

## Students

### Student and Family Privacy Rights <sup>1</sup>

#### Surveys <sup>2</sup>

All surveys requesting personal information from students, as well as any other instrument used to collect personal information from students, must advance or relate to the District's educational objectives as identified in School Board policy 6:10, *Educational Philosophy and Objectives*, or assist students' career choices. This applies to all surveys, regardless of whether the student answering the questions can be identified and regardless of who created the survey.

#### Surveys Created by a Third Party <sup>3</sup>

Before a school official or staff member administers or distributes a survey or evaluation created by a third party to a student, the student's parent(s)/guardian(s) may inspect the survey or evaluation, upon their request and within a reasonable time of their request.

This section applies to every survey: (1) that is created by a person or entity other than a District official, staff member, or student, (2) regardless of whether the student answering the questions can be identified, and (3) regardless of the subject matter of the questions.

#### Survey Requesting Personal Information <sup>4</sup>

School officials and staff members shall not request, nor disclose, the identity of any student who completes any survey or evaluation (created by any person or entity, including the District) containing one or more of the following items:

1. Political affiliations or beliefs of the student or the student's parent/guardian.

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

<sup>1</sup> State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content. ~~The No Child Left Behind Act significantly changed the Protection of Pupil Rights Act, a/k/a the Hatch Amendments.~~ The Protection of Pupil Rights Act requires any school district, "that receives funds under any applicable program [to] develop and adopt policies, in consultation with parents, regarding [statutory privacy rights]." (20 U.S.C. §1232h(c)(1)). *Any applicable program* generally refers to any federal program administered by the U.S. Department of Education (20 U.S.C. §1221(c)). *Consultation with parents* is not defined; boards are advised, at minimum, to publicize the issue and request public comment during the policy's adoption.

<sup>2</sup> This paragraph is not dictated by law. It, however, contains the principles to guide staff and should be carefully considered and re-crafted by each board. Note that IASB sample board policy 6:10, *Educational Philosophy and Objectives*, is very broad and will thus justify surveys covering many subjects. However, it would prohibit the collection of information for marketing or selling (see f/n 13 of this policy); delete reference if the board wants the option of selling personal information that is collected from students, such as in the following:

A survey requesting personal information from students, as well as any other instrument used to collect personal information from students, must have a business, educational, or marketing justification.

Another alternative is to strictly restrict the subjects on which students may be surveyed, as in the following:

All surveys requesting information from students, as well as any other instrument used to collect personal information from students, must be for the purpose of monitoring the quality of the District's educational programs or assisting students' career choices.

<sup>3</sup> Required by 20 U.S.C. §§1232h(c)(1)(A)(i) and 1232h(c)(2)(A)(ii).

<sup>4</sup> Required by 20 U.S.C. §1232h(c)(1)(B). Consult the board attorney to review the survey or questions before administering it. Given the current political climate, attorneys in the field are voicing concern about the increase in schools and staff requesting inappropriate information from a student, e.g., the number of people and/or families living in his or her home and/or whether firearms are present in the student's home.

2. Mental or psychological problems of the student or the student's family.
3. Behavior or attitudes about sex.
4. Illegal, anti-social, self-incriminating, or demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian.
8. Income other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

The student's parent(s)/guardian(s) may:

1. Inspect the survey or evaluation upon, and within a reasonable time of, their request, <sup>5</sup> and/or
2. Refuse to allow their child or ward to participate in the activity described above. <sup>6</sup> The school shall not penalize any student whose parent(s)/guardian(s) exercised this option.

#### Instructional Material <sup>7</sup>

A student's parent(s)/guardian(s) may inspect, upon their request, any instructional material used as part of their child/ward's educational curriculum within a reasonable time of their request.

The term "instructional material" means instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments. <sup>8</sup>

#### Physical Exams or Screenings <sup>9</sup>

No school official or staff member shall subject a student to a non-emergency, invasive physical examination or screening as a condition of school attendance. The term *invasive physical examination* means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

The above paragraph does not apply to any physical examination or screening that:

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<sup>5</sup> Id.

<sup>6</sup> 20 U.S.C. §1232h(c)(2)(A)(ii).

<sup>7</sup> Required by 20 U.S.C. §1232h(c)(1)(C)(i).

<sup>8</sup> 20 U.S.C. §1232h(c)(6)(A).

<sup>9</sup> The Protection of Pupil Rights Act states that student's parent(s)/guardian(s) may refuse to allow their child or ward to participate in "non-emergency, invasive physical examination or screening." (20 U.S.C. §1232h(c)(2)(A)(ii)). This does not necessarily mean, however, that schools have authority to conduct invasive physical examinations or screenings of students. In order to avoid misunderstandings, the sample policy prohibits physical examinations and screenings of students as those terms are defined in the policy (and federal law).

A board that wants to retain this option must strike the first sentence and replace it with the following:

A student's parent(s)/guardian(s) may refuse to allow their child or ward to participate in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered by the school and scheduled by the school in advance; and (c) not necessary to protect the immediate health and safety of the student, or of other students.

1. Is permitted or required by an applicable State law, including physical examinations or screenings that are permitted without parental notification. <sup>10</sup>
2. Is administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.). <sup>11</sup>
3. Is administered pursuant to the District's extracurricular drug and alcohol testing program (see Policy 7:240, *Conduct Code for Participants in Extracurricular Activities*) otherwise authorized by Board policy. <sup>12</sup>
- 3-4. Is otherwise authorized by Board policy.

### Selling or Marketing Students' Personal Information Is Prohibited <sup>13</sup>

No school official or staff member shall market or sell personal information concerning students (or otherwise provide that information to others for that purpose). The term *personal information* means individually identifiable information including: (1) a student or parent's first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) a telephone number, (4) a Social Security identification number or (5) driver's license number or State identification card. <sup>14</sup>

The above paragraph does not apply: (1) if the student's parent(s)/guardian(s) have consented; or (2) to the collection, disclosure or, use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: <sup>15</sup>

1. College or other postsecondary education recruitment, or military recruitment.
2. Book clubs, magazines, and programs providing access to low-cost literary products.
3. Curriculum and instructional materials used by elementary schools and secondary schools.
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.
5. The sale by students of products or services to raise funds for school-related or education-related activities.
6. Student recognition programs.

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<sup>10</sup> 20 U.S.C. §1232h(c)(4)(B)(ii).

<sup>11</sup> 20 U.S.C. §1232h(c)(5)(A)(ii).

<sup>12</sup> ~~Delete if the board has not adopted a drug- and alcohol testing program for extracurricular participants, that policy should be referenced here and added to this policy's cross references. (See the optional program in 7:240, *Conduct Code for Participants in Extracurricular Activities*.) Also delete reference to 7:240, *Conduct Code for Participants in Extracurricular Activities* in this policy's cross references.~~

<sup>13</sup> The Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/, prohibits the sale of personal information concerning a child under the age of 16, with a few exceptions, unless the parent(s)/guardian(s) have consented. Federal law [20 U.S.C. §1232h(c)(1)(E)] is similar but not identical. In order to effectuate both laws, the sample policy prohibits the sale or marketing of *personal information* unless the parents/guardians have consented.

<sup>14</sup> 20 U.S.C. §1232h(c)(6)(E); Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/. See f/n 7 in 7:340, *Student Records*, for a discussion about managing FOIA requests for items (1)-(3) under *personal information* in this paragraph.

<sup>15</sup> Id.

Under no circumstances may a school official or staff member provide a student's *personal information* to a business organization or financial institution that issues credit or debit cards. <sup>16</sup>

Notification of Rights and Procedures <sup>17</sup>

The Superintendent or designee shall notify students' parents/guardians of:

1. This policy as well as its availability upon request from the general administration office.
2. How to opt their child or ward out of participation in activities as provided in this policy.
3. The approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled. <sup>18</sup>
4. How to request access to any survey or other material described in this policy.

This notification shall be given parents/guardians at least annually, at the beginning of the school year, and within a reasonable period after any substantive change in this policy.

The rights provided to parents/guardians in this policy transfer to the student when the student turns 18 years old, or is an emancipated minor. <sup>19</sup>

LEGAL REF.: 20 U.S.C. §1232h, Protection of Pupil Rights Act.  
325 ILCS 17/, Children's Privacy Protection and Parental Empowerment Act.  
105 ILCS 5/10-20.38.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 6:210 (Instructional Materials), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:300 (Extracurricular Athletics)

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<sup>16</sup> 105 ILCS 5/10-20.38.

<sup>17</sup> The details in this section are specified in and required by 20 U.S.C. §1232h(c)(2). This information should be in the student handbook.

<sup>18</sup> If the board chose to keep the option of marketing personal information received from students and/or conducting physical exams, add the following to this list as appropriate: "collection of personal information from students for marketing and physical examinations or screenings."

<sup>19</sup> 20 U.S.C. §1232h(c)(5)(B).

## Students

### Student Assignment and Intra-District Transfer 1

#### Attendance Areas

The School District is divided into school attendance areas. The Superintendent will review the boundary lines annually and recommend any changes to the School Board.<sup>2</sup> The Superintendent or designee shall maintain a map of the District showing current school attendance areas. Students living in a given school attendance area will be assigned to that school.<sup>3</sup> Homeless children shall be assigned according to Board policy 6:140, *Education of Homeless Children*.

#### Transfers Within the District 4

A student's parent(s)/guardian(s) may request a transfer for their child to a District school other than the one assigned. A request should be directed to the Superintendent, who, at his or her sole discretion, may grant the request when the parent(s)/guardian(s) demonstrate that the student could be better accommodated at another school, provided space is available. If a request is granted, the parent/guardian shall be responsible for transportation.<sup>5</sup> The provisions in this section have no applicability to transfers pursuant to: ~~(1) Title I covered in Board policy 6:15, *School Accountability*, or~~ ~~(2) the Unsafe School Choice Option covered in Board policy 4:170, *Safety*.~~

#### Class Assignments

The Superintendent or designee shall assign students to classes.

LEGAL REF.: 105 ILCS 5/10-21.3, 5/10-21.3a, and 5/10-22.5.

CROSS REF.: 4:170 (Safety), ~~6:15 (School Accountability)~~, 6:30 (Organization of Instruction), 6:140 (Education of Homeless Children)

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<sup>1</sup> State law requires that intra-district transfers be covered by policy and controls this policy's content (105 ILCS 5/10-21.3a).

<sup>2</sup> School attendance areas must be periodically revised, if necessary, to prevent or eliminate segregation by color, race, or nationality (105 ILCS 5/10-21.3).

<sup>3</sup> State law grants boards broad authority concerning assignment of students to schools (105 ILCS 5/10-22.5). A child is presumed to be a resident of the district in which the child's legal custodian parents, or custodial parent after a divorce, resides (105 ILCS 5/10-20.12b). The facts surrounding a transfer of custody will determine whether residency for school attendance purposes has changed. *Turner v. Board of Education North Chicago Community High School District 123*, 294 N.E.2d 264 (Ill. 1973).

<sup>4</sup> The details for intra-district transfers are determined locally; State law does not address when, or even if, intra-district transfers should be granted. ~~See sample policy 6:15, *School Accountability*, for transfers pursuant to Title I.~~ For districts that maintain one attendance center, delete this subhead.

<sup>5</sup> To limit the acceptable reasons supporting a transfer request, a board should consider this alternative: "...when the parent(s)/guardian(s) demonstrate that the student could be better accommodated by the educational program at another school ..."

## Students

### School Admissions and Student Transfers To and From Non-District Schools <sup>1</sup>

#### Age [Elementary or Unit Districts only]

To be eligible for admission, a child must be ~~five~~<sup>5</sup> years old on or before September 1 of that school term.<sup>2</sup> A child entering first grade must be ~~six~~<sup>6</sup> years of age on or before September 1 of that school term.<sup>3</sup> Based upon an assessment of the child's readiness, a child will be allowed to attend first grade 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~~<sup>6</sup> years old on or before December 31.<sup>4</sup> A child with exceptional needs who qualifies for special education services is eligible for admission at ~~three~~<sup>3</sup> years of age.<sup>5</sup> <sup>6</sup>

#### Admission Procedure

All students must register for school each year on the dates and at the place designated by the Superintendent. Parents/guardians of students enrolling in the District for the first time must present:

1. A certified copy of the student's birth certificate. If a birth certificate is not presented, the Superintendent or designee shall notify in writing the person enrolling the student that within

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<sup>1</sup> State law requires some of the subject matter contained in this sample policy to be covered by policy and controls this policy's content. Boards must adopt a policy on school admissions (105 ILCS 5/10-21.2) and restricting a student from transferring from another school while under a suspension or expulsion from that school (105 ILCS 5/10-22.6). A *registration guidance document*, updated annually, is available from the Ill. State Board of Education (ISBE) at: [www.isbe.net/pdf/guidance\\_reg.pdf](http://www.isbe.net/pdf/guidance_reg.pdf).

<sup>2</sup> 105 ILCS 5/10-20.12. The district may, however, establish a kindergarten for children between the ages of 4 and 6 years old (105 ILCS 5/10-20.19a 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 18<sup>th</sup> birthday.

<sup>3</sup> Optional sentence.

<sup>4</sup> Required by 105 ILCS 5/10-20.12. Use the following alternative in a district operating on a full year school basis:

To be eligible for admission, a child must be at least ~~five~~<sup>5</sup> years old within 30 days after the commencement of that school term. Based upon an assessment of the child's readiness, a child may attend first grade 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~~<sup>6</sup> within ~~four~~<sup>4</sup> months after the commencement of the term.

<sup>5</sup> 105 ILCS 5/14-1.02 and 5/14-1.03a. An ISBE rule states: "Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 C.F.R. §300.131) who may be eligible for special education and related services," (23 Ill.Admin.Code §226.100). Note that after a child is determined to be eligible for special education services, the child must be placed in the appropriate program no later than the beginning of the next school semester (105 ILCS 5/14-8.02(b)).

<sup>6</sup> 105 ILCS 5/10-20.12. Districts that wish to permit early admission may add the following optional paragraph:

Parents/guardians may request early admission for a child. The Superintendent or designee shall assess the child's readiness to attend school and make the decision accordingly.

Districts that implement this option should also 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.

30 days he or she must provide a certified copy of the student's birth certificate. A student will be enrolled without a birth certificate.<sup>7</sup> When a certified copy of the birth certificate is presented, the school shall promptly make a copy for its records, place the copy in the student's temporary record, and return the original 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 ~~10~~ten days, the case will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that ~~10~~ten-day period, the Superintendent or designee shall so refer the case. The Superintendent or designee shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content.<sup>8</sup>

2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students*.<sup>9</sup>

The individual enrolling a student shall be given the opportunity to voluntarily state whether the student has a parent or guardian who is a member of a branch of the U. S. Armed Forces and who is either deployed to active duty or expects to be deployed to active duty during the school year.<sup>10</sup> Students who are children of active duty military personnel transferring will be allowed to enter: (a)

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<sup>7</sup> Presenting a certified copy of a student's birth certificate is a missing children's law enforcement issue **that may not be used for denying enrollment**. See **Guidance Documents** subhead in 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*, 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 8 below).

<sup>8</sup> Two almost identical laws govern this requirement: Missing Children Records Act (325 ILCS 50/) and Missing Children Registration Law (325 ILCS 55/). We reconciled their differences as much as possible but chiefly used the language from the Registration Law because it has the clearest explanation. The statutory enforcement requirements, as nonsensical as they may seem, are quoted in the policy. **Important:** Schools cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. See *Plyler v. Doe*, 102 S.Ct. 2382 (1982). See also f/n 12 below.

