses for three years; as of 1-6-23, an employer who maintains a valid Clearinghouse registration satisfies that requirement. 49 C.F.R. §382.701(e).

⁴⁴ An employer may designate a consortium or third-party administrator to perform queries of the Clearinghouse and report violations to the Clearinghouse on its behalf. 49 C.F.R. §382.107.

⁴⁵ Under federal rules, no employer can allow a driver ~~the employer employs or intends to hire or use~~ to perform any safety-sensitive function if the results of a Clearinghouse query show the driver (1) has a verified positive, adulterated, or substituted controlled substances test result, (2) has an alcohol confirmation test with a concentration of .04 or higher, (3) has refused to submit to a required alcohol or drug test, (4) the employer has *actual knowledge* (see *f/n* 53) that the driver used alcohol or drug in violation of federal rules, except where the Clearinghouse query demonstrates that the driver has successfully completed all return-to-work requirements. 49 C.F.R. §382.701(d). Bus driver permit holders in Illinois are subject to more stringent standards than the federal rules; see the **Enforcement for School Bus Driver Permit Holders** subhead in this procedure.

⁴⁶ Employers may choose to conduct *full queries* post-employment for their annual (or more frequent) checks of the Clearinghouse, but full queries require drivers to give specific electronic consent through the Clearinghouse for each query. *Limited queries*, which simply alert employers to the existence of a record about resolved or unresolved drug and alcohol program violations, only require an employee's general written consent, which can be effective for more than one year and allow for multiple limited queries. See 49 C.F.R. §§382.701(a)(2) and 382.703. A sample limited consent form ~~is available at:~~ <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Sample-Limited-Consent-Form> ~~will be posted by the FMCSA on the Clearinghouse website for employers' reference. See www.clearinghouse.fmcsa.dot.gov for updates.~~

⁴⁷ 49 C.F.R. §382.201.

sensitive functions. The District shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. ⁴⁸

A driver who is tested and found to have an alcohol concentration of .02 or greater, but less than 0.04, may not perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered. ⁴⁹

A driver who tests positive for drugs or an alcohol concentration of 0.04 or greater shall be subject to District disciplinary action up to and including dismissal. ⁵⁰

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional (SAP) who shall determine what help the driver needs in resolving such a problem. Any SAP who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law. ⁵¹

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a SAP to determine that he/she has properly followed the prescribed rehabilitation program. ⁵²

If an employee is permitted to return to the performance of safety-sensitive functions, the District will not allow, require, permit or authorize a driver to operate a commercial motor vehicle during any period in which the District determines that a driver is not in compliance with the return-to-duty requirements, after the occurrence of any of the following events:

1. The driver receives a positive, adulterated, or substituted drug test result.
2. The driver receives an alcohol confirmation test result of 0.04 or higher alcohol concentration.
3. The driver refused to submit to a test for drugs or alcohol required by federal regulations.
4. The driver used alcohol prior to a post-accident alcohol test.

The footnotes should be removed before the material is used.

⁴⁸ 49 C.F.R. §382.211.

⁴⁹ 49 C.F.R. §382.505(a). Federal law provides that no employer shall take any action under 49 C.F.R. 382 against a driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law. 49 C.F.R. §382.505(b).

⁵⁰ Federal law prohibits an employer from taking action against a driver based solely on test results showing an alcohol concentration less than .04. State law prohibits discrimination based on the use of lawful products during non-work hours. 820 ILCS 55/5. However, 820 ILCS 55/5 does not apply to the use of those lawful products that impair an employee's ability to perform the employee's assigned duties. In an attempt to find congruity between the State and federal standards, this procedure uses an alcohol concentration of 0.04 or greater as the level at which a Non-School Bus Permit Holders duties would be impaired.

⁵¹ The choice of substance abuse professional (SAP) and assignment of costs shall be made in accordance with employer/driver agreements and employer policies. The assignment of costs of the SAP may be a matter within the scope of negotiations. 49 C.F.R. §40.289(c). As an employer, the district is not required to provide a SAP's evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and alcohol regulation. 49 C.F.R. §289(a).

⁵² 49 C.F.R. §§40.281-40.313; 49 C.F.R. §382.605. If the district offers an employee an opportunity to return to a DOT safety-sensitive duty following a violation, it must, before the employee again performs that duty, ensure that the employee receives an evaluation by a SAP meeting the requirements of §40.281 and that the employee successfully complies with the SAP's evaluation recommendations. 49 C.F.R. §40.289(b).

5. An employer has *actual knowledge*⁵³ that a driver has:
 - a. Used alcohol while performing safety-sensitive functions;
 - b. Used alcohol within four hours of performing safety-sensitive functions; or
 - c. Used a controlled substance. ⁵⁴

Return-to-Duty Tests for Non-School Bus Driver Permit Holders

If a driver who has violated the District's drug or alcohol prohibition is returned to performing safety-sensitive duties, a drug or alcohol test shall be conducted. ⁵⁵

The District shall not allow employees whose conduct involved drugs to return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. The District shall not allow employees whose conduct involved alcohol to return to duty in a safety-sensitive function until the return-to-duty alcohol test indicates an alcohol concentration of 0.02 or less. ⁵⁶

Follow-Up Tests for Non-School Bus Driver Permit Holders

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a SAP as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the SAP in accordance with the law.⁵⁷ The District must carry out the substance abuse professional's follow-up testing requirements. ⁵⁸

Follow-up testing shall consist of at least six tests in the first 12 months following the driver's return to duty.⁵⁹ Testing shall not occur beyond 60 months from the date of the driver's return to duty.⁶⁰ The substance abuse professional may terminate the follow-up testing if he/she determines that the employee has successfully demonstrated compliance. ⁶¹

Maintenance of Records for Non-School Bus Driver Permit Holders

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with the law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug

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⁵³ *Actual knowledge* means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in §382.121 (voluntary self-identification program). 49 C.F.R. §382.107.

⁵⁴ 49 C.F.R. §382.217.

⁵⁵ 49 C.F.R. §40.305; 49 C.F.R. §382.605.

⁵⁶ 49 C.F.R. §382.309; 49 C.F.R. §40.305.

⁵⁷ 49 C.F.R. §40.309; 49 C.F.R. §382.311.

⁵⁸ *Id.*

⁵⁹ 49 C.F.R. §40.307(d); 49 C.F.R. §382.311. The district may schedule follow-up testing on dates of its choosing, but it must ensure that the tests are unannounced with no discernible pattern as to their timing, and that the employee is given no advance notice. 49 C.F.R. §40.309(b).

⁶⁰ 49 C.F.R. §40.307(d)(2).

⁶¹ 49 C.F.R. §40.301(c)(2); 49 C.F.R. §382.311.

or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. ⁶²

Enforcement for School Bus Driver Permit Holders

In Illinois, a person whose privilege to possess a school bus driver permit has been canceled under 625 ILCS 5/6-106.1a is not eligible for restoration of the privilege until the expiration of three years from the effective date of the cancellation if the person has refused or failed to complete a test or tests to determine blood alcohol concentration, or has submitted to testing with a blood alcohol concentration of more than 0.00. ⁶³

The Ill. Secretary of State must suspend a school bus driver permit for a period of three years upon receiving notice that the holder refused to submit to an alcohol or drug test as required by Section 5/6-106.1c or has submitted to a test required by that Section that disclosed an alcohol concentration of more than 0.00 or disclosed a positive result on a National Institute on Drug Abuse five-drug panel, utilizing federal standards set forth in 49 C.F.R. 40.87. ⁶⁴

A driver who tests positive for drugs or is found to have an alcohol concentration of greater than 0.00 shall have their employment terminated. ⁶⁵

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information.⁶⁶ The information shall identify all of the following: ⁶⁷

1. The person designated by the District to answer drivers' questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382, including post-accident testing under §382.303(d);
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that

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⁶² 49 C.F.R. §§382.401-382.405. 49 C.F.R. §§382.401, 382.403 identifies records that the district must keep for varying periods of time in connection with alcohol misuse and controlled substances use prevention programs. 49 C.F.R. §382.405 prohibits the release of information required to be maintained by 49 C.F.R. §382.401 except as required by law.

⁶³ 625 ILCS 5/6-106.1b.

⁶⁴ 625 ILCS 5/6-106.1(g)(7); 92 Ill.Admin.Code §1035.35.

⁶⁵ If handled correctly by the district, the incongruity between State and federal law in this area is a non-issue given that a driver who has had his or her license suspended for a three-year period is no longer able to fulfill the duties of the job for which he or she was hired. The district should consult with the board attorney in order to determine how best to move forward with the termination of the suspended driver.

⁶⁶ Required by 49 C.F.R. §382.601.

⁶⁷ 49 C.F.R. §382.601(b).

test results are attributed to the correct driver, including post-accident information, procedures and instructions required by §382.303(d); ⁶⁸

7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers who do not hold a school bus driver permit found to have an alcohol concentration of 0.02 or greater but less than 0.04;
11. The consequences for drivers who hold a school bus driver permit found to have an alcohol concentration over 0.00; ⁶⁹
12. The effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management; ⁷⁰
13. The requirement that personal information collected and maintained by the District will be reported to the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse, including:
 - a. A verified positive, adulterated, or substituted drug test result;
 - b. An alcohol confirmation test with a concentration of 0.04 or higher;
 - c. A refusal to submit to any test required by law; ⁷¹
 - a.d. The District's report of actual knowledge of on-duty alcohol use⁷², pre-duty alcohol use⁷³, alcohol use following an accident⁷⁴, and controlled substance use⁷⁵; -and
- ~~12.~~14. Other legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs. ⁷⁶

The footnotes should be removed before the material is used.

⁶⁸ 49 C.F.R. Part 40 specifies detailed testing procedures that must be used to ensure accuracy, reliability, and confidentiality. These procedures include training and proficiency requirements and requirements for a suitable test location. Firms with which the district contracts for collection and laboratory services can be expected to provide information about the procedures they use; these procedures should be distributed to employees and included in the district's regulation.

⁶⁹ There is no requirement to notify the district and provide information to School Bus Driver Permit holders specifically addressing the legal requirements applicable to them under Illinois law. The district should also inform School Bus Driver Permit holders of the disciplinary consequences for violating any Illinois drug and alcohol laws specifically pertaining to school bus permit holders.

⁷⁰ 49 C.F.R. §382.601(b)(11).

⁷¹ This includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty testing, and follow up testing. 49 C.F.R. Part 382, Subpart C.

⁷² See ¶n 15. above.

⁷³ See ¶n 14. above.

⁷⁴ See ¶n 24. above.

⁷⁵ See ¶n 9. above.

⁷⁶ Pursuant to 49 C.F.R. §382.601(c), materials supplied to drivers may also include information about other policies and disciplinary consequences based on the district's authority independent of 49 C.F.R. Part 382 and described as such. Such additional policies or consequences must be clearly and obviously described as being based on independent authority. Id.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. ⁷⁷

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements. ⁷⁸

Before drug and alcohol tests are performed, pursuant to 49 C.F.R. Part §382, the District shall inform drivers that the tests are required by these regulations. ⁷⁹

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application. ⁸⁰

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive. ⁸¹

The footnotes should be removed before the material is used.

⁷⁷ 49 C.F.R. §382.601(d).

⁷⁸ 49 C.F.R. §382.303(f).

⁷⁹ 49 C.F.R. §382.113. 49 C.F.R. §382.113 also states that employers shall not falsely represent that a test was administered under 49 C.F.R. Part 382.

⁸⁰ 49 C.F.R. §382.411(a).

⁸¹ *Id.*

unpaid leave changes
- Election day → Holiday

Educational Support Personnel

Sick Days, Vacation, Holidays, and Leaves¹

Each of the provisions in this policy applies to all educational support personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Sick and Bereavement Leave²

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year. Part-time employees will receive sick leave pay equivalent to their regular

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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 is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. The introductory paragraph recognizes that an applicable collective bargaining agreement or individual employment contract will supersede a conflicting provision of the policy. Alternatively, if the policy's subject matter is superseded by a bargaining agreement, the board policy may state, "Please refer to the applicable collective bargaining agreement."

Districts must coordinate leaves provided by State law and the local bargaining agreement with the leave granted by the Family and Medical Leave Act (FMLA) (29 U.S.C. §2612), amended by Sec. 565 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111-84). The FMLA grants eligible employees 12 weeks unpaid leave each year for: (1) the birth and first-year care of a child; (2) the adoption or foster placement of a child; (3) the serious health condition of an employee's spouse, parent, or child; (4) the employee's own serious health condition; (5) the existence of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on (or has been notified of an impending call to) *covered active duty* in the Armed Forces; and (6) to care for the employee's spouse, child, parent, or next of kin who is a covered service member with a serious injury or illness. The definition of *covered servicemember* includes a veteran "who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness" if the veteran was a member of the Armed Forces "at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy." 29 U.S.C. §2611(15). Districts are permitted to count paid leave (granted by State law or board policy) taken for an FMLA purpose against an employee's FMLA entitlement. 29 C.F.R. §825.207. See sample policy 5:185, *Family and Medical Leave*.

A plethora of State laws grant leaves to employees of the State and municipalities, but are not applicable to school districts, including the Employee Blood Donation Leave Act (820 ILCS 149/), Local Government Disaster Service Volunteer Act (50 ILCS 122/), Organ Donor Leave Act (5 ILCS 327/), ~~and~~ Civil Air Patrol Leave Act (820 ILCS 148/), and Paid Leave for All Workers Act (820 ILCS 192/).

² This section contains the minimum benefits provided by 105 ILCS 5/24-6, amended by P.A. 102-275, 102-697, and 102-866. Each specified number of days in this section is the statutory minimum. The School Code does not address whether an employee's 10 paid sick leave days are available upon employment, accrued over months, or after working for a certain period of time, e.g., one year. Also be aware that the Employee Sick Leave Act (ESLA) (820 ILCS 191/, amended by P.A. 102-4) allows employees to use employer-provided sick leave due to illness, injury, medical appointment, or *personal care* of a *covered family member*. See sample policy 5:250, *Leaves of Absence*, at f/n 2 for more information about the scope and application of the ESLA. Leave may be taken under the same terms for which the employee would be permitted to take leave for his or her own illness or injury.

Before adopting this policy or applying its provisions, the district should examine any applicable bargaining agreements. Strict accounting of unused sick days is important to avoid:

1. Employees accumulating sick time on a full-time basis when they are truly working part-time hours;
2. Inconsistent treatment; and

workday. Unused sick leave shall accumulate to a maximum of 180 days, including the leave of the current year.³

Sick leave is defined in State law as personal illness, mental or behavioral complications, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, placement for adoption, or the acceptance of a child in need of foster care. The Superintendent or designee shall monitor the use of sick leave.

As a condition for paying sick leave after three days absence for personal illness or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a mental health professional licensed in Illinois providing ongoing care or treatment to the staff member (3) a chiropractic physician licensed under the Medical Practice Act, (4) a licensed advanced practice registered nurse, (5) a licensed physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (6) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than three days for personal illness, the District shall pay the expenses incurred by the employee.

Employees are entitled to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Such days may be used at any time within the 12-month period following the birth of the child. Intervening periods of nonworking days or school not being in session, such as breaks and holidays, do not count towards the 30 working school days. As a

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3. Inaccurate reporting to IMRF (credit is given for full day unused sick days upon retirement). 40 ILCS 5/7-139(a)(8).

105 ILCS 5/24-6, amended by P.A.s 102-275, 102-697, and 102-866, requires districts to return any sick leave days used by educational support personnel for a qualifying COVID-19 related reason during the 2021-2022 school year, provided the employee was "fully vaccinated against COVID-19" by 5-10-22. See sample policy 5:250, *Leaves of Absence*, at f/n 2, for more information.

³ As this policy is consistent with the minimum requirements of State law, this provision on the maximum number of sick days that may be accumulated is based on the minimum number required as stated in 105 ILCS 5/24-6, amended by P.A.s 102-275, 102-697, and 102-866. The number may be increased to meet or exceed the number IMRF will recognize for retirement credit purposes. The following alternative does this: "Unused sick leave shall accumulate to the maximum number of days that IMRF will recognize for retirement credit purposes."

The following optional provisions apply to boards that want to address the IMRF's requirement that public bodies must have a written plan allowing eligible employees to convert their eligible accumulated sick leave to service credit upon their retirement. See 40 ILCS 5/7-139(a)(8). See also IMRF General Memorandum #555 at:

www.imrf.org/en/publications-and-archive/general-memos/2007-general-memos/general-memo-555.

Option 1: No collective bargaining agreement applies and the board wants to publicize its written plan. Insert the following sentence: This policy is the District's written plan allowing eligible employees to convert eligible accumulated sick leave to service credit upon a District employee's retirement under the Ill. Municipal Retirement Fund.

Option 2: A local collective bargaining agreement contains the written plan and the board wants to publicize it. Insert the following sentence: Please refer to the applicable collective bargaining agreement(s) for the District's written plan allowing eligible employees to convert eligible accumulated sick leave to service credit upon an employee's retirement under the Ill. Municipal Retirement Fund.

Option 3: A district maintains two separate sick leave plans, one for employees under a collective bargaining agreement, and one for non-unionized employees. Insert the text for both Option 1 and Option 2.

Note: If Options 1, 2, or 3 are chosen, add 40 ILCS 5/7-139 to the Legal References. If the board does not have a written sick leave plan for purposes of IMRF sick leave to service credit conversion or does not wish to include it in the policy, do not include any of the options above or add the citation to the Legal References.

condition of paying sick leave beyond the 30 working school days, the Board or the Superintendent may require medical certification. ⁴

For purposes of adoption, placement for adoption, or acceptance of a child in need of foster care, paid sick leave may be used for reasons related to the formal adoption or the formal foster care process prior to taking custody of the child or accepting the child in need of foster care, and for taking custody of the child or accepting the child in need to foster care. Such leave is limited to 30 days, unless a longer leave is provided in an applicable collective bargaining agreement, and need not be used consecutively once the formal adoption or foster care process is underway. The Board or Superintendent may require that the employee provide evidence that the formal adoption or foster care process is underway. ⁵

Vacation ⁶

Twelve-month employees shall be eligible for paid vacation days according to the following schedule:

<u>Length of Employment</u>		<u>Monthly Accumulation</u>	<u>Maximum Vacation Leave Earned Per Year</u>
<u>From:</u>	<u>To:</u>		
Beginning of year 2	End of year 5	0.83 Days	10 Days per year
Beginning of year 6	End of year 15	1.25 Days	15 Days per year
Beginning of year 16	End of year	1.67 Days	20 Days per year

Part-time employees who work at least half-time are entitled to vacation days on the same basis as full-time employees, but the pay will be based on the employee's average number of part-time hours per week during the last vacation accrual year. The Superintendent will determine the procedure for requesting vacation.

Vacation days earned in one fiscal year must be used by the end of the following fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation. ⁷

Holidays ⁸

Unless the District has a waiver or modification of the School Code pursuant to Section 2-3.25g or 24-2(b) allowing it to schedule school on a legal school holiday listed below, District employees will not be required to work on:

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⁴ 105 ILCS 5/24-6, amended by P.A.s 102-275, 102-697, and 102-866.

⁵ 105 ILCS 5/24-6, amended by P.A.s 102-275, 102-697, and 102-866.

⁶ State law does not require districts to give employees vacations.

⁷ Required by 820 ILCS 115/5 and 56 Ill.Admin.Code §300.520 (Earned Vacations).

⁸ Holidays are listed in 105 ILCS 5/24-2(a), (e), amended by P.A.s ~~101-642~~, 102-14, 102-15, and 102-334, [103-395, eff. 1-1-24, and 103-467](#); 10 ILCS 5/1-24, added by P.A. 103-467 and scheduled to be repealed on 1-1-25 ~~10 ILCS 5/2A-1, 1e, added by P.A. 102-15 and scheduled to be repealed on 1-1-23~~. For information on the waiver process allowed by 105 ILCS 5/24-2(b), see [sample exhibit 2:20-E, Waiver and Modification Request Resource Guide](#). Holidays not specified in the School or Election Codes may be added to the policy; however, boards adding additional holidays should monitor and review to ensure the list remains current.

New Year's Day
Martin Luther King Jr.'s Birthday
Abraham Lincoln's Birthday
Casimir Pulaski's Birthday
Memorial Day
Juneteenth National Freedom Day
Independence Day

Labor Day
Columbus Day
Veterans Day
2024² Election Day
Thanksgiving Day
Christmas Day

A holiday will not cause a deduction from an employee's time or compensation. The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

Personal Leave⁹

Full-time educational support personnel have one paid personal leave day per year. The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal three days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last five days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day and/or institute training days.
6. Personal leave may not be used when the employee's absence would create an undue hardship.

Leave to Serve as a Trustee of the Ill. Municipal Retirement Fund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Ill. Municipal Retirement Fund in accordance with State law.¹⁰

Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in Board policy 5:250, *Leaves of Absence*:

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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 be permissible for those districts able to demonstrate that remaining open would be a waste of educational resources because of 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 their options, including the collective bargaining implications, with their board attorney.

For more information about 2024² Election Day, see the discussion in f/n 4 in sample policy 5:200, Terms and Conditions of Employment and Dismissal. 2020 Election Day and 2022 Election Day remains a holiday listed in 105 ILCS 5/24-2(e), amended by P.A. s 102-15, and 103-467, but no longer appears in this policy.

⁹ State law does not address personal leave. It is not uncommon for boards to grant educational support personnel the same number of personal leave days as are granted to professional staff.

¹⁰ Required by 105 ILCS 5/24-6.3(b) and 40 ILCS 5/7-174.5, added by P.A. 102-943. A similar leave exists for an elected trustee for the Ill. Teachers' Retirement System. See sample policy 5:250, *Leaves of Absence*.

1. Leave for Service in the Military. ¹¹
2. Leave for Service in the General Assembly. ¹²
3. School Visitation Leave. ¹³
4. Leaves for Victims of Domestic Violence, Sexual Violence, Gender Violence, or Other Crime of Violence. ¹⁴
5. Family Bereavement Leave. ¹⁵
6. [Child Extended Bereavement Leave](#). ¹⁶
7. Leave to serve as an election judge. ¹⁷
8. COVID-19 Paid Administrative Leave. ¹⁸

LEGAL REF.: 105 ILCS 5/10-20.7b, 5/10-20.83 (~~final citation pending~~), 5/24-2, 5/24-6, and 5/24-6.3.
 10 ILCS 5/13-2.5, Election Code.
 330 ILCS 61/, Service Member Employment and Reemployment Rights Act.
 820 ILCS 147, School Visitation Rights Act.
 820 ILCS 154/, ~~Child~~Family Bereavement Leave Act.
[820 ILCS 156/, Child Extended Bereavement Leave Act](#).
 820 ILCS 180/, Victims' Economic Security and Safety Act.
School Dist. 151 v. ISBE, 154 Ill.App.3d 375 (1st Dist. 1987); Elder v. Sch. Dist. No.127 1/2, 60 Ill.App.2d 56 (1st Dist. 1965).

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence)

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

¹¹ Military leave is governed by the School Code (105 ILCS 5/10-20.7b, 5/24-13, and 13.1); the Service Member Employment and Reemployment Rights Act (330 ILCS 61/, streamlining several job-related protection laws into one statute, mandating leave for *active service* and requiring the public employer to make up the difference between military pay and regular compensation); and the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §4301 et seq.).

¹² Granting General Assembly leave to ESPs is optional.

¹³ 820 ILCS 147/, ~~amended by P.A. 101-486~~. See sample policy 5:250, *Leaves of Absence*, and 5:250-AP, *School Visitation Leave*.

¹⁴ Required by Victims' Economic Security and Safety Act (820 ILCS 180/, amended by P.A.s ~~101-221~~, 102-487, ~~and 102-890, and 103-314~~) and 56 Ill.Admin.Code Part 280. Important information about this leave is discussed in f/n~~s~~ ~~21~~, ~~22~~, ~~23~~ and ~~24~~ of sample policy 5:250, *Leaves of Absence*.

¹⁵ 820 ILCS 154/, amended by P.A. 102-1050, ~~eff. 1-1-23~~; 56 Ill.Admin.Code Part 252. Important information about this leave is discussed in f/n 5 of sample policy 5:250, *Leaves of Absence*.

¹⁶ [820 ILCS 156/, added by P.A. 103-466. Delete this item and the Legal Reference to 820 ILCS 156/, Child Extended Bereavement Leave Act, if the district has fewer than 50 full-time employees. If the district has fewer than 50 full-time employees. See sample policy 5:250, Leaves of Absence, and its f/n~~s~~ 6 and 7 for important information about this leave.](#)

¹⁷ 10 ILCS 5/13-2.5.

¹⁸ 105 ILCS 5/10-20.83 (~~final citation pending~~), added by P.A. 102-697. See sample policy 5:250, *Leaves of Absence*, and its f/n~~s~~ ~~26-28~~ for important information about this leave.

ISBE Provided Assistance
for Schools "in status"

Instruction

School Accountability¹

According to the Illinois General Assembly, the primary purpose of schooling is the transmission of knowledge and culture through which students learn in areas necessary to their continuing development and entry into the world of work.² To fulfill that purpose, the Ill. State Board of Education (ISBE) prepared *State Goals for Learning and Learning Standards*.³

The School Board gives priority in the allocation of resources, including funds, time, personnel, and facilities, to fulfilling this purpose.

Quality Assurance

The Board continuously monitors student achievement and the quality of the District's work. The Superintendent shall supervise the following quality assurance components, in accordance with State law and ISBE rules, and continuously keep the Board informed:

1. Prepare each school's annual recognition application and quality assurance appraisal, whether internal or external, to assess each school's continuous school improvement.⁴
2. Continuously assess the District's and each school's overall performance in terms of both academic success and equity. This includes, without limitation, a thorough analysis of ISBE's balanced accountability measure and each school's *Multiple Measure Index* and corresponding *Annual Measurable Objective* provided by ISBE.⁵

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

² 105 ILCS 5/27-1.

³ 23 Ill.Admin.Code §1, Appendix D.

⁴ 105 ILCS 5/2-3.25 — 2-3.25b, [amended by P.A. 103-175](#); 23 Ill.Admin.Code §§1.10(a) and 1.20.

⁵ 105 ILCS 5/2-3.25a, [amended by P.A. 103-175](#); 5/2-3.64a-5, [amended by P.A. 101-643](#). First, the General Assembly significantly revised the system of standards for school districts and schools. Next, it delayed certain implementation dates by one school year. Then, it further revised the system of standards for school districts and schools. Annual state assessments required by 105 ILCS 5/2-3.64a-5(c), [amended by P.A. 101-643](#), are not required if [the Ill. State Board of Education \(ISBE\)](#) receives a waiver from the administration of assessments from the U.S. Dept. of Education. 105 ILCS 5/2-3.64a-5(c), [as amended by P.A. 101-643](#). ISBE must establish recognition standards for student performance and school improvement for all districts and their individual schools, and outline accountability measures in its State plan that it submits to the U.S. Dept. of Education under the Every Student Succeeds Act (ESSA) (Pub. L. 114-95). If ESSA ceases to require a state plan, then ISBE must develop a written plan in consultation with the Ill. Balanced Accountability Measure (IBAM) Committee. 105 ILCS 5/2-3.25a.

3. If applicable, develop ~~District and~~ School Improvement Plans, present them for Board approval, and supervise their implementation.⁶
4. Prepare a school report card, present it at a regular Board meeting, and disseminate it as provided in State law.⁷
5. In accordance with 105 ILCS 5/2-3.153, annually administer a climate survey on the instructional environment within the school to, at minimum, students in grades 4 through 12 and teachers.⁸

LEGAL REF.: 105 ILCS 5/2-3.25, 5/2-3.25a, 5/2-3.25b, 5/2-3.25c, 5/2-3.25d-5, 5/2-3.25e-5, 5/2-3.25f, 5/2-3.25f-5, 5/2-3.63, 5/2-3.64a-5, 5/2-3.153, 5/10-17a, 5/10-21.3a, and 5/27-1.
23 Ill.Admin.Code Part 1, Subpart A: Recognition Requirements.

CROSS REF.: 6:170 (Title I Programs), 6:340 (Student Testing and Assessment Program), 7:10 (Equal Educational Opportunities)

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⁶ The requirements around ~~district and school~~ improvement plans are unknown until ISBE revises its rules at 23 Ill.Admin.Code Part 1, Subpart A: Recognition Requirements, following P.A.s 99-193 and 100-1046. P.A. 99-193 deleted the requirements concerning improvement plans as well as the sanctions for failing to make adequate yearly progress contained in 105 ILCS 5/2-3.25d, but then P.A. 100-1046 repealed 105 ILCS 5/2-3.25d in its entirety. 105 ILCS 5/2-3.25f(a), amended by P.A. 103-175, continues to state that ISBE “shall provide technical assistance to schools in school improvement status to assist with the development and implementation of School and District Improvement Plans” and that schools or districts “that fail to make reasonable efforts to implement an approved Improvement Plan may suffer loss of State funds by school district, attendance center, or program as the State Board of Education deems appropriate.” ISBE is required to provide districts with technical assistance and support by the Elementary and Secondary Education Act, 20 U.S.C. §6303.

⁷ 105 ILCS 5/10-17a, amended by P.A.s ~~401-68~~ 102-294 (data on the number of incidents of violence that occurred on school grounds or during school-related activities and that resulted in an out-of-school suspension, expulsion, or removal to an alternative setting), 102-594 (the number of teachers who are National Board Certified Teachers, disaggregated by race and ethnicity), and P.A. 102-539 (school report card deliveries delayed until 12-31 in years when the Governor declares a public health emergency), 103-116 (percentage of students with disabilities who have fulfilled minimum state graduation requirements and been issued a regular high school diploma), 103-263 (gifted and advanced placement reporting), 103-413, eff. 1-1-24 (beginning with the October 2024 report card, the total number of school counselors, social workers, nurses, and psychologists by school, district, and state, and the average number of students served by each in each setting), and 103-503, eff. 1-1-24 (expanded high school snapshot report).

Districts must present the report card at a regular board meeting, post it on the district’s website, make it available to newspapers of general circulation in the district, notify parents/guardians of its availability on the district’s website, provide it to parents/guardians on request, submit it to the regional superintendent or appropriate Intermediate Service Center, and otherwise disseminate it as required by State law. See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

⁸ Required by 105 ILCS 5/2-3.153 and 23 Ill.Admin.Code §1.97. The State Superintendent must publicly report on the survey indicators of learning conditions resulting from the administration of the instrument at the individual school, district, and State levels. A district may use an alternate learning instrument approved by the State Superintendent at its own cost. These survey instruments are authorized by July 1 each year and posted at: www.isbe.net/Pages/5Essentials-Survey.aspx. 23 Ill.Admin.Code §1.97(g)(1)-(2). To use an alternate survey instrument, the district must submit a form developed for this purpose and posted at www.isbe.net/Pages/5Essentials-Survey.aspx to the State Superintendent on or before a date established by the State Superintendent each year. *Id.*

Insert the following sentence for districts that administer an alternate survey of learning conditions at their own cost: “The District has elected to use an alternate climate survey of learning conditions instrument.”

Adds election day as a holiday

Instruction

Constitution Day as a commemorative holiday

School Year Calendar and Day¹

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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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.

² State-mandated school holidays are found in 105 ILCS 5/24-2, amended by P.A.s 101-642 and 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 the 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 101-642, 102-15, 102-14, 102-334, 102-411, and 103-467, and 10 ILCS 5/1-242A-1.1e, added by P.A. 103-467-15 and repealing on 1-1-253, establishes 2024 General Election Day as a State holiday required all government offices, with the exception of election authorities, to be closed, unless authorized to be used as a location for election day services or as a polling place for 2020 General Election Day; and it requires schools to be available to an election authority as a polling place for 2024 General Election Day and on 11-8-22 for 2022 General Election Day. *Id.*

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, added by P.A. 101-643, 105 ILCS 5/10-19, amended by P.A.s 101-12 and 101-643, 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.

Commemorative Holidays

The teachers and students shall 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.

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

E-learning days allow a school district to provide instruction to students electronically while they are not physically present due to inclement weather and other unexpected events. 105 ILCS 5/10-20.56, added by P.A. 101-12 and amended by P.A.s 101-643, 102-584 (e-learning days allowed when a school is selected as a polling place under the Election Code), and 102-697. 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). 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). Retroactive payments for e-learning days used during 2021-2022 school year are also required if employees or contractors were unpaid or employees were required to use earned paid time off. *Id.* at (d-20). However, payment is not required if the day(s) are (or were) rescheduled. 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. 77, 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, lists the following as commemorative holidays: 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); 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); 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 5/27-18); Leif Erickson Day on October 9 if a school day and otherwise on a school day nearest the date (105 ILCS 5/27-19); 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); 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, ~~off. 1-1-22~~ (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).

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

LEGAL REF.: 105 ILCS 5/10-19, 5/10-19.05, 5/10-20.56, 5/10-20.46, 5/10-30, 5/18-12, 5/18-12.5, 5/24-2, 5/27-3, 5/27-18, 5/27-19, 5/27-20, 5/27-20.1, 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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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, [added by P.A. 101-12 and amended by P.A. 103-560, eff. 1-1-24101-643. See www.isbe.net/Documents/SB28Instructional-Day.pdf for ISBE's notice regarding this law. See 105 ILCS 5/10-19.05, added by P.A. 101-12 and amended by P.A. 103-560, eff. 1-1-24101-643, 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 requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. 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.

Section 5

Requires full day kindergarten

Instruction

Organization of Instruction ¹

The School District has instructional levels for grades _____ through _____. The Superintendent shall annually present to the School Board a plan for organizing instructional levels and assigning them to school facilities in order to:

1. Support the District's educational program,
2. Maximize facility usage without undue overcrowding, and
3. Provide substantially comparable instructional programs across the District.

Students, for instructional purposes, may be placed in groups within a school that do not necessarily follow grade level designations. For purposes of attendance reporting and other records, however, each student is assigned a grade-level placement.

Kindergarten ²

The District maintains a full-day kindergarten with an instructional program that fulfills the District's curriculum goals and objectives and the requirements of the State law. The District also offers a half-day kindergarten for those parents/guardians who request a half-day program.

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

¹ The contents of this policy, except the kindergarten section, are discretionary with each board. The first section serves to inform interested people that instructional levels are organized and assigned to school facilities according to a plan, developed by the superintendent, that meets standards adopted by the board. If a board does not want to include specific standards for the plan, it may substitute this sentence for the second sentence:

The grouping and housing of instructional levels in school facilities shall be according to plans developed by the Superintendent and approved by the Board.

Optional additional sentences for unit districts; insert after the first sentence.

The elementary schools enroll students in kindergarten through grade _____. The junior high school offers grades _____ through _____. The high school offers grades _____ through 12.

² This section is for only those districts having a kindergarten. Until the 2027-28 school year, a board may establish a full-day or half-day kindergarten program. 105 ILCS 5/10-22.18. If, but if a full-day program is established, then the district must also establish a half-day program. Id. 105 ILCS 5/10-22.18, amended by P.A. 103-410; 23 Ill.Admin.Code §1.420(h)(1). The district must offer a distinctive curriculum for full- and half-day kindergartens when 20 or more students' parents/guardians request a half-day program. 23 Ill.Admin.Code §1.420(h)(2). Beginning with the 2027-28 school year, a board must establish a full-day kindergarten program and may establish a half-day kindergarten program. 105 ILCS 5/10-22.18, amended by P.A. 103-410. Both full-day and half-day kindergarten programs should be developmentally appropriate and provide opportunities for play-based learning. Id. Elementary or unit districts that do not offer full-day kindergarten as of 10-1-22, may apply for a two-year extension of the 2027-28 school year full-day kindergarten implementation deadline if the criteria set forth in 105 ILCS 5/10-22.18(b)(1)-(3) are met. Id. at (b).

A board should consider adding a description of pre-kindergarten programs whether they are for all students or only those who qualify due to special needs.

105 ILCS 5/10-20.37, ~~5/10-20.19a~~, and 5/10-22.18, amended by P.A. 103-410, authorize a board to establish a program as described in the following optional provision:

To the extent State or federal funds are available and in accordance with State law, the Superintendent or designee shall establish, maintain, and operate a summer kindergarten program that: (1) begins two months before the beginning of the regular school year, and/or (2) continues for two months after the regular school year for grade one readiness for those students making unsatisfactory progress during the regular kindergarten session. The District shall provide transportation.

LEGAL REF.: 105 ILCS ~~5/10-20.19a~~, 5/10-20.37, and 5/10-22.18.
23 Ill.Admin.Code §1.420.

CROSS REF.: 6:40 (Curriculum Development), 6:170 (Title I Programs), 7:30 (Student Assignment and Intra-District Transfer), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students)

New subject

Instruction

School Wellness ¹

Student wellness, including good nutrition and physical activity, shall be promoted in the District's educational program, school-based activities, and meal programs.² This policy shall be interpreted consistently with Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 and the Healthy Hunger-Free Kids Act of 2010 (HHFKA).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 requires this subject matter to be covered in policy and controls its content. The federal Child Nutrition and WIC Reauthorization Act of 2004 (Child Nutrition Act) ([Pub. L. 108-265](#)) requires school districts participating in a program authorized by the [Richard B. Russell National School Lunch Act \(NSLA\)](#) (42 U.S.C. §1751 *et seq.*) or the Child Nutrition Act to have a school wellness policy. Pub. L. 108-265, Sec. 204. State law required the Ill. State Board of Education (ISBE) to "establish a State goal that all school districts have a wellness policy." 105 ILCS 5/2-3.139(a). ISBE complied in October 2007 by "instruct[ing] all public school districts to establish a School Wellness Policy." The federal and State laws list mandatory topics for the policy. The second sentence of this policy should be deleted if the district does not participate in the NSLA or the Child Nutrition Act.

See ISBE's numerous resources at: www.isbe.net/Pages/Nutrition-and-Wellness.aspx and www.isbe.net/Pages/Local-School-Nutrition-Wellness-Policy.aspx. Action for Healthy Kids is a national organization dedicated to overcoming the "epidemic of overweight, undernourished and sedentary youth by focusing on changes in schools;" see its resources at: www.actionforhealthykids.org/www.actionforhealthykids.org/index.php.

This sample policy seeks to be both legally compliant and consistent with good governance principles. Both federal and State laws allow each school district to determine how the required topics are addressed. Good governance principles suggest that the board should establish goals with community and stakeholder input. The administration should determine how to achieve the goals. The board should monitor this policy by requesting and reviewing periodic implementation data.

The Ill. Dept. of Agriculture and ISBE are directed to create the Farm Fresh Schools Program. 105 ILCS 124/, Farm Fresh Schools Program Act; 30 ILCS 105/5.728, Farm Fresh Schools Program Fund. They are also directed to administer a grant program to further the Program's intent of "reduc[ing] obesity and improve[ing] nutrition and public health, as well as strengthen[ing] local agricultural economies by increasing access to and promoting the consumption of locally grown fruits and vegetables in schools and increasing physical activities and programs that promote pupil wellness." 105 ILCS 124/10.

² 7 C.F.R. §210.31(a) and (c)(1). The law ~~does not require that local school wellness policies include specific goals for nutrition promotion and education, physical activity, and school-based activities to be listed in policy — only that boards implement them.~~ Federal law requires consideration of evidence-based strategies and techniques when implementing school-based activities. ~~See ISBE's Local Wellness Policy Content Checklist at www.isbe.net/Documents/Local-Wellness-Policy-Content-Checklist.pdf. A board that chooses to list these activities must update them as they change by readopting the policy.~~

~~For boards that have developed and wish to list their chosen evidence-based school-based activities, add the following sentence to the paragraph as the second sentence: "The District's school-based activities include: {list the chosen evidence-based school-based activities}."~~

For boards that ~~have not yet developed and implemented their evidence-based school-based activities and~~ need technical assistance, see ~~the websites for:~~

1. The U.S. Dept. of Agriculture (USDA) at: www.fns.usda.gov/tn/local-school-wellness-policy; and
2. The Alliance for a Healthier Generation (AHG) at: www.healthiergeneration.org/.

³ [Pub. L. 111-296](#), Healthy Hunger-Free Kids Act of 2010 (HHFKA); 42 U.S.C. §1758b ([Pub. L. 111-296 local school wellness policy](#)); 7 C.F.R. §§210.10 ([meal requirements for lunches and requirements for after-school snacks](#)) and 210.31(a) ([local school wellness policy](#)).

The Superintendent will ensure: ⁴

1. Each school building complies with this policy;
2. The policy is available to the community on an annual basis through copies of or online access to the Board Policy Manual⁵; and
3. The community is informed about the progress of this policy's implementation.

Goals for Nutrition Education and Nutrition Promotion ⁶

The goals for addressing nutrition education and nutrition promotion include the following:

- Schools will support and promote sound nutrition for students.
- Schools will foster the positive relationship between sound nutrition, physical activity, and the capacity of students to develop and learn.

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

⁴ *Id.*; 7 C.F.R. §210.31(c)(4) (identification of school official responsible for implementation of the policy), §210.31 (d)(2) (informing the public about the policy and making it available on an annual basis), §210.31 (d)(3) (informing the public of the progress toward meeting the goals of the policy by making triennial assessments available), and §210.31(e) (policy implementation, assessments, and updates). See also f/n 20, below.

This sample policy identifies the superintendent as the school official responsible to ensure compliance and oversee the policy. When the rules require specific identification of a school official, the policy does not include the delegation language *or designee*. **[School boards] must identify the [school official(s)] responsible for oversight of [its wellness policy] to ensure compliance. [Boards] have discretion and are the most qualified to identify the best candidate for [their wellness] policy leadership as size, resources, and needs vary greatly among [school districts]**. See Federal Register Vol. 81, No. 146 at 50155 at: www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17230.pdf.

For boards that wish to identify a school official other than the superintendent, delete **Superintendent** and replace it with the responsible school official's title.

The intent of the rule is that schools "notify households on an annual basis of the availability of the local school wellness policy information and provide information that would enable *interested households* to obtain additional details." Fed. Reg. Vol. 81, No. 146 at 50160. However, the rule states, "[i]nform the *public* about the content and implementation of the local school wellness policy, and make the policy and any updates to the policy available to the public on an annual basis."

To achieve the intent of this requirement, the regulations suggest several methods for districts, which include a common method many districts likely already use: post the policy on the websites for the *public*, and use the student handbook to distribute important information to *interested households*.

⁵ For boards that distribute their wellness policies via student handbooks and want to list that in the text of their policies, insert "and distributed to students and their parents/guardians through student handbooks". For sample handbook language, see the Illinois Principals Association *Online Model Student Handbook (MSH)* at: www.ilprincipals.org/msh/.

⁶ Goals for nutrition education and nutrition promotion are required topics, but the local board may determine what goals are appropriate. Pub. L. 108-265, Sec. 204(a)(1) and Pub. L. 111-296; [42 USC §1758b\(b\)\(1\)](#); 105 ILCS 5/2-3.139(a)(2); and 7 C.F.R. §210.31(c)(1). Replace this policy's text with a board's own locally-developed nutritional education and promotion goals.

Nutrition promotion, required by Pub. L. 111-296, is not well-described or defined. The Food Nutrition Service (FNS) describes *nutrition promotion* more clearly in its technical assistance materials and the proposed 7 C.F.R. Part 210 rules (Fed. Reg. Vol. 79, No. 38 at 10695), dated Feb. 26, 2014, which state, "... evidence based techniques and scientifically-based nutrition messages targeted to a specific audience to inspire and motivate them to take action and use these techniques and messages to create environments and food service venues (classroom, cafeteria, a la carte, vending machines, school stores, snack bars, fundraisers, home, etc.) that encourage healthy nutrition choices, as well as enhance and encourage participation in school meal programs."

More specific materials about nutrition education and promotion, including songs, games, posters, videos, event-planning booklets, wellness communication toolkits, school garden activities, and a graphics library, have also been developed by the FNS' Team Nutrition at: www.fns.usda.gov/tn/resource-library.

Technical assistance for:

Nutritional promotion at: www.fns.usda.gov/tn/local-school-wellness-policy.

Goals development for and implementation of nutrition education and promotion are available from AHG at: www.healthiergeneration.org/.

- Nutrition education will be part of the District’s comprehensive health education curriculum. See Board policy 6:60, *Curriculum Content*.⁷

Goals for Physical Activity⁸

The goals for addressing physical activity include the following:

- Schools will support and promote an active lifestyle for students.
- Physical education will be taught in all grades and shall include 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. See policies 6:60, *Curriculum Content* and 7:260, *Exemption from Physical Education*.⁹
- During the school day, all students will be required to engage in a daily physical education course, unless otherwise exempted. See policies 6:60, *Curriculum Content* and 7:260, *Exemption from Physical Education*.¹⁰
- The curriculum will be consistent with and incorporate relevant *Illinois Learning Standards for Physical Development and Health* as established by the Ill. State Board of Education (ISBE).¹¹

Goals for Other School-Based Activities¹²

The goals for school-based activities include the following:

- Schools will support and promote a healthy eating environment for students.
- Schools will promote and participate in wellness activities.

AW Section

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

⁷ 105 ILCS 110/3 and 23 Ill.Admin.Code §1.420(n).

⁸ This is a required topic, but the local board may determine what goals are appropriate. 105 ILCS 5/2-3.139(a)(2); 42 USC §1758b(b)(1); and 7 C.F.R. §210.31(a) and (c)(1).

⁹ 105 ILCS 5/27-5 and 27-6, amended by P.A. 102-405; 23 Ill.Admin.Code §1.425. See also f/n 31 in sample policy 6:60, Curriculum Content. For standards-based lesson plans and curricula for pre-kindergarten through grade 8, classroom-based lesson plans, recipes, guidance to improve the quality of school meals, and other materials for nutrition education and promotion, including songs, games, posters, videos, event-planning booklets, wellness communication toolkits, school garden activities, and a graphics library, see the resources developed by the FNS’ Team Nutrition at: www.fns.usda.gov/tn/resource-library.

¹⁰ Id. This policy’s sample text is based upon federal and State *goals* while sample policy 6:60, *Curriculum Content*’s text is based only upon State curriculum requirements that require a minimum of three days of physical education per five-day week. Ensure the text in this policy’s goal aligns with the district’s practice stated in policy 6:60 for meeting the minimum requirements of 23 Ill.Admin.Code §1.425(b).

¹¹ Schools must “set student learning objectives which meet or exceed goals established by the State.” 105 ILCS 5/2-3.63. The *Learning Standards* can be found on ISBE’s website at: www.isbe.net/Pages/Standards-Courses.aspx. See State goals 19-24 for physical education and health at: www.isbe.net/Documents/Goals-19-24-and-Perf-Descrip.pdf.

105 ILCS 5/27-6.5 describes physical fitness assessments required, beginning with the 2016-17 school year and every school year thereafter, for grades 3-12 in an effort to meet State Goal 20 of the *Illinois Learning Standards for Physical Development and Health*. See also 23 Ill.Admin.Code §1.425-(f) and (h); ISBE’s *IL Fitness Assessments and Data Reporting Requirements Questions and Answers* (Rev. Sept. 2021) at: www.isbe.net/Documents/Physical_Fitness_Assessment_FAQ.pdf.

¹² This is a required topic, but the local board may determine what goals are appropriate. 42 USC §1758b(b)(1); 7 C.F.R. §210.31(c)(1). The third sample goal comes from ISBE’s *Local Wellness Policy Template for Schools*, available at: www.isbe.net/Pages/Local-School-Nutrition-Wellness-Policy.aspx.

- Schools will offer other school-based activities to support student health and wellness, including coordinated events and clubs.

