

GARDNER COMMUNITY SCHOOL DISTRICT 72C  
BOARD OF EDUCATION POLICY MANUAL

TABLE OF CONTENTS  
SECTION 7 - STUDENTS

Equity

- 7:10 Equal Educational Opportunities
- 7:15 ~~Student and Family Privacy Rights~~
- 7:20 - Harassment of Students Prohibited

Assignment and Admission

- 7:30 Student Assignment ~~and Intra-District Transfer~~
- 7:40 Nonpublic School Students, Including Parochial and Home-Schooled Students
- 7:50 School Admissions and Student Transfers To and From Non-District Schools
- 7:60 Residence

Attendance

- 7:70 Attendance and Truancy
- 7:80 Release Time for Religious Instruction/Observance
- 7:90 Release During School Hours
- 7:100 Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students
- 7:110 OPEN
- 7:120 OPEN

Rights and Responsibilities

- 7:130 Student Rights and Responsibilities CHANGE
- 7:140 Search and Seizure
- 7:150 Agency and Police Interviews
- 7:160 Student Appearance
- 7:165 OPEN
- 7:170 Vandalism
- 7:180 Preventing Bullying, Intimidation, and Harassment
- 7:190 Student Discipline
- 7:200 Suspension Procedures
- 7:210 Expulsion Procedures CHANGE
- 7:220 Bus Conduct CHANGE
- 7:230 Misconduct by Students with Disabilities CHANGE

7:240 - Conduct Code for Participants in Extracurricular Activities

7:240-AP1 Administrative Procedure - Code of Conduct for Extracurricular Activities

Welfare Services

7:250 Student Support Services

7:250-AP2 Administrative Procedure - Protocol for Responding to Students with Social, Emotional, or Mental Health Problems

7:260 Exemption from Physical Activity

7:270 Administering Medicines to Students **CHANGE**

7:275 Orders to Forgo Life-Sustaining Treatment

7:280 Communicable and Chronic Infectious Disease

7:285 Food Allergy Management Program

7:290 **OPEN**

Activities

7:300 **OPEN**

7:305 Student Athlete Concussions and Head Injuries

7:310 Restrictions on Publications

7:320 **OPEN**

7:325 Student Fund-Raising Activities

7:330 **OPEN**

Records

7:340 Student Records

## Students

### Equal Educational Opportunitites

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity, status of being homeless, order of protection status, actual or potential marital or parental status, including pregnancy. Further, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the District remains viewpoint neutral when granting access to school facilities under School Board policy 8:20, *Community Use of School Facilities*. Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure*.

### Sex Equity

No student shall, based on sex, sexual orientation, or gender identity be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance Procedure*. A student may appeal the Board's resolution of the complaint to the Regional Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8).

### Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator. The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and grievance procedure.

LEGAL REF.: 42 U.S.C. §11431 et seq., McKinney Homeless Assistance Act.  
20 U.S.C. §1681 et seq., 34 C.F.R. Part 106, Title IX of the Educational Amendments.  
29 U.S.C. §791 et seq., Rehabilitation Act of 1973.  
775 ILCS 35/5, Religious Freedom Restoration Act.  
Ill. Constitution, Art. I, §18.  
Good News Club v. Milford Central School, 121 S.Ct. 2093 (2001).  
105 ILCS 5/, 3.25b, 3.25d(b), 10-20.12, 10-22.5, and 27-1.  
775 ILCS 5/1-101 et seq; Illinois Human Rights Act.  
23 Ill.Admin.Code §1.240 and Part 200.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 6:220 (Instructional Materials Selection and Adoption), 7:20 (Harassment of Students Prohibited), 7:130 (Student Rights

and Responsibilities), 7:330 (Student Use of Buildings - Equal Access), 8:20  
(Community Use of School Facilities)

ADOPTED: April 19, 2010

## Students

### Student and Family Privacy Rights

#### Surveys

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

#### Surveys Created by a Third Party

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

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

#### Survey Requesting Personal Information

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

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

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

1. Inspect the survey or evaluation upon, and within a reasonable time of, their request, and/or

2. Refuse to allow their child or ward to participate in the activity described above. The school shall not penalize any student whose parent(s)/guardian(s) exercised this option.

#### Instructional Material

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

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

#### Physical Exams or Screenings

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

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

1. Is permitted or required by an applicable State law, including physical examinations or screenings that are permitted without parental notification.
2. Is administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.).
3. Is otherwise authorized by Board policy.

#### Selling or Marketing Student's Personal Information Is Prohibited

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

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

1. College or other postsecondary education recruitment, or military recruitment.
2. Book clubs, magazines, and programs providing access to low-cost literary products.
3. Curriculum and instructional materials used by elementary schools and secondary schools.

4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.
5. The sale by students of products or services to raise funds for school-related or education-related activities.
6. Student recognition programs.

#### Notification of Rights and Procedures

The Superintendent or designee shall notify students' parent(s)/guardian(s) of:

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

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

The rights provided to parent(s)/guardian(s) in this policy transfer to the student when the student turns 18 years old, or is an emancipated minor.

LEGAL REF.: Protection of Pupil Rights, 20 U.S.C. § 1232h.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 6:210 (Instructional Materials), 6:220 (Instructional Materials Selection and Adoption), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities)

ADOPTED: March 21, 2005

## Students

### Harassment of Students Prohibited

#### Bullying, Intimidation, and Harassment Prohibited

No person, including a District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national origin; military status; unfavorable discharge status from military service; sex; sexual orientation; gender identity; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

#### Sexual Harassment Prohibited

Sexual harassment of students is prohibited. Any person, including a district employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and/or engages in other verbal or physical conduct, including sexual violence, of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
  - a. Substantially interfering with a student's educational environment;
  - b. Creating an intimidating, hostile, or offensive educational environment;
  - c. Depriving a student of educational aid, benefits, services, or treatment; or
  - d. Making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms *intimidating*, *hostile*, and *offensive* include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. The term *sexual violence* includes a number of different acts. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

#### Making a Complaint; Enforcement

Students are encouraged to report claims or incidences of bullying, harassment, sexual harassment, or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager. A student may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined.