According to the 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 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. 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. While the Act does not mandate where the copy should be kept, it is appropriate for placement in the student's temporary record. See 23 Ill.Admin.Code §375.10. 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.

<sup>9</sup> Each school must maintain records for each student that reflect compliance with the examinations and immunizations required by 105 ILCS 5/27-8.1; 23 Ill.Admin.Code §1.530(a). A Tuberculosis skin test is required if the student lives in an area designated by the Dept. of Public Health as having a high incidence of Tuberculosis.

<sup>10</sup> 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; this exact language is not contained in the recoded Educational Opportunity for Military Children Act, 105 ILCS 70/.

the same grade level in which they studied at the school from which they transferred, if the transfer occurs during the District's school year, or (b) the grade level following the last grade completed.<sup>11</sup>

### Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required for enrollment.<sup>12</sup> Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

### Foster Care Students

The Superintendent will appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Illinois Department of Children and Family Services when enrolling in or changing schools. 13

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<sup>11</sup> ~~Optional sentence.~~ The Educational Opportunity for Military Children Act, 105 ILCS 70/33, ~~added by P.A. 98-673,~~ further details enrollment and entrance requirements for children of active military personnel. 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 7:50-AP, *School Admissions and Student Transfers To and From Non-District Schools*.

<sup>12</sup> Required by 105 ILCS 45/ and the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 ~~et seq.,~~ amended by the No Child Left Behind Act. See §11432(g)(3)(C)(i).

<sup>13</sup> Optional. 105 ILCS 5/10-20.58, added by P.A. 99-781, allows school boards to appoint liaisons for foster care students. These liaisons must be licensed under Article 21B of the School Code. 105 ILCS 5/10-20.58 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." Liaison responsibilities 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.



## Student Transfers To and From Non-District Schools<sup>14</sup>

A student may transfer into or out of the District according to State law and procedures developed by the Superintendent or designee. A student seeking to transfer into the District must serve the entire term of any suspension or expulsion, imposed for any reason by any public or private school, in this or any other state, before being admitted into the School District.

## Foreign Students [*High School or Unit Districts only*]<sup>15</sup>

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

<sup>14</sup> 105 ILCS 5/2-3.13a requires each transferor (original) school to keep documentation of transfers in the student's record. It also requires "notification [by the transferee (recipient) school] of the transfer on or before July 31 following the school year during which the student withdraws from the transferor school or school district or the student shall be counted in the calculation of the transferor school's or school district's annual student dropout rate." ISBE rule, 23 Ill.Admin.Code §375.75(e), is consistent with this requirement. The rule also requires the transferring school or district to maintain any documentation of the student's transfer, including records indicating the school or school district to which the student transferred, in that student's temporary record.

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 5/10-8.1 & 70/32, added by P.A. 98-673). See also 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 section 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.

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 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; 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 for the remainder of the suspension or expulsion.

<sup>15</sup> Generally, a citizen of a foreign country who wishes to enter the U.S. must first obtain either: (1) a nonimmigrant visa (for temporary stay for tourism, medical treatment, business, temporary work, or study), or (2) an immigrant visa for permanent residence. Common visas presented by foreign students are:

1. J-1 nonimmigrant visas for participants in educational and cultural exchange programs designated by the U.S. Department of State, 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 [j1.visa.state.gov/programs](http://j1.visa.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 non-resident status. Call INS or 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*, 102 S.Ct. 2382 (1982). 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 District accepts foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration. Exchange students on a J-1 visa are not required to pay tuition.<sup>16</sup>

Privately sponsored exchange students on an F-1 visa may be enrolled if an adult resident of the District has temporary guardianship, and the student lives in the home of that guardian. Exchange students on an F-1 visa are required to pay tuition at the established District rate.<sup>17</sup> F-1 visa student admission is limited to high schools, and attendance may not exceed 12 months.

The Board may limit the number of exchange students admitted in any given year. Exchange students must comply with District immunization requirements. Once admitted, exchange students become subject to all District policies and regulations governing students.

Re-enrollment<sup>18</sup> [*High School or Unit Districts only*]

Re-enrollment shall be denied to any individual 19 years of age or above who has dropped out of school and who could not earn sufficient credits during the normal school year(s) to graduate before his or her 21st birthday. However, at the Superintendent's or designee's discretion and depending on program availability, the individual may be enrolled in a graduation incentives program established under 105 ILCS 5/26-16 or an alternative learning opportunities program established under 105 ILCS 5/13B-1 (see 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*). Before being denied re-enrollment, the District will offer the individual due process as required in cases of expulsion under policy 7:210, *Expulsion Procedures*. A person denied re-enrollment will be offered counseling and be directed to alternative educational programs, including adult education programs that lead to graduation or receipt of a GED diploma. This section does not apply to students eligible for special education under the Individuals with Disabilities Education Improvement Act or accommodation plans under the Rehabilitation Act, Section 504.

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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. 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 INS and Department of State 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 INS and DOS offices.

According to federal regulations, students who apply for F-1, M-1, F-3, or M-3 visas must pay a \$100 fee, and students who apply for J-1 visas must pay a \$35 fee, to the Department of Homeland Security. 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).

~~**Important:** Admitting students on an F-1 visa may require the district to admit students transferring from another district under NCLBA's school choice provisions. See policy 7:60, *Residence*.~~

<sup>16</sup> State law allows, but does not require, boards to waive nonresident tuition for these students (105 ILCS 5/10-22.5a).

<sup>17</sup> Exchange students on F-1 visas must pay the full-unsubsidized public education costs before entering the U.S. (8 U.S.C. §1101). Boards may not waive the fee.

<sup>18</sup> 105 ILCS 5/26-2(b). The requirements in this section are provided in State law, that is: (1) it is mandatory that a district deny re-enrollment as provided in this section, (2) it is permissive whether to enroll the individual in a district graduation incentives program or alternative learning opportunities program (although depending on circumstances, a student below the age of 20 may be entitled to enroll in a graduation incentives program), (3) it is mandatory to provide due process before denying re-enrollment, (4) it is mandatory to offer the individual who is denied re-enrollment counseling and to direct that person to alternative educational programs, and (5) it is mandatory that this section not apply to students eligible for special education.

105 ILCS 5/26-2(c) allows a district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. See policy 7:70, *Attendance and Truancy*.

LEGAL REF.: Family Educational Rights and Privacy Act, 20 U.S.C. §1232.  
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
~~Family Educational Rights and Privacy Act, 20 U.S.C. §1232.~~  
Illegal Immigrant and Immigrant Responsibility Act of 1996, 8 U.S.C. §1101.  
Individuals With Disabilities Education Improvement Act, 20 U.S.C. §1400 et seq.  
Rehabilitation Act, Section 504, 29 U.S.C. §794.  
105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-2,  
5/27-8.1, 10/8.1, 45/, and 70/.  
325 ILCS 50/ and 55/.  
410 ILCS 315/2e.  
20 Ill.Admin.Code Part 1290, Missing Person Birth Records and School  
Registration.  
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), 6:140 (Education of Homeless Children), 6:300  
(Graduation Requirements), 6:310 (High School Credit for Non-District  
Experiences; Course Substitutions; Re-Entering Students), 7:60 (Residence),  
7:70 (Attendance and Truancy), 7:100 (Health, Eye, and Dental Examinations;  
Immunizations; and Exclusion of Students), 7:340 (Student Records)

## Students

### Residence<sup>1</sup>

#### Resident Students

Only students who are residents of the District may attend a District school without a tuition charge, except as otherwise provided below or in State law.<sup>2</sup> A student's residence is the same as the person who has legal custody of the student.<sup>3</sup>

A person asserting legal custody over a student, who is not the child's natural or adoptive parent, shall complete a signed statement, stating: (a) that he or she has assumed and exercises legal responsibility for the child, (b) the reason the child lives with him or her, other than to receive an education in the District, and (c) that he or she exercises full control over the child regarding daily educational and medical decisions in case of emergency. If the District knows the current address of the child's natural or adoptive parent, the District shall request in writing that the person complete a signed statement or Power of Attorney stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency.<sup>4</sup>

A student whose family moves out of the District during the school year will be permitted to attend school for the remainder of the year without payment of tuition.<sup>5</sup>

When a student's change of residence is due to the military service obligation of the student's legal custodian, the student's residence is deemed to be unchanged for the duration of the custodian's military service obligation if the student's custodian made a written request. The District, however, is not responsible for the student's transportation to or from school.<sup>6</sup>

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within 60 days after the time of

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

<sup>1</sup> State or federal law controls this policy's content.

<sup>2</sup> In certain cases, no tuition may be charged for non-resident children placed: (1) by DCFS 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/, added by P.A. 96-953). When special education services are provided, *resident district* is determined by 105 ILCS 5/14-1.11 and 14-1.11a.

<sup>3</sup> In the case of divorced or divorcing parents, the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/, amended by P.A. 99-90, 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. P.A. 99-90 also requires a parenting plan that sets forth a child's residential address for school enrollment purposes (750 ILCS 5/602.10(f)(6)). Consult the board attorney when the residential address set forth in a parenting plan is not the address of the parent with the majority of parenting time.

<sup>4</sup> 105 ILCS 5/10-20.12b. In order to establish residence, a school district may not require a parent to transfer custody/guardianship to the person with whom the child is living, Israel S. by Owens v. Board of Education of Oak Park and River Forest High School Dist. 200, 601 N.E.2d 1264 (Ill.App. 1992). See also Joel R. v. Board of Education of Manheim School Dist. 83, 686 N.E.2d 650 (Ill.App.; 1997).

<sup>5</sup> 105 ILCS 5/10-20.12a.

<sup>6</sup> 105 ILCS 5/10-20.12b(a-5).

initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition.<sup>7</sup>

#### Requests for Non-Resident Student Admission <sup>8</sup>

Non-resident students may attend District schools upon the approval of a request submitted by the student's parent(s)/guardian(s) for non-resident admission. The Superintendent may approve the request subject to the following:<sup>9</sup>

1. The student will attend on a year-to-year basis. Approval for any one year is not authorization to attend a following year.
2. The student will be accepted only if there is sufficient room.
3. The student's parent(s)/guardian(s) will be charged the maximum amount of tuition as allowed by State law.<sup>10</sup>
4. The student's parent(s)/guardian(s) will be responsible for transporting the student to and from school.

#### Admission of Non-Resident Students Pursuant to an Agreement or Order<sup>11</sup>

Non-resident 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 non-resident 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 non-resident student.

#### Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required to establish residency.<sup>12</sup> School Board policy 6:140,

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

<sup>7</sup> 105 ILCS 5/10-22.5a. Military personnel must provide proof that the child will be living within the district within 60 days after the date of initial enrollment. Proof of residency may include postmarked mail addressed to the military personnel and sent to an address located within the district, a lease agreement for occupancy of a residence located within the district, or proof of ownership of a residence located within the district.

<sup>8</sup> Optional. ~~IMPORTANT: Admitting non-resident students under this section probably requires the district to admit students transferring from another district under NCLBA's school choice provision. Thus, a board that will reject any invitation to enter into an intergovernmental agreement to accept non-resident students under NCLBA's school choice should delete this section.~~ A district that wants to include this subhead should specify and customize the listed criteria to match local conditions.

<sup>9</sup> State law is silent regarding non-resident student enrollment except to require the parent(s)/guardian(s) to pay tuition (105 ILCS 5/10-20.12a and 5/10-20.12b).

<sup>10</sup> 105 ILCS 5/10-20.12a specifies a formula for calculating the maximum amount a district can charge non-resident students.

<sup>11</sup> ~~If a board intends to reject any invitation to accept non-resident students under NCLBA's school choice, it should seek its attorney's opinion before entering into any agreement described in this section.~~ The agreement described in #1 is optional (105 ILCS 5/10-22.5a) and districts are not required to enter into such agreements nor to alter existing transportation services due to the attendance of such non-resident students. The agreement described in #2 is optional (105 ILCS 5/10-22.5a); districts should be sure it is consistent with 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 non-resident students under the NCLBA's school choice provisions; entering into such an agreement is optional.

*Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

Challenging a Student's Residence Status<sup>13</sup>

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a non-resident of the District for whom tuition is required to be charged, he or she on behalf of the School Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall detail the specific reasons why the Board believes that the student is a nonresident of the District<sup>14</sup> and the notice 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.

LEGAL REF.: McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
105 ILCS 5/10-20.12a, 5/10-20.12b, and 5/10-22.5.  
105 ILCS 45/ and 70/.  
23 Ill.Admin.Code §1.240.  
Israel S. by Owens v. Board of Educ. of Oak Park and River Forest High School  
Dist. 200, 601 N.E.2d 1264 (Ill.App.1, 1992).  
Joel R. v. Board of Education of Manheim School District 83, 686 N.E.2d 650  
(Ill.App.1, 1997).  
Kraut v. Rachford, 366 N.E.2d 497 (Ill.App.1, 1977).

CROSS REF.: 6:15 (~~School Accountability containing "School Choice for Students Enrolled in a School Identified for Improvement, Corrective Action, or Restructuring"~~),  
6:140 (Education of Homeless Children), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:70 (Attendance and Truancy)

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<sup>12</sup> Required by 105 ILCS 45/1-1 et seq. and the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq., as amended by the NCLBA. See §11432 (g)(3)(C)(i).

<sup>13</sup> Id. See administrative procedure 7:60-AP, *Challenging a Student's Residence Status*, for sample procedures implementing this paragraph.

<sup>14</sup> 105 ILCS 5/10-20.12b, as amended by P.A. 99-670, eff. 1-1-17.

## Students

### Administrative Procedure - Challenging a Student's Residence Status <sup>1</sup>

Actor	Action
Superintendent or Designee	On behalf of the School Board, notifies the person who enrolled a student of the tuition amount due to the District for the non-resident student's attendance. The notice <u>shall detail the specific reasons why the board believes that the student is a nonresident of the District and shall be sent by certified mail, return receipt requested.</u>
Person Who Enrolled the Student	<p>Within <del>10</del> ten calendar days after receipt of the notice, may request a hearing to review the determination that tuition is due. The request shall be sent certified mail, return receipt requested, to the Superintendent.</p> <p><b>If a hearing is requested to review the Board's decision:</b> May request that the student continue attending <del>at</del> the District's schools pending the Board's final decision. Such attendance shall not relieve the person who enrolled the student of the obligation to pay the tuition for that attendance if the Board decides the student is a non-resident who must pay tuition.</p>
Superintendent or Designee	<p>On behalf of the Board and within <del>10</del> ten calendar days after receiving the hearing request, shall notify the person requesting the hearing of its time and place; the notification shall be sent by certified mail, return receipt requested. The hearing shall be held not less than <del>10</del> ten nor more than 20 calendar days after this hearing notice is given. <u>The hearing notice shall notify the person requesting the hearing that any written evidence and testimony or witnesses not disclosed at least three calendar days prior to the hearing are barred at the hearing without the District's consent.</u></p> <p><u>At least three calendar days prior to the hearing, discloses to the person requesting the hearing all written evidence and testimony the District may submit during the hearing and a list of witnesses it may call to testify during the hearing.</u></p>
Person Who Enrolled the Student	<u>At least three calendar days prior to the hearing, discloses to the District all written evidence and testimony he/she may submit during the hearing and a list of witnesses he/she may call to testify during the hearing.</u>
School Board or Hearing Officer Designated by the Board	Conducts the hearing. At the hearing: (1) the Board and the person who enrolled the student may use representatives of their choice, and (2) the person who enrolled the student has the burden of going forward with the evidence concerning the student's residency.