Nutrition Guidelines for Foods Available During the School Day; Marketing Prohibited ¹³

Students will be offered and schools will promote nutritious food and beverage choices during the school day that are consistent with Board policy 4:120, *Food Services* (requiring compliance with the nutrition standards specified in the U.S. Dept. of Agriculture’s (USDA) *Smart Snacks* rules). ¹⁴

In addition, in order to promote student health and reduce childhood obesity,¹⁵ the Superintendent or designee shall:

1. Restrict the sale of *competitive foods*, as defined by the USDA, in the food service areas during meal periods;
2. Comply with all ISBE rules; and
3. Prohibit marketing during the school day of foods and beverages that do not meet the standards listed in Board policy 4:120, *Food Services*, i.e., in-school marketing of food and beverage items must meet *competitive foods* standards. ¹⁶

Competitive foods standards do not apply to foods and beverages available, but not sold in school during the school day; e.g., brown bag lunches, foods for classroom parties, school celebrations, and reward incentives. ¹⁷

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

¹³ The policy must include the nutrition guidelines selected by the board for “all foods available during the school day with the objective of promoting student health and reducing childhood obesity.” Pub. L. 108-265, Sec. 204(a)(2); 105 ILCS 5/2-3.139(a)(1); and 7 C.F.R. §210.10 and 210.31(a), (c)(2), and (c)(3)(i)-(iv). 42 U.S.C. 1758b(b)(2)(A) requires that each local school wellness policy include nutrition guidelines for all foods and beverages available for sale on the school campus during the school day to ensure they are consistent with the statutory and regulatory provisions governing school meals (7 C.F.R. §§210.10, 220.8 and 220.10) and competitive foods (7 C.F.R. §210.11) as applicable.

Prior to July 2016 when 7 C.F.R. § 210.10 and 7 C.F.R. § 210.31(c) (respectively) became effective, the current *Dietary Guidelines for Americans* published jointly by the U.S. Depts. of Health and Human Services and Agriculture (USDA) were used as nutrition guidelines.

¹⁴ 7 C.F.R. §§210.10 (meal requirements for lunches and requirements for after-school snacks); 210.11(c) (general nutrition standards for competitive food, i.e., *Smart Snacks*); and 210.31(a) and (c) (encompassing all other nutrition requirements, including foods not sold to students during the school day (classroom parties)).

¹⁵ 7 C.F.R. §210.31(c)(3)(iv).

¹⁶ 7 C.F.R. §§210.11(a)(2) and 210.31(c)(3)(iii); 23 Ill. Admin. Code §305.5. For a definition of *competitive foods*, see 4:120-AP, *Food Services; Competitive Foods; Exemptions*.

¹⁷ 7 C.F.R. §210.31(c)(2). This sample policy does not apply competitive food standards to foods not sold in schools; i.e., foods that students bring into the school from home, etc.

The final [federal] rule does not require that local school wellness policy standards for *foods provided in schools during the school day but not available for sale* conform to the school meal requirements or the competitive foods standards. In fact, the preamble to the final rule reiterates this saying, “[a]gain, it should be noted that with regard to foods provided, but not sold, in schools, local jurisdictions have the discretion to adopt standards that conform to [the competitive food standards] or to adopt more or less stringent standards.” Similarly, the preamble to the final rule clearly states the rule does not require school boards to address standards for food brought from home for individual consumption. See Federal Register Vol. 81, No. 146 at 50158 at: www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17230.pdf. Emphasis added.

This sample policy adopts less stringent standards for foods not sold in schools. For boards that wish to adopt standards that conform to the competitive food standards or apply even more stringent standards to foods available, but not sold during the school day, delete the last sentence of this subhead: ~~*Competitive foods standards do not apply to foods and beverages available, but not sold in school during the school day; e.g., foods for classroom parties, school celebrations, and reward incentives.*~~ and choose one of the following sentences to replace it:

Option 1: The District applies competitive foods standards listed in Board policy 4:120, *Food Services*, to foods available, but not sold, in schools.

Exempted Fundraising Day (EFD) Requests ¹⁸

All food and beverages sold to students on the school campuses of participating schools during the school day must comply with the “general nutrition standards for competitive foods” specified in federal law.

ISBE rules prohibit EFDs for grades 8 and below in participating schools.

The Superintendent or designee in a participating school may grant an EFD for grades 9 through 12 in participating schools. To request an EFD and learn more about the District’s related procedure(s), contact the Superintendent or designee. The District’s procedures are subject to change. The number of EFDs for grades 9 through 12 in participating schools is set by ISBE rule.

Guidelines for Reimbursable School Meals ¹⁹

Reimbursable school meals served shall meet, at a minimum, the nutrition requirements and regulations for the National School Lunch Program and/or School Breakfast Program. ²⁰

Unused Food Sharing Plan ²¹

In collaboration with the District’s local health department, the Superintendent or designee will:

1. Develop and support a food sharing plan (Plan) for unused food that is focused on needy students. ²²
2. Implement the Plan throughout the District.

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

Option 2: The District applies more stringent standards than the competitive foods standards to foods available, but not sold, in schools. These include [list the chosen standards to foods available, but not sold, in schools].

The AHG encourages school officials to consider prohibiting foods as a reward and using the *Smart Snacks* standards for foods available, but not sold during the school day. However, enforcing such standards against students who are sent to school with snacks from their parents/guardians is difficult and may be considered overreach. Further, such a standard may open the district to challenges. Consult the board attorney about enforcement of standards that meet the *competitive foods* standards – or even more stringent standards – upon foods available, but not sold during the school day, i.e., choosing Options 1 or 2, above.

¹⁸ Required by 23 Ill.Admin.Code §305.15(c)(2), 7 C.F.R. §§210.11(b)(4), (c)(2) and 210.30(c)(2) for participating schools that want to grant EFDs.

For elementary districts, delete these sentences: ~~The Superintendent or designee in a participating school may grant an EFD for grades 9 through 12 in participating schools. To request an EFD and learn more about the District’s related procedure(s), contact the Superintendent or designee. The District’s procedures are subject to change. The number of EFDs for grades 9 through 12 in participating schools is set by ISBE rule.~~

For high school districts, delete this sentence: ~~EFDs are prohibited for grades eight and below in participating schools.~~

Detailed procedures are subject to change and are too complicated for policy text. This policy seeks to balance the requirement to include procedures in the policy for requesting an EFD by providing information about the initial steps and directing the superintendent or designee to inform the requestor of the current procedure. For a list of the number of available EFDs and a more detailed sample step-by-step procedure to request them, see sample administrative procedure 4:120-AP, Food Services; Competitive Foods; Exemptions.

¹⁹ Inclusion in the policy is required for only those districts that participate in a program authorized by the NSLA or the Child Nutrition Act.

²⁰ Child Nutrition Act of 1966 (42 U.S.C. §1771 et seq.) and NSLA (42 U.S.C. §1758).

²¹ 105 ILCS 5/2-3.189, added by P.A. 102-359 and renumbered by P.A. 102-813.

²² *Needy students* is not defined by 105 ILCS 5/2-3.189, added by P.A. 102-359 and renumbered by P.A. 102-813.

3. Ensure the Plan complies with the Richard B. Russell National School Lunch Act, as well as accompanying guidance from the U.S. Department of Agriculture on the Food Donation Program. ²³
4. Ensure that any leftover food items are properly donated to combat potential food insecurity in the District's community. *Properly* means in accordance with all federal regulations and State and local health and sanitation codes.

Monitoring ²⁴

At least every three years, the Superintendent shall provide implementation data and/or reports to the Board concerning this policy's implementation sufficient to allow the Board to monitor and adjust the policy (a triennial report).²⁵ This triennial report must include without limitation each of the following:

- An assessment of the District's implementation of the policy
- The extent to which schools in the District are in compliance with the policy
- The extent to which the policy compares to model local school wellness policies
- A description of the progress made in attaining the goals of the policy
- How the District will make the results of the assessment available to the public
- Where the District will retain records of the assessment ²⁶
- The Board will monitor and adjust the policy pursuant to policy 2:240, *Board Policy Development*.

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

²³ Required for districts that participate in child nutrition programs, the National School Lunch Program and National School Breakfast Program, the Child and Adult Care Food Program (CACFP), and the Summer Food Service Program (SFSP). See 105 ILCS 5/2-3.189, added by P.A. 102-359 and renumbered by P.A. 102-813.

Delete number 3 *only* if the district participates in none of the programs listed.

Food sharing plans will depend on many local factors and require local health department involvement, so because of that, a sample **PRESS** administrative procedure is not practical and does not exist.

²⁴ The policy must establish a plan for measuring implementation of the local wellness policy, including designation of one or more persons within the local educational agency at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy. Pub. L. 108-265, Sec. 204(a)(4); 105 ILCS 5/2-3.139(a)(4); and 7 C.F.R. §210.31(c)(5), (6), and (e)(1). 105 ILCS 110/3.5(a) requires ISBE to develop and maintain a nutrition and physical activity best practices database. Materials may be found at: www.isbe.net/Pages/Nutrition-and-Wellness.aspx.

42 U.S.C. §1758b(b)(5)(A) (Pub. L. 111-296) requires the public to receive periodic measures with the listed items. The accepted practice is annual reports. There is very little guidance to assist school districts in complying with this requirement, and school districts were expected to be working toward developing a reasonable method to implement this requirement by the end of the 2011-2012 school year. Without guidance, to ensure compliance, superintendents should contact their Regional Office of Education or Intermediate Service Center regarding their school districts' efforts to comply with this requirement. A guide to help school districts conduct an evaluation of local wellness policies is available, along with more guidance at: www.fns.usda.gov/tn/local-school-wellness-policy.

²⁵ 7 C.F.R. §210.31(e)(2)(i)-(iii) and (3).

²⁶ *Id.* and §210.31(f); see also the Local Records Act, 50 ILCS 205/. It governs retention of district records; its definition of *public record* is narrower than the definition in the Freedom of Information Act. These communications must be retained only when they contain: (1) evidence of the district's organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. Consult the board attorney for a more thorough analysis and a legal opinion about how to meet both of the federal records retention requirements discussed in f/n 28, below, and the Local Records Act.

Community Involvement ²⁷

The Board and Superintendent will actively invite suggestions and comments concerning the development, implementation, periodic reviews, and updates of the school wellness policy from parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the community. Community involvement methods shall align their suggestions and comments to policy 2:140, *Communications To and From the Board* and/or the **Community Engagement** subhead in policy 8:10, *Connection with the Community*. ²⁸

Recordkeeping ²⁹

The Superintendent shall retain records to document compliance with this policy, the District's records retention protocols, and the Local Records Act.

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²⁷ A board must establish a plan in its wellness policy for involving parents, students, and representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the public in the development of the school wellness policy. Pub.L. 108-265, Sec. 204(a)(5), ~~amended by~~; 42 U.S.C. §1758b(b)(3) (Pub.L. 111-296); 105 ILCS 5/2-3.139(a)(3); 7 C.F.R. §210.31(c)(5) (requirement to describe involvement plan in policy), and 7 C.F.R. §210.31(d)(1) (requirement to allow certain stakeholders to participate in policy development, etc.).

School districts have discretion in exactly how they implement this requirement, and [e]ach [school district] is best suited to determine the distinctive needs of the community it serves. See Federal Register Vol. 81, No. 146 at 50155 at: www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17230.pdf.

This requirement's awkward wording notwithstanding, a board may take compliance steps by:

Seeking community input or involvement during this policy's adoption and monitoring phases, and inviting suggestions and comments during the public comment portion of board meetings from time to time. This method aligns with [sample policies 2:140, *Communications To and From the Board*, and 2:240, *Board Policy Development*](#).

Establishing a "local school wellness committee." This method is discussed in the preamble to 7 C.F.R. §210.31(d)(1), which suggests "identifying individuals" to serve on a "local school wellness policy committee." **However, the final text of 7 C.F.R. §210.31(d)(1) does not specifically require districts to establish a local school wellness policy committee – only that they "permit [groups listed in the policy above] to participate"** See also the citation to the Federal Register, in the second paragraph of this f/n, above, discussing policy implementation discretion.

The default text of this policy follows item #1 above and does not establish a local school wellness committee. For a district that wants to appoint or approve a local school wellness committee, add the following optional sentence as the last sentence of this subhead: "As necessary, the Superintendent or designee will convene a Wellness Committee with at least one representative from each of the listed groups." Also list the Wellness Committee in [sample administrative procedure 2:150-AP, *Superintendent Committees*](#). As much of the work of developing a plan to involve local stakeholders is administrative/staff work rather than governance work, best practice is for a Wellness Committee be an administrative committee, but consult the board attorney for guidance. See f/n 3 in [sample policy 2:150, *Committees*](#), for a discussion of Open Meetings Act implications of the Wellness Committee being a board committee.

If a board wants to comply with the USDA's *encouragement* to include Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators or educators in the group to provide input about the policy, add:

“, Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators, educators” to the end of the first sentence in this subhead, immediately before: “, and community.”

²⁸ If a board has not adopted the **Community Engagement** subhead in policy 8:10, *Connection with the Community*, delete the phrase at the end of the second sentence: "Individuals shall align their suggestions and comments to policy 2:140, *Communications To and From the Board* and/or the **Community Engagement** subhead in policy 8:10, *Connection with the Community*."

A board may also choose to post this policy on its website and include it in the student handbook.

²⁹ 7 C.F.R. §210.31(f). Records must include: (1) the policy; (2) documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public; and (3) documentation of the triennial assessment of the local school wellness policy for each school under its jurisdiction.

See f/n 25, above regarding the Local Records Act and [sample administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*](#).

LEGAL REF.: Pub. L. 108-265, Sec. 204, Child Nutrition and WIC Reauthorization Act of 2004.
~~42 U.S.C. §1771 et seq., Child Nutrition Act of 1966.~~
42 U.S.C. §1751 et seq., Richard B. Russell National School Lunch Act.
42 U.S.C. §1758b, Pub. L. 111-296, Healthy, Hunger-Free Kids Act of 2010.
~~42 U.S.C. §1771 et seq., Child Nutrition Act of 1966.~~
42 U.S.C. §1779, as implemented by 7 C.F.R. §§210.11 and 210.31.
50 ILCS 205/, Local Records Act.
105 ILCS 5/2-3.139 and 5/2-3.189.
23 Ill.Admin.Code Part 305, Food Program.
ISBE's *School Wellness Policy* Goal, adopted Oct. 2007.

CROSS REF.: 2:140 (Communications To and From the Board), 2:150 (Committees), 2:240 (Board Policy Development), 4:120 (Food Services), 5:100 (Staff Development Program), 6:60 (Curriculum Content), 7:260 (Exemption from Physical Education), 8:10 (Connection with the Community)

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While 7 C.F.R. §210.31(f) does not require the policy text to state what records must be kept, a board that wants to include that information may insert the following text: "Records must include: (1) this policy; (2) documentation demonstrating compliance with community involvement, including requirements to make the policy and triennial assessments available to the public; and (3) documentation of the triennial assessment of this policy for each school under its jurisdiction."

Additional units of
Study → Native American
& History
Experience

Instruction

Curriculum Content¹

The curriculum shall contain instruction on subject required by State statute or regulation as follows:

1. In kindergarten through grade 8, subjects include: (a) language arts, (b) reading,² (c) other communication skills, (d) science, (e) mathematics³, (f) social studies, (g) art, (h) music,⁴ and (i) drug and substance abuse prevention including the dangers of opioid abuse.⁵ 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.⁶ 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

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¹ Districts must have a policy on physical education (23 Ill.Admin.Code §1.425) and what grade level(s) students will be offered cursive writing instruction (105 ILCS 5/27-20.7). Policies on the remaining topics in this policy are optional. State or federal law controls this policy's content. 23 Ill.Admin.Code §1.420, 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.

² 105 ILCS 5/2-3.196, added by P.A. 103-402, requires 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, see www.isbe.net/literacyplan.

³ 105 ILCS 5/2-3.156 requires the Ill. State Board of Education (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*. The ISBE has adopted new 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, www.isbe.net/Documents/ccs-faq-0813.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*.

⁴ 23 Ill.Admin.Code §1.430(a).

⁵ 105 ILCS 5/27-13.2, amended by P.A. 102-195, requires that in addition to instruction, study, and discussion of effective methods for the prevention and avoidance of drugs and substance abuse, the subject must also cover the dangers of opioid abuse. See also f/n 33, below, regarding instruction on the dangers of fentanyl.

⁶ 105 ILCS 5/10-20.53.

- kindergarten through grade 5.⁷ Before the completion of grade 5, students will be offered at least one unit of cursive instruction.⁸ 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.⁹
2. In grades 9 through 12, subjects include:¹⁰ (a) language arts, (b) writing intensive courses, (c) science, (d) mathematics,¹¹ (e) social studies including U.S. history, American government and one semester of civics,¹² (f) foreign language,¹³ (g) music, (h) art, (i) driver and safety education,¹⁴ and (j) vocational education.

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⁷ 105 ILCS 5/27-6.3, 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).

⁸ 105 ILCS 5/27-20.7 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) _____.

⁹ 105 ILCS 5/27-3.10, ~~added by P.A. 101-254~~. The statute specifically states that school districts may utilize private funding available for offering civics education.

¹⁰ 105 ILCS 5/27-22, amended by P.A.s ~~101-643, 101-654~~, 102-366, 102-551, and 102-864; 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 5/27-22(e)(3.5), amended by P.A. ~~101-654~~ and 102-864, and 5/27-22(e)(3.5) and (e-5)(3.5), added by P.A. 102-864, requires "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 6 of this policy with f/n ~~265~~, below.

¹¹ 105 ILCS 5/2-3.156. See f/n 2.

105 ILCS 5/27-22(e)(3), ~~amended by P.A. 101-464~~, 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](#).

¹² 105 ILCS 5/27-22(e)(5). The statute specifically states that school districts may utilize private funding available for offering civics education.

¹³ 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.

¹⁴ 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 5/27-24.2, ~~amended by P.A. 101-450~~. 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 24-A. 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.

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.¹⁵ 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,¹⁶ (b) classroom instruction on distracted driving as a major traffic safety issue,¹⁷ (c) instruction on required safety and driving precautions that must be observed at emergency situations, highway construction and maintenance zones, and railroad crossings and their approaches,¹⁸ 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.¹⁹ 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.²⁰ 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.²¹

3. In grades 7 through 12, as well as in interscholastic athletic programs, steroid abuse prevention must be taught.²²
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.²³ In addition, anti-bias education and intergroup conflict resolution may be taught as an effective method for preventing violence and

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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 5/27-24.2, amended by P.A. 101-183; 23 Ill.Admin.Code §252.20(c)(2).

¹⁵ 105 ILCS 5/27-24.1, amended by P.A. 102-455, and 5/27-24.2; 23 Ill.Admin.Code §252.20(c)(2).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ 105 ILCS 5/27-17, amended by P.A. 102-971, ~~eff. 1-1-23~~.

²¹ The Ill. Vehicle Code, 625 ILCS 5/6-408.5, amended by P.A. 102-1100, contains these requirements; they are paraphrased below and may be added to the policy or otherwise disseminated.

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:

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
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.

²² 105 ILCS 5/27-23.3.

²³ 105 ILCS 5/27-23.4.

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. ²⁴

5. In grades kindergarten through 12, age-appropriate Internet safety must be taught, the scope of which shall be determined by the Superintendent or designee. The curriculum must incorporate policy 6:235, *Access to Electronic Networks*, and, at a minimum, include: (a) education about appropriate online behavior, (b) interacting with other individuals on social networking websites and in chat rooms, and (c) cyberbullying awareness and response. ²⁵
6. In all grades, students must receive developmentally appropriate opportunities to gain computer literacy skills that are embedded in the curriculum. ²⁶
7. 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.²⁷ Instruction in all grades will include

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²⁴ Optional. 105 ILCS 5/27-23.6 ~~entitled (Anti-bias education)~~ 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.

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.

²⁵ 47 C.F.R. §54.520 and 105 ILCS 5/27-13.3 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 5/27-13.3 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 5/27-13.3 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.

²⁶ 105 ILCS 5/10-20.79, ~~added by P.A. 101-654 and renumbered by P.A. 102-813~~, 5/10-20.74, and 5/27-22(e)(3.5), ~~added by P.A. 101-654 and~~ amended by P.A. 102-894, and 5/27-22(e-5)(3.5), added by P.A. 102-894. 105 ILCS 5/10-20.74, ~~added by P.A. 101-654~~, 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](#).

²⁷ 105 ILCS 5/27-12.

examples of behaviors that violate policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.²⁸

8. 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, (d) the Pledge of Allegiance, and (e) the voting process.²⁹
9. 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,³⁰ but at a minimum of three days per five-day week.³¹ For exemptions and substitutions, see policies 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students* and 7:260, *Exemption from Physical Education*.³²

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²⁸ Required as part of a district's Bullying Prevention and Response Plan pursuant to 105 ILCS 5/27-23.7. 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(a). This language aligns with sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

The Ill. General Assembly invited boards to "make suitable provisions for instruction in gang resistance education and training in all grades and include such instruction in the courses of study regularly taught in those grades." See 105 ILCS 5/27-23.10(c). A board that shares this concern may add the following option: "In addition, in all grades gang resistance education and training must be taught."

²⁹ 105 ILCS 5/27-3 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.

³⁰ 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.

³¹ 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*.

³² 105 ILCS 5/27-5 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 State law. See also 23 Ill.Admin.Code §1.425.

105 ILCS 5/27-6, describes when students may be excused from P.E. See also 23 Ill.Admin.Code §1.425(d).

105 ILCS 5/27-6 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.

10. In all schools, health education must be stressed, including³³: (a) proper nutrition, (b) physical fitness, (c) components necessary to develop a sound mind in a healthy body, (d) dangers and avoidance of abduction, ~~and~~ (e) age-appropriate and evidence-informed sexual abuse and assault awareness and prevention education in all grades,³⁴ and (f) beginning in the fall of 2024, in grades 9-12, the dangers of fentanyl. The Superintendent shall implement a comprehensive health education program in accordance with State law. ³⁵

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105 ILCS 5/27-6.5 describes physical fitness assessments required, beginning with the 2016-17 school year and every school year thereafter, 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~~www.isbe.net/Pages/School-Health-Issues.aspx~~.

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) at: www.isbe.net/Documents/Physical-Fitness-Assessment-FAQ.pdf.

105 ILCS 5/27-7 describes the goals and requirements for P.E. courses; these are re-stated in this sample policy.

³³ Citations for letters (a) - (e), required by the Comprehensive Health Education Program (105 ILCS 110/3) in this paragraph follow:

(a) 105 ILCS 5/2-3.139 and 105 ILCS 5/27-7 (proper nutrition) and see also sample policy 6:50, *School Wellness*.

(b) *Id.* (physical fitness) and see also sample policy 6:50, *School Wellness*.

(c) *Id.* (sound mind and healthy body).

(d) 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, amended by P.A.s ~~101-305~~, 102-464, and 102-1034, ~~eff. 1-1-23~~, and 105 ILCS 5/10-23.13, amended by P.A. 102-610 a/k/a *Erin's Law* (child sexual abuse prevention). While 105 ILCS 5/10-23.13(b) states pre-K through 12th, this policy uses *all 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. 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.

(f) 105 ILCS 5/27-13.2(c), added by P.A. 103-365 (dangers of fentanyl).

³⁴ 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.

³⁵ 105 ILCS 110/3, amended by P.A.s ~~101-305~~, 102-464, ~~and~~ 102-1034, ~~103-212~~, ~~eff. 1-1-24~~, ~~and~~ ~~103-365~~, ~~eff. 1-1-24~~; and 23 Ill.Admin.Code §1.420(n). Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act, 105 ILCS 110/.

More detailed critical health problems and comprehensive health education program content is described in [sample administrative procedure 6:60-AP1, Comprehensive Health Education Program](#). That procedure follows the Comprehensive Health Education Program law (CHEP), 105 ILCS 110/3, amended by P.A.s ~~101-305~~, 102-464, ~~and~~ 102-1034, ~~103-212~~, ~~eff. 1-1-24~~, ~~and~~ ~~103-365~~, ~~eff. 1-1-24~~, 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.s ~~100-684~~, ~~101-579~~, 102-412 and repealed by P.A. 102-522.

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The former family life and sex education programs were replaced with the National Sex Education Standards (NSES) (105 ILCS 5/27-9.1a, added by P.A. 102-522) and a developmentally appropriate consent education curriculum (105 ILCS 5/27-9.1b, 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 (105 ILCS 110/3, amended by P.A.s ~~101-305~~, 102-464, and 102-1034, ~~eff. 1-1-23~~). 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 5/27-9.1a, added by P.A. 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 5/27-9.1a, added by P.A. 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. 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 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*); and (2) implement both 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.

Legal Reference insertions are not necessary with the statute in the text of the policy. Ensure: (1) the implementation of both 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))*, 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 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 a developmentally appropriate consent education curriculum pursuant to 105 ILCS 5/27-9.1b.

Legal Reference insertion is not necessary with the statute in the text of the policy. Ensure the implementation of 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 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 a developmentally appropriate consent education curriculum pursuant to 105 ILCS 5/27-9.1b.

11. 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. ³⁶
12. 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. ^{37 38}
13. ~~Beginning in the fall of 2022, i~~n grades 9 through 12, intensive instruction in computer literacy, which may be included as a part of English, social studies, or any other subject. ³⁹
14. ~~Beginning in the fall of 2022, i~~n grades 9 through 12, 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

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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.

³⁶ 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 5/27-23.14, ~~added by P.A. 101-347 and renumbered by P.A. 102-558.~~

For high school and unit boards, insert “5/27-23.14,” after 105 ILCS 5/27-23.11 in the Legal References 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 52 below), after its Legal Reference 105 ILCS 5/27-23.13, and the following text to the end of number 11 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.

³⁷ 105 ILCS 5/27-12.1; 23 Ill.Admin.Code §1.420(k). P.A. 99-284 added these subjects to the required consumer education course: consumer debt, higher education student loans, and identity-theft security.

³⁸ For high school and unit boards that want to offer a unit of instruction about the process of naturalization pursuant to 105 ILCS 5/27-23.16, added by P.A. 102-472 and renumbered by P.A. 102-813, insert an optional number 13, and amend numbers after it accordingly:

13. 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.

³⁹ 105 ILCS 5/27-22(e)(3.5), ~~added by P.A. 101-654.~~ ISBE states that *Computer literacy* is broadly defined as one’s knowledge of an ability to use computers and related technologies efficiently and effectively. See www.isbe.net/keeplearning for more ISBE guidance on computer literacy.

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. ⁴⁰

15. ~~Beginning in the fall of 2023, i~~n 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. ⁴¹
16. In all schools, conservation of natural resources must be taught, including: (a) home ecology, (b) endangered species, (c) threats to the environment, and (d) the importance of the environment to life as we know it. ⁴²
17. 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, ~~the~~ 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 Slovaks 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, ~~and~~ (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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⁴⁰ 105 ILCS 5/27-20.08, added by P.A. 102-55. *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.

⁴¹ ~~Optional until fall 2023;~~ 105 ILCS 5/27-23.15(b), ~~added by P.A. 101-654. Subject to appropriation, school districts can apply for a competitive grant to support computer science programs.~~ 105 ILCS 5/2-3.196, added by P.A. 103-264, eff. 1-1-24.

⁴² 105 ILCS 5/27-13.1; 23 Ill.Admin.Code §1.420(l).

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. ⁴³

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. ⁴⁴

18. 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. ⁴⁵

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⁴³ 105 ILCS 5/27-21, amended by P.A.s ~~101-227 (adding the roles and contributions of LGBT people in U.S. and Illinois), 101-341 (Illinois history), 101-643 (during a public health emergency, allowing schools to obtain evidence from students remotely that they have comprehensive knowledge of United States history), and 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 105 ILCS 5/27-20.05, added by P.A. 103-422 (adding instruction on Native American experience and history); 23 Ill.Admin.Code §1.420(r), 105 ILCS 5/27-21, amended by P.A.s 102-411 and 103-422, 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. 103-422, does not specify a delayed implementation date. Consult the board attorney regarding whether a district may delay implementation of such instruction given that the implementation of Native American experience and Native American history in 2024-2025 must include instruction on tribal sovereignty.

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 46, below. ISBE is required to make instructional materials related to Native Americans available on its website, but not until 1-1-25. For additional resources, see <https://americanindian.si.edu/nk360> and <https://iste.org/blog/15-resources-for-teaching-native-american-history-and-culture>.

105 ILCS 5/27-21, amended by P.A. 101-643, 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

⁴⁴ 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."

⁴⁵ 105 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.

19. 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. ⁴⁶
20. In all schools, the curriculum includes instruction as determined by the Superintendent or designee on the history, struggles, and contributions of women. ⁴⁷
21. 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. ⁴⁸
22. In all schools offering a secondary agricultural education program, the curriculum includes courses as required by 105 ILCS 5/2-3.80. ⁴⁹
23. In all schools, instruction during courses as determined by the Superintendent or designee on disability history, awareness, and the disability rights movement. ⁵⁰
24. ~~Beginning in the fall of 2022, i~~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

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⁴⁶ 105 ILCS 5/27-20.3, ~~amended by P.A. 103-422~~. 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 is also required by 105 ILCS 5/27-20.05, added by P.A. 103-422 in grades 6-12. see fn 43, above. Note that instruction on Native American genocide under 105 ILCS 5/27-20.3, amended by P.A. 103-422, does not specify a delayed implementation date. Consult the board attorney regarding whether a district may delay implementation of such instruction given that the implementation of Native American experience and Native American history in 2024-2025 must include instruction on Native American genocide. ISBE is not required to make instructional materials on the Native American genocide in North America available on its website until 1-1-25.](#)

⁴⁷ 105 ILCS 5/27-20.5. 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.

⁴⁸ 105 ILCS 5/27-20.4, ~~amended by P.A. 101-654~~. 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.*

⁴⁹ 105 ILCS 5/2-3.80(e) or (f), as applicable.

⁵⁰ 105 ILCS 5/27-23.8. 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.

the contributions of Asian American communities to the economic, cultural, social, and political development of the United States. ⁵¹

25. 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. ^{52 53}

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, 5/10-23.13, 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 5/27-24.2.
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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⁵¹ 105 ILCS 5/27-20.8, 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.

⁵² 105 ILCS 5/27-23.11 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.

⁵³ A school district may offer a course on hunting safety as part of its curriculum during the school day. 105 ILCS 5/27-23.13, added by P.A. 101-152. No grade levels are specified in the statute. Insert "5/27-23.13." after 105 ILCS 5/27-23.11 in the Legal References, and an optional number 26, 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.

Updated 4/15
Health Instruction -

Instruction

Administrative Procedure - Comprehensive Health Education Program

105 ILCS 110/3 requires the District to implement a Comprehensive Health Education Program (CHEP). CHEP is a systematic and extensive educational program designed to provide a variety of learning experiences based upon scientific knowledge of the human organism as it functions within its environment which will favorably influence the knowledge, attitudes, values, and practices of Illinois [students]; and which will aid [students] in making wise personal decisions in matters of health.

Unless limited to specific grades, the following major educational areas are the basis for curricula in the District's CHEP in all elementary and secondary schools: ¹

1. Human ecology and health;
2. Human growth and development;
3. In all grades, age-appropriate sexual abuse and assault awareness and prevention education,² except no student in grades pre-K through 8 shall be required to take or participate in any instruction for *recognizing and avoiding* sexual abuse if the student's parent/guardian submits written objection and refusal to participate in the instruction shall not be reason for failing, suspending or expelling the student.³ Through grade 12, an age-appropriate and evidence-informed curriculum pursuant to *Erin's Law* will provide instruction pursuant to policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*.⁴ The

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¹ All topics in this list without citation are from 105 ILCS 110/3; additional citations are for other portions of the School Code that also cover each topic. To avoid redundancy, Public Acts amending this law are simply listed in the f/ns as: "Amended by P.A. ...," without first listing 105 ILCS 110/3.

² Four statutes address a district's responsibility to provide age-appropriate sexual abuse and assault awareness and prevention education programs:

See f/n 1 above (age-appropriate sexual abuse and assault awareness and prevention education in all grades);

Erin's Law, 105 ILCS 5/10-23.13, amended by P.A. 102-610, and see sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors* (permits boards to adopt and implement a policy addressing sexual abuse prevention education for students through grade 5 and their parents/guardians);

105 ILCS 5/27-9.1a(b), amended by P.A. 102-522 (requires comprehensive personal health and safety and comprehensive sexual health education a/k/a National Sex Education Standards (NSES) to be: (a) age and developmentally appropriate, medically accurate, complete, culturally appropriate, inclusive, and trauma informed (b) replicate evidence-based or evidence-informed programs or substantially incorporate elements of evidence-based programs or evidence-informed programs or characteristics of effective programs, (c) provide information about local resources where students can obtain additional information and confidential services related to sexual violence (includes sexual abuse), and (d) provide information about State laws related to mandated reporting of child abuse and neglect, and school policies addressing the prevention of and response to sexual violence); and

105 ILCS 5/27-13.2 (addresses (a) written objections to sexual abuse prevention instruction and notice provisions (minimum five days) for students in grades K through 8, and (b) distribution by the Ill. State Board of Education (ISBE) and Ill. Dept. of Children and Family Services (DCFS) of information for districts to provide to their communities about this instruction).

³ 105 ILCS 5/27-13.2 addresses instruction and opt-out provisions. This law also requires ISBE in cooperation with the DCFS to prepare and distribute information about instructional materials and programs about child sexual abuse that schools can use for their own or community programs and distribute to parents.

⁴ Required by 105 ILCS 110/3, amended by P.A. 102-4034, and *Erin's Law*, 105 ILCS 5/10-23.13, amended by P.A. 102-610.

Superintendent must ensure all parent(s)/guardian(s) of students in any of grades K through 8 receive not less than five days' written notice before commencing the instruction. ⁵

4. In all grades, a minimum of 16 hours of safety education in the courses of study regularly taught with instruction about: ⁶
 - a. Automobile safety, including traffic regulations, highway safety, and the consequences of alcohol consumption and the operation of a motor vehicle;
 - b. Safety in the home, including safe gun storage;
 - c. Safety in connection with recreational activities;
 - d. Safety in and around school buildings;
 - e. Safety in connection with vocational work or training;
 - f. For students in grades 9 through 11, CPR subject to the excusal limitations in the first aid item 26, below; and
 - g. For students in grades 6 through 8, CPR and how to use an AED by watching a training video on those subjects. ⁷
5. In all grades, tobacco and e-cigarettes and other vapor devices; ⁸
6. In grades K through 8, education must be available to students concerning effective methods of preventing and avoiding traffic injuries related to walking and bicycling. ⁹
7. In grades K through 8, instruction, study, and discussion of effective methods for the prevention and avoidance of drugs and the dangers of opioid and substance abuse that are integrated into the curricula and designed to promote effective methods for the prevention and avoidance of drug and substance abuse. ¹⁰
8. In grades K through 8, annual instruction on the danger of and how to avoid abduction as part of the District's regular curriculum. ¹¹
9. In grades 5 through 12, alcohol and drug use and abuse, including the medical and legal ramifications of alcohol, drug, and tobacco use that integrates into existing curricula, instruction related to: ¹²
 - a. The physical and legal effects and ramifications of drug and substance abuse (including use during pregnancy);

The footnotes should be removed before the material is used.

⁵ 105 ILCS 5/27-13.2 para. 3 addresses the notice provisions for recognizing and avoiding sexual abuse.

⁶ 105 ILCS 5/27-17, amended by P.A. 102-971, eff. 1-1-23.

⁷ Consult the board attorney about whether the requirements for students in grades 6 through 8 to watch a video pursuant to 105 ILCS 5/27-17 are subject to the parent/guardian excusal provisions of 105 ILCS 110/3.

⁸ Amended by P.A. 102-464. Starting in grade 5, the law expands education to alcohol and drug use and abuse along with tobacco. See number 9 of this administrative procedure text.

⁹ The law is silent about how to educate students on this topic. 105 ILCS 5/27-23.11. See [sample exhibit 6:60-AP1, E2, Resources for Biking and Walking Safety Education](#), for additional information.

¹⁰ 105 ILCS 5/27-13.2, amended by P.A. 102-195. See also and f/n 4 in sample policy 6:60, *Curriculum Content*, for more information on this resolution urging all schools in Illinois to educate youth about the dangers associated with the use of heroin.

¹¹ Required by 105 ILCS 5/27-13.2. Each board determines locally the minimum amount of instruction time that qualifies as program of instruction and satisfies this requirement.

¹² Letters b. and c. are optional. Ensure the district aligns letter c. with the board's policy 6:180, *Extended Instructional Programs* (and see its f/n 11). See f/n 8, above, for a discussion of the progression of tobacco, e-cigarettes, and other vapor devices awareness education. P.A. 102-464 amended grammar to separate "abuse during pregnancy" as its own subject but this procedure keeps it tied to the dangers of substance abuse during pregnancy because no course content related to *abuse during pregnancy* exists, except for perhaps teen dating violence prevention education.

- b. Ill. State Board of Education (ISBE) instructional materials and guidelines developed to assist the District with incorporating this instruction topic into its curricula; and
- c. Either as part of existing curricula during the school day or as part of an after-school program, support services and instruction for students who are or students whose parent(s)/guardian(s) are chemically dependent.

10. Beginning with the 2024-2025 school year, in grades 9-12, instruction, study, and discussion on the dangers of fentanyl that includes the following: ¹³

- a. Information on fentanyl itself including its variations, an explanation of the differences between synthetic and nonsynthetic opioids and illicit drugs, and the differences between the legal and illegal uses of fentanyl.
- b. Side effects and risk factors of using fentanyl, along with information comparing the lethal amounts of fentanyl to other drugs. Information on risk factors may include: (1) the lethal dose of fentanyl, (2) how often fentanyl is placed in drugs without a person's knowledge, (3) an explanation of what fentanyl does to a person's body and the severity of its addictive properties, and (4) how the consumption of fentanyl can lead to hypoxia, as well as an explanation of precisely what hypoxia does to a person's body.
- c. Details about the process of lacing fentanyl in drugs and why drugs get laced with fentanyl.
- d. Details about how to detect fentanyl in drugs and how to save someone from an overdose of fentanyl, including: (1) how to buy and use fentanyl strips, (2) how to buy and use naloxone, either through a nasal spray or an injection, and (3) how to detect if someone is overdosing on fentanyl.

10.11. In grades 6-12, parenting education that includes instruction in the following: ¹⁴

- a. Child growth and development, including prenatal development.
- b. Childbirth and child care.

The footnotes should be removed before the material is used.

¹³ Amended by P.A. 103-365, eff. 1-1-24; 105 ILCS 5/27-13.2(c), added by P.A. 103-365, eff. 1-1-24. Instruction on fentanyl must be delivered by a licensed educator, school nurse, or school counselor. 105 ILCS 5/27-13.2(c), added by P.A. 103-365, 1-1-24. The law also requires students to be assessed on fentanyl instruction. The assessment may include: (1) the differences between synthetic and nonsynthetic drugs; (2) hypoxia; (3) the effects of fentanyl on a person's body; (4) the lethal dose of fentanyl; and (5) how to detect and prevent overdoses. *Id.*

¹⁴ Optional, but if offered by a district the course requirements are mandated by 105 ILCS 5/27-23.1. Upon request, ISBE must assist each district that offers an evidence-based parenting education model to develop instructional materials, train teachers, and establish appropriate time allotments for each of the areas included in such instruction. *Id.* at (a). Districts may give regular school credit for satisfactory completion of these courses by the student.

School districts may offer parenting education courses during that period of the day which is not part of the regular school day, and residents of the school district may enroll in the courses. Boards may establish fees and collect such charges that are necessary for attendance at these courses in an amount not to exceed the per capita cost of the course's operation, but they may waive all or part of established fees in situations of indigence and/or that a student's educational needs require enrollment.

Last, subject to appropriations and ending after school year ~~251-262~~, ISBE was to implement and administer a ~~threeseven-~~year pilot program supporting the health and wellness student-learning requirement with a unit of instruction on parenting education in participating school districts that maintain grades 9 through 12, to be determined by the participating school districts. *Id.* at (b), amended by P.A. 103-8, eff. 1-1-24. The pilot was encouraged to include, but was not ~~be~~ limited to, instruction on (i) family structure, function, and management, (ii) the prevention of child abuse, (iii) the physical, mental, emotional, social, economic, and psychological aspects of interpersonal and family relationships, and (iv) parenting education competency development that is aligned to the social and emotional learning standards of the student's grade level. Instruction for this pilot may be included with the requirements or 105 ILCS 110/3. ISBE was authorized to make grants to school districts that apply to participate in the pilot, and provide by administrative rule the application and criteria to be used and applied in selecting participating urban, suburban, and rural school districts. ~~As recently Dr. Ayala's 7-13-21 Weekly Message, ISBE was soliciting participants for the Parenting Education Pilot, also known as Parent.Able. See www.isbe.net/Documents/ParentABLE-Flver-2023.pdf www.isbe.net/Documents/ParentTeach-Recruitment-flver.pdf.~~

- c. Family structure, function, and management.
 - d. Prenatal and postnatal care for mothers and infants.
 - e. Prevention of child abuse.
 - f. The physical, mental, emotional, social, economic, and psychological aspects of interpersonal and family relationships.
 - g. Parenting skill development.
- ~~11~~.12. Family life,¹⁵ specifically its emotional, psychological, physiological, hygienic and social responsibilities, including sexual abstinence until marriage and evidence-based and medically accurate information regarding sexual abstinence¹⁶; and in grades 6 through 12, instruction on the prevention, transmission, and spread of AIDS; except if a student's parent/guardian submits written objection to taking or participating in family life course or AIDS prevention instruction, and refusal to take or participate in the family life course or AIDS prevention instruction shall not be reason for suspension or expulsion of the student. See 6:60-API, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs*.
- ~~12~~.13. Comprehensive personal health and safety and comprehensive sexual health education (NSES)¹⁷; except no student shall be required to take or participate in any NSES class or

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¹⁵ Read ~~f/n~~s 16~~5~~ and 17~~6~~ in conjunction with this footnote.

While P.A. 102-522 repealed 105 ILCS 5/27-9.2 (family life instruction optional), CHEP still requires this family life and the prevention, transmission and spread of AIDS instruction, and these topics are subject to a parent/guardian's written objection. See 6:60-API, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Excusals and Opt-outs*. CHEP does not indicate that these topics are optional for districts. Consult the board attorney about whether these CHEP topics are optional.

In addition, the now-repealed family life instruction law required the State Superintendent of Education (State Superintendent) to: (a) prepare and make available to local school districts courses of instruction designed to satisfy family life instructional requirements; and (b) develop a procedure to evaluate and measure the effectiveness of family life instruction in each local school district that includes setting reasonable goals for reduced sexual activity, sexually transmitted diseases, and premarital pregnancy. Copies of that procedure were required to be distributed to each district.

ISBE guidance issued after P.A. 102-522 went into effect does not address how districts should proceed with family life instruction under CHEP and whether their curriculums that were combined with the now-repealed family life sex education law may continue to be used. Consult the board attorney for advice on these issues.

For districts that will offer neither family life nor NSES, consult the board attorney before deleting the family life curriculum number 12~~1~~ because CHEP does not indicate that curriculum is optional.

For districts that will not offer family life assuming that the National Sex Education Standards (NSES) will/would cover these topics, consult the board attorney before replacing the family life curriculum number 12~~1~~ with: "Family life instruction is replaced by 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*."

For districts that will offer both family life and NSES, insert after the last sentence: "See also number 13~~2~~, below, and 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*."

¹⁶ Consult the board attorney about whether "evidence-based and medically accurate information regarding sexual abstinence" is included in *family life*. Abstinence is listed in two major educational areas of the CHEP. One is within family life, which is subject to a parent/guardian's written objection. See also f/n 4 in exhibit 6:60-API, E1, *Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs*.

Important is that "evidence-based and medically accurate information regarding sexual abstinence," is not listed with the parent/guardian's written objection suggesting a separate educational area. This procedure treats both mentions of abstinence in CHEP as family life instruction, but it may ultimately be included in the final NSES curriculum (see f/n 16, below).

¹⁷ Optional. See 105 ILCS 5/27-9.1a(i)(1), added by P.A. 102-522.

course, and a student's parent/guardian may opt the student out of NSES by submitting the request in writing or using 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 Opt-outs*. Refusal to take or participate in an NSES course or program may not be a reason for disciplinary action, academic penalty, suspension, or expulsion or any other sanction of a student.¹⁸ Active parental consent for their child to participate in NSES is not required;¹⁹ however, because NSES mandates instruction about sexual violence (defined to include sexual abuse)²⁰ and instruction in recognizing and avoiding sexual abuse required by 105 ILCS 5/27-13.2 requires a minimum of five days' notice to parents/guardians of students in grades K through 8, the District will notify students in grades K through 8 using the **Notice of Sexual Abuse and Assault Awareness and Prevention Education** subhead of 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 Opt-outs*.²¹ See also 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.

~~13-14.~~ Course materials and instruction to advise students about the Abandoned Newborn Infant Protection Act, 325 ILCS 2/; ²²

~~14-15.~~ The prevention and control of disease;

~~15-16.~~ In grades 7 through 12, teen dating violence awareness; ²³

~~16-17.~~ In grades 7 through 12, instruction about the prevention of abuse of anabolic steroids in science, health, drug abuse, physical education, or other appropriate courses of study. Instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development. In addition, coaches and sponsors of interscholastic athletic programs shall provide instruction on steroid abuse prevention to students participating in these programs. ²⁴

~~17-18.~~ In grade 9 or 10, one unit of instruction in either grade about donations and transplants of organs/tissue and blood, except if a student's parent/guardian files written objection on

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If NSES is offered by a district, 105 ILCS 5/27-9.1a, added by P.A. 102-522, mandates the course content and instruction. ISBE learning standards, which adopt the NSES, and other resources are available at: www.isbe.net/sexualhealth. If boards offered sex education, the law provides zero guidance related to whether boards may use the now-repealed family life and sex education curriculums in future school years. See also para. 3, f/n 1~~5~~⁴, above.

For districts that will not provide NSES, delete this number 1~~3~~² and ensure the district does not implement 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.

For districts that will implement NSES, ensure that the district implements 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.

¹⁸ 105 ILCS 5/27-9.1a(d), added by P.A. 102-522.

¹⁹ *Id.*

²⁰ 105 ILCS 5/27-9a(a) and (b)(6), (8), (9), and (12), added by P.A. 102-522.

²¹ 105 ILCS 5/27-13.2.

²² The law does not specify which grades must receive this information.

²³ See also [sample](#) board policy 7:185, *Teen Dating Violence Prohibited*. A toolkit about teenage dating abuse is available online. It is titled Preventing, Assessing, and Intervening in Teenage Dating Abuse: A Training for Specialized Instructional Support Personnel. Materials include a PowerPoint and handouts. See www.safesupportivelearning.ed.gov/get-smart-get-help-get-safe-teenage-dating-abuse-training-specialized-instructional-support.

²⁴ Required by 105 ILCS 5/27-23.3. ISBE may assist in the development of instructional materials and teacher training in relation to steroid abuse prevention. For ease of administration, this procedure puts the duty on coaches and sponsors of interscholastic athletic programs; if the district uses individuals other than those listed insert that fact.

constitutional grounds, but refusal to take or participate in the instruction shall not be reason for suspension or expulsion of a student or result in any academic penalty. ²⁵

~~18-19.~~ Public and environmental health;

~~19-20.~~ Consumer health;

~~20-21.~~ Safety education and disaster survival;

~~21-22.~~ Mental health and illness²⁶ that evaluates the multiple dimensions of health by reviewing the relationship between physical and mental health to enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity and must include how and where to find mental health resources and specialized treatment in the State. ²⁷

~~22-23.~~ Personal health habits;

~~23-24.~~ Nutrition;

~~24-25.~~ Dental health;

~~25-26.~~ Cancer, including, without limitation, types of cancer, signs and symptoms, risk factors, the importance of early prevention and detection, and information on where to go for help;

~~26-27.~~ Basic first aid including, but not limited to:

a. Cardiopulmonary resuscitation (CPR) and the Heimlich maneuver, including training on how to properly administer CPR in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization, except if a student's parent/guardian submits written objection, but refusal to participate in the training shall not be a reason for suspension or expulsion of the student; and

b. In secondary schools, how to use an automated external defibrillator (AED) shall be included, except if a student's parent/guardian submits written objection, but refusal to participate in the training shall not be a reason for suspension or expulsion of the student.

