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RENAMED

October August 201516

7:310

Students

Restrictions on Publications; Elementary Schools 1

[For elementary or unit districts only]

School-Sponsored Publications and Web Sites

School-sponsored publications, productions, and web sites are part of the curriculum and are not a public forum for general student use. ² School authorities may edit or delete material that is inconsistent with the District's educational mission.

All school-sponsored communications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated.

The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

Non-School Sponsored Publications Accessed or Distributed On-Campus 3

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, (2) audio-visual material on any medium including electromagnetic media (e.g., images, MP3 files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, CD-ROM, etc.) or online (e.g., any website, social networking site, database for information retrieval, etc.), or (3) information or material on electronic devices (e.g., data or voice messages delivered by cell phones, tablets, and other hand-held devices). ⁴

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

¹ State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled. It applies to elementary and unit districts with both elementary and high school students only. Unit districts should have this policy and policy 7:315, Restrictions on Publications; High Schools. The Speech Rights of Student Journalists Act, 105 ILCS 80/5, added by P.A. 99-678 applies to high school and unit districts.

² School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. Hazelwood School District v. Kuhlmeier, 108 S.Ct. 562 (1988). This policy allows such control by clearly stating that school-sponsored publications are not a "public forum" open for general student use but are, instead, part of the curriculum.

A school board that does not retain control of student publications can anticipate at least two problems: (1) how to keep content consistent with the district's mission, and (2) how to ensure that the Constitutional rights of third parties are not violated by student journalists. Concerning the second problem, a third party may seek to hold the district responsible for the student journalists' acts. See Yeo v. Town of Lexington, 131 F.3d 241 (1st Cir. 1997), *cert. denied* (1998).

³ Non-school sponsored publications, like underground newspapers, cannot be subject to the same degree of regulation by school authorities as school-sponsored publications. Absent a showing of material and substantial interference with the requirements of good discipline, students retain their First Amendment free speech rights. The federal circuits disagree on whether school authorities may require prior approval before a student is allowed to distribute non-school-sponsored publications. The Seventh Circuit, which covers Illinois, refused to approve prior approval regulations. Fujishima v. Board of Education, 460 F.2d 1355 (7th Cir., 1972), but see Baughman v. Freienmuth, 478 F.2d 1345 (4th Cir., 1973). Non-school sponsored web sites should be regulated in the same manner as non-school sponsored publications.

A school policy prohibiting junior high students from distributing written material at school that is prepared by non-students was upheld in Hedges v. Wauconda Community Unit School Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

⁴ The definition of *publication* is optional and may be amended. This sample definition uses broad and generally understood terms to keep the policy current with rapid technology changes.

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Creating, distributing, and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the School District.

Students are prohibited from creating, distributing, and/or accessing at school any publication that:

1. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities; ⁵
2. Violates the rights of others, including but not limited to material that is libelous, invades the privacy of others, or infringes on a copyright; ⁶
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy and Student Handbooks; ⁷
4. Is reasonably viewed as promoting illegal drug use; ⁸ or
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. Nothing herein shall be interpreted to prevent the inclusion of material from outside sources or the citation to such sources as long as the material to be distributed or accessed is primarily prepared by students. ⁹

Accessing or distributing *on-campus* includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be

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⁵ For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school's computer. School authorities could reasonably believe the article would be disruptive. Boucher v. School Board of the School District of Greenfield, 134 F.3d 821 (7th Cir., 1998).

⁶ School officials may not regulate student speech based upon their fear or apprehension of disturbance. Many decisions address the tension between students' right to free speech and restrictions of it on campus. See, for example:

Brandt v. Board of Educ. of City of Chicago, 480 F.3d 460 (7th Cir., 2007), *cert. denied* (2007) (school did not violate students' First Amendment rights when it disciplined students for wearing T-shirts with a "talentless infantile drawing" that school officials reasonably found to undermine the educational atmosphere).

Nuxoll v. Indian Prairie School Dist. #204, 523 F.3d 668 (7th Cir., 2008) (holding that the student was likely to succeed on merits of his claim that the school would violate his speech rights by preventing him from wearing T-shirt with slogan "Be Happy, Not Gay").

J.C. v. Beverly Hills Unified Sch. Dist., 593 F.3d 249 (3rd Cir. 2010) (discussed the "rights of others to be secure and let alone" argument from Tinker, but found that the school district violated a student's First Amendment rights for disciplining her when she posted a video clip on a website).

B.H. v. Easton Area School District, 725 F.3d 293 (3rd Cir 2013), *cert. denied* (2014) (school violated students' free speech rights by banning the wearing of cancer awareness bracelets containing the caption *I ♥ boobies*).

⁷ Be sure that the board's definitions for *sexting* in this policy aligned with other definitions used throughout the board's policy manual. For example, see the discussion within sample administrative procedure 7:190-AP5, *Student Handbook-Electronic Devices*. There, *sexting* encompasses the term *indecent visual depiction* as defined by 705 ILCS405/3-40. It defines indecent visual depiction as a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the buttocks, or if such person is a female, a fully or partially developed breast of the person. However, a district may create or have another definition of *sexting* that may or may not encompass the statutory term indecent visual depiction.

⁸ Morse v. Frederick, 551 U.S. 393 (2007).

⁹ Optional. The rationale for this section is that prior to high school, students have not developed sufficient experience and education in critical review of external resource materials. Accordingly, in order to accomplish the district's educational mission, yet allow students the opportunity to communicate with their fellow students, widespread student distribution of written material in elementary and middle school may be limited to material primarily prepared by the students themselves. Hedges v. Wauconda Community Unit School Dist. No. 118, 9 F.3rd 1295 (7th Cir. 1993); Leal v. Everett Public Schools, 2015 WL 728651 (W.D.Wash. 2015).

disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school. ¹⁰

Non-School Sponsored Publications Accessed or Distributed Off-Campus ¹¹

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

Bullying and Cyberbullying ¹²

The Superintendent or designee shall treat behavior that is *bullying* and/or *cyberbullying* according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

LEGAL REF.: 105 ILCS 5/27-23.7
Hazelwood v. Kuhlmeier, 108 S.Ct. 562 (1988).
Hedges v. Wauconda Community Unit School Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 89 S.Ct. 733 (1969).

CROSS REF.: 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:25 (Advertising and Distributing Materials in School Provided by Non-School Related Entities)

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¹⁰ For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school's computer. School authorities could reasonably believe the article would be disruptive. Boucher v. School Board of the School District of Greenfield, 134 F.3d 821 (7th Cir., 1998).

¹¹ Optional. School officials must proceed carefully before disciplining a student for out-of-school conduct. A school's authority over off-campus expression is much more limited than expression on school grounds. Many decisions address the tension between public schools' authority to discipline students for off-campus speech and students' right to free speech. However, school officials may generally: (1) remove a student from extracurricular activities when the conduct code for participation requires students to conduct themselves at all times as good citizens and exemplars of the school (see 7:240, *Conduct Code for Participants in Extracurricular Activities*); and (2) suspend or expel a student from school attendance when the student's expression causes substantial disruption to school operations, as provided in this policy (see also 7:190, *Student Discipline Behavior*). 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) (schools may not punish students for their off-campus indecent and offensive parodies of their principals, absent a showing that the parodies caused, or could cause, substantial disruption in the schools).

Kowalski v. Berkeley Cnty. Sch., 652 F.3d 565 (4th Cir. 2011), cert. denied (2012) (upheld a student's suspension for off-campus posts to a social network site that defamed a classmate because it was foreseeable that the expression would reach the school and the student's conduct involved substantial disruption and interference with the work and discipline of the school).

The statutory definition of *bullying* includes *cyberbullying* (105 ILCS 5/27-23.7); these terms are defined in 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment* (see also f/n 6 and 7:190-AP6, *Guidelines for Investigating Sexting Allegations*).

Consult the board attorney for guidance concerning off-campus speech. Every situation is fact specific and the issues require careful evaluation.

¹² 105 ILCS 5/27-23.7.

Students

Administrative Procedure - Guidelines for Student Distribution of Non-School Sponsored Publications

A student or group of students seeking to distribute more than ~~10~~ten copies of the same material on one or more days to students must comply with the following guidelines:

1. The student(s) must notify the Building Principal of the intent to distribute, in writing, at least 24 hours before distributing the material. No prior approval of the material is required.
2. The material may be distributed at times and locations selected by the Building Principal, such as, before the beginning or ending of classes at a central location inside the building.
3. The Building Principal may impose additional requirements whenever necessary to prevent disruption, congestion, or the perception that the material is school-endorsed.
4. Distribution must be done in an orderly and peaceful manner, and may not be coercive.
5. The distribution must be conducted in a manner that does not cause additional work for school personnel. Students who distribute material are responsible for cleaning up any materials left on school grounds.
6. Students must not distribute material that:
 - a. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities;
 - b. Violates the rights of others, including but not limited to, material that is libelous, slandorous or obscene, or invades the privacy of others, or infringes on a copyright;
 - c. Is socially inappropriate or inappropriate due to the students' maturity level, including but not limited to, material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy and Student Handbooks; ¹
 - d. Is reasonably viewed as promoting illegal drug use; ~~or~~
 - e. ~~Is primarily prepared by non-students and distributed in elementary and/or middle schools, distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, material from outside sources or the citation to such sources may be allowed, as long as the material to be distributed or accessed is primarily prepared by students; or~~
 - e.f. Incites students to violate any Board policy.
7. A student may use School Board policy 2:260, *Uniform Grievance Procedure*, to resolve a complaint.

The footnotes should be removed before the material is used.

¹ This number 7:310-AP works for elementary and unit districts only. For high school districts, renumber the procedure to 7:315-AP.

Be sure that the definition for *sexting* in this procedure aligns with other definitions used throughout the board's policy manual. For an example of a definition, see sample administrative procedure 7:190-AP5, *Student Handbook-Electronic Devices*. There, sexting encompasses the term *indecent visual depiction* as defined by 705 ILCS405/3-40. It defines indecent visual depiction as a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the buttocks, or if such person is a female, a fully or partially developed breast of the person. A district may create or have another definition of sexting that may or may not encompass the statutory term indecent visual depiction.

8. Whenever these guidelines require written notification, the appropriate administrator may assist the student in preparing such notification.

A student or group of students seeking to distribute 10 or fewer copies of the same publication on one or more days to students must distribute such material at times and places and in a manner that will not cause substantial disruption of the proper and orderly operation and discipline of the school or school activities and in compliance with paragraphs 4, 5, 6, and 7.

LEGAL REF.: Speech Rights of Student Journalists Act, 105 ILCS 80/.
Hazelwood v. Kuhlmeier, 108 S.Ct. 562 (1988).
Hedges v. Wauconda Community Unit School Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 89 S.Ct. 733 (1969).