An allegation that a student was a victim of any prohibited conduct perpetrated by another student shall be referred to the Building Principal, Assistant Building Principal, or Dean of Students for appropriate action.

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. At least one of these individuals will be female, and at least one will be male.

**Nondiscrimination Coordinator:**

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Email  
\_\_\_\_\_  
Telephone

**Complaint Managers:**

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Email  
\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Email  
\_\_\_\_\_  
Telephone

The Superintendent shall use reasonable measures to inform staff members and students of this policy, such as, by including it in the appropriate handbooks.

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the discipline policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments.  
34 C.F.R. Part 106.  
105 ILCS 5/10-20.12, 10-22.5, 5/27-1, and 5/27-23.7.  
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.  
23 Ill.Admin.Code §1:240 and Part 200.  
Davis v. Monroe County Board of Education, 119 S.Ct. 1661 (1999).  
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).  
Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998).  
West v. Derby Unified School District No. 260, 206 F.3d 1358 (10th Cir., 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited),  
7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to  
Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence  
Prohibited), 7:190 (Student Discipline), 7:240 (Conduct Code for Participants in  
Extracurricular Activities)

ADOPTED: April 16, 2015

## **Students**

### **Student Assignment**

The Building Principal shall assign students to classes.

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

CROSS REF.: 6:30 (Organization of Instruction)

ADOPTED: December 9, 2002

## **Students**

### **Nonpublic School Students, Including Parochial and Home-Schooled Students**

#### **Part-Time Attendance**

The District accepts nonpublic school students, including parochial and home-schooled students, who live within the District for part-time attendance in the District's regular education program on a space-available basis. Requests for part-time attendance must be submitted to the Building Principal of the school in the school attendance area where the student resides. All requests for attendance in the following school year must be submitted before May 1.

A student accepted for partial enrollment must comply with all discipline and attendance requirements established by the school. He or she may participate in any co-curricular activity associated with a District class in which he or she is enrolled. The parent(s)/guardian(s) of a student accepted for partial enrollment must pay all fees, pro-rated on the basis of a percentage of full-time fees. Transportation to and/or from school is provided on regular bus routes to or from a point on the route nearest or most easily accessible to the nonpublic school or student's home. This transportation shall be on the same basis as the District provides transportation for its full-time students. Transportation on other than established bus routes is the responsibility of the parent(s)/guardian(s).

#### **Students with a Disability**

The District accepts for part-time attendance those children for whom it has been determined that special education services are needed, are enrolled in nonpublic schools, and otherwise qualify for enrollment in the District. Requests must be submitted by the student's parent/guardian. Special educational services shall be provided to such students as soon as possible after identification, evaluation, and placement procedures provided by State law, but no later than the beginning of the next school semester following the completion of such procedures. Transportation for such students shall be provided only if required in the child's Individualized Educational Program on the basis of the child's disabling condition or as the special education program location may require.

#### **Extracurricular Activities, Including Interscholastic Competition**

A nonpublic school student is eligible to participate in: (1) interscholastic competition, provided his or her participation adheres to the regulations established by any association in which the School District maintains a membership, and (2) non-athletic extracurricular activities, provided the student attends a District school for at least one-half of the regular school day, excluding lunch. A nonpublic student who participates in an extracurricular activity is subject to all policies, regulations, and rules that are applicable to other participants in the activity.

#### **Assignment When Enrolling Full-Time in a District School**

Grade placement by, and academic credits earned at, a nonpublic school will be accepted if the school has a Certificate of Nonpublic School Recognition from the Illinois State Board of Education, or, if outside Illinois, if the school is accredited by the state agency governing education.

A student who, after receiving instruction in a non-recognized or non-accredited school, enrolls in the District will: (1) be assigned to a grade level according to academic proficiency, and/or (2) have academic credits recognized by the District if the student demonstrates appropriate academic

proficiency to the school administration. Any portion of a student's transcript relating to such instruction will not be considered for placement on the honor roll or computation in class rank.

Notwithstanding the above, recognition of grade placement and academic credits awarded by a nonpublic school is at the sole discretion of the District. All school and class assignments will be made according to School Board policy 7:30, *Student Assignment and Intra-District Transfer*, as well as administrative procedures implementing this policy.

LEGAL REF.: 105 ILCS 5/10-20.24 and 5/14-6.01.

CROSS REF.: 4:110 (Transportation), 6:170 (Title I Programs), 6:190 (Extracurricular and Co-Curricular Activities), 6:320 (High School Credit for Proficiency), 7:30 (Student Assignment and Intra-District Transfer), 7:300 (Extracurricular Athletics)

## Students

### Administrative Procedure - Placement of Nonpublic School Students Transferring Into the District

Actor	Action
Parent(s)/guardian(s) of a nonpublic school student transferring into the District	Shall perform all school admission requirements contained in School Board policy 7:50, <i>School Admissions and Student Transfers To and From Non-District Schools</i> , and administrative procedure 7:50-AP, <i>Administrative Procedure - School Admissions and Student Transfers To and From Non-District Schools</i> .
Building Principal or designee	<p>Meets with parent(s)/guardian(s) to discuss appropriate placement.</p> <p>Inquires about the student's special interests, concerns, and goals.</p> <p>Administers a Student Home Language Survey. ISBE provides Sample Home Language Surveys that are available in English and twenty-nine other languages. See <a href="http://www.isbe.net/bilingual/htmls/tbe_tpi.htm">www.isbe.net/bilingual/htmls/tbe_tpi.htm</a>.</p> <p>Determines achievement level based on interviews, school records, achievement testing, and/or other appropriate means.</p> <p>Considers special circumstances, e.g., whether the student is: gifted, disabled, homeless, has limited English proficiency, is part of a migrant family, has special medical needs, or has other needs.</p> <p>Before making a placement decision, seeks input from appropriate school personnel.</p> <p>Awards credits and determines placement.</p> <p>Course credit awarded to students transferring from a non-graded school or a school that is not recognized by the state education agency, will be given the grade of "P" for passing with no letter or numerical designation for the level of proficiency.</p> <p>Completes other enrollment procedures.</p>

## Students

### School Admissions and Student Transfers To and From Non-District Schools

#### Age

To be eligible for admission, a child must be 5 years old on or before September 1 of that school term. Children who enter first grade must be 6 years of age on or before September 1 of that school year. A child with exceptional needs who qualifies for special education services is eligible for admission at 3 years of age.