28. Beginning with the 2024-2025 school year, in grades 9 through 12, instruction, study, and discussion on the dangers of allergies, including recognizing the signs and symptoms of an allergic reaction, the steps to take to prevent exposure to allergens, and safe emergency epinephrine administration. ²⁸

~~27-29.~~ Heart disease;

~~28-30.~~ Diabetes;

~~29-31.~~ Stroke;

~~30-32.~~ The prevention of child abuse and neglect;

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²⁵ Optional according to 105 ILCS 5/27-23.5. The law requires the regional superintendent of schools to obtain and distribute information and data, including instructional materials provided at no cost by America's Blood Centers, the American Red Cross, and Gift of Hope to schools in their regions for use in developing a unit of instruction to comply with this law. It also allows each board to determine the minimum amount of instructional time that qualifies as a unit of instruction to satisfy this law.

²⁶ Mental health and illness instruction must evaluate the multiple dimensions of health by reviewing the relationship between physical and mental health. Amended by P.A.s. 101-305, 102-464, and 102-1034.

²⁷ For ease of administration, this topic combines two major education topics listed in 105 ILCS 110/3.

²⁸ Amended by P.A. 103-212, eff. 1-1-24. Information for the instruction, study, and discussion on the dangers of allergies must be based on information provided by the Ill. Dept. of Public Health and the federal Centers for Disease Control and Prevention. For resources, see <https://dph.illinois.gov/topics-services/prevention-wellness/epinephrine-autoinjector-and-anaphylaxis.html> and www.cdc.gov/healthyschools/foodallergies/index.htm.

- ~~31.33.~~ Suicide prevention pursuant to policy 7:290, *Suicide and Depression Awareness and Prevention*;
- ~~32.34.~~ All students shall receive age-appropriate instruction on motor vehicle safety and litter control.²⁹

Notice to Parent/Guardian; Requirements; Written Objection(s) and/or Opt-outs³⁰

Refusal to take or participate in any course or program that allows parents/guardians to object in writing and/or opt their children out shall not be reason for disciplinary action or academic penalty to the student. The District will provide 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 Opt-outs* to parents/guardians wishing to provide written objection or opt out of content in CHEP.

LEGAL REF.: 105 ILCS 110/, Comprehensive Critical Health Problems and Comprehensive Health Education Act.

ADMIN PROC.: 6:60-AP2 (Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))); 6:60-AP3 (Developmentally Appropriate Consent Education)

The footnotes should be removed before the material is used.

²⁹ Optional. Formerly required by repealed 105 ILCS 5/27-23. Delete this sentence if the district no longer provides this education.

³⁰ Required by 105 ILCS 5/10-23.13, amended by P.A. 102-610; 5/27-9.1a(d), -added by P.A. 102-522, 5/27-13.2, 5/27-23.5; and 110/3- amended by P.A. 102-1034.

6:60-AP1

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Updated footnotes

Instruction

Student Social and Emotional Development ¹

Social and emotional learning (SEL) is defined as the process through which students enhance their ability to integrate thinking, feeling, and behaving to achieve important life tasks. Students competent in SEL are able to recognize and manage their emotions, establish healthy relationships, set positive goals, meet personal and social needs, and make responsible and ethical decisions. ²

The Superintendent shall incorporate SEL into the District's curriculum and other educational programs consistent with the District's mission and the goals and benchmarks of the Ill. Learning Standards. ³ The Ill. Learning Standards include three goals for students: ⁴

1. Develop self-awareness and self-management skills to achieve school and life success.
2. Use social-awareness and interpersonal skills to establish and maintain positive relationships.
3. Demonstrate decision-making skills and responsible behaviors in personal, school, and community contexts.

The incorporation of SEL objectives into the District's curriculum and other educational programs may include but is not limited to: ⁵

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¹ State law requires this subject matter be covered by policy, and it required districts to submit it to the Ill. State Board of Education (ISBE) once by 8-31-04. 405 ILCS 49/15(b).

² This text paraphrases the definition in the Ill. Children's Mental Health Partnership's 2005 Strategic Plan for Building a Comprehensive Children's Mental Health System in Illinois, pg. 73, Appendix C, starting at pg. 69 at: www.icmhp.org/wp-content/uploads/2019/10/ICMHP_CMH-Strategic_Plan.pdf, www.nashp.org/wp-content/uploads/sites/default/files/abed/abed-il-icmhpstrategie20050908.pdf The 2022-2027 Illinois Children's Mental Health Plan is available at: www.icmhp.org/our-work/childrens-mental-health-plan/.

³ Required by the Children's Mental Health Act, 405 ILCS 49/, amended by P.A. 102-899, eff. 1-1-23. ISBE incorporated social and emotional development standards into the Ill. Learning Standards. For more information see: www.isbe.net/sel. School social workers may implement a continuum of social and emotional education programs and services in accordance with students' needs. 405 ILCS 49/15(b).

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. Supervised by ISBE, this task force developed policies, procedures, and protocols for school boards to adopt to address the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence; the goal is to encourage these students to stay in school, stay safe while in school, and successfully complete their education. School boards and superintendents may want to create their own study group to prepare for implementing of the task force's policies, procedures, and protocols. A report of the task force's findings was made to the General Assembly and is available here: www.isbe.net/Documents/ess-task-force-final-report0610.pdf. 105 ILCS 5/26A-15, added by P.A. 102-466 and scheduled to be repealed on 12-1-25, created a subsequent Ensuring Success in School Task Force supervised by ISBE, also focused on the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence. The subsequent task force is to: (1) draft and publish model policies and intergovernmental agreements for inter-district transfers, (2) draft and publish model complaint resolution procedures, and (3) identify current mandatory and new staff trainings needed.

⁴ The goals, along with their benchmarks, performance descriptors and indicators are available at the first link in f/n 3, above.

⁵ The objectives are a matter of local school board discretion. A board may replace the sample objectives with its own local objectives. This sample policy lists the ISBE's SEL goals found on ISBE's website cited in f/n 3, above.

1. Classroom and school-wide programming to foster a safe, supportive learning environment where students feel respected and valued. This may include incorporating scientifically based, age-and-culturally appropriate classroom instruction, District-wide, and school-wide strategies that teach SEL skills, promote optimal mental health, and prevent risk behaviors for all students.⁶
2. Staff development and training to promote students' SEL development. This may include providing all personnel with age-appropriate academic and SEL and how to promote it.⁷
3. Parent/Guardian and family involvement to promote students' SEL development. This may include providing parents/guardians and families with learning opportunities related to the importance of their children's optimal SEL development and ways to enhance it.⁸
4. Community partnerships to promote students' SEL development. This may include establishing partnerships with diverse community agencies and organizations to assure a coordinated approach to addressing children's mental health and SEL development.
5. Early identification and intervention to enhance students' school readiness, academic success, and use of good citizenship skills. This may include development of a system and procedures for periodic and universal screening, assessment, and early intervention for students who have significant risk factors for social, emotional, or mental health conditions that impact learning.⁹
6. Treatment to prevent or minimize mental health conditions in students. This may include building and strengthening referral and follow-up procedures for providing effective clinical services for students with social, emotional, and mental health conditions¹⁰ that impact learning. This may include student and family support services, school-based behavioral health services, and school-community linked services and supports.
7. Assessment and accountability for teaching SEL skills to all students. This may include implementation of a process to assess and report baseline information and ongoing progress about school climate, students' social and emotional development, and academic performance.¹¹

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⁶ 20 ILCS 1705/76, ~~added by P.A. 101-45~~, requires the Ill. Dept. of ~~Public Health~~ Human Services (IDHS) to create and maintain an online *Mental Health Database and Resource* page on its website with mental health resources to: (1) assist school social workers, school counselors, parents, teachers, and school support personnel with the goal of connecting them with mental health resources related to bullying and school shootings; and (2) encourage information sharing among educational administrators, school security personnel, and school resource officers. See the database at: www.dhs.state.il.us/page.aspx?item=118331.

~~20 ILCS 1705/76.2, added by P.A. 103-222, eff. 1-1-24, requires IDHS to partner with ISBE to provide technical assistance for the provision of mental health care for students during school days.~~

⁷ See SEL resources to support instruction of the Ill. Learning Standards at: <https://ilclassroomtech.weebly.com/social-emotional-learning.html>.

⁸ The Ill. Children's Mental Health Partnership provides ~~family~~ resources for youth, caregivers, and professionals at: www.icmhp.org/resources/www.icmhp.org/resources/media-library/.

~~20 ILCS 1705/11.4, added by P.A. 103-546, requires IDHS to create and maintain an online Care Portal to serve as a central resource for families with children who have significant and complex behavioral health needs. IDHS, in coordination with various state agencies, is to develop training and communication for school districts, hospital social workers, and system partners to demonstrate how individuals can assist a family seeking youth behavioral health services.~~

⁹ Information about Early Childhood Mental Health Consultation is available at: www.iecmhc.org/.

¹⁰ 305 ILCS 5/5-5.23(g), ~~added by P.A. 101-461~~, created the *Family Support Program (FSP)* in the Ill. Dept. of Healthcare and Family Services. FSP is a restructure of the former Individual Care Grant program. Its purpose is to enable early treatment of youth, emerging adults, and transition-age adults with a serious mental illness or serious emotional disturbance. Eligibility criterion for FSPs are established at 89 Ill. Adm. Code Part 139.

¹¹ For information on this objective, see ISBE's Comprehensive System of Learning Supports at:

LEGAL REF.: Children's Mental Health Act, 405 ILCS 49/.

CROSS REF.: 1:30 (School District Philosophy), 6:10 (Educational Philosophy and Objectives), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:270 (Guidance and Counseling Program), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:250 (Student Support Services)

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www.isbe.net/Pages/Learning-Supports.aspx.

Information about school climate is available from ISBE at: www.isbe.net/Pages/School-Climate.aspx.

Prohibits Banning of Books

Instruction

Library Media Program ¹

The Superintendent or designee shall manage the District’s library media program to comply with (1) State law and Ill. State Board of Education (ISBE) rule and (2) the following standards:

1. The program includes an organized collection of resources available to students and staff to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served.
2. Financial resources for the program’s resources and supplies are allocated to meet students’ needs.

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¹ ISBE rule controls some aspects of this policy’s content; however, districts are not required to adopt a policy on any subject matter covered in it. Standards #1-4 restate requirements in 23 Ill.Admin.Code §1.420(o). Standard #2 implements the rule’s requirement that each “district’s annual budget shall include an identifiable allocation for resources and supplies for the program.” However, the rule allows a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students to forego the allocation requirement; thus, they may use the following alternative to standard #2: “Resources are sufficient to meet students’ needs.” Standards #5 or an alternative written statement prohibiting the practice of banning books is required for a district to be eligible for State library grants (e.g., School Library Grants under 75 ILCS 10/8.4), 75 ILCS 10/8.7, added by P.A. 103-100, eff. 1-1-24. In order to be eligible for a School Library Grant, a district must also be a member in good standing of a regional multitype library system (e.g., Illinois Heartland Library System or Reaching Across Illinois Library System) or have applied for membership and been approved for membership in such a system within specific timeframes. 23 Ill.Admin.Code §3035.120. #6, and #7 may be customized or deleted, and other standards may be added. For optional Standard #7, (The American Library Association’s (ALA) Library Bill of Rights (available at <https://www.ala.org/advocacy/intfreedom/librarybill>) includes the following:

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
7. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use.
8. Libraries should advocate for, educate about, and protect people’s privacy, safeguarding all library use data, including personally identifiable information.

If the board prefers the alternative language permitted by 75 ILCS 10/8.7, added by P.A. 103-100, eff. 1-1-24, for Standard #5, substitute with the following:

The practice of banning books or other materials within the District’s library media program is prohibited. Standards #6 and #7 may be customized or deleted, and other standards may be added.

See <https://www.ala.org/advocacy/intfreedom/librarybill> and its interpretation for school libraries at <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/accessresources>. The ALA’s interpretation of its Library Bill of Rights acknowledges that the educational level and program of the school necessarily shape the resources and services of a school library, but it states that the principles of the Library Bill of Rights apply equally to all libraries, including school libraries.

3. Students in all grades served have equitable access to library media resources.
4. The advice of an individual who is qualified according to ISBE rule is sought regarding the overall direction of the program, including the selection and organization of materials, provision of instruction in information and technology literacy, and structuring the work of library paraprofessionals.
- ~~4.5. The program adheres to the principles of the American Library Association's *Library Bill of Rights*, which indicate that materials should not be proscribed or removed because of partisan or doctrinal disapproval.~~
- ~~5.6. Staff members are invited to recommend additions to the collection.~~
- ~~6.7. Students may freely select resource center materials as well as receive guided selection of materials appropriate to specific, planned learning experiences.~~
- ~~7. The program is guided by the principles of the American Library Association's *Library Bill of Rights* and its interpretation for school libraries.~~

Parents/guardians, employees, and community members who believe that library media program resources violate rights guaranteed by any law or Board policy may file a complaint using Board policy 2:260, *Uniform Grievance Procedure*.²

The Superintendent or designee shall establish criteria consistent with this policy for the review of objections. Parents/guardians, employees, and community members with suggestions or complaints about library media program resources may complete a *Library Media Resource Objection Form*. The Superintendent or designee shall inform the parent/guardian, employee, or community member, as applicable, of the District's decision.³

LEGAL REF.: [75 ILCS 10/8.7.](#)
23 Ill.Admin.Code §1.420(o).

CROSS REF.: [2:260 \(Uniform Grievance Procedure\)](#), 6:60 (Curriculum Content), 6:170 (Title I Programs), 6:210 (Instructional Materials), [6:260 \(Complaints About Curriculum, Instructional Materials, and Programs\)](#)

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

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 issue of school library book removals is an unsettled area of law that is often litigated; consult the board attorney for advice regarding challenges to school library books or other library resources. In the only U.S. Supreme Court case to address this issue, [Island Trees Union Free Sch. Dist. No. 26 v. Pico](#), 457 U.S. 852~~3~~ (1982), the Court issued a plurality (not a majority) opinion finding a board could not remove books it had characterized as "anti-American, anti-Christian, anti-Semitic, and just plain filthy," if the removal was motivated by partisan or political reasons; to do so would violate students' Constitutional right to receive information and ideas. Four dissenting justices, however, disagreed that students have a right to receive information and ideas under the First Amendment and would have deferred to the judgment of the local school board.

Prohibits Banning of Books

Students

Administrative Procedure - Responding to Complaints About Library Media Resources

Actor	Action
Parents/Guardians, Employees, or Community Members	Submits any feedback or complaints about the District’s library media resources to the Building Principal, using 6:230-AP, E, <i>Library Media Resource Objection Form</i> .
Building Principal	<p>Directs any parent/guardian, employee, or community member wishing to submit formal feedback or a complaint regarding the District’s library media resources to complete 6:230-AP, E, <i>Library Media Resource Objection Form</i>.</p> <p>If the complaint alleges a violation of law or board policy, refers the complaint to the District Complaint Manager for processing under Board policy 2:260, <i>Uniform Grievance Procedure</i>.</p> <p>Transmits the <i>Library Media Resource Objection Form</i> to the Superintendent or designee for further action.</p>
Superintendent, in consultation with the School Librarian	<p>Determines on a case-by-case basis what action, if any, will be taken in response to a complaint about a library media resource. In making a determination, considers whether the library media resource is aligned with the criteria set forth in Board policy 6:230, <i>Library Media Program</i>, specifically, does the resource in question:</p> <ol style="list-style-type: none"> 1. Supplement classroom instruction 2. Foster reading for pleasure 3. Enhance information literacy 4. Support research 5. Align with the principles of the American Library Association’s <i>Library Bill of Rights</i> regarding selection of materials, which include: ¹ <ol style="list-style-type: none"> a. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation. b. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval. c. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment. <p>Consults with the Board Attorney regarding responses to complaints about library resources.</p>

The footnotes should be removed before the material is used.

¹ If a board has adopted the alternative language for Standard #5 in sample policy 6:230, *Library Media Program* (see /n 1), delete item #5 and insert the following sentence immediately below the numbered list:
Rejects any requests that books or other materials within the District’s library media program be banned.

Actor	Action
	<p>Prepares and sends a written response to the person who submitted the <i>Library Media Resource Objection Form</i>, informing the person of the District's decision.</p> <p>Notes on the <i>Library Media Resource Objection Form</i> the date on which the response was provided and attaches the response to the form.</p>

Requires
Electronic Student
Directory Information

Instruction

Guidance and Counseling Program¹

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 a qualified guidance specialist or any certificated staff member.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 counselors 105 ILCS 5/10-22.24a, amended by P.A. 102-894. 105 ILCS 5/10-22.24b, amended by P.A.s ~~101-290 and 102-876, eff. 1-1-23~~, provides an extensive but non-exhaustive list of school counseling services, including counseling services for students in need of special education services or who have a federal Section 504 plan and discussion of all post-secondary education options, including four-year colleges or universities, community colleges, and vocational schools.

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, ~~eff. 1-1-23~~. P.A. ~~95-558~~ created the Ensuring Success in School Task Force that developed policies, procedures, and protocols for school boards to adopt for the purpose of addressing the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence to ensure their ability to stay in school, stay safe while in school, and successfully complete their education. See fn 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 ~~101-290 and 102-876, eff. 1-1-23~~, provides that any qualified professional, including other endorsed school support personnel, 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.

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-API (School Student Records), 7:340-API, E1 (Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records), 7:340-API, E3 (Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information)

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, eff. 1-1-24. By 1-1-24, districts must 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. The Ill. State Board of Education issued a Military Recruitment Access Reminder memo, available at: www.isbe.net/Documents/Military-Access-Reminder.pdf.

Such access must be consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g). Id. 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-API, School Student Records, and sample exhibit 7:340-API, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records.

Requires ISBE to
develop standards
for student
performance

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

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. 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.

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), amended by P.A. 101-643, 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.*

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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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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Transfer of disruptive students to SAFE schools

Students

School Admissions and Student Transfers To and From Non-District Schools¹

Age [Elementary or Unit Districts only]

To be eligible for admission, a child must be five years old on or before September 1 of that school term.² A child entering first grade must be six years of age on or before September 1 of that school term.³ Based upon an assessment of a child's readiness to attend school, the District may permit him or her to attend school prior to these dates.⁴ A child will also be allowed to attend first grade based upon an assessment of his or her readiness if he or she attended a non-public preschool, continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately licensed teacher, and will be six years old on or before December 31.⁵ A child with exceptional needs who qualifies for special education services is eligible for admission at three years of age.⁶ Early

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¹ State law requires some of the subject matter contained in this sample policy to be covered by policy and controls this policy's content. Boards must adopt a policy on school admissions (105 ILCS 5/10-21.2) and restricting a student from transferring from another school while under a suspension or expulsion from that school (105 ILCS 5/10-22.6). A *registration guidance document*, updated annually, is available from the Ill. State Board of Education (ISBE) at: www.isbe.net/Documents/guidance_reg.pdf.

² 105 ILCS 5/10-20.12. The district may, however, establish a kindergarten for children between the ages of 4 and 6 years old. 105 ILCS ~~5/10-20.19a~~ and 5/10-22.18. Any child between the ages of 7 and 17 (unless the child has already graduated from high school) must attend public or private school, with certain exceptions allowed for physical and mental disability, lawful employment, or other reasons as specified by statute. 105 ILCS 5/26-1. The phrase "a child between the ages of 7 and 17" is liberally construed to fully carry out the true intent and meaning of the General Assembly (5 ILCS 70/1.01), which is to ensure that students graduate from high school (105 ILCS 5/26-1). Therefore, "the ages of 7-17" means a child is 17 until his or her 18th birthday.

³ Optional sentence.

⁴ 105 ILCS 5/10-20.12.

⁵ Id. Delete the first four sentences in this paragraph if the district operates a year-round school and use the following alternative:

To be eligible for admission, a child must be at least five years old within 30 days after the commencement of that school term. Based upon an assessment of the child's readiness to attend school, the District may permit him or her to attend school prior to this date. A child may also attend first grade based upon an assessment of his or her readiness if he or she attended a non-public preschool and continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately licensed teacher, and will attain age six within four months after the commencement of the term.

⁶ 105 ILCS 5/14-1.02 and 5/14-1.03a. An ISBE rule states: "Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 C.F.R. §300.131) who may be eligible for special education and related services." 23 Ill.Admin.Code §226.100. Note that after a child is determined to be eligible for special education services, the child must be placed in the appropriate program no later than the beginning of the next school semester. 105 ILCS 5/14-8.02, amended by P.A. 102-199.

entrance to kindergarten or first grade may also be available through Board policy 6:135, *Accelerated Placement Program*.^{7 8}

Admission Procedure

All students must register for school each year on the dates and at the place designated by the Superintendent. Parents/guardians of students enrolling in the District for the first time must present:

1. A certified copy of the student's birth certificate. If a birth certificate is not presented, the Superintendent or designee shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified copy of the student's birth certificate. A student will be enrolled without a birth certificate.⁹ When a certified copy of the birth certificate is presented, the school shall promptly make a copy for its records, place the copy in the student's permanent¹⁰ record, and return the certified copy to the person enrolling the child. If a person enrolling a student fails to provide a certified copy of the student's birth certificate, the Superintendent or designee shall immediately notify the local law enforcement agency, and shall also notify the person enrolling the student in writing that, unless he or she complies within ten days, the case will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that ten-day period, the Superintendent or designee shall so refer the case. The Superintendent or designee shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content.¹¹

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

⁷ 105 ILCS 5/14A-17, Accelerated Placement Act (APA). For high school districts, delete this sentence and the cross reference to 6:135, *Accelerated Placement Program*. See sample policy 6:135, Accelerated Placement Program, and sample administrative procedure 6:135-AP, Accelerated Placement Program Procedures, for further detail.

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (*School year – School age*). See f/n 4 in sample policy 6:135, *Accelerated Placement Program* for a discussion about reconciling the APA and 105 ILCS 5/10-20.12. **Consult the board attorney for guidance.**

⁸ Districts should consider implementing specific and objective criteria for early admissions and address such issues as who pays the costs for assessments, etc. Using this exception defeats the age requirement rules because it only relies upon a child's readiness, regardless of his or her age.

⁹ Presenting a certified copy of a student's birth certificate is a missing children's law enforcement issue **that may not be used for denying enrollment**. See **Guidance Documents** subhead in sample administrative procedure 7:50-AP, School Admissions and Student Transfers To and From Non-District Schools, for more information about enrollment and residency issues. Consult the board attorney if a student cannot produce a certified copy of his or her birth certificate and wishes to provide a passport, visa, or other governmental documentation of identity. To balance the tension between the missing children's laws reporting requirements and Plyler v. Doe (457 U.S. 202 (1982)), many attorneys advise not to report a student's failure to produce a birth certificate; however always consult the board attorney for assistance based upon the specific facts of the enrollment situation (see f/n 11 below).

¹⁰ 23 Ill.Admin.Code §375.10 states that the *student permanent record* shall include basic identifying information, including the student's name, birth date and place, and gender, and evidence required under 325 ILCS 50/5(b)(1).

¹¹ Two almost identical laws govern this requirement: Missing Children Records Act (325 ILCS 50/) and Missing Children Registration Law (325 ILCS 55/). We reconciled their differences as much as possible but chiefly used the language from the Registration Law because it has the clearest explanation. The statutory enforcement requirements, as nonsensical as they may seem, are quoted in the policy. **Important:** Schools cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. See Plyler v. Doe. See also f/n 18 below.

2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students*.¹²

The individual enrolling a student shall be given the opportunity to voluntarily state whether the student has a parent or guardian who is a member of a branch of the U.S. Armed Forces and who is either deployed to active duty or expects to be deployed to active duty during the school year.¹³ Students who are children of active duty military personnel transferring will be allowed to enter: (a) the same grade level in which they studied at the school from which they transferred, if the transfer occurs during the District's school year, or (b) the grade level following the last grade completed.¹⁴

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required for enrollment.¹⁵ Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

Foster Care Students

The Superintendent will appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Ill. Dept. of Children and Family Services (DCFS) when enrolling in or changing schools. The District's liaison ensures that DCFS' Office of

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According to the Ill. State Police, a certified copy of the student's birth certificate is the only acceptable proof of the child's identity and age. 20 Ill.Admin.Code §1290.60(a). For more discussion about acceptable proof of identity, see f/n 1 in [sample administrative procedure 7:50-AP, School Admissions and Student Transfers To and From Non-District Schools](#). The Missing Children's Records Act requires schools to make prompt copies of these certified copies. 325 ILCS 50/5(b)(1). Once made, schools need not request another certified copy with respect to that child for any other year in which the child is enrolled in that school or other entity. *Id.* While the Act does not mandate where the copy should be kept, it is appropriate for placement in the student's ~~temporary-permanent~~ record. See 23 Ill.Admin.Code §375.10 and f/n 10. above. The school person who receives the copy of the certified birth certificate should initial and date the document. That way, if there is a question or an investigation (which can happen even years after enrollment) there will not be an issue as to who received the document and the date it was processed.

A district must also *flag* a student's record on notification by the State police of the student's disappearance and report to the State police any request for a *flagged* student record. 325 ILCS 50/3, 50/5.

¹² Each school must maintain records for each student that reflect compliance with the examinations and immunizations required by 105 ILCS 5/27-8.1 and 23 Ill.Admin.Code §1.530(a). A Tuberculosis skin test is required if the student lives in an area designated by the Ill. Dept. of Public Health as having a high incidence of Tuberculosis.

¹³ This paragraph is optional in the policy; it reflects the requirements of State and federal law. P.A. 99-30 repealed the Military Compact Act at 105 ILCS 5/22-65 because of the Educational Opportunity for Military Children Act (EOMCA, 105 ILCS 70/); this exact language is not contained in the recoded EOMCA.

¹⁴ Optional. The EOMCA further details enrollment and entrance requirements for children of active military personnel. 105 ILCS 70/33. After enrollment, the law allows a district to perform evaluations to ensure appropriate placement of the student. Course, program, graduation, extracurricular(s), and other placement options for this student population are further discussed in [sample administrative procedure 7:50-AP, School Admissions and Student Transfers To and From Non-District Schools](#).

¹⁵ Required by Education for Homeless Children Act (105 ILCS 45/) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11431 *et seq.*). See §11432(g)(3)(C)(i).

Education and Transition Services receives all written notices and records pertaining to students in the legal custody of DCFS as required by State law. ¹⁶

Student Transfers To and From Non-District Schools ¹⁷

A student may transfer into or out of the District according to State law and procedures developed by the Superintendent or designee. A student seeking to transfer into the District must serve the entire term

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¹⁶ Required by 105 ILCS 5/10-20.59, amended by P.A. 102-199. These liaisons must be licensed under Article 21B of the School Code. 105 ILCS 5/10-20.59, amended by P.A. 102-199, directs how employees are prioritized for liaison appointment. Liaisons are “encouraged to build capacity and infrastructure within their school district to support students in the legal custody of the Department of Children and Family Services.” Schools are required to give DCFS liaisons certain notices, records, and meeting invitations. See 105 ILCS 5/10-20.77, added by P.A. 102-199 (notice and invitation to attend parent-teacher conferences and other meetings); 105 ILCS 5/10-21.8, amended by P.A. 102-199 (copies of correspondence and reports upon request of DCFS); 105 ILCS 5/13B-60.10 (notice and invitation to attend alternative learning opportunities program conference); 105 ILCS 5/14-8.02, amended by P.A. 102-199 (notices related to special education); 105 ILCS 10/, amended by P.A. 102-199 (student records). See [sample administrative procedure 7:340-AP1, School Student Records](#), for more information regarding DCFS access to the student records of children in its legal custody. The law does not specifically require that a district’s DCFS liaison perform these duties; this policy assigns them to the liaison because they logically fit within the responsibilities outlined in 105 ILCS 5/10-20.59, which may include:

1. Streamlining the enrollment process for students in foster care;
2. Implementing student data tracking and monitoring mechanisms;
3. Ensuring that students in DCFS custody receive all school nutrition and meal programs available;
4. Coordinating student withdrawal from a school, record transfers, and credit recovery;
5. Becoming experts on the foster care system and State laws and policies in place that support students in DCFS custody;
6. Coordinating with child welfare partners;
7. Providing foster care-related information and training to the district;
8. Working with DCFS to help students maintain their school placement, if appropriate;
9. Reviewing student schedules to ensure students are on track to graduate;
10. Encouraging a successful transition into adulthood and post-secondary opportunities;
11. Encouraging involvement in extracurricular activities; and
12. Knowing what support is available within the district and community for students in DCFS custody.

¹⁷ 105 ILCS 5/2-3.13a requires each transferor (original) school to keep documentation of transfers in the student’s record. It also requires “notification [by the transferee (recipient) school] of the transfer on or before July 31 following the school year during which the student withdraws from the transferor school or school district or the student shall be counted in the calculation of the transferor school’s or school district’s annual student dropout rate.” ISBE rule, 23 Ill.Admin.Code §375.75(e), is consistent with this requirement. The rule also requires the transferring school or district to maintain any documentation of the student’s transfer, including records indicating the school or school district to which the student transferred, in that student’s temporary record.

Out-of-state transfer students, including children of military personnel, may use unofficial transcripts for admission to a school until official transcripts are obtained from the student’s last school district. 105 ILCS 10/8.1 and 70/32. See also [sample administrative procedure 7:50-AP, School Admissions and Student Transfers To and From Non-District Schools](#).

A board has two basic options for students transferring into the district who are serving a suspension or expulsion. Under option one, it may comply with the minimum requirements of 105 ILCS 5/2-3.13a by refusing to allow a student transferring from any public school to attend classes until the period of any suspension or expulsion has expired when the penalty was for: (1) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act; (2) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (3) battering a staff member of the school. Under option two, a board may require a student who was suspended or expelled for any reason from any public or private school in this or any other state to complete the entire term of the suspension or expulsion before being admitted to the school district. The sample policy uses the second, more simple, more comprehensive alternative.

of any suspension or expulsion, imposed for any reason by any public or private school, in this or any other state, before being admitted into the School District.

Foreign Students [*High School or Unit Districts only*] ¹⁸

The District accepts foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration. Exchange students on a J-1 visa are not required to pay tuition. ¹⁹

Privately sponsored exchange students on an F-1 visa may be enrolled if an adult resident of the District has temporary guardianship, and the student lives in the home of that guardian. Exchange students on

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A board may adopt a policy providing that if a student is suspended or expelled for any reason from any school, anywhere, the student must complete the suspension's or expulsion's entire term in an alternative school program under Article 13A (105 ILCS 5/13A, amended by P.A. 103-473) or an alternative learning opportunities program under Article 13B (105 ILCS 5/13B) before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program. 105 ILCS 5/2-3.13a and 5/10-22.6(g). If a board wants to provide for this alternative, it may add the following to either of the above options:

The Superintendent is authorized to allow a student who was suspended or expelled from any public or private school to be placed in an alternative school program established under Article 13A of the School Code or an alternative learning opportunities program established under Article 13B of the School Code for the remainder of the suspension or expulsion.

¹⁸ Generally, a citizen of a foreign country who wishes to enter the U.S. must first obtain either: (1) a nonimmigrant visa (for temporary stay for tourism, medical treatment, business, temporary work, or study), or (2) an immigrant visa for permanent residence. Common visas presented by foreign students are:

1. J-1 nonimmigrant visas for participants in educational and cultural exchange programs designated by the U.S. Dept. of State (DOS), Exchange Visitor Program, and Designation Staff. These students are enrolled provided they otherwise qualify for admission. For information about J-1 visas and the Exchange Visitor Program, see j1visa.state.gov/programs.
2. F-1 nonimmigrant student visa. F-1 visas are not issued for attendance at an elementary or middle school (K-8). Before obtaining an F-1 student visa, the individual must submit evidence that the school district has been reimbursed for the unsubsidized per capita cost of the education. These students are enrolled provided they otherwise qualify for admission. However, attendance at U.S. public high schools cannot exceed a total of 12 months.
3. B-2 visitor nonimmigrant visas. There is disagreement over whether these students must be enrolled tuition free. Their *visitor* visa is evidence of nonresident status. Call the district's attorney for guidance.
4. The qualified school-age child of an alien who holds another type of visa, i.e., A, E, H, I, L, etc., other than a visitor visa. These students are enrolled provided they otherwise qualify for admission. Likewise, dependents of foreign nationals on long-term visas are enrolled provided they otherwise qualify for admission.
5. No immigration documentation. *Plyler v. Doe*. A school cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. Thus, undocumented aliens are enrolled, provided they otherwise qualify for admission.
6. Immigrant visa. These students are enrolled provided they otherwise qualify for admission.

The Student and Exchange Visitor Information System (SEVIS) is an Internet-based system that provides tracking and monitoring, with access to accurate and current information on nonimmigrant students (F and M visas) and exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). See §641, Illegal Immigration Reform and Immigrant Responsibility Act. Section 641 is an exception to the Family Educational Rights and Privacy Act. (20 U.S.C. §1232g). See 8 C.F.R. §214.1(h). SEVIS enables schools and program sponsors to transmit electronic information and event notifications, via the Internet, to the U.S. Dept. of Homeland Security (DHS) and the DOS throughout a student's or exchange visitor's stay. SEVIS will provide system alerts, event notifications, and reports to the end-user schools and programs, as well as for DHS and DOS offices.

According to federal regulations, students who apply for F-1, M-1, F-3, J-1, or M-3 visas must pay a fee to the DHS. The regulations describe when and how the fee is to be paid, who is exempt from the fee, and the consequences for failure to pay, 8 C.F.R. Parts 103, 214, and 299.

¹⁹ State law allows, but does not require, boards to waive nonresident tuition for these students. 105 ILCS 5/10-22.5a, amended by P.A. 102-126.

an F-1 visa are required to pay tuition at the established District rate.²⁰ F-1 visa student admission is limited to high schools, and attendance may not exceed 12 months.

The Board may limit the number of exchange students admitted in any given year. Exchange students must comply with District immunization requirements. Once admitted, exchange students become subject to all District policies and regulations governing students.

Re-enrollment²¹ [*High School or Unit Districts only*]

Re-enrollment shall be denied to any individual 19 years of age or above who has dropped out of school and who could not earn sufficient credits during the normal school year(s) to graduate before his or her 21st birthday. However, at the Superintendent's or designee's discretion and depending on program availability, the individual may be enrolled in a graduation incentives program established under 105 ILCS 5/26-16 or an alternative learning opportunities program established under 105 ILCS 5/13B-1 (see 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*). Before being denied re-enrollment, the District will offer the individual due process as required in cases of expulsion under policy 7:210, *Expulsion Procedures*. A person denied re-enrollment will be offered counseling and be directed to alternative educational programs, including adult education programs that lead to graduation or receipt of a GED diploma. This section does not apply to students eligible for special education under the Individuals with Disabilities Education Improvement Act or accommodation plans under the Rehabilitation Act, Section 504.

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²⁰ Exchange students on F-1 visas must pay the full-unsubsidized public education costs before entering the U.S. 8 U.S.C. §1101(a)(15)(F); 8 U.S.C. §1184(m). Boards may not waive the fee.

²¹ 105 ILCS 5/26-2(b). The requirements in this section are provided in State law, that is: (1) it is mandatory that a district deny re-enrollment as provided in this section; (2) it is permissive whether to enroll the individual in a district graduation incentives program or alternative learning opportunities program (although depending on circumstances, a student below the age of 20 may be entitled to enroll in a graduation incentives program); (3) it is mandatory to provide due process before denying re-enrollment; (4) it is mandatory to offer the individual who is denied re-enrollment counseling and to direct that person to alternative educational programs; and (5) it is mandatory that this section not apply to students eligible for special education.

105 ILCS 5/26-2(c) allows a district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. See sample policy 7:70, *Attendance and Truancy*.

LEGAL REF.: 8 U.S.C. §1101, Illegal Immigrant and Immigrant Responsibility Act of 1996.
20 U.S.C. §1232g, Family Educational Rights and Privacy Act.
20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act.
29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.
42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-20.59, 5/10-22.5a, 5/14-1.02, 5/14-1.03a,
5/26-1, 5/26-2, 5/27-8.1.
105 ILCS 10/8.1, Ill. School Student Records Act.
105 ILCS 45/, Education for Homeless Children Act.
105 ILCS 70/, Educational Opportunity for Military Children Act.
325 ILCS 50/, Missing Children Records Act.
325 ILCS 55/, Missing Children Registration Law.
410 ILCS 315/2, Communicable Disease Prevention Act.
20 Ill.Admin.Code Part 1290, Missing Person Birth Records and School
Registration.
23 Ill.Admin.Code Part 226, Special Education.
23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 4:110 (Transportation), 6:30 (Organization of Instruction), 6:110 (Programs for
Students At Risk of Academic Failure and/or Dropping Out of School and
Graduation Incentives Program), 6:135 (Accelerated Placement Program), 6:140
(Education of Homeless Children), 6:300 (Graduation Requirements), 6:310 (High
School Credit for Non-District Experiences; Course Substitutions; Re-Entering
Students), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:100 (Health, Eye,
and Dental Examinations; Immunizations; and Exclusion of Students), 7:340
(Student Records)

waives employee
child tuition

Students

Residence¹

Resident Students

Only students who are residents of the District may attend a District school without a tuition charge, except as otherwise provided below or in State law.² A student's residence is the same as the person who has legal custody of the student.³

A person asserting legal custody over a student, who is not the child's natural or adoptive parent, shall complete a signed statement, stating: (a) that he or she has assumed and exercises legal responsibility for the child, (b) the reason the child lives with him or her, other than to receive an education in the District, and (c) that he or she exercises full control over the child regarding daily educational and medical decisions in case of emergency. If the District knows the current address of the child's natural or adoptive parent, the District shall request in writing that the person complete a signed statement or affidavit stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency.⁴

A student whose family moves out of the District during the school year will be permitted to attend school for the remainder of the year without payment of tuition.⁵

When a student's change of residence is due to the military service obligation of the student's legal custodian, the student's residence is deemed to be unchanged for the duration of the custodian's military service obligation if the student's custodian made a written request. The District, however, is not responsible for the student's transportation to or from school.⁶

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¹ State or federal law controls this policy's content. For a resource, see the Ill. State Board of Education's non-regulatory guidance, *Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers* at www.isbe.net/Pages/Student-Registration-and-Enrollment-Guidance.aspx.

² In certain cases, no tuition may be charged for nonresident children placed: (1) by the Ill. Dept. of Children and Family Services with a foster parent or childcare facility (105 ILCS 5/10-20.12b); or (2) with a person who (i) has temporary custody of a child of a person who is on active military duty, and (ii) is responsible for making decisions for that child (105 ILCS 70/). ~~When special education services are provided, resident district is determined by 105 ILCS 5/14-1.11 and 14-1.11a, amended by P.A. 102-514.~~

³ In the case of divorced or divorcing parents, the Ill. Marriage and Dissolution of Marriage Act (IMDMA), 750 ILCS 5/, provides that "for purposes of Section 10-20.12b of the School Code only, the parent with the majority of parenting time is considered to have legal custody." See 750 ILCS 5/606.10. The IMDMA also requires a *parenting plan* that sets forth a child's residential address for school enrollment purposes. 750 ILCS 5/602.10(f)(6). **Consult the board attorney when the residential address set forth in a parenting plan is not the address of the parent with the majority of parenting time.**

⁴ 105 ILCS 5/10-20.12b. In order to establish residence, a school district may not require a parent to transfer custody/guardianship to the person with whom the child is living. *Israel S. by Owens v. Bd. of Educ. of Oak Park and River Forest High Sch. Dist. 200*, 235 Ill.App.3d 652 (5th Dist. 1992). See also *Joel R. v. Bd. of Educ. of Manheim Sch. Dist. 83*, 292 Ill.App.3d 607 (1st Dist. 1997).

⁵ 105 ILCS 5/10-20.12a.

⁶ 105 ILCS 5/10-20.12b(a-5).

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within six months after the time of initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition.⁷

Residence of Students with Disabilities⁸

The residence of a child with a disability is determined in accordance with 105 ILCS 5/14-1.11, 5/14-1.11a, and 5/14-1.11b.

Requests for Nonresident Student Admission⁹

Nonresident students may attend District schools upon the approval of a request submitted by the student's parent(s)/guardian(s) for nonresident admission. The Superintendent may approve the request subject to the following:¹⁰

1. The student will attend on a year-to-year basis. Approval for any one year is not authorization to attend a following year.
2. The student will be accepted only if there is sufficient room.
3. The student's parent(s)/guardian(s) will be charged the maximum amount of tuition as allowed by State law.¹¹
4. The student's parent(s)/guardian(s) will be responsible for transporting the student to and from school.

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⁷ 105 ILCS 5/10-22.5a(a-5), amended by P.A. 102-126. Military personnel must provide proof that the child will be living within the district within six months after the date of initial enrollment. Proof of residency may include postmarked mail addressed to the military personnel and sent to an address located within the district, a lease agreement for occupancy of a residence located within the district, or proof of ownership of a residence located within the district.

⁸ When special education services are provided, a student's resident district is determined by 105 ILCS 5/14-1.11 (when the resident district is the district in which the parent/guardian resides), 14-1.11a, amended by P.A. 102-514 (when the resident district is the district in which the student resides), and 14-1.11b (applying the provisions of 105 ILCS 5/14-1.11 and 14-1.11a to determine the resident district in all cases in which special education services and facilities are provided).

⁹ Optional. A district that wants to include this subhead should specify and customize the listed criteria to match local conditions. Consult the board attorney regarding cost exceptions that may be applicable to specific student populations such as students with disabilities.

¹⁰ State law is silent regarding nonresident student enrollment except to require the parent(s)/guardian(s) to pay tuition. 105 ILCS 5/10-20.12a and 5/10-20.12b.

105 ILCS 5/10-20.12a(a), amended by P.A. 103-111, allows boards to adopt a policy to waive nonresident tuition if the student is the child of a district employee. A child means a district employee's child who is a biological child, adopted child, foster child, stepchild, or a child for which the employee serves as legal guardian. Id. If a board wishes to accept requests from district employees for their nonresident children to attend school in the district on a tuition-free basis, insert the following language as its own paragraph after the numbered list:

For a nonresident student who is the child of a District employee, if the Superintendent approves the request for nonresident admission for the student, the tuition cost is waived pursuant to 105 ILCS 5/10-20.12a(a).

¹¹ 105 ILCS 5/10-20.12a specifies a formula for calculating the maximum amount a district can charge nonresident students.

Admission of Nonresident Students Pursuant to an Agreement or Order ¹²

Nonresident students may attend District schools ~~tuition-free~~ pursuant to:

1. A written agreement with an adjacent school district to provide for tuition-free attendance by a student of that district, provided both the Superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.
2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and nonresident pupils of charitable institutions.
3. According to an intergovernmental agreement.
4. Whenever any State or federal law or a court order mandates the acceptance of a nonresident student.

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required to establish residency.¹³ School Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

Challenging a Student's Residence Status ¹⁴

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a nonresident of the District for whom tuition is required to be charged, he or she on behalf of the School Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall detail the specific reasons why the Board believes that the student is a nonresident of the District¹⁵ and shall be given by certified mail, return receipt requested. The person who enrolled the student may challenge this determination and request a hearing as provided by the School Code, 105 ILCS 5/10-20.12b.

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¹² The agreement described in #1 is optional (105 ILCS 5/10-22.5a(a)) and districts are not required to enter into such agreements nor to alter existing transportation services due to the attendance of such nonresident students. The agreement described in #2 is optional (105 ILCS 5/10-22.5a(a)); districts should be sure it is consistent with sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. An example of an agreement described in #3 is one to accept nonresident students; entering into such an agreement is optional.

¹³ Required by 105 ILCS 45/ and the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 *et seq.* See §11432 (g)(3)(C)(i).

¹⁴ *Id.* See sample administrative procedure 7:60-API, *Challenging a Student's Residence Status*, for sample procedures implementing this paragraph.

¹⁵ 105 ILCS 5/10-20.12b.

LEGAL REF.: 42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
105 ILCS 5/10-20.12a, 5/10-20.12b, 5/10-22.5, and ~~5/10-22.5a~~, 5/14-1.11, 5/14-1.11a, and 5/14-1.11b.
105 ILCS 45/, Education for Homeless Children Act.
105 ILCS 70/, Educational Opportunity for Military Children Act.
23 Ill.Admin.Code §1.240.
Israel S. by Owens v. Bd. of Educ. of Oak Park and River Forest High Sch. Dist. 200, 235 Ill.App.3d 652 (5th Dist. 1992).
Joel R. v. Board of Education of Manheim School District 83, 292 Ill.App.3d 607 (1st Dist. 1997).
Kraut v. Rachford, 51 Ill.App.3d 206 (1st Dist. 1977).

CROSS REF.: 6:140 (Education of Homeless Children), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:70 (Attendance and Truancy)

Legal References Updated

Students

Attendance and Truancy¹

Compulsory School Attendance²

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 observance of a religious holiday,

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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, added by P.A. 102-157 and renumbered by P.A. 102-813; 23 Ill.Admin Code Part 207. Any school receiving public funds must develop and annually communicate to its students and their parents/guardians an absenteeism and truancy policy. *Id.* The Ill. Principals Association (IPA) maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook* (MSH), at: www.ilprincipals.org/msh/.

This policy must be updated every two years and filed with the Ill. State Board of Education (ISBE) and the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate]. 105 ILCS 5/22-92(b), added by P.A. 102-157 and renumbered by P.A. 102-813; 23 Ill.Admin.Code §207.30(a). 105 ILCS 5/3-0.01 states that any references to *regional superintendent* include the chief administrative officer of Intermediate Service Centers established under 105 ILCS 5/2-3.62. See the **Monitoring** subhead and f/n 21, 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, amended by P.A.s 102-406, 102-266, 102-321, and 102-981, ~~eff. 1-1-23~~, 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, amended by P.A.s. 102-266 and 102-321. A student may be absent for mental or behavioral health for up to five days without providing a medical note, and the student must be given an opportunity to make up any missed school work. *Medical note* is not defined, but the same portion of the statute discusses a student's inability to attend school due to a disability being certified by an Illinois licensed physician, chiropractic physician, advanced practice registered nurse, or physician assistant; presumably, any of these individuals could provide a *medical note*. After the second mental health day used, the student may be referred to the appropriate school support personnel. *Id.* See [sample policy](#) 7:250, *Student Support Services*.

death in the immediate family, attendance at a civic event,⁴ family emergency, other situations beyond the control of the student as determined by the Board, voting pursuant to policy 7:90, *Release During School Hours* (10 ILCS 5/7-42 and 5/17-15), other circumstances that cause reasonable concern to the parent/guardian for the student's mental, emotional, or physical health or safety, or other reason as approved by the Superintendent or designee.⁵ Students absent for a valid cause may make up missed homework and classwork assignments in a reasonable timeframe.⁶

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.⁷

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⁴ 105 ILCS 5/26-1 and 5/26-2a, amended by P.A. 102-981, ~~eff. 1-1-23~~. 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.

⁵ 105 ILCS 5/22-92(a)(1), added by P.A. 102-157 and renumbered by P.A. 102-813, requires a policy with a definition of valid cause for absence in accordance with 105 ILCS 5/26-2a. These reasons are in 105 ILCS 5/26-2a except that (1) "other reason as approved by the Superintendent," and (2) absences for students to vote authorized by 10 ILCS 5/7-42 and 5/17-15, ~~amended by P.A. 101-624~~, 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.

⁶ See f/n 3. In addition, 105 ILCS 5/10-20.78, added by P.A. 102-471 and renumbered by P.A. 102-813, requires a written policy related to absences and missed homework or classwork assignments as a result of or related to a student's pregnancy. It makes sense to apply such a policy to all students who are absent for a valid cause.