Students

Restrictions on Publications; High Schools 1

[For high school or unit districts only]

Definitions 2

School official means a Building Principal or designee.

School-sponsored media means any material that is prepared, substantially written, published, or broadcast by a student journalist, distributed or generally made available to members of the student body, and prepared under the direction of a student media advisor. It does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

Student journalist means a public high school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

Student media adviser³ means an individual employed, appointed, or designated by the District to supervise or provide instruction relating to school-sponsored media.

School-Sponsored Media Publications and Web Sites

School-sponsored publications, productions, and web-sites are governed by the Speech Rights of Student Journalists Act and the School Board policies part of the curriculum and are not a public forum for general student use.⁴ Student journalists may not use school-sponsored media that:⁵

1. Is libelous, slanderous, or obscene;
2. Constitutes an unwarranted invasion of privacy;
3. Violates federal or State law, including the Constitutional rights of third parties;⁶ or

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² Speech Rights of Student Journalists Act, 105 ILCS 80/5, added by P.A. 99-678.

³ Id. uses *adviser*, not *advisor*. *Adviser* is used throughout this policy for consistency with the statute.

⁴ Id. With some exceptions, the Act effectively restricts school authorities' power to may reasonably regulate student expression in high school-sponsored publications for education-related reasons under *Hazelwood School District v. Kuhlmeier*, 108 S.Ct. 562 (1988). This policy allows such control by clearly stating that school-sponsored publications are not a "public forum" open for general student use but are, instead, part of the curriculum. See the last sentence in f/n 4, below.

⁵ 105 ILCS 80/15, added by P.A. 99-678. A school board may that does not retain control of material in student publications can anticipate at least two problems that falls within the listed exceptions: (1) how to keep content consistent with the district's mission, and (2) how to ensure that the Constitutional rights of third parties are not violated by student journalists. Consult the board attorney about how much control of high school student publications school officials may retain in the context of the Speech Rights of Student Journalists Act.

⁶ 105 ILCS 80/15, added by P.A. 99-678.

Delete ", including Constitutional rights of third parties" if the board wants only the word-for-word statutory language in its policy. Because the Constitutional rights of third parties are common controversies within the context of student-sponsored publications, the purpose of this text is to underscore that Constitutional rights of third parties are included under the exception of State and federal law.

4. Incites students to: ⁷

- a. Commit an unlawful act;
- b. Violate ~~is inconsistent with any~~ of the District's policies, including but not limited to (1) its educational mission in policies 1:30, *School District Philosophy* and 6:10, *Educational Philosophy and Objectives*, and (2) speech that is socially inappropriate or inappropriate due to the maturity of the students pursuant to policies 6:65, *Student Social and Emotional Development*, and 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; or
- c. Materially and substantially disrupt the orderly operation of the school.

All school-sponsored ~~media~~communications shall comply with the ethics and rules of responsible journalism. Text that fits into numbers one (1) through four (4) above is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated and school officials and student media advisers may edit or delete such media material.

The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

No expression made by students in the exercise of freedom of speech or freedom of the press under this policy shall be deemed to be an expression of the District or an expression of Board policy.⁸

Non-School Sponsored Publications Accessed or Distributed On- Campus ⁹

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, (2) audio-visual material on any medium including

~~Concerning the second problem, While 105 ILCS 80/20 limits liability of school districts for a student journalist's expression, except in cases of willful or wanton misconduct, some attorneys believe it may still be possible that a third party may seek to hold the district responsible for the student journalists' acts. See *Yeo v. Town of Lexington*, 131 F.3d 241 (1st Cir. 1997), cert. denied (1998). See the second sentence in f/n 1, above.~~

⁷ 105 ILCS 80/15, added by P.A. 99-678. School officials must be careful to understand that that law is written that student journalists using media to *incite* other students to act a certain way is the exception. This additional text (1) underscores that 105 ILCS 80/15 does not authorize or protect expression that *incites* students to violate board policies, and (2) reminds students and the community that school officials have many legal obligations to implement and enforce specific board policies and ensure school environments are safe and conducive to learning. See the second sentence in f/n 1, above.

~~While Section 20 of the Act limits liability of school districts for a student journalist's expression, except in cases of willful or wanton misconduct, discuss with the board attorney how to balance the rights of student journalists under this law and the other policy implementation duties that face school officials with board policies and laws.~~

~~For boards that only want the word-for-word statutory language in their policies, delete:~~

~~including but not limited to (1) its educational mission in policies 1:30, *School District Philosophy* and 6:10, *Educational Philosophy and Objectives*, and (2) speech that is socially inappropriate or inappropriate due to the maturity of the students pursuant to policies 6:65, *Student Social and Emotional Development* and 7:180 *Prevention of and Response to Bullying, Intimidation, and Harassment*.~~

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⁹ Non-school sponsored publications, like underground newspapers, cannot be subject to the same degree of regulation by school authorities as school-sponsored publications. Absent a showing of material and substantial interference with the requirements of good discipline, students retain their First Amendment free speech rights. The federal circuits disagree on whether school authorities may require prior approval before a student is allowed to distribute non-school-sponsored publications. The Seventh Circuit, which covers Illinois, refused to approve prior approval regulations. *Fujishima v. Board of Education*, 460 F.2d 1355 (7th Cir., 1972), but see *Baughman v. Freienmuth*, 478 F.2d 1345 (4th Cir., 1973). Non-school sponsored web sites should be regulated in the same manner as non-school sponsored publications.

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Students are prohibited from creating, distributing, and/or accessing at school any publication that:

1. Will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities; ¹¹
2. Violates the rights of others, including but not limited to material that is libelous, slanderous or obscene, or invades the privacy of others, or infringes on a copyright; ¹²
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy and Student Handbooks; ¹³
4. Is reasonably viewed as promoting illegal drug use; ~~14~~
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, Nothing herein shall be interpreted to prevent the inclusion of material from outside sources or the citation to such sources may be

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¹¹ For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school's computer. School authorities could reasonably believe the article would be disruptive. Boucher v. School Board of the School District of Greenfield, 134 F.3d 821 (7th Cir., 1998).

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¹⁴ Morse v. Frederick, 551 U.S. 393 (2007).

allowed, as long as the material to be distributed or accessed is primarily prepared by students;¹⁵ or

5.6. Incites students to violate any Board policies.

Accessing or distributing *on-campus* includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school. ¹⁶

Non-School Sponsored Publications Accessed or Distributed Off-Campus ¹⁷

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

Bullying and Cyberbullying ¹⁸

The Superintendent or designee shall treat behavior that is *bullying* and/or *cyberbullying* according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

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The statutory definition of *bullying* includes *cyberbullying* (105 ILCS 5/27-23.7); these terms are defined in 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment* (see also fn 6 and 7:190-AP6, *Guidelines for Investigating Sexting Allegations*).

Consult the board attorney for guidance concerning off-campus speech. Every situation is fact specific and the issues require careful evaluation.

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CROSS REF.: 1:30 (School District Philosophy), 6:10 (Educational Philosophy and Objectives), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:25 (Advertising and Distributing Materials in School Provided by Non-School Related Entities)

Students

Student Records ¹

School student records are confidential. Information from them shall not be released other than as provided by law.² A school student record is any writing or other recorded information concerning a student and by which a student may be identified individually that is maintained by a school or at its

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¹ State law requires school boards to adopt policy and procedures implementing the Illinois School Student Records Act (ISSRA) and specifying the content of school student records (23 Ill.Admin.Code §§375.100 and 226.740). Both State and federal law address school student records. See the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, implemented by federal rules at 34 C.F.R. Part 99 and the Ill. School Student Records Act (ISSRA, 105 ILCS 10/, implemented by ISBE rules at 23 Ill.Admin.Code Part 375). In addition, the U.S. Dept. of Ed.'s Privacy Technical Assistance Center (PTAC), a *one-stop* resource for education stakeholders to learn about data privacy, confidentiality, and security practices related to student-level longitudinal data systems, has information available at: ptac.ed.gov/. Recently, PTAC published a guide for school officials titled *Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices*, available at: tech.ed.gov/wp-content/uploads/2014/09/Student-Privacy-and-Online-Educational-Services-February-2014.pdf. **School officials interested in cloud computing contracts should contact the board attorney.**

Confusion persists regarding the interplay between the FERPA and the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Privacy Rule implementing HIPAA, issued by the U.S. Dept. of Health and Human Services, addresses the disclosure of individuals' health information by *covered entities*. Generally speaking, a school district becomes a *covered entity*, and must comply with applicable sections in the Privacy Rule, if it provides health care and transmits health information in electronic form in connection with transactions. However, *educational records* as defined by FERPA are excluded from HIPAA's definition of *protected health information* (45 C.F.R. §160.1034-504). In most cases this exception relieves school districts of complying with burdensome privacy notices and authorization forms. The board attorney should be consulted on all HIPAA-related questions.

² A plethora of statutory and decisional law protects student records. Aside from the laws identified in f/n 1, other laws protecting student records include:

1. Schools may not provide a student's *personal information* to a business organization or financial institution that issues credit or debit cards (105 ILCS 5/10-20.378).
2. Schools may not sell personal information concerning a child under the age of 16, with a few exceptions, unless a parent has consented (Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/).
3. The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is governed by the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/).
4. Schools must keep a sex offender registration form received from law enforcement separately from school student records maintained on behalf of the juvenile sex offender (730 ILCS 152/121).
5. Schools may not provide a parent/guardian who is not allocated *parenting time* (formerly *visitation*) access to his or her child's school records, unless a court finds that it is in the child's best interests to provide those records to the parent (The Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/602.11, amended by P.A. 99-90).
- 5-6. Schools may not provide a parent/guardian access to his or her child's school records if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963 (The Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/602.11, amended by P.A. 99-763, eff. 1-1-17).

Note: Nos. 5 and 6 may conflict with FERPA in that they restrict a parent/guardian's right to access his or her child's school records more than is expressly permitted by FERPA. 20 U.S.C. 1232g(a)(1)(A), (B); 34 C.F.R. 99.10(a). **Consult the board attorney for guidance.**

Allowing students to grade each other's papers does not violate FERPA; such student work is not a *school record* until it is recorded by the teacher. *Owasso I.S.D. No. 1-011 v. Falvo*, 122 S.Ct. 934 (2002). School student records are *per se* prohibited from disclosure; a district is under no obligation to redact them. *Chicago Tribune Co. v. Chicago Bd. of Ed.*, 773 N.E.2d 674 (Ill.App.1, 2002).

direction by a school employee, regardless of how or where the information is stored, except as provided in State or federal law as summarized below:³

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement officers working in the school.
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses⁴) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 17 years who has been arrested or taken into custody.⁵

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy, and challenge school student records. The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child.⁶ The District may release directory information as permitted by law, but a parent/guardian shall have the right to object to the release of information regarding his or her child.⁷ However, the

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³ 20 U.S.C. §1232g(a)(4)(A); 34 C.F.R. §99.3; 105 ILCS 10/2(d); 705 ILCS 405/1-7 and 5-905; 23 Ill.Admin.Code §375.10. Rather than listing the exceptions in the policy, a school board may choose to end the sentence after the proviso "except as provided in State or federal law."