<sup>1</sup> The timelines and other requirements contained in this procedure are required by 105 ILCS 5/10-20.12b.

Actor	Action
	<p><b>If the hearing is conducted by a hearing officer:</b> Within <del>5</del>five calendar days after the hearing's conclusion, sends a written report of his or her findings to the Board and to the person who enrolled the student. The report shall be sent by certified mail, return receipt requested.</p>
<p>Person Who Enrolled the Student</p>	<p><b>If the hearing is conducted by a hearing officer:</b> Within <del>5</del>five calendar days after receiving the hearing officer's findings, may file written objections to the findings with the Board. The objections shall be sent by certified mail, return receipt requested, addressed to the Superintendent.</p>
<p>School Board</p>	<p><b>Whether the hearing is conducted by the Board or a hearing officer:</b> Within <del>45</del>30 calendar days after the hearing's conclusion, decides whether or not the student is a resident of the District and the amount of any tuition required to be charged as a result of the student's attendance in the District's schools;  <del>;</del> Within five calendar days of its decision sends a copy of its decision to the person who enrolled the student by certified mail, return receipt requested. The decision must inform the person who enrolled the student that: (1) he/she may, within five calendar days after receipt of the Board's decision, petition the <del>regional superintendent</del>Regional Superintendent or appropriate Intermediate Service Center of schools to review the decision; and (2) at his/her request, the student may continue attending the District's schools pending the <del>regional superintendent</del>Regional Superintendent or appropriate Intermediate Service Center's review of the Board's decision. Such attendance shall not relieve the person who enrolled the student of the obligation to pay the tuition for that attendance if the <del>regional superintendent</del>Regional Superintendent or appropriate Intermediate Service Center decides the student is a nonresident. <del>The Board's decision is final.</del></p> <p><b>If a student is determined to be a non-resident:</b> Must refuse to permit the student to continue attending the schools unless the required tuition is paid.</p>
<p>Person Who Enrolled the Student</p>	<p>Within five calendar days after receiving the Board's decision, may petition the <del>regional superintendent</del>Regional Superintendent or appropriate Intermediate Service Center to review the decision. The petition must include the basis for the request and be sent by certified mail, return receipt requested, to both the <del>regional superintendent</del>Regional Superintendent or appropriate Intermediate Service Center and the Superintendent.</p>
<p>School Board</p>	<p>Within five calendar days after receiving petition, delivers to the <del>regional superintendent</del>Regional Superintendent or appropriate Intermediate Service Center the Board's decision, any written evidence and testimony submitted by the parties during the hearing, a list of all witnesses that testified during the hearing, and any</p>



Actor	Action
	<u>existing written minutes or transcript or verbatim record of the hearing. May also provide the <del>regional superintendent</del>Regional Superintendent or appropriate Intermediate Service Center and the person who enrolled the student with a written response to the petition.</u>
<u>Regional Superintendent of Schools or appropriate Intermediate Service Center</u>	<u>Within <del>10</del>ten calendar days after receipt of documentation from the District, issues a written decision as to whether or not there is clear and convincing evidence the student is a resident of the District and eligible to attend the District's schools on a tuition-free basis. The decision shall be transmitted to the Board and the person who enrolled the student, and shall, with specificity, detail the decision's rationale.</u>

LEGAL REF: 105 ILCS 5/10-20.12b, amended by P.A. 99-670.

## Students

### Administrative Procedure - Establishing Student Residency

Actor	Requirements and Actions that Must Be Completed
Anyone Seeking to Enroll a Student	<p>Must present a certified or registered birth certificate for the student.</p> <p>Must present proof of residency within the District by providing the required number of documents from each of the following categories: <sup>1</sup></p> <p><u>Category I</u> (One document required)</p> <ul style="list-style-type: none"> <li>Most recent property tax bill and proof of payment, e.g., canceled check or Form 1098 (homeowners)</li> <li>Mortgage papers (homeowners)</li> <li>Signed and dated lease and proof of last month's payment, e.g., canceled check or receipts (renters)</li> <li>Letter from manager and proof of last month's payment, e.g., canceled check or receipt (trailer park residents)</li> <li>Letter of residence from landlord in lieu of lease (7:60-AP2, E1)</li> <li>Letter of residence to be used when the person seeking to enroll a student is living with a District resident (7:60-AP2, E2)</li> </ul> <p><u>Category II</u> (Two documents showing proper address are required)</p> <ul style="list-style-type: none"> <li>Driver's license</li> <li>Vehicle registration</li> <li>Voter registration</li> <li>Most recent cable television and/or credit card bill</li> <li>Current public aid card</li> <li>Current homeowners/renters insurance policy and premium payment receipt</li> <li>Most recent gas, electric, and/or water bill</li> <li>Current library card</li> <li>Receipt for moving van rental</li> <li>Mail received at new residences</li> </ul> <p><u>Military Personnel Enrolling a Student for the First Time in the District.</u> <sup>2</sup></p> <p>Must provide one of the following within 60 days after the date of student's initial enrollment)</p> <ul style="list-style-type: none"> <li>Postmarked mail addressed to military personnel</li> <li>Lease agreement for occupancy</li> <li>Proof of ownership of residence</li> </ul>

The footnotes should be removed before the material is used.

<sup>1</sup> Deciding which documents prove residency is a local matter; thus, these categories may be amended but documents required, when taken together, shall not result in a requirement for proof of legal presence, such as a Social Security number. See 23 Ill.Admin.Code §1.240(b).

<sup>2</sup> Required by 105 ILCS 5/10-22.5a.

Actor	Requirements and Actions that Must Be Completed
	<p data-bbox="607 296 1442 359"><u>Military Personnel Wanting to Keep Child/Ward Enrolled in the District Despite Having Changed Residence Due to a Military Service Obligation.</u> <sup>3</sup></p> <p data-bbox="607 365 1442 499">Upon submitting a written request, the student's residence will be deemed to be unchanged for the duration of the custodian's military service obligation. The District, however, is not responsible for the student's transportation to or from school.</p> <p data-bbox="607 506 1341 569"><u>Military Personnel Placing Non-Resident Child/Ward with Non-Custodial Parent While on Active Military Duty.</u> <sup>4</sup></p> <p data-bbox="607 575 1442 865">A student will not be charged tuition while he or she is placed with a <i>non-custodial parent</i> (a person who has temporary custody of a child of active duty military personnel and who is responsible for making decisions for the child). Must provide any "special power of attorney" created by the student's parent/guardian for the District to follow. A special power of attorney authorizes: (1) the student to enroll in a district of the non-custodial parent, and (2) the non-custodial parent to make decisions for the student. Any special power of attorney will be filed in the student's temporary record.</p>
Anyone with a Custody Order Seeking to Enroll a Student	Presents court order, agreement, judgment, or decree that awards or gives custody of the student to any person (including divorce decrees awarding custody to one or both parents).
Non-Parent Seeking to Enroll a Student	Must complete and sign <i>Evidence of Non-Parent's Custody, Control, and Responsibility of a Student</i> form, School Board exhibit 7:60-AP2, E3.

**IMPORTANT:**

The School District reserves the right to evaluate the evidence presented, and merely presenting the items listed in this Procedure does not guarantee admission.

**WARNING:**

If a student is determined to be a nonresident of the District for whom tuition must be charged, the persons enrolling the student are liable for non-resident tuition from the date the student began attending a District school as a non-resident.

A person who knowingly enrolls or attempts to enroll in this School District on a tuition-free basis a student known by that person to be a nonresident of the District is guilty of a Class C misdemeanor, except in very limited situations as defined in State law (105 ILCS 5/10-20.12b(e)).

A person who knowingly or willfully presents to the School District any false information regarding the residency of a student for the purpose of enabling that student to attend any school in that District without the payment of a nonresident tuition charge is guilty of a Class C misdemeanor (105 ILCS 5/10-20.12b(f)).

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The footnotes should be removed before the material is used.

<sup>3</sup> 105 ILCS 5/10-20.12b(a-5).

<sup>4</sup> 105 ILCS 70/, added by P.A. 96-953.

## Students

### Exhibit - Letter of Residence from Landlord in Lieu of Lease

A person seeking to enroll a child may use this form as evidence of residency when a signed lease is unavailable – other documents will also be required to establish residency. Return this completed form, signed by your landlord, to the Building Principal. The School District reserves the right to evaluate the evidence presented; completing this form does not guarantee admission.

**To be completed and signed by the individual enrolling the child and returned to the Principal. Please print.**

Child	School	
Individual enrolling the child	Home Telephone	
Relationship to the child		
Residence street address	City	Zip code
Landlord's name	Landlord's telephone	
Landlord's address	City	Zip code
Signature of the individual enrolling the student	Date	

**To be signed by your landlord to verify that you are renting this residence.**

I certify that the individuals named above are living in the residence named above for the lease term of \_\_\_\_ / \_\_\_\_ / \_\_\_\_ through \_\_\_\_ / \_\_\_\_ / \_\_\_\_.

Landlord's signature	Date
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**WARNING:** If a student is determined to be a nonresident of the District for whom tuition must be charged, the persons enrolling the student are liable for non-resident tuition from the date the student began attending a District school as a non-resident.

A person who knowingly enrolls or attempts to enroll in this School District on a tuition-free basis a student known by that person to be a nonresident of the district is guilty of a Class C misdemeanor, except in very limited situations as defined in State law (105 ILCS 5/10-20.12b(e)).

A person who knowingly or willfully presents to the School District any false information regarding the residency of a student for the purpose of enabling that student to attend any school in that district without the payment of a nonresident tuition charge is guilty of a Class C misdemeanor (105 ILCS 5/10-20.12b(f)).

## Students

### Exhibit - Letter of Residence to Be Used When the Person Seeking to Enroll a Student Is Living with a District Resident

A person seeking to enroll a child should use this form as evidence of residency when he or she cannot produce a lease, purchase property agreement, or other similar document – other documents will also be required to establish residency. The School District reserves the right to evaluate the evidence presented; completing this form does not guarantee admission.

**To be completed by the individual enrolling the child and returned to the Principal. Please print.**

Child	School	
Individual enrolling the child	Home Telephone	
Relationship to the child		
Residence street address	City	Zip code
Signature of the individual enrolling the student	Date	

**To be completed and signed by the individual who is responsible for the residence. Please print.**

Name of the individual who is responsible for the residence	Telephone
I am responsible for this residence by <input type="checkbox"/> ownership, <input type="checkbox"/> lease, or <input type="checkbox"/> other _____	
Total number of: Persons living at this residence _____ Rooms in residence _____ Bedrooms _____	
State the reasons for this living arrangement, including your relationship to the individual enrolling the child:	

**I certify that this information is true and that the individuals named above are living in my residence.**

Signature of the individual who is responsible for the residence	Date
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**WARNING:** If a student is determined to be a nonresident of the District for whom tuition must be charged, the persons enrolling the student are liable for non-resident tuition from the date the student began attending a District school as a non-resident.

A person who knowingly enrolls or attempts to enroll in this School District on a tuition-free basis a student known by that person to be a nonresident of the district is guilty of a Class C misdemeanor, except in very limited situations as defined in State law (105 ILCS 5/10-20.12b(e)).

A person who knowingly or willfully presents to the School District any false information regarding the residency of a student for the purpose of enabling that student to attend any school in that district without the payment of a nonresident tuition charge is guilty of a Class C misdemeanor (105 ILCS 5/10-20.12b(f)).

**Students**

**Exhibit - Evidence of Non-Parent's Custody, Control, and Responsibility of a Student**

This form establishes a child's residency in the School District when the child is not living with a natural or adoptive parent. It must be completed by the individual who has assumed custody. Read **Important Warning** and submit this form with your signature to the Building Principal.

Student's name \_\_\_\_\_ District attendance building \_\_\_\_\_

Name of individual completing this form (*Please print*) \_\_\_\_\_ Relationship to child \_\_\_\_\_

*Please check all applicable boxes:*

- The child lives with me at my residence address, as stated below, and is not living with me solely for the purpose of attending the District's school.
- I have assumed and exercise full legal responsibility for and control of the child regarding daily educational and medical decisions, including responsibility for:
  - medical decisions and costs  food and clothing
  - discipline and restitution for vandalism or other crimes  school fees (books, bus, etc.)

At my residence the child regularly: (*Please explain any unchecked boxes*)

- Eats meals \_\_\_\_\_
- Sleeps \_\_\_\_\_
- Spends weekends and summers \_\_\_\_\_

**Important Warning:** The School District reserves the right to evaluate the evidence presented. Completing this form does not guarantee admission. If a student is determined to be a nonresident of the District for whom tuition must be charged, the persons enrolling the student are liable for non-resident tuition from the date the student began attending a District school as a non-resident.

A person who knowingly enrolls or attempts to enroll in this School District on a tuition-free basis a student known by that person to be a nonresident of the District is guilty of a Class C misdemeanor, except in very limited situations as defined in State law (105 ILCS 5/10-20.12b(e)).

A person who knowingly or willfully presents to the School District any false information regarding a student's residency to enable that student to attend any school in the District without the payment of a nonresident tuition charge is guilty of a Class C misdemeanor (105 ILCS 5/10-20.12b(f)).

Date \_\_\_\_\_ Signature of individual completing this form \_\_\_\_\_

Telephone \_\_\_\_\_ Address \_\_\_\_\_

**Optional:** *To be completed by the natural or adoptive parent(s), if one is available.*

*Please check all applicable boxes:*

- I am the natural or adoptive parent of the child.
- I have willingly transferred full custody and control of, as well as responsibility for this child to: \_\_\_\_\_
- The transfer of custody is not solely for the purpose of attending the District's schools.

Date \_\_\_\_\_ Signature of individual completing this form \_\_\_\_\_

Telephone \_\_\_\_\_ Address \_\_\_\_\_

## Students

### Attendance and Truancy <sup>1</sup>

#### Compulsory School Attendance <sup>2</sup>

This policy applies to individuals who have custody or control of a child: (a) ~~between the ages of six (on or before September 1) and 17 years (unless the child has graduated from high school), whose age meets the compulsory attendance age listed in State law,~~ or (b) who is enrolled in any of grades, kindergarten through 12, in the public school regardless of age. ~~Unless a student has already graduated from high school, compulsory attendance ages are as follows:~~

~~Before the 2014-2015 school year, students between the ages of 7 and 17 years.~~

~~Beginning with the 2014-2015 school year, students between the ages of 6 (on or before September 1) and 17 years.~~

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 his or her religion forbids secular activity on a particular 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, observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student, other circumstances that cause reasonable concern to the

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<sup>1</sup> State law requires boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/26-13 requires a policy ~~on identifying~~ supportive services and available resources for truant. 23 Ill.Admin.Code §1.290 requires the same plus that the policy contains a definition of *valid cause* for absence in accordance with 105 ILCS 5/26-2a and a description of diagnostic procedures to identify the cause(s) of absenteeism.

<sup>2</sup> 105 ILCS 5/26-2, ~~amended by P.A. 98-544, eff. 7-1-14,~~ 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.