⁷ Any child "necessarily and lawfully employed" may be exempted from attendance by the superintendent "on certification of the facts by and the recommendation of the school board." 105 ILCS 5/26-1. The policy's language serves to delegate this "certification of the facts" to the superintendent or designee. The following option allows a board to consider and include specific criteria in the policy:

A student may be excused, at the Superintendent's discretion, when: (1) the student has a last period study hall, (2) the parent/guardian provides written permission, (3) the student's employer provides written verification of employment, (4) the student provides evidence of a valid work permit, or (5) other reason deemed justifiable by the Superintendent.

Child Labor laws include: 29 C.F.R. Part 570 (minimum age standards, occupations, conditions, etc.); 820 ILCS 205/, amended by P.A. 102-32 ~~and 103-201, eff. 1-1-24~~ (child labor law); 56 Ill.Admin.Code Part 250 (child labor regulations). To streamline the employment certificate process for minors, the Ill. Dept. of Labor (IDOL) has a paperless certification system for districts to provide IDOL with the name and contact information of the superintendent or designee as the *issuing officer*. The *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.

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. ⁸
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. ⁹
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. ¹⁰
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. ¹¹
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, or information about community agency services.¹² 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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⁸ 105 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.

⁹ 105 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.*

¹⁰ This notification is required by 105 ILCS 5/26-3b.

¹¹ 105 ILCS 5/22-92(a)(2), added by P.A. 102-157 and renumbered by P.A. 102-813.

¹² *Id.* at (3), added by P.A. 102-157 and renumbered by P.A. 102-813. The School Code references to dropout prevention include: 105 ILCS 5/26-3a (regional superintendent activities and annual report); 105 ILCS 5/10-20.25a (annual report by boards); and 105 ILCS 5/1A-4(E), amended by P.A. 102-894 (ISBE report).

- b. Encourage the habit of daily attendance and promote success. ¹³
9. Reasonable efforts to provide ongoing professional development to teachers, administrators, Board members, school resource officers, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement. ¹⁴
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. ¹⁵
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. ¹⁶

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¹³ 105 ILCS 5/22-92(a)(4), added by P.A. 102-157 and renumbered by P.A. 102-813, requires the incorporation of provisions relating to chronic absenteeism in accordance with 105 ILCS 5/26-18. 105 ILCS 5/26-18 requires districts to collect and review chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. 105 ILCS 5/26-18(c). The review must include an analysis of chronic absence data from each attendance center. *Id.* Districts are also encouraged to: (1) provide a system of support to students at risk of reaching or exceeding chronic absence levels, i.e., those available through the Illinois Multi-tiered Systems of Support Network; and (2) make resources available to families, i.e., those available through ISBE's Family Engagement Framework, to support and engage students and their families. 105 ILCS 5/26-18(d). *Chronic absence* means "absences that total 10% or more of school days of the most recent school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student." 105 ILCS 5/26-18(a). In contrast, a *chronic or habitual truant* is "a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days." 105 ILCS 5/26-2a.

¹⁴ 105 ILCS 5/10-22.6(c-5).

¹⁵ Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

¹⁶ 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services. 705 ILCS 405/3-33.5, amended by P.A. 102-456 and 103-379. Truant minors in need of supervision may be required by the court to perform reasonable public service that does not interfere with school hours, school related activities, or work commitments of the minor or the minor's parent, guardian, or legal custodian. Id. Fees or costs may not be ordered or imposed in contempt proceedings related to the minor's adjudication as a truant minor in need of supervision. Id.

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-API, *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.

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. ¹⁷
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. ¹⁸

[For high school and unit districts only]

14. A process for a 17-year-old resident to participate in the District's various programs and resources for truants. ¹⁹ The student must provide documentation of his/her dropout status for the previous six months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.
15. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. ²⁰

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¹⁷ 105 ILCS 5/26-12 prohibits punitive action "unless available supportive services and other school resources have been provided to the student." In addition, "a truant minor may not be expelled for nonattendance unless he or she has accrued 15 consecutive days of absences without valid cause and the student cannot be located by the school district or the school district has located the student but cannot, after exhausting all available supportive services, compel the student to return to school." *Id.*

¹⁸ 105 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.

¹⁹ 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.

²⁰ Optional, but provided in 105 ILCS 5/26-2(c)(3); ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

Monitoring²¹

Pursuant to State law and policy 2:240, *Board Policy Development*, the Board updates this policy at least once every two years. The Superintendent or designee shall assist the Board with its update.

LEGAL REF.: 105 ILCS 5/22-92 and 5/26-1 through 5/26-3, 5/26-5 through 5/26-16, and 5/26-18.
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), 7:340 (Student Records)

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²¹ 105 ILCS 5/22-92(b), added by P.A. 102-157 and renumbered by P.A. 102-813. Every two years this policy must be updated and, even if no updates are made, filed with ISBE and the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate]. Id.; 23 Ill.Admin.Code §207.30. The policy must contain all requirements of 105 ILCS 5/22-92, indicate the date of adoption (by month, day, and year) and any revision dates, and be filed electronically by September 30 each review year through ISBE's Web Application Security (IWAS) system. 23 Ill.Admin.Code §§207.20(a), 207.30(a). If, after review and re-evaluation of the policy, the district determines that no updates are necessary, either a copy of board minutes clearly indicating the policy was re-evaluated and no changes were deemed necessary or a signed statement from the board president indicating the policy was re-evaluated and no changes were deemed necessary must be submitted to IWAS. 23 Ill.Admin.Code §207.30(a)(3). ISBE has stated that for districts that update the adoption date listed on a policy whenever the policy is updated, the date of adoption is sufficient to also indicate the revision date. See ISBE *Absenteeism and Truancy Policy FAQ*, at: www.isbe.net/Documents/Absenteeism-Truancy-Policy-FAQ.pdf.

allows students
to wear cultural/ethnic
or religious items to
graduation

Students

Student Appearance¹

A student's appearance, including dress and hygiene, must not disrupt the educational process or compromise standards of health and safety. The District does not prohibit hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists.² The District also does not prohibit the right of a student to wear or accessorize the student's graduation attire with items associated with the student's cultural, ethnic, or religious identity or other characteristic or category protected under the Ill. Human Rights Act, 775

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¹ Required by 105 ILCS 5/10-22.25b, amended by P.A.s 102-360 and 103-463, eff. 1-1-22, for recognition under 105 ILCS 5/2-3.25 (Jett Hawkins Law). For districts to receive recognition from the Ill. State Board of Education (ISBE), they must provide assurances of compliance with the Jett Hawkins Law (hairstyles) and P.A. 103-463 addressing graduation attire; this policy's second and third sentences does that. Ill. State Board of Education (ISBE) resources on the Jett Hawkins Law are available at: www.isbe.net/jetthawkinslaw. ISBE will have resource materials on P.A. 103-463 at its website by 7-1-242. State or federal law also controls this policy's content.

105 ILCS 5/10-22.25b, amended by P.A.s 102-360 and 103-463, eff. 1-1-22, specifically authorizes a school board to adopt a school uniform or dress code policy. **There are hundreds of decisions on dress codes and uniform policies, making it imperative that a board contact its attorney for assistance in applying the law to specific fact situations.**

Generally, if a student's dress has sufficient communicative content, it will warrant First Amendment protection. If protected, a school's ability to regulate the dress will be analyzed according to Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733 (1969) – it may be regulated only if it would substantially disrupt school operations or interfere with the right of others. In Brandt v. Bd. of Educ. of City of Chicago, 420 F.Supp.2d 921, 2006 WL 623654 (N.D.Ill. 2006), earlier decision, 326 F.Supp.2d 916 (N.D.Ill., 2004), an Illinois federal court upheld a school's authority to punish students for wearing t-shirts portraying a one-handed boy; the court said: "A school need not tolerate student speech that is inconsistent with the school's basic educational mission even though the First Amendment would protect similar speech or expressive conduct outside of the school setting. This holding is suspect after the Seventh Circuit decision in Zamecnik v. Indian Prairie Sch. Dist. #204, 636 F.3d 874 (7th Cir. 2011). There the court held that the school district violated students' free speech rights by forbidding them from wearing during school hours a T-shirt saying "Be Happy, Not Gay."

A school may regulate student dress that does not have sufficient communicative content to receive free speech protection, provided the regulation is not arbitrary or excessive. Although many courts have ruled similarly with respect to grooming, e.g., hair length, and non-earring piercings, the Seventh Circuit, the federal appellate court that governs Illinois, has struck down school regulations governing hair length and earrings (See Breen v. Kahl, 419 F.2d 1034 (7th Cir. 1969); Crews v. Clones, 432 F.2d 1259 (7th Cir. 1970) (exclusion of long-haired student from class constituted denial of equal protection to male students); Arnold v. Carpenter, 459 F.2d 939 (7th Cir. 1972); Holsapple v. Woods, 500 F.2d 49 (7th Cir. 1974) (limitation of ruling recognized by Hayden ex rel. v. Greensburg Cmty. Sch. Corp., 743 F.3d 569 (7th Cir. 2014) (recognizing school's right to set policy); Olesen by Olesen v. Bd. of Educ. Dist. 228, 676 F.Supp. 820, 822 (N.D.Ill.1987) (male students have a liberty interest in wearing an earring to school). But see Blau v. Fort Thomas Public Sch. Dist., 401 F.3d 381 (6th Cir. 2005) (upheld a Kentucky middle school's student dress code that prohibited visible body piercing other than ears). A school's uniform policy was upheld in Alwood v. Clark and Belleville Twp. High Sch. Dist. 201, 2005 WL 2001317 (S.D.Ill. 2005).

² For boards that want to expand upon the law's requirement of race, ethnicity, or hair texture, amend this sentence as follows:

"The District does not prohibit hairstyles or hair textures historically associated with historically associated with race, ethnicity, or hair texture, or any other protected classes under Board policy 7:10, Equal Educational Opportunities, including, but not limited to, protective hairstyles such as braids, locks, and twists."

If the board chooses this expansion and also uses policy 7:165, School Uniforms, ensure that this option aligns with the option in 7:165's ¶n 10.

ILCS 5/1-103(Q).³ Students who disrupt the educational process or compromise standards of health and safety must modify their appearance. Procedures for guiding student appearance will be developed by the Superintendent or designee and included in the *Student Handbook(s)*.⁴

LEGAL REF.: 105 ILCS 5/2-3.25 and 5/10-22.25b.
Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503 (1969).

CROSS REF.: 7:10 (Equal Educational Opportunities), 7:130 (Student Rights and Responsibilities), 7:165 (School Uniforms), 7:190 (Student Behavior)

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³ 105 ILCS 5/10-22.25b, amended by P.A.s 102-360 and 103-463, 775 ILCS 5/1-103(Q), which is referenced in 105 ILCS 5/10-22.25b, prohibits unlawful discrimination based on a person's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service.

⁴ A comprehensive Student Handbook can provide notice to parents and students 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.

Members of the Ill. Principals Assoc. may subscribe to the IPA's 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/www.ilprincipals.org/resources/model-student-handbook. See also [sample exhibit 7:190-E2, Student Handbook Checklist](#).

Footnotes updated

Students

School Uniforms ¹

Students are encouraged to wear school uniforms to school on all school attendance days, in order to maintain and promote orderly school functions, student safety, and a positive learning environment.² The Building Principal is authorized to designate days on which this uniform policy is relaxed.³

The Superintendent or designee shall designate a school-wide uniform after receiving input from school staff members, parents, and interested community members.⁴ Students may:⁵

1. Display religious messages on items of clothing to the same extent they are permitted to display other messages;
2. Wear attire that is part of the student's religious practice;

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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. Boards may adopt a school uniform policy, provided it is "necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety." 105 ILCS 5/10-22.25b, amended by P.A. ~~s~~ 102-360, ~~eff. 1-1-22~~ (*Jett Hawkins Law*) and P.A. 103-463 (graduation attire).

² Alternatively, the board may designate certain individual attendance centers.

A voluntary school uniform policy permits students to freely choose whether and under what circumstances they will wear the uniform. A voluntary policy allows the district to gauge parental support—something that is vital to the policy's success. In addition, a voluntary policy does not implicate the First Amendment.

Boards may adopt a mandatory uniform policy, with or without an *opt-out* provision. An *opt-out* provision allows a student to be excused from the policy because of an objection from a parent/guardian based on cultural, religious, or other reasons. While the constitutionality of a mandatory uniform policy is disputed, the inclusion of an *opt-out* provision reduces vulnerability to constitutional attack. For districts desiring a mandatory uniform policy, substitute this provision for the first sentence (eliminate the 2nd sentence if no *opt-out* provision is wanted):

Students are required to wear school uniforms to school on all attendance days, unless otherwise indicated by the Building Principal, in order to maintain and promote orderly school functions, student safety, and a positive learning environment. This policy will be waived for any student whose parent/guardian provides the Board with a signed statement detailing the grounds for their objection.

³ Optional; eliminate this sentence if the board wants to enforce the policy every day.

⁴ Boards may allow each school to designate its own uniform or designate a district-wide uniform, as the following alternative provides:

The Superintendent or designee shall designate a district-wide uniform after receiving input from school staff members, parents, and interested community members.

⁵ A uniform policy must accommodate students whose religious beliefs are substantially burdened by a uniform requirement. Religious messages may not be singled out for suppression; they must be subject to the same rules as generally apply to other messages. For more information, see U.S. Dept. of Education's publication:

www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html | www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html.

3. Wear or display expressive items, such as a button, as long as such items do not contribute to disruption by substantially interfering with discipline or with the rights of others;⁶ and
4. Wear the uniform of a nationally recognized youth organization such as Boy Scouts or Girl Scouts on regular meeting days.

No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform because of:

1. Personal choice;⁷
2. Insufficient time in which to comply with this policy;⁸
3. Financial hardship;⁹
4. Hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists;¹⁰
- 4.5. Graduation attire or accessories to graduation attire associated with the student's cultural, ethnic, or religious identity or other characteristic or category protected under the Ill. Human Rights Act, 775 ILCS 5/1-103(Q);¹¹ or
- 5.6. Religious objection by the student's parent/guardian to the student's compliance with this policy or the applicable uniform, if they have provided the Superintendent with a signed statement detailing their objection.¹²

Any student eligible for reduced or free lunches, or for a waiver of student fees, is eligible for financial assistance toward the purchase of school uniforms. The Superintendent or designee shall develop a process for informing parents/guardians of the availability of financial assistance and a method to process financial requests.¹³

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⁶ In 1969, the U.S. Supreme Court recognized that students enjoy First Amendment free speech rights in school but that schools have the authority to limit student speech that might reasonably be predicted to cause a material and substantial disruption or invasion of the rights of others. Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503 (1969). The manner in which this ruling applies to uniform policies is still unsettled. See DePinto v. Bayonne Bd. of Ed., 514 F.Supp.2d 633 (D. N.J. 2007) (a school district was enjoined from disciplining elementary students who wore a button protesting the district's mandatory uniform policy). However, many decisions have upheld a compulsory uniform policy. See Blau v. Ft. Thomas Public Sch. Dist., 401 F.3d 381 (6th Cir. 2005); Canady v. Bossier Parish Sch. Bd., 240 F.3d 437 (5th Cir. 2001); Littlefield v. Forney Sch. Dist., 268 F.3d 275 (5th Cir. 2001); Jacobs v. Clark Cnty. Sch. Dist., 373 F.Supp.2d 1162 (D. Nev., 2005); Phoenix Elementary Sch. Dist. v. Green, 943 P.2d 836 (Az.Ct. App. 1997); Vines v. Zion Sch. Dist., 2002 WL 58815 (N.D.Ill. 2002); Alwood v. Clark, 2005 WL 2001317 (S.D.Ill. 2005); Bear v. Fleming, 714 F.Supp.2d 972 (W.D. S.D. 2010) (requiring students to wear a cap and gown while receiving their diplomas is reasonably related to the school board's legitimate interest in maintaining order). **Before adopting a uniform policy, a board should discuss this issue with its attorney.**

⁷ Omit *personal choice* if the district has a mandatory uniform policy.

⁸ 105 ILCS 5/10-22.25b.

⁹ Id.

¹⁰ Id., amended by P.A. 102-360 -eff. 1-1-22 (*Jett Hawkins Law*). See f/n 1 in sample policy 7:160, Student Appearance.

If the board expanded upon the law's requirement of race, ethnicity, or hair texture, in policy 7:160, *Student Appearance*, amend number 4 as follows to align with it:

"Hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, or any other protected classes under Board policy 7:10, Equal Educational Opportunities, including but not limited to, protective hairstyles such as braids, locks, and twists."

¹¹ Id., amended by P.A. 103-463. See f/ns 1 & 3 in sample policy 7:160, Student Appearance.

¹² Id. Remove this provision if a mandatory uniform policy is adopted with a provision allowing the parents/guardians to obtain an opt-out (see f/n 2).

¹³ Id. State law requires the board to establish "criteria and procedures under which the board will accommodate the needs of or otherwise provide appropriate resources to assist a student from an indigent family."

No student shall be suspended or expelled from school, or receive a lowered academic grade, because of failing to comply with this policy. ¹⁴

The Superintendent or designee shall develop incentives and positive reinforcement measures to encourage full compliance. ¹⁵

LEGAL REF: 105 ILCS 5/2-3.25, and 5/10-22.25b.

CROSS REF: 4:140 (Waiver of Student Fees), 7:160 (Student Appearance), 7:190 (Student Behavior)

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¹⁴ For those boards choosing a mandatory uniform policy with no opt-out provision, replace this sentence with the following:

Disciplinary action may be taken for failure to comply with this policy. Before initiating disciplinary action, a conference with the parent(s)/guardian(s) shall be requested to solicit cooperation and support.

¹⁵ The following alternative takes the board into operational matters but it ensures that the nuts and bolts issues will be covered by administration:

The Superintendent or designee shall develop incentives and positive reinforcement measures to encourage full compliance and shall communicate information to students and parents/guardians concerning:

1. The uniform's description and its availability;
2. The requirements for jackets and outer garments;
3. Optional articles of attire, if any;
4. Compliance measures;
5. Methods to facilitate recycling of uniforms within the school community; and
6. Notice of uniform sales and lists of competitive prices from vendors of uniform articles.

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Students

Student Behavior¹

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

When and Where Conduct Rules Apply³

A student is subject to disciplinary action for engaging in prohibited student conduct, as described in the section with that name below, whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

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¹ All districts must have a policy on student discipline, including school searches and bullying prevention (105 ILCS 5/10-20.14); re-engagement of students returning from an exclusionary discipline or an alternative school (105 ILCS 5/10-22.6(b-25)); 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). 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 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). See 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 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/www.schoolsafety.gov.

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.

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:

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes. ⁶

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A U.S. Supreme Court decision and many lower court decisions address disciplining a student for off-campus misconduct. See Mahanoy Area Sch. Dist. v. B.L., 141 S.Ct. 2038 (2021), discussed in f/n 3 of sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities*; and J.S. v. Blue Mountain Sch. Dist., 650 F.3d 915 (3rd Cir. 2011), combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3d Cir. 2011), cert. denied 565 U.S. 1156 (2012) (absent evidence that parodies of school personnel caused, or could cause, substantial disruption, school districts may not punish out-of-school expressive conduct, even if it is lewd, indecent, or offensive speech).

In contrast, the 7th Circuit Court of Appeals upheld a student's expulsion for an article in an underground newspaper titled "So You Want to be a Hacker." The article's instructions for hacking into the school's computers clearly interfered with the school's operations. Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield, 134 F.3d 821 (7th Cir. 1998). See also Wisniewski v. Bd. of Educ. of the Weedsport Central Sch. Dist., 494 F.3d 34 (2nd Cir. 2007), cert. denied 552 U.S. 1296 (2008), (holding a student's transmission of an icon of a pistol with blood splattering and the words "Kill Mr. VanDer Molen" crossed the boundary of protected speech and posed a reasonably foreseeable risk that the icon would come to the attention of school authorities and materially and substantially disrupt the school).

Historically, schools have had more leeway in disciplining participants in athletics and extracurricular activities; however, the Mahanoy decision raises unresolved questions about the degree of leeway now afforded to school officials. See sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities* at f/n 3 for further discussion.

A judge may transfer a student to another school for committing stalking or non-consensual sexual contact against another student, or for aiding and abetting such an act; the parents/guardians are responsible for transportation and other costs associated with the transfer. Stalking No Contact Order Act and the Civil No Contact Order Act, 740 ILCS 21/80 and 22/213. A school district is seldom notified when a transfer order is requested. When notified, school officials should immediately seek the board attorney's advice concerning available options.

⁴ The factual context will determine the appropriateness of taking jurisdiction. Contact the board attorney before disciplining a student for off-campus conduct. See Doe v. Superintendent of Schs. of Stoughton, 767 N.E.2d 1054 (Mass. 2002) (suspension for off-campus commission of a felony was upheld).

⁵ Consult the board attorney for advice on deleting or modifying any of the items in this section on prohibited student conduct.

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 1992/2004, 20 U.S.C. §6087971 et seq. Districts that fail to comply risk a civil penalty of up to \$1,000 per violation per day. 20 U.S.C. §6087973(£)(1). See 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; amended by 81 Fed. Reg. 28973. An electronic or e-cigarette resembles a regular cigarette and contains a battery-operated heating element that turns a liquid into a mist for inhaling. The liquid may contain nicotine. E-cigarettes are sometimes referred to as e-cigs, vapes, e-hookahs, vape pens, and electronic nicotine delivery systems (ENDS), and they are generally involved in *vaping*. Vaping is the act of inhaling and exhaling the aerosol, often referred to as vapor that is produced by an e-cigarette or similar device. An e-cigarette resembles a cigarette and contains a battery-operated heating element that turns a liquid into a mist for inhaling. Some e-cigarettes do not look like tobacco products and are shaped like other objects, such as USB flash drives, and are more easily concealed.

2. Using, possessing, distributing, purchasing, or selling alcoholic beverages.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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Information and resources are available at:

www.isbe.net/Pages/School-Health-Issues.aspx

www.fda.gov/tobacco-productswww.fda.gov/tobacco-products/default.htm

www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm

www.dph.illinois.gov/topics-services/prevention-wellness/tobacco/e-cigarettes-and-vapes

www.drugabuse.gov/drugs-abuse/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, added by P.A. 101-27. 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*.

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/, ~~amended by P.A. 101-363, scheduled to be repealed on 7-1-20~~. 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) ~~amended by P.A. 101-363, scheduled to be repealed on 7-1-20~~. *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), ~~amended by P.A. 101-363~~. 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) ~~added by 101-370~~, 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/discussion~~, see ~~f/n/s 21-315~~ 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.

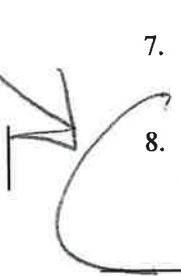
¹³ *Counterfeit* and *look-alike substances* are defined in 720 ILCS 570/102(g) and (y). This provision is broader because it would apply, for example, if a student represents a powdered vitamin to be pure caffeine – pure caffeine is prohibited on campus even though it is a legal substance. *Look-alike* drugs should be defined; an unpublished Ill. appellate decision in 2000 found a policy prohibiting possession of *look-alikes* had vagueness problems.

- 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. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Prohibited conduct specifically includes, without limitation, creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person through the use of a computer, electronic communication device, or cellular phone. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered-off or silenced and out-of-sight¹⁶ 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); (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. ¹⁷
6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
7. 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.
8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, using a writing service and/or generative artificial intelligence technology in place of original work

New Section



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¹⁴ *Drug paraphernalia* is defined in 720 ILCS 600/2(d). Contact the board attorney for advice concerning a student who is a *registered qualifying patient*, as explained in f/n 11.

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 Delete "and out-of-sight" if the district wants to provide greater flexibility.

¹⁷ 105 ILCS 5/10-21.10 prohibits student possession of electronic paging devices, but State law leaves to local boards the discretion whether to prohibit student possession of cellular phones. 105 ILCS 5/10-20.28. The misuse of camera phones can seriously invade a student's privacy. A board wanting a sweeping prohibition may use the following alternative for item #5:

Using or possessing a cellular telephone, electronic signaling device, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.

Operating transmitters designed to jam or block wireless communications violates the federal Communications Act of 1934. 47 U.S.C. §§301, 302a, and 333. Fines are as high as \$10,000 for each violation and/or imprisonment, and the device may also be seized. 47 U.S.C. §§501-510.

Making a video recording or live video transmission of another person without their consent in a restroom, locker room, or changing room is a Class 4 felony. 720 ILCS 5/26-4. A minor who distributes or disseminates an indecent visual depiction of another minor through the use of a computer or electronic communication device may be subject to adjudication as a minor in need of supervision. 705 ILCS 405/3-40.

- unless specifically authorized by staff.¹⁸ wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
9. 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.¹⁹
 10. 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.
 11. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*.²⁰
 12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.²¹
 13. Entering school property or a school facility without proper authorization.

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¹⁸ Optional. Generative artificial intelligence (AI) is a broad label used to describe any AI system that generates, with varying levels of autonomy, content such as complex text, images, audio, or video. When not used for academic dishonesty purposes, generative AI tools may present innovative learning opportunities for students and teaching opportunities for educators. For further information, see the International Society for Technology in Education webpage on AI exploration for educators at: www.iste.org/areas-of-focus/AI-in-education.

¹⁹ All districts must have a policy on bullying. 105 ILCS 5/27-23.7(d), amended by P.A. 103-47. Sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the statutory definition of bullying. Districts must also have an age-appropriate policy on sexual harassment. 105 ILCS 5/10-20.69, added by P.A. 101-418. See sample policy 7:20, *Harassment of Students Prohibited*, and its f/n 7 for further detail.

105 ILCS 5/10-20.14 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 7:190-E1, *Aggressive Behavior Reporting Letter and Form*.

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.

²⁰ All school boards must have a policy on prohibited teen dating violence. 105 ILCS 110/3.10. Verify that the board adopted the policy listed and amend its title in this policy, if necessary.

²¹ 720 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.

14. 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.
15. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants. ²²
16. 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. ²³
17. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia. ²⁴
18. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
19. 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. ²⁵
20. 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. ²⁶
21. 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. ²⁷

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

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²² 105 ILCS 5/26-2a, amended by P.A.s ~~102-406~~, 102-266, and 102-321, and 102-981; 5/26-9; and 5/26-12, amended by P.A. 101-81. 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*.

²³ State law requires schools to suspend or expel any student who engages in this activity. 105 ILCS 5/31-3.

²⁴ See *Kelly v. Bd. of Educ. of McHenry Cmtv. 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).

²⁴ 740 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.

²⁵ 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).

²⁶ For more information regarding unmanned aircraft systems, see www.faa.gov/uas.

²⁷ 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."

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. ²⁸

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.²⁹ 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. ³⁰

Disciplinary Measures ³¹

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.³² School personnel shall

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²⁸ *Possession* should be defined to avoid vagueness problems.

²⁹ See f/n 198.

³⁰ Mandated by 105 ILCS 5/10-20.36.

³¹ **IMPORTANT:** The practice of suspending or expelling a student based on the number of accumulated disciplinary infractions is illegal under 105 ILCS 5/10-22.6. This includes a system of assigning points to specific infractions and then tallying the points a student receives over a period of time to determine a disciplinary exclusion from school.

Before amendments to 105 ILCS 5/10-22.6, courts used the following factors to determine if a board abused its discretion when it expelled a student: (1) the egregiousness of the student's conduct; (2) the record of the student's past conduct; (3) the likelihood that such conduct will affect the delivery of educational services to other students; (4) the severity of the punishment; and (5) the intent of the child. Robinson v. Oak Park, 213 Ill.App.3d 77 (1st Dist. 1991); Wilson ex rel. Geiger v. Hinsdale Elementary Dist., 349 Ill.App.3d 243 (2nd Dist. 2004). Whether courts will continue to use these factors is yet to be determined. The amendments to 105 ILCS 5/10-22.6 call into question the validity of relying on past misconduct in suspension or expulsion decisions.

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).

³² 105 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 teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, 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).

not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.³³ Potential disciplinary measures include, without limitation, any of the following:³⁴

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.³⁵
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised.³⁶
7. After-school study or Saturday study³⁷ 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.³⁸ 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.³⁹
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*.⁴⁰
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*.⁴¹ A student who has been suspended may also be restricted from being on school grounds and at school activities.⁴²

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³³ 105 ILCS 5/10-22.6(h).

³⁴ 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).

³⁵ 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 a footnote² in sample policy 7:170, *Vandalism*.

³⁶ 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 fn 34 in sample policy 5:230, *Maintaining Student Discipline*, for further discussion of in-school suspension programs.

³⁷ Teachers may not be required to teach on Saturdays. 105 ILCS 5/24-2.

³⁸ 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).

³⁹ 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).

⁴⁰ 105 ILCS 5/10-22.6(b) and (b-30).

⁴¹ 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). This is explained in sample board policy 7:200, *Suspension Procedures*, and its footnotes.

⁴² This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

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*.⁴³ A student who has been expelled may also be restricted from being on school grounds and at school activities.⁴⁴
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. ⁴⁵
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. ⁴⁶

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,

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⁴³ 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.

⁴⁴ This sentence is optional. A board may make this mandatory by replacing “may also be” with “shall also be.”

⁴⁵ 105 ILCS 5/10-22.6(a) and (b). Subsection 10-22.6(b) uses the phrase “is suspended in excess of 20 school days” even though a 20-consecutive day suspension should be treated as an expulsion. *Goss v. Lopez*, 419 U.S. 565 (1975). An alternative program is probably available to a student who is suspended for 11 to 20 consecutive days because that student is technically expelled and, as such, qualifies under subsection (a) of Section 10-22.6. Contact the board attorney if the district wants to interpret the statute as referring to *cumulative* school days so that it can transfer a student to an alternative program upon his or her suspension in excess of 20 *cumulative* school days.

105 ILCS 5/13A, amended by P.A. 103-473, a/k/a *Safe Schools Law*, governs the transfer of disruptive students, defined to include suspension- or expulsion-eligible students in grades 6-12, to an alternative school program. See sample administrative procedure 7:190-AP9, *Administrative Transfer to Regional Safe School Program*, and the Ill. State Board of Education (ISBE) regional safe schools program webpage at: www.isbe.net/Pages/Regional-Safe-Schools-Program.aspx. 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.

⁴⁶ 105 ILCS 5/22-88, ~~added by P.A. 101-478 and~~ amended by P.A.s 102-197 and 102-558. See sample policy 7:150, *Agency and Police Interviews*.

and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion.⁴⁷

Corporal punishment is prohibited. *Corporal punishment* is defined as 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 needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property.⁴⁸

Isolated Time Out, Time Out, and Physical Restraint⁴⁹

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, State Board of Education rules (23 Ill.Admin.Code §§ 1.280, 1.285), and the District's procedure(s).

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

⁴⁷ **Note:** Districts that receive early childhood block grant funding (authorized by 105 ILCS 5/1C-2 of the School Code) are prohibited from expelling children from their early childhood programs. 105 ILCS 5/2-3.71(a)(7) and 105 ILCS 5/10-22.6(k). 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). 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). ~~Ill. State Board of Education (ISBE) rules implementing these new requirements are at 23 Ill.Admin.Code §§ 235.300-235.340. As of PRESS Issue 104 (June 2020), the ISBE forms required to document steps taken in accordance with these rules were being developed and projected to be available in late summer 2020 at: www.isbe.net/Pages/Early-Childhood.aspx. For guidance on behavior support and transition plans, including links to ISBE Form 37-50A, *Early Childhood Block Grant (ECBG) Program Transition Plan*, and ISBE Form 37-50B, *Early Childhood Block Grant (ECBG) Behavior Support Plan*, see *ISBE's Frequently Asked Questions: Behavior Support and Program Transition (March 2021)* at: www.isbe.net/Documents/EC-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.

⁴⁸ This paragraph paraphrases 105 ILCS 5/24-24.

⁴⁹ Isolated time out, time out, or physical restraint may be used by staff members **only** if their use is authorized by policy and administrative procedure. 105 ILCS 5/2-3.130; ~~and 5/10-20.33, both amended by P.A. 102-339; and 105 ILCS 5/24-24; 23 Ill.Admin.Code §§1.280(c) and 1.285. See 7:190-AP4, *Use of Isolated Time Out, Time Out, and Physical Restraint*. The sample policy allows the use of isolated time out, time out, and physical restraint pursuant **only** to the conditions allowed in the School Code and ISBE rules.~~ State statute and ISBE rules contain complex restrictions on the use of isolated time out, time out, and physical restraint. 105 ILCS 5/2-3.130 and 5/10-20.33, ~~both~~ amended by P.A. 102-339; 105 ILCS 5/24-24; 23 Ill.Admin.Code §§1.280(c) and 1.285. According to the ISBE rule, isolated time out, time out, and physical restraints are allowed only if a board authorizes their use in a policy containing the numerous components identified in the rule. To comply with ISBE's rule, a board must also incorporate by reference the district's procedure, i.e., 7:190-AP4, *Use of Isolated Time Out, Time Out, and Physical Restraint*. By doing this, the policy includes the district's procedure. **For a board that wants to prohibit the use of isolated time out, time out, and physical restraint** (1) replace the contents of this subhead with "The district prohibits the use of isolated time out, time out, and physical restraint, as defined in 105 ILCS 5/10-20.33."; (2) amend the Legal References as follows "23 Ill.Admin.Code §§~~1.280, 1.285,~~" and (3) delete "Incorporated by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)."

Weapons⁵⁰

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 Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of ~~1961~~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.⁵¹

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.⁵²

Re-Engagement of Returning Students⁵³

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

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⁵⁰ 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.

⁵¹ Optional.

⁵² 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.

⁵³ Required by 105 ILCS 5/10-22.6(b-25). See sample administrative procedure 7:190-AP8, *Student Re-Engagement Guidelines*.

exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit. ⁵⁴

Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member or is subject to a battery.⁵⁵ ~~Upon receiving such a report, the Building Principal or designee shall immediately notify the local law enforcement agency, Ill. State Police (ISP), and any involved student's parent/guardian. 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 ~~such~~ a report ~~of (1), above,~~ the Building Principal or designee shall immediately notify ~~the~~ local law enforcement. In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Superintendent or designee agency, Ill. State Police (ISP), and any involved student's parent/guardian. ⁵⁶

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 incidents involving battery against staff members to the Ill. State Board of Education through its web-based School Incident Reporting System as they occur during the year and no later than August 1 for the preceding school year. ⁵⁷

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⁵⁴ A goal for re-engagement is optional. Schools must permit students who were suspended to make-up work for equivalent academic credit. 105 ILCS 5/10-22.6(b-30).

⁵⁵ 105 ILCS 5/10-27.1A(a), 5/10-27.1B, and 5/10-21.7, amended by P.A. 102-894. *School grounds* includes the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground. ~~To satisfy the reporting requirement, ISBE created the School Incident Reporting System (SIRS), a web-based application on IWAS for schools to report incidents electronically. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.~~

⁵⁶ *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 parents/guardians only when the alleged offense is firearm possession. 105 ILCS 5/27.1A(b). The policy expands this notification duty to include drug-related incidents and battery of a staff member; a board disinclined to do this should ~~substitute the following~~ amend the second sentence as follows:

~~Upon receiving such a report, the Building Principal or designee shall immediately notify the applicable local law enforcement. In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Superintendent or designee agency, Ill. State Police (ISP), and, if a student is reportedly in possession of a firearm, also any involved student's parents/guardians.~~

⁵⁷ 105 ILCS 5/10-27.1A(e), amended by P.A. 103-34, 5/10-27.1B(b), and 5/10-21.7, amended by P.A. 102-894. To satisfy the reporting requirement, ISBE created the School Incident Reporting System (SIRS), a web-based application on IWAS for schools to report incidents electronically. See 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.

Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Teachers, other certificated [licensed] educational employees, and other persons providing a related service for or with respect to a student, may use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense or defense of property. Teachers may temporarily remove students from a classroom for disruptive behavior. ⁵⁸

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.⁵⁹ The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons. ⁶⁰

Student Handbook ⁶¹

The Superintendent, with input from the parent-teacher advisory committee,⁶² 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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⁵⁸ 105 ILCS 5/24-24 and 23 Ill.Admin.Code §1.280 require: (1) teachers and other certificated [licensed] employees (except for individuals employed as paraprofessionals) to maintain discipline, and (2) the district to have a policy on discipline that provides that:

[A] teacher, other certificated employee, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student may use reasonable force as needed to maintain safety for the other students, school personnel or persons or for the purpose of self-defense or the defense of property, shall provide that a teacher may remove a student from the classroom for disruptive behavior, and shall include provisions which provide due process to students. The policy shall not include slapping, paddling or prolonged maintenance of students in physically painful positions nor shall it include the intentional infliction of bodily harm. 105 ILCS 5/24-24.

⁵⁹ Required by 105 ILCS 5/10-22.6(b).

⁶⁰ *Id.*

⁶¹ 105 ILCS 5/10-20.14(a) requires schools to provide a copy of the student discipline policy to parents/guardians within 15 days after the beginning of the school year, or within 15 days after a transfer student starts classes, but it does not specify how to provide copies. For ease of administration, this policy specifies that copies will be provided via student handbooks.

⁶² The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline. See 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/.

Incorporated

by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)

LEGAL REF.: 20 U.S.C. ~~§6087971~~, Pro-Children Act of ~~2004~~1994.
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, 5/24-24, 5/26-12, 5/27-23.7, and
5/31-3.
105 ILCS 110/3.10, Critical Health Problems and Comprehensive Health Education
Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.
410 ILCS 647/, Powdered Caffeine Control and Education Act.
430 ILCS 66/, Firearm Concealed Carry Act.
23 Ill.Admin.Code §§ 1.280, 1.285.

CROSS REF.: 2:150 (Committees), 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 7:70 (Attendance and Truancy), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:270 (Administering Medicines to Students), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:30 (Visitors to and Conduct on School Property)

Procedures to transfer Student to Safe School

Students

Administrative Procedure - Administrative Transfer to Regional Safe School Program ¹

The Safe Schools Law allows the administrative transfer of *disruptive students*, defined to include suspension or expulsion eligible students in grades 6-12, to an alternative school program. 105 ILCS 5/13A.

The Ill. State Board of Education implements the Safe Schools Law as the Regional Safe Schools Program (RSSP), whose purpose is to increase safety and promote schools' learning environments while also meeting disruptive students' educational needs more appropriately and individually in alternative educational environments. The RSSP is administered by regional offices of education and intermediate service centers. For further information, including a regional safe school directory, see www.isbe.net/Pages/Regional-Safe-Schools-Program.aspx.

Actor	Action
Superintendent or designee	<p>Identifies a student subject to suspension or expulsion under 105 ILCS 5/10-22.6 who may be transferred to a regional safe school program (RSSP) established under 105 ILCS 5/13A-3. 105 ILCS 5/13A-4(a), amended by P.A. 103-473.</p> <p>Before the effective date of the transfer, provides the student's parent(s)/guardian(s) with information about the RSSP, including (105 ILCS 5/13A-4(b), added by P.A. 103-473):</p> <ol style="list-style-type: none"> 1. The specific nature of the curriculum; 2. The number of students in the program; 3. Any available services; 4. The program's disciplinary policies; 5. A typical daily schedule, and 6. Any extracurricular activities that may be offered at the RSSP.
Student Services Director, Building Principal or designee, and any other appropriate school personnel	<p>At the earliest time following the effective date of the student's transfer, convene a meeting with appropriate personnel from the RSSP, the student, and the student's parent(s)/guardian(s) to develop an alternative educational plan (AEP) for the student. 105 ILCS 5/13A-4(c), added by P.A. 103-473.</p> <p>The AEP must include, but is not limited to (Id.):</p> <ol style="list-style-type: none"> 1. The duration of the AEP, including a date after which the student will be returned to their regular education program in the District; 2. Specific academic and behavioral components;

The footnotes should be removed before the material is used.

¹ This procedure cites the minimum requirements of State law. Modify this procedure based upon the District's specific implementation needs and any additional needs of the regional safe school program that serves the District. Contact the board attorney regarding the necessary due process procedures before imposing a disciplinary transfer under 105 ILCS 5/13A.

Actor	Action
	<p>3. A method and time frame for reviewing the student's progress and for transitioning the student back to their regular education program in the District; and</p> <p>4. A transition meeting between the District, RSSP, student, and student's parent(s)/guardian(s), at least 30 days prior to the date the student will be returned to their regular education program in the District.</p> <p>The date after which the student will be returned to their regular education program in the District cannot be extended over objection of the student's parent/guardian. 105 ILCS 5/13A-4(d), added by P.A. 103-473.</p> <p>The date may only be extended upon written agreement by the District, the RSSP, and the student's parent/guardian. 105 ILCS 5/13A-4(e), added by P.A. 103-473.</p>
RSSP Personnel	<p>If the student or the student's parent(s)/guardian(s) are unable to attend the AEP development meeting, offer the student and the student's parent(s)/guardian(s) a meeting within 30 days after the effective date of the student's transfer to discuss and provide input on the AEP. 105 ILCS 5/13A-4(c), added by P.A. 103-473.</p> <p>Continues to implement a student's Individualized Education Program (IEP), if any, unless the IEP is modified in accordance with 105 ILCS 5/14. 105 ILCS 5/13A-4(f), added by P.A. 103-473.</p>

Section 17

allows licensure in short-term emergency approval Spec-Ed Tehs through June 2024

Students

Student Support Services¹

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.

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 5/10-20.59, amended by P.A. 102-199. 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.

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 6-20-2023, 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.

~~P.A. 95-558 created the Ensuring Success in School Task Force. This task force developed recommendations for policies, procedures, and protocols for school boards to adopt to address the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence. The intent of the recommendations was to ensure these student populations' ability to: (1) stay in school; (2) stay safe at school; and (3) successfully complete their education. 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 and scheduled to be repealed on 12-1-25, created a subsequent Ensuring Success in School Task Force. See f/n 3 in sample policy 6:65, *Student Social and Emotional Development*, for further information.~~

⁴ School districts may employ non-professional-educator-licensed *registered professional nurses* to perform professional nursing services. 105 ILCS 5/10-22.23, amended by P.A. 102-894; 23 Ill.Admin.Code §1.760(c). A *registered professional nurse* means any nurse who is licensed to practice professional nursing in Illinois under the Nurse Practice Act (225 ILCS 65/) and whose license is active and in good standing with the Ill. Dept. of Financial and Professional Regulation. 23 Ill.Admin.Code §1.760(b).

A *school nurse* means any registered professional nurse who also holds a professional educator license endorsed for school support services in school nursing, or any registered professional nurse who does not hold the professional educator license but was employed in the school district of current employment before 7-1-76. 23 Ill.Admin.Code §1.760(c).

105 ILCS 5/10-22.23 provides that any nurse first employed on or after 7-1-76, whose duties require teaching or the exercise of instructional judgment or educational evaluation of students, must be licensed under 105 ILCS 5/21B-25.

A school nurse may hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§1.760(c), 23.120, 25.245.

2. Educational and psychological testing services and the services of a school psychologist⁵ 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. Guidance and school counseling⁷ services.

The Superintendent or designee shall develop protocols for responding to students with social, emotional, or mental health needs that impact learning ability.⁸ 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, amended by P.A. 102-894.

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, amended by P.A. 102-894, and 5/21B-25(2)(G); 23 Ill.Admin.Code §§1.760(a), 23.140, 25.215. School social workers may not provide services outside of their district employment to any student(s) attending school in the district. 105 ILCS 5/14-1.09a 23 Ill.Admin.Code §25.215.

School marriage and family therapists are another type of school support personnel; they hold a Professional Educator License with a school support personnel endorsement. 105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §§23.150, 25.260. The scope of school social worker services is described in 105 ILCS 5/14-1.09.2, amended by P.A. 102-894.

⁷ *School counselors* 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), 23.110, 25.225. *School guidance counselors* refers to district employees that work in high schools to offer students advice and assistance in making career or college plans; no specific school support personnel endorsement exists for school guidance counselors. 105 ILCS 5/22-93, added by P.A. 102-327 and renumbered by P.A. 102-813.

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 Required by the Children's Mental Health Act, 405 ILCS 49/15(b).

Erin's Law Counseling Options, Assistance, and Intervention⁹

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.

This policy shall be implemented in a manner consistent with State and federal laws, including the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

LEGAL REF.: 105 ILCS 5/10-23.13(b), 5/10-20.59, and 5/21B-25(G).
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), 7:280 (Communicable and Chronic Infectious Disease), 7:340 (Student Records)

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⁹ Required by *Erin's Law*, 105 ILCS 5/10-23.13(b)(2), (3), and (5), amended by P.A. 102-610. 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.

7:250

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- updated legal notes & footnotes

Students

Administering Medicines to Students ¹

Students should not take medication during school hours or during school-related activities unless it is necessary for a student’s health and well-being. When a student’s licensed health care provider and parent/guardian believe that it is necessary for the student to take a medication during school hours or school-related activities, the parent/guardian must request that the school dispense the medication to the child and otherwise follow the District’s procedures on dispensing medication.

No School District employee shall administer to any student, or supervise a student’s self-administration of, any prescription or non-prescription medication until a completed and signed *School Medication Authorization Form (SMA Form)* is submitted by the student’s parent/guardian.

No student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures.

Nothing in this policy shall prohibit any school employee from providing emergency assistance to students, including administering medication.

The Building Principal shall include this policy in the Student Handbook and shall provide a copy to the parents/guardians of students. ²

Self-Administration of Medication

A student may possess and self-administer an epinephrine injector, e.g., EpiPen®, and/or asthma medication prescribed for use at the student’s discretion, provided the student’s parent/guardian has

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¹ All boards must have a policy for administering medication. 105 ILCS 5/10-20.14b. State law prohibits school boards from requiring that teachers and other non-administrative school employees administer medication to students; exceptions are certificated school nurses and non-certificated registered professional nurses. 105 ILCS 5/10-22.21b. ~~amended by P.A. 101-245~~. For a sample medication authorization form, see [sample exhibit 7:270-E1, School Medication Authorization Form](#).

Separate from this policy, boards must also adopt a policy that addresses the prevention of anaphylaxis and a district’s response to medical emergencies resulting from anaphylaxis. See sample policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, and its accompanying administrative procedure, 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, for more information. Due to the structure of the School Code and the IASB Policy Reference Manual, [sample policy 7:285, Anaphylaxis Prevention, Response, and Management Program](#), does not address the administration of epinephrine and instead refers to this policy 7:270, *Administering Medicine to Students*.

² Each district must inform students, e.g., through homeroom discussion or loudspeaker announcement, about, and distribute to their parents/guardians, the district’s policy, guidelines, and forms on administering medicines within 15 days after the beginning of each school year, or within 15 days after starting classes for a student who transfers into the district. 105 ILCS 5/10-20.14b. A comprehensive student handbook can provide notice to parents and students of the school’s 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/www.ilprincipals.org/resources/model-student-handbook.

completed and signed an *SMA Form*.³ The Superintendent or designee will ensure an Emergency Action Plan is developed for each self-administering student.⁴

A student may self-administer medication required under a *qualifying plan*, provided the student's parent/guardian has completed and signed an *SMA Form*.⁵ A *qualifying plan* means: (1) an asthma action plan, (2) an Individual Health Care Action Plan, (3) an allergy emergency action plan~~Ill. Food Allergy Emergency Action Plan and Treatment Authorization Form~~, (4) a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or (5) a plan pursuant to the federal Individuals with Disabilities Education Act.

The District shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication, including asthma medication or epinephrine injectors, or medication required under a *qualifying plan*.⁶ A student's parent/guardian must indemnify and hold harmless the District and its employees and agents, against any claims, except a claim based

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³ 105 ILCS 5/22-30, amended by P.A. 102-413, requires school districts to allow students to *self-administer* their prescribed asthma medication and an epinephrine injector as described. *Self-carry* means a student's ability to carry his or her prescribed asthma medication or epinephrine injector. *Self-administer* and *self-administration* mean that a student may use these two medications at his or her discretion: (1) while in school; (2) while at a school sponsored activity; (3) while under the supervision of school personnel; or (4) before or after normal school activities, such as while in before-school or after-school care on school-operated property.