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

#### Admission Procedure

All students must register for school each year on the dates and at the place designated by the Superintendent.

Parents/guardians of students enrolling in the District for the first time must present:

1. A certified copy of the student's birth certificate. Upon the failure of a person enrolling a student to provide a copy of the student's birth certificate, the Building Principal shall immediately notify the local law enforcement agency and shall also notify the person enrolling the student in writing that, unless he or she complies within 10 days, the case shall be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, the Principal shall so refer the case. The Principal shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content.
2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health Examinations, Immunizations, and Exclusion of Students*.

#### Homeless Children

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

#### Student Transfers to and from Non-District Schools

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

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. § 11431 et seq.  
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232.  
Illegal Immigrant and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1101.  
20 U.S.C. § 1400 et seq.  
42 U.S.C. § 12101 et seq.  
105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-2,  
5/27-8.1, and 10/8.1.  
325 ILCS 55/1 et seq. and 50/1 et seq.  
23 Ill. Admin. Code § 375 et seq.

CROSS REF.: 6:110 (Programs for Students at Risk of Academic Failure and/or Dropping out  
of School and Graduation Incentives Program), 6:140 (Education of Homeless  
Children), 6:310 (Credit for Alternative Courses and Programs, and Course  
Substitutions), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:100 (Health  
Examinations, Immunizations, and Exclusion of Students), 7:340 (Student  
Records)

ADOPTED: March 20, 2006



## Students

### Administrative Procedure - School Admissions and Student Transfers To and From Non-District Schools

#### Legal Citations

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.

#### Transferring In

Steps	Requirements and Actions That Must Be Completed
Compliance with admission eligibility prerequisites in State law and School Board policy	All students seeking admission shall meet all residency, age, health examination, immunization, and other eligibility prerequisites as mandated by State law and School Board policy on admissions. See Board policy 7:50, <i>School Admissions and Student Transfers To and From Non-District Schools</i> .
Compliance with the Missing Children Records Act and Missing Children Registration Law	<p>The Building Principal or designee of the school into which the student is transferring shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified copy of the student's birth certificate. 325 ILCS 55/5(b); 20 Ill.Admin.Code §1290. 60(a).</p> <p>If the person enrolling a student fails to comply with the above requirement, the Building Principal or designee shall immediately notify the local law enforcement agency and shall also notify the person enrolling the student in writing that, unless he or she complies within 10 days, the matter will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, refer the case.</p> <p>The Building Principal or designee shall immediately report to the local law enforcement authority and the Dept. of State Police any affidavit explaining the inability to produce a copy of the birth certificate that appears inaccurate or suspicious in form or content. 325 ILCS 50/5 and 55/5(b).</p> <p>The Building Principal or designee shall, within 14 days after enrolling a transfer student, request directly from the student's previous school a certified copy of the student's record. 23 Ill.Admin.Code §375.75(b); §325 ILCS 50/5(c).</p>
Compliance with the Good Standing Requirement	The parent(s)/guardian(s) of a student who is transferring from an Illinois public school shall ensure that a completed <i>Good Standing Form</i> from that school arrives at the school into which the student is transferring. 105 ILCS 5/2-3.13a.

Steps	Requirements and Actions That Must Be Completed
	<p>The <i>Good Standing Form</i>, ISBE Form 33-78, available at: <a href="http://www.isbe.net/accountability/pdf/33-78_student_transfer.pdf">www.isbe.net/accountability/pdf/33-78_student_transfer.pdf</a>, indicates whether the student's medical records are current and whether the student is currently being disciplined by a suspension or expulsion. 105 ILCS 5/2-3.13a.</p> <p>If the student is transferring from any private school (whether located in Illinois or not) or any non-Illinois public school, the parent(s)/guardian(s) shall certify in writing that the student is not currently serving a suspension or expulsion imposed by the school from which the student is transferring. 105 ILCS 5/2-3.13a.</p> <p>The Building Principal or designee shall deny admittance to any student who was suspended or expelled for any reason from any public or private school in this or any other state until the student completes the entire term of the suspension or expulsion. 105 ILCS 5/2-3.13a. The Superintendent or designee may, upon the request of the parent(s)/guardian(s), place the student in an alternative school program established under the School Code. 105 ILCS 5/2-3.13a; 5/10-22.6, amended by P.A. 97-495.</p> <p>If the student is transferring from an Illinois public school, the Building Principal or designee shall refuse to admit the student unless the student can produce a <i>Good Standing Form</i>.</p> <p>If the student is transferring from any private school (whether located in Illinois or not) or any non-Illinois public school, the Building Principal or designee shall refuse to admit the student unless his or her parent(s)/guardian(s) certify in writing that the student is not currently serving a suspension or expulsion imposed by the school from which the student is transferring.</p>
Compliance with the School Code and the Illinois School Student Records Act	<p>If a request has not been made, the Building Principal shall request academic transcripts and medical records from the student's former school.</p> <p>The Building Principal or designee shall enroll a student whose former school transferred an unofficial record of grades in lieu of the student's official transcript of scholastic records pursuant to 105 ILCS 5/2-3.13a(a) and 23 Ill.Admin.Code §375.75(i). 105 ILCS 10/8.1.</p> <p>Out-of-state transfer students, including children of military personnel, may use unofficial transcripts for admission to a school until official transcripts are obtained from the student's last school district. 105 ILCS 5/10-8.1.</p>
Compliance with laws concerning education of homeless children	<p>The Building Principal or designee shall immediately enroll a homeless child even if the child is unable to produce records normally required for enrollment, in accordance with 6:140, <i>Education of Homeless Children</i> and 6:140-AP; <i>Education of</i></p>