~~After the 2014-2015 school year begins, amend the first paragraph as follows:~~

~~This policy applies to individuals who have custody or control of a child: (a) between the ages of 6 (on or before September 1) and 17 years (unless the child has graduated from high school) whose age meets the compulsory attendance age listed in State law, or (b) who is enrolled in any of grades, kindergarten through 12, in the public school regardless of age. Unless a student has already graduated from high school, compulsory attendance ages are as follows:~~

~~1. Before the 2014-2015 school year, students between the ages of 7 and 17 years.~~

~~2. Beginning with the 2014-2015 school year, students between the ages of 6 (on or before September 1) and 17 years.~~

105 ILCS 5/26-1, ~~amended by P.A. 98-544, eff. 7-1-14,~~ contains the compulsory school age exemptions. Each listed exception is specifically included in the statute, except the reference to *home school*. See policy 7:40, *Nonpublic School Students, Including Parochial and Home-Schooled Students*, regarding assigning students who enroll from a non-public school. See policy 6:150, *Home and Hospital Instruction*, regarding providing instruction to a pregnant student who is medically unable to attend school.

parent/guardian for the student's safety or health, or other reason as approved by the Superintendent or designee. <sup>3</sup>

#### Absenteeism and Truancy Program

The Superintendent or designee shall manage an absenteeism and truancy program in accordance with the School Code and School Board policy. The program shall include but not be limited to:

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified. <sup>4</sup>
- ~~1.2.~~ A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran. <sup>5</sup>
- ~~2.3.~~ A process to telephone, within ~~2~~two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification. <sup>6</sup>
- ~~3.4.~~ A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in the School Code, Section 26-2a.
- ~~4.5.~~ MethodsA description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem. <sup>7</sup>
- ~~5.6.~~ The identification of supportive services that may be offered to truant or chronically truant students, including parent-teacher conferences, student and/or family counseling, or

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<sup>3</sup> These reasons are in 105 ILCS 5/26-2a, amended by P.A. 97-218; except that "other reason as approved by the Superintendent" was added. ISBE rule requires that the absenteeism and truancy policy defines valid causes for absence (23 Ill.Admin.Code §1.290). P.A. 97-218 changed the definition of *chronic or habitual truant*, which is now "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." P.A. 97-975 replaced the Juvenile Court Act's definition of *chronic truant* with a reference to the definition in Sec. 26-2a of the School Code.

<sup>4</sup> Any child "necessarily and lawfully employed" may be exempted from attendance by the superintendent "on certification of the facts by and the recommendation of the school board" (105 ILCS 5/26-1). The policy's language serves to delegate this "certification of the facts" to the superintendent or designee. The following option allows a board to consider and include specific criteria in the policy:

A student may be excused, at the Superintendent's discretion, when: (1) the student has a last period study hall, (2) the parent/guardian provides written permission, (3) the student's employer provides written verification of employment, (4) the student provides evidence of a valid work permit, or (5) other reason deemed justifiable by the Superintendent.

Child Labor laws include: 29 C.F.R. Part 570 (minimum age standards, occupations, conditions, etc.); 820 ILCS 205/ (child labor laws); 56 Ill.Admin.Code Part 250 (child labor regulations).

<sup>5</sup> 105 ILCS 5/26-1, amended by P.A. 99-804, eff. 1-1-17. A student must notify the building principal or other administrator at least two days prior to the absence providing the date, time, and location of the military honors funeral. This requirement may be waived if the student did not receive notice at least two days in advance, but the student shall notify the administration as soon as possible of the absence.

A student whose absence is excused to sound *Taps* shall be counted in attendance for purposes of calculating the average daily attendance of students in the district. The district must allow the student reasonable time to make up school work and if school work is satisfactorily completed, the day of absence is counted as an attendance day for the student.

<sup>6</sup> This notification is required by 105 ILCS 5/26-3b.

<sup>7</sup> ~~Each district must have a policy describing diagnostic procedures to identify the cause(s) of absenteeism and supportive services and available resources for truants and chronic truants (105 ILCS 5/26-13; 23 Ill.Admin.Code §1.290(b)(2)).~~



information about community agency services.<sup>8</sup> See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.

- 6.7. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered. <sup>9</sup>
- 7.8. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records. <sup>10</sup>
- 8.9. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a chronic truant for his or her truancy unless available supportive services and other school resources have been provided to the student. <sup>11</sup>
- 9.10. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. <sup>12</sup>

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<sup>8</sup> 23 Ill.Admin.Code §1.290. 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) (State Board of Education report).

<sup>9</sup> Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center." Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." ~~P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.~~

<sup>10</sup> 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services (705 ILCS 405/3-33.5).

~~Counties and municipalities may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 10 years of age, on the parent or custodian (55 ILCS 5/5-1078.2). Municipalities may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 13 years of age, on the parent or custodian and (65 ILCS 5/11-5-9). Such local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 55 ILCS 5/5-1078.2 and 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as (i) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (ii) 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-AP, *Student Records* for a sample procedure for release of such records to juvenile authorities.

<sup>11</sup> 105 ILCS 5/26-12 prohibits punitive action "unless available supportive services and other school resources have been provided to the student."

<sup>12</sup> 105 ILCS 5/26-3a requires the district to "establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship."

[For high school and unit districts only]

~~10.11.~~ A process for a 17-year-old resident to participate in the District's various programs and resources for truants.<sup>13</sup> The student must provide documentation of his/her dropout status for the previous ~~six~~6 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, *Students School Admissions and Student Transfers To and From Non-District Schools*.

~~11.12.~~ A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum academic or attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. <sup>14</sup>

LEGAL REF.: 105 ILCS 5/26-1 through 16.  
705 ILCS 405/3-33.5.  
23 Ill.Admin.Code §§1.242 and 1.290.

CROSS REF.: 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), 7:190 (Student ~~Discipline~~Behavior), 7:340 (Student Records)

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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, [www.isbe.net/board/archivemessages/message\\_082807.pdf](http://www.isbe.net/board/archivemessages/message_082807.pdf), p.2, that ISBE is delaying implementing this statute based upon legal guidance from the U.S. Department of Education's Family Policy Compliance Office that its implementation would violate the Federal Family Educational Rights and Privacy Act.

<sup>13</sup> A district must allow this participation; the length of the drop-out period and the documentation requirement contained in the next sentence are permissive (105 ILCS 5/26-14).

<sup>14</sup> Optional, but provided in 105 ILCS 5/26-2(c)(3); ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

## Students

This policy becomes effective and replaces the current policy on *Student Discipline* on the first student attendance day of the 2016-2017 school year.

### Student Behavior (formerly known as Student Discipline) 1

The goals and objectives of this policy are to provide effective discipline practices that: (1) ensure the safety and dignity of students and staff; (2) maintain a positive, weapons-free, and drug-free learning environment; (3) keep school property and the property of others secure; (4) address the causes of a student's misbehavior and provide opportunities for all individuals involved in an incident to participate in its resolution; and (5) teach students positive behavioral skills to become independent, self-disciplined citizens in the school community and society. <sup>2</sup>

### When and Where Conduct Rules Apply 3

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

<sup>1</sup> All districts must have a policy on student discipline, including school searches and bullying prevention (105 ILCS 5/10-20.14, amended by P.A. 99-456, eff. 9-15-2016); re-engagement of students returning from an exclusionary discipline or an alternative school (105 ILCS 5/10-22.6(b-25), amended by P.A. 99-456, eff. 9-15-2016); 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. The school board must require that each school inform its pupils of the discipline policy's contents.

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 (105 ILCS 5/10-20.14(a), amended by P.A. 99-456, eff. 9-15-2016). The parent-teacher advisory committee should meet to discuss the changes to this policy necessitated by P.A. 99-456 before the legislation's effective date of 9-15-2016. For more information about the parent-teacher advisory committee, see board policy 2:150, *Committees*. The parent-teacher advisory committee, in cooperation with local law enforcement agencies, must develop, with the school board, a reciprocal reporting system (105 ILCS 5/10-20.14(b), amended by P.A. 99-456, eff. 9-15-2016). 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 School Dist. v. Fraser*, 106 S.Ct. 3159 (1986).

<sup>2</sup> The goals and objectives in this policy give the board a focus for monitoring it. This list can be deleted, replaced, or modified by the board. Data on student discipline is available at [www.isbe.net/research/htmls/coy\\_report.htm](http://www.isbe.net/research/htmls/coy_report.htm).

<sup>3</sup> Board policy should provide a jurisdictional statement telling students and staff the circumstances under which the district will take disciplinary action. Jurisdictional rules in board policy should generally be as broad as possible to give staff members authority to 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 factual inquiry to determine the degree of nexus and impact on the school. Many decisions address disciplining a student for off-campus misconduct; for example, see: *J.S. v. Blue Mountain Sch. Dist.*, combined with *Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3d Cir. 2011), cert. denied 2012 WL 117558 (U.S.) (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).

Note that the law is different regarding participants in athletics and extracurricular activities. See policy 7:240, *Conduct Code for Participants in Extracurricular Activities*.

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.

A student is subject to disciplinary action for engaging in *prohibited student conduct*, as described in the section with that name below, whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

1. On, or within sight of, school grounds before, during, or after school hours or at any time;
2. Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;
3. Traveling to or from school or a school activity, function, or event; or
4. Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. <sup>4</sup>

#### Prohibited Student Conduct <sup>5</sup>

The school administration is authorized to discipline students for gross disobedience or misconduct, including but not limited to:

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes. <sup>6</sup>
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. <sup>7</sup> Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
  - a. Any illegal drug or controlled substance, or cannabis (including medical cannabis, marijuana, and hashish). <sup>8</sup>
  - b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription. <sup>9</sup>

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<sup>4</sup> The factual context will determine the appropriateness of taking jurisdiction. Contact the board attorney before disciplining a student for off-campus conduct. See *Doe v. Superintendent of Schools of Stoughton*, 767 N.E.2d 1054 (Mass., 2002)(suspension for off-campus commission of a felony was upheld).

<sup>5</sup> Consult the board attorney for advice on deleting or modifying any of the items in this section on prohibited student conduct.

<sup>6</sup> 105 ILCS 5/10-20.5b prohibits use of tobacco on school property. Federal law prohibits smoking within schools by anyone (Pro-Children Act of 1994, 20 U.S.C. §6081). Districts that fail to comply risk a civil penalty of up to \$1,000 per violation per day. See policy 8:30, *Visitors to and Conduct on School Property*, for more information.

State and federal law have not yet addressed electronic cigarettes. An electronic or e-cigarette resembles a regular cigarette. It contains a battery-operated heating element that turns a liquid into a mist for inhaling. The liquid may contain nicotine. Information, albeit limited, is posted on the U.S. Food and Drug Administration website at:

[www.fda.gov/tobaccoproducts/default.htm](http://www.fda.gov/tobaccoproducts/default.htm)

[www.fda.gov/NewsEvents/PublicHealthFocus/ucm172906.htm](http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm172906.htm)

[www.fda.gov/newsevents/publichealthfocus/ucm252360.htm](http://www.fda.gov/newsevents/publichealthfocus/ucm252360.htm)

<sup>7</sup> Alcoholic beverages are defined in 235 ILCS 5/1-3.01 to 3.05.

<sup>8</sup> Controlled substance is defined in 720 ILCS 570/102; cannabis is defined in 720 ILCS 550/3. Either spelling, *marihuana* or *marijuana*, is correct; however, *marijuana* is more common. See f/n 11 for a discussion of medical cannabis.

<sup>9</sup> Anabolic steroid is defined in 720 ILCS 570/102(c-1).

- c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription. <sup>10</sup>
- d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited. <sup>11</sup>
- e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.
- f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form. <sup>12</sup>
- g. "Look-alike" or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy. <sup>13</sup>

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<sup>10</sup> See policies 7:240, *Conduct Code for Participants in Extracurricular Activities*, and 7:300, *Extracurricular Athletics*.

<sup>11</sup> To legally use medical cannabis, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Pilot Program (410 ILCS 130). There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis, including in a school bus or on the grounds of any preschool, or primary or secondary school (410 ILCS 130/30(a)(2)&(3)). See also [www2.illinois.gov/gov/mcpp/Pages/default.aspx](http://www2.illinois.gov/gov/mcpp/Pages/default.aspx). 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, 42 U.S.C. §12101 *et seq.*; Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C. §1400 *et seq.*; Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794; 105 ILCS 5/14-1.01 *et seq.*, 5/14-7.02, and 5/14-7.02b; and 23 Ill.Admin.Code Part 226.

<sup>12</sup> The Powdered Caffeine Control and Education Act states: "No person may sell, offer for sale, give away, or provide free samples of powdered pure caffeine to any person under age 18 located within the State or to any person under age 18 making the purchase from within the State." A limited exception to this prohibition exists for "the sale of any powdered pure caffeine product that receives explicit approval as safe and effective for its intended use under the federal Food, Drug, and Cosmetic Act or is lawfully marketed under an over-the-counter monograph issued by the United States Food and Drug Administration." 410 ILCS 647/20, added by P.A. 99-50.

<sup>13</sup> Look-alike and counterfeit substances are defined in 720 ILCS 570/102(g)&(y). This provision is broader because it would apply, for example, if a student represents a powdered vitamin to be pure caffeine – pure caffeine is prohibited on campus even though it is a legal substance. Look-alike drugs should be defined; an unpublished Ill. appellate decision in 2000 found a policy prohibiting possession of look-alikes had vagueness problems.

- h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances. <sup>14</sup>

Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.

- 4. Using, possessing, controlling, or transferring a “weapon” as that term is defined in the Weapons section of this policy, or violating the Weapons section of this policy. <sup>15</sup>
- 5. Using or possessing an electronic paging device. 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 and out-of-sight 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. <sup>16</sup>
- 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, wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.

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<sup>14</sup> Drug paraphernalia is defined in 720 ILCS 600/2. Contact the board attorney for advice concerning a student who is a *registered qualifying patient*, as explained in *f/n* 11.

<sup>15</sup> This language is broader than the **Weapons** section of this policy. The **Weapons** section contains the statutorily required punishment for “a student who is determined to have brought” a weapon to school along with the statutory definition of *weapon* (105 ILCS 5/10-22.6). The language in item #4 is broader because it prohibits “using, possessing, controlling, or transferring” a weapon in addition to violating the **Weapons** section. See the footnotes in the **Weapons** section for a discussion of the Firearm Concealed Carry Act’s provisions.

<sup>16</sup> 105 ILCS 5/10-21.10 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, & 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).

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. <sup>17</sup>
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*. <sup>18</sup>
12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property. <sup>19</sup>
13. Entering school property or a school facility without proper authorization.
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. <sup>20</sup>

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<sup>17</sup> All districts must have a policy on bullying (105 ILCS 5/27-23.7(d)). Policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the statutory definition of *bullying*.

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. Implementing procedures must include a method for informing parents/guardians when their child or ward engaged in aggressive behavior as well as early intervention procedures based upon available community 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 School and Northfield Township School District 225*, 2003 WL 21209880 (N.D.Ill., 2003). This decision may have been legislatively overturned by P.A. 99-456, 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, sexual orientation, disability, or national origin of another person, he or she commits assault or battery (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 makes transmitting a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

<sup>18</sup> All school boards must have a policy on prohibited teen dating violence (105 ILCS 110/3.10). Verify that the board adopted the policy listed and amend its title in this policy, if necessary.