⁴ 105 ILCS 5/10-22.21b(d), ~~added by P.A. 101-205~~. The plan must address actions to be taken if the student is unable to self-administer medication and the situations in which the school must call 911. *Id.* For plan guidance, see sample administrative procedure 7:270-API, Dispensing Medication.

⁵ 105 ILCS 5/10-22.21b(c), amended by P.A. ~~103-175~~101-205. A student with an asthma action plan, an Individual Health Care Action Plan, an allergy emergency action plan, ~~Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form (Ill. EAP Form)~~, a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or a plan pursuant to the federal Individuals with Disabilities Education Act may self-administer medication if the student's parent/guardian provides the school with: (1) written permission for the student's self-administration of medication, (2) written authorization from the student's physician, physician assistant, or advanced practice registered nurse for the student to self-administer the medication, and (3) the prescription label containing the name of the medication, the prescribed dosage, and the time(s) or circumstances under which the medication is to be administered. *Id.* ~~At 5/10-22.21(e), added by P.A. 101-205~~. This does not allow a student to self-carry unless otherwise permitted. Contact the board attorney for further guidance.

~~105 ILCS 5/2-3.149, repealed and replaced by 105 ILCS 5/2-3.1902-3.182, added by P.A. 102-413 and by P.A. 102-813, led ISBE to retire the 2010 publication, *Procedures for Managing Life-Threatening Food Allergies in Schools*, which included the Ill. EAP Form in an appendix. ISBE replaced the 2010 publication with the *Anaphylaxis Response Policy (2022)*, which does not include or refer to the now-retired Ill. EAP Form. 105 ILCS 5/10-22.21b, 5/22-30(b-5), and 5/22-30(b-10) have not been amended to remove or replace the Ill. EAP Form reference. It is unknown if that form will continue to be accessible on the ISBE website. See 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, fn 1, for more information, and consult the board attorney for guidance on the continued use of the Ill. EAP Form or use of another form to document the emergency action plan for a student at risk for anaphylaxis.~~

⁶ 105 ILCS 5/22-30, amended by P.A. 102-413 (asthma medication and epinephrine injectors) and 105 ILCS 5/10-22.21b, ~~amended by P.A. 101-205~~ (medications required by a plan listed in 105 ILCS 5/10-22.21b(c), ~~added by P.A. 101-205~~). 105 ILCS 5/22-30(c) requires this information to be in a notification to parents/guardians. 105 ILCS 5/10-22.21b, ~~amended by P.A. 101-205~~, does not specifically require this information to be in a notification to parents/guardians. However, 105 ILCS 5/10-22.21b requires parents/guardians to sign a statement that includes the district's protections from liability under 105 ILCS 5/10-22.21b; the signed acknowledgment (see fn 7) is the notice. This policy includes the liability protection information under 105 ILCS 5/10-22.21b to also inform the community.

The storage of medication is not addressed in the applicable statutes and may not be covered as part of the district's protections from liability and hold harmless provisions. Contact the board attorney and the board's liability insurance carrier for further discussion about the district's liability and coverage in this area.

on willful and wanton conduct, arising out of a student's self-administration of an epinephrine injector, asthma medication, and/or a medication required under a qualifying plan. ⁷

School District Supply of Undesignated Asthma Medication ⁸

The Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated asthma medication in the name of the District and provide or administer them as necessary according to State law. *Undesignated asthma medication* means an asthma medication prescribed in the name of the District or one of its schools. A school nurse or trained personnel, as defined in State law,⁹ may administer an undesignated asthma medication to a person when they, in good faith, believe a person is having *respiratory distress*. Respiratory distress may be characterized as *mild-to-moderate* or *severe*.¹⁰ Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law. ¹¹

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

⁷ 105 ILCS 5/22-30(c) and 105 ILCS 5/10-22.21b(e) amended by P.A. 101-205. Both statutes require parents/guardians to sign a statement: (1) acknowledging the statement from f/n 6 above; and (2) that they must indemnify and hold harmless the school district and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the self-administration of medication by the student. There are several methods to obtain a parent/guardian's signature for this purpose, e.g., receipt of handbook signature, or see [sample exhibit 7:270-E1, School Medication Authorization Form](#). Discuss with the board attorney the method that works best for the district.

⁸ Optional. A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement 105 ILCS 5/22-30, amended by P.A. 102-413. The law permits a district to maintain a supply of undesignated asthma medication in any secure location that is accessible before, during, and after school where a person is most at risk, including, but not limited to a classroom or the nurse's office, and use them when necessary. The P.A. 100-726 amendment requiring accessibility before, during, and after school did not address the logistical issues that classrooms are typically locked before and after school. Consult the board attorney about implementation issues with this phrase in the law.

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated asthma medication, implement a plan for its use, and then not doing it, as doing so may be fraught with legal liabilities. Also fraught with legal liabilities is when the district provides them, but does not have them accessible before, during, and after school where an asthmatic person is most at risk as required by 105 ILCS 5/22-30, amended by P.A. 102-413. See [In re Estate of Stewart](#), 406 Ill.Dec. 345 (2nd Dist. 2016)(denying tort immunity to district, finding its response to a student's asthma attack was *willful and wanton* (which district disputed as a possible heart attack)) and [In re Estate of Stewart](#), 412 Ill.Dec. 914 (Ill. 2017)(school district's appeal denied).

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated asthma medication in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs. [To address the challenge of filling prescriptions for undesignated asthma medication, the Ill. Pharmacists Association drafted a letter that may be presented to a pharmacy by a district, available at: \[www.isbe.net/Documents/IPA-Letter-Stock-Albuterol-Schools.pdf?_cldee=BtcllGusJeg4Wd3XGMA_81VB3v7E0ogRMwj_acEl_Kt5VvIzP_HK5z7IOPBWEkq8m&recipientid=contact-deb493d09761eb11a8120022480a52c0-872cc093583c486e9087f877ee80a69d&esid=e1634f63-4397-ed11-aad1-000d3a3148fb\]\(http://www.isbe.net/Documents/IPA-Letter-Stock-Albuterol-Schools.pdf?_cldee=BtcllGusJeg4Wd3XGMA_81VB3v7E0ogRMwj_acEl_Kt5VvIzP_HK5z7IOPBWEkq8m&recipientid=contact-deb493d09761eb11a8120022480a52c0-872cc093583c486e9087f877ee80a69d&esid=e1634f63-4397-ed11-aad1-000d3a3148fb\)](#).

⁹ 105 ILCS 5/22-30(a) defines *trained personnel* as any school employee or volunteer personnel authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of the School Code who has completed training required by 105 ILCS 5/22-30(g), to recognize and respond to anaphylaxis, an opioid overdose, or respiratory distress. 105 ILCS 5/22-30(a).

The Ill. State Board of Education (ISBE) must develop the training curriculum for trained personnel, and it may be conducted online or in person. [Id.](#) at (h), amended by P.A. 102-413, and 23 Ill.Admin.Code §1.540(e)(3). 105 ILCS 5/22-30(h-5), 5/22-30(h), amended by P.A. 102-413, and 5/22-30(h-10), and 23 Ill.Admin.Code §1.540(e) list the training curriculum requirements to recognize and respond to an opioid overdose, an allergic reaction, including anaphylaxis, and respiratory distress, respectively. See training resources, at: www.isbe.net/Pages/School-Nursing.aspx.

¹⁰ 105 ILCS 5/22-30(a). *Respiratory distress* means the perceived or actual presence of wheezing, coughing, shortness of breath, chest tightness, breathing difficulty, or any other symptoms consistent with asthma. [Id.](#)

¹¹ [Id.](#) at (g); 23 Ill.Admin.Code §1.540(e)(9) and (10).

School District Supply of Undesignated Epinephrine Injectors ¹²

The Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated epinephrine injectors in the name of the District and provide or administer them as necessary according to State law. *Undesignated epinephrine injector* means an epinephrine injector prescribed in the name of the District or one of its schools. A school nurse or trained personnel, as defined in State law,¹³ may administer an undesignated epinephrine injector to a person when they, in good faith, believe a person is having an anaphylactic reaction. Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law. ¹⁴

School District Supply of Undesignated Opioid Antagonists ¹⁵

The Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated opioid antagonists ~~in the name of the District~~ and provide or administer them as necessary

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¹² Optional. If the board adopts this subhead, the use of undesignated epinephrine injectors must align with its anaphylaxis prevention, response, and management policy. See sample policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, at f/n 7, and its [sample](#) administrative procedure, 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, at f/ns 4, 5, and 6. If the district does not maintain an undesignated supply of epinephrine, ensure that policy 7:285 and [administrative procedure](#) 7:285-AP do not state that it does maintain such a supply.

A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement 105 ILCS 5/22-30, amended by P.A. 102-413. The law permits a district to maintain a supply of undesignated epinephrine injectors in any secure location that is accessible before, during, and after school where an allergic person is most at risk, including, but not limited to, classrooms and lunchrooms, and use them when necessary. 105 ILCS 5/22-30 requires accessibility before, during, and after school does not address the logistical issues that classrooms are typically locked before and after school. Consult the board attorney about the implementation issues with this new phrase in the law.

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated epinephrine injectors, and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities. Also fraught with legal liabilities is if the district provides them, but does not have them accessible before, during, and after school where an allergic person is most at risk as required by 105 ILCS 5/22-30, amended by P.A. 102-413. See *In re Estate of Stewart*, 406 Ill.Dec. 345 (2nd Dist. 2016)(denying tort immunity to district, finding its response to a student's asthma attack was *willful* and *wanton* (which district disputed as a possible heart attack)); *In re Estate of Stewart*, 412 Ill.Dec. 914 (Ill. 2017)(school district's appeal denied).

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated epinephrine injectors in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

¹³ See the discussion regarding *trained personnel*, in f/n 9, above.

¹⁴ See f/n 11, above.

¹⁵ ~~Optional-Required by 105 ILCS 5/22-30(f), amended by P.A. 103-348, eff. 1-1-24. In the case of a shortage of opioid antagonists, a district must make reasonable efforts to maintain a supply. Id. At least one opioid antagonist, a naloxone nasal spray, has been approved by the U.S. Federal Food and Drug Administration for over-the-counter, nonprescription use. A district must obtain a prescription for a supply of opioid antagonists from a health care professional with prescriptive authority under the Substance Use Disorder Act, 20 ILCS 301/5-23, unless it is able to secure a supply without a prescription. Id. Health care professional means a physician licensed to practice medicine in all its branches, a licensed physician assistant with prescriptive authority, a licensed advanced practice registered nurse with prescriptive authority, or an advanced practice registered nurse who practices in a hospital or ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act, 20 ILCS 301/5-23(d)(4). Id. If the board chooses to implement an undesignated opioid antagonist program, and the district employs law enforcement, consult the board attorney about whether this subhead becomes required. See Substance Use Disorder Act, 20 ILCS 301/.~~

according to State law. *Opioid antagonist* means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration. *Undesignated opioid antagonist* is not defined by the School Code; for purposes of this policy it means an opioid antagonist prescribed in the name of the District or one of its schools or obtained by the District without a prescription.¹⁶ A school nurse or trained personnel,¹⁶ as defined in State law, may administer an undesignated opioid antagonist to a person when they, in good faith, believe a person is having an opioid overdose. Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law.¹⁷ See the website for the Ill. Dept. of Human Services for information about opioid prevention, abuse, public awareness, and a toll-free number to provide information and referral services for persons with questions concerning substance abuse treatment.¹⁸

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

~~For boards that choose to implement an undesignated opioid antagonists program, c~~onsult the board attorney regarding the Safe and Drug-Free School and Communities Act of 1994 (20 U.S.C. §7101(b)). It prohibits funds provided under it to be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to crime or who illegally use drugs.

A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement 105 ILCS 5/22-30, amended by P.A.s 102-413 and 103-348. The law permits a district to maintain a supply of undesignated opioid antagonists in any secure location where a person is at risk of an opioid overdose and use them when necessary. The consequences of informing the community that the district will obtain a prescription for a supply of opioid antagonists and implement a plan for their use, and then not doing it may be fraught with legal liabilities.

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of opioid antagonists in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

¹⁶ See the discussion regarding *trained personnel* in f/n 9, above.

¹⁷ See f/n 11, above.

¹⁸ ~~This sentence is o~~Optional sentence if the board chooses to implement an undesignated opioid antagonist program as discussed in f/n 15, above. 20 ILCS 301/20-30, mandates the Ill. Dept. of Human Services to create a website with these resources. The purpose of this sentence is to provide the community with information about a public health crisis affecting students. See www.dhs.state.il.us/page.aspx?item=58142 for resources.

School District Supply of Undesignated Oxygen Tanks ¹⁹

In schools where the District maintains special educational facilities, the Superintendent or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated oxygen tanks in the name of the District and provide or administer them as necessary. The supply shall be maintained in accordance with manufacturer instructions and local fire department rules.

School District Supply of Undesignated Glucagon ²⁰

The Superintendent or designee shall implement 105 ILCS 145/27 and maintain a supply of undesignated glucagon in the name of the District in accordance with manufacturer's instructions.

When a student's prescribed glucagon is not available or has expired, a school nurse or delegated care aide may administer undesignated glucagon only if he or she is authorized to do so by a student's diabetes care plan.

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

¹⁹ Optional. 105 ILCS 5/22-30(f), amended by P.A. 103-196, eff. 1-1-24, permits a district maintaining special educational facilities under 105 ILCS 5/14-4.01 to maintain a supply of undesignated oxygen tanks in a secure location that is accessible before, during, and after school where a person with developmental disabilities is most at risk, including, but not limited to classrooms and lunchrooms. Delete if the district does not maintain special educational facilities for children with disabilities under 105 ILCS 5/14-4.01. Special educational facility is not specifically defined in 105 ILCS 5/14-4.01; consult the board attorney for advice regarding this term and if it is limited to separate buildings, self-contained classrooms, and/or programs attended solely by students with disabilities. For example, this option may not be available if a district utilizes a special education cooperative for all of its special education programming. There is a reference to special education facilities in 105 ILCS 5/14-12.01, which may provide some guidance: it addresses reimbursement for the construction and maintenance of "special education facilities designed and utilized to house instructional program, diagnostic services" and "other special education services for children with disabilities." 105 ILCS 22-30(f), amended by P.A. 103-196, eff. 1-1-24, does not specify who can administer undesignated oxygen, nor does it specify any training requirements for its use in schools. To minimize potential liability and ensure proper administration, a best practice is to restrict who can administer undesignated oxygen to school nurses and other school personnel who have received appropriate training on the emergency use and storage of oxygen. See sample administrative procedure 7:270-AP2. Checklist for District Supply of Undesignated Medication(s).

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated oxygen tanks and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities. Also fraught with legal liabilities is if the district provides them, but does not have them accessible before, during, and after school where a person with development disabilities is most at risk as required by 105 ILCS 5/22-30(f), amended by P.A. 103-196, eff. 1-1-24. See In re Estate of Stewart, 406 Ill.Dec. 345 (2nd Dist. 2016)(denying tort immunity to district, finding its response to a student's asthma attack was willful and wanton (which district disputed as a possible heart attack)); In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017)(school district's appeal denied).

²⁰ Optional. 105 ILCS 145/27, added by P.A. 101-428, permits a district to maintain a supply of undesignated glucagon in any secure location that is immediately accessible to a school nurse or delegated care aide. A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement it.

Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated glucagon, and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities.

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated glucagon in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

Administration of Medical Cannabis ²¹

The Compassionate Use of Medical Cannabis Program Act²² allows a *medical cannabis infused product* to be administered to a student by one or more of the following individuals:

1. A parent/guardian of a student who is a minor who registers with the Ill. Dept. of Public Health (IDPH) as a designated caregiver to administer medical cannabis to their child. A designated caregiver may also be another individual other than the student's parent/guardian. Any designated caregiver must be at least 21 years old²³ and is allowed to administer a medical cannabis infused product to a child who is a student on the premises of his or her school or on his or her school bus if:
 - a. Both the student and the designated caregiver possess valid registry identification cards issued by IDPH;
 - b. Copies of the registry identification cards are provided to the District; ²⁴
 - c. That student's parent/guardian completed, signed, and submitted a School Medication Authorization Form - Medical Cannabis; and ²⁵
 - d. After administering the product to the student, the designated caregiver immediately²⁶ removes it from school premises or the school bus.

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

²¹ 105 ILCS 5/22-33(g) (*Ashley's Law*), requires school boards to adopt a policy and implement it by:

1. Authorizing a parent/guardian and/or a *designated caregiver* of a student who is a *registered qualifying patient* to administer a medical cannabis infused product to that student at school or on the school bus (105 ILCS 5/22-33(b)).
2. Allowing a school nurse or administrator to administer a medical cannabis infused product to a student who is a *registered qualifying patient* 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 (105 ILCS 5/22-33(b-5) ~~added by 101-370~~).
3. Authorizing a student who is a *registered qualifying patient* to self-administer a medical cannabis infused product if the self-administration takes place under the direct supervision of a school nurse or school administrator (*Id.*).

Important: If a district would lose federal funding as a result of the board adopting this policy, the board may not authorize the use of a medical cannabis infused product under *Ashley's Law* and not adopt this subsection. 105 ILCS 5/22-33(f). See f/n 265, below, and paragraph two of f/n 1 in [sample policy 5:50, Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition](#), for more information about Congress interfering with a state's decision to implement laws governing the legalization of cannabis, and consult the board attorney about the issue of federal funding. See also ISBE's *Frequently Asked Questions, Ashley's Law*, at: www.isbe.net/Documents/Medical-Cannabis-FAQ.pdf.

²² 410 ILCS 130/ ~~amended by P.A. 101-363~~.

²³ *Id.* at 130/10(i), and 130/57(a) and (b) ~~amended by P.A. 101-363~~. A student under the age of 18 may have up to three designated caregivers as long as at least one is a biological parent or a legal guardian. *Id.* at 130/57(a). A student 18 years of age or older may appoint up to three designated caregivers who meet the requirements of the Compassionate Use of Medical Cannabis Program Act. *Id.* at 130/57(b).

²⁴ The laws are silent about copies of the cards being provided to the district. Requiring copies of the registry cards is a best practice. Consult the board attorney about any records laws implicated in requiring and maintaining copies of these registry cards.

²⁵ A completed and signed school medication authorization form is not required by *Ashley's Law* but is a best practice and consistent with this sample policy's language for other medications. See sample exhibit 7:270-E2, *School Medication Authorization Form - Medical Cannabis*.

²⁶ The word *immediately* is not in *Ashley's Law*. It is added to ensure legal compliance with federal laws that could affect federal funding. For example, consider administrators who may be in the situation where a designated caregiver provides his or her child the product and then wants to volunteer in the school or greet another child in the school while carrying the product in the building, which may violate the Cannabis Control Act (720 ILCS 550/5.2). Consult the board attorney about the best term to use here, if any, as nothing in the law addresses these common scenarios that school administrators will encounter.

2. A properly trained school nurse or administrator, who shall be allowed to administer the medical cannabis infused product to the student on the premises of the child's school, at 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. ²⁷
3. The student him or herself when the self-administration takes place under the direct supervision of a school nurse or administrator. ²⁸

Medical cannabis infused product (product) includes oils, ointments, foods, and other products that contain usable cannabis but are not smoked or vaped.²⁹ Smoking and/or vaping medical cannabis is prohibited. ³⁰

The product may not be administered in a manner that, in the opinion of the District or school, would create a disruption to the educational environment or cause exposure of the product to other students. A school employee shall not be required to administer the product. ³¹

Discipline of a student for being administered a product by a designated caregiver, or by a school nurse or administrator, or who self-administers a product under the direct supervision of a school nurse or administrator³² pursuant to this policy is prohibited. The District may not deny a student attendance at a school solely because he or she requires administration of the product during school hours.

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

²⁷ 105 ILCS 5/22-33(b-5), ~~added by P.A. 101-370~~. A school nurse or administrator must annually complete a training curriculum to be developed by ISBE in consultation with the Ill. Dept. of Public Health prior to administering a medical cannabis infused product to a student in accordance with this section. 105 ILCS 5/22-33(f-5), ~~added by P.A. 101-370~~. See www.isbe.net/Pages/Health.aspx for training resources.

²⁸ *Id.* Any product administered by a school nurse or administrator, or self-administered under the supervision of a school nurse or administrator, must be stored with the school nurse at all times in a manner consistent with storage of other student medication at the school and may be accessible only by the school nurse or a school administrator. 105 ILCS 5/22-33(b-10), ~~added by P.A. 101-370~~.

²⁹ 410 ILCS 130/10(q). Consult the board attorney regarding the controversial issue of students using at, or bringing to school, cannabis-infused products without THC that are derived from ~~hemp or industrial hemp~~ (hemp oil or cannabidiol (CBD) oil, the naturally occurring cannabinoid constituent of cannabis). ~~Hemp or industrial hemp~~ is defined in the Industrial Hemp Act (IHA) as the plant *Cannabis sativa* L. and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis ~~that has been cultivated under a license or is otherwise lawfully present in Illinois~~ and includes any intermediate or finished product made or derived from industrial hemp. 505 ILCS 89/5, ~~amended by P.A. 102-690~~. ~~Hemp or industrial hemp~~ is also colloquially known as *agricultural hemp*.

Products from ~~hemp or industrial hemp~~ are widely available. As a consequence, school employees may encounter the argument from a student and his or her parent/guardian that the use of hemp or CBD oil products derived from ~~hemp or industrial hemp~~ (containing no THC) is not a violation of Illinois law because 720 ILCS 550/4, ~~amended by P.A. 101-593~~, states "[e]xcept as otherwise provided in the Cannabis Regulation and Tax Act and the Industrial Hemp Act, it is unlawful for any person knowingly to possess cannabis." In addition, products containing hemp or CBD oil can be purchased with a prescription and without a medical marijuana card, so a parent/guardian may argue that such prescriptions should be administered at school as any other prescription medication would be. Consult the board attorney for guidance.

³⁰ Optional sentence. 410 ILCS 130/10(q) prohibits medical cannabis from being smoked. District administrators may find providing this information to the community helpful to enforcement of this policy.

³¹ 105 ILCS 5/22-33(e). Consult the board attorney for guidance regarding whether a school nurse or administrator can be required to administer the product. ISBE's FAQ on *Ashley's Law* (see ~~f/n 210~~) states that a school staff member cannot be forced to administer a medical cannabis infused product to a student because *Ashley's Law* does not require it.

³² 105 ILCS 5/22-33(d), ~~amended by P.A. 101-370~~.

Void Policy ³³

The **School District Supply of Undesignated Asthma Medication** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for undesignated asthma medication from a physician or advanced practice nurse licensed to practice medicine in all its branches, or (2) fill the District's prescription for undesignated school asthma medication. ³⁴

The **School District Supply of Undesignated Epinephrine Injectors** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for undesignated epinephrine injectors from a physician or advanced practice nurse licensed to practice medicine in all its branches, or (2) fill the District's prescription for undesignated school epinephrine injectors. ³⁵

The **School District Supply of Undesignated Opioid Antagonists** section of the policy is void whenever the Superintendent or designee is ~~for whatever reason, unable to: (1) obtain a supply of opioid antagonists due to a shortage, in which case the District shall make reasonable efforts to maintain a supply.~~ ³⁶ ~~for the District a prescription for opioid antagonists from a health care professional³⁷ who has been delegated prescriptive authority for opioid antagonists in accordance with Section 5-23 of the Substance Use Disorder Act, or (2) fill the District's prescription for undesignated school opioid antagonists.~~ ³⁸

The School District Supply of Undesignated Oxygen Tanks section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for oxygen tanks from a qualifying prescriber.³⁹ or (2) fill the District's prescription for undesignated oxygen tanks. ⁴⁰

The **School District Supply of Undesignated Glucagon** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription

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

³³ Remove this section if the board does not adopt the undesignated asthma medication, the undesignated epinephrine injector, the undesignated opioid antagonist, the undesignated glucagon, or the administration of medical cannabis sections (see fn 21) of the policy. If the board adopts one or some but not all, delete the appropriate paragraph(s) or sentence(s) in this section.

³⁴ Discuss with the board attorney whether the board should remove this sentence when the district reaches full implementation of this section.

³⁵ See fn 12, above.

³⁶ 105 ILCS 5/22-30(f), amended by P.A. 103-348, eff. 1-1-24. See fn 15, above.

³⁷ ~~Health care professional means a physician licensed to practice medicine in all its branches, a licensed physician assistant with prescriptive authority, a licensed advanced practice registered nurse with prescriptive authority, or an advanced practice registered nurse who practices in a hospital or ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act. 20 ILCS 301/5-23(d)(4).~~

³⁸ ~~See fn 15 above.~~

³⁹ 105 ILCS 22-30(f), amended by P.A. 103-196, eff. 1-1-24, provides that a physician, a physician assistant who has prescriptive authority under the Physician Assistant Practice Act of 1987 (225 ILCS 95/7.5), or an advanced practice registered nurse who has prescriptive authority under the Nurse Practice Act (225 ILCS 65-40) may prescribe undesignated oxygen tanks in the name of the district to be maintained for use when necessary.

⁴⁰ See fn 19, above.

for glucagon from a qualifying prescriber,⁴¹ or (2) fill the District's prescription for undesignated school glucagon.⁴²

The **Administration of Medical Cannabis** section of the policy is void and the District reserves the right not to implement it if the District or school is in danger of losing federal funding.⁴³

Administration of Undesignated Medication⁴⁴

Upon any administration of an undesignated medication permitted by State law, the Superintendent or designee(s) must ensure all notifications required by State law and administrative procedures occur.

Undesignated Medication Disclaimers

Upon implementation of this policy, the protections from liability and hold harmless provisions applicable under State law apply.⁴⁵

No one, including without limitation, parents/guardians of students, should rely on the District for the availability of undesignated medication. This policy does not guarantee the availability of undesignated medications. Students and their parents/guardians should consult their own physician regarding these medication(s).

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

⁴¹ 105 ILCS 145/27, ~~added by P.A. 101-428~~, provides that a physician, a physician assistant who has prescriptive authority under the Physician Assistant Practice Act of 1987 (225 ILCS 95/7.5), or an advanced practice registered nurse who has prescriptive authority under the Nurse Practice Act (225 ILCS 65-40) may prescribe undesignated glucagon in the name of the district to be maintained for use when necessary.

⁴² See f/n ~~2019~~, above.

⁴³ 105 ILCS 5/22-33(f).

⁴⁴ 105 ILCS 5/22-30, amended by P.A. 102-413, and 105 ILCS 145/27, ~~added by P.A. 101-428~~, detail specific required notifications, which are listed in [sample administrative procedure 7:270-AP2, Checklist for District Supply of Undesignated Asthma Medication\(s\), Epinephrine Injectors, Opioid Antagonists, and/or Glucagon](#).

⁴⁵ 105 ILCS 5/22-30(c). The school, and its employees and agents, incur no liability, except for willful and wanton conduct, as a result of an injury to a student arising from the administration of asthma medication, epinephrine injectors, or opioid antagonists (*Id.*), a student's self-administration of medication (105 ILCS 5/10-22.21b, ~~amended by P.A. 103-175, added by P.A. 101-205~~), or administration of undesignated glucagon (insofar as it would be considered part of the care of a student with diabetes, see 105 ILCS 145/45).

105 ILCS 5/22-30(c) requires the district to inform parents/guardians in writing of the protections from liability and hold harmless provisions that apply to the administration of asthma medication, epinephrine injectors, and opioid antagonists. In addition, a statement must be signed by a student's parent/guardian acknowledging the district's protections from liability and hold harmless provisions for these undesignated medications. *Id.* A similar acknowledgment must be signed by a student's parent/guardian for the self-administration of medication. 105 ILCS 5/10-22.21b(ee), ~~added by P.A. 101-205~~. See [sample exhibit 7:270-E1, School Medication Authorization Form](#), for a sample acknowledgement.

LEGAL REF.: 105 ILCS 5/10-20.14b, 5/10-22.21b, 5/22-30, and 5/22-33.
105 ILCS 145/, Care of Students with Diabetes Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
720 ILCS 550/, Cannabis Control Act.
23 Ill.Admin.Code §1.540.

CROSS REF.: 7:285 (Anaphylaxis Prevention, Response, and Management Program)

ADMIN. PROC.: 7:270-AP1 (Dispensing Medication), 7:270-AP2 (Checklist for District Supply of Undesignated Asthma Medication(s), Epinephrine Injectors, Opioid Antagonists, and/or Glucagon), 7:270-E1 (School Medication Authorization Form), 7:270-E2 (School Medication Authorization Form - Medical Cannabis)

Students

Administrative Procedure - Checklist for District Supply of Undesignated Medication(s) Asthma Medication, Epinephrine Injectors, Opioid Antagonists, and/or Glucagon

The District maintains and administers the undesignated medication(s) and treatment identified below in accordance with State and federal law (*check all that apply*):

- Undesignated Glucagon (UG)
- Undesignated Asthma Medication (UAM)
- Undesignated Epinephrine Injector(s) (UEIs)
- Undesignated Opioid Antagonist(s) (UOAs) (required by 105 ILCS 5/22-30(f), amended by P.A. 103-348, eff. 1-1-24, unless there is a shortage, in which case the District must make a reasonable effort to maintain a supply)
- Undesignated Oxygen Tank(s) (UOT) ¹
- The Superintendent, school nurse, and/or other necessary school officials should consult the Board Attorney to develop a plan to implement 105 ILCS 5/22-30, amended by P.A. 102-413, and 105 ILCS 145/27, ~~added by P.A. 101-428.~~
- Obtain a prescription to maintain a supply of one or all of the following: undesignated asthma medication (UAM), epinephrine injector(s) (UEIs), opioid antagonist(s) (UOAs) (unless the District is able to secure a supply without a prescription), ~~and/or~~ undesignated glucagon (UG), and/or undesignated oxygen tank(s) (UOTs) in the District's name pursuant to 105 ILCS 5/22-30(f), amended by P.A. 103-196, eff. 1-1-24, and 105 ILCS 145/27, added by P.A. 101-428.
- Designate a secure location(s) to store undesignated medication. For UAM, UEIs, and/or UOAs, this is where persons needing these medications are most at risk and for UOTs, where a person with developmental disabilities is most at risk. 105 ILCS 5/22-30(f), amended by P.A. 103-196, eff. 1-1-24. For UEIs and UOTs, this includes but is not limited to locations accessible before, during, and after school, such as classrooms and lunchrooms. Id. For additional storage procedures for UEIs, see 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*. For UAM, this includes but is not limited to, a classroom or the nurse's office. Id. For UG, this is where it is immediately accessible to a school nurse or delegated care aide. 105 ILCS 145/27, ~~added by P.A. 101-428.~~ For UOTs, the supply must be maintained in accordance with the manufacturer's instructions and any local fire department rules.
- Develop a method for maintaining an inventory of UAM, UEIs, UOAs, ~~and~~ UG, and UOTs. The inventory should list the expiration dates of the UAM, UEIs, UOAs, ~~and~~ UG, and UOTs.

The footnotes should be removed before the material is used.

¹ Only districts that maintain special educational facilities can choose to maintain a supply of undesignated oxygen tanks. See sample policy 7:270, *Administering Medicines to Students*, at fn 19, for more information about this term, which is not clearly defined.

- Identify procedures for a log or other recordkeeping of provisions, or administrations of UAM, UEIs, UOAs, ~~and UG, and UOTs.~~
- Maintain a list in each building administrator and/or his or her corresponding school nurse's office that includes the names of *trained personnel* who have received a statement of certification pursuant to State law, or in the case of UOTs, have received appropriate training on the use and storage of emergency oxygen.²
- Develop procedures to implement ~~the any~~ prescribed standing protocol for the provision, or administration of UAM, UEIs UOAs, ~~and/or UG, and/or UOTs~~ including calling 911 and noting any instructions given by Emergency Management Services (EMS). 105 ILCS 5/22-30, amended by P.A.s 102-413 and P.A. 103-196, eff. 1-1-24, and 23 Ill.Admin.Code §1.540(d). Follow 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, for UEI administration procedures. Upon any administration of any epinephrine injector, or opioid antagonist, procedures must include:
 1. Immediate activation of the EMS system. 105 ILCS 5/22-30(f-5). 105 ILCS 5/22-30(f-5) does not address contacting EMS upon the administration of any asthma medication (so asthma medication is excluded from introductory clause above). This may mean that the Ill. General Assembly did not intend for school personnel to notify EMS when administering a student's *prescribed* asthma medication (as opposed to UAM). However, 105 ILCS 5/22-30(j-5) requires asthma action plans ~~and 105 ILCS 5/22-30(j-15) requires school personnel who work with students to complete an in-person or online training program on the management of asthma, the prevention of asthma symptoms, and emergency response in the school setting every two years.~~ Some attorneys advise that all asthma action plans mandate an immediate 911 call 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) (holding 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 and barring immunity protections under the Local Governmental and Governmental Employees Tort Immunity Act). Consult the Board Attorney about whether to contact EMS when *any* asthma medication is administered and whether to contact EMS when any oxygen is administered, as the School Code also does not address this issue.
 2. Notification to the student's parent, guardian, or emergency contact, if known. Id. 105 ILCS 5/22-30(f-5) and 105 ILCS 5/22-30(f), amended by P.A. 103-196, eff. 1-1-24, does not address contacting the student's parent, guardian, or emergency contact upon the administration of any asthma medication or undesignated oxygen. See the discussion in number 1, above, about asthma action plans, pursuant to 105 ILCS 5/22-30(j-15), and consult the Board Attorney.

The following reports and/or notifications by the school nurse (unless otherwise specified) when a(n):

UEI was administered:	UOA was administered:	UAM was administered:	UG was administered:
a. Physician, physician assistant, or advance practice registered nurse who provided the	a. The health care professional (20 ILCS 301/5-23(d)(4)) who provided the prescription	a. Physician, physician assistant, or advanced practice registered nurse who provided	Immediately after administering UG to a student, notify the school

The footnotes should be removed before the material is used.

² 105 ILCS 5/22-30(f), amended by P.A. 103-196, eff. 1-1-24, does not address training for school staff administering UOTs. A training requirement is added to this procedure as a best practice. See sample policy 7:270, *Administering Medicines to Students*, at /n 19, for further discussion.

UEI was administered:	UOA was administered:	UAM was administered:	UG was administered:
<p>standing protocol or prescription for the UEI within 24 hours. 105 ILCS 5/22-30(f-10).</p> <p>b. Ill. State Board of Education (ISBE) within three (3) days. 105 ILCS 5/22-30(i). Notification will be on an ISBE-prescribed form (www.isbe.net/Documents/34-20-undesigned-epinephrine-rptg.pdf), and will include:</p> <p>i. Age and type of person receiving epinephrine (student, staff, visitor);</p> <p>ii. Any previously known diagnosis of a severe allergy;</p> <p>iii. Trigger that precipitated allergic episode;</p> <p>iv. Location where symptoms developed;</p> <p>v. Number of doses administered;</p> <p>vi. Type of person administering epinephrine (school nurse, trained personnel, student); and</p> <p>vii. Any other information required by ISBE on the form.</p>	<p>for the opioid antagonist within 24 hours. 105 ILCS 5/22-30(f-10).</p> <p>b. ISBE within three (3) days. 105 ILCS 5/22-30(i-5). Notification will be on an ISBE-prescribed form (www.isbe.net/Documents/34-20A-opioid-rptg.pdf), and will include:</p> <p>i. Age and type of person receiving the opioid antagonist (student, staff, or visitor);</p> <p>ii. Location where symptoms developed;</p> <p>iii. Type of person administering the opioid antagonist (school nurse or <i>trained personnel</i>); and</p> <p>iv. Any other information required by ISBE on the form.</p>	<p>the standing protocol and a prescription for the UAM within 24 hours. 105 ILCS 5/22-30(f-10).</p> <p>b. ISBE within three (3) days. 105 ILCS 5/22-30(i-10). Notification will be on an ISBE-prescribed form (www.isbe.net/Documents/34-22-Undesignated-Asthma-Medication.pdf), and will include:</p> <p>i. Age and type of person receiving asthma medication (student, staff, visitor);</p> <p>ii. Any previously known diagnosis of asthma;</p> <p>iii. Trigger that precipitated respiratory distress, if identifiable;</p> <p>iv. Location where symptoms developed;</p> <p>v. Number of doses administered;</p> <p>vi. Type of person administering the asthma medication (school nurse, <i>trained personnel</i> or student);</p> <p>vii. Outcome of the asthma medication administration; and</p>	<p>nurse (if school nurse did not administer the UG to the student). The delegated care aide or school nurse then notifies the student's parent or guardian or emergency contact (if known) and health care provider of its use. 105 ILCS 145/27, added by P.A. 101-428.</p>

UEI was administered:	UOA was administered:	UAM was administered:	UG was administered:
		viii. Any other information required by ISBE on the form.	

- Determine how the District will identify the student populations whose parents/guardians:
 1. Have not completed and signed an *SMA Form*, or
 2. Have not provided asthma medication, an epinephrine injector, opioid antagonist, and/or glucagon, and/or oxygen, as applicable to the student, for a student for use at school, even though they have completed the *SMA Form*.
- Determine when the school nurse will provide or administer the UAM, UEIs, UOAs, and/or UG, and/or UOTs as applicable, to students.

The school nurse or *trained personnel* may:

1. Provide an UAM or UEI, as applicable to the situation, that meets the prescription on file in the *SMA Form* to:
 - a. Any student for his or her self-administration only. 105 ILCS 5/22-30(a); 105 ILCS 5/22-30 (b-10)(i) and(v); 105 ILCS 5/10-22.21b, ~~amended by P.A. 101-205~~.
 - b. Any personnel authorized under a student's specific Individual Health Care Action Plan, ~~Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form~~ emergency allergy action plan³, Section 504 plan, or individualized education program plan (IEP). 105 ILCS 5/22-30(b-5) and (b-10), amended by P.A. 103-175.
2. Administer a UEI to any student that the school nurse or trained personnel in good faith believes is having an anaphylactic reaction even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the epinephrine injector. 105 ILCS 5/22-30(b-10)(iii). Follow the procedures for administration of UEIs in 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*. **Note:** *Trained personnel* are different than *any personnel authorized* in 1.b., above. 105 ILCS 5/22-30(a). *Trained personnel* means any school employees or volunteer personnel who are (a) authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of the School Code, (b) annually trained online or in person to recognize and respond to anaphylaxis, an opioid overdose, or respiratory distress through a training curriculum developed by ISBE, and (c) submitting proof to their school's administration that they have completed: (i) the annual training, and (ii) a cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) certification. 105 ILCS 5/22-30(a) and (g); 23 Ill.Admin.Code §1.540(e). For training resources, see the *Allergies & Undesignated Epinephrine* drop down menu at: www.isbe.net/Pages/School-Nursing.aspx.
3. Administer a UOA to any student that the school nurse or *trained personnel* in good faith believes is having an opioid overdose even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the opioid antagonist. 105 ILCS 5/22-30(b-10)(iv). **Note:** *Trained personnel* are different than *any personnel authorized*. See number 2, directly above. 105 ILCS 5/22-30(a). *Trained personnel* means any school employees or volunteer personnel who are (a) authorized in 105 ILCS 10-22.34, 10-22.34a, and 10-22.34b, (b) annually trained online or in person to recognize and respond to opioid

The footnotes should be removed before the material is used.

³ See sample policy 7:270, *Administering Medicines to Students*, at ¶n 5, for a discussion about this form that the Ill. State Board of Education retired in 2022 but still appears by name in 105 ILCS 5/10-22.21b, 5/22-30(b-5), and 5/22-30(b-10).

overdoses through a training curriculum that complies with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/5-23, and (c) who have submitted proof to their school's administration that they have completed ~~:(i) the annual training, and (ii) a cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) certification.~~ 105 ILCS 5/22-30(g), amended by P.A. 103-348, eff. 1-1-24; 23 Ill.Admin.Code §1.540(e). The law does not provide a deadline for a training curriculum, but it ~~does~~ requires ISBE and the Ill. Dept. of Human Services to develop a Substance Abuse Prevention and Recovery Instruction Resource Guide by 7-1-24 ~~three year heroin and opioid prevention pilot program by 1-1-17.~~ 105 ILCS 5/22-81, amended by P.A. 103-399.

4. Administer UAM to any student that the school nurse or *trained personnel* in good faith believes is having respiratory distress even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the asthma medication. 105 ILCS 5/22-30(b-10)(vii). See numbers 2 and 3, directly above for discussions between *any personnel authorized and trained personnel*. For training resources, see www.isbe.net/Pages/School-Nursing.aspx.
5. Administer UG, as applicable to the situation, for a student with a completed *SMA Form* granting permission for UG use that matches the prescription listed on the form and is also consistent with the student's diabetes care plan, if the student's prescribed glucagon is not available on-site or has expired. For training resources, see www.isbe.net/Pages/School-Nursing.aspx.
- 5-6. Administer a UOT to any student that the school nurse or other personnel with appropriate training determines requires it even though the parent/guardian has not completed and signed an *SMA Form* or otherwise granted permission to administer the undesignated oxygen.

- Assess how to manage requests from parents/guardians who wish to *opt-out* of the UAM, UEIs, UOAs, ~~or UG, or UOTs~~ being available to their child.

The School Code does not provide a mechanism for a student or his or her parent/guardian to *opt-out* of the administration of the District's supply of UAM, UEIs, or UOAs when a nurse and/or *trained personnel* in good faith professionally believe a student is experiencing respiratory distress, having an anaphylactic reaction, or having an opioid overdose, respectively. Nor does the law address parent/guardian opt-out of the administration of the District's supply of UOTs. While there may be religious, health, or other reasons that a student's parent/guardian may wish to *opt-out* of the administration of UAM, UEI, ~~or UOA, or UOT~~ to their child, the law does not provide a way for parents/guardians to do so. Management of this issue should be discussed with the Board Attorney. For additional guidance on this issue, see Board policy 7:275, *Orders to Forgo Life-Sustaining Treatment*.

- Determine how to notify all parents/guardians about how UAM, UEIs, ~~and/or~~ UOAs, and/or UOTs may be provided or administered to students.

If the District maintains a supply of UAM, UEIs, and/or UOAs, it must notify parents/guardians of the protections from liability granted to it and the prescribing physician by 105 ILCS 5/22-30(c) and (c-5). There are two groups of parents/guardians that the District must notify: (1) parents/guardians of students who have previously signed a *SMA Form*, and (2) parents/guardians of all students.

For parents/guardians who have previously signed the *SMA Form*, 105 ILCS 5/22-30(c), requires the District to provide additional notice that the physician(s)/individual(s) with prescriptive authority providing the standing protocol and prescription for the District's supply of UAM, UEIs, and UOAs are protected from liability, except for willful or wanton conduct arising from the use of UAM, UEI, or UOA regardless of whether authorization was given by

the student, parent/guardian, or student's physician. Discuss with the Board Attorney whether to amend the District's form(s) to include this language.

For parents/guardians of all students, 105 ILCS 5/22-30(c), requires parents/guardians to be informed that: (1) the District maintains a supply of UAM, UEIs, and/or UOAs, and (2) the District and the prescribing physician(s)/physician assistant(s)/advanced practice registered nurse(s) are protected from liability when the school nurse and/or *trained personnel* administer UAM, UEI, and/or UOA to any student when these individuals in good faith professionally believe that the student is experiencing respiratory distress, having an anaphylactic reaction, or having an opioid overdose, respectively. There are several methods to inform parent/guardians of this information, e.g., receipt of handbook signature, or see exhibit 7:270-E1, *School Medication Authorization Form*. Discuss with the Board Attorney the method that works best for the District.

Note: The School Code does not require that the District give parents/guardians notice regarding its supply of UOTs, but it is a best practice to inform them. Consult the Board Attorney regarding the content of any notices about UOTs.

Training
Requirements for
Anaphylactic
Reactions

Students

Anaphylaxis Prevention, Response, and Management Program¹

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

While it is not possible for the District to completely eliminate the risks of an anaphylactic emergency² when a student is at school, an Anaphylaxis Prevention, Response, and Management Program using a cooperative effort among students' families, staff members, students, health care providers, emergency medical services, and the community helps the District reduce these risks and provide accommodations and proper treatment for anaphylactic reactions.³

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

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

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

The *ISBE Model* is primarily focused on item (a). Little to no guidance for schools regarding items (b) – (f) exists in it other than to generally cite to voluminous resources made available by the Centers for Disease Control and Prevention (CDC) and National Association of School Nurses (NASN). See f/n 83, below. This policy and its implementing procedures are designed to supplement the *ISBE Model* and further lead school officials to resources regarding items (b) – (f). 105 ILCS 5/2-3.182(b)(1-6), added by P.A. 102-413 and renumbered by P.A. 102-813.

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

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

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

1. Fully implements the Ill. State Board of Education (ISBE)'s model policy required by the School Code that: (a) relates to the care and response to a person having an anaphylaxis reaction, (b) addresses the use of epinephrine in a school setting, (c) provides a full food allergy and prevention of allergen exposure plan, and (d) aligns with 105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540. ⁵
2. Ensures staff members receive appropriate training, including: (a) an in-service training program for staff who work with students that is conducted by a person with expertise in anaphylactic reactions and management, and (b) training required by law for those staff members acting as *trained personnel*, as provided in 105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540. ⁶
3. Implements and maintains a supply of undesignated epinephrine in the name of the District, in accordance with policy 7:270, *Administering Medicines to Students*. ⁷
4. Follows and references the applicable best practices specific to the District's needs in the Centers for Disease Control and Prevention's *Voluntary Guidelines for Managing Food*

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

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

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

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

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

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

*Allergies in Schools and Early Care and Education Programs and the National Association of School Nurses Allergies and Anaphylaxis Resources/Checklists.*⁸

5. Provides annual notice to the parents/guardians of all students to make them aware of this policy.⁹
6. Complies with State and federal law and is in alignment with Board policies.

Monitoring¹⁰

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

LEGAL REF.: 105 ILCS 5/2-3.190, 5/10-22.39(e), and 5/22-30.
23 Ill.Admin.Code §1.540.
Anaphylaxis Response Policy for Illinois Schools, published by ISBE.

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

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

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

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

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

adds
Allergy Emergency
Action Plan

Students

Administrative Procedure - Anaphylaxis Prevention, Response, and Management Program¹

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

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

Glossary of Terms

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

The footnotes should be removed before the material is used.

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

The first paragraph's second sentence is optional. Remove it if the board removed the optional clause discussed in [§n 32](#) of sample policy 7:285, *Anaphylaxis Prevention, Response, and Management Program* (Program). The purpose of the sentence is to allocate responsibility for allergy management among the district, staff, and allergic students and their families and alert the community that successful implementation relies upon everyone to understand the seriousness of food and non-food allergies.

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

~~Complicating this issue, 105 ILCS 5/22-30(b-5) still refers to the Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form (Ill. EAP), which was included in an appendix to the now-retired publication, *Procedures for Managing Life-Threatening Food Allergies in Schools* (2010). The Ill. EAP form and other forms that appeared in the 2010 publication are no longer accessible on the ISBE website. The sample exhibit 7:285-AP, E, *Allergy and Anaphylaxis Emergency Plan*, referenced in these procedures is similar, but not identical to, the retired Ill. EAP form. Consult the board attorney for guidance on the continued use of the Ill. EAP or use of another form.~~

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

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

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

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

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

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

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

504 Plan - A document that outlines an allergic student's needs, necessary accommodations, and individual staff member responsibilities. Its function is identical to an IHCP while also including procedural protections (see above). This Program's procedures implement 504 Plans only. **Important:** Consult the Board Attorney about whether implementing only 504 Plans is the best method. Many

attorneys agree that a 504 Plan is the best (although not universal) practice for a student with a diagnosis of an allergy. ²

504 Team - A building-level team that implements the phases of Individual Allergy Management in a student’s 504 Plan. Insert “IHCP Team” in place of or in addition to “504 Team” if the district will also implement IHCPs. **Note:** If the District implements IHCPs, gathering information, identifying methods to prevent exposure, and assigning staff responsibilities will rely heavily on the Nurse/Designated School Personnel (DSP)³, not a 504 Team.