Steps	Requirements and Actions That Must Be Completed
	<p><i>Homeless Children.</i> 42 U.S.C. §11432(g)(3)(C)(i)(McKinney Homeless Assistance Act) and 105 ILCS 45/1-20.</p> <p>The Building Principal or designee must immediately contact the school last attended by the child to obtain relevant academic and other records. 42 U.S.C. §11432(g)(3)(C)(ii) and 105 ILCS 45/1-10.</p>
Other admission steps	<p>Building Principal or designee shall make the class or grade level assignment, with input from a counselor when needed, and may accept or reject the transferring school's recommendations.</p> <p>When parent(s)/guardian(s) of a student eligible for special education present an individualized education program to a new school, the student must be placed in a program in accordance with the IEP. 105 ILCS 5/10-20.12A.</p> <p>The Building Principal or designee shall administer 6:160-E1, <i>Student Home Language Survey</i>, to each student entering the District's schools for the first time. 23 Ill.Admin.Code §228.15.</p> <p>If the Building Principal or designee did not send a request for records to the student's former school or school district, he or she shall send a notification to the school or school district from which the student transferred documenting that the student has enrolled in the school. 105 ILCS 5/2-3.13a(c); 23 Ill.Admin.Code §375.75(e), as amended 1-24-2012.</p> <p>The individual enrolling a student shall be given the opportunity to voluntarily state whether the student has a parent or guardian who is a member of a branch of the U.S. Armed Forces and who is either deployed to active duty or expects to be deployed to active duty during the school year. 105 ILCS 5/22-65, added by P.A. 97-505.</p> <p><i>For Districts that collect biometric information:</i></p> <p>The Building Principal or designee shall notify the student and the student's parent(s)/guardian(s) of their rights with respect to the collection, distribution, and retention of biometric information in accordance with the <b>Student Biometric Information Collection</b> subhead in 7:340, <i>Student Records</i>. 105 ILCS 5/10-20.40 and 23 Ill.AdminCode §375.30(a).</p>

#### Transferring Out

Steps	Requirements and Action That Must Be Completed
Initial step	<p>The parent(s)/guardian(s) of a student shall notify the Building Principal of their intent, pay outstanding fees or fines, sign a release form authorizing the release of student records, and return all school-owned property.</p>

Steps	Requirements and Action That Must Be Completed
<p>Compliance with the Illinois School Student Records Act</p>	<p>After receiving a request to transfer school student records, the Building Principal or designee of the transferring school must provide written notice of the nature and substance of the information to be transferred and the opportunity to inspect, copy, and challenge the record. 23 Ill.Admin.Code §§375.70(a) and 375.75(b).</p> <p>The Building Principal or designee of the transferring school must, within 10 days of the notice of the student's transfer, forward a copy of the student's school record to the student's new school. [105 ILCS 10/8.1.] Each school must forward written information relative to the grade levels, subjects and record of academic grades achieved, current mathematics and language arts placement levels, health records and a most current set of standardized test reports. However, if the student has unpaid fines or fees and is transferring to a public school located in Illinois or any other state, an official record of the student's grades will be sent in lieu of the student's official transcript of scholastic records. 105 ILCS 5/2-3.13a(a), 23 Ill.Admin.Code §375.75(i).</p> <p>The Building Principal or designee shall, within 10 days after the student has paid all of his or her outstanding fines and fees and at the school's own expense, forward an official transcript of the scholastic records as defined in 23 Ill.Admin.Code §375.75(i). 105 ILCS 5/2-3.13a(a).</p> <p>The Building Principal shall notify the parent(s)/guardian(s) and the student of the destruction schedule for the student's permanent and temporary school records and of his or her right to request a copy of those records. 105 ILCS 10/4(h); 23 Ill.Admin.Code §375.40(c).</p> <p>If within 150 days after a student leaves a school, the school has not received a request for the student's record, or been presented with other documentation that the student has enrolled in another school, the student is counted in the school's and District's calculation of its annual dropout rate. 105 ILCS 5/2-3.13a; 23 Ill.Admin.Code §375.70(d).</p>
<p>Compliance with requirements for destruction of biometric information (if applicable)</p>	<p>The Building Principal or designee of the transferring school shall, within 30 days, ensure the destruction of any biometric information collected in accordance with the <b>Student Biometric Information Collection</b> subhead in 7:340, <i>Student Records</i>.</p> <p>No biometric information shall be transferred to another school district in which a student has enrolled. 105 ILCS 5/10-20.40; 23 Ill.Admin.Code §375.70(a). Destruction of a student's biometric information is not subject to authorization by the appropriate Local Record Commission. 50 ILCS 205/7. 23 Ill.Admin.Code</p>