⁴ For an explanation, see footnotes in 7:220, *Bus Conduct*.

⁵ Many lawyers believe that once these records are received by a school, they are protected as *education records* under the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g. Consult the board attorney for advice.

⁶ 23 Ill.Admin.Code §226.740(a).

⁷ This sentence is required if the board allows schools to release student directory information (20 U.S.C. §1232g; 23 Ill.Admin.Code §375.80; 34 C.F.R. §99.376(a)(4)). There is at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor supports that a district may not rely on the FOIA exemption for home addresses (PAO 12-3).

The **PRESS** policy does not identify the components of *directory information*, leaving that task to implementing material. Boards may want to discuss this quagmire with the superintendent knowing that there are good reasons to release directory information (e.g., to allow the district to publish information about specific students) and good reasons to not release directory information (e.g., to avoid releasing names and addresses pursuant to a FOIA request).

23 Ill.Admin.Code 375.80(a)(1) includes *gender* as information which may be designated as directory information; however including *gender* within directory information may violate the federal Family Educational Rights and Privacy Act (FERPA). FERPA regulations provide that directory information "means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed" and it "includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended." 34 C.F.R. 99.3. Though FERPA regulations do not explicitly preclude the designation of *gender* as directory information, U.S. Department of Education (ED) guidance has consistently advised schools not to disclose a student's sex as directory information because it would be considered harmful or an invasion of privacy. See *Letter to Institutions of Postsecondary Education*, ED Family Policy Compliance Office (September 2009); *Dear Colleague Letter on Transgender Students*, ED and U.S. Department of Justice (May 13, 2016). Consult the board attorney about the practical implementation of this issue. Some attorneys, for example, believe photos of the "Girls Volleyball Team" may contradict ED guidance.

District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to, or the consent of, the student's parent/guardian.⁸ Upon request, the District discloses school student records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by State or federal law.

The Superintendent shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records.⁹

Student Biometric Information Collection ¹⁰

The Superintendent or designee may recommend a student biometric information collection system solely for the purposes of identification and fraud prevention.¹¹ Such recommendation shall be consistent with budget requirements and in compliance with State law. Biometric information means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

Before collecting student biometric information, the District shall obtain written permission from the person having legal custody/parental responsibility¹² or the student (if over the age of 18).¹³ Upon a student's 18th birthday, the District shall obtain written permission from the student to collect student

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⁸ 20 U.S.C. §1232(g)(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001.

⁹ Each school must have an *official records custodian* (105 ILCS 10/4(a)). Districts must notify students and parents/guardians of their rights concerning school student records (105 ILCS 10/3; 23 Ill.Admin.Code §375.30; 34 C.F.R. §99.7). Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal, but should be reviewed and approved by the superintendent and board. See exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, and administrative procedure 7:340-AP1, *School Student Records*.

¹⁰ This program is optional; however, districts either wishing to implement such a program or districts that have already engaged in the collection of student biometric information must have a policy consistent with the requirements of 105 ILCS 5/10-20.40 *et seq.* This section restates the School Code's requirements for a student biometric information policy.

¹¹ For districts already collecting biometric information, the following is an alternative:

The Superintendent or designee shall maintain a biometric screening program that is consistent with budget requirements and in compliance with State law.

¹² Several statutes define legal custody and when a court may grant it; the term requires statutory construction/interpretation and school boards should discuss this issue with their attorney prior to adopting a policy on collection of student biometric information.

105 ILCS 5/10-20.40(b)(1) states the definition of legal custody is the same as the definition of legal custody for purposes of residency, payment of tuition, hearings, and criminal penalties at 105 ILCS 5/10-20.12b(2)(i)-(v).

The Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/, amended by P.A. 99-90, changed the terms *custody* and *visitation* to *parental responsibility* and *parenting time*, respectively. P.A. 99-90 also requires a *parenting plan* that allocates (1) significant decision-making responsibilities, and (2) each parent's right to access his or her child's school records. The new law does not amend ISSRA or the School Code. **Consult the board attorney about whether the Illinois Marriage and Dissolution of Marriage Act's provisions change a noncustodial parent's ability to access a student's records.**

¹³ Based upon 105 ILCS 5/10-20.40, written permission is not required annually; it is valid until a request for discontinuation of the use of biometric information is received or until the student reaches the age of 18. See 7:340-AP1, E5, *Biometric Information Collection Authorization*.

biometric information.¹⁴ Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

All collected biometric information shall be stored and transmitted in a manner that protects it from disclosure. Sale, lease, or other disclosure of biometric information to another person or entity is strictly prohibited.¹⁵

The District will discontinue use of a student's biometric information and destroy all collected biometric information within 30 days after: (1) the student graduates or withdraws from the School District, or (2) the District receives a written request to discontinue use of biometric information from the person having legal custody/parental responsibility of the student or the student (if over the age of 18).¹⁶ Requests to discontinue using a student's biometric information shall be forwarded to the Superintendent or designee.

The Superintendent or designee shall develop procedures to implement this policy consistent with State and federal law.¹⁷

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¹⁴ Districts must reissue 7:340-API, E5, *Biometric Information Collection Authorization* to students turning 18 years of age during the school year. This is because all rights and privileges accorded to a parent under the Ill. School Student Records Act become exclusively those of the student upon his or her 18th birthday, graduation from secondary school, marriage, or entry into military service, whichever comes first. 105 ILCS 10/2(g).

¹⁵ State law contains two exceptions: (1) the individual who has legal custody/parental responsibility of the student or the student (if over the age of 18) consents to the disclosure, and (2) the disclosure is required by court order. 105 ILCS 10-20.40(b)(5); 750 ILCS 5/602.11, amended by P.A. 99-90.

¹⁶ 105 ILCS 5/10-20.40(d). No notification to or approval from the district's local records commission, pursuant to the Local Records Act, is required to destroy student biometric information. See *f/n* 12 for a discussion about the terms *custody* and *parental responsibility*.

¹⁷ Whether the student biometric information is an education record under FERPA, 20 U.S.C. §1232g, or falls under an exception to an education record under FERPA is an issue about which school boards should consult their board attorney. Protected Health Information under the U.S. Department of Health and Human Service's interpretations of the HIPAA excludes education records covered by FERPA, and thus HIPAA requirements are not expected to be triggered by districts collecting student biometric information. However, before implementing policies and procedures to collect student biometric information, a board should discuss these issues with the board attorney.

LEGAL REF.: Chicago Tribune Co. v. Chicago Bd. of Ed., 773 N.E.2d 674 (Ill.App.1, 2002).
Owasso I.S.D. No. I-011 v. Falvo, 122 S.Ct. 934 (2002).
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.
Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/
105 ILCS 5/10-20.21b, 20.37, 20.40, 5/14-1.01 et seq., and 10/
50 ILCS 205/7.
750 ILCS 5/602.11.
23 Ill.Admin.Code Parts 226 and 375.

CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights), 7:220 (Bus Conduct)

ADMIN PROC.: 7:15-E (Notification to Parents of Family Privacy Rights), 7:340-API (School Student Records), 7:340-API, E1 (Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records), 7:340-API, E3 (Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information), 7:340-AP2 (Storage and Destruction of School Student Records), 7:340-AP2, E1 (Schedule for Destruction of School Student Records)

Students

Administrative Procedure - School Student Records ¹

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

Table of Contents

- A. Legal Citations and Definitions
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- H. Access to School Student Records
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Sections

A. Legal Citations and Definitions

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

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

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

B. School Student Records Defined

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

Special Education Records means school records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. §1400 *et seq.*) and Article 14 of the School

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

Code. These records include the report of the multidisciplinary staffing conference on which placement or nonplacement was based and all records and audio recordings in any format relating to special education placement hearings and appeals. 23 Ill.Admin.Code §375.10.

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

1. Writings or other recorded information kept in a school staff member's sole possession that is destroyed not later than the student's graduation or permanent withdrawal, and is not accessible or revealed to any other person except a temporary substitute teacher. 105 ILCS 10/2(d).
2. Information maintained by law enforcement professionals working in the school. 105 ILCS 10/2(d).
3. Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes. This includes, without limitation, electronic recordings made on school buses, as defined in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials for disciplinary or special education purposes regarding a particular student. 23 Ill.Admin.Code §375.10. **Note:** For districts and schools that do not have a designated law enforcement unit, consult the Board Attorney regarding designating an employee to serve as the *law enforcement unit* in order to maintain the security camera and determine the appropriate circumstances in which the school would disclose recorded images.
4. Any information, either written or oral, received from law enforcement officials pursuant to 105 ILCS 5/22-20 concerning a student less than the age of 17 years who has been arrested or taken into custody. 23 Ill.Admin.Code §375.10. ²

C. Eligible Students Accorded the Rights of Parent/Guardian

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

D. Official Records Custodians

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

1. Is responsible for the maintenance, care, and security of all school student records, whether or not the records are in his or her personal custody or control, and shall take all reasonable measures to protect school student records through administrative, technical, and security safeguards against risks, such as unauthorized access, release, or use. 105 ILCS 10/4(a) & (b); 23 Ill.Admin.Code §375.40(g).
2. Reviews student temporary records at least every 4-four years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and correct inaccurate

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

information. The records review is required in any given school year at the time a student first changes attendance centers within the District, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year. 23 Ill.Admin.Code §375.40(b).

3. When notified by the Dept. of Children and Family Services (DCFS), purges DCFS's final finding report from the student's record and returns the report to DCFS. If a school has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of the DCFS's request to the receiving school. 325 ILCS 5/8.6.
4. Manages requests to access school student records.
5. Transfers a certified copy of the records of students transferring to another school and retains the original records.
6. Provides all required notices to parents/guardians and students, including without limitation, each of the following:
 - a. Upon initial enrollment or transfer to the school, notification of rights concerning school student records; the notification may be delivered by any means likely to reach parents, including direct mail or email, delivery by the student to the parent, or incorporation into a student handbook. 23 Ill.Admin.Code §375.30.
 - b. Annual notification of information that is considered to be *directory information* and of the procedures to be used by parents/guardians to request that specific information not be released. 23 Ill.Admin.Code §375.80.
 - c. Notification to secondary students and their parents/guardians that they may opt out of the disclosure of students' names, addresses, and telephone listings to military recruiters and institutions of higher learning; ~~See 9528 of the No Child Left Behind~~, by submitting a written request that such information not be released without the prior written consent of the parent/guardian. 20 U.S.C. §7908.
 - d. Notification of their right to a hearing to challenge any entry in the school student records (except for academic grades) and Official Records Custodian's name and contact information. 23 Ill.Admin.Code §375.90.
 - e. Upon a student's graduation, transfer, or permanent withdrawal, notification of the destruction schedule for the student's permanent and temporary school student records and of their right to request a copy. 105 ILCS 10/4(h); 23 Ill.Admin.Code §375.40(c).
7. Takes all action necessary to assure that school personnel are informed of the provisions of the School Student Records Act. 105 ILCS 10/3(c).
8. Performs all actions required of the District described in this procedure and the laws governing school student records.