Anaphylaxis Prevention, Response and Management Program

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

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

Actor	Action
Superintendent or designee	Establish a District-wide Anaphylaxis Prevention, Response, and Management Committee (Committee) to operate as a Superintendent committee. Consider including: District-level administrators Building Principals (Building Principals are mandatory for successful implementation of the Program)

The footnotes should be removed before the material is used.

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

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

Actor	Action
	<p>District Safety Coordinator (see 4:170-AP1, <i>Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities</i>)</p> <p>District 504 Coordinator (see 6:120, <i>Education of Children with Disabilities</i> and 6:120, AP1, E1 <i>Notice to Parents/Guardians Regarding Section 504 Rights</i>)</p> <p>Staff members, e.g., school nurse/health aide, teachers, paraprofessionals, food service staff, bus drivers, athletic coaches</p> <p>Parents/Guardians</p> <p>Community members, e.g., individuals with expertise in allergens and anaphylaxis</p> <p>Students</p> <p>Chair and convene Committee meetings for the purpose of implementing the Program. Note: The Committee is not required by State law. However, establishing it provides a best practice for aligning with governance principles and examining implementation issues specific to each individual school district. While smaller school districts, i.e., one-building districts, may be able to implement a Program through one meeting, larger school districts will likely require the uniform coordination that this Committee provides. Some school districts may choose to use the <i>ISBE Model</i> document, available at: www.isbe.net/Documents/Anaphylactic-policy.pdf, or create a document that is consistent with the requirements of the <i>ISBE Model</i>, but also reflects the specific needs of the school district.</p> <p>Inform the School Board of the Committee's progress and needs by adding information items to the Board's agendas at least once every three years.</p>
Anaphylaxis Prevention, Response, and Management Committee	<p>Identify existing policies, procedures, and exhibits that affect implementation of the Program, including, but not limited to:</p> <p>1:20, <i>District Organization, Operations, and Cooperative Agreements</i></p> <p>2:20, <i>Powers and Duties of the School Board; Indemnification</i></p> <p>2:240, <i>Board Policy Development</i></p> <p>4:110, <i>Transportation</i></p> <p>4:120, <i>Food Services</i></p> <p>5:100, <i>Staff Development Program</i></p> <p>5:100-AP, <i>Staff Development Program</i></p> <p>6:65, <i>Student Social and Emotional Development</i></p> <p>6:120, <i>Education of Children with Disabilities</i></p> <p>6:120-AP1, <i>Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities</i></p> <p>6:240, <i>Field Trips</i></p> <p>7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i></p>

Actor	Action
	<p>7:250, <i>Student Support Services</i> 7:270, <i>Administering Medicines to Students</i> 7:270-AP1, <i>Dispensing Medication</i> 7:270-AP2, <i>Checklist for District Supply of Undesignated Asthma Medication(s), Epinephrine Injectors, Opioid Antagonists, and/or Glucagon</i>⁴ 7:270-E1, <i>School Medication Authorization Form</i> 7:285-AP, E, <i>Allergy and Anaphylaxis Emergency Plan</i> 8:100, <i>Relations with Other Organizations and Agencies.</i></p> <p>At least once every three years, recommend to the Superintendent any necessary policy changes that must be brought to the School Board for consideration. See policy 2:240, <i>Board Policy Development</i>.</p> <p>Recommend to the Superintendent any amendments to administrative procedures. Note: The Committee may want to utilize 7:285-AP, E, <i>Allergy and Anaphylaxis Emergency Plan (AAEP)</i>, for allergy management purposes. The sample exhibit is an adaptation of the <i>American Academy of Pediatrics</i>' sample emergency action plan form, <i>Allergy and Anaphylaxis Emergency Plan</i> available at: https://downloads.aap.org/AAP/PDF/AAP Allergy and Anaphylaxis Emergency Plan.pdf; it includes the parent/guardian acknowledgment of district immunity and the hold harmless/indemnification agreement required by 105 ILCS 5/22-30 and 5/22.21b. See 7:270, <i>Administering Medicines to Students</i>, at f/n 7, for more information.</p> <p>The Committee should also assess the feasibility of adding staff training during a Periodic Emergency Response Drill (CDC Guidelines, p. 50) to the District's School Safety Drill Plan (see 4:170-AP1, <i>Comprehensive Safety and Security Plan</i>, paragraph F., School Safety Drill Plan). Adding this suggested drill is not required and exceeds the mandate contained in 105 ILCS 128/. If added, revise paragraph E., Annual Safety Review of 4:170-AP1, <i>Comprehensive Safety and Security Plan</i> to include the applicable bolded items (a)-(f) listed in the CDC Guidelines on preparation for food allergy emergencies (p. 31-34).</p> <p>Convene a District-wide meeting with all Building Principals, other appropriate administrative and special education staff, and the Board Attorney to discuss this Program and the <i>ISBE Model</i>, and to prepare each individual Building Principal to implement it in his or her building. Note: The Board Attorney will be a necessary participant in the District's efforts to manage anaphylaxis management issues. The Superintendent may want to authorize individual Building Principals to consult with the Board Attorney in some circumstances. If so, the Superintendent should outline this process during this meeting.</p> <p>Educate and train all staff by coordinating, through the Superintendent or Building Principals, the required annual in-service training program(s) for staff working with students. The in-service must be conducted by a person with expertise in</p>

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

Actor	Action
	<p>anaphylactic reaction management and include administration of medication with an injector (105 ILCS 5/10-22.39(b-5e)(2), added by P.A. 103-542, eff. 1-1-24 and operative 7-1-24). This training will also be incorporated into new school employee training. Note: State law requires the in-service training to be conducted <u>within six months of employment and renewed at least once every fivetwo years</u>, but the <i>ISBE Model</i> states that schoolwide training be conducted annually, when new employees are onboarded, and when an individual is identified as being at risk. <i>Person</i> with expertise is not defined, but the use of the word <i>expertise</i> suggests that using a lay person to provide training is not appropriate. Consider the list of training resources in the CDC Guidelines (p. 100-101). This training should include (CDC Guidelines, p. 36):</p> <ul style="list-style-type: none"> • A review of policies and building procedures • An overview of food allergies • Definitions of key terms, including <i>food allergy, major allergens, epinephrine, and anaphylaxis</i> • The difference between a potentially life-threatening food allergy and other food-related problems • Signs and symptoms of a food allergy reaction and anaphylaxis (see <i>ISBE Model</i>, p. 5) and information on common emergency medications • General strategies for reducing and preventing exposure to allergens (in food and non-food items) • Policies on bullying and harassment and how they apply to children with food allergies • The District's emergency plans, including who will be contacted in the case of an emergency, how staff will communicate during a medical emergency, and what essential information they will communicate <p>Consider implementing the above issues by informing staff of the goals established in each of the following Board policies:</p> <p>6:65, <i>Student Social and Emotional Development</i>. This policy requires the District's educational program to incorporate student social and emotional development into its educational program and be consistent with the social and emotional development standards in the Ill. Learning Standards.</p> <p>7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>. This policy prohibits students from engaging in bullying, intimidation, and harassment, which diminish a student's ability to learn and a school's ability to educate. It states that preventing students from engaging in these disruptive behaviors is an important District goal. Note: Including bullying and sensitivity awareness in the required in-service exceeds State law requirements. Because State law requires districts to have policies addressing bullying (105 ILCS 5/27-23.7) and social and emotional development (405 ILCS 49/) and the CDC Guidelines highlight that increasing awareness of these issues is a best practice consideration, the required in-service is a logical place to include this education. Be sure locally adopted board policies contain the referenced policy language.</p>

Actor	Action
	<p><u>In grades K-8, provide developmentally appropriate allergy education for students as part of a curriculum topic, e.g., health, physical education, general science, consumer science, character education, so that students can: (1) identify signs and symptoms of anaphylaxis, (2) know and understand why it is wrong to tease or bully others, including people with allergies, (3) know and understand the importance of finding a staff member who can help respond to suspected anaphylaxis, and (4) understand rules on hand washing, food sharing, allergen-safe zones, and personal conduct.</u>⁵ <u>In grades 9-12, provide instruction, study, and discussion on the dangers of allergies. See 6:60-AP1, Comprehensive Health Education Program.</u>⁶</p> <p>Provide community outreach through Building Principals by providing information to students and their parents/guardians about the Program. A successful Program needs support and participation from parents of children with and without allergies. Parents and families need to learn about the District's food allergy policy and practices through communications from administrators, school health staff, classroom teachers, and food service staff. See CDC Guidelines, p. 38 and p. 100-102 (National Nongovernmental Resources, including resources for Parent Education).</p> <p>Monitor the Program by assessing its effectiveness at least once every three years.</p> <p>Incorporate updated medical best practices into all areas of the Program.</p> <p>Establish a schedule for the Superintendent to report any recommendations to enhance the Program's effectiveness to the Board for consideration.</p>
Building Principal	<p>Inform the school community of the Program by providing the information to students and their parents/guardians. For an outline of a sample letter, see www.stlouischildrens.org/sites/legacy/files/2022-09/FAMEToolkit2022-section3-Admin.pdf www.stlouischildrens.org/sites/default/files/pdfs/FAMEToolkit2017-section3-admin.pdf, p. 14. Inform the school community of the opportunities to better understand food allergy management issues.</p> <p>Implement the Program in the building by meeting with the Nurse or, if a nurse is not available, other designated school personnel (DSP) and special education staff in the building to examine the <i>ISBE Model</i>. Identify and follow:</p> <p style="padding-left: 40px;">All best practices that apply to the conditions in the school building, including classrooms and the cafeteria, as well as on school transportation, at school-sponsored events (including activities before and after school, and field trips), and during physical education/recess to reduce exposure to allergens. See <i>ISBE Model</i>, p.3, and CDC Guidelines, p. 43-45.</p>

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

⁶ [105 ILCS 110/3, amended by P.A. 103-212, eff. 1-1-24.](#)

Actor	Action
	<p>All items from the actions for School Administrators and Registered School Nurses that apply to the working conditions in the school settings listed immediately above. CDC Guidance, p. 59-64.</p> <p>Educate staff members about the Program and their likely involvement with the daily management of food (or non-food) allergies for individual students (Individual Allergy Management). CDC Guidelines, p. 27-31. Inform staff members about healthy and active non-food rewards, see: www.actionforhealthykids.org/activity/healthy-active-non-food-rewards/</p> <p>Identify at least two employees in the building, in addition to the Nurse/DSP, to be trained in the administration of epinephrine by auto-injection. Only <i>trained personnel</i> may administer epinephrine to a student believed to be having an anaphylactic reaction. (<i>ISBE Model</i>, p. 6). For training requirements, see 7:270-AP2, <i>Checklist for District Supply of Undesignated Asthma Medication(s), Epinephrine Injectors, Opioid Antagonists, and/or Glucagon</i>. Note: Although 105 ILCS 5/22-30 permits any “personnel authorized” under a student’s specific individual plan to administer an undesignated epinephrine injector, the <i>ISBE Model</i> makes no such distinction and requires all personnel administering epinephrine (whether prescribed to a student or undesignated) to a student to complete the training required of <i>trained personnel</i>.</p> <p>Annually notify parents/guardians in the student handbook(s) of policy 7:285, <i>Anaphylaxis Prevention, Response, and Management Program</i>, and include the contact information of a staff member who parents/guardians can contact if they have questions about how the policy applies to their child. To increase awareness of the bullying issues faced by students with allergies, consider including information for students and their parents/guardians about the goals established in Board policy 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>.</p>
School Board	<p>Monitor policy 7:285, <i>Anaphylaxis Prevention, Response, and Management Program</i>, at least once every three years, and consider changes recommended by the Committee. See policy 2:240, <i>Board Policy Development</i>.</p> <p>Consider all policy changes recommended by the Superintendent.</p> <p>Provide the appropriate resources for the Superintendent to successfully implement the Program.</p>

Individual Allergy Management

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

Phase One: Identification of Students with Allergies

Actor	Action
Parent/Guardian	<p>Inform the Building Principal of the student’s food allergy.</p> <p>Complete an Allergy History Form, (for a sample, see the <i>Family Food Allergy Health History Form</i>, available at: www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis and AAEP. Return them to the Building Principal or Nurse/DSP.</p> <p>If the District participates in the U.S. Dept. of Agriculture’s Child Nutrition Programs and the student has a disability that requires meal modifications, complete a medical statement signed by a licensed healthcare provider. CDC Guidelines, p. 28. See www.isbe.net/Documents/2017-ACCOM-MANUAL-SP40.pdf for information and the <i>Medical Authority Modified Meal Request Form</i> at: www.isbe.net/_layouts/Download.aspx?SourceUrl=/Documents/Medical-Authority-Modified-Meal-Request-Form.docx.</p> <p>Cooperate with school staff to provide the medical information necessary directly from the student’s health care provider to develop plans for managing individual care and emergency actions. CDC Guidelines, p. 27.</p> <p>Participate in all meetings to assess and manage the individual student’s health needs.</p>
Building Principal and/or Nurse/DSP	Follow the District’s procedural safeguards for convening a meeting to assess the individual student’s allergy management needs.
IEP or 504 Team	<p>Modify this section if the District implements IHCPs. See Glossary above for more information.</p> <p>For a student who is not already identified as a student with a disability, determine whether a referral for an evaluation is warranted using the District’s evaluation procedures for determining whether a student is a student with a disability within the meaning of IDEA or Section 504 (see Board policy 6:120, <i>Education of Children with Disabilities</i>).</p> <p>For a student with an existing IEP or Section 504 plan, or who qualifies for one on the basis of his or her allergy, determine:</p> <ol style="list-style-type: none"> 1. Whether the student’s allergy requires <i>related services</i> to ensure the provision of a “free appropriate public education” (FAPE), and/or 2. Whether the student’s allergy requires appropriate <i>reasonable accommodations</i> for the student’s disability. <p>If the answer to either of the above questions is negative, notify the parent/guardian in writing of the reasons for the denial and the right to appeal. Provides any required procedural safeguard notices. See 23 Ill.Admin.Code §226.510; Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Parts 104 and 300); and 6:120-AP1, E1, <i>Notice to Parents/Guardians Regarding Section 504 Rights</i>.</p> <p>If the answer to either of the above questions is positive:</p> <ol style="list-style-type: none"> 1. Gather appropriate health information by using the completed <i>Allergy History Form</i> and AAEP.

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

Phase Two: Plan to Reduce Risk of Allergic Reactions

Actor	Action
Building Principal and/or Nurse/DSP	<p>Convene a meeting to educate all the staff members who will provide the identified 504 Plan accommodations about their responsibilities.</p> <p>Ensure individual staff members are properly trained and perform their responsibilities and provide the necessary accommodations for the student's individual health needs.</p> <p>Facilitate the dissemination of accurate information in the building about the student's allergy while respecting privacy rights.</p> <p>Note: Request permission from the Superintendent to consult the Board Attorney about best practices for disclosures to volunteers (e.g., field trip chaperones or room</p>

Actor	Action
	<p>parents) of confidential medical information without parental consent. Generally Building Principals have discretion, but these situations are fact- specific. Ideally the District should attempt to get parental permission to disclose the information about the allergy, but practically this cannot always occur. Many agree that safety trumps confidentiality in these situations, especially when volunteers have a legitimate educational interest if knowledge of the information is related to their ability to perform their duties (See, <i>Letter to Anonymous</i>, 107 LRP 28330 (FPCO 2007)).</p> <p>Provide a medical alert to parents/guardians that does not name the student. See CDC Guidelines, p. 71, #5. The communication should inform other students and their parents/guardians about the importance of keeping their educational setting free of the food allergen. For a sample letter, see <i>Notification of a Food Allergy in the Classroom – Parent Letter</i>, available at: www.nasn.org/nasn-resources/resources-by-topic/allergies-anaphylaxis.</p> <p>Note: Request permission from the Superintendent to consult the Board Attorney about disclosures and providing joint communications from the Building Principal and the parent/guardian of the food allergic student. While joint communications allow the school to exchange the information needed to protect the food allergic student and balance competing educational interests without violating federal or State laws that govern student records, they can also present other risks (i.e., re-disclosure of the confidential information). See Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and its implementing rules at 34 C.F.R. Part 99; Ill. School Student Records Act, 105 ILCS 10/, and its implementing rules at 23 Ill.Admin.Code Part 375. FERPA prohibits schools from disclosing personally identifiable information from students’ education records without the consent of a parent or eligible student, unless an exception applies. See policy 7:340, <i>Student Records</i>.</p> <p>Prepare a list of answers to anticipated questions about managing the student’s health needs.</p> <p>Check with the Nurse/DSP regarding any known competing educational interests with the student’s health needs among other students attending the school (i.e., diabetes, service animals, etc.). Manage identified students’ competing educational interests by:</p> <ol style="list-style-type: none"> 1. Consulting the Board Attorney. 2. Creating a method to monitor identified competing educational interests between students.

Actor	Action
	<ol style="list-style-type: none"> 3. Responding to future unidentified competing educational interests and managing them immediately. 4. Modifying any other conditions as the facts of the situation require.
IEP or 504 Team	<p>Implement and follow all identified responsibilities in the 504 Plan. Understand that accidental exposures are more likely to occur when an unplanned event occurs, which makes it critical to follow the exact accommodations in the student's 504 Plan.</p> <p>Practice emergency procedures outlined in the student's AAEP and be prepared to follow them. <i>ISBE Model</i>, p. 5.</p>
Parent/Guardian	<p>Implement and follow the applicable items at: www.foodallergy.org/resources/getting-started-school, to assist the District in managing food allergies in the school setting.</p>
Student	<p>Implement and follow developmentally appropriate steps for allergy self-management, such as reading labels, asking questions about foods in the school meal and snack programs, avoiding unlabeled or unknown foods, using epinephrine injectors when needed, and recognizing and reporting an allergic reaction to an adult. CDC Guidelines, p. 31.</p>

Phase Three: Response to Allergic Reactions

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

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

The footnotes should be removed before the material is used.

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

Actor	Action
Nurse/DSP	<p>If a student has no AAEP and 504 Plan, provide the parent/guardian with the AAEP and <i>Allergy History</i> forms and refer them to the process outlined in the Identification of Students with Allergies phase above.</p> <p>After each allergy emergency, review how it was handled with the Building Principal, health aides/assistants (if applicable), parents/guardians, staff members involved in the response, and the student to identify ways to prevent future emergencies and improve emergency response. CDC Guidelines, p. 63.</p> <p>Assist students with allergies with transitioning back to school after an emergency. CDC Guidelines, p. 63.</p> <p><u>Storage, Access, and Maintenance of Undesignated Supply of Epinephrine (105 ILCS 5/22-30(f); ISBE Model, p. 6-7)</u>⁸</p> <ol style="list-style-type: none"> 1. Store, access, and maintain the stock of undesignated epinephrine injectors as provided in the District's standing protocol. 2. Maintain the supply of undesignated epinephrine in accordance with the manufacturer's instructions. Epinephrine should be stored in a safe, unlocked, and accessible location in a dark place at room temperature (between 59-86 degrees F). Epinephrine should not be maintained in a locked cabinet or behind locked doors. Trained staff should be made aware of the storage location in each school. It should be protected from exposure to hot, cold, or freezing temperatures. Exposure to sunlight will hasten deterioration of epinephrine more rapidly than exposure to room temperatures. The expiration date of epinephrine solutions should be periodically checked; the drug should be replaced if it is approaching the expiration date. The contents should periodically be inspected through the clear window of the injector. The solution should be clear; if it is discolored or contains solid particles, replace the unit. 3. Regularly (e.g., monthly) check stock epinephrine to ensure proper storage, expiration date, and medication stability. Maintain documentation when checks are conducted. Expired injectors or those with discolored solutions or solid particles should not be used. 4. Dispose of epinephrine injectors in a sharps container.

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

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

Section 8

Training
Requirements for
Staff
Students**Suicide and Depression Awareness and Prevention**¹

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

Suicide and Depression Awareness and Prevention Program

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

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

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

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

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

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

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

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

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

- a. The training required by 105 ILCS 5/10-22.39 for ~~licensed school personnel and administrators~~ 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, amended by P.A. 101-350, 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. ~~See f/n 4 in sample policy 5:100, *Staff Development Program*, for further discussion of this training 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 www.schoolsafety.gov.

~~See f/n 4 in sample policy 5:100, *Staff Development Program*, for further discussion of these training requirements.~~

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

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

Illinois Suicide Prevention Strategic Planning Committee

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

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⁵ Required by 105 ILCS 5/2-3.166(c)(5). See 7:250-AP2, *Protocol for Responding to Students with Social, Emotional, or Mental Health Needs* for information about building-level Student Support Committees. When sharing information from therapists and counselors, these committees are required to follow the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/, and the Children’s Mental Health Act, 405 ILCS 49/, amended by P.A. 102-899, eff. 1-1-23.

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

⁷ 105 ILCS 5/2-3.166(b)(2)(B), 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 and its Illinois page at www.sprc.org/states/illinois <https://sprc.org/> for more information on which goals in the Illinois Suicide Prevention Strategic Plan have been implemented.

Monitoring¹⁰

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

Information to Staff, Parents/Guardians, and Students

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

Implementation

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

The District, Board, and its staff are protected from liability by the Local Governmental and Governmental Employees Tort Immunity Act. Services provided pursuant to this policy: (1) do not replace the care of a physician licensed to practice medicine in all of its branches or a licensed medical practitioner or professional trained in suicide prevention, assessments and counseling services, (2) are strictly limited to the available resources within the District, (3) do not extend 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, ~~and~~ renumbered by P.A. 102-813, ~~and~~ amended by P.A. 103-143 (districts must insert ~~either~~ [contact information for the National Suicide Prevention Lifeline, the Crisis Text Line, and the Safe2Help Illinois helpline](#) ~~or a local suicide prevention hotline on student ID cards, and~~ ~~contact information must~~ identify each helpline that may be contacted through text messaging; ~~and include~~ the same ~~must be included~~ in student handbooks and planners (if a student planner is custom printed by a district or its schools for distribution to students in any of grades 6 through 12)). See ¶ 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.

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

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

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

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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).

Requires suicide hotline information on Student IDs

Students

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

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

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

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

Policy Implementation Components of Ann Marie's Law

1. Awareness and Prevention Education Protocols for Students and Staff (105 ILCS 5/2-3.166(e)(c)(2)).
 - a. For students, (i) review policy 6:60, *Curriculum Content* (requiring health education for developing a sound mind and a healthy body); (ii) review policy 7:250, *Student Support Services* (requiring protocols for responding to students with social, emotional, or mental health issues that impact learning ability); (iii) if the District issues identification (ID) cards to its students, insert the contact information for the National Suicide Prevention Lifeline (NSPL), ~~and for the Crisis Text Line (CTL), and the Safe2Help Illinois helpline¹~~ on the back of each student ID card ~~(105 ILCS 5/10-20.76, added by P.A. 102-134 and renumbered by P.A. 102-813); (iv) publish NSPL and CTL information on the District's website (see 2:250-E2, *Immediately Available*~~

The footnotes should be removed before the material is used.

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

~~District Public Records and Web-Posted Reports and Records~~) (105 ILCS 5/10-20.73, added by P.A. 102-134); (v) ~~insert either the Safe2Help Illinois helpline or a local suicide prevention hotline² or both on the ID card~~ and identify each helpline that may be contacted through text messaging (105 ILCS 5/10-20.81, added by P.A. 102-416, and renumbered by P.A. 102-813, and amended by P.A. 103-143); and (vi) include ~~NSPL, CTL, and Safe2Help or local suicide prevention hotline or both~~ contact information in student handbooks and student planners (if a student planner is custom printed by the District or its schools for distribution to students in any of grades 6 through 12) (105 ILCS 5/10-20.81, added by P.A. 102-416, and renumbered by P.A. 102-813, and amended by P.A. 103-143)). *Illinois Youth Suicide Prevention Toolkit: A Reference for Administrators, Counselors, Teachers and Staff, Module 1: Prevention - Engaging and Educating Students*, pp. 20-21, at: www.isbe.net/Pages/Suicide-Prevention.aspx. See also Illinois' Safe2Help Illinois program at: www.safe2helpil.com/ (designed to offer students a safe, confidential way to share information that might help prevent suicides and other school safety-related information).

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

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

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

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

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

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

The footnotes should be removed before the material is used.

² ~~Beginning 1-1-23, Safe2Help Illinois will be managed and administered by the Ill. State Police working in consultation with the Ill. Emergency Management Agency, Ill. State Board of Education, Ill. Dept. of Human Services, and Ill. Dept. of Children and Family Services. Student Confidential Reporting Act, 5 ILCS 860/10(a), added by P.A. 102-752, eff. 1-1-23. At that time, any locally operated school violence help line must work in conjunction with Safe2Help Illinois as needed. Id. at 10(d).~~

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

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

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

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

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

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

Illinois Suicide Prevention Strategic Plan, available at:

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

~~Sample policy (procedures) on youth suicide prevention~~ Resources for mental health support are available from The Trevor Project at: www.thetrevorproject.org/resources/article/resources-for-mental-health-support/ www.thetrevorproject.org/pages/modelschoolpolicy

Risk and Protective Factors for Suicide, available at:

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

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

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

Identification of the At-Risk Student

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

- An employee having any reason to believe a student is considering or threatening suicide is to contact the Building Principal and District social worker/counselor.
- The social worker/counselor or Building Principal will meet with the student.
- The social worker/counselor will call the student's parent(s)/guardian(s) and arrange a meeting. All calls and meetings with parent(s)/guardian(s) will be documented and a copy of the documentation sent by certified mail to the parent(s)/guardian(s).

- The social worker/counselor will suggest to the parent(s)/guardian(s) that the State or community mental health agency be contacted. This suggestion shall be a part of the documentation sent to the parent(s)/guardian(s). A student should never be left alone if an employee reasonably believes the student is ~~in~~at imminent risk of suicide. An employee should immediately contact the student's parent(s)/guardian(s).
3. Methods of Intervention; Emotional or Mental Health Safety Plans for At-Risk Students, including those students who suffer from a mental health disorder; suffer from a substance abuse disorder; engage in self-harm or have previously attempted suicide; reside in an out-of-home placement; are experiencing homelessness; are lesbian, gay, bisexual, transgender, or questioning (LGBTQ); are bereaved by suicide; or have a medical condition or certain types of disabilities. 105 ILCS 5/2-3.166(c)(4), amended by P.A. 102-267.
- Review policies 6:65, *Student Social and Emotional Development*, incorporating student social and emotional development into the District's educational program as required by the goals and benchmarks of the Ill. Learning Standards and 405 ILCS 49/15(b); policy 6:270, *Guidance and Counseling Program*, requiring the District to have guidance counseling available to implement the protocols directed in 7:250, *Student Support Services*; and administrative procedure 7:250-AP2, *Protocol for Responding to Students with Social, Emotional, or Mental Health Needs*, requiring protocols for responding to students with social, emotional, or mental health needs that impact learning ability as required by the Children's Mental Health Act, 405 ILCS 49/, amended by P.A. 102-899, ~~eff. 1-1-23~~.
 - Train staff pursuant to 105 ILCS 5/10-22.24b, which allows school counseling services to be used for suicide issues and intervention.
 - Assess incorporating information from the following resources:

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

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

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

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

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

Illinois Suicide Prevention Strategic Plan, available at:

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

Cyberbullying Research Center, available website at:

<https://cyberbullying.org/>.

U.S. School Safety Clearinghouse website at:

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

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

a. Review policies listed above in number 3.a.

b. Assess incorporating information from the following resources:

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

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

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

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

After a Suicide: A Toolkit for Schools ~~(ISBE Toolkit)~~, available at:

www.sprc.org/sites/default/files/migrate/library/AfteraSuicideToolkitforSchools.pdf
<https://sprc.org/wp-content/uploads/2022/12/AfteraSuicideToolkitforSchools-3.pdf>. (some material adaptable to a suicide attempt)

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

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

- b. Assess incorporating information from the following resources:

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

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

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

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

Documentation Regarding the At-Risk Student

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

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

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

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

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

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

Steve Moore, J.D., Co-Chair, Illinois Suicide Prevention Alliance Board member (at time of publication)

Smooore200400@yahoo.com
(312) 391-8056

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

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

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

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

ISBE Toolkit at:

www.sprc.org/sites/default/files/migrate/library/AfteraSuicideToolkitforSchools.pdf

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

ISBE recommended guidelines and educational materials for training and professional development and ISBE recommended resources containing age appropriate educational materials on youth suicide and awareness, if available on ISBE's website pursuant to Ann Marie's Law (105 ILCS 5/2-3.166(b)(2)(B)).

Illinois Suicide Prevention Strategic Plan, available at:

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

- c. Other available resources:

American Foundation for Suicide Prevention, Illinois Chapter at:

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

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

DHS is also required by 20 ILCS 1705/76.2, added by P.A. 103-222, eff. 1-1-24, to partner with ISBE to provide technical assistance for the provision of mental health care during schools days with the goal of increasing the availability and accessibility of mental health resources for students.

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

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

The Suicide Prevention Resource Center (SPRC) (www.sprc.org/) has an Illinois specific site at: www.sprc.org/states/illinois.

Updated
Legal References

Students

Use of Educational Technologies; Student Data Privacy and Security¹

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

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

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

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¹ The Student Online Personal Protection Act (SOPPA) (105 ILCS 85/), ~~amended by P.A. 101-516~~, controls the content of this policy. SOPPA specifically requires boards to adopt a policy for designating which district employees are authorized to enter into agreements with operators (see **Operator Contracts** subhead). SOPPA is the State law that governs how educational technology companies, schools, and the Ill. State Board of Education (ISBE) use and protect covered information of students. The amendments to SOPPA were intended to strengthen protections for online student data, in part by centralizing the vetting and contracting process within schools, and to give parents ready access to information about how their children's data is being used at school. SOPPA does not, however, require a district to obtain parent opt-in or separate consent for the use of online services or applications, nor is such consent required if the operator is acting as a *school official* pursuant to the delineated exception in the Family Educational Rights and Privacy Act's (FERPA)(20 U.S.C. §1232g) implementing regulations. See 34 C.F.R. §99.3(a). A helpful resource published by the Ill. Council of School Attorneys, *Answers to FAQs Regarding the Student Online Personal Protection Act and Public Schools*, is available to IASB members on IASB's website at: www.iasb.com/policy-services-and-school-law/guidance-and-resources/student-online-personal-protection-act/. Additional SOPPA resources are available through ISBE at: www.isbe.net/Pages/Educational-Technology.aspx.

105 ILCS 5/10-20.74, ~~added by P.A. 101-654~~, requires districts to submit to the ISBE an annual report about its educational technology capacity and policies, including device availability for students, school-based access and infrastructure, professional learning and development training opportunities, and documentation of developmentally appropriate computer literacy instruction embedded in the district's curriculum at each grade level. See 2:150-AP, *Superintendent Committees*, at f/n 20, for a list of sample **PRESS** policies that apply to this submission. See also policy 6:60, *Curriculum Content*, at f/n 26~~5~~, and 6:300-E2, *State Law Graduation Requirements*, for more information about computer literacy requirements.

² See [sample](#) policy 7:340, *Student Records*, and its implementing [sample](#) administrative procedure, 7:340-API, *School Student Records*, for requirements addressing school student records under federal and State law. SOPPA does not override or otherwise supersede the requirements of FERPA or the Ill. School Student Records Act (ISSRA) (105 ILCS 10/). 105 ILCS 85/30(9), ~~amended by P.A. 101-516~~. Additionally, the Children's Online Privacy Protection Act (COPPA)(15 U.S.C. §6501 et seq.; 16 C.F.R. Part 312), requires certain operators of commercial websites and online services to obtain verifiable parental consent before collecting personal information of children under 13. Under certain conditions, operators can rely upon school districts to consent on behalf of parents when the programs being offered are solely for the benefit of students or a district. See www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions at section N for more information.

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

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

Definitions ⁵

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

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

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

Operator Contracts

The Superintendent or designee designates which District employees are authorized to enter into written agreements with operators for those contracts that do not require separate Board approval.⁸ Contracts

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³ 105 ILCS 85/26(1), ~~added by P.A. 101-516~~. SOPPA includes a clarification that schools and operators are not prohibited from producing and distributing, free or for consideration, student class photos and yearbooks to the school, students, parents, or others authorized by parents, as long as there is a written agreement between the operator and district. 105 ILCS 85/30(10); ~~amended by P.A. 101-516~~.

⁴ SOPPA permits, but does not require, districts to designate an appropriate staff person as a Privacy Officer, who may also be an official records custodian under ISSRA, to carry out the duties and responsibilities assigned to schools and to ensure a district's compliance with the requirements of SOPPA. 105 ILCS 85/27(f), ~~added by P.A. 101-516~~. For boards that wish to designate a Privacy Officer, add the below sentence to the end of the paragraph. Boards may designate an individual other than the Superintendent to serve in the capacity of Privacy Officer, such as a Business Manager, IT Director, or District Records Custodian.

The Board designates the Superintendent to serve as Privacy Officer, who shall ensure the District complies with the duties and responsibilities required of it under the Student Online Personal Protection Act, 105 ILCS 85/ ~~amended by P.A. 101-516~~.

⁵ 105 ILCS 85/5, ~~amended by P.A. 101-516~~. See f/n 3 above for more discussion about *covered information*.

⁶ SOPPA specifically provides that it does not apply to general audience websites, online services, online applications, or mobile applications, even if login credentials are required to access the general audience sites, services, or applications. 105 ILCS 85/30(3), ~~amended by P.A. 101-516~~. Consult the board attorney for guidance regarding whether certain applications that may be widely used by schools, but which may not have been originally marketed to K-12 (e.g., certain video conference applications), come within the scope of SOPPA.

⁷ Operators must notify districts of a breach of covered information within the most expedient time possible and without reasonable delay, but no later than 30 calendar days after the determination that a breach has occurred. 105 ILCS 85/15(5); ~~added by P.A. 101-516~~.

⁸ This statement is required by 105 ILCS 85/27(b), ~~added by P.A. 101-516~~. SOPPA provides that any agreement entered into in violation of SOPPA "is void and unenforceable as against public policy." *Id.* SOPPA does not provide for a private right of action against school districts; the Ill. Attorney General has enforcement authority under SOPPA through the Consumer Fraud Deceptive Trade Practices Act. 105 ILCS 85/35.

between the Board and operators shall be entered into in accordance with State law and Board policy 4:60, *Purchases and Contracts*, and shall include any specific provisions required by State law.⁹

Security Standards

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

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

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

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

⁹ SOPPA requires specific provisions be included in a contract with any operator that seeks to receive covered information from a school district. 105 ILCS 85/15(4) and 85/27(g); ~~added by P.A. 101-516.~~ See 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*, for details.

¹⁰ 105 ILCS 85/27(e); ~~added by P.A. 101-516.~~ SOPPA does not provide specifics regarding security procedures or practices, nor is there a formal, nationalized standard specific to K-12, but the law does require ISBE to make available on its website guidance for schools pertaining to reasonable security procedures and practices. 105 ILCS 85/28; ~~added by P.A. 101-516.~~ ISBE has endorsed a security best practices document published by the Learning Technology Center of Illinois (an ISBE grant-funded program) as its guidance that all districts should follow, which is available at: www.isbe.net/Pages/Educational-Technology.aspx (see Reasonable Security Practices dropdown). The Learning Technology Center of Illinois offers cybersecurity training to administrators and educators throughout the State. See www.ltc.org. The U.S. Dept. of Education has also issued multiple guidance documents on security best practices for schools, available at: <https://studentprivacy.ed.gov/security>, and the federal Cybersecurity and Infrastructure Security Agency issued an online toolkit and report, *Protecting Our Future: Partnering to Safeguard K-12 Organizations from Cybersecurity Threats* (Jan. 2023), which includes recommended cybersecurity guidelines for K-12 schools, at: www.cisa.gov/protecting-our-future-cybersecurity-k-12. Additional resources, including *Digital Infrastructure Briefs* (Aug. 2023), are also available at: <https://tech.ed.gov/infrastructure/>.

¹¹ In the event of a breach of covered information of students, SOPPA requires school districts to provide two types of notices: (1) individual notices to the parents of students whose covered information was involved in the breach and (2) a more general notice about the breach on the district's website (or at the district administrative office, if it does not maintain a website) if the breach involved 10% or more of the district's student enrollment. 105 ILCS 85/27(a)(5) & (d); ~~added by P.A. 101-516.~~ See [sample administrative procedure](#) 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*, for details about the required notices.

updated
Legal References

Students

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

Use this procedure to establish a process for evaluating the use of educational technologies for student learning and/or District operations, and to facilitate compliance with the Student Online Personal Protection Act (SOPPA), ~~amended by P.A. 101-516.~~

Definitions (105 ILCS 85/5, ~~amended by P.A. 101-516~~)

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

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

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

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

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

Educational Technologies Evaluation and SOPPA Implementation

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

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

Actor	Action
	<p>physical safeguards that are consistent with ISBE guidance¹, at: www.isbe.net/Pages/Educational-Technology.aspx and 6:235-AP1, <i>Acceptable use of the District's Electronic Networks</i>. Coordinates with the Superintendent to implement any staff training on such practices. Coordinates with the Business Manager regarding any recommendations for purchases of equipment or software related to cybersecurity.</p> <p>2. Creates, maintains, and regularly updates an internal inventory of all Internet websites, online services, online applications, and mobile applications that are being used in the District for K-12 purposes. Note: The inventory does not need to include general audience websites, online services, online applications, or mobile applications, even if login credentials are required to access the general audience sites, services, or applications. The inventory list should include the following, and any other information deemed pertinent: ²</p> <ol style="list-style-type: none"> a. Name of Operator b. Contract term and expiration/renewal date c. K-12 purpose for which the online service, application, etc. is being used (e.g., curriculum content area and grade level(s)) d. A listing of the <i>data elements</i>³ of covered information that the District collects, maintains, or discloses to the operator. e. A layperson explanation of the data elements listed for each operator including how the district uses the information, to whom or what entities it discloses the information, and for what purpose(s) the information is used. <p>3. Ensures the following information is posted on the District's website⁴ and updated (if needed) by Jan. 31 and July 31 each year (105 ILCS</p>

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¹ 105 ILCS 85/27, ~~added by P.A. 101-516~~, required the Ill. State Board of Education (ISBE) to make available on its website a guidance document for schools pertaining to reasonable security procedures and practices. ISBE has endorsed a list of security best practices developed by the Learning Technology Center of Illinois. [Included in the guidance is a recommendation that schools have "written incident response plans that define roles of personnel as well as phases of incident handling/management." Having a plan is important so that districts can recover more quickly after a cyber incident, and it may be required by insurers to maintain cyber liability coverage. Sample plans and additional information are available at: www.cisa.gov/sites/default/files/publications/Incident-Response-Plan-Basics_508c.pdf, https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-61r2.pdf, and www.k12six.org/essentials-series.](#)

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

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

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

Actor	Action
	<p>85/27(a), added by P.A. 101-516 (See 7:345-AP, E1, <i>Student Covered Information Reporting Form</i>):</p> <ol style="list-style-type: none"> a. A list of operators with which the District has written contracts. 105 ILCS 85/27(a)(2). b. Copies of the District's written contracts with operators, with redactions as permitted by State law and mutually agreed upon between the District and operators. 105 ILCS 85/27(a)(2). c. Business address of each operator. 105 ILCS 85/27(a)(2). d. For each operator, a list of any subcontractors to whom covered information may be disclosed or a link to a page on the operator's website that clearly lists that information. 105 ILCS 85/27(a)(3). e. An explanation that is clear and understandable by a layperson, of the following (105 ILCS 85/27(a)(1)): <ol style="list-style-type: none"> i. The <i>data elements</i>⁵ of covered information that the District collects, maintains, or discloses to any person, entity, third party, or governmental agency. ii. To whom or to what entities the covered information is disclosed. iii. How the covered information is used. iv. The purpose of the disclosure of the covered information. f. For breaches involving 10% or more the District's enrolled students, a list of any breaches of covered information maintained by the District or by an operator that includes the following information (105 ILCS 85/27(a)(5), added by P.A. 101-516): <ol style="list-style-type: none"> i. The number of students whose covered information was involved in the breach, unless the breach involves the <i>personal information</i> of students, as defined by the Personal Information Protection Act, 815 ILCS 530/510. Personal information means either: <ol style="list-style-type: none"> 1. A student's first name or first initial and last name in combination with any one or more of his or her (a) social security number, (b) driver's license number or State ID card number, (c) financial account information (with any required security codes or passwords), (d) medical information, (e) health insurance information, and/or (f) unique biometric data or other unique physical or digital representation of biometric data, when either the name or data elements are not encrypted or redacted or are encrypted

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⁵ See f/n 1, above.

Actor	Action
	<p>or redacted but the keys to unencrypt or unredact or otherwise read the name or data elements have been acquired through the breach of security; or</p> <p>2. A student's username or email address, in combination with a password or security question and answer that would permit access to an online account, when either the username or email address or password or security question and answer are not encrypted or redacted or are encrypted or redacted, but the keys to unencrypt or unredact or otherwise read the data elements have been obtained through the breach of security.</p> <p>g. A written description of the procedures a parent may use to carry out their rights to: (1) inspect and review his/her child's covered information; (2) request electronic or paper copies of his/her child's covered information and (3) request corrections to his/her child's inaccurate covered information under SOPPA. 105 ILCS 85/27(4), added by P.A. 101-516. See 7:345-AP, E4, <i>Notice of Parent Rights Regarding Student Covered Information</i>.</p> <p>4. Posts on the District's website any new operator contracts within 10 business days of the District entering into the contract, along with the information required in items 3.a. through 3.e. listed immediately above.⁶ 105 ILCS 85/27(c), added by P.A. 101-516.</p> <p>5. Promptly notifies the Superintendent of any breach of covered information or other personal information of students so that appropriate notices can be provided.</p>
Business Manager or Privacy Officer	<p>1. Assists Head of IT in creating, maintaining, and updating the internal inventory list referenced in the row above.</p> <p>2. Reviews operator contracts (including electronic agreements, click wrap agreements, or other terms and conditions a user must agree to before using the product or service) before approval to ensure they contain the provisions required by SOPPA (this can also be accomplished through the Business Manager's participation in the Committee described above).</p> <p>The following provisions are required for contracts entered into, renewed, or amended as of 7-1-21, if the operator is seeking in any</p>

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

Actor	Action
	<p>manner any covered information from the District (105 ILCS 85/15(4) and 85/27(e), added by P.A. 101-516):</p> <ol style="list-style-type: none"> a. A listing of the categories or types of covered information to be provided to the operator. b. A statement of the product or service being provided to the District by the operator. c. A statement that, pursuant to the federal Family Educational Rights and Privacy Act of 1974 (FERPA), the operator (1) is acting as a school official with a legitimate educational interest, (2) is performing an institutional service or function for which the District would otherwise use employees, (3) is under the direct control of the District, with respect to the use and maintenance of covered information, (4) is using the covered information only for an authorized purpose and (5) may not re-disclose covered information to third parties without the District's permission or pursuant to a court order. d. A description of how, if a breach is attributed to the operator, any costs and expenses incurred by the District in investigating and remediating the breach will be allocated between the operator and District. The costs and expenses may include, but are not limited to: (1) providing notification to parent of those students whose covered information was compromised and to regulatory agencies or other entities as required by law or contract, (2) providing credit monitoring to those students whose covered information was exposed in a manner during the breach that a reasonable person would believe that it could impact his or her credit or financial security, (3) legal fees, audit costs, fines, and any other fees or damages imposed against the school as a result of the security breach; and (4) providing any other notifications or fulfilling any other requirements adopted by the ISBE or of any other State or federal laws e. A statement that the operator must delete or transfer to the school all covered information if the information is no longer needed for the purposes of the written agreement and to specify the time period in which the information must be deleted or transferred once the operator is made aware that the information is no longer needed for the purposes of the written agreement. f. If the District maintains a website, a statement that the District must publish the written agreement on the District's website. If the school does not maintain a website, a statement that the District will make the written agreement available for inspection by the general public at its administrative office. g. A provision requiring the operator to implement and maintain reasonable security procedures and practices that otherwise meet or exceed industry standards designed to protect covered

Actor	Action
	<p>information from unauthorized access, destruction, use, modification, or disclosure.</p> <ol style="list-style-type: none"> 3. As permitted by State law, obtains the operator's agreement regarding what provisions, if any, of the contract will be redacted in the copy that is posted on the District's website. Items 2.a, 2.b, and 2.c in the list immediately above may NOT be redacted in the posted copy. 4. Ensures that the District also has written agreements in place that include the provisions listed in #2 above whenever it shares, transfers, discloses, or provides access to a student's covered information to an entity or individual, other than the student's parent, school personnel, Board members, or ISBE, unless the disclosure or transfer is (1) required by court or State or federal law or (2) to ensure legal or regulatory compliance. 105 ILCS 85/26(2); added by P.A. 101-516.⁷ 5. With the authorization of the Superintendent, consults with the Board Attorney as needed for contract review. 6. Provides a copy of all operator contracts to the Head of IT for posting on the District's website.
<p>Head of IT and Records Custodian or Privacy Officer</p>	<ol style="list-style-type: none"> 1. Develops and maintains a protocol to manage parent requests to inspect and review their child's covered information, whether it is maintained by the District, ISBE, or an operator. 105 ILCS 85/33(c)(1); added by P.A. 101-516. If the covered information is a <i>school student record</i>, then follow the procedures and timelines for responding to student record requests in 7:340-AP1, <i>School Student Records</i>. 2. Develops and maintains a protocol to manage parent requests for copies (electronic and paper) of students' covered information. Aligns the protocol with the following requirements (105 ILCS 85/33(c)(2); added by P.A. 101-516): <ol style="list-style-type: none"> a. A parent must submit the request on a signed and dated form that includes the parent's name, address, phone number, and the student's name, and the school from which the request is being made. 23 Ill.Admin.Code §380.20(b). See 7:345-AP, E5, <i>Parent Request Form for Student Covered Information</i>. b. The District must provide the parent with a copy of the student's covered information within 45 days of receipt of the request. 23 Ill.Admin.Code §380.20(a). c. If the parent requests an electronic copy of the student's covered information, the District must provide an electronic copy of the information at no cost, unless the District does not maintain it in an electronic format and reproducing the information in an electronic format would be unduly

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

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	<p>burdensome to the District. 23 Ill.Admin.Code §§380.20(a), 380.30(a).</p> <ul style="list-style-type: none"> d. If the parent requests a paper copy of the student’s covered information, after providing the first 50 pages at no cost, the District may charge the parent the actual cost of copying, not to exceed \$0.15 per page. However, the parent may not be denied a copy of the information due to the parent’s inability to pay the cost of copying. 23 Ill.Admin.Code §380.30(b). e. A parent may make no more than two requests per student per fiscal quarter. 23 Ill.Admin.Code 380.20(d). f. If the covered information requested includes data on more than one student, the parent may inspect and review only the covered information relevant to the parent’s child. g. If the covered information is a <i>school student record</i>, then follow the procedures and timelines for responding to student record requests in 7:340-AP1, <i>School Student Records</i>. <p>3. Develops and maintains a protocol to manage parent requests for corrections to factual inaccuracies contained in a student’s covered information. See 7:345-AP, E6, <i>Parent Request Form for Correction of Student Covered Information</i>. Aligns the protocol with the following requirements (105 ILCS 85/33(c)(3), added by P.A. 101-516):</p> <ul style="list-style-type: none"> a. The District must determine whether the factual inaccuracy exists. b. If the District determines that a factual inaccuracy exists, and the District maintains or possesses the covered information, it must correct the inaccuracy and confirm the same with the parent within 90 calendar days after receiving the parent’s request. c. If the District determines that a factual inaccuracy exists and an operator or ISBE maintains or possesses the information, the District must notify the operator or ISBE of the factual inaccuracy and correction to be made. The operator or ISBE must confirm the correction with the District within 90 calendar days after it receives the District’s notice. The District must then confirm the correction with the parent within 10 business days after receiving confirmation of the correction from the operator or ISBE. d. If the covered information is a <i>school student record</i>, and the parent requests a hearing to challenge the accuracy of the record(s), follow the procedures and timelines in 7:340-AP1, <i>School Student Records</i>. <p>4. Develops and maintains a protocol to manage parent requests for deletion of a student’s covered information maintained by an operator. Align the protocol with the following requirements:</p> <ul style="list-style-type: none"> a. Deny the request if granting it would result in a violation of the Ill. School Student Records Act or other records laws, such as the deletion of a <i>school student record</i> (temporary or

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	<p>permanent) that the District is required by law to maintain for a certain period of time. 105 ILCS 85/27(g), added by P.A. 101-516.</p> <p>b. Consider denying the request if granting it would effectively result in the student being unable to participate in all or a portion of the District’s curriculum through the site, service, or application being used. ⁸</p>
Building Principal(s) or Privacy Officer	<ol style="list-style-type: none"> 1. Ensures that parents are provided with 7:345-AP, E2, <i>Student Data Privacy; Notice to Parents About Educational Technology Vendors</i>, at the beginning of each school year through distribution of school handbooks or other means generally used by the building to provide such notices to parents.⁹ 105 ILCS 85/28(e), added by P.A. 101-516. 2. Promptly communicates any parent requests for copies of, corrections to, or deletion of students’ covered information to the Records Custodian and Head of IT.
Staff Members	<ol style="list-style-type: none"> 1. Participate in any District-required trainings on the privacy and security of student data. 2. Refrain from using any new online sites, services, or applications that collect any student data or covered information that have not be pre-approved for use by the District. 3. Be familiar with and abide by policy 6:235, <i>Access to Electronic Networks</i>, and 6:235-AP1, <i>Acceptable Use of the District’s Electronic Networks</i>.
<p>K-12 Data Privacy and Cybersecurity Resources:</p> <p>www.isbe.net/Pages/Educational-Technology.aspx https://studentprivacy.ed.gov/www.studentprivacy.ed.gov/ https://tech.ed.gov/infrastructure/ www.ltcillinois.org/focus/data-privacy/ www.ltcillinois.org/services/dataprivacy/ www.cisa.gov/protecting-our-future-cybersecurity-k-12 www.studentprivacycompass.org www.k12six.org/www.k12cybersecure.com/resources/ www.cosn.org/edtech-topics/student-data-privacy/</p> <p>Attai, Linnette. <i>Student Data Privacy: Building a School Compliance Program</i>. (Rowman & Littlefield, 2018).</p>	

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

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

Updated Board Limitations

Community Relations

Visitors to and Conduct on School Property ¹

The following definitions apply to this policy:

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

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

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

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

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

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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 5/27-23.7(a).