<sup>19</sup> 720 ILCS 5/26-1(a)(3.5) makes threatening to destroy a school building or school property, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

<sup>20</sup> 105 ILCS 5/26-2a, 5/26-9, and 5/26-12. See policy 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*.

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. <sup>21</sup>
17. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia. <sup>22</sup>
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. <sup>23</sup>
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. <sup>24</sup>
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. <sup>25</sup>

For purposes of this policy, the term “possession” includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student’s person; (b) contained in another item belonging to, or under the control of, the student, such as in the student’s clothing, backpack, or automobile; (c) in a school’s student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event. <sup>26</sup>

Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The Superintendent or designee shall ensure

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<sup>21</sup> State law requires schools to suspend or expel any student who engages in this activity (105 ILCS 5/31-3).

<sup>22</sup> See *Kelly v. Board of Educ. of McHenry Community High School 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).

<sup>23</sup> 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.

<sup>24</sup> This statement of misconduct restates 105 ILCS 5/10-22.6(d-5). The following alternative provides a shorter statement but will require the administrator to check the statute before imposing discipline based on it:

Making an explicit threat on an Internet website against a school, employee, or any school-related personnel under circumstances described in Section 10-22.6(d-5) of the School Code.

<sup>25</sup> For more information regarding unmanned aircraft systems see: [www.faa.gov/uas/](http://www.faa.gov/uas/).

<sup>26</sup> A catchall provision, e.g., this one, gives staff members authority to respond to unforeseen situations.

If the board adopts a mandatory uniform policy (see 7:165, *School Uniforms*), add the following item to the list as number 17: “Failing to comply with the mandatory uniform policy, but only after repeated attempts to secure compliance, such as conferences with parents/guardians, have been unsuccessful.”

<sup>26</sup> *Possession* should be defined to avoid vagueness problems.



that the parent/guardian of a student who engages in aggressive behavior is notified of the incident. <sup>27</sup> The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

No disciplinary action shall be taken against any student that is based totally or in part on the refusal of the student's parent/guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. <sup>28</sup>

#### Disciplinary Measures <sup>29</sup>

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary discipline before using out-of-school suspensions or expulsions. <sup>30</sup> School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties. <sup>31</sup> Potential disciplinary measures include, without limitation, any of the following: <sup>32</sup>

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.

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<sup>27</sup> See *f/n* 17.

<sup>28</sup> Mandated by 105 ILCS 5/10-20.36.

<sup>29</sup> **IMPORTANT:** The practice of suspending or expelling a student based on the number of accumulated disciplinary infractions may be illegal under 105 ILCS 5/10-22.6, amended by P.A. 99-456, eff. 9-15-2016. 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. Contact the board attorney before using such a system.

Before P.A. 99-456 (eff. 9-15-2016) amended 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*, 571 N.E.2d 931 (Ill.App.1, 1991); *Wilson ex rel. Geiger v. Hinsdale Elementary District*, 810 NE2d 637 (Ill.App. 2, 2004). Whether courts will continue to use these factors is yet to be determined. The enactment of P.A. 99-456 calls 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).

<sup>30</sup> 105 ILCS 5/10-22.6(b-5), amended by P.A. 99-456, eff. 9-15-2016. According to subsection c-5, "[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, and developmentally appropriate disciplinary methods that promote positive and healthy school climates." 105 ILCS 5/10-22.6(c-5), added by P.A. 99-456, eff. 9-15-2016).

<sup>31</sup> 105 ILCS 5/10-22.6(h), added by P.A. 99-456, eff. 9-15-2016.

<sup>32</sup> Most school attorneys advise against using a grade reduction as a disciplinary measure. A decision upholding such a policy is *Knight v. Board of Education*, 348 N.E.2d 299 (Ill.App. 4, 1976). A decision striking one is *Smith v. School 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).

5. Return of property or restitution for lost, stolen, or damaged property. <sup>33</sup>
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised. <sup>34</sup>
7. After-school study or Saturday study <sup>35</sup> provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs. <sup>36</sup> The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules. <sup>37</sup>
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*. <sup>38</sup>
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*. <sup>39</sup> A student who has been suspended may also be restricted from being on school grounds and at school activities. <sup>40</sup>
12. Expulsion from school and all school activities for a definite time period not to exceed 2 calendar years in accordance with Board policy 7:210, *Expulsion Procedures*. <sup>41</sup> A student who has been expelled may also be restricted from being on school grounds and at school activities. <sup>42</sup>

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<sup>33</sup> While restitution is permitted, issuing a fine or fee as a disciplinary consequence is not permitted (105 ILCS 5/10-22.6(i), added by P.A. 99-456, eff. 9-15-2016). The Parental Responsibility Law (740 ILCS 115/5) is discussed in a footnote in sample policy 7:170, *Vandalism*.

<sup>34</sup> State law does not address in-school suspensions. Providing an educational program during in-school suspensions will help distinguish them from exclusionary suspensions.

<sup>35</sup> Teachers may not be required to teach on Saturdays (105 ILCS 5/24-2).

<sup>36</sup> See *Herndon v. Chapel Hill-Carrboro City Bd.*, 89 F.3d 174 (C.A. 4<sup>th</sup> Cir., 1996)(upheld policy requiring students to complete community service in order to graduate).

<sup>37</sup> Consult the board attorney for advice concerning confiscated devices. There is no binding Ill. court decision regarding school personnel seizing and retaining a student's property. The Supreme Court of Arkansas held that a teacher and principal did not violate a student's state or federal rights when they confiscated and retained a student's cell phone for 2 weeks for violating school rules on cell phones. *Koch v. Adams*, 361 S.W.3d 817 (Ark. 2010).

<sup>38</sup> 105 ILCS 5/10-22.6(b) & (b-30), amended by P.A. 99-456, eff. 9-15-2016.

<sup>39</sup> A suspension may be imposed in only limited situations that vary according to the suspension's length (105 ILCS 5/10-22.6(b-15), amended by P.A. 99-456, eff. 9-15-2016). This is explained in sample board policy 7:200, *Suspension Procedures*, and its footnotes.

<sup>40</sup> This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

<sup>41</sup> An expulsion may be imposed in only limited situations (105 ILCS 5/10-22.6(b-20), amended by P.A. 99-456, eff. 9-15-2016). This is explained in sample board 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 ~~2~~<sup>two</sup> calendar years. School officials must document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

<sup>42</sup> This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code. <sup>43</sup>
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.

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available, and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion.

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. <sup>44 45</sup>

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<sup>43</sup> 105 ILCS 5/10-22.6(a)&(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*, 95 S.Ct. 729 (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.

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 School Dist.* 227 (2015 IL App. 143202)(~~Ill.App. 1<sup>st</sup> Dist. 9-9-2015~~), held that placement in an alternative school is tantamount to an expulsion. Thus, according to dicta in this decision, districts must follow expulsion procedures before a student is transferred to an alternative school. Schools may still reach agreements with parents/guardians to transfer students to such schools without completing the expulsion procedures.

The alternative program may not deny the transfer on the basis of the suspension or expulsion, except in cases in which the transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

<sup>44</sup> This paragraph paraphrases 105 ILCS 5/24-24.

<sup>45</sup> Staff members may *not* use isolated time out or physical restraint unless their use is authorized by policy and administrative procedure (105 ILCS 5/2-3.130, 5/10-20.33, and 5/24-24; 23 Ill.Admin.Code §1.280(c) and 1.285). See 7:190-AP4, *Use of Isolated Time Out and Physical Restraint*. **The sample policy prohibits the use of isolated time out and physical restraint by not specifically permitting their use.** State statute and ISBE rules contain complex restrictions on the use of isolated time out and physical restraints (105 ILCS 5/2-3.130, 5/10-20.33, and 5/24-24; 23 Ill.Admin.Code §1.280(c) and 1.285). According to the ISBE rule, isolated time out and physical restraints are prohibited unless a board authorizes their use in a policy containing the numerous components identified in the rule. **A board that wants to authorize the use of isolated time out and physical restraints should insert the paragraph below.** To comply with ISBE’s rule, a board must also incorporate by reference the procedure developed by the superintendent, i.e., 7:190-AP4, *Use of Isolated Time Out and Physical Restraint*. By doing this, the procedure becomes part of the policy.

School staff members shall not use isolated time out and physical restraints other than as permitted in Section 10-20.33 of the School Code, State Board of Education rules, and procedures developed by the Superintendent.

Neither isolated time out nor physical restraints shall be used to discipline or punish a student.

**If the above option is used, add the following before the Legal References on the final page: “Incorporated by Reference: 7:190-AP4, *Use of Isolated Time Out and Physical Restraint*.”**

## Weapons 46

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 ~~2~~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 (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 ~~1~~one or ~~2~~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. 47

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. 48

## Re-Engagement of Returning Students 49

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

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46 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), added by P.A. 99-456, 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. §7151 *et seq.*) provides for at least a one year expulsion for students who bring firearms to school. Although subsection 10-22.6(d) allows the superintendent and the board to modify that consequence, the superintendent/board may decline to exercise that discretion and 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, 618 N.E.2d 561 (Ill.App. I, 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.

47 Optional.

48 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 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. §7151(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.

49 Required by 105 ILCS 5/10-22.6(b-25), amended by P.A. 99-456, eff. 9-15-2016. See 7:190-AP8, *Student Re-Engagement Guidelines*.

period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit. 50

### 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. 51 Upon receiving such a report, the Building Principal or designee shall immediately notify the local law enforcement agency, State Police, and any involved student's parent/guardian. 52 "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.

### 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. 53

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

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50 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), amended by P.A. 99-456, eff. 9-15-2016).

51 105 ILCS 5/10-27.1A, 5/10-27.1B, and 5/10-21.7. *School grounds* includes the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground. 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.

52 *Id.* State law imposes this 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. The policy expands this notification duty; a board disinclined to do this should substitute the following sentence:

Upon receiving such a report, the Building Principal or designee shall immediately notify the applicable local law enforcement agency, State Police, and, if a student is reportedly in possession of a firearm, also the student's parents/guardians.

53 105 ILCS 5/24-24 requires: (1) teachers and other certificated [licensed] employees 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.

See also 23 Ill.Admin.Code §1.280.

school bus, up to ~~40~~ten consecutive school days, provided the appropriate procedures are followed.  
54 The Board may suspend a student from riding the bus in excess of ~~40~~ten school days for safety reasons. 55

#### Student Handbook

The Superintendent, with input from the parent-teacher advisory committee, 56 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.

LEGAL REF.: Gun-Free Schools Act, 20 U.S.C. §7151 et seq.  
Pro-Children Act of 1994, 20 U.S.C. §6081.  
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.  
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, 5/24-24, 5/26-12, 5/27-23.7, 5/31-3, and  
110/3.10.  
23 Ill.Admin.Code §1.280.

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), 8:30 (Visitors to and Conduct on School Property)

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54 Required by 105 ILCS 5/10-22.6(b).

55 Id.

56 The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline. See policy 2:150, *Committees*. This policy's dissemination requirements are from 105 ILCS 5/10-20.14.

A comprehensive student handbook can provide notice of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material. It is called *Online Model Student Handbook (MSH)*, and is described at [www.ilprincipals.org/resources/model-student-handbook](http://www.ilprincipals.org/resources/model-student-handbook).

## Students

### Student Support Services <sup>1</sup>

The following student support services may be provided by the School District:<sup>2</sup>

1. Health services supervised by a qualified nurse.<sup>3</sup> The Superintendent or designee may implement procedures to further a healthy school environment and prevent or reduce the spread of disease.
2. Educational and psychological testing services and the services of a psychologist 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 social worker. A student's parent(s)/guardian(s) must consent to regular or continuing services from a social worker.
4. Guidance and counseling services.
- 4.5. A liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Illinois Department of Children and Family Services when enrolling in or changing schools.<sup>4</sup>

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

<sup>1</sup> State or federal law controls this policy's content.

<sup>2</sup> All districts are required to conduct a comprehensive needs assessment to determine the scope of student personnel services needs (23 Ill.Admin.Code §1.420(q)).

<sup>3</sup> 105 ILCS 5/2-3.142 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 is to ensure these student populations' ability to: (1) stay in school, (2) stay safe at school and (3) successfully complete their education. A copy of this report is available at: [www.povertylaw.org/advocacy/women-and-family/essa-task-force/essa-task-force-report](http://www.povertylaw.org/advocacy/women-and-family/essa-task-force/essa-task-force-report) [http://povertylaw.org/sites/default/files/webfiles/final-essa-task-force-report-with-appendix%20\(1\).pdf](http://povertylaw.org/sites/default/files/webfiles/final-essa-task-force-report-with-appendix%20(1).pdf). School boards and superintendents may want to create their own study groups to discuss implementation of the task force's recommendations for policies, procedures and protocols.

<sup>4</sup> ~~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 certified. School districts may employ noncertificated/non-professional-educator-licensed registered professional nurses to perform professional nursing services (105 ILCS 5/10-22.23; 23 Ill.Admin.Code §1.760(c)). A registered professional nurse means any nurse who is licensed to practice professional nursing in Illinois under the Nurse Practice Act (225 ILCS 65/) and whose license is active and in good standing with the Ill. Dept. of Financial and Professional Regulation (23 Ill.Admin.Code §1.760(b)).~~

~~A school nurse means any registered professional nurse who also holds a professional educator license endorsed for school support services in school nursing, or any registered professional nurse who does not hold the professional educator license but was employed in the school district of current employment before 7-1-76 (23 Ill.Admin.Code §1.760(c)).~~

~~105 ILCS 5/10-22.23 provides that any nurse first employed on or after 7-1-76, whose duties require teaching or the exercise of instructional judgment or educational evaluation of students, must be certificated/licensed under Section 21-25 (105 ILCS 5/21-25). However, that certification/licensure Section 5/21-25 of the School Code was repealed by P.A. 98-413, eff. 8-16-13. A non-certified registered professional nurse may perform nursing services (105 ILCS 5/10-22.23 and 5/21-25; 23 Ill.Admin.Code §1.760).~~

~~A school nurse may be an educator licensed under a school support personnel endorsement (105 ILCS 5/21B-25(2)(G); 23 Ill.Admin.Code §25.245). An individual who fails to meet one or more requirements for this endorsement may seek an educator license with stipulations endorsed for provisional educator (105 ILCS 5/21B-20; 23 Ill.Admin.Code §25.245).~~

The Superintendent or designee shall develop protocols for responding to students with social, emotional, or mental health problems that impact learning ability.<sup>5</sup> The District, however, assumes no liability for preventing, identifying, or treating such problems.

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.: Children’s Mental Health Act of 2003, 405 ILCS 49/  
Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/  
105 ILCS 5/10-20.58.

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 Diseases), 7:340 (Student Records)

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<sup>4</sup> Optional. 105 ILCS 5/10-20.58, added by P.A. 99-781 allows a liaison. Be sure this policy is consistent with policy 7:50, School Admissions and Student Transfers To and From Non-District Schools. See fn 13 in 7:50, School Admissions and Student Transfers To and From Non-District Schools for liaison responsibilities and requirements.

<sup>5</sup> Required by the Children’s Mental Health Act of 2003, 405 ILCS 49/15.