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

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

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

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

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s).
2. Evidence required by the Missing Children's Records Act (325 ILCS 50/5(b)(1)).
3. Academic transcripts, including: grades, class rank, graduation date, and grade level achieved; scores on college entrance examinations (except that a parent/guardian or eligible student may request, in writing, the removal from the academic transcript of any score received on college entrance examinations); the unique student identifier assigned and used by ISBE's Student Information System (23 Ill.Admin.Code §1.75); as applicable, designation of an advanced placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in 105 ILCS 5/27-22; as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with 105 ILCS 5/2-3.157 and 23 Ill.Admin.Code §1.442; and as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy, awarded in accordance with 23 Ill.Admin.Code §1.442(c).
4. Attendance record.
5. Health record, defined by ISBE rule as "medical documentation necessary for enrollment and proof of having certain dental examinations, as may be required under Section 27-8.1 of the School Code."
6. Record of release of permanent record information that contains the information listed in the subsection on **Record of Release**, below.
7. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12) (105 ILCS 5/2-3.64a-5). Note: During years in which the Ill. State Board of Education designates a college entrance exam, e.g., the SAT, as the State assessment test administered at the high school level, this requirement conflicts with the right of a parent/guardian or eligible student to request the removal from the academic transcript of any score received on college entrance exams. Consult with the board attorney, if a parent/guardian or eligible student requests to remove a college entrance exam score that is also the State assessment test score from the student's permanent record.

ISBE rule provides that if not maintained in the temporary record, the *permanent record* may include:

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

No other information shall be placed in the permanent record.

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

1. Record of release of temporary record information that contains the information listed in the subsection on **Record of Release**, below.
2. Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8).
3. Completed home language survey (23 Ill.Admin.Code §228.15(d)).
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction.

5. Any final finding report received from a Child Protective Service Unit provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act shall be placed in the student record (23 Ill.Admin.Code §375.40(f)).
6. Health-related information, defined by ISBE rule as “current documentation of a student’s health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110) or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, documentation regarding a student athlete’s and his or her parents’ acknowledgment of the District’s concussion policy adopted pursuant to 105 ILCS 5/10-20.53, and other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports).
7. Accident report, defined by ISBE rule as “documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth ... has followed through on that request.”
8. Any documentation of a student’s transfer, including records indicating the school or school district to which the student transferred (23 Ill.Admin.Code §375.75(e)).
9. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement (23 Ill.Admin.Code §1.445).

The *temporary record* may also consist of:

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

F. Retention and Destruction of School Student Records

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(e). The temporary record is maintained for at least ~~5~~ five years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(f). Individuals adding information to a student's temporary record must include their name, signature, and position and the date the information was added. 105 ILCS 10/4(d). Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after ~~5~~ five years, be transferred to the parent(s)/guardian(s) or to the eligible student. 23 Ill.Admin.Code §375.40(d).

G. Social Security Numbers

School officials, with limited exceptions, may not require students or their parents/guardians to provide social security numbers. ~~Privacy Act of 1974, 5 U.S.C. §552a, as supplemented by Pub.L. 93-579~~ 5 ILCS 179/, Identity Protection Act. The collection and retention of social security numbers shall be in accordance with Board policy 4:15, *Identity Protection*.

H. Access to School Student Records

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

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

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

Access to Parent/Guardian or Eligible Student

1. A student's parent(s)/guardian(s) or eligible student, or designee, are entitled to inspect and copy information in the student's school record; a student less than 18 years old may inspect or copy information in his or her permanent school record. 105 ILCS 10/5. A request to inspect or copy school student records shall be made in writing and directed to the Building Principal. Access to the records shall be granted within 15 school days after the receipt of such a request. 105 ILCS 10/5(c). The response to an access request for a special education student's records shall include those school student records located in the special education office.
2. The parent(s)/guardian(s) or the District may request a qualified professional to be present to interpret the student's records. 105 ILCS 10/5(b). If the District makes the request, it is responsible for securing and bearing the cost of the professional's presence.
3. Unless the District has actual notice of a court order or a notice of a *parenting plan* under the Illinois Marriage and Dissolution of Marriage Act, indicating otherwise:
 - a. Divorced or separated parents/guardians with and without *parental responsibility* (formerly custody) are both permitted to inspect and copy the student's school student records. 750 ILCS 5/602.11, amended by P.A. 99-90).
 - b. The Building Principal shall send copies of the documents listed below to both divorced or separated parents/guardians at either's request. 105 ILCS 5/10-21.8.
 - 1) Academic progress reports or records

- 2) Health reports
 - 3) Notices of parent-teacher conferences
 - 4) School calendar regarding the student
 - 5) Notices about open houses, graduations, and other major school events including student-parent/guardian interaction
4. The school will deny access to a student's school records to a parent against whom an order of protection (OP) was issued if OP prohibits the parent from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. See the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/602.11, amended by P.A. 99-763, eff. 1-1-17, and 750 ILCS 60/214(b)(15), and 222(f). Also sSee Orders of Protection, below. ³
 5. The school will deny access to a student's school records to a parent/guardian who is not allocated *parenting time* (formerly visitation), unless the parent/guardian presents a court order with a finding that it is in the child's best interests to provide those records to the parent. Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/602.11, amended by P.A. 99-90). ⁴
 6. Parent(s)/guardian(s) or the student shall not be granted access to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment or the receipt of an honor or award which were placed in the records prior to ~~January 1, 191-1-75~~, provided such letters and statements are not used for purposes other than those for which they were specifically intended. Access shall not be granted to such letters and statements entered into the record at any time if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters and statements. 105 ILCS 10/5(e).

Access With Consent of Parent/Guardian or Eligible Student

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

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

1. District employees or officials of the Illinois State Board of Education will be granted access, without parental/guardian consent or notification, when a current, demonstrable,

The footnotes should be removed before the material is used.

³ This may conflict with FERPA in that it restricts a parent/guardian's right to access his or her child's school records more than is expressly permitted by FERPA. 20 U.S.C. 1232g(a)(1)(A), (B); 34 C.F.R. 99.10(a). Contact the board attorney for guidance.

⁴ See f/n 3, above.

educational or administrative need is shown. Access in such cases is limited to the satisfaction of that need. 105 ILCS 10/6(a)(2). Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest. 105 ILCS 10/6(a)(2).

2. Access will be granted, without parental/guardian consent or notification, to the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled, or intends to enroll, upon the request of such official or student. 105 ILCS 10/6(a)(3).
3. Access will be granted, without parental/guardian consent or notification, to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent/guardian can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. 105 ILCS 10/6(a)(4).
4. The District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or the consent of the student's parent(s)/guardian(s). 20 U.S.C. §1232(g)(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001. An *ex parte* order is an order issued by a court of competent jurisdiction without notice to an adverse party.
5. A SHOCAP (Serious Habitual Offender Comprehensive Action Program) committee member will be granted access, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act. 105 ILCS 10/6(a)(10) allows disclosure to SHOCAP committee members who are "state and local officials and authorities" as those terms are used in the federal Family Educational Rights and Privacy Act. This federal law does not define "state and local officials and authorities;" rather, it limits when disclosure may be made to such officials and authorities.
6. Juvenile authorities will be granted access when necessary for the discharge of their official duties upon their request before the student's adjudication, provided they certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. *Juvenile authorities* means: (a) a circuit court judge and court staff members designated by the judge; (b) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (c) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (d) any individual, public or private agency having court-ordered custody of the child; (e) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (f) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (g) law enforcement officers and prosecutors; (h) adult and juvenile prisoner review boards; (i) authorized military personnel; and (j) individuals authorized by court. 105 ILCS 10/6(a)(6.5).
7. Military recruiters and institutions of higher learning will be granted access to secondary students' names, addresses, and telephone listings, ~~unless an objection is made by~~ unless the student's parent(s)/guardian(s) submits a written request that such information not be released without the prior written consent of the parent/guardian or eligible student. Only this written consent process may be used, no other processes, such as an opt-in process, etc., may be used. Military recruiters and institutions of higher learning have access to students' names, addresses, and phone numbers even if the District does not release directory information. ~~Sec. 9528 of the No Child Left Behind~~, 20 U.S.C. §7908. For more

information, see 7:340-AP1, E3, *Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information*; 7:340-AP1, E4, *Frequently Asked Questions Regarding Military Recruiters Access to Students and Student Information*. The requirements in this paragraph 7—apply only if the District receives funds under the Elementary and Secondary Education Act. *Id.*

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

1. Access will be granted pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice of such order’s terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. 105 ILCS 10/6(a)(5). Parents of students who are named in a court order or parenting plan shall be deemed to have received the required written notice. The Building Principal shall respond to the order no earlier than 5-five school days after its receipt in order to afford parents/guardians the opportunity to review, inspect, and challenge the records if the parents choose to do so. 23 Ill.Admin.Code §375.70(d).

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

2. Information may be released without parental consent, in connection with an articulable and significant threat to the health or safety of a student or other individuals, to appropriate persons if the knowledge of the requested information is necessary to protect the health or safety of the student or other individuals. The Building Principal shall make this decision taking into consideration the seriousness of the threat, the need for such records to meet the emergency, whether the persons to whom such records are released are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency. 105 ILCS 10/6(a)(7); 23 Ill.Admin.Code §375.60. The Building Principal shall notify the parent(s)/guardian(s) or eligible student, no later than the next school day after the date that the information is released, of the date of the release, the person, agency or organization to whom the release was made, and the purpose of the release.
3. The District will grant access as specifically required by federal or State statute, provided the individual complies with the requirements in 23 Ill.Admin.Code §375.70(b). 105 ILCS 10/6(a)(6). Prior to granting access, the Building Principal shall provide prompt written notice to the parent(s)/guardian(s) or eligible student of this intended action. 105 ILCS 10/6(b); 23 Ill.Admin.Code §375.70. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents. If the release relates to more than 25 students, a notice published in the newspaper is sufficient.