Steps	Requirements and Action That Must Be Completed
	§375.40(c).
Compliance with the Missing Children Records Act and Missing Children Registration Law	<p>The Building Principal or designee of the transferring school must send the student's records within 10 days of receipt of the request, unless the record has been flagged pursuant to the Missing Children's Act; if flagged, the copy shall not be forwarded and the requested school must notify the local law enforcement authority and Dept. of State Police of the request. 325 ILCS 55/5 and 50/5.</p> <p>If the Dept. of State Police notifies a school of a current or former student's disappearance, the school must flag the student's record so that whenever information regarding the record is requested, the school can immediately report the request to the Dept. of State Police.</p>
Compliance with the Good Standing Requirement	<p>The Building Principal or designee of the transferring school shall send to the school in which the student will or has enrolled a completed <i>Good Standing Form</i> (ISBE Form 33-78 available at: <a href="http://www.isbe.net/accountability/pdf/33-78_student_transfer.pdf">www.isbe.net/accountability/pdf/33-78_student_transfer.pdf</a>), and, if a transferring student is currently suspended or expelled, indicate: 105 ILCS 5/2-3.13a.</p> <ol style="list-style-type: none"> <li>1. The date and duration of the suspension or expulsion, and</li> <li>2. Whether the suspension or expulsion is for 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 <i>et seq.</i>), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school.</li> </ol>
Compliance with the Illinois Domestic Violence Act	<p>If a child transferring to another school is a <i>protected person</i> under an order of protection, the petitioner may request the Building Principal or designee to provide written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring. 750 ILCS 60/222.</p> <p>The Building Principal or designee shall respond to the above request by providing, within 24 hours of the transfer or sooner if possible, written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring. 750 ILCS 60/222.</p>
Compliance with requirements for tracking transfer	<p>The Superintendent and Building Principal, or their designees, shall count a student as a dropout in the calculation of a school's and District's annual student dropout rate unless the school or district to which a student transferred sends notification that the student has enrolled in the transferee school or school district. 105 ILCS 5/2-3.13a(c); 23 Ill.Admin.Code §375.75(e), as</p>

Steps	Requirements and Action That Must Be Completed
	amended 1-24-2012.

LEGAL REF.:      Family Educational Rights and Privacy Act, 20 U.S.C. §1232.  
                          Missing Children Records Act, 325 ILCS 50/.  
                          Missing Children Registration Law, 325 ILCS 55/.  
                          105 ILCS 5/2-3.13a, 10/8.1, and 45/1-20.  
                          750 ILCS 60/222.  
                          20 Ill.Admin.Code §1290.60(a).  
                          23 Ill.Admin.Code §370.70 and §375.75.

## **Students**

### **Residence**

#### **Resident Students**

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

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

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

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

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within 60 days after the time of initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition.

#### **Requests for Non-Resident Student Admission**

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

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

Admission of Non-Resident Students Pursuant to an Agreement or Order

Non-resident students may attend District schools tuition-free pursuant to:

1. A written agreement with an adjacent school district to provide for tuition-free attendance by a student of that district, provide both the Superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.
2. A written agreement with cultural exchange organizations and institution supported by charity to provide for tuition-free attendance by foreign exchange students and non-resident pupils of charitable institutions.
3. According to an intergovernmental agreement.
4. Whenever any State or federal law or a court order mandates the acceptance of a non-resident student.

Homeless Children

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

Challenging a Student's Residence Status

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a non-resident of the District for whom tuition is required to be charged, he or she on behalf of the Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall be given by certified mail, return receipt requested. The person who enrolled the student may challenge this determination and request a hearing as provided by The School Code, 105 ILCS 5/10-20.12b.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. § 11431 et seq.  
30 ILCS 220/11.  
105 ILCS 5/10-20.12a, 5/10-20.12b, and 5/10-22.5.  
105 ILCS 45/1-5.  
23 Ill. Admin. Code § 1.240(e).  
Israel S. by Owens v. Board of Educ. of Oak Park and River Forest High School  
Dist. 200, 601 N.E.2d 1264 (Ill. App.1-1992).  
Joel R. v. Board of Education of Manheim School District 83, 686 NE2d 650 (Ill.  
App. 1st Dist. 1997).  
Kraut v. Rachford, 366 N.E.2d 497 (Ill.App.1, 1977).

ADOPTED: March 20, 2006



Name of person seeking to enroll student(s) - printed

Name of person seeking to enroll student(s) - signature

Date: \_\_\_\_\_

DATED:

## Students

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

**Part I:** Statement of custody, control, and responsibility of a student by a non-parent. Any person seeking to enroll a child that is not the child's natural or adoptive parent must complete and sign this statement.

1. That I/we am/are the foster parent(s), guardian(s), or \_\_\_\_\_ of \_\_\_\_\_ age \_\_\_\_\_.
2. That the child resides with me/us at this address: \_\_\_\_\_, Illinois, within the territorial boundaries of Gardner Grade School District #72, Grundy County.
3. That the child's residence within the School District was not established solely for the purpose of attending the District's schools.
4. That I/we have assumed and exercise full legal responsibility and control over for the child regarding daily educational and medical decisions, including responsibility for:  
Check applicable categories:  
☐ Medical Decisions  
☐ Health Insurance  
☐ Discipline and restitution for vandalism or other crimes  
☐ Food and Clothing  
☐ School Costs (books, transportation, other fees)  
☐ Other (specify): \_\_\_\_\_
5. The following facts are true:

The said child eats meals regularly at the said residence.	Yes	No
The said child sleeps regularly at said residence.	Yes	No
The said child spends weekends regularly at said residence.	Yes	No
The said child spends summers regularly at said residence.	Yes	No

### IMPORTANT:

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

### WARNING:

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

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

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

\_\_\_\_\_  
*Signature of the Non-Parent who has assumed Custody*

\_\_\_\_\_  
*Date*

**Part II:** Statement of transfer of custody, control, and responsibility to a Non-Parent. This part is to be completed by the natural or adoptive parent(s), if available. The form establishes that the natural or adoptive parent(s) have transferred custody, control, and responsibility of the child to a non-parent.

1. That I/we am/are the parent(s) of \_\_\_\_\_ age \_\_\_\_\_.
2. That I/we have willingly and voluntarily transferred full custody, control, and responsibility of

said minor to \_\_\_\_\_ whose residence is:

\_\_\_\_\_, Illinois, within the territorial boundaries of  
Gardner Grade School District #72, Grundy County.

3. That the transfer is not solely for the purpose of attending the District's schools.
4. That my child is living with the person(s) listed in paragraph 2, and that said person(s) has full legal responsibility for my child.
5. That the person(s) listed in paragraph 2 has/have full control over my child regarding daily educational and medical decisions in case of emergency.