## Students

### Exemption from Physical Activity Education 1

In order to be excused from participation in physical education, a student must present an appropriate excuse from his or her parent/guardian or from a person licensed under the Medical Practice Act.<sup>2</sup> The excuse may be based on medical or religious prohibitions. An excuse because of medical reasons must include a signed statement from a person licensed under the Medical Practice Act that corroborates the medical reason for the request. An excuse based on religious reasons must include a signed statement from a member of the clergy that corroborates the religious reason for the request.<sup>3</sup>

Special activities in physical education will be provided for a student whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act, prevents his or her participation in the physical education course.<sup>4</sup>

State law prohibits ~~the Board a school board~~ from honoring parental excuses based upon a student's participation in athletic training, activities, or competitions conducted outside the auspices of the School District.<sup>5</sup>

A student who is eligible for special education may be excused from physical education courses in either of the following situations:<sup>6</sup>

1. He or she (a) is in grades 3-12, (b) his or her IEP requires that special education support and services be provided during physical education time, and (c) the parent/guardian agrees or the IEP team makes the determination; or
2. He or she (a) has an IEP, (b) is participating in an adaptive athletic program outside of the school setting, and (c) the parent/guardian documents the student's participation as required by the Superintendent or designee.

A student requiring adapted physical education must receive that service in accordance with his or her Individualized Educational Program/Plan (IEP).<sup>7</sup>

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

<sup>1</sup> An ISBE rule requires boards to have a policy defining the types of parental excuses that will be accepted in order for a student to be exempted from P.E. (23 Ill.Admin.Code §1.420(p)-1.425(e) (added at 40 Ill. Reg. 2990)). State or federal law controls this policy's content.

For elementary districts, delete 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students* from the cross references of this policy.

<sup>2</sup> Medical Practice Act is found in 225 ILCS 60/.

<sup>3</sup> Required by 23 Ill.Admin.Code §1.425(e)(3). School boards must identify any evidence/support they will require for excuses they will deem *appropriate*. Before the board adopts this policy, it should have a conversation with the superintendent to discuss and review and/or amend the sample reasons for excusal offered in this policy. Topics for discussion include determining whether (a) the sample reasons are sufficient, (b) more reasons are needed, and/or (c) the sample reasons should be amended. These conversations should be based upon the community's needs.

<sup>4</sup> Required by 105 ILCS 5/27-6 and 23 Ill.Admin.Code §1.420(p)-1.425(d).

<sup>5</sup> 105 ILCS 5/27-6(b); 23 Ill.Admin.Code §1.420(p)-1.425(e)(2). See policy 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students* for a list of categories of students in grades 9-12 who may be excused from P.E. due to participation in school district athletic training, activities, or competitions.

<sup>6</sup> 105 ILCS 5/27-6(b).

<sup>7</sup> 105 ILCS 5/27-6(b).

A student in grades 9-12, unless otherwise stated, may submit a written request to the Building Principal to be excused from physical education courses for the reasons stated in 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students*.

The Superintendent or designee shall maintain records showing that the criteria set forth in this policy were applied to the student's individual circumstances, as appropriate. §

LEGAL REF.: 105 ILCS 5/27-6.  
225 ILCS 60/, Medical Practice Act.  
23 Ill.Admin.Code §1.420(p) and §1.425(d), (e), (f).

CROSS REF.: 6:60 (Curriculum Content), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students)

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§ 23 Ill.Admin.Code §1.425(f). Districts must maintain records showing that the criteria set forth in 105 ILCS 5/27-6 was applied to the student's individual circumstances.

## Students

### Administering Medicines to Students <sup>1</sup>

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" 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.<sup>2</sup>

### Self-Administration of Medication <sup>3</sup>

A student may possess an epinephrine auto-injector, e.g., (EpiPen®,) and/or asthma medication prescribed for use at the student's discretion, provided the student's parent/guardian has completed and signed a *School Medication Authorization Form*. The School 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 or epinephrine auto-injector or the storage of any medication by school personnel.<sup>4</sup> A student's parent/guardian 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,

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

<sup>1</sup> All districts must have a policy 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).

<sup>2</sup> 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.

<sup>3</sup> 105 ILCS 5/22-30, requires school districts to allow students to *self-administer* their prescribed asthma medication and an epinephrine auto-injector as described. *Self-carry* means a student's ability to carry his or her prescribed asthma medication or epinephrine auto-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.

<sup>4</sup> 105 ILCS 5/22-30(c) requires this information to be in a notification to parents.

arising out of a student's self-administration of an epinephrine auto-injector and/or medication, or the storage of any medication by school personnel.<sup>5</sup>

#### School District Supply of Undesignated Epinephrine Auto-Injectors <sup>6</sup>

The Superintendent or designee shall implement Section 22-30(f) of the School Code and maintain a supply of undesignated epinephrine auto-injectors in the name of the District and provide or administer them as necessary according to State law. *Undesignated epinephrine auto-injector* means an epinephrine auto-injector prescribed in the name of the District or one of its schools. A school nurse or trained personnel, as defined in State law,<sup>7</sup> may administer an undesignated epinephrine auto-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.<sup>8</sup>

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

<sup>5</sup> 105 ILCS 5/22-30(c) requires parents/guardians to sign a statement: (1) acknowledging the statement from f/n 4 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 or the storage of the medication by school personnel. There are several methods to obtain a parent/guardian's signature for this purpose, e.g., receipt of handbook signature, or see 7:270 E, *School Medication Authorization Form*. Discuss with the board attorney the method that works best for the district.

<sup>6</sup> 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. 99-711, eff. 1-1-17. The law permits a district to maintain a supply of undesignated epinephrine auto-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, where an allergic person is at risk and use them when necessary. The P.A. 99-711 amendment requiring 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 auto-injectors and implement a plan for their use, and then not doing it may be fraught with legal liabilities. Also fraught with legal liabilities is if the district is providing them, not having them accessible before, during, and after school where an allergic person is most at risk as required by P.A. 99-711, eff. 1-1-17. See In re: Estate of Stewart v. Oswego Comm. Unit. Sch. Dist. No. 308, --- N.E. 3d --- (Ill. App. 2, 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)).

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 auto-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.

<sup>7</sup> State law defines *trained personnel* as any school employee or volunteer personnel authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of this Code who has completed training to recognize and respond to anaphylaxis (105 ILCS 5/22-30(a)). ISBE must develop the training curriculum for trained personnel, and it may be conducted online or in person (Id. at (h) and 23 Ill.Admin.Code §1.540(e)(3)). P.A. 99-480 did not amend the trained personnel to include recognition and response to an opioid overdose. However, 105 ILCS 5/22-30(h-5), amended by P.A. 99-480 and 23 Ill.Admin.Code §1.540(e)(4) list the training curriculum requirements to recognize and respond to an opioid overdose.

<sup>8</sup> 23 Ill.Admin.Code §1.540(e)(7)&(8).

### School District Supply of Undesignated Opioid Antagonists<sup>9</sup>

The Superintendent or designee shall implement Section 22-30(f) of the School Code and maintain a supply of undesignated opioid antagonists in the name of the District and provide or administer them as necessary 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. A school nurse or trained personnel,<sup>10</sup> 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.<sup>11</sup>

### Void Policy; Disclaimer<sup>12</sup>

The **School District Supply of Undesignated Epinephrine Auto-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 auto-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 auto-injectors.<sup>13</sup>

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 for the District a prescription for opioid antagonists from a health care professional<sup>14</sup> who has been delegated prescriptive authority for opioid antagonists in accordance with Section 5-23 of the Alcoholism and

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

<sup>9</sup> Optional. 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 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/).

For boards that choose to implement an undesignated opioid antagonists program, consult 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(h-5), amended by P.A. 99-480. 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.

<sup>10</sup> See the discussion regarding *trained personnel* in f/n 7, above.

<sup>11</sup> See f/n 8, above.

<sup>12</sup> Remove this section if the board does not adopt the undesignated epinephrine auto-injector or the undesignated opioid antagonist sections of the policy. If the board adopts one or the other, delete the appropriate paragraph in this section.

<sup>13</sup> Discuss with the board attorney whether the board should remove this sentence when the district reaches full implementation of this section.

<sup>14</sup> *Health care professional* means a physician licensed to practice medicine in all its branches, a licensed physician assistant, a licensed advanced practice nurse, or an advanced practice 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), amended by P.A.s 99-173 and 99-480).

Other Drug Abuse and Dependency Act, or (2) fill the District's prescription for undesignated school opioid antagonists.<sup>15</sup>

Upon any administration of an undesignated epinephrine auto-injector or an opioid antagonist, the Superintendent or designee(s) must ensure all notifications required by State law and administrative procedures occur.<sup>16</sup>

Upon implementation of this policy, the protections from liability and hold harmless provisions as explained in Section 22-30(c) of the School Code apply.

No one, including without limitation parents/guardians of students, should rely on the District for the availability of an epinephrine auto-injector and/or opioid antagonist. This policy does not guarantee the availability of an epinephrine auto-injector and/or opioid antagonist; students and their parents/guardians should consult their own physician regarding such medication(s).

LEGAL REF.: 105 ILCS 5/10-20.14b, 5/10-22.21b, and 5/22-30.  
23 Ill.Admin.Code §1.540.

CROSS REF.: 7:285 (Food Allergy Management)

ADMIN. PROC.: 7:270-AP1 (Dispensing Medication), 7:270-AP2 (Checklist for District Supply of Undesignated Epinephrine Auto-Injectors and/or Opioid Antagonists), 7:270-E (School Medication Authorization Form)

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<sup>15</sup> See f/n 13, above.

<sup>16</sup> 105 ILCS 5/22-30, amended by P.A. 99-480 details specific required notifications, which are listed in 7:270-AP2, *Checklist for District Supply of Undesignated Epinephrine Auto-Injectors and/or Opioid Antagonists*.

## Students

### Administrative Procedure - Dispensing Medication

Actor	Action
Parents/Guardians	<p>Ask the child's physician, dentist, or other health care provider who has authority to prescribe medications if a medication, either prescription or non-prescription, must be administered during the school day. <i>Medication</i> includes an epinephrine auto-injector <u>e.g., (EpiPen®)</u> and asthma inhaler medication (105 ILCS 5/22-30(a)).</p> <p><b>For a student with diabetes:</b> The parent(s)/guardian(s) are responsible to share the health care provider's instructions. When the student is at school, the student's diabetes will be managed according to a diabetes care plan, if one exists, and not this Procedure. See Care of Students with Diabetes Act, 105 ILCS <u>145/40-22-21b</u>. Last, the Public Self-Care of Diabetes Act allows a person with diabetes (or a parent/guardian of a person with diabetes) to self-administer insulin (or administer insulin) in any location, public or private, where the person is authorized to be irrespective of whether the injection site is uncovered during or incidental to the administration of insulin (410 ILCS 135/).</p> <p><b>For a student with asthma:</b> <u>The parent(s)/guardian(s) are responsible for sharing the student's asthma action plan. When the student is at school, the student's asthma will be managed according to an asthma action plan, if one exists, and not this Procedure. See 105 ILCS 5/22-30(j-5), added by P.A. 99-843. Asthma emergencies shall be managed pursuant to the District's asthma emergency response protocol. 105 ILCS 5/22-30(j-10).</u></p> <p><b>Note:</b> <u>105 ILCS 5/22-30(j-10), added by P.A. 99-843, requires the Ill. State Board of Education to develop a model asthma episode emergency response protocol by 9-1-16 and further requires districts to adopt an asthma episode emergency response protocol incorporating ISBE's model protocol components by 1-1-17. At date of publication, ISBE was developing a model protocol; periodically check the ISBE website (<a href="http://www.isbe.net">www.isbe.net</a>) for its model protocol.</u></p> <p><u>When developing the district's model protocol, consider that a district may be liable for injury to an asthmatic student during a medical emergency if the district does not respond by immediately calling 911. See In re: Estate of Stewart v. Oswego Comm. Unit, Sch. Dist. No. 308, --- N.E. 3d --- (Ill. App. 2, 2016). Consult the board attorney about: (1) whether all asthma action plans should require immediate 911 calls based upon <i>Stewart</i>; and (2) the duties and responsibilities of the district when it asks for, but does not receive, an asthma action plan from a parent/guardian and the</u></p>

Actor	Action
	<p><u>logistics of distributing any received plans to those employees who need to know based upon Stewart.</u></p> <p><u>A student with asthma is allowed to self-administer and self-carry asthma medication if the student's parent(s)/guardian(s) provide the school with: (1) written authorization for the self-administration and/or self-care of asthma medication; and (2) the prescription label containing the name of the asthma medication, the prescribed dosage, and the time at which or circumstances under which the asthma medication is to be administered. 105 ILCS 5/22-30(b).</u></p> <p>If so, ask the health care provider to complete a <i>School Medicine Authorization Form</i>. <b>This form must be completed and given to the school before the school will store or dispense any medication and before a child may possess asthma medication or an epinephrine auto-injector.</b></p> <p>If a student is on a medication indefinitely, the parent/guardian must file a new "School Medication Authorization Form" every year.</p> <p>Bring the medication to the school office. If the medicine is for asthma or is an epinephrine auto-injector, a student may keep possession of it for immediate use at the student's 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 (105 ILCS 5/22-30(e)).</p> <p>For asthma inhalers, provide the prescription label. Bring other prescription medications to the school in the original package or appropriately labeled container. The container shall display:</p> <ul style="list-style-type: none"> <li>Student's name</li> <li>Prescription number</li> <li>Medication name and dosage</li> <li>Administration route and/or other direction</li> <li>Dates to be taken</li> <li>Licensed prescriber's name</li> <li>Pharmacy name, address, and phone number</li> </ul> <p>Bring non-prescription medications to school in the manufacturer's original container with the label indicating the ingredients and the student's name affixed.</p> <p>At the end of the treatment regime, remove any unused medication from the school.</p>
School Office Personnel	<p>Provide a copy of these procedures, as well as a "<i>School Medicine Authorization Form</i>,"<sup>2</sup> to inquiring parents/guardians.</p> <p><u>If the building has no school nurse and a student is identified as having asthma, request the student's parent(s)/guardian(s) to share their child's asthma action plan. If the plan is provided, keep it on file in the school</u></p>



Actor	Action
	<p><u>nurse's office or, in the absence of a school nurse, the Building Principal's or designee's office. Tell the school nurse or Building Principal or designee of the receipt of the plan as soon as possible so that he/she may provide copies of it to appropriate school staff interacting with the student on a regular basis and, if applicable, attach it to the student's Section 504 plan or individualized education plan (IEP). 105 ILCS 5/22-30(j-5), added by P.A. 99-843.</u></p> <p>Whenever a parent/guardian brings medication for a student to the office, summon the school nurse.</p> <p>If the school nurse is unavailable, accept the medication, provided the parent/guardian submits a completed "School Medication Authorization Form" and the medication is packaged in the appropriate container.</p> <p>Put the medication in the appropriate locked drawer or cabinet. Tell the school nurse about the medication as soon as possible.</p>

Actor	Action
<p>School Nurse (certificated school nurse or non-certificated registered professional nurse)</p>	<p>Ensure that a parent/guardian who brings medication for his or her child has complied with the parent/guardian's responsibilities as described in this administrative procedure.</p> <p><u>If a student is identified as having asthma, request the student's parent(s)/guardian(s) to share their child's asthma action plan. If the plan is provided, keep it on file in the school nurse office. Provide copies of it to appropriate school staff who interact with the student on a regular basis and, if applicable, attach it to the student's Section 504 plan or individualized education plan (IEP). 105 ILCS 5/22-30(j-5), added by P.A. 99-843.</u></p> <p>In conjunction with the licensed prescriber and parent/guardian, identify circumstances, if any, in which the student may self-administer the medication and/or carry the medication. A student will be permitted to carry and self-administer medication for asthma or an epinephrine auto-injector.</p> <p>Store the medication in a locked drawer or cabinet. A student may keep possession of medication for asthma or an epinephrine auto-injector. Medications requiring refrigeration should be refrigerated in a secure area.</p> <p>Plan with the student the time(s) the student should come to the nurse's office to receive medications.</p> <p>Document each dose of the medication in the student's individual health record. Documentation shall include date, time, dosage, route, and the signature of the person administering the medication or supervising the student in self-administration.</p> <p>Assess effectiveness and side effects as required by the licensed prescriber. Provide written feedback to the licensed prescriber and the parent/guardian as requested by the licensed prescriber.</p> <p>Document whenever the medication is not administered as ordered along with the reasons.</p> <p>If the parent/guardian does not pick up the medication by the end of the school year, discard the medication in the presence of a witness.</p>
<p>Building Principal</p>	<p>Supervise the use of these procedures.</p> <p>Perform any duties described for school office personnel, as needed.</p> <p>Perform any duties described for school nurses, as needed, or delegate those duties to appropriate staff members. No staff member shall be required to administer medications to students, except school nurses, non-certificated and registered professional nurses, and administrators.</p> <p>Make arrangements, in conjunction with the parent/guardian, supervising teachers, and/or bus drivers for the student to receive needed medication while on a field trip.</p>

LEGAL REF.: 105 ILCS 5/10-20.14b, 5/10-22.21b, and 5/22-30.  
23 Ill.Admin.Code §1.540.