The District charges \$.35 per page for copying information from a student’s records. 5 No parent/guardian or student shall be precluded from copying information because of financial hardship. 23 Ill.Admin.Code §375.50. **Note:** The ISBE rule allows a school to “charge the actual cost for providing a copy of school student records or any portion of

The footnotes should be removed before the material is used.

5 Districts may substitute the following alternative: “The District charges a fee for copying school student records that corresponds to the fee schedule for copies of records requested under the Freedom of Information Act.”

such records to parents and students upon request for such copies, provided that such costs shall not exceed \$.35 per page.” 23 Ill.Admin.Code §375.50.

I. Record of Release

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

1. Information released or made accessible
2. The name and signature of the Building Principal
3. The name and position of the person obtaining the release or access
4. The date of the release or grant of access
5. A copy of any consent to such release

No record of a disclosure is maintained when records are disclosed according to the terms of an *ex parte* court order. 20 U.S.C. §1232(g)(j)(4).

J. Orders of Protection

Upon receipt of a court order of protection that prohibits a Respondent’s access to records, the Building Principal shall file it in the temporary record of a student who is the *protected person* under the order of protection. No information or records shall be released to the Respondent named in the order of protection. 750 ILCS 60/222(ef). 6

K. Parenting Plans

Upon receipt of a parenting plan under the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/, amended by P.A. 99-90), the Building Principal shall file it in the temporary record of a student who is the subject of the parenting plan.

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

The Building Principal shall:

1. Upon the student’s request or that of the official records custodian of another school in which the student has enrolled or intends to enroll, transfer a certified copy of the student’s record (that is, the student’s permanent and temporary record) to the official records custodian of the appropriate school and retain the original records. See policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.
2. Determine if the school or special education office has any record that is protected by the Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA, 740 ILCS 110/) concerning the transferring student, specifically a record or report made by a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services. If so, ask the appropriate person as identified in 740 ILCS 110/4 whether to send the record protected by MHDDCA to the new school and, if *yes*, obtain a written consent for disclosure as provided in 740 ILCS 110/5.

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6 See f/n 3, above.

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

3. Provide the parent/guardian or eligible student prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge it. If the parent's/guardian's address is unknown, notice may be served upon the official records custodian of the requesting school for transmittal to the parent/guardian. This service is deemed conclusive, and ~~10~~ten calendar days after this service, if the parents/guardians make no objection, the records may be transferred to the requesting school.
4. Destroy any biometric information collected and do not transfer it to another school district.
5. Retain the original records in accordance with the requirements of 105 ILCS 10/4.
6. Maintain any documentation of the student's transfer, including records indicating the school or school district to which the student transferred, in that student's temporary record.

If the student has unpaid fines, fees, or tuition charged pursuant to 105 ILCS 5/10-20.12a and is transferring to a public school located in Illinois or any other state, the Building Principal shall: ⁷

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

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

1. The date and duration of the period of any current suspension or expulsion; and
2. Whether the suspension or expulsion is for, (a) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. §8921 *et seq.*); (b) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (c) battering a school staff member.

M. Directory Information ⁸ 23 Ill.Admin.Code §375.80

The footnotes should be removed before the material is used.

⁷ This practice is optional. See also 23 Ill.Admin.Code §§375.75(i).

⁸ Districts are not required to identify and release directory information. Be sure that the board policy provides for the release of directory information. There has been at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor (PAC) supports that a district may not rely on the FOIA exemption for home addresses (PAO 12-3).

The School may release certain directory information regarding students, except that a student's parent(s)/guardian(s) may prohibit the release of the student's directory information. Directory information is limited to:⁹

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

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

The notification to parents/guardians and students concerning school student records will inform them of their right to object to the release of directory information. See 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*.

N. Student Record Challenges

Parents/guardians have the right to a hearing to challenge the accuracy, relevancy, or propriety of any entry in their student's school records, exclusive of academic grades and references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring. 105 ILCS 10/7; 23 Ill.Admin.Code §375.90. A request for a hearing should be submitted to the Superintendent and

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

⁹ 23 Ill.Admin.Code 375.80(a)(1) includes *gender* as information which may be designated as directory information; however including *gender* within directory information may violate the federal Family Educational Rights and Privacy Act (FERPA). FERPA regulations provide that directory information "means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed" and it "includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended." 34 C.F.R. 99.3. Though FERPA regulations do not explicitly preclude the designation of *gender* as directory information, U.S. Department of Education (ED) guidance has consistently advised schools not to disclose a student's sex as directory information because it would be considered harmful or an invasion of privacy. See *Letter to Institutions of Postsecondary Education*, ED Family Policy Compliance Office (September 2009); *Dear Colleague Letter on Transgender Students*, ED and U.S. Department of Justice (May 13, 2015-16). Consult the board attorney about the practical implementation of this issue. Some attorneys, for example, believe photos of the "Girls Volleyball Team" may contradict ED guidance.

shall contain notice of the specific entry or entries to be challenged and the basis of the challenge. The following procedures apply to a challenge: 105 ILCS 10/7; 23 Ill.Admin.Code §375.90.

1. The Superintendent or designee will invite the parent(s)/guardian(s) to an initial informal conference, within 15 school days of receipt of the request for a hearing.
2. If the challenge is not resolved by the informal conference, formal procedures shall be initiated. The Superintendent will appoint a hearing officer, who is not employed in the attendance center in which the student is enrolled.
3. The hearing officer will conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parent(s)/guardian(s) and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
4. At the hearing each party shall have the right to:
 - a. Present evidence and to call witnesses;
 - b. Cross-examine witnesses;
 - c. Counsel;
 - d. A written statement of any decision and the reasons therefore; and
 - e. Appeal an adverse decision to an administrative tribunal or official to be established or designated by the State Board.
5. A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.
6. The written decision of the hearing officer shall, no later than ~~10-ten~~ school days after the conclusion of the hearing, be transmitted to the parent(s)/guardian(s) and the School District. It shall be based solely on the information presented at the hearing and shall be one of the following:
 - a. To retain the challenged contents of the school student record;
 - b. To remove the challenged contents of the school student record; or
 - c. To change, clarify, or add to the challenged contents of the school student record.
7. Any party has the right to appeal the decision of the local hearing officer to the Regional Superintendent or appropriate Intermediate Service Center, within 20 school days after the decision is transmitted. The parent(s)/guardian(s), if they appeal, shall so inform the school and within ~~10-ten~~ school days the school shall forward a transcript of the hearing, a copy of the record entry in question, and any other pertinent materials to the Regional Superintendent or appropriate Intermediate Service Center. The school may initiate an appeal by the same procedures.
8. The final decision of the Regional Superintendent or appropriate Intermediate Service Center may be appealed to the circuit court of the county in which the school is located.
9. The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. The school will include a copy of the statement in any release of the information in dispute. 105 ILCS 10/7(d).

LEGAL REF.: Family Education Rights and Privacy Act, 20 U.S.C. §1232g; implemented by 34 C.F.R. Part 99.
Illinois School Student Records Act, 105 ILCS 10/2; implemented by 23 Ill.Admin.Code Part 375.
The Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/.
Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/.

Students

Exhibit - Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records¹

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

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

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

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

The *permanent record* includes:

1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s).
2. Evidence required under the Missing Children's Records Act (325 ILCS 50/5(b)(1)).
3. Academic transcripts, including grades, class rank, graduation date, grade level achieved, scores on college entrance examinations (except that a parent/guardian or eligible student may request, in writing, the removal from the academic transcript of any score received on college entrance examinations), the unique student identifier assigned and used by the Illinois State Board of Education's Student Information System; as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with the School Code Section 5/2-3.157 and as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy.
4. Attendance record.
5. Health record defined by the Illinois State Board of Education as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code."

The footnotes should be removed before the material is used.

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

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

6. Record of release of permanent record information that includes each of the following:
 - a. The nature and substance of the information released
 - b. The name and signature of the official records custodian releasing such information
 - c. The name and capacity of the requesting person and the purpose for the request
 - d. The date of release
 - e. A copy of any consent to a release
7. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12) (105 ILCS 5/2-3.64a-5), ²

The *permanent record* may include:

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

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

1. Record of release of temporary record information that includes the same information as listed above for the record of release of permanent records.
2. Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8).
3. Completed home language survey.
4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction.
5. Any final finding report received from a Child Protective Service Unit provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act shall be placed in the student record.
6. Health-related information, defined by the Illinois State Board of Education as “current documentation of a student’s health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, and other health-related information that is relevant to school participation, e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports.”
7. Accident report, defined by the Illinois State Board of Education as “documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or whether the school nurse has referred the student for a

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² During years in which the Ill. State Board of Education designates a college entrance exam (e.g., the SAT) as the State assessment test administered at the high school level, this requirement conflicts with the right of a parent/guardian or eligible student to request the removal from the academic transcript of any score received on college entrance exams. If a parent/guardian or eligible student requests to remove a college entrance exam score that is also the State assessment test score from the student’s permanent record, consult with the board attorney.

medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth ... has followed through on that request.”

8. Any documentation of a student’s transfer, including records indicating the school or school district to which the student transferred.
9. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement.

The temporary record may include:

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

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

1. The right to inspect and copy the student’s education records within 15 school days of the day the District receives a request for access.

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

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

2. The right to have one or more scores received on college entrance examinations removed from the student’s academic transcript.

Parents/guardians or eligible students may have one or more scores on college entrance exams deleted from their student’s academic transcript. Students often take college entrance examinations multiple times to improve their results. Test publishers provide the results from each examination taken to the student’s high school. Schools must include each of these scores on the student’s transcript, which may result in the academic transcript having multiple scores from a single college entrance exam. A parent/guardian or eligible student may not want certain scores to be sent to postsecondary institutions to which the student applies. The District will remove scores on college entrance examinations upon the written request of the parent/guardian or eligible

student stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be removed.

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

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

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

4. The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that the FERPA or Illinois School Student Records Act authorizes disclosure without consent.

Disclosure without consent is permitted to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or any parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest.

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

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

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

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and juvenile authorities when necessary for the discharge of their official duties who request information before adjudication of the student.

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

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. The temporary record is maintained for at least 5-five years after the student transfers, graduates, or permanently withdraws. Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after 5 five years, be transferred to the parent(s)/guardian(s) or to the student, if the student has

succeeded to the rights of the parent(s)/guardian(s). Student temporary records are reviewed every 4-four years or upon a student's change in attendance centers, whichever occurs first.

6. The right to prohibit the release of directory information concerning the parent's/guardian's child.

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

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

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

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

7. The right to request that military recruiters or institutions of higher learning not be granted access to your secondary school student's name, address, and telephone numbers without your prior written consent.