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

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

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

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

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

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

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

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

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

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

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

Other relevant weapons laws include 705 ILCS 405/5-407 ([juvenile in possession of a firearm](#)), 720 ILCS 5/24-9 ([firearms: child protection](#)); [720 ILCS 5/44-424-1\(c\) \(unlawful use of weapons in schools\)](#); [5/11-10 \(firearms in schools\)](#); 720 ILCS 5/24-1.2, 5/24-3 (discharge of firearm and unlawful delivery or sale of a firearm near school); 705 ILCS 405/5-130, 405/5-805 (minor 15 years or older who commits aggravated battery with a firearm at school is tried as an adult).

⁷ See e.g., 720 ILCS 5/2-19.5 ([definition of school](#)), 5/16-1 ([theft](#)), 5/18-1 ([robbery: aggravated robbery](#)), 5/19-1 ([burglary](#)), and 21-1 ([criminal damage to property](#)), and [5/21-1.3 \(property damage penalties\)](#).

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

⁹ See e.g., 720 ILCS 5/11-9.3 (presence within school zone by child sex offenders prohibited), 5/11-14 (prostitution); [5/11-15 \(repealed\)](#), and 5/11-18 (patronizing a prostitute); 720 ILCS 5/21-11 (soliciting students to commit illegal acts).

¹⁰ Required by 105 ILCS 5/10-20.5b and 410 ILCS 82/1 [et seq.](#) Federal law prohibits smoking inside schools (20 U.S.C. [§79736083](#)); districts failing to comply with the federal no-smoking ban risk a civil penalty of up to \$1000 per violation per day.

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

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¹¹ See 720 ILCS 570/407 (delivery of controlled substance on or within 1000 feet of a school) and 410 ILCS 705/ (~~Cannabis Regulation and Tax Act~~), ~~added by P.A. 101-27~~. See also the discussion in f/n 5 and 6 of ~~sample~~ policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*; this statement must be consistent with employee working conditions and employee conduct standards (see ~~sample administrative procedure~~ 5:120-AP2, *Employee Conduct Standards*).

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

¹³ Managing cannabis on district property and the school setting presents many unsettled and complex legal issues. To legally use medical cannabis in Illinois, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)). 410 ILCS 130/, ~~amended by P.A. 101-363, eff. 1-1-20 and scheduled to be repealed on 7-1-20~~. 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), ~~amended by P.A. 101-363, eff. 1-1-20 and scheduled to be repealed on 7-1-20~~. However, *Ashley's Law*, 105 ILCS 5/22-33(b) and (g), ~~added by P.A. 100-660~~, allows *designated caregivers* to administer medical cannabis infused products to students who are *registered qualifying patients* at school or on the school bus, and requires school boards to adopt a policy to implement the law unless the district would lose federal funding. See ~~sample~~ policy 7:270, *Administering Medicines to Students* and its f/n 210.

Remember that *Ashley's Law* requires the designated caregiver to remove the product from the school premises or the school bus after administering it to the student, so as a result, policy 7:270, *Administering Medicines to Students*, requires immediate removal of medical cannabis infused products after administering them to the student (see f/n ~~25-26~~ of that policy for further discussions).

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

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

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

Convicted Child Sex Offender ¹⁷

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

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

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

Exclusive Bargaining Representative Agent ¹⁸

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

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

¹⁸ 105 ILCS 5/-24-25; 115 ILCS 5/3(c), ~~added by P.A. 101-620~~. 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, ~~amended by P.A. 101-620~~, expanded the rights of access by bargaining representatives to also include meeting with employees during the employee work day if the meeting: (1) is to investigate and discuss grievances and workplace-related complaints (no time limit is specified) or (2) is with a newly hired employee within the first two weeks of employment (or on a later date if mutually agreed upon by the employee and bargaining representative) for one hour or less. In those circumstances, the district may not dock employee pay or charge leave time. 115 ILCS 5/3(c). However, the access must be *reasonable* and "shall at all times be conducted in a manner so as not to impede normal operations." *Id.* Consult the board attorney for guidance regarding specific requests and whether, if granted, they would impede normal operations, e.g., requests for access to staff while they are performing instructional or supervisory duties. Determining whether normal operations are impeded will likely depend upon the position and duties of the employee in the district.

Enforcement

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

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

Procedures to Deny Future Admission to Athletic or Extracurricular School Events or Meetings

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

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¹⁹ ~~14~~105 ILCS 5/24-25. Refusal to provide such information is a Class A misdemeanor.

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

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

²² ~~14~~-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.

~~For ease of administration, this text is broader than aligns with 105 ILCS 5/24-24, and only requires~~ a hearing for denying admission to both school events and meetings. The court in Nuding (see fn 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.

For boards that wish to narrow the policy text to mirror 105 ILCS 5/24-24, delete the following text from the subhead and the first sentence of the policy:

Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board.

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
4. Instructions on how to waive a hearing.²³

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000).
 20 U.S.C. §79718+ et seq., Pro-Children Act of 2001+994.
 105 ILCS 5/10-20.5, 10-20.5b, 5/10-22.10, 5/22-33, 5/24-25, and 5/27-23.7(a).
 115 ILCS 5/3(c), Ill. Educational Labor Relations Act.
 410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
~~430 ILCS 66/, Firearm Concealed Carry 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)

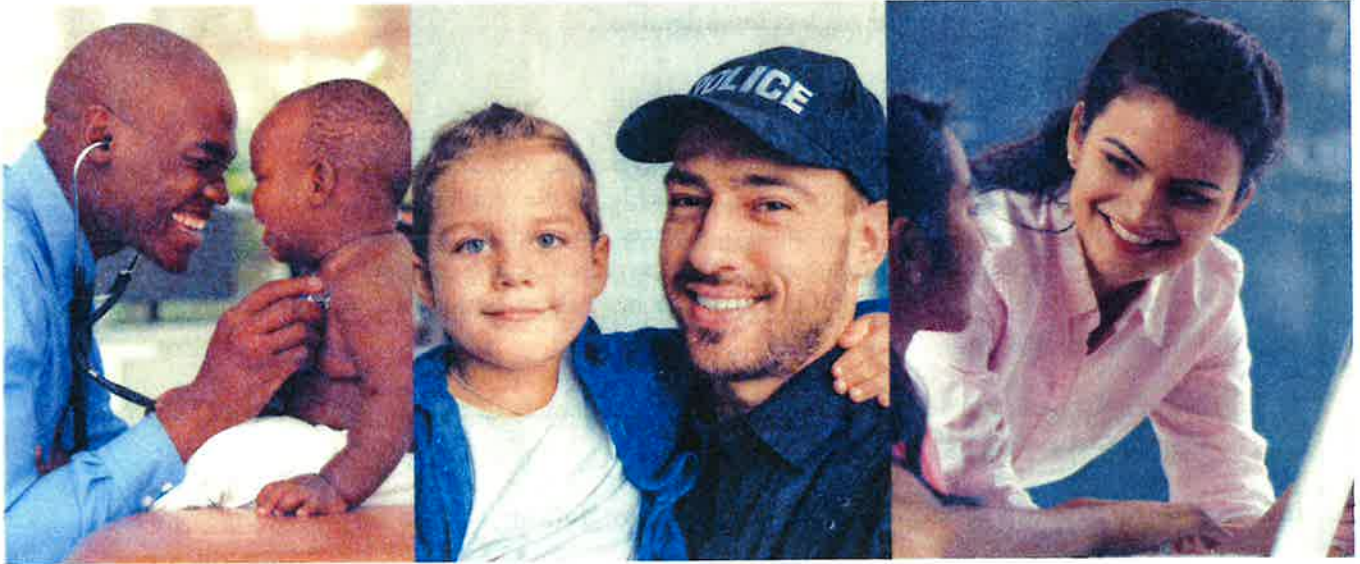
The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

Consult the board attorney ~~if the district would like to deny an individual admission to board meetings before deleting the above text, especially if the board has put the current text into practice and now plans to narrow it.~~ 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).

~~If a violator is a student, the hearing should be held in a closed meeting, 5 ILCS 120/2(e)(9). If, however, the violator is not a student, the hearing must be held in an open session.~~

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

Manual for Mandated Reporters



Children's Justice Task Force

September 2020

Revised Edition

Illinois Department of
DCFS
Children & Family Services

Guidelines for Calling the Child Abuse Hotline

Mandated reporters are required to call the Hotline when they have **reasonable cause to believe** that a child known to them in their professional or official capacity may be an abused or neglected child. The Hotline worker will determine if the information given by the reporter meets the legal requirements to initiate an investigation.

Criteria needed for a child abuse or neglect investigation

- The alleged victim is a child under the age of 18.
- The alleged perpetrator is a parent, guardian, foster parent, relative caregiver, paramour, any individual residing in the same home, any person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust (for example: health care professionals, educational personnel, recreational supervisors, members of the clergy, volunteers or support personnel) in settings where children may be subject to abuse and neglect.
- There must be an incident of harm or a set of circumstances that would lead a reasonable person to suspect that a child was abused or neglected

Information the reporter should have ready to give to the Hotline

- Names, birth dates (or approximate ages), races, genders, etc. for all adult and child subjects.
- Addresses for all victims and perpetrators, including current location.
- Information about the siblings or other family members, if available.
- Specific information about the abusive incident or the circumstances contributing to risk of harm—for example, when the incident occurred, the extent of the injuries, how the child says it happened, and any other pertinent information.

If this information is not readily available, the reporter should not delay a call to the hotline.

Illinois Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873)

The Hotline operates 24 hours per day, 365 days a year. Reporters should be prepared to provide phone numbers where they may be reached throughout the day in case the Hotline must call back for more information.

If your call is not an emergency, please submit your report online through our online reporting system at <https://dcfsonlinereporting.dcf.illinois.gov/>.

The Department of Children and Family Services has designed this manual to help you understand your responsibility to report suspected child abuse and neglect to the DCFS Child Abuse Hotline. If your report is accepted, DCFS child protection specialists will begin an investigation to determine the occurrence of abuse or neglect. You will be informed of the investigation results, and you may request a review of “unfounded” investigations if there is important information that was overlooked during the investigation (see ANCRA, 325 ILCS 5/7.21). If the Hotline does not accept your report, you may ask to speak with a Hotline supervisor and have your information reassessed as stated on page 24 of this manual.

This manual contains a link to a copy of the *Abused and Neglected Child Reporting Act* (ANCRA) which defines the department’s intake and investigation of child abuse and neglect reports. Some of the most significant changes to this law that have taken effect since this manual was last revised are noted below.

1. The list of mandated reporters required by the Act to report child abuse and neglect has been broadened and clarified to now include: ***“licensed professional counselors of any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives.”*** [325 ILCS 5/4]
2. **The definition for “Police station” now means a municipal police station, a county sheriff’s office, a campus police department located on any college or university owned or controlled by the State or any private college or private university that is not owned or controlled by the State when employees of the campus police department are present, or any of the district headquarters of the Illinois State Police.** [315 ILCS 2/10]

(The above definition has a direct effect on Section 300.180, Abandoned Newborn Infants)

3. Personnel of institutions of higher education, athletic program or facility personnel, and early intervention providers are now mandated reporters.
4. Possibly one of the most disturbing issues of our times worldwide and one that has affected us here at home as well is the worldwide epidemic of “Human Trafficking.” No longer seen only in Eastern Europe or Asia, but now here in Illinois, allegation #40/90 Human Trafficking of Children has been added to ANCRA and it is defined as follows: ***“Federal law defines severe forms of trafficking of persons as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.”*** [U.S.C.§ 7102(8)]
5. If your call is not an emergency, please submit your report online through our online reporting system at <https://dcfsonlinereporting.dcf.illinois.gov/>.

In addition to distributing this manual, the Department of Children and Family Services provides an online training course entitled **Recognizing and Reporting Child Abuse: Training for Mandated Reporters**, available 24 hours a day, 365 days a year on the DCFS website.

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Disclaimer

This manual is provided as a public service by the Illinois Department of Children and Family Services and is intended for the informational use and convenience of interested persons and should not be considered a substitute for the advice of legal counsel.

Although the information found in this manual is believed to be reliable as of the time of this manual's publication, no warranty, expressed or implied, is made regarding the accuracy, completeness, or legality of any information, either isolated or in the aggregate. The information is provided "as is". Changes may be periodically made to the information contained herein; these changes may or may not be incorporated into this manual; and information contained in the manual may quickly become out of date. Therefore, we encourage you to consult an attorney of your choice for legal advice and for the most recent versions and interpretations of the applicable law.

Further, if you find any errors or omissions, we encourage you to report them to the DCFS Office of Child and Family Policy by email at DCFS.Policy@illinois.gov or phone 217-524-1983.

Introduction

A professional with the legal responsibility to report suspected child abuse or neglect carefully considers the decision to make a report. Sometimes the case is clear cut; other times there are issues which make reporting less certain. The goal of this manual is to help guide you in making that critical decision. Professionals who work with children need to know:

- Who must report suspected abuse or neglect of children?
- What happens when a report of child abuse or neglect is made?
- Why are some cases accepted for investigation while others are not?
- What are the legal definitions of abuse and neglect and how are they interpreted?
- What legal protections are afforded mandated reporters?
- What are the possible penalties for failure to report?
- What happens after a report is accepted?

The purpose of this manual is to answer these questions and to acquaint you with the operation of the child protection system in Illinois.

The ability of the state to intervene in families to protect children comes from the authority granted to the State by law. Both legislation and case law established by the courts set the limits of State intervention. While there are many laws guiding child protection and child welfare interventions, the most important in Illinois is the **Abused and Neglected Child Reporting Act (ANCRA)**. Illinois (and all other states) require a wide range of professionals to report suspected child maltreatment. These professionals and any other person required by law to report suspected abuse or neglect are called **mandated reporters**. In Illinois, the definition of abuse and neglect and the definition of mandated reporters and some of the “rules” for investigating and responding to abuse and neglect are spelled out in the **Abused and Neglected Child Reporting Act (ANCRA)** of 1975. This act has been amended numerous times and forms the basis for all child protection policies and activities throughout the State.

Child Welfare Laws and Their Impact

Difficulties in Reporting Child Abuse and Neglect

The Department of Children and Family Services (DCFS) is the state agency given the responsibility by ANCRA to conduct investigations of child maltreatment and to arrange for needed services for children and families where credible evidence of abuse or neglect exists (“Indicated” cases). In Illinois, approximately 65 percent of all calls to report abuse or neglect to DCFS’s Hotline (the central registry for reporting) come from mandated reporters.

The requirement that professionals report child maltreatment, together with a growing public awareness of child abuse and neglect, have had a significant impact over the past 25 years. Reports of abuse and neglect have risen sharply nationwide. An estimated 125,000 Illinois children are abused or neglected each year, and one in five kids are abused before age 18. DCFS receives, investigates and acts upon a report of child abuse or neglect every five minutes, child sex abuse every two hours, and a child death by abuse or neglect every day-and-a-half.

Despite the increase in reports, many serious cases of child maltreatment go unreported, even by mandated reporters. On the other hand, many calls to the Hotline are not accepted as reports to be investigated or are found to lack credible evidence of abuse or neglect when investigated (“Unfounded” cases). There are a number of issues which help explain this seeming inconsistency.

- Some reporters believe that “it doesn’t do any good” to make a report. This concern may come from the experience of having a report not accepted or from not seeing any clear beneficial result from the report.
- Reporters may not be open to the possibility of child maltreatment and may therefore deny its presence.
- The lack of specificity in the law and its definitions of abuse and neglect create many “gray areas”, leading to confusion for reporters. While this lack of specificity may make judgment about what must be reported unclear, it also allows for some flexibility in interpretation. This is important in covering all possible situations.
- Reporters may lack a thorough understanding of the limits of the authority of DCFS to intervene in certain kinds of situations that fall outside DCFS’s legal jurisdiction.
- Finally, concern about a child’s well-being or a fear of being accused of failing to report may lead mandated reporters to “err on the side of caution”, reporting incidents that may not meet the definition of abuse or neglect.

When mandated reporters make good faith efforts and their reports are either not accepted by the DCFS Hotline or are not indicated upon investigation, reporters can feel frustrated and distrustful. Yet, due to the limitations of its legal jurisdiction, DCFS cannot accept some cases.

Careful screening of reports by Hotline staff is in order. The investigation of abuse or neglect is necessarily very intrusive into family life. The state must exercise its authority cautiously and appropriately in order to respect the rights of parents. The guiding principle used is "minimally acceptable parenting standards." The State has the authority to intervene in family life when basic standards of care and protection from harm are not met. Not only the law, but the courts constrain DCFS intervention. It is important to remember that many decisions about child protection are made in conjunction with the court. In Illinois the Juvenile Court determines if there is sufficient evidence to adjudicate a child abused or neglected under the law. The court also determines if children will be removed from their homes and placed in foster care. In making its decisions, the Juvenile Court must have a preponderance of evidence that abuse or neglect has occurred.

Mandated reporters express concern that children who have been abused or neglected often remain in their parents' care. This fact illustrates the philosophy and law of the State of Illinois as well as federal law that the majority of children are best served in their own homes by their own families, with specialized services and monitoring of child safety provided by the State. According to ANCRA, DCFS shall

"protect the health, safety, and best interests of the child in all situations in which the child is vulnerable to child abuse or neglect, offer protective services in order to prevent any further harm to the child and to other children in the same environment or family, stabilize the home environment, and preserve family life whenever possible."
(325 ILCS 5/2)

In making a report, mandated reporters are in the best position to identify signs of harm to children and to take the steps necessary to help protect them. This manual should increase your understanding of the procedure for making a report and your knowledge of what happens once a report is accepted. By making the most effective reports, the available resources for protecting children can be put to the best use.

Responsibilities of Mandated Reporters

Who are mandated reporters?

This section identifies the responsibilities of mandated reporters to report child maltreatment and the basic types of maltreatment that must be reported. The information in this chapter comes from the Abused and Neglected Child Reporting Act (325 ILCS 5/4).

Mandated reporters are professionals who may work with children in the course of their professional duties. The following persons are required to immediately report to the Department when they have reasonable cause to believe that a child known to them in their professional or official capacities may be an abused child or neglected child:

Medical Personnel, including any: physician licensed to practice medicine in any of its branches (medical doctor or doctor of osteopathy); resident; intern; medical administrator or personnel engaged in the examination, care, and treatment of persons; psychiatrist; surgeon; dentist; dental hygienist; chiropractic physician; podiatric physician; physician assistant; emergency medical technician; acupuncturist; registered nurse; licensed practical nurse; advanced practice registered nurse; genetic counselor; respiratory care practitioner; home health aide or certified nursing assistant.

Social Service and Mental Health Personnel, including any: licensed professional counselor; licensed clinical professional counselor; licensed social worker; licensed clinical social worker; licensed psychologist or assistant working under direct supervision of a psychologist; associate licensed marriage and family therapist; licensed marriage and family therapist; field personnel of the Departments of Healthcare and Family Services, Public Health, Human Services, Human Rights, or Children and Family Services; supervisor or administrator of the General Assistance program established under Article VI of the Illinois Public Aid Code; social services administrator; or substance abuse treatment personnel.

Crisis Intervention Personnel, including any: crisis line or hotline personnel; or domestic violence program personnel.

Education Personnel, including any: school personnel (including administrators and certified and non-certified school employees); personnel of institutions of higher education; educational advocate assigned to a child in accordance with the School Code; member of a school board or the Chicago Board of Education or the governing body of a private school (but only to the extent required under Section 4 (d) of the Abused and Neglect Reporting Act [325 ILCS 5/4 (d)]; or truant officer.

Recreation or Athletic Program or Facility Personnel

Child Care Personnel, including any: early intervention provider as defined in the Early Intervention Services System Act; director or staff assistant of a nursery school or a child day care center; or foster parent, homemaker or child care worker.

Law Enforcement Personnel, including any: law enforcement officer; field personnel of the Department of Juvenile Justice; field personnel of the Department of Corrections; probation officer; or animal control

officer or field investigator of the Department of Agriculture's Bureau of Animal Health and Welfare.

Any Funeral Home Director; Embalmer; funeral home employee; Coroner; or Medical Examiner

Any Member of the Clergy

Any Physician, physician assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, licensed social worker, licensed clinical social worker, or licensed professional counselor of any office, clinic, or any other physical location that provides abortions, abortion referrals or contraceptives. [325 ILCS 5/4]

When 2 or more persons who work within the same workplace and are required to report under this Act share a reasonable cause to believe that a child may be an abused or neglected child, one of those reporters may be designated to make a single report. The report shall include the names and contact information for the other mandated reporters sharing the reasonable cause to believe that a child may be an abused or neglected child. The designated reporter must provide written confirmation of the report to those mandated reporters within 48 hours. If confirmation is not provided, those mandated reporters are individually responsible for immediately ensuring a report is made. Nothing in this Section precludes or may be used to preclude any person from reporting child abuse or child neglect. [325 ILCS 5/4]

Note: Additional confirmation that a report was made may be established by obtaining the intake number from the designated mandated reporter.

As used in this Section, "a child known to them in their professional or official capacities" means:

1. The mandated reporter comes into contact with the child in the course of the reporter's employment or practice of a profession, or through a regularly scheduled program, activity or service;
2. The mandated reporter is affiliated with an agency, institution, organization, school, school district, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance or training of the child; or
3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse or child neglect, and the disclosure happens while the mandated reporter is engaged in his or her employment or practice of a profession, or in a regularly scheduled program, activity or service.

Nothing in this Section requires a child to come before the mandated reporter in order for the reporter to make a report of suspected child abuse or child neglect. [325 ILCS 6/5]

In addition to the persons required to report suspected cases of child abuse or child neglect under the Section, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or neglected child. [325 ILCS 6/5]

What is required of mandated reporters?

Mandated reporters are **required** to report suspected child abuse or neglect immediately when they have “**reasonable cause to believe**” that a child known to them in their professional or official capacity may be an abused or neglected child”. (325 ILCS 5/4) Reports are made done by calling the DCFS Hotline at **1-800-252-2873** or **1-800-25ABUSE**.

Note: If your call is not an emergency, please submit your report online through the online reporting system at <https://dcfsonlinereporting.dcf.illinois.gov/>.

As professionals who work with children, mandated reporters are assumed to be in the best position to recognize and report child abuse and neglect as soon as possible. Mandated reporters are the state’s “early warning system” to identify probable abuse early enough to avoid serious and long-term damage to a child. The State’s primary goal is to protect the child and, whenever possible, to stabilize and preserve the family so that it may remain intact.

The Abused and Neglected Child Reporting Act places several requirements on you as a mandated reporter.

- You are required to “*immediately report or cause a report to be made to the department*” of suspected child abuse or neglect.
- **Privileged communication between professional and client is not grounds for failure to report.** Willful failure to report suspected incidents of child abuse or neglect is a misdemeanor (first violation) or a class 4 felony (second or subsequent violation). Further, professionals may be subject to penalties by their regulatory boards for willful failure to report. A member of the clergy may claim privilege under Section 8-803 of the Code of Civil Procedure.
- State law protects the identity of all mandated reporters, and you are given immunity from legal liability as a result of reports you make in good faith; however, you may have to testify regarding any incident you report if the case becomes the subject of legal or judicial action.
- Reports must be confirmed in writing to the local investigation unit within 48 hours of the Hotline call. Forms may be obtained from the local DCFS office or you may duplicate and use the forms in Appendix D of this manual.

Mandated reporter training

Persons required to report child abuse or child neglect as provided under this Section must complete an initial mandated reporter training within three months of their date of engagement in a professional or official capacity as a mandated reporter, or within the timeframe of any other applicable state law that governs training requirements for a specific profession, and at least every three years thereafter. The initial requirement only applies to the first time they engage in their professional or official capacity. In lieu of training every three years, medical personnel, as listed in paragraph (1) of Section 4 (a) of the Abused and Neglected Child Reporting Act, must meet the requirements described in subsection (k) of the Act. [325 ILCS 5/4]

The trainings shall be in-person or web-based, and shall include, at a minimum, information on the following topics:

- Indicators for recognizing child abuse and neglect, as defined under this Act;
- The process for reporting suspected child abuse and child neglect in Illinois as required by this Act and the required documentation;
- Responding to a child in a trauma-informed manner; and
- Understanding the response of child protective services and the role of the reporter after a call has been made. Child-serving organizations are encouraged to provide in-person annual trainings.

The mandated reporter training shall be provided through the Department, through an entity authorized to provide continuing education for professionals licensed through the Department of Financial and Professional Regulation, the State Board of Education, the Illinois Law Enforcement Training Standards Board, the Department of State Police, or through an organization approved by the Department to provide mandated reporter training. The Department must make available a free web-based training for reporters (a free online mandated reporter training is available on the DCFS website for all mandated reporters and the general public).

Each mandated reporter shall report to his or her employer and, when applicable, to his or her licensing or certification board that he or she received the mandated reporter training. The mandated reporter shall maintain records of completion.

Beginning January 1, 2021, if a mandated reporter receives licensure from the Department of Financial and Professional Regulation or the State Board of Education, and his or her profession has continuing education requirements, the training mandated under this Section shall count toward meeting the licensee's required continuing education hours.

Medical personnel, as listed in paragraph (1) of Section 4(a) of the Abused and Neglected Child Reporting Act who work with children in their professional or official capacity, must complete mandated reporter training at least every six years. Such medical personnel, if licensed, must attest at each time of licensure renewal on their renewal form that they understand

they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made.

In lieu of repeated training, medical personnel, as listed in paragraph (1) of Section 4(a), of the Abused and Neglected Child Reporting Act, who do not work with children in their professional or official capacity, may instead attest each time at licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made. Nothing in this paragraph precludes medical personnel from completing mandated reporter training and receiving continuing education credits for that training. [325 ILCS 5/4]

Acknowledgment of reporting responsibility

Individuals who became mandated reporters on or after July 1, 1986, by virtue of their employment shall sign statements acknowledging that they are mandated to report suspected child abuse and neglect in accordance with Section 4 of the Act. The statement shall be on a form prescribed by the Department, but provided by the employer. The statement shall be signed before beginning employment and shall be retained by the employer as a permanent part of the personnel record.

Note: The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act. [325 ILCS 5/4]

Interference with reporting prohibited

Whenever such person is required to report under the Act in his or her capacity as member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he or she shall make a report immediately to the Department in accordance with provisions of the Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his or her designated agent that such a report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or designated agent to whom such notification has been made exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department. [325 ILCS 5/4]

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 2012. A violation of this provision is a Class 4 felony.

Any person who knowingly and willfully violates any provisions of [Section 4 of the Act] other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation. [325 ILCS 5/4]

No employer shall discharge, demote or suspend, or threaten to discharge, demote or suspend, or in any manner discriminate against any employee who makes a good faith oral or written report of suspected child abuse or neglect, or who is or will be a witness or testify in any investigation or proceeding concerning a report of suspected child abuse or neglect. [325 ILCS 5/9.1]

The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by the Act or constitute grounds for failure to share information or documents with the Department during the course of a child abuse or neglect investigation. If requested by the professional, the Department shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation. [325 ILCS 5/4]

Mandated reporters who willfully fail to report suspected child abuse or neglect are subject to license suspension or revocation in accordance with, but not limited to the following statutes:

- Nurse Practice Act of 1987 [225 ILCS 65];
- Medical Practice Act of 1987 [225 ILCS 60];
- Podiatric Medical Practice Act of 1987 [225 ILCS 100];
- Clinical Psychologist Licensing Act [225 ILCS 15];
- Clinical Social Worker and Social Work Practice Act [225 ILCS 20];
- The School Code [105 ILCS 5];
- The Illinois Dental Practice Act [225 ILCS 25];
- Physician Assistant Practice Act of 1987 [225 ILCS 95];
- Illinois Optometric Practice Act of 1987 [225 ILCS 80];
- Illinois Physical Therapy Act [225 ILCS 90]; and
- Illinois Athletic Trainers Act [225 ILCS 5].

Any physician who willfully fails to report child abuse or neglect shall be referred to the Illinois State Medical Disciplinary Board for action and similar referrals are required for dentists and dental hygienists. Any other person required to report suspected child abuse or neglect who willfully fails to report such abuse or neglect shall be guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation. [325 ILCS 5/4.02]

Members of clergy of any religious denomination accredited by the religious body to which he or she belongs shall not be compelled to disclose a confession or admission made to him or her in his or her professional character or as a spiritual advisor.

Consequences of failure to Report

Written confirmation of reports

Mandated reporters shall confirm their telephone report in writing on a form prescribed by the Department within 48 hours after the oral report. The Department shall provide forms to mandated reporters, one for the exclusive use of medical professionals (CANTS 4 Written Confirmation of Suspected Child Abuse/Neglect Report: Medical Professionals) and another for use by all other mandated reporters (CANTS 5 Written Confirmation of Suspected Child Abuse/Neglect Report: Mandated Reporters). These confirmation reports shall be admissible as evidence in any administrative or judicial proceeding related to child abuse or neglect.

Consequences of false reporting

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 2012. A violation of this provision is a Class 4 felony.

Any person who knowingly and willfully violates any provisions of [Section 4 of the Act] other than a second or subsequent violation of submitting a false report as described in the preceding paragraph is guilty of a Class 4 felony for a second or subsequent violation. [325 ILCS 5/4] The Department shall refer cases of false reporting to the local State's Attorney when the reporter is known.

Cooperation in court or administrative hearings

Any person who makes a report or who investigates a report under the Act shall testify fully in any judicial proceedings or administrative hearings resulting from such report, as to any evidence of abuse or neglect, or the cause thereof. Any person who is required to report a suspected case of abuse or neglect shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse or neglect or the cause thereof. No evidence shall be excluded by reason of any common law or statutory privilege relating to communications between the alleged perpetrator of abuse or neglect, or the child subject of the report and any person who is required to report a suspected case of abuse or neglect or the person making or investigating the report. [325 ILCS 5/10]

Referrals to public health

All mandated reporters listed in this manual may refer to the Department of Public Health any pregnant person in Illinois who is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act. [20 ILCS 30 I]

Depending upon spiritual means through prayer alone for the treatment or cure of disease or remedial care

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian, or custodian accepts and practices such beliefs. [325 ILCS 5/4]

What is abuse?

Physical Abuse as defined by 325 ILCS 5/3 occurs when a parent or a person responsible for the child's welfare:

- "inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function". Such common injuries include bruises, human bites, bone fractures, and burns.
- "creates a substantial risk of physical injury" likely to have the physical impacts listed above. Examples in DCFS allegation definitions include such incidents as choking or smothering a child, shaking or throwing a small child, and violently pushing or shoving a child into fixed objects. Other circumstances include incidents of domestic violence in which the child was threatened, violations of orders for the perpetrator to remain apart from the child, and a history of past sexual abuse that may place other children at risk.
- commits "acts of torture" which is defined by DCFS as "deliberately and/or systematically inflicting cruel or unusual treatment which results in physical or mental suffering".
- "inflicts excessive corporal punishment" is included in ANCRA, but is not specifically further defined by DCFS. However, bruises inflicted on a child, especially a young child, are usually considered to meet this definition.
- "commits or allows to be committed the offense of female genital mutilation."
- "causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance" (i.e. illegal drugs) except when prescribed by a physician.

Sexual Abuse occurs when a person responsible for the child's welfare commits any of the following acts:

- sexually transmitted diseases are by DCFS definition "diseases which were acquired originally as a result of sexual penetration or conduct with an individual who was afflicted"
- sexual penetration includes any contact between the sex organ of one person and the sex organ, mouth, or anus of another person. Typical acts include vaginal, oral and anal sex.
- sexual exploitation is the use of a child for sexual arousal, gratification, advantage, or profit. Arousal and gratification of sexual need may be inferred from the act itself and surrounding circumstances.
- Sexual conduct is defined in the Illinois Criminal Sexual Assault Act as "*any intentional or knowing touching or fondling of the victim or the perpetrator, either directly or through clothing of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child...*"

for the purpose of sexual gratification or arousal of the victim or the accused.” Criminal Code of 2012 [720 ILCS 5/11-0.1].

- Substantial risk of sexual injury means that the parent, caregiver, immediate family member, person in a position of trust, other person residing in the home or the parent’s paramour has created a **real and significant danger** of sexual abuse, as explained in **Procedures 300, Appendix B**.

For both physical and sexual abuse, parents and caretakers are charged with the responsibility to take reasonable steps to stop abuse. If they do not, they may be charged with abuse themselves. (325 ILCS 5/3)

Neglect occurs when a person responsible for the child deprives or fails to provide the child with adequate food, clothing, shelter, or needed medical treatment. Neglect is also alleged when an adult provides inadequate supervision of a child. This can occur when children are left either unsupervised or in the care of someone unable to supervise due to his/her condition. ANCRA also includes the following when defining neglected child; “a child “who is subjected to an environment which is injurious insofar as (i) the child’s environment creates a likelihood of harm to the child’s health, physical well-being, or welfare and (ii) the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities.” Children can suffer injuries that are the result of “blatant disregard” and are considered neglect. According to DCFS, “Blatant disregard” means an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. (**Rules 300.20, Definitions**)

What are the guidelines to determine if there is reasonable cause to believe physical abuse, sexual abuse, or neglect may have occurred?

The definitions in ANCRA are not perfectly clear in helping mandated reporters (or DCFS investigators later) in distinguishing between inappropriate/undesirable parenting and those acts which constitute abuse and neglect. It is clear that there are many points at which judgments must be made. What is “**excessive**” corporal punishment? At what age is it safe to leave children alone? At what point does a dirty house become a health and safety concern?

How do you distinguish poverty from neglect? The question to ask yourself is “Has the child been harmed or been at substantial risk of harm?” This helps focus the issue and moves away from value judgments and attitudes about lifestyles.

In considering whether there is “reasonable cause” to make a report, there are some issues that are important for mandated reporters to consider in deciding whether to report an incident as suspected abuse or neglect. While it is not the function of the mandated reporter to investigate, enough information must be obtained to determine if a Hotline call is needed.

Did you observe evidence that some damage was done to the child? In physical abuse, this is most often some physical evidence of harm — a bruise, a fracture, or cuts. In sexual abuse cases, it is usually information from the victim about a specific incident of molestation, penetration, or exploitation. With neglect, there are concrete observations of a failure to provide for physical needs.

- What communication has the child provided? Is the information consistent and plausible with what you have observed?
- If the explanation comes from someone other than the child, how credible and/or complete is the information?
- Since the signs of sexual abuse can be uncertain, if a child tells you he/she is being abused by a caretaker or person responsible for the child's welfare, report it.
- Have there been past incidents which, in retrospect, may have been suspicious?

The law says that physical injury or the risk of injury that is **accidental** does not constitute abuse. This does not include the "I didn't mean to hit him so hard" excuse as accidental, but it does mean that injury to a child caused in reasonable circumstances may not be abuse. Children do engage in activities and behaviors in which they receive injuries but for which no one is responsible. On the other hand, some "accidental" injuries are preventable and can be attributed to "blatant disregard". What this means to the mandated reporter is that any information you have about the circumstances of the alleged abuse is important for the Hotline worker to know. When it is possible to determine, however, that a cut or a bruise or even a broken bone was due to an accident that might be understandable even with parental supervision, it is not necessary to make the report.

When can the Department of Children and Family Services become involved in suspected cases of child abuse or neglect?

The law in Illinois is quite clear about the circumstances under which DCFS can investigate and intervene when abuse or neglect of a child is suspected. The following conditions must be present:

1. the victim must be under the age of 18;
2. the alleged perpetrator (the person alleged to have committed the abuse/neglect) must be a parent, step-parent, paramour of the natural parent, guardian, foster parent, immediate family member (siblings and grandparents), any person living in the home of the child, a person who came to know the child through an official capacity or position of trust (such as a teacher, health care professional, or volunteer in a youth program), or a person who is responsible for the welfare of the child (such as a babysitter, day care facility, or residential facility); and
3. There must be an incident of harm or a set of circumstances that would lead a reasonable person to suspect that a child was abused or neglected

These conditions are very important. If a case does not contain all of these elements, the Department has no jurisdiction and cannot investigate the allegation. In such cases the Hotline intake worker may refer the reporter to a community agency (domestic violence shelter, youth crisis center) or to the police. If the reporter's call is not accepted for investigation, the Hotline worker must notify the reporter that the information is not sufficient for a report and will not be investigated. Such attempted reports, however, will be kept on the computer data base for six months.

Talking to the Hotline

Your role as a mandated reporter is to inform the department when you determine there is reason to believe that a child has been harmed or is in danger of being harmed — physically, sexually, or through neglect — and that a caretaker either committed the harm or should have taken steps to protect the child from the harm. You need to make the report immediately and no one within your employment setting is permitted to restrain the report. The function of the Hotline worker is to determine whether or not the harm to the child as described by the reporter qualifies as abuse or neglect under the State's definition and can be investigated by DCFS. It is not the job of the Hotline worker to make a determination that the suspected abuse has actually occurred. This is the function of the DCFS child protection specialist.

Most mandated reporters know that they are required to report suspected incidents of abuse, but they are not sure to whom they are reporting or what happens as a result of reports they make. This section provides an introduction to the State Central Register Hotline, where all calls reporting suspected abuse or neglect are taken. The discussion covers how the Hotline works in taking calls and how the Hotline workers screen calls to decide whether a report will be taken.

It is helpful to know some key terms as they are used by the department.

Allegation of harm – The content of the reporter’s concern about a child is coded by the Hotline worker into one or more allegations which define the nature of the harm or the risk of harm to the child. The allegations are listed in Appendix C.

Report – If the Hotline worker concludes that the allegation is one the department is legally empowered to investigate and that there is sufficient information to warrant investigation, a **report** will be taken. This means that DCFS will initiate an investigation of the allegation. Every call to the Hotline does not necessarily result in a report.

Credible evidence – means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child may have been abused or neglected.

Indicated – Cases are called “**indicated**” when an investigation has determined that credible evidence of the alleged abuse or neglect can be documented.

Unfounded – Cases are called “**unfounded**” when an investigation has determined that credible evidence of the alleged abuse or neglect cannot be documented. All unfounded reports are kept by the State Central Register (SCR) for a period of no less than five years. In addition, mandated reporters may request a review of an unfounded report within 10 days of notification if they have concerns about the adequacy of the investigation or if they feel that specific information has been overlooked. Reports that are unfounded are expunged from the SCR computer files when the retention period expires, unless the subject of the report believes the report was falsely filed and requests that it be retained.

Child welfare services referral – Means an assessment of the family for service needs and linkage to available local community resources for the purpose of preventing or remedying or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children, and as further defined in Department rules and procedures. [325 ILCS 5/7.01.]

Prior open service case – Means means a case in which the Department has provided services to the family either directly or through a purchase of service agency. [325 ILCS 5/7.01.]

Making a Report

Calling the DCFS Hotline

The State Central Register Hotline

In an organization such as a school or a hospital, who should make the report?

What happens if I call and all the lines are busy?

All calls to report suspected abuse or neglect must be made to the statewide Hotline. The toll-free number is **1-800-252-2873 (1-800-25-ABUSE)**. At the Hotline, specially trained intake workers answer the phones and handle calls from anyone who wishes to report an incident of suspected child abuse or neglect. The Hotline is available 24 hours per day, seven days per week, 365 days a year.

Note: If your call is not an emergency, please submit your report online through the online reporting system at <https://dcfsonlinereporting.dcf.illinois.gov/>.

Ideally, the mandated reporter with the most direct knowledge of the suspected abuse should be the one to make the call, however this is not a requirement. Having more information and details of the situation may make the difference between getting a report taken or not. Sometimes someone else in the organization is asked to make the actual call. This practice must not delay the making of the report. In addition to calling the Hotline, a mandated reporter may also notify his/her supervisors in the organization that a report has been made. It must be noted, however, that ANCRA prohibits any individual, even a supervisor, from suppressing, changing, or editing a report (325 ILCS 5/4).

When someone other than the person who directly observed the evidence of abuse is reporting, it is helpful for the staff member(s) with direct information to write it down. You may wish to use the checklist in Appendix B as a way to organize the information. This will ensure that both the Hotline and DCFS investigative workers have complete and accurate information on which to base decisions.

When too many calls come in to the Hotline to be taken immediately, a recording will engage your call and a system is implemented to screen and re-call reporters who are waiting. A "call back" will be made just as soon as an intake worker becomes available. However, if your call is an emergency or a child is in immediate danger, you should tell the message taker, and your call will be taken. The Hotline system tries to assure that all call backs are made just as soon as possible, but mandated reporters should take two steps when dealing with the Hotline at a busy time:

1. Reporters should remain on the line, even when lines are busy and a recording is heard; a worker will break in after a short time to take call back information.
2. When giving call back information, try to anticipate where you will be for the next several hours and give the worker not only your present number, but any number(s) where you may be reached at a later time.

Also, mandated reporters should anticipate that their callback may be delayed. Therefore, calls should be made to the Hotline well before the end of a working day. It is always important to report suspected abuse or neglect as soon as any evidence is observed. If children are in danger of harm, it is important to begin the investigation quickly. Seeing children as soon as possible is critical because perishable evidence such as bruises may fade rapidly, or the willingness of the child to talk about the incident may disappear. If possible, Hotline reports should be made during the week, especially if it is desirable to see the children at school or at a day-care facility during the week. A call made late Friday will result in the child being seen at home on the weekend, making it harder to speak privately. Depending on the allegation, this may not be the best situation for open disclosure.

When a Hotline worker answers a call, the worker should identify himself/herself. If the worker forgets to do that, you are entitled to ask for the worker's name so you will know with whom you spoke. You may wish to note the worker's name, particularly if a report is not taken and you wish to talk further with a supervisor. As explained earlier, it is the job of the Hotline worker:

- to talk with callers to get as much information about the allegation, the alleged victim(s), and the alleged perpetrator(s) as possible; and
- to determine whether the harm, as described by the reporter, qualifies as alleged abuse or neglect under the law and department guidelines.

Due to the large number of calls, Hotline workers are instructed to handle calls efficiently and quickly. All Hotline calls are audiotaped for purposes of quality assurance. You will be asked to provide the following information:

- Name, address and age of victim(s)
- Name and address of parent(s)/caretaker(s) and siblings
- Relationship of caretaker(s) to victim(s)
- Details of the abuse, including specifics of the incident(s), location and severity of injuries, any pattern of neglect or abuse, and any physical evidence.
- Any explanation provided by the child
- Any other relevant information that would expedite the investigation, such as directions to the victim's house (especially in rural areas) or information about potential risks to the investigator.

SCR Hotline Procedures

What if I do not agree with the Hotline worker about whether a report should be taken?

What happens if a report is taken?

Referrals

Child Welfare Services (CWS) referrals

Response to request for child welfare services

Referrals to local law enforcement agencies and State Attorney's Office

The Hotline worker will use the SCR computer system to determine if there are any pending investigations on the family or any reports which have been "indicated" previously since this information is critical to an accurate assessment of risk.

If the Hotline worker does not accept your call as a report, you will be informed of that fact and given the reason. Most often the explanation will relate to DCFS' legal jurisdiction or to the evaluation of risk of harm to the child. If you disagree with the conclusions of the Hotline worker, you may ask to speak with a Hotline supervisor. Explain the details of the case situation, the reasons you were given for the report being refused, and why you think the worker's assessment was inaccurate.

If the Hotline worker does not take a report, the information is entered into the computer data system, reviewed and either approved or caused to be turned into a report by a Hotline supervisor. Calls from mandated reporters which do not result in a report being taken are maintained on file for six months at SCR. If a report is not taken, the Hotline worker will often refer you to the police (for investigation of a crime outside DCFS mandates).

If a report is taken by the Hotline worker, an investigation will normally be initiated within 24 hours. **As a mandated reporter, you should supply a written confirmation of your verbal report within 48 hours.** You may access the forms (CANTS 4 or 5) on the DCFS website at: http://www2.illinois.gov/dcfs/aboutus/notices/pages/com_communications_forms.aspx. If you do not have access to the internet, please contact the local DCFS field office for assistance in obtaining copies of the forms. **Your written confirmation may be used as evidence in any judicial proceeding that results from the incident.**

When a Call Floor Worker receives information from a mandated reporter and the information reported to the Hotline does not meet the requirements under ANCRA for an investigation, and there is a prior indicated report of abuse or neglect, or there is a prior open service case involving any member of the household, a CWS referral will be completed.

If the family refuses to cooperate or refuses access to the home or children, then a child protective services investigation shall be initiated, if the facts otherwise meet the criteria to accept a report.

A report received by the Department alleging the abuse or neglect of a child by a person who is not the child's parent, a member of the child's immediate family, a person responsible for the child's welfare, an individual residing in the same home as the child, or a paramour of the child's parent shall immediately be referred to the appropriate local law enforcement agency for consideration of criminal investigation or other action. [325 ILCS 5/7]

When a Call Floor Worker receives information from a Non-Law Enforcement Reporter where a child is alleged to have been abused or neglected, but the alleged perpetrator of the abuse or neglect does not meet the criteria as an eligible perpetrator under ANCRA, the information reported to the Hotline meets the requirement for the Hotline to complete an immediate referral to Local Law Enforcement. A perpetrator is ineligible when he/she is:

- Not the child's parent
- Not an immediate family member
- Not a person responsible for the child's welfare
- Not an individual residing in the same home as the child
- Not a paramour of the child's parent

Per the assessment, the Call Floor Worker will write up a No Report Taken Intake (NRT) and complete a CANTS 25A form. The Call Floor Worker will document at the end of the NRT narrative that a CANTS 25A was completed and name the Local Law Enforcement Agency notified.