\_\_\_\_\_  
*Signature(s) of the Non-Parent who has assumed Custody*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*City, State, Zip Code*

\_\_\_\_\_  
*Telephone Number*

DATED:

## Students

### Attendance and Truancy

#### Compulsory School Attendance

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

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

Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because his or her religion forbids secular activity on a particular day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness, observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student, other circumstances that cause reasonable concern to the parent/guardian for the student's safety or health, or other reason as approved by the Superintendent or designee.

#### Absenteeism and Truancy Program

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

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified.
2. A process to telephone, within 2 hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification.
3. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in the School Code, Section 26-2a.
4. Methods for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information.
5. The identification of supportive services that may be offered to truant or chronically truant students, including parent-teacher conferences, student and/or family counseling, or information about community agency services. See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.

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

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

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:190 (Student Discipline), 7:340 (Student Records)

ADOPTED: April 16, 2015

## Students

### Attendance and Truancy

#### Compulsory School Attendance

This policy applies to individuals who have custody or control of a child: (a) between the ages of 7 and 17 years of age (unless the child has graduated from high school), or (b) who is enrolled in any of grades, kindergarten through 12, in the public school regardless of age. These individuals must cause the child to attend the District school wherein the child is assigned, except as provided herein or by State law. Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because his or her religion forbids secular activity on a particular day, and (6) any child-16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness, observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student, other circumstances that cause reasonable concern to the parent/guardian for the student's safety or health, or other reason as approved by the Superintendent or designee.

#### Absenteeism and Truancy Program

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

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified.
2. A process to telephone, within 2 hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification.
3. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in the School Code, Section 26-2a.
4. Methods for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information.
5. The identification of supportive services that may be offered to truant or chronically truant students, including parent-teacher conferences, student and/or family counseling, or information about community agency services. See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.

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

[For high school and unit districts only]

10. A process for a 17 year old resident to participate in the District's various programs and resources for truants. The student must provide documentation of his/her dropout status for the previous 6 months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in 7:50, *Students School Admissions and Student Transfers To and From Non-District Schools*.
11. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum academic or attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student.

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

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:190 (Student Discipline), 7:340 (Student Records)

# Gardner Community Consolidated School District 72-C

BOX 347 - NORTH ELM STREET  
GARDNER, ILLINOIS 60424  
TELEPHONE (815) 237-2313 ■ FAX (815) 237-2114  
TONY WHISTON, SUPERINTENDENT

September, 2011.

To the Parents/Guardian

**Public Act 97-0218, Bill #HB3179 - Chronic/Habitual Truant has been amended with the effective date of 7/28/2011.**

According to the Grundy Regional Office of Education and the Illinois School Code, students who are either **tardy** or **absent** to school more than 5% (9 days) or more of the previous 180 regular attendance days are considered at-risk for truancy. Certainly there are times when students have to be absent or tardy because of extenuating circumstances, in these instances it is up to the parent to notify the school office in a timely manner. If a student has a doctor's appointment it is suggested to bring the school office a note from the doctor for that absence. Attendance and punctuality at school is paramount to the law and to the success of your child's academics. When significant attendance pattern concerns arise, we work with the Grundy County Administration Center's truancy officials. In most cases this step is not needed because attendance patterns improve once parents are notified of the concern.

## **Reporting a Student Absent**

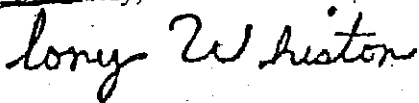
If a student is to be absent from school, please notify the school office at 815-237-2313 option 1, or an email can be sent to [absent@ggs72.org](mailto:absent@ggs72.org). Please leave the student's name, reason for absence and if homework is needed, homework will be available at the office after 3:00pm the day of the absence.

## **Tardiness to School**

Students who are tardy to school three times, will receive an office detention, the tardy bell rings at 8:05am. On the third office detention, students may be reported to the Grundy County Administration Center's truancy officials for further assistance. Office detentions are served from 3:00pm-4:00pm.

If you have any questions, do not hesitate to contact me.

Sincerely,



Tony Whiston  
Superintendent

*"It is the responsibility of Gardner Grade School to educate individuals in a caring, safe, and structured environment. Students, staff, and community members will work together so that students will acquire knowledge, skills, responsibility, values, and self-esteem to be prepared for life long learning."*



# SCHOOL CODE

105 ILCS 5/26-3d

pupils whose withdrawal is  
circumstances, including but  
economic or medical necessity or  
determined by the criteria es-  
school district; pupils who have  
since their names were re-  
attendance rolls; any pupil certified  
habitual truant, as defined in  
ILCS 5/26-2a; and pupils previ-  
chronic or habitual truants who  
regular school attendance. The re-  
gent shall inform the county or  
who shall investigate to see  
in compliance with the require-

school district shall establish, in writ-  
for use by the local superinten-  
in determining whether a pupil's  
school is the result of extraordinary  
including but not limited to economic  
or family hardship.

enrolls in school after his or her name  
attendance rolls or resumes  
being certified a chronic or  
pupil must obtain and forward  
State, on a form designated by  
State, verification of his or her  
The verification may be in the form of  
seal or in any other form determined  
board.

Board of Education shall, if possible,  
to any person, upon request, a com-  
out rates before and after the effec-  
amendatory Act of the 94th General  
[94-916].

87-303; 94-916, § 5; 95-496, § 5.)

amendments.  
amendment by P.A. 94-916, effective July 1, 2007, in the  
added "and to the Secretary of State" in the first  
added the next-to-last sentence; added the second  
graphs; and added the last sentence in the last

amendment by P.A. 95-496, effective August 28, 2007,  
graph deleted the first sentence, which read: "In  
regional superintendent of schools of each educational  
shall report to the State Board of Education, in  
and in January of each year thereafter, the number  
outputs, as defined in Section 26-2a, in his educational  
during the school year that ended in the immediately  
year, together with any efforts, activities and  
taken, established, implemented or coordinated by  
superintendent of schools that have been effective in  
to re-enroll in school."