Federal law requires a secondary school to grant military recruiters and institutions of higher learning, upon their request, access to secondary school students' names, addresses, and telephone numbers, unless the student's parents/guardians, or a student who is 18 years of age or older, submits a written request that the information not be ~~disclosed~~released without the prior written consent of the parent/guardian or eligible student. If you wish to exercise this option, notify the Building Principal where your student is enrolled for further instructions.

8. The right contained in this statement: No person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit, or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the exercise of any right secured under State law.

9. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.

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

Family Policy Compliance Office
U.S. Department of Education

400 Maryland Avenue, SW
Washington DC 20202-4605

RENAMED & REWRITTEN

October 2016

7:340-AP1, E3

Students

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

On District letterhead

Date

Re: Military Recruiters and Postsecondary Institutions Receiving Student Directory Information

Dear Parents/Guardians:

From time-to-time, military recruiters and postsecondary educational institutions request the names, telephone numbers, and addresses of our secondary students. The school must provide this information unless the parent/guardian, or the student if he/she has attained the age of 18, submits a written request that the student's records not be released without their prior written consent.

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

Sincerely,

Superintendent

To be completed and submitted to the Building Principal.

For parents:

- Do not** release my child's name, telephone numbers, and/or address, without first obtaining my prior written consent, to institutions of higher learning or military recruiters.

Parent/Guardian Name *(please print)*

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

Date

For Students age 18 or older:

- Do not** release my name, telephone numbers, and/or address, without first obtaining my prior written consent, to institutions of higher learning or military recruiters.

Student Name *(please print)*

Student ID Number

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

Date

Students

Exhibit - Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information¹

1. What do the U.S. Patriot Act and ~~No Child Left Behind~~ Elementary and Secondary Education Act require of schools with regard to allowing military recruiters access to students?

The Patriot Act has nothing to do with the military recruiter access to students or information. It requires schools to comply with an *ex parte* order issued in connection with the investigation or prosecution of terrorism. A court issues an *ex parte* order without notice to an adverse party. Student records may be disclosed pursuant to such an order without parents' consent or knowledge.

~~Two pieces of legislation require s~~Schools receiving funds under the Elementary and Secondary Education Act ~~must~~: (1) give military recruiters the same access to secondary school students as they provide to postsecondary educational institutions or to prospective employers or an institution of higher education, and (2) provide students' names, addresses, and telephone listings to military recruiters, when requested. ~~20 U.S.C. §7908; 10 U.S.C. §503(c). Those laws are:~~

- ~~§9528 of the No Child Left Behind Act of 2001, 20 U.S.C. §7908.~~
- ~~10 U.S.C. §503, as amended by the National Defense Authorization Act for Fiscal Year 2002.~~

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

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

3. What notification must schools provide to parents/guardians and eligible students before disclosing students' names, addresses, and telephone numbers to military recruiters and institutions of higher education?

Under federal and State laws governing student records, schools must provide notice to parents/guardians and eligible students of the types of student information that it releases publicly. This type of student information, commonly referred to as *directory information*, includes names, addresses, and telephone numbers. The notice must include an explanation of a parent/guardian's or eligible student's right to request that the information not be disclosed without prior written consent. Under the ~~No Child Left Behind~~ Elementary and Secondary Education Act, schools must notify parents that the school routinely discloses names, addresses, and telephone numbers to military recruiters and institutions of higher education upon request, subject to a parent/guardian's or eligible student's written request not to disclose such information without their prior written consent.

The footnotes should be removed before the material is used.

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

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

~~If a parent opts out of providing directory information to third parties, the opt out also applies to requests from military recruiters and institutions of higher education. For example, if the opt out states that telephone numbers will not be disclosed to the public, schools may not disclose telephone numbers to military recruiters.~~

If a school does not release “directory information,” it still must provide students’ names, addresses, and telephone numbers to military recruiters and institutions of higher education upon request. The school must notify parents/guardians and eligible students: (1) that it discloses information to military recruiters and institutions of higher education, and (2) ~~noting~~ that parents/guardians and eligible students have the right to opt ~~their children~~ out of this disclosure.

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

Neither federal nor State law addresses where recruitment takes place. These laws only require that guidelines imposed on military recruiters be the same as those imposed on postsecondary educational institutions recruiters and/or prospective employers.

5. How frequently are recruiters present?

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

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

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

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

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

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

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

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

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

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

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

Director, Accession Policy

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

11. Where can I get more information on the requirements of §9528 of the ESEA?

The Family Policy Compliance Office (FPCO) in the Department of Education administers FERPA as well as §9528 of the ESEA (20 U.S.C. §7908), ~~as amended by the No Child Left Behind Act of 2001.~~ School officials with questions on this guidance, or FERPA, may contact the FPCO at FERPA@ED.Gov or write to the FPCO as follows:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605
Telephone: 202/260-3887
Fax: 202/260-9001
www.ed.gov/offices/OM/fpc

Community Relations

Visitors to and Conduct on School Property ¹

The following definitions apply to this policy:

School property - District and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored event.

Visitor - Any person other than an enrolled student or District employee.

All visitors to school property are required to report to the Building Principal's office and receive permission to remain on school property. All visitors must sign a visitors' log, show identification, and wear a visitor's badge. When leaving the school, visitors must return their badge. On those occasions when large groups of parents and friends are invited onto school property, visitors are not required to sign in but must follow school officials' instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution. ²

Except as provided in the next paragraph, any person wishing to confer with a staff member should contact that staff member by telephone or email to make an appointment. Conferences with teachers are held, to the extent possible, outside school hours or during the teacher's conference/preparation period.

Requests to access a school building, facility, and/or educational program, or to interview personnel or a student for purposes of assessing the student's special education needs, should be made at the appropriate building. Access shall be facilitated according to guidelines from the Superintendent or designee. ³

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

¹ State or federal law controls this policy's content. Boards may make and enforce reasonable rules of conduct and sportsmanship for school events and deny future admission to school events to violators for up to one year provided a notice and hearing are given (105 ILCS 5/24-24). This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

² This paragraph is up to the local board's discretion. Many public school buildings were built before school security was the concern it is now. A first step in creating a secure environment is to manage access to school buildings. Along with limiting the entrances that may be used, school officials should post signs with instructions for visitors and a warning to trespassers. Signs may be as simple as "Visitors Must Report to Office" and "No Trespassing -- Violators will be Prosecuted." Applicable criminal trespass laws include: 720 ILCS 5/21-1 (criminal damage to property); 5/21-1.2 (institutional vandalism); 5/21-3 (criminal trespass to real property); 5/21-5 (criminal trespass to State supported land); 5/21-5.5 (criminal trespass to a safe school zone); 5/21-9 (criminal trespass to a place of public amusement); 5/21-11 (distributing or delivering written or printed solicitation on school property). This sample policy identifies board members as visitors.

The following optional provisions must be modified according to local conditions:

- Option 1: The Superintendent or designee may post certain school facilities for the community's use on non-school days when they are not being used for school purposes.
- Option 2: The Superintendent or designee shall manage a program to allow community use of the following facilities on non-school days, during the daylight, provided they are not being used for school purposes: tennis courts, playground, and track.

³ 105 ILCS 5/14-8.02(g-5). See administrative procedure 6:120-AP2, *Access to Classrooms and Personnel*, and exhibit 6:120-AP2, E1, *Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes*.

The School District expects mutual respect, civility, and orderly conduct among all people on school property or at a school event. No person on school property or at a school event (including visitors, students, and employees) shall perform any of the following acts:

1. Strike, injure, threaten, harass, or intimidate a staff member, a Board member, sports official or coach, or any other person. ⁴
2. Behave in an unsportsmanlike manner, or use vulgar or obscene language.
3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device. ⁵
4. Damage or threaten to damage another's property. ⁶
5. Damage or deface school property. ⁷
6. Violate any Illinois law,⁸ or town or county ordinance.
7. Smoke or otherwise use tobacco products. ⁹
8. Distribute, consume, use, possess, or be under the influence of an alcoholic beverage or illegal drug; be present when the person's alcohol or illegal drug consumption is detectible, regardless of when and/or where the use occurred. ¹⁰
9. Use or possess medical cannabis. ¹¹

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

⁴ See e.g., 720 ILCS 5/12-2-(aggravated assault); 5/12-3.05(c) and (d)(3)(crimes on school property: aggravated battery (assaulting—a sports official or coach or school employee)); 5/12-9-(threats to public officials); 5/24-1.2-(discharge of a firearm); ~~crimes against school employees~~).

⁵ With one exception, a license to carry a firearm does not permit an individual to carry a concealed firearm on or into any building, real property, and or parking area under the control of an elementary or secondary school, or any bus paid for in whole or part with public funds (430 ILCS 66/65(a), added by P.A. 98-630 and amended by P.A. 99-29). The following optional provision adds that exception, which is a restatement of 430 ILCS 66/65(b), added by P.A. 98-630 and amended by P.A. 99-29, to the text in number 3:

An individual licensed to carry a concealed firearm under the Illinois Firearm Concealed Carry Act is permitted to: (a) carry a concealed firearm within a vehicle into a parking area controlled by a school or the District and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area, and/or (b) carry a concealed firearm in the immediate area surrounding his or her vehicle in a parking area controlled by a school or the District for the limited purpose of storing or retrieving a firearm within the vehicle's trunk.

Other relevant weapons laws include 705 ILCS 405/5-407, 720 ILCS 5/24-9; 725 ILCS 5/110-4, 5/110-10 (firearms in schools); 720 ILCS 5/24-1.2, 5/24-3 (discharge of firearm near school); 705 ILCS 405/5-130, 405/5-805 (minor 15 years or older who commits aggravated battery with a firearm at school is tried as an adult).

⁶ See e.g., 720 ILCS 5/2-19.5, 5/16-1, 5/18-1, 5/19-1, 21-1, and 5/21-1.3 (property damage penalties).

⁷ See e.g., 720 ILCS 5/21-1.01, 21-1.3.

⁸ See e.g., 720 ILCS 5/11-9.3 (presence within school zone by child sex offenders prohibited), 5/11-14(prostitution), 5/11-15(repealed), and 5/11-18(patronizing a prostitute); 720 ILCS 5/21-11 (soliciting students to commit illegal act).

⁹ Required by 105 ILCS 5/10-20.5b and 410 ILCS 82/1 et seq. Federal law prohibits smoking inside schools (20 U.S.C. §6081); districts failing to comply with the federal no-smoking ban risk a civil penalty of up to \$1000 per violation per day.

¹⁰ See e.g., 720 ILCS 570/407 (delivery of controlled substance on or within 1000 feet of a school). See also the discussion in ¶n 2 of policy 5:50, *Drug- and Alcohol-Free Workplace; Tobacco Prohibition*; this statement must be consistent with employee working conditions.