Note: If a child is assessed with immediate safety concerns and the caller is not a law enforcement professional, the Call Floor Worker will contact local law enforcement for assistance and request an immediate Child Welfare Check to the child's reported location.

Notification to law enforcement

How DCFS Investigates Reports

When a Hotline intake worker takes a report, the information from the reporter is entered into the DCFS computer database system and sent electronically to the DCFS field office responsible for the area in which the child resides. An investigator from DCFS' Division of Child Protection then attempts to make contact with the victim within 24 hours. If there is a possibility that the family may flee or if the immediate well-being of the child is endangered, an investigation will commence immediately. After the initial contact, if a child is determined not to be at immediate risk, further investigative contacts may be delayed for a few days, or even weeks in some parts of the state. Local offices must assess the degree of risk and balance it against their existing caseloads.

Serious allegations have a requirement that the local law enforcement agency and/or the State's Attorney be notified of the report as a possible criminal act. These allegations include, but are not limited to:

Death	Sexually transmitted diseases
Burns	Sexual penetration
Bone fractures	Sexual exploitation
Head injuries	Sexual molestation
Internal injuries	Failure to thrive (infants) (State's Attorney only)
Wounds	Medical neglect of disabled infants
Torture	Malnutrition

Additionally child protection supervisors are required to notify law enforcement when the following circumstances are present:

- When a child is hospitalized for injuries or conditions suspected to be the result of abuse or neglect by a primary caregiver and there is a concurrent law enforcement and child protection investigation;
- When a case involves domestic violence and/or drug abuse/misuse, all law enforcement agencies with jurisdiction (i.e. local police, sheriff, Illinois State Police) must be notified;
- After contact with a family during which illegal drugs were observed;
- When a suspected child victim of abuse has suffered second, third or fourth degree burns.

For cases of sexual abuse and serious physical abuse, most counties have established protocols for handling the investigation. Many counties have established Children's Advocacy Centers or special child-friendly interviewing rooms for coordinating the contacts with child abuse victims and their families in ways that assist the investigative efforts of DCFS and law enforcement agencies.

All investigations of abuse and neglect require that the DCFS Child Protection Specialist contacts the mandated reporter. This contact will verify information that was documented by the Hotline worker and obtain any additional information that you may have about the case. Usually, the Child Protection Specialist will contact you soon after the report is filed, especially if the child can be contacted through you. This is particularly likely when school personnel or day care workers make the allegation or when medical personnel report suspected abuse or neglect in the case of a child who is hospitalized. However, in cases in which the risk of harm to the child is not judged to be severe, the Child Protection Specialist may not contact the mandated reporter for some time after the initial allegation is made. For this reason, you may find it helpful to keep notes on each report you make.

In a small percentage of cases, the Child Protection Specialist may determine after the initial contact with the child that there is no validity to the report. After contacting the reporter and the alleged perpetrator, this kind of investigation is terminated and determined to be "Unfounded". The majority of reports require more investigation than this and are termed "Formal" investigations. In these cases the Child Protection Specialist will contact the alleged victim, the mandated reporter, the alleged perpetrator, non-involved parents/caretakers, other adults living in the home, siblings, and other collateral sources. There are some instances in which Child Protection Specialists will not be able to contact all the parties in an investigation, but will document their "good faith" efforts to meet this requirement.

When beginning an investigation of a Hotline reports, the Child Protection Specialist must conduct a safety assessment immediately following the first contact with the child. If safety concerns are identified, the Child Protection Specialist must work with the family to develop and implement a "safety plan" in order for the child to remain at home. The safety plan may include temporary alternate living arrangements for the alleged perpetrator, family members or for the alleged child victim. An alternate living arrangement for the child as part of a safety plan is voluntarily agreed to by parents/caretakers to ensure the child's immediate safety during the early stages of an investigation. If safety alternatives are not available, DCFS may assume temporary protective custody of the child.

Child Protection Specialists may also talk with other family members, potential witnesses, or professionals to obtain additional relevant information. As a mandated reporter, you may be able to suggest others with information about the allegation to the Child Protection Specialist. In addition, Child Protection Specialists will coordinate with police who may be conducting a related, but separate investigation. This happens when it is likely the State's Attorney will press criminal charges against the alleged perpetrator of the abuse.

Will I, as a mandated reporter, be contacted by investigators?

Who else will be contacted by investigators?

Should I contact anyone, such as parents, after I make a report?

State law does not require that the mandated reporter notify parents of the report. There are various opinions among mandated reporters/professionals on this question, so you should use your best professional judgment and abide by any policies that have been established by your institution. However, it is often a difficult decision whether or not to tell the parents/caretakers that you have made a report.

On the side of notifying the parents, some mandated reporters/professionals point to the positive effect of maintaining open communication with the parents. Ethical considerations if the reporter is a counselor, mental health therapist, or physician may require sharing the necessity to report with the clients. The parents or child may know (or guess) who made the report anyway, and the reporter may find that long-term trust will be served by being open with parents about the necessity of reporting suspicion of abuse or neglect. Some investigators suggest that their job is a little easier if the parents already understand why they have been reported.

On the other hand, some mandated reporters/professionals suggest that notifying the parents, **especially when one or both are suspected of being the perpetrators of the abuse or neglect**, may increase their anxiety needlessly, leading to avoidant or hostile behavior. Telling might give them time to cover up evidence of the abuse or neglect and put pressure on the children to change the story or prevent further disclosures. Some reporters are particularly concerned about the possibility of retribution against the children combined with the improved ability of the perpetrators to avoid detection by DCFS. The child's safety should always be an important factor in deciding whether or not to inform the parent of your report.

What evidence is needed to indicate a report?

Physical Abuse Investigations

For allegations of physical abuse, the supporting evidence is the physical harm to the child. While some physical abuse may result in no visible physical harm (internal injuries, bruising on the bottom of the feet), the presence of an injury may be needed to find credible evidence of abuse. As a mandated reporter, it will be very important to note any readily visible evidence of physical injury to the child or any pattern of abuse observed over a period of time.

You should note:

- location of the injury
- severity of the injury
- patterns and chronicity of similar injuries over time.

Mandated reporters may find it easier to use a body chart to record the location and nature (e.g., cuts, welts, burns, bruises, broken bones, etc) of a child's injury. Body charts can be obtained from the local DCFS field office or a medical facility. A photograph can also be an important part of the documentation of a child's injury, however photographs of a child's injury should only be taken by a DCFS Child Protection Specialist, a medical professional or law enforcement. **Note: Non-medical reporters should not undress a child to view injuries.**

In addition to your observations of the injury, your statement concerning what the child said about the alleged incident is important. Again, it is helpful to make careful notes, using verbatim statements of the child whenever possible. Injuries that are the result of accidents do not have to be reported unless you have reason to believe the child's explanation is inconsistent with the injury.

Not all incidents resulting in physical injury are considered abuse. There are several factors that will be taken into account by Child Protection Specialists in deciding whether or not to indicate a report of physical abuse. The factors, related to specific allegations, include consideration of:

- the child's age (younger children are viewed as being at a greater risk of harm);
- the child's medical condition; behavioral, mental, or emotional problems; developmental disability; or physical handicap, particularly if these interfere with the child's ability to protect himself/herself;
- pattern or chronicity of similar incidents;
- severity of the occurrence;
- location of the injury;
- evidence that an instrument was used to inflict the injury;
- the dynamics of the relationship between the victim and the alleged perpetrator;
- alleged perpetrator's access to the child; and/or
- previous history of abuse/neglect.

Sexual Abuse Investigations

These factors are considered by Child Protection Specialists and represent ways of trying to assess the degree of risk of further harm to the child.

Sexual abuse investigations are often more complex than investigations of physical abuse. Sexual abuse of children can include acts that leave little or no physical evidence. Fondling children (over or under clothing) and exploitation (such as making children watch sexual acts) may leave no physical evidence at all. Most sexual abuse is conducted in secrecy, and children are frequently cajoled, bribed, or threatened into silence by the perpetrators of the abuse. Witnesses are seldom available to corroborate the abuse. Therefore, determining credible evidence in sexual abuse cases usually depends heavily on the testimony of the victim.

A child's disclosure of sexual abuse is an important event in the subsequent investigation of the case, and it must be handled with sensitivity. For younger children, the telling of the abuse may happen accidentally, slipping out in conversation with another child or adult. But for many children, the disclosure is painfully deliberate. A mandated reporter who suspects that a child is struggling to communicate information about sexual abuse needs to observe the child closely and listen attentively while maintaining a calm and neutral demeanor. The child may be hesitant to continue if the adult expresses shock or anger either through verbal responses or facial reactions. Children are likely to feel embarrassment about disclosing sexual abuse and may disguise their involvement by saying the abuse happened to a friend or sibling. Finding a more private setting for following up with some observations (i.e. "Your friend must be feeling confused and upset by what is happening to her") may allow the child to relax and give a fuller disclosure.

A report of sexual abuse is frequently handled by a team of special investigators—one from DCFS and one from the police. More than 60 counties in Illinois are served by Children's Advocacy Centers that provide specially trained personnel to interview alleged victims of sexual abuse. These interviewers, DCFS Child Protection Specialists, and juvenile officers are skilled in the techniques of talking with children about stressful topics, and they know how to gather information in a thorough and non-traumatizing way. Interviewers are specially trained to cover all possibilities as to what has happened.

Just as in physical abuse investigations, there are several critical factors that Child Protection Specialists take into account when deciding whether or not to indicate a report of sexual abuse. These factors are:

- alleged victim's testimony, especially if:
 - a. testimony is detailed;
 - b. testimony reveals experience or knowledge beyond age or developmental levels;
 - c. testimony provides information that can be corroborated.
- the alleged perpetrator's testimony, especially if there is a confession;
- physical evidence, especially in cases of sexual penetration of young victims;
- behavioral indicators of abuse, especially if the behaviors represent marked changes in normal behavior for the child; and/or
- corroboration of elements of the victim's testimony by credible witnesses.

In a significant number of cases, the decision to indicate or unfound a case comes down to weighing the testimony of an alleged victim describing the sexual abuse and the testimony of an alleged perpetrator denying it. In these cases, the credibility of the alleged victim's testimony is critically important. It is critical that the mandated reporter pay very careful attention to the disclosure of the abuse by the victim.

Reporters should concentrate on taking very careful notes about what the victim discloses voluntarily. Every detail of the incident is potentially important. Such things as the time and place of the incident, the identity of the alleged perpetrator, and any potential witnesses or others told of the incident are critical pieces of information and may assist Child Protection Specialists in getting enough evidence to indicate the report and implement protection of the child.

In general, the mandated reporter who hears a child's disclosure should not encourage the victim to disclose additional information beyond what is given voluntarily. Further questioning may result in traumatizing the victim still further. In some instances, a mandated reporter will need to ask a clarifying question or two if a child's statement seems vague or lacking in detail. For example, a child may say "My mommy touched me there" (indicating the genital area). Further questions posed to the child ("Where were you when this happened?" and "What was mommy doing?") may reveal the mother touched the child with a washcloth in bathing the child. Or a parent may take a young boy to the doctor for an injury on the end of his penis. A concerned doctor will want to ask the parent and the child, separately, a question like "How did this happen?" or "What was it that hurt your penis?" The questions might reveal that the child pinched himself on his tricycle and no report would need to be made. On the other hand, the child and parent may have differing versions of what happened or the child could indicate that some person pinched him or bit him. The latter explanations would warrant a call to the Hotline.

Neglect
Investigations

Medical reporters may be able to provide critical information about any physical evidence of sexual abuse. If females receive a physical examination that reveals evidence of sexual penetration, especially in children not expected to be sexually active, this evidence is extremely valuable in investigation. All physical evidence, for any alleged victim, should be noted carefully **and** conveyed both to the Hotline worker and to the DCFS Child Protection Specialist.

These investigations can sometimes be among the most difficult for DCFS Child Protection Specialists because there are many areas subject to individual interpretation. Illinois law focuses on the minimum parenting standards required to provide for the basic physical needs of children. These may differ significantly from community standards. Accordingly, one must return again to the question of what is the harm, or potential harm, to the child.

Child Protection Specialists attempting to determine whether or not a child has been neglected must verify:

- that an incident of neglect has occurred;
- that there is evidence that parents/caretakers have not fulfilled their responsibilities to provide for the child's basic needs; and
- that the neglect is serious enough, if it continues, to result in moderate to severe harm to the child.

Investigations of neglect allegations require that Child Protection Specialists get information about the child's environment. This includes the availability of resources in the household to meet the child's needs and the attitudes of the parents or caretakers toward their responsibilities to provide for the child. For this reason, mandated reporters who call in allegations of neglect should know not only specific instances of neglect but should also note evidence that the alleged neglect either harmed the child or had the potential to cause serious harm to the child.

The factors that influence the outcome of neglect investigations:

- the child's age, developmental stage, and/or special needs;
- the severity, frequency, duration of the conditions; and
- the pattern of similar incidents.

Evidence provided by the mandated reporter relating to any of these factors is extremely valuable. Again, it is helpful to question the child thoroughly enough to elicit as many relevant details as possible. In some problem situations, reporters may want to contact the parents to discuss the problem before assessing whether neglect is a real issue.

During an investigation, the DCFS Child Protection Specialists gather information about the specific allegation(s) of harm to the child. At the end of that process, the Child Protection Specialist must determine if the report is “indicated” or “unfounded”. The standard of proof is “**credible evidence**”, a lower standard than that required for any judicial procedure. The lower standard of proof allows DCFS to serve families and protect children in many situations that could not be proven using the higher law enforcement or judicial standards. DCFS can **indicate** the case if the Child Protection Specialist finds that there is credible evidence that the perpetrator committed the abuse or neglect. If credible evidence is lacking, the case will be **unfounded**.

When Child Protection Specialists establish that there is credible evidence to support the allegation of abuse or neglect, the case is “indicated” and the information is entered into the department’s central computer system. This means that any further inquiry or allegation involving either the victim or the perpetrator which comes into the Hotline will reference the indicated finding(s), unless the legally-established retention period for the indicated report has expired (325 ILCS 5/7.12) or the indicated finding has been overturned by an administrative hearing (325 ILCS 5/7.16). In addition, where it is appropriate, DCFS workers will suggest services to stabilize the family and to protect the child. A family has the right to refuse such services. If the caseworker believes that such a refusal jeopardizes the child’s welfare and safety, the worker may file a neglect or abuse petition in the Juvenile Court.

There are many services that are available to families with an indicated finding of child abuse. The parent(s) may receive counseling or assistance in developing parenting or homemaking skills. Parents with substance abuse problems or with difficulty in controlling their emotions may receive referrals to specialized agencies. When harm or risk to the child is so severe that the child cannot be left in the parents’ care safely, the child may be placed in a foster home or with relatives while attempts to rehabilitate the family are undertaken.

It is the department’s legal mandate to give first priority to the **safety and protection of the child**. But the department is also obligated under law to **stabilize and preserve the family** so that the child may be returned home under improved circumstances. Balancing these considerations requires considerable judgment and effort by the department and its staff.

What happens as a result of the investigation?

Indicated Cases

Indicated Victims of Physical or Sexual Abuse Attending Public Schools

Unfounded Cases

Retention of Reports

Multidisciplinary Review

What happens when a professional or a child care facility is involved as the perpetrator in an indicated finding of child abuse?

Notification to Public Health and Healthcare and Family Services

When a child who is attending a public school is an indicated victim of physical or sexual abuse perpetrated by a member of his or her family, the State Central Register (SCR) will forward a copy of the confidential case investigative summary to the child's school where it will be maintained in accordance with the Illinois School Student Records Act. The SCR shall provide instructions to the school that the investigative summary is to be returned to the department when the child turns 18 years of age or five years after the final finding date, whichever occurs first. The school will also receive notification from the SCR to return the investigative summary if the finding is overturned on appeal by the Administrative Hearings Unit.

The parents will also receive SCR notification of the department's legal requirement to notify the school of the indicated abuse report.

All reports that receive a final finding determination of "Unfounded" shall be retained in the SCR database for no less than 5 years.

Multidisciplinary Review

Mandated reporters will receive notification from the State Central Register that a report is "unfounded." If the mandated reporter disagrees with this finding, he or she may request a review of the investigation within 10 days of being notified. The steps to take in requesting such a review will be described in the notification letter.

Additional information from the mandated reporter that supports a reconsideration of the case must be sent to the Administrator of the State Central Register. The investigative file will be reviewed in light of the new information and may be referred to the Statewide Compliance Administrator for further recommendations.

Professionals working with children may become the subject of a report as they are considered either "a person responsible for the child's welfare" or a "person who came to know the child through an official capacity or position of trust". (325 ILCS 5/3) While there are some special procedures which apply, the general requirements of the investigation and the standards for making a determination of "indicated" or "unfounded" are the same as for anyone else. When a licensed professional such as a physician, school teacher, or day care provider is indicated as a perpetrator of child abuse or neglect, the agency responsible for licensing and regulating that profession is notified. The employers and the regulatory agencies determine what steps should be taken according to their internal disciplinary processes.

The State Central Register shall send notification to the Director of Public Health and to the Director of Healthcare and Family Services any time a report is received alleging a child has been abused or neglected while receiving care in a hospital, including a freestanding psychiatric hospital licensed by the Department of Public Health. A notification of final findings shall be sent to the Director of Public Health and to the Director of Healthcare and Family Services by the State Central Register upon receipt of notification from the assigned Child Protection Specialist.

The decision to prosecute a case in the criminal court system is a process distinct and separate from DCFS. The focus of law enforcement involvement is on prosecution of a criminal act while that of DCFS is on services to protect children. While information is often shared back and forth, the responsibility for prosecution rests with the police and State's Attorney. The State's Attorney must decide that enough evidence of criminal activity is present to pursue an indictment or issue a warrant for arrest. This will be followed by a trial at which the prosecutor (State's Attorney) will have to present evidence to a jury or judge to prove beyond a reasonable doubt that the legal standards for the criminal offense have been met. It is important to note that the standards for indicating a report by DCFS are different and much less stringent than the legal standards for prosecution.

By law, DCFS must notify both police and the state's attorney of serious physical abuse and sexual abuse reports. Sometimes, DCFS and law enforcement officials cooperate on an investigation; but in other cases their investigations may be independent and parallel. As a mandated reporter, you should not be surprised to be contacted by both DCFS and the police investigating an allegation of abuse, especially if the allegation is particularly serious and criminal prosecution may result. There is a growing emphasis on a multi-disciplinary investigation and tracking of these cases, particularly in counties served by a Children's Advocacy Center.

In addition, regional Child Death Review Teams formed in 1995 are mandated to review child deaths in situations where the deceased child

1. is a ward of DCFS; 2) has an open service case with DCFS;
2. is the subject of a pending child abuse or neglect investigation;
3. has been the subject of a child abuse or neglect investigation during the prior 12 months; or 5) is reported to the Hotline for abuse or neglect and the report is subsequently indicated.
4. has been the subject of a child abuse or neglect investigation during the prior 12 months; or
5. is reported to the Hotline for abuse or neglect and the report is subsequently indicated

Are perpetrators in indicated cases of abuse ever prosecuted?

What are child welfare services, and what do they have to do with child abuse investigations?

In what circumstances are children removed from their families as a result of abuse allegations?

The Department of Children and Family Services has a statutory mandate to make a special effort to stabilize and preserve families that are involved in child abuse or neglect allegations. The Department uses its own child welfare staff and private agencies to provide a variety of services to help the family survive and to change patterns of abusive or neglectful behavior. These efforts are based on experience that shows that some children, even in abusive or neglectful situations, may do better when kept with their families than when they are placed in foster care. The services provided include such things as:

- service referrals and linkages
- housing assistance
- substance abuse assessment and treatment
- homemaking assistance and training
- parenting education and support
- limited financial assistance
- mental health and family counseling
- day care or respite care

Of the more than one million hotline calls received over the past four years, about one in four resulted in a formal report and an investigation. When formal investigations do occur, only four percent result in children being removed from their homes. Children can be removed only when the Child Protection Specialist believes they are unsafe if left in the home. If children are taken into temporary protective custody, this decision must be reviewed by the juvenile court within two working days.

The goal in most cases is to return children to their homes as soon as it is safe to do so. Sometimes, however, the children are not able to return home due to serious and ongoing circumstances that threaten their safety. In these cases, the Department works with the parents and with extended family members to formulate other permanency plans for the children. Many of these are cases where the Department, together with the Juvenile Court, will pursue procedures for the child's adoption. This occurs after a period of time in which the family has the opportunity to demonstrate a significant improvement.

Mandated reporters receive a letter informing them of the finding in cases they reported. The only information that you will receive will be the finding — **indicated** or **unfounded**. Other information, about the case (e.g. removing the children from the family) will not be included in that letter, but mandated reporters can receive information on actions taken to ensure the child's safety by submitting a notarized written request to the SCR Administrator. Also, under new provisions in 325 ILCS 5/8.6, final finding reports on indicated investigations of a child's physical or sexual abuse will be forwarded to the child's public school and maintained as "confidential" information in the child's student record.

Other specific information about the report cannot be released. This is often frustrating to the mandated reporter who has a professional interest in the child's welfare. This is another instance in which the department has to balance the right of the family to privacy against the professional interests and obligations of mandated reporters.



Professionals working with children fulfill three distinct roles in protecting children from abuse and neglect. In your professional role:

- You may be the first to notice signs of abuse and neglect and will function as a mandated reporter in calling the Hotline to report your observations;
- You may be contacted as a collateral resource, one who may have information relating to an allegation under investigation;
- In ongoing contacts with the child, you may monitor the safety and welfare of a child in an indicated report, sharing information with the caseworker or making another report if there is a new incident.

The responsibility for protecting our children rests with the entire community. The general public and professionals working in specific disciplines have a unique role in ensuring the safety of our children and the strengthening of our families.

The Department of Children and Family Services hopes that this manual has answered some of your questions and has made you feel more comfortable with the responsibility and process of acting as a mandated reporter. While general procedures have been outlined, there are still some local variances that you may encounter. If you have additional questions, call your local DCFS office and ask for the child protection supervisor. This person is available to provide additional training and information.

**Will I find out
what decisions
are made in cases I
reported?**

Conclusion

Web-based Resources

Web-based Resources:

DCFS website - Home Page
<http://www2.illinois.gov/dcfs>

DCFS website – Child Protection
<http://www.state.il.us/dcfs/cPleahild/index.shtml>

DCFS website – Policy and Rules
<http://www.state.il.us/dcfs/policy/index.shtml>

DCFS website – Policy & Rules – Laws (including ANCRA)
http://www.state.il.us/dcfs/policy/pr_policy_laws.shtml

DCFS website – Additional Resources
http://www.state.il.us/dcfs/l_links.shtml

Illinois General Assembly website - ANCRA
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1460&ChapterID=32>.

Appendices

Appendix A: Instructions for Accessing the Abused and Neglected Child Reporting Act

Appendix B: Checklist for Mandated Reporters

Appendix C: DCFS Allegations System

Appendix D: Reporting Forms

**Instructions for Accessing the
Abused and Neglected Child Reporting Act
(ANCRA)
(325 ILCS 5/1)**

A copy of the Abused and Neglected Child Reporting Act may be accessed by going to the Internet at the following link:

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1460&ChapterID=32>

If you do not have access to the Internet, you may also access the site at your local library. However, if you still cannot access an electronic copy of ANCRA, you may contact the Office of Child and Family Policy at 217-524-1983 for assistance.

Appendix B

Checklist for Mandated Reporters

I. Alleged Victim(s)

Name(s) of victim(s):
Birth date(s) of victim(s) or approximate age:
Address (or approximate address):

II. Alleged Perpetrator(s)

Name(s)
Birth date(s) or Age(s) or some approximation so role of DCFS
can be determined
Relationship to Victim(s)
Address

III. Harms to Victim(s)

Physical Abuse
Sexual Abuse
Risk of Harm
Neglect
Death

NOTE: The Hotline worker will be able to put the allegation in the proper sub-category such as Physical Abuse/Cuts, Bruises, and Welts.

IV. Description of Incident(s)

Be prepared to give a brief description of the incident(s) of abuse/neglect. This description should include:

1. as much detail as you have about the actual incident
2. indication of intention (especially in physical abuse)
3. description of the time and place of the incident
4. information, if any, about possible witnesses to the abuse/neglect
5. evidence of abuse (physical evidence, behavioral indicators, disclosure by the victim, etc.)
6. evidence of neglect (disclosure by the victim, observations, etc.)

V. Date and time of when Hotline call is made

- Name of Hotline worker taking the call
- What action, if any, will be taken by DCFS
- Intake ID number (provided by the hotline worker)

Appendix C

DCFS Allegations System

You will note that some allegations (e.g. death of a child) may be made under either abuse or neglect, depending on the circumstances that led to harm to the child. As a mandated reporter, you will not need to know all the allegations, but they are presented here to give you an idea of how the Hotline worker will try to categorize the harm you describe.

Abuse

- #1 Death
- #2 Head Injuries
- #4 Internal Injuries
- #5 Burns
- #6 Poison/Noxious Substances
- #7 Wounds
- #9 Bone Fractures
- #10 Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare
- #11 Cuts, Bruises, Welts, Abrasions & Oral Injuries
- #12 Human Bites
- #13 Sprains/Dislocations
- #14 Tying/Close Confinement
- #15 Substance Misuse
- #16 Torture
- #17 Mental and Emotional Impairment

Neglect

- #51 Death
- #52 Head Injuries
- #54 Internal Injuries
- #55 Burns
- #56 Poison/Noxious Substances
- #57 Wounds
- #59 Bone Fractures
- #60 Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare
- #61 Cuts, Bruises, Welts, Abrasions & Oral Injuries
- #62 Human Bites
- #63 Sprains/Dislocations
- _____
- #65 Substance Misuse
- _____
- #67 Mental and Emotional Impairment

- #18 Sexually Transmitted Diseases _____
- #19 Sexual Penetration _____
- #20 Sexual Exploitation _____
- #21 Sexual Molestation _____
- #22 Substantial Risk of Sexual Injury _____

This allegation has four (4) options that qualify as a substantial risk of sexual injury and are as follows:

Option A

An indicated, registered, or convicted sex offender has access to a child and the extent/quality of supervision during contact is believed to be inadequate for the child’s protection;

Option B

There are siblings or other children the perpetrator has regular access to and there is a current (pending) allegation of sexual abuse;

Option C

Persistent, highly sexualized behavior or knowledge in a very young child (e.g., under the age of five chronologically or developmentally) that is grossly age inappropriate and there is reasonable cause to believe that the most likely manner the behavior was learned is in having been sexually abused.

Option D

A member of the household has engaged in child pornography activities outside and/or inside the residence, including the making and/or distribution of child pornography, and has significant access to children and the extent/quality of the supervision of those children is unknown or suspected to be deficient.

#40 Human Trafficking of Children

#90 Human Trafficking of Children

- #74 Inadequate Supervision
- #75 Abandonment/Desertion
- #76 Inadequate Food
- #77 Inadequate Shelter
- #78 Inadequate Clothing
- #79 Medical Neglect
- #81 Failure to Thrive (non-organic)
- #82 Environmental Neglect
- #83 Malnutrition (non-organic)
- #84 Lock-out
- #85 Medical Neglect of Disabled
Infants
- #86 Neglect by Agency

NOTE: DCFS no longer takes reports on Educational Neglect which was formerly listed as a neglect allegation.

DCFS no longer takes reports on Lack of Immunizations, which was formerly a form of medical neglect.

**WRITTEN CONFIRMATION OF SUSPECTED CHILD ABUSE/NEGLECT REPORT:
MEDICAL PROFESSIONALS**

NOTE: Hospitals and medical personnel engaged in examination, care, and treatment of persons are required by the Abused and Neglected Child Reporting Act to report to the Illinois Department of Children and Family Services all suspected cases of child abuse or neglect. The Act provides that anyone participating in this report shall be presumed to be acting in good faith and in so doing shall be immune from liability, civil or criminal, that otherwise might be incurred or imposed.

Child's Name _____

Sex _____ Age _____

Address _____

(Street)

(City)

(Zip)

(County)

Parent's/Custodian's Name _____

Address _____

(Street)

(City)

(Zip)

(County)

Where first seen _____ Date _____

Brought In by _____ Relationship _____

Nature of child's condition:

Evidence of previous suspected abuse(s)/neglect:

Reporter's immediate plan for child including whereabouts:

Remarks:

Person presumed to have abused/neglected child: <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Stepfather <input type="checkbox"/> Stepmother <input type="checkbox"/> Sibling <input type="checkbox"/> Other _____	
PERSON MAKING REPORT Name (Please Print) _____ Medical Facility _____ Address _____ Date _____	PERSON MAKING REPORT (Check Appropriate Box) <input type="checkbox"/> Attending Physician <input type="checkbox"/> Podiatrist <input type="checkbox"/> Surgeon <input type="checkbox"/> Chiropractor <input type="checkbox"/> Hospital Administrator <input type="checkbox"/> Christian Science Practitioner <input type="checkbox"/> Medical Examiner <input type="checkbox"/> Social Worker <input type="checkbox"/> Coroner <input type="checkbox"/> Social Services Administrator <input type="checkbox"/> Registered Nurse <input type="checkbox"/> Registered Psychologist <input type="checkbox"/> Licensed Practical Nurse <input type="checkbox"/> Psychiatrist <input type="checkbox"/> Dentist <input type="checkbox"/> Advanced Practice Nurse <input type="checkbox"/> Osteopath <input type="checkbox"/> Other _____ Signature _____

INSTRUCTIONS

The Abused and Neglected Child Reporting Act states that any hospital, clinic or private facility to which a child comes or is brought suffering from injury, physical abuse or neglect apparently inflicted upon him, other than by accidental means, shall promptly report or cause reports to be made in accordance with provisions of the Act.

The report should be made immediately by telephone to the IDCFS Child Abuse Hotline (800-252-2873) and confirmed in writing via the U.S. Mail, postage prepaid, within 48 hours of the initial report.

This form is provided for the convenience of the hospital, clinic or private facility in making the written report. A form must be completed for each child.

Enter the full name of the child, sex, age and address. Give the first and last names of the parents or persons having custody of the child. If the address is the same as that of the child, indicate by "same."

Where first seen: Give the date the child was first seen; indicate if in-patient, clinic, emergency room, doctor's office or another specified place within the hospital, and by whom the child was brought in.

Nature of the child's condition and evidence of previous suspected abuse(s)/neglect: Self-explanatory.

Reporter's plan for child: Indicate whether child is to remain in the hospital and for how long, or be released and, if so, to whom. State any other pertinent information as to the plan.

Remarks: If a report was also made to a local law enforcement agency, state to which agency report was made. Include any additional information deemed appropriate to the case.

Give the name of the Attending Physician, name and address of the hospital, if report is from the hospital.

Signature: The report is to be signed by the person making the report.

MAILING INSTRUCTIONS

Mail the original to the nearest office of the Illinois Department of Children and Family Services, Attention: Child Protective Services

DCFS is an equal opportunity employer, and prohibits unlawful discrimination in all of its programs and/or services.

WRITTEN CONFIRMATION OF SUSPECTED CHILD ABUSE/NEGLECT REPORT: MANDATED REPORTERS

DATE: _____

ABOUT: _____
Child's Name Child's Birthdate

If you are reporting more than one child from the same family please list their names and birth date in the space provided on the reverse side of this form.

Street Address City Zip Code

Parent/Custodians: _____
Name

Address (if different than the child's address)

This is to confirm my oral report of _____, _____, made in accordance with the Abused and Neglected Child Reporting Act (325 ILCS 5 et seq). Please answer the following questions. (If you need more space, use the back of this page.)

1. What injuries or signs of abuse/neglect are there?
2. How and approximately when did the abuse/neglect occur and how did you become aware of the abuse/neglect?
3. Had there been evidence of abuse/neglect before now? Yes No
4. If the answer to question 3 is "yes," please explain the nature of the abuse/neglect.
5. Names and addresses of other persons who may be willing to provide information about this case.
6. Your relationship to child(ren):
7. Reporter Action Recommended or Taken:

PLEASE CHECK THE APPROPRIATE RESPONSE:

- I saw the child(ren)
- I heard about the child(ren) From whom? _____
- I have have not told the child's family of my concern and of my report to the department.
- I am willing NOT willing to tell the child's family of my concern and of my report to the department.
- I believe do NOT believe the child is in immediate physical danger.

(Name Printed) (Signature)

(Title) (Organization/Agency)

INSTRUCTIONS

The Abused and Neglected Child Reporting Act states that mandated reporters shall promptly report or cause reports to be made in accordance with the provisions of the ACT.

The report should be made immediately by telephone to the IDCFS Child Abuse Hotline (800-252-2873) and confirmed in writing via the U.S. Mail, postage prepaid, within 48 hours of the initial report.

MAILING INSTRUCTIONS

Mail the original to the nearest office of the Illinois Department of Children and Family Services, Attention: Child Protective Services.

2nd Child's Name (If Any)

2nd Child's Birth Date

3rd Child's Name (If Any)

3rd Child's Birth Date

DCFS is an equal opportunity employer, and prohibits unlawful discrimination in all of its programs and/or services.

ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS

I, _____, understand that when I am employed as a
(Employee Name)

_____, I will become a mandated reporter under the
(Type of Employment)

Abused and Neglected Child Reporting Act [325 ILCS 5/4]. This means that I am required to report or cause a report to be made to the child abuse and neglect Hotline number at 1-800-25-ABUSE (1-800-252-2873) whenever I have reasonable cause to believe that a child known to me in my professional or official capacity may be abused or neglected. I understand that there is no charge when calling the Hotline number and that the Hotline operates 24-hours per day, 7 days per week, 365 days per year.

I understand that in an effort to help mandated reporters understand their critical role in protecting children by recognizing and reporting child abuse/neglect, DCFS administers an online training course entitled **Recognizing and Reporting Child Abuse: Training for Mandated Reporters**, available 24 hours a day, seven days a week.

I further understand that the privileged quality of communication between me and my patient or client is not grounds for failure to report suspected child abuse or neglect, I know that if I willfully fail to report suspected child abuse or neglect, I may be found guilty of a Class A misdemeanor. This does not apply to physicians who will be referred to the Illinois State Medical Disciplinary Board for action.

I also understand that if I am subject to licensing under, but not limited to, the following acts: the Illinois Nursing Act of 1987, the Medical Practice Act of 1987, the Illinois Dental Practice Act, the School Code, the Acupuncture Practice Act, the Illinois Optometric Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistants Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Athletic Trainers Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Act, the Naprapathic Practice Act, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, I may be subject to license suspension or revocation if I willfully fail to report suspected child abuse or neglect.

I affirm that I have read this statement and have knowledge and understanding of the reporting requirements, which apply to me under the Abused and Neglected Child Reporting Act.

Signature of Applicant/Employee

Date

CANTS 22
Rev. 5/2019

Office of the Director
406 E. Monroe Street • Springfield, Illinois 62701
www.DCFS.illinois.gov



ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS (CLERGY)

I, _____, understand that as a member of the clergy
(Name)

I am a mandated reporter under the Abused and Neglected Child Reporting Act [325 ILCS 5/4]. This means that I am required to report or cause a report to be made to the child abuse and neglect Hotline number at 1-800-25-ABUSE (1-800-252-2873) whenever I have reasonable cause to believe that a child known to me in my professional or official capacity may be a sexually abused child. ("Reasonable cause to believe means" that the concerned person, acting as a reasonable man or woman, believes that the described facts exist.) I understand that there is no charge when calling the Hotline number and that the Hotline operates 24-hours per day, 7 days per week, 365 days per year.

I understand that in an effort to help mandated reporters understand their critical role in protecting children by recognizing and reporting child abuse/neglect, DCFS administers an online training course entitled **Recognizing and Reporting Child Abuse: Training for Mandated Reporters**, available 24 hours a day, seven days a week.

I further understand that I shall not be compelled to disclose a confession or admission made to me in my professional character or as a spiritual advisor if I am a member of the clergy of a religious denomination that is accredited by the religious body to which I belong.

I affirm that I have read this statement and have knowledge and understanding of the reporting requirements, which apply to me under the Abused and Neglected Child Reporting Act.

Signature of Applicant

Date

CANTS 22A
Rev 5/2019

Office of the Director
406 E. Monroe Street • Springfield, Illinois 62701
www.DCFS.illinois.gov



ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS

I, _____ (Foster Parent's Name), understand that as a licensed foster parent I am a mandated reporter under the Abused and Neglected Child Reporting Act [325 ILCS 5/4]. This means that I am required to report or cause a report to be made to the Child Abuse and Neglect Hotline at 1-800-25-ABUSE (1-800-252-2873) whenever I have reasonable cause to believe that a child known to me in my foster parent capacity may be abused or neglected. I understand that there is no charge when calling the Hotline number and that the Hotline operates 24-hours per day, 7 days per week, 365 days per year.

I understand that in an effort to help mandated reporters understand their critical role in protecting children by recognizing and reporting child abuse/neglect, DCFS administers an online training course entitled **Recognizing and Reporting Child Abuse: Training for Mandated Reporters**, available 24 hours a day, seven days a week.

I further understand that the privileged quality of communication I have with my foster child is not justifiable grounds for failure to report suspected child abuse or neglect. I know that if I willfully fail to report suspected child abuse or neglect, I may be found guilty of a Class A misdemeanor and I may be subject to license suspension or revocation.

I am aware that any person who knowingly transmits a false report commits the offense of disorderly conduct, which is a class A misdemeanor. A second or subsequent violation is a Class 4 felony. (This notification concerning false reporting is required under the Abused and Neglected Child Reporting Act)

I affirm that I have read this statement and have knowledge and understanding of the reporting requirements, which apply to me under the Abused and Neglected Child Reporting Act.

Signature of Applicant

Date

CANTS 22B
Rev. 5/2019

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and prohibits unlawful discrimination in
all of its programs and/or services.

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CFS 1050-21 – rev 9/22/2020

Proposal



Date: 11/8/2023
To: Michael Siegfried
Of (Company): La Harpe CSD 347
Street Address: 404 W Main St
City, State, Zip: La Harpe, IL 61450
Good Until: 12/11/23
Additional Gutter
Project Name: Replacement

We propose to provide labor, equipment, and materials to complete the following:

➤ Project Scope of Work

1. Remove and replace an additional 120' of gutter and (6) downspouts in addition to the 40' of gutter already under contract for replacement.
2. Gutter and downspouts to be shop fabricated from 24 gauge prefinished color clad steel.
3. New gutter and downspout profiles to match the existing as close as possible.
4. Fabricate and install new hangers, covers, supports, joints, miters, etc. as required per SMACNA standards.

Cost Breakdown:

Line Item	Amount
Fabrication	\$2,390.00
Field Labor	\$6,662.00
Material/Equipment	\$268.00
Project Total	<u>\$9,320.00</u>

Price Escalation Clause:

Due to the recent price fluctuations in the steel and aluminum markets as a result of tariffs and Covid-19, we have included a price escalation clause in this proposal. Upon the proposal's acceptance, we will reprice any steel, aluminum, copper, concrete or other products contained in the proposal. Any price escalation occurring between the proposal submission date and notice to proceed will be adjusted at cost plus any applicable sales taxes.

Standard Exclusions:

1. No Building Permit or other related construction fees are included unless specifically stated above.
2. Builders Risk Insurance by owner with Frank Millard & Company, Inc. listed as additional insured unless specifically stated above.
3. Frank Millard & Company's standard insurance coverages are included unless stated differently above.
4. No additional work will be completed on this project unless expressly written authorization is provided.
5. Standard (8) Hour / Day work schedule is included with no provisions for overtime or other off-shift work schedule are included unless specifically stated above.
6. Project supervision on site to be provided by a Frank Millard and Company, Inc. working foreman unless specifically stated above.
7. No materials or construction testing costs are included unless specifically stated above.
8. All work to be completed according to current local building codes and standards.

We propose to furnish material, labor, and equipment to perform this scope of work in accordance with the above mentioned specifications and plan sheets for the sum of:

Ninety-Two Hundred Thirty **Dollars** \$ 9,230.00

Payments are to be made as follows: Payment Due within 30 Days of Invoice Date Unless Changed and Agreed Upon by Contract Terms

Contractor's Signature: *William J Senn*
Bill Senn

Acceptance of Proposal: The above price, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Approved By: _____ **Company:** _____

Approver's Signature: _____ **Date:** _____

Approver's Title: _____ **Purchase Order No.:** _____

La Harpe Community School District 347
Tax Levy 2023

Estimated Equalized Assessed Valuation (EAV) Growth

Tax Year	EAV	Growth Rate	Highest Growth Rate	Recommended Rate
2023	\$64,630,758	5.0%	11.69%	5.925% (Mean) 5.12% (safe assumption) – due to housing market increase & high CPI – unknown with Israel conflict (20% of oil would be at risk) - \$20-\$30 per barrel increase & \$0.50 - \$0.75 per gallon gas increase. Foreign aid to Ukraine & Israel would be a major impact on US economy
2022	61,553,103	11.69%		
2021	55,106,687	6.56%		
2020	51,716,636	4.71%		
2019	49,389,880	3.89%		
2018	47,771,079	4.35%		
2017	45,781,043	9.77%		
2016	41,707,726	Flat		
2015	41,707,276	1.99%		
2014	40,894,375	5.06%		
2013	38,923,579	9.24%		
2012	35,631,364			

EAV Estimate for Levy Calculation

Last Year's EAV	EAV Growth Estimate	EAV Estimate
\$61,553,103	5% (safe estimate)	\$64,630,758

Rate-Limited Fund Calculation

Fund	Rate Limit	Est. Tax Rate	EAV Estimate	Extension
Education	1.80	1.7021	\$64,630,758	\$1,100,052
Operation & Maintenance	0.50	0.4642		\$300,003
Transportation	0.12	0.1085		\$70,101
Working Cash	0.0500	0.0464		\$30,001
Fire Prevention & Safety	0.0500	0.0464		\$30,003
Special Education	0.0400	0.0368		\$23,758
Leasing	0.0500	0.050		\$29,002
Total	2.61	2.4544		\$1,582,920

La Harpe Community School District 347
Tax Levy 2023

Non-Rate-Limited Fund Calculations

Fund	Amount/Extension	EAV Estimate	Estimated Tax Rate
Tort	\$191,530	\$64,630,758	0.2963
IMRF	\$71,956		0.1113
Social Security	\$62,577		0.0968
Total	\$326,063		0.5044

Truth-in-Taxation Calculation
Excludes Bond P & I

Last Year's Extension	\$1,818,079.57
This Year's Requested Fixed Rate Extension	\$1,582,920
This Year's Non Fixed Rate Extension	\$326,063
Total Requested	\$1,908,983.00
Percent Increase	4.999968
Truth in Taxation Necessary?	No

Calculating Debt Funds

Estimated EAV	\$64,630,758	Necessary Rate
Total Bond P & I	\$224,935.33	0.3480

Summary of Tax Rates

Fund Type	Most Recent Year	Next Year Estimated	Change
Rate Limited	2.403053	2.4544	0.051347/2.13%
Non-Rate-Limited	0.499504	0.5044	0.0048/0.980%
Debt	0.351586	0.3480	-.003586/-1.019
Overall Total	3.254143	3.3068	0.052/1.61%

Original: X
Amended:

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 before the last Tuesday of December.

District Name La Harpe Community Unit School District	District Number 347	County Hancock, Henderson, McDonough
--	------------------------	---

Amount of Levy

Educational	\$ 1,100,052	Fire Prevention & Safety *	\$ 30,003
Operations & Maintenance	\$ 300,003	Tort Immunity	\$ 191,530
Transportation	\$ 70,101	Special Education	\$ 23,758
Working Cash	\$ 30,001	Leasing	\$ 29,002
Municipal Retirement	\$ 71,956		\$ 0
Social Security	\$ 62,577	Other	\$ 0
		Total Levy	\$ 1,908,983

* 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 1,100,052 dollars to be levied as a special tax for educational purposes; and
the sum of 300,003 dollars to be levied as a special tax for operations and maintenance purposes; and
the sum of 70,101 dollars to be levied as a special tax for transportation purposes; and
the sum of 30,001 dollars to be levied as a special tax for a working cash fund; and
the sum of 71,956 dollars to be levied as a special tax for municipal retirement purposes; and
the sum of 62,577 dollars to be levied as a special tax for social security purposes; and
the sum of 30,003 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 191,530 dollars to be levied as a special tax for tort immunity purposes; and
the sum of 23,758 dollars to be levied as a special tax for special education purposes; and
the sum of 29,002 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 0 dollars to be levied as a special tax for _____; and
the sum of 0 dollars to be levied as a special tax for _____
on the taxable property of our school district for the year 2023

Signed this 21 day of November 2023 _____
(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

(Detach and Return to School District)

This is to certify that the Certificate of Tax Levy for School District No. 347, Hancock, Henderson, McDonough County, Illinois, on the equalized assessed value of all taxable property of said school district for the year 2023 was filed in the office of the County Clerk of this County on 2023.

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 2023, is \$ _____.

(Signature of County Clerk)

(Date)

(County)



LAHARPE JUNIOR HIGH SCHOOL

APPROVE YOUR ORDER

POWERED BY BSN SPORTS

Order Approval

PDF



DOWNLOAD PDF

PRODUCT DETAILS

QTY

TOTAL



Sideout Volleyball Womens LS Jersey

[VIEW DETAILS](#)

35

\$1,522.50

Ship To

LA HARPE ELEMENTARY SCHOOL

404 W MAIN ST

LA HARPE, IL 61450-9280

Subtotal

\$1,522.50

Tax

\$100.87

Shipping

\$91.35

ORDER TOTAL

\$1,714.72

Sideout Volleyball Womens LS Jersey

[Request Changes](#)

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Community Solar Public Schools Project

Eagle Alley Solar, LLC

At a glance

Trajectory Energy Partners is working with La Harpe CUSD 347 on Eagle Alley Solar, a 1MWac community solar project on school land in La Harpe.

BENEFITS SUMMARY



\$7,150/yr

Utility bill savings for school district



\$3,550/yr

Property tax revenue



**Trajectory
Energy
Partners**

✉ info@trajectoryenergy.com

🌐 trajectoryenergy.com

PROCESS

Trajectory team members will evaluate school owned property for its potential to host a community solar farm.

A Trajectory representative will spend time with your school district and community to fully explain the solar at schools program and the responsibilities of hosting a community solar site.

Trajectory Energy Partners completes all the necessary steps of zoning, interconnection, program application, site diligence and other activities required to site a community solar project at no cost to the school district.

EAGLE ALLEY SOLAR DETAILS

General details of Eagle Alley Solar.



1MWac



6.5 acres



40-year lease

BENEFITS

1

No upfront costs to the school district
No retrofitting or new electrical infrastructure
Ground-mounted community solar system - no roof needed!

2

Per acre rent for the life of the project
New tax revenue for the solar array site
School district and local community utility bill savings

3

Educational opportunities
Pollinator friendly sites
Leadership in the community
Assists IL with its renewable energy goals

CASE STUDY

Eagle Alley Solar, a community solar project developed in partnership with Trajectory Energy Partners and La Harpe CUSD 347.

- Estimated \$35,000 annual utility bill savings for community subscribers
- Eagle Alley Solar will produce enough energy to power **more than 250 households**
- **Pollinator-friendly** ground cover planted below solar panels and around solar projects
- **Union labor** will be used to build the project



Estimated total project revenue over 40-year lifetime: \$943,110

Other Benefits Eagle Alley Solar will bring to La Harpe CUSD 347 and the Community	
Estimated annual utility bill savings for La Harpe CUSD 347	\$7,150
Estimated Property tax revenue within first year	More than \$3,500
Estimated rent over life of project for La Harpe CUSD 347	\$510,390
Estimated Property tax revenue over life of project	More than \$74,350

These estimates are specific to Eagle Alley Solar and can vary for other communities and school districts.