## 5/26-3b [Notification of unexcused

3b. Beginning July 1, 1986, if any child  
public school in grades Kindergarten  
absent from school, and there is no  
such absence is for a valid cause, as  
under Article 26 of this Code [105 ILCS  
Sec.], nor notification that the absence has  
authorized by the parent, legal guardian or

other person having legal custody of such child, an  
employee or other agent, whether a volunteer or  
otherwise, designated by the public school in which  
the child is enrolled shall, within 2 hours after the  
first class in which the child is enrolled, make a  
reasonable effort to promptly telephone and notify  
the parent, legal guardian, or other person having  
legal custody of the child, of the child's absence from  
school. Such notification shall not be given for an  
absence authorized by the parent, legal guardian or  
other person having legal custody of such child.  
Prior to any enrollment of a child in a public school,  
the school district shall notify parents, legal guard-  
ians, or other persons having legal custody of a child,  
of their responsibility to authorize any absence and  
to notify the school in advance or at the time of any  
such absence, and that the school requires at least  
one and not more than 2 telephone numbers be  
given for purposes of this Section. The school district  
shall require that such telephone numbers be given  
at the time of enrollment of the child in school,  
which said numbers may be changed from time to  
time upon notification to the school.

The requirements of this Section shall have been  
met by the school if notification of an absence has  
been attempted by telephoning the 1 or 2 numbers  
given the school by the parent, legal guardian or  
other person having legal custody of a child, whether  
or not there is any answer at such telephone number  
or numbers. Further, the requirements of this Sec-  
tion shall have been met if the said notification is  
given to a member of the household of the child's  
parent, legal guardian or other person having legal  
custody of the child, which said member of the  
household must be 10 years of age or older.

An employee or other agent designated by the  
public school who in good faith makes a reasonable  
effort to notify the parent, legal guardian or other  
person having legal custody of a child of the child's  
absence from school, when required by this Section,  
shall not, as a result of his acts or omissions, except  
wilful or wanton misconduct on the part of such  
employee or agent in attempting to comply with the  
notification requirements of this Section, be liable  
for civil damages.  
(Source: P.A. 84-178; 84-682.)

## 105 ILCS 5/26-3d [Truants; collection of data]

Sec. 26-3d. All regional superintendents, district  
superintendents, and special education joint agree-  
ment directors shall collect data concerning truants,  
chronic truants, and truant minor pupils as desig-  
nated by the State Board of Education. On or before  
August 15 of each year, this data must be submitted  
to the State Board of Education.  
(Source: P.A. 84-1420; 96-734, § 5.)

### Effect of Amendments.

The 2009 amendment by P.A. 96-734, effective August 25, 2009,  
in the first sentence, deleted "and all" preceding "district", substi-  
tuted "and special education joint agreement directors" for "in any

Sec. 26-3a. *Report of pupils in school.* The clerk or secretary of all school districts shall on the first school day of October send to the regional superintendent of State a list of pupils who have been expelled or have left school and have been absent from attendance rolls during the in regular session from the quarterly report. Such names and addresses of pupils and addresses of parents or guardians of such pupils who are no longer in removal from the district.

## Students

### Release Time For Religious Instruction/Observance

#### Religious Observance

A student shall be released from school, as an excused absence, for the purpose of observing a religious holiday. The parent(s)/guardian(s) must give written notice to the District 5 days before the student's anticipated absence.

The parent(s)/guardian(s)'s written notification of the student's anticipated absence shall satisfy the District's requirement for a written excuse when the student returns to school.

The Superintendent shall develop and distribute to teachers appropriate procedures regarding student absences for a religious holiday which include a list of religious holidays on which students shall be excused from attendance, how teachers are notified of a student's impending absence, and the State law requirement that teachers provide the student an equivalent opportunity to make up any examination, study, or work requirement.

#### Religious Instruction

A student shall be released from school for a day or portion of a day for the purpose of religious instruction. A letter, requesting the student's absence and written by the student's parent(s)/guardian(s), must be given to the Building Principal at least 5 days before the day the student is to be absent.

LEGAL REF.: Religious Freedom Restoration Act, 775 ILCS 35/5.  
105 ILCS 5/26-1 and 5/26-2b.

CROSS REF.: 7:70 (Attendance and Truancy)

ADOPTED: December 9, 2002

## **Students**

### **Release During School Hours**

For safety and security reasons, a prior written or oral consent of a student's custodial parent/guardian is required before a student is released during school hours: (1) at any time before the regular dismissal time or at any time before school is otherwise officially closed, and/or (2) to any person other than a custodial parent/guardian.

### **Early Dismissal Announcement**

The Superintendent or designee shall make reasonable efforts to issue an announcement whenever it is necessary to close school early due to inclement weather or other reason.

CROSS REF.: 4:170 (Safety)

ADOPTED: December 20, 2010

## Students

### Health, Eye, and Dental Examinations; Immunizations; Exclusion of Students

#### Required Health Examinations and Immunizations

A student's parent(s)/guardian(s) shall present proof that the student received a health examination and the immunizations against, and screenings for, preventable communicable diseases, as required by the Illinois Department of Public Health, within one year prior to:

1. Entering kindergarten or the first grade;
2. Entering the sixth and ninth grades; and
3. Enrolling in an Illinois school, regardless of the student's grade (including nursery school, special education, headstart programs operated by elementary or secondary schools, and students transferring into Illinois from out-of-state or out-of-country).

As required by State law:

1. Health examinations must be performed by a physician licensed to practice medicine in all of its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician authorizing the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the performance of health examinations by a supervising physician.
2. A diabetes screening must be included as a required part of each health examination; diabetes testing is not required.
3. Before admission and in conjunction with required physical examinations, parents/guardians of children between the ages of 6 months and 6 years must provide a statement from a physician that their child was "risk-assessed" or screened for lead poisoning.
4. The Department of Public Health will provide all female students entering sixth grade and their parents/guardians information about the link between human papilloma virus (HPV) and cervical cancer and the availability of the HPV vaccine.