¹¹ To legally use medical cannabis, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Pilot Program (Medical Cannabis Act) (410 ILCS 130/, added by P.A. 98-122 (eff. 1-1-14). There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis, including (a) in a school bus, (b) on the grounds of any preschool or primary or secondary school, or (c) in close physical proximity to anyone under the age of 18 years of age (410 ILCS 130/30(a)(2), (3), & (4), added by P.A. 98-122 (eff. 1-1-14).

10. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner). ¹²
11. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Board.
12. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized District employee's directive. ¹³
13. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding. ¹⁴
14. Violate other District policies or regulations, or a directive from an authorized security officer or District employee.
15. Engage in any conduct that interferes with, disrupts, or adversely affects the District or a School function.

Convicted Child Sex Offender ¹⁵

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender is:

1. A parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or
2. Has permission to be present from the Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Superintendent, or designee who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity.

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

¹² See e.g., 720 ILCS 5/21.2-1 *et seq.* (interference with a public institution of education).

¹³ See e.g., 625 ILCS 5/11-605, amended by P.A. 99-212, eff. 1/1/16, special speed limit zones. 625 ILCS 5/12-610.1(e), prohibits wireless telephone use while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes.

¹⁴ The pivotal question in a negligence case is whether the defendant acted reasonably. A ban on roller-blading demonstrates that the district took reasonable steps to reduce the risk of injury.

¹⁵ 720 ILCS 5/11-9.3. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child's vicinity. See also the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*); Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105); policy 4:170, *Safety*; and administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*.

Exclusive Bargaining Representative Agent 16

Authorized agents of an exclusive bargaining representative, upon notifying the Building Principal's office, may meet with a school employee (or group of employees) in the school building during duty-free times of such employees.

Enforcement

Any staff member may request identification from any person on school property; refusal to provide such information is a criminal act. 17 The Building Principal or designee shall seek the immediate removal of any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from school property. The person is also subject to being denied admission to school events or meetings for up to one calendar year. 18

Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board. The Superintendent may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a hearing notice, delivered or sent by certified mail with return receipt requested, at least ~~10~~ ten days before the Board hearing date. The hearing notice must contain: 19

1. The date, time, and place of the Board hearing;
2. A description of the prohibited conduct;
3. The proposed time period that admission to school events will be denied; and
4. Instructions on how to waive a hearing. 20

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

16 105 ILCS 5/24-25. Omit this section if it is covered in a collective bargaining agreement. Duty-free time is used to provide a district with discretion about whether preparation time, etc. may be used.

Consult the board attorney about this subhead. It is an item on which collective bargaining may be required. Any policy that impacts wages, hours, or terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Amend the language to reflect what is recommended by the board attorney.

17 105 ILCS 5/24-24 and 5/24-25.

18 See Nuding v. Cerro Gordo Community Unit School Dist., 730 N.E.2d 96 (Ill.App.4, 2000)(board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting); Jordan ex rel. Edwards v. O'Fallon Tp. High School Dist., 706 N.E.2d 137 (Ill.App.5, 1999)(105 ILCS 5/24-24 did not give a high school athlete the right, under the due process clause, to a notice and hearing before he could be suspended from participating in interscholastic athletics; the statute expands the schools' authority to ban people from attending school events for breaching conduct and sportsmanship code).

19 Id. If a violator is a student, the hearing should be held in a closed meeting (5 ILCS 120/2). If, however, the violator is not a student, the hearing must be held in an open session.

20 The hearing requirement is for the violator's benefit and, consequently, the violator should be able to waive it.

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 730 N.E.2d 96 (Ill.App.4, 2000).
Pro-Children Act of 1994, 20 U.S.C. §7181 et seq.
105 ILCS 5/10-20.5b, 5/24-24, and 5/24-25.
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.
430 ILCS 66/, Firearm Concealed Carry Act.
720 ILCS 5/11-9.3.

CROSS REF.: 4:170 (Safety), 5:50 (Drug- and Alcohol-Free Workplace; Tobacco Prohibition), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student ~~Discipline~~Behavior), 8:20 (Community Use of School Facilities)

Community Relations

Accommodating Individuals with Disabilities ¹

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities and will not be subject to illegal discrimination.² When appropriate, the District may provide to persons with disabilities aids, benefits, or services that are separate or different from, but as effective as, those provided to others.³

The District will provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.⁴

Each service, program, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.⁵

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

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

² The Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. §§12101 *et seq.* The ADA covers all state and local governments, including those that receive no federal financial assistance. Title II of the ADA specifically contains accessibility requirements (42 U.S.C. §§12131 *et seq.*). Its nondiscrimination provision states: "[s]ubject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. §§12132.

The Department of Justice, through its Civil Rights Division, is the key agency responsible for enforcing Title II. The regulations implementing Title II are found at 28 C.F.R. Part 35. For a comprehensive compliance toolkit, see: www.ada.gov/pcatoolkit/chap1toolkit.htm. This policy contains only the basic elements of the ADA's requirements.

The ADA Amendments Act (ADAAA) significantly changed the ADA's definition of disability (42 U.S.C. §12102). It did not, however, amend any provision in Title II regarding accessibility requirements. Consult the board attorney regarding the ADAAA's impact, if any, on the district's Title II accessibility obligations.

The Ill. Environmental Barriers Act (410 ILCS 25/) and the Ill. Accessibility Code (71 Ill.Admin.Code Part 400) ensure that "all applicable buildings and facilities in the State of Illinois, are so designed, constructed, and/or altered to assure the safety and welfare of all members of society and to be readily accessible to, and useable by, environmentally limited persons," (71 Ill.Admin.Code §400.110). **Note:** The Ill. Environmental Barriers Act, as amended by P.A. 99-582, eff. 1-1-17, deleted the term "environmentally limited person," which until then had been defined in 410 ILCS 25/3 as "a person with a disability or condition who is restricted in the use of the built environment." Press boxes that "are in bleachers that have points of entry at only one level, and the aggregate area of the press box is no more than 500 square feet" do not have to comply with the Accessibility Code (105 ILCS 5/10-20.5146, amended by P.A. 97-355). The Ill. High School Assoc. refers to a *press box* as a "space ... set aside to provide for news media representatives covering the [event], whether they be from newspapers, radio stations, commercial television stations and/or cable television stations."

³ 28 C.F.R. §35.130(b). If separate services or programs are provided, a district may not deny the individual an opportunity to participate in the regular programming unless the accommodation would alter the fundamental nature of the program (28 C.F.R. §35.130(b)).

⁴ Districts must provide auxiliary aids and services to ensure that no disabled individual is excluded or treated differently than other individuals, unless the district can show that taking such steps would fundamentally alter the nature of the function, program, or meeting or would be an undue burden (28 C.F.R. §§35.160 and 35.164). The term "auxiliary aids and services" includes qualified interpreters, assistive listening devices, note takers, and written materials for individuals with hearing impairments; for individuals with vision impairments, the term includes qualified readers, taped texts, and Brailled or large print materials (28 C.F.R. §35.104).

⁵ This requirement applies to construction commenced after January 26, 1992 (28 C.F.R. §35.151). Compliance methods include: equipment redesign, reassignment of services to accessible buildings, assignment of aids to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities (a district is not required to make structural changes in existing facilities where other methods are effective in achieving compliance), and use of accessible rolling stock or other conveyances (28 C.F.R. §35.150).

The Superintendent or designee is designated the Title II Coordinator and shall:⁶

1. Oversee the District's compliance efforts, recommend necessary modifications to the School Board, and maintain the District's final Title II self-evaluation document, update it to the extent necessary, and keep it available for public inspection for at least 3 years after its completion date.⁷
2. Institute plans to make information regarding Title II's protection available to any interested party.⁸

Individuals with disabilities should notify the Superintendent or Building Principal if they have a disability that will require special assistance or services and, if so, what services are required.⁹ This notification should occur as far in advance as possible of the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or federal law by reporting it to the Superintendent or designated Title II Coordinator, or by filing a grievance under the Uniform Grievance Procedure.¹⁰

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and 12131 et seq.; 28 C.F.R. Part 35.
Rehabilitation Act of 1973 §104, 29 U.S.C. §794 (2006).
105 ILCS 5/10-20.4651.
410 ILCS 25/, Environmental Barriers Act.
71 Ill.Admin.Code Part 400, Illinois Accessibility Code.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:150 (Facility Management and Expansion Programs)

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

⁶ Each district having 50 or more full or part-time employees must designate at least one employee to coordinate its efforts to comply with Title II, including complaint investigations (28 C.F.R. §35.107).

⁷ A written evaluation of district services, policies, and practices should have been completed by January 26, 1993. Interested people should have been allowed to submit comments during the evaluation process. The final self-evaluation document must be kept for at least ~~three~~ years, be available for public inspection, and include a list of individuals and organizations consulted, a description of areas examined and any problems identified, and a description of any modifications. The record retention requirement applies to only those districts having 50 or more full or part-time employees. While January 26, 1996, has passed, this information is kept in the policy as it is an affirmative obligation.

⁸ Each district must make information regarding the ADA's protection available to any interested party (28 C.F.R. §35.106). For example, a simple notice can be included in school newspapers, program or performance announcements, and registration material.

⁹ The superintendent decides the appropriate response on a case-by-case basis.

¹⁰ Adoption of the Uniform Grievance Procedure fulfills the ADA's requirement that each district having 50 or more employees adopt and publish a grievance procedure providing for prompt and equitable resolution of any complaint.

Community Relations

Administrative Procedure - Parental Involvement 1

Building Principals shall advocate effective, comprehensive family involvement in education that will promote parents/guardians becoming active partners in education. Building Principals shall, at least once every semester, provide a written report to the Superintendent on parental involvement programs and efforts in their buildings. This administrative procedure identifies opportunities for parental involvement.