## Students

### Student Athlete Concussions and Head Injuries <sup>1</sup>

The Superintendent or designee shall develop and implement a program to manage concussions and head injuries suffered by students. The program shall:

1. ~~Prepare for the full implementation of~~ Fully implement the Youth Sports Concussion Safety Act, that provides, without limitation, each of the following: <sup>2</sup>
  - a. The Board must appoint or approve members of a Concussion Oversight Team for the District. <sup>3</sup>

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

<sup>1</sup> Three Illinois statutes in the School Code have addressed student concussions:

- (1) The Youth Sports Concussion Safety Act, 105 ILCS 5/22-80, added by P.A. 99-245; **trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year.** The Act contains concussion safety directives for school boards and certain identified staff members. A school district must implement Sec. 22-80 if it offers interscholastic athletic activities or interscholastic athletics under the direction of a coach (volunteer or school employee), athletic director, or band leader. A school district may need to implement its return-to-learn protocol for a student's return to the classroom after he or she is believed to have experienced a concussion, "whether or not the concussion took place while the student was participating in an interscholastic activity." 105 ILCS 5/22-80(d). For a comprehensive discussion of this Act, see the IASB publication *Checklist for Youth Sports Concussion Safety Act*, at [iasb.com/law/](http://iasb.com/law/). Helpful guidance for implementing this law is available from the Lurie Children's Hospital's *A Guide for Teachers and School Professionals*.
- ~~(2) 105 ILCS 5/10-20.54 required each school board to adopt a policy regarding student athlete concussions and head injuries that complied with the protocols, policies, and by-laws of the Illinois High School Association (IHSA). This section was repealed by P.A. 99-245, but school districts should be guided by it until they fully comply with the Youth Sports Concussion Safety Act, which has a compliance deadline of the beginning of the 2016-2017 school year. Section 10-20.54 applied to elementary school districts even if they had no student athletes. See the Illinois Elementary School Association's concussion protocol at [www.iesa.org/activities/concussion.asp](http://www.iesa.org/activities/concussion.asp).~~
- (2) 105 ILCS 25/1.15, added by P.A. 98-1011, requires: (a) all high school coaching personnel to complete online concussion awareness training, and (b) all student athletes to view the IHSA video about concussions.
- (3) 105 ILCS 25/1.20, added by P.A. 99-831, requires the IHSA to require all member districts that have certified athletic trainers to have those trainers complete and submit a monthly report on student-athletes who have sustained a concussion during: 1) a school-sponsored activity overseen by the athletic trainer; or 2) a school-sponsored event of which the athletic director is made aware.

The Center for Disease Control and Prevention explains that a concussion is a type of traumatic brain injury caused by a bump, blow, or jolt to the head, or by a hit to the body that causes the head and brain to move rapidly back and forth that alters the way the brain normally functions. See [www.cdc.gov/headsup/index.html](http://www.cdc.gov/headsup/index.html). The CDC website contains excellent resources for the recognition, response, and prevention of concussions, including the opportunity to order or download free educational materials on concussions that can be distributed to parents, students, and coaches.

<sup>2</sup> 105 ILCS 5/22-80, added by P.A. 99-245; trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year.

<sup>3</sup> 105 ILCS 5/22-80(d), added by P.A. 99-245; trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year. A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, they must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team.

As this is administrative/staff work rather than governance work, the best practice is to have the Concussion Oversight Team be an *administrative* committee, but consult the board attorney for guidance. If it is a board committee, it must comply with the Open Meetings Act, 5 ILCS 120/1.02. For a discussion of the Open Meetings Act's treatment of committees, see the footnotes in 2:150, *Committees*.

- b. The Concussion Oversight Team shall establish each of the following based on peer-reviewed scientific evidence consistent with guidelines from the Centers for Disease Control and Prevention: <sup>4</sup>
  - i. A return-to-play protocol governing a student's return to interscholastic athletics practice or competition following a force of impact believed to have caused a concussion. The Superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol. <sup>5</sup>
  - ii. A return-to-learn protocol governing a student's return to the classroom following a force of impact believed to have caused a concussion. The Superintendent or designee shall supervise the person responsible for compliance with the return-to-learn protocol. <sup>6</sup>
- c. Each student and the student's parent/guardian shall be required to sign a concussion information receipt form each school year before participating in an interscholastic athletic activity. <sup>7</sup>
- d. A student shall be removed from an interscholastic athletic practice or competition immediately if any of the following individuals believes that the student sustained a

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<sup>4</sup> 105 ILCS 5/22-80(d), added by P.A. 99-245; trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year.

<sup>5</sup> The Youth Sports Concussion Safety Act contains requirements for a student to return to play following a concussion (Id.) ~~105 ILCS 5/22-80(g), added by P.A. 99-245; trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year.~~ The student's treating physician or an athletic trainer working under a physician's supervision must evaluate and find that it is safe for the student to return to play. The student's parent/guardian must sign a consent form that complies with statutory prerequisites. In addition, the student must also complete the requirements in the district's return-to-play and return-to-learn protocols. Thus, the district through its protocols may add requirements for the student's return, but may not delete any statutory requirements.

It is an open question whether the return-to-play protocol is limited to when the concussion occurred during an interscholastic athletic activity because the statute does not state "whether or not the concussion took place while the student was participating in an interscholastic athletic activity." It makes sense, however, to apply the return-to-play protocol whenever a student suffers a concussion before allowing him or her to participate in an interscholastic athletic activity. IHSA's website contains a form for this, *Post-concussion Consent Form (RTP/RTL)*, at: [ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx](http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx)

<sup>6</sup> 105 ILCS 5/22-80(g), added by P.A. 99-245; trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year. The return-to-learn protocol governs a student's return to the classroom after a concussion, whether or not the concussion took place while the student was participating in an interscholastic athletic activity. Guidance from Lurie Children's Hospital explains that recovery from a concussion must be an individualized process because no two concussions are the same. See *Return to Learn after a Concussion: A Guide for Teachers and School Professionals*, Lurie Children's Hospital. This *Guide* explains that a student's full recovery depends on both cognitive rest and physical rest. It suggests using a multidisciplinary team to facilitate a student's return to the classroom and provides examples of accommodations and interventions. It also stresses the importance of identifying a school staff member who will function as a case manager or concussion management leader, such as a school nurse, athletic trainer, or school counselor. IHSA's website contains a form for this, *Post-concussion Consent Form (RTP/RTL)*, at: [ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx](http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx).

<sup>7</sup> 105 ILCS 5/22-80(e), added by P.A. 99-245; trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year. *Interscholastic athletic activity* is defined in Section 22-80(a) as "any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling. The form must be approved by the Illinois High School Association (IHSA). See [ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx](http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx), generally and specifically [IHSA Concussion Protocols](#) and [IHSA Sports Medicine Acknowledgement & Consent Form \(Concussion, PES, Asthma Medication\)](#).

concussion during the practice and/or competition: a coach, a physician, a game official, an athletic trainer, the student's parent/guardian, the student, or any other person deemed appropriate under the return-to-play protocol. <sup>8</sup>

- e. A student who was removed from interscholastic athletic practice or competition shall be allowed to return only after all statutory prerequisites are completed, including without limitation, the return-to-play and return-to-learn protocols developed by the Concussion Oversight Team. An athletic team coach or assistant coach may not authorize a student's return-to-play or return-to-learn. <sup>9</sup>
  - f. The following individuals must complete concussion training as specified in the Youth Sports Concussion Safety Act: all coaches or assistant coaches (whether volunteer or a district employee) of interscholastic athletic activities; nurses who serve on the Concussion Oversight Team; athletic trainers; game officials of interscholastic athletic activities; and physicians who serve on the Concussion Oversight Team. <sup>10</sup>
  - g. The Board shall approve school-specific emergency action plans for interscholastic athletic activities to address the serious injuries and acute medical conditions in which a student's condition may deteriorate rapidly. <sup>11</sup>
2. Comply with the concussion protocols, policies, and by-laws of the Illinois High School Association, including its *Protocol for Implementation of NFHS Sports Playing Rules for Concussion, Playing Rules* and which includes its *Return to Play (RTP) Policy*.<sup>12</sup> These specifically require that:
- a. A student athlete who exhibits signs, symptoms, or behaviors consistent with a concussion in a practice or game shall be removed from participation or competition at that time.
  - b. A student athlete who has been removed from an interscholastic contest for a possible concussion or head injury may not return to that contest unless cleared to do so by a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer.
  - c. If not cleared to return to that contest, a student athlete may not return to play or practice until the student athlete has provided his or her school with written clearance from a physician licensed to practice medicine in all its branches in Illinois or a certified athletic

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<sup>8</sup> 105 ILCS 5/22-80(f), added by P.A. 99-245; trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year.

<sup>9</sup> 105 ILCS 5/22-80(g), added by P.A. 99-245; trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year. Most students with a concussion will not need a formal 504 plan or individualized education program; contact the board attorney whenever one is requested or the student's symptoms are prolonged.

<sup>10</sup> 105 ILCS 5/22-80(h), added by P.A. 99-245; trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year. Individuals covered by this training mandate must initially complete the training by 9-1-2016. See the footnotes in policy 5:100, *Staff Development Program*.

<sup>11</sup> 105 ILCS 5/22-80(i), added by P.A. 99-245; trailer legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year. A template is available on the IHSA website under *Emergency Action Plan (EAP) Resources* at:

[ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx](http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx).

<sup>12</sup> The *Protocol for Implementation of NFHS Sports Playing Rules for Concussion—Playing Rules* (<http://ihsa.org/documents/sportsMedicine/Concussion%20Protocols.pdf>) contains concussion information, and provides instructions when a student athlete sustains an apparent concussion, and includes a *Return to Play (RTP) Policy*. The *Return to Play (RTP) Policy* addresses the requirements for returning a student athlete to play after he or she exhibits signs, symptoms, or behaviors of a concussion. Available at:

[ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx](http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx).

trainer working in conjunction with a physician licensed to practice medicine in all its branches in Illinois.

3. Require that all high school coaching personnel, including the head and assistant coaches, and athletic directors obtain online concussion certification by completing online concussion awareness training in accordance with 105 ILCS 25/1.15. <sup>13</sup>
4. Require all student athletes to view the Illinois High School Association's video about concussions. <sup>14</sup>
5. Inform student athletes and their parents/guardians about this policy in the *Agreement to Participate* or other written instrument that a student athlete and his or her parent/guardian must sign before the student is allowed to participate in a practice or interscholastic competition. <sup>15</sup>
6. Provide coaches and student athletes and their parents/guardians with educational materials from the Illinois High School Association regarding the nature and risk of concussions and head injuries, including the risks inherent in continuing to play after a concussion or head injury. <sup>16</sup>
7. Include a requirement for staff members to notify the parent/guardian of a student who exhibits symptoms consistent with that of a concussion. <sup>17</sup>

*[For high school districts that belong to the IHSA and have certified athletic trainers.]*

- 7.8. Include a requirement for certified athletic trainers to complete and submit a monthly report to the Illinois High School Association on student-athletes who have sustained a concussion during: 1) a school-sponsored activity overseen by the athletic trainer; or 2) a school-sponsored event of which the athletic director is made aware.<sup>18</sup>

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

<sup>13</sup> 105 ILCS 25/1.15(b), added by P.A. 98-1011, requires high school coaching personnel and athletic directors hired before 8-18-2014 to have been certified by 8-19-2015. Coaching personnel and athletic directors hired on or after 8-19-2014 must be certified before the starting date of their position.

<sup>14</sup> 105 ILCS 25/1.15(e), added by P.A. 98-1011.

<sup>15</sup> ~~105 ILCS 5/10-20.54 Required by 23 Ill.Admin.Code §1.530(b). This section was repealed by P.A. 99-245, but school districts should be guided by it until they fully comply with the Youth Sports Concussion Safety Act, which has a compliance deadline of the beginning of the 2016-2017 school year. School districts were required to include information about concussions in the student athlete agreement, contract, code, or written instrument that a student athlete and his or her parent/guardian are required to sign before participating in a practice or interscholastic competition. IHSA drafted a sample Concussion Information Sheet, also known as Sign-off (DOC) which is included within the IHSA Sports Medicine Acknowledgement & Consent Form. It and has been incorporated into 7:300-E1, Agreement to Participate. It can be used to inform student athletes and parents, and it is available at: [ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx](http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx).~~

A student athlete and his/her parent/guardian must sign an acknowledgment of having received the district's concussion policy. An ISBE rule defines *health-related information* to include a concussion policy acknowledgment. (23 Ill.Admin.Code §375.10). The acknowledgment, therefore, must be kept with the student's school student records as a temporary record (23 Ill.Admin.Code §375.440).

<sup>16</sup> IHSA has produced educational materials on concussions for coaches, parents/guardians, student athletes, and the school and health care providers on concussions that are available at: [ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx](http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx).

<sup>17</sup> This provision is optional.

<sup>18</sup> Required by 105 ILCS 25/1.20, added by P.A. 99-831, for high school districts that belong to the IHSA and have certified athletic trainers.

LEGAL REF.: 105 ILCS 5/22-80.  
105 ILCS 25/1.15.

CROSS REF.: 4:170 (Safety), 7:300 (Extracurricular Athletics)

## Students

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

#### State Law

1. The Youth Sports Concussion Safety Act contains concussion safety directives for school Boards and certain identified staff members. 105 ILCS 5/22-80, added by P.A. 99-245, ~~Trailer~~ legislation (P.A. 99-486) amended the Act to delay the compliance deadline until the beginning of the 2016-2017 school year. A School District must implement Sec. 22-80 if it offers interscholastic athletic activities or interscholastic athletics under the direction of a coach (volunteer or school employee), athletic director, or band leader. An *interscholastic athletic activity* “means any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling. All interscholastic athletics are deemed to be interscholastic activities.” 105 ILCS 5/22-80(b).