The District or school provides notices to parents/guardians on the following topics (list may not be exhaustive):

- Public hearing on holding school or scheduling teachers' institutes, parent-teacher conferences, or staff development on certain holidays. 105 ILCS 5/24-2(b)(2).
 - Free and reduced-price food service. 7 C.F.R. §245.5; 23 Ill.Admin.Code §305.10(c).
 - Fee waiver. 23 Ill.Admin.Code §1.245.
 - Applications of pest control and/or lawn care products. 225 ILCS 235/10.3, 415 ILCS 65/3.
 - Instruction on recognizing and avoiding sexual abuse. 105 ILCS 5/27-13.2.
 - Parental school visitation rights. 820 ILCS 147/25.
 - Child's placement in English learner programs. 105 ILCS 5/14C-4.
 - Major school-sponsored events, including parent-teacher conferences, given to non-custodial parents. 105 ILCS 5/10-21.8.
 - Unexplained absence from school of a student in K-8 (within two hours). 105 ILCS 5/26-3b.
 - Graduation requirements, particularly when a student's eligibility for graduation may be in question. 23 Ill.Admin.Code §1.440(e).
 - A student's suspension and/or expulsion. 105 ILCS 5/10-22.6.
 - Electronic audio and/or visual recording devices if located on school buses. 720 ILCS 5/14-3(m).
 - Physician who prescribes District's supply of epinephrine auto-injectors is protected from liability, with limited exceptions. 105 ILCS 5/22-30(c).
 - Availability of the District report card. 105 ILCS 5/10-17a(5).
- See also:

6:170-AP2, *Notice to Parents Required by No Child Left Behind Act of 2001, Elementary and Secondary Education Act, McKinney-Vento Homeless Assistance Act, and Protection of Pupil Rights Act*

7:190-E2, *Student Handbook Checklist*

7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*

State laws have created parental involvement opportunities on the following topics:

Students Records

The footnotes should be removed before the material is used.

1 Sample materials on parental involvement are also covered in 6:170, *Title I Programs*, for those districts that receive Title I funds. Districts that do not receive Title I funds may use this sample procedure exclusively. Title I imposes additional requirements for parental participation and family engagement programs; these requirements are covered in 6:170, *Title I Programs*; 6:170-AP1, *Checklist for Development, Implementation and Maintenance of Parental and Family Engagement Involvement Compacts for Title I Programs*; 6:170-AP1, E1, *District-Level Parental and Family Engagement Involvement Compact*; and 6:170-AP1, E2, *School-Level Parental and Family Engagement Involvement Compact*.

Parents/guardians have many rights concerning their student's school records, including the right to access the records (105 ILCS 10/5); the right to challenge the content (105 ILCS 10/7); and a non-custodial parent has the right to receive copies of school correspondence and reports (105 ILCS 5/10-21.8).

Parent-Teacher Advisory Committees

The School Board establishes a parent-teacher advisory committee(s) on student discipline and behavior interventions for special education students. 105 ILCS 5/10-20.14 and 5/14-8.05(c).

Curriculum Involvement

The District must involve the parents/guardians of a child with disabilities in their child's education and placement. 20 U.S.C. §1414 and 1415; 34 C.F.R. §300.322, 501, 503, 504, 507 and 508; 105 ILCS 5/14-1 et seq., 23 Ill.Admin.Code §§226.500, 510, 520, 530 and 610.

If a parent/guardian objects, the student is not required to take sex education classes or courses. 105 ILCS 5/27-9.1, 5/27-9.2, and 110/3.

A parent/guardian has the right to examine instructional materials to be used in sex education classes or courses. 105 ILCS 5/27-9.1(a-5), 5/27-9.2, and 110/3.

The Board determines the instructional program with involvement of parents/guardians. 23 Ill.Admin.Code §1.410.

The District ~~may~~ must consult with parent/guardian on an individual remediation plan for students demonstrating a proficiency level comparable to the average pupil performance one grade or more below current placement. 105 ILCS 5/2-3.64(b), repealed by P.A. 98-972, eff. 8-15-14; however, there is no penalty for continuing this practice when it is in the best interests of a student.

The District must notify parents/guardians of graduation requirements and when a student's eligibility for graduation may be in question. 23 Ill.Admin.Code §1.440(c).

The Board may use parent/guardian volunteers as: (1) assistants under the immediate supervision of a certificated teacher (105 ILCS 5/10-22.34); (2) supervisors, chaperones, or sponsors for non-academic activities (105 ILCS 5/10-22.34a); and (3) guest lecturers or resource persons under the immediate supervision of a certificated teacher (105 ILCS 5/10-22.34b).

Upon a parent/guardian's request, a student must be released for religious instruction or observance. 105 ILCS 5/26-1(5).

The District must post the school report card on its website and, upon request, send it to parents/guardians. If the District does not maintain a website, the report card must be sent to parents/guardians without request. The District must send a written notice home to parents/guardians stating: (1) that the report card is available on the website; (2) the website address; (3) that a printed copy will be sent upon request; and (4) the telephone number to call to request a printed copy. 105 ILCS 5/10-17a.

Conferences and Hearings

The District must notify parents/guardians and consult with them and keep them involved with the education and placement of their child with disabilities. 20 U.S.C. §1414 and 1415; 34 C.F.R. §300.322, 501, 503, 504, 507 and 508; 105 ILCS 5/14-1 et seq., 23 Ill.Admin.Code §§226.500, 510, 520, 530 and 610.

Parents/guardians have the right to an unpaid leave from work to attend educational or behavioral conferences. 820 ILCS 147/1 et seq.

The District may use ~~two~~ days for parent-teacher conferences and may add more days to the teacher work year subject to collective bargaining. 105 ILCS 5/3-11.

A non-custodial parent receives notices of parent-teacher conferences. 105 ILCS 5/10-21.8.

A hearing with the parents/guardians must precede a student's expulsion. 105 ILCS 5/10-22.6(a).

Report on Parental Involvement

Parental involvement must be included in the school report card. 105 ILCS 5/10-17a.

Training

~~Parents as teachers program. 105 ILCS 225/5.~~

The following Board policies provide opportunities for parental involvement:

School Board

- 2:150 Committees
- 2:260 Uniform Grievance Procedure

Operational Services

- 4:10 Fiscal and Business Management
- 4:110 Transportation
- 4:130 Free and Reduced-Price Food Services
- 4:140 Waiver of Student Fees
- 4:160 ~~Hazardous and Infectious Materials~~ Environmental Quality of Buildings and Grounds
- 4:170 Safety

Personnel

- 5:230 Maintaining Student Discipline

Instruction

- 6:60 Curriculum Content
- 6:120 Education of Children with Disabilities
- 6:140 Education of Homeless Children
- 6:145 Migrant Students
- 6:150 Home and Hospital Instruction
- 6:160 English Learners
- 6:170 Title I Programs
- 6:180 Extended Instructional Programs
- 6:190 Extracurricular and Co-Curricular Activities
- 6:235 Access to Electronic Networks
- 6:270 Guidance and Counseling Program
- 6:280 Grading and Promotion
- 6:300 Graduation Requirements
- 6:310 High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students
- 6:340 Student Testing and Assessment Program

Students

- 7:15 Student and Family Privacy Rights
- 7:20 Harassment of Students Prohibited
- 7:30 Student Assignment
- 7:40 Nonpublic School Students, Including Parochial and Home-Schooled Students
- 7:50 School Admissions and Student Transfers ~~to~~ and ~~from~~ Non-District Schools Residence
- 7:60 Residence
- 7:70 Attendance and Truancy
- 7:80 Release Time for Religious Instruction/Observance
- 7:90 Release During School Hours

8:95-AP

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7:100	Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students
7:150	Agency and Police Interviews
7:165	School Uniforms
7:170	Vandalism
7:180	<u>Prevention of and Response to Bullying, Intimidation, and Harassment</u>
7:185	<u>Teen Dating Violence Prohibited</u>
7:190	Student Discipline Behavior
7:200	Suspension Procedures
7:210	Expulsion Procedures
7:220	<u>Bus Conduct</u>
7:230	Misconduct by Students with Disabilities
7:240	Conduct Code for Participants in Extracurricular Activities
7:250	Student Support Services
7:260	<u>Exemption from Physical Activity Education</u>
7:270	Administering Medicines to Students
7:275	Orders to Forgo Life-Sustaining Treatment
7:280	Communicable and Chronic Infectious Disease
7:285	<u>Food Allergy Management Program</u>
7:290	Suicide and Depression Awareness and Prevention
7:300	Extracurricular Athletics
7:305	<u>Student Athlete Concussions and Head Injuries</u>
7:340	Student Records

Community Relations

8:30	Visitors to and Conduct on School Property
8:90	<u>Parent Organizations and Booster Clubs</u>
8:95	Parental Involvement

School-level parental involvement programs include:

1. Keeping parents/guardians thoroughly informed about their child's school and programs.
 - Develop and distribute a comprehensive student handbook.
 - Distribute information to parents/guardians on their school visitation rights.
 - Promote open houses.
 - Promote parent/guardian-teacher conferences.
 - Provide progress reporting and report cards, and keep parents/guardians informed when their child is not adequately progressing and there is a likelihood he or she may be retained.
 - Publish newsletters.
 - Sponsor financial information nights.
2. Encouraging involvement in their child's school and education.
 - Support and encourage parents/guardians volunteer opportunities.
 - Work with the PTO to promote parents/guardians volunteer opportunities.
 - Develop and use outreach programs to community groups and organizations.
3. Establishing effective two-way communication between all parents/guardians and District personnel.
 - Monthly Building Principal coffees.
 - Work with PTO leadership to ensure parental input.
 - Train personnel to collaborate with families of diverse backgrounds, including backgrounds that might impede parental participation, e.g., illiteracy or language difficulty.

4. Seeking the advice of parents/guardians on school governance issues and methods to fulfill the District's educational mission.
 - Work with PTO leadership to ensure parental input.
 - Establish a school-community advisory committee to identify, consider, and discuss educational problems and issues.
5. Informing parents/guardians how they can assist their children's learning
 - Provide information to parents/guardians about activities they can do at home.
 - Provide programs on how to establish a home environment that supports learning and appropriate behavior.
 - Implement a homework-hotline.

Community Relations

Relations with Other Organizations and Agencies

The District shall cooperate with other organizations and agencies, including but not limited to:

- County Health Department
- Law enforcement agencies
- Fire authorities
- Planning authorities
- Zoning authorities ¹
- Illinois Emergency Management Agency (IEMA), local organizations for civil defense, and other appropriate disaster relief organizations concerned with civil defense ²
- Other school districts

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 4:170 (Safety), 5:90 (Abused and Neglected Child Reporting), 7:150 (Agency and Police Interviews)

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¹ 105 ILCS 5/10-22.13a, amended by P.A. 99-890 and Gruba v. Community High School District 155, 2015 IL 118332 (9-24-2015) 40 N.E.3d 1, (Ill., 2015) (holding school districts are subject to, and school boards must comply with, local government zoning and storm water restrictions, i.e., a city's zoning powers). See also 55 ILCS 5/5-12021, added by P.A. 99-890; 60 ILCS 1/110-70, amended by P.A. 99-890; and 65 ILCS 5/11-13-27, added by P.A. 99-890 (outlining specific zoning provisions related to public schools, including requirements for counties, townships, and municipalities to refrain from regulating educational activities and make reasonable efforts to streamline zoning application and review process for public school districts, along with reducing fees and costs).

² 105 ILCS 5/10-22.35.