A School District may need to implement its return-to-learn protocol for a student’s return to the classroom after he or she is believed to have experienced a concussion, “whether or not the concussion took place while the student was participating in an interscholastic activity.” 105 ILCS 5/22-80(d). For a comprehensive discussion of this Act, see the IASB publication *Checklist for Youth Sports Concussion Safety Act*, at [iasb.com/law/concussions.cfm](http://iasb.com/law/concussions.cfm). Helpful guidance for implementing this law plus training modules are available from the Lurie Children’s Hospital’s *A Guide for Teachers and School Professionals*, also available using the above link.

- ~~2. 105 ILCS 5/10-20.54 required each school board to adopt a policy regarding student athlete concussions and head injuries that complied with the protocols, policies, and by laws of the Illinois High School Association (IHSA). **This section was repealed by P.A. 99-245, but School Districts should be guided by it until they fully comply with the Youth Sports Concussion Safety Act which has a compliance deadline of the beginning of the 2016-2017 school year.** Section 10-20.54 applied to elementary school districts even if they had no student athletes. See the Illinois Elementary School Association’s concussion protocol at [www.iesa.org/activities/concussion.asp](http://www.iesa.org/activities/concussion.asp). IHSA’s website has many helpful resources, at [ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx](http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx).~~
2. 105 ILCS 25/1.15, added by P.A. 98-1011, requires: (a) all high school coaching personnel to complete online concussion awareness training, and (b) all student athletes to view the IHSA video about concussions.
3. 105 ILCS 25/1.20, added by P.A. 99-831, requires the IHSA to require all member districts that have certified athletic trainers to have those trainers complete and submit a monthly report on student-athletes who have sustained a concussion during: 1) a school-sponsored activity overseen by the athletic trainer; or 2) a school-sponsored event of which the athletic director is made aware.

**Concussion** - A complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain



function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns and which may or may not involve a loss of consciousness. 105 ILCS 5/22-80. See also: *Returning to School After a Concussion: A Fact Sheet for School Professionals*, [www.cdc.gov/headsup/pdfs/schools/tbi\\_returning\\_to\\_school-a.pdf](http://www.cdc.gov/headsup/pdfs/schools/tbi_returning_to_school-a.pdf) [ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx](http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx).

Actor	Action
School Board	<p>Adopt a Board policy on concussions. 105 ILCS 5/10-20.54 (this section was repealed by P.A. 99-245, but School Districts should be guided by it until they fully comply with the Youth Sports Concussion Safety Act, which has a compliance deadline of the beginning of the 2016-2017 school year). See policy 7:305, <i>Student Athlete Concussions and Head Injuries</i>.</p> <p>Approve members of the Concussion Oversight Team. 105 ILCS 5/22-80(d).</p> <p>Approve school-specific emergency action plan(s) for interscholastic athletic activities to address serious injuries and acute medical conditions that may cause a student's condition to deteriorate rapidly. 105 ILCS 5/22-80(i).</p> <p>Monitor the effectiveness of Board policy 7:305, <i>Student Athlete Concussions and Head Injuries</i>, by discussing with the Superintendent or designee the type of data the Board needs to monitor the policy, establishing a monitoring calendar, and reviewing the data provided by the Superintendent or designee.</p>
Superintendent or designee	<p>Identify individuals to serve on the Concussion Oversight Team; request Board approval. 105 ILCS 5/22-80(d).</p> <p>A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, he or she must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team.</p> <p><b>Note:</b> As this is administrative/staff work rather than governance work, the best practice is to have the Concussion Oversight Team be an <i>administrative</i> committee, but consult the Board Attorney for guidance. If it is a Board committee, it must comply with the Open Meetings Act, 5 ILCS 120/1.02. For a discussion of the Open Meetings Act's treatment of committees, see the footnotes in Board policy 2:150, <i>Committees</i>.</p> <p>Require that all high school coaching personnel, including the head and assistant coaches, and athletic directors obtain an online concussion certification in accordance with 105 ILCS 25/1.15.</p> <p>Coaching personnel and athletic directors hired on or after 8-19-2014 must be certified before their position's starting date.</p>

Actor	Action
	<p>Require that the following individuals complete concussion training as specified in the Youth Sports Concussion Safety Act: coaches or assistant coaches (whether volunteer or a District employee) of interscholastic athletic activities; nurses and physicians who serve on the Concussion Oversight Team; athletic trainers; and game officials of interscholastic athletic activities. 105 ILCS 5/22-80(h).</p> <p>Individuals covered by this training mandate must initially <u>have completed</u> the training by 9-1-<del>20</del>16. See the footnotes in policy 5:100, <i>Staff Development Program</i>.</p> <p>Identify the staff members who are responsible for student athletes, including Building Principals, and require that they comply with IHSA concussion protocols, policies, and by-laws, including its <i>Protocol for Implementation of NFHS Sports Playing Rules for Concussions</i>, at:  <a href="http://www.ihsa.org/documents/sportsmedicine/ihsa_protocols_for_nfhs_concussion_playing_rule.pdf">www.ihsa.org/documents/sportsmedicine/ihsa_protocols_for_nfhs_concussion_playing_rule.pdf</a>  <a href="http://ihsa.org/documents/SportsMedicine/Concussion%20Protocols.pdf">ihsa.org/documents/SportsMedicine/Concussion%20Protocols.pdf</a>.</p> <p>Along with the Building Principal(s), develop and maintain school-specific emergency action plan(s) for interscholastic athletic activities to address serious injuries and acute medical conditions that may cause a student’s condition to deteriorate rapidly; present it/them to the Board for approval. 105 ILCS 22-80(i).</p> <p>Hold the staff members responsible for implementing this procedure.</p>
Concussion Oversight Team	<p>Establish each of the following based on peer-reviewed scientific evidence consistent with guidelines from the Centers for Disease Control and Prevention. 105 ILCS 5/22-80(d). See <a href="http://www.cdc.gov/headsup/index.html">www.cdc.gov/headsup/index.html</a>.</p> <ol style="list-style-type: none"> <li>1. <i>A return-to-play protocol</i> governing a student’s return to interscholastic athletic practice or competition following a force of impact believed to have caused a concussion. The Superintendent or designee must supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol. 105 ILCS 5/22-80(g).</li> </ol> <p>The student’s treating physician or an athletic trainer working under a physician’s supervision must evaluate and find that it is safe for the student to return to play. The student’s parent/guardian must sign a consent form that complies with statutory prerequisites. IHSA’s website contains a form for this, <i>Post-Concussion Consent Form (RTP/RTL)</i>, at:  <a href="http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx">ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx</a>.</p> <p>It is an open question whether the return-to-play protocol is limited to when the concussion occurred during an interscholastic athletic activity, because the statute does not state “whether or not</p>

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	<p>the concussion took place while the student was participating in an interscholastic athletic activity.” It makes sense, however, to apply the return-to-play protocol whenever a student suffers a concussion before allowing him or her to participate in an interscholastic athletic activity.</p> <p>2. A return-to-learn protocol governing a student’s return to the classroom following a force of impact believed to have caused a concussion. The Superintendent or designee must supervise the person responsible for compliance with the return-to-learn protocol. 105 ILCS 5/22-80(g).</p> <p>The return-to-learn protocol governs a student’s return to the classroom after a concussion, whether or not the concussion took place while the student was participating in an interscholastic athletic activity. Guidance from Lurie Children’s Hospital explains that recovery from a concussion must be an individualized process, because no two concussions are the same. See <i>Return to Learn after a Concussion: A Guide for Teachers and School Professionals</i>, Lurie Children’s Hospital. This Guide explains that a student’s full recovery depends on both cognitive and physical rest. It suggests using a multidisciplinary team to facilitate a student’s return to the classroom and provides examples of accommodations and interventions. It also stresses the importance of identifying a school staff member who will function as a case manager or concussion management leader, e.g., a school nurse, athletic trainer, or school counselor.</p>
Building Principals or designees	<p>Along with the Superintendent, develop and maintain school-specific <i>emergency action plan(s)</i> for interscholastic athletic activities to address serious injuries and acute medical conditions that may cause a student’s condition to deteriorate rapidly; present the plan(s) to the Superintendent who will present it/them to the Board for approval. 105 ILCS 22-80(i).</p> <p>A template is available on the IHSA website under Emergency Action Plan (EAP) Resources, at:  <a href="http://www.ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx">www.ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx</a>.</p> <p>Require coaches and assistant coaches, trainers, and other staff members who are responsible for student athletes to:</p> <ol style="list-style-type: none"> <li>1. Review and abide by the IHSA protocols, policies, and by-laws regarding concussions and head injuries, at:  <a href="http://www.ihsa.org/Resources/SportsMedicine/ConcussionManagement/StakeholderResponsibilities.aspx">www.ihsa.org/Resources/SportsMedicine/ConcussionManagement/StakeholderResponsibilities.aspx</a>.</li> <li>2. Provide information to student athletes and their parents/guardians each school year about concussions and otherwise perform all duties identified by law or described in this procedure.</li> </ol>

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	<p>School districts must include information about concussions in the student athlete agreement, contract, code, or written instrument that a student athlete and his or her parent/guardian are required to sign before participating in a practice or interscholastic competition. IHSA drafted a sample <i>Concussion Information Sheet</i>, which is included within the <b><i>IHSA Sports Medicine Acknowledgement &amp; Consent Form</i></b> also known as <i>Sign-off (DOC)</i> at: <a href="http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx">ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx</a>. It has been incorporated into 7:300-E1, <i>Agreement to Participate</i>.</p> <p>Maintain appropriate school student records for student athletes.</p> <p>Although a <i>concussion policy acknowledgment</i> is no longer required, an ISBE rule defines <i>health-related information</i> to include a <i>concussion policy acknowledgment</i>. 23 Ill.Admin.Code §375.10. The acknowledgment must be kept with the student’s school student records as a temporary record. 23 Ill.Admin.Code §375.40.</p> <p>All written information concerning an injury to a student athlete, including without limitation, a return-to-play clearance, must be kept with the student’s school student records as a temporary record. 23 Ill.Admin.Code §§375.10 and 375.40. An ISBE rule defines <i>health-related information</i> to include “other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports).” 23 Ill.Admin.Code §375.10.</p>
<p>Each student participant in an interscholastic athletic activity and his or her parent/guardian</p>	<p>Each school year, sign a concussion information receipt form before participating in an interscholastic athletic activity. 105 ILCS 5/22-80(e).</p> <p><i>Interscholastic athletic activity</i> is defined on the first page of this procedure. 105 ILCS 5/22-80(b).</p> <p>The form must be approved by IHSA. See <a href="http://ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx">ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx</a>, generally and specifically <b><i>IHSA Concussion Protocols</i></b> and <b><i>IHSA Sports Medicine Acknowledgement &amp; Consent Form (Concussion, PES, Asthma Medication)</i></b>.</p> <p>Annually view IHSA’s video about concussions (applicable to only high school student athletes). 105 ILCS 25/1.15(e).</p> <p>Become knowledgeable about the concussion symptoms and ask questions of any athletic staff member.</p> <p>Inform the coach or other supervisor about any trauma to the student’s head and/or any symptoms of a concussion or confirmed concussion</p>

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	<p>regardless of where and when it occurred.</p> <p>Follow the District's return-to-play and/or return-to-learn protocol(s), as applicable, whenever the student suffers a concussion.</p>
<p>Coaches or Assistant Coaches (whether volunteer or a District employee) of <i>interscholastic athletic activities</i>;</p> <p>Nurses and Physicians who serve on the Concussion Oversight Team;</p> <p>Athletic Trainers; and</p> <p>Game Officials of <i>interscholastic athletic activities</i></p>	<p>Complete concussion training as specified in the Youth Sports Concussion Safety Act. 105 ILCS 5/22-80(h).</p> <p><i>Interscholastic athletic activity</i> is defined on the first page of this procedure. 105 ILCS 5/22-80(b).</p> <p>Individuals covered by this training mandate must initially <u>have completed</u> <del>complete</del> the training by 9-1-2016. See the footnotes in policy 5:100, <i>Staff Development Program</i>.</p> <p>Complete IHSA's online concussion certification program (required only of high school coaching personnel including, without limitation, athletic directors). 105 ILCS 25/1.15.</p> <p>Learn concussion symptoms and danger signs. See <a href="http://www.ihsa.org/documents/sportsmedicine/ihsa_concussion_information_sheet.pdf">www.ihsa.org/documents/sportsmedicine/ihsa_concussion_information_sheet.pdf</a> <a href="http://www.ihsa.org/documents/SportsMedicine/Concussion%20Protocols.pdf">www.ihsa.org/documents/SportsMedicine/Concussion%20Protocols.pdf</a>.</p>
<p>Coaches and Assistant Coaches of interscholastic athletic activities</p> <p>Athletic Trainers</p> <p>Other staff members who are responsible for student athletes</p>	<p>Each school year, have student athletes and their parents/guardians, or another person with legal authority to make medical decisions for the student, sign a form "that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion." The form must be approved by IHSA. 105 ILCS 5/22-80(e).</p> <p>Each school year, inform student athletes and their parents/guardians about concussions and head injuries by:</p> <ol style="list-style-type: none"> <li>1. Giving them a copy of the IHSA's <i>Concussion Information Sheet</i> at the time they sign exhibit 7:300-E1, <i>Agreement to Participate</i>, or other agreement, contract, code, or written instrument that a student athlete and his or her parent/guardian are required to sign before the student is allowed to participate in a practice or interscholastic competition. The <i>Concussion Information Sheet</i>, also known as <i>Sign-off (DOC)</i>, is <u>included within the <b>IHSA Sports Medicine Acknowledgement &amp; Consent Form</b></u> at: <a href="http://www.ihsa.org/Resources/DownloadCenterSportsMedicine/ConcussionManagement/ParentGuardianResources.aspx">www.ihsa.org/Resources/DownloadCenterSportsMedicine/ConcussionManagement/ParentGuardianResources.aspx</a>.</li> <li>2. Using educational material provided by IHSA to educate student athletes and parents/guardians about the nature and risk of concussions and head injuries, including the risks inherent in continuing to play after a concussion or head injury. See <a href="http://www.ihsa.org/Resources/SportsMedicine/ConcussionManagement.aspx">www.ihsa.org/Resources/SportsMedicine/ConcussionManagement.aspx</a>. The Center for Disease Control and Prevention offers free printed educational materials on concussions that can be ordered</li> </ol>

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

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	<p>authorize a student's return-to-play or return-to-learn. 105 ILCS 5/22-80(g).</p> <p>Most students with a concussion will not need a formal 504 plan or individualized education program; contact the Board Attorney whenever one is requested or the student's symptoms are prolonged.</p>
<p><u>Athletic trainers</u></p>	<p><u>Complete a monthly report on student-athletes who have sustained a concussion during: 1) a school-sponsored activity overseen by the athletic trainer; or 2) a school-sponsored event of which the athletic director is made aware. Do not identify student names in the monthly report. 105 ILCS 25/1.20.</u></p> <p><u>Submit this monthly report to the interscholastic athletic organization to which the school belongs.</u></p>