Unless the student is homeless, failure to comply with the above requirements by October 15 of the current school year will result in the student's exclusion from school until the required health forms are presented to the District. New students who register mid-term shall have 30 days following registration to comply with the health examination and immunization regulations. If a medical reason prevents a student from receiving a required immunization by October 15, the student must present, by October 15, an immunization schedule and a statement of the medical reasons causing the delay. The schedule and statement of medical reasons must be signed by the physician, advanced practice nurse, physician assistant, or local health department responsible for administering the immunizations.

#### Eye Examination

Parents/guardians are encouraged to have their children undergo an eye examination whenever health examinations are required.

Parents/guardians of students entering kindergarten or an Illinois school for the first time shall present proof before October 15 of the current school year that the student received an eye examination within one year prior to entry of kindergarten or the school. A physician licensed to practice medicine in all of its branches or a licensed optometrist must perform the required eye examination.

If a student fails to present proof by October 15, the school may hold the student's report card until the student presents proof: (1) of a completed eye examination, or (2) that an eye examination will take place within 60 days after October 15. The Superintendent or designee shall ensure that parents/guardians are notified of this eye examination requirement in compliance with the rules of the Department of Public Health. Schools shall not exclude a student from attending school due to failure to obtain an eye examination.

#### Dental Examination

All children in kindergarten and the second and sixth grades must present proof of having been examined by a licensed dentist before May 15 of the current school year in accordance with rules adopted by the Illinois Department of Public Health.

If a child in the second or sixth grade fails to present proof by May 15, the school may hold the child's report card until the child presents proof: (1) of a completed dental examination, or (2) that a dental examination will take place within 60 days after May 15. The Superintendent or designee shall ensure that parents/guardians are notified of this dental examination requirement at least 60 days before May 15 of each school year.

#### Exemptions

In accordance with rules adopted by the Illinois Department of Public Health, a student will be exempted from this policy's requirements for:

1. Religious or medical grounds if the student's parents/guardians present to the Superintendent a signed statement explaining the objection;
2. Health examination or immunization requirements on medical grounds if a physician provides written verification;
3. Eye examination requirement if the student's parents/guardians show an undue burden or lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or a licensed optometrist; or
4. Dental examination requirement if the student's parents/guardians show an undue burden or a lack of access to a dentist.

#### Homeless Child

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce immunization and health records normally required for enrollment. School Board policy 6:140, *Education of Homeless Children*, governs the enrollment of homeless children.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
105 ILCS 5/27-8.1.  
410 ILCS 45/7.1 and 315/2e.  
77 Ill.Admin.Code Part 665.

CROSS REF.: 6:30 (Organization of Instruction), 6:140 (Education of Homeless Children),  
6:180 (Extended Instructional Programs), 7:50 (School Admissions and Student  
Transfers To and From Non-District Schools)

ADOPTED: April 19, 2010

## Students

### Student Rights and Responsibilities

All students are entitled to enjoy the rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting. These rights include the right to voluntarily engage in individually initiated, non-disruptive prayer that, consistent with the Free Exercise and Establishment Clauses of the U.S. and Illinois Constitutions, is not sponsored, promoted, or endorsed in any manner by the school or any school employee. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures.

LEGAL REF.: 20 U.S.C. §7904.  
105 ILCS 20/5.  
Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969).

CROSS REF.: 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160  
(Student Appearance), 7:190 (Student Discipline)

ADOPTED: June 17, 2013



## Students

### Search and Seizure

In order to maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects. "School authorities" includes school liaison police officers.

#### School Property and Equipment as well as Personal Effects Left There by Students

School authorities may inspect and search school property and equipment owned or controlled by the school (such as, lockers, desks, and parking lots), as well as personal effects left there by a student, without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there.

The Superintendent may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs.

#### Students

School authorities may search a student and/or the student's personal effects in the student's possession (such as, purses, wallets, knapsacks, book bags, lunch boxes, etc.) when there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating either the law or the District's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objective and not excessively intrusive in light of the student's age and sex, and the nature of the infraction.

When feasible, the search should be conducted as follows:

1. Outside the view of others, including students,
2. In the presence of a school administrator or adult witness, and
3. By a certificated employee or liaison police officer of the same sex as the student.

Immediately following a search, a written report shall be made by the school authority who conducted the search, and given to the Superintendent.

#### Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

#### Notification Regarding Student Accounts or Profiles on Social Networking Websites

State law requires the District to notify students and their parents/guardians that school officials may request or require a student or his or her parent/guardian to provide a password or other related account information to gain access to the student's account or profile on a social networking website. This request may be made only if there is reasonable cause to believe that the student's account contains evidence that he or she violated a school disciplinary rule or Board policy.

LEGAL REF.: 105 ILCS 5/10-20.14, 5/10-22.6, and 5/10-22.10a.  
Right to Privacy in the School Setting Act, 105 ILCS 75/  
Cornfield v. Consolidated High School Dist. No. 230, 991 F.2d 1316 (7th Cir.,  
1993).  
People v. Dilworth, 661 N.E.2d 310 (Ill., 1996), *cert. denied*, 116 S.Ct. 1692  
(1996).  
People v. Pruitt, 662 N.E. 2d 540 (Ill.App.1, 1996), *app. denied*, 667 N.E. 2d 1061  
(Ill.App.1, 1996).  
T.L.O. v. New Jersey, 105 S.Ct. 733 (1985).  
Vernonia School Dist. 47J v. Acton, 115 S.Ct. 2386 (1995).  
Safford Unified School Dist. No. 1 v. Redding, 129 S. Ct. 2633 (2009).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:150 (Agency and Police  
Interviews), 7:190 (Student Discipline)

ADOPTED: April 16, 2015

## **Students**

### **Agency and Police Interviews**

The Superintendent shall manage requests by agency officials or police officers to interview students at school through procedures that: (1) recognize individual student rights and privacy, (2) minimize potential disruption, (3) foster a cooperative relationship with public agencies and law enforcement, and (4) comply with State law.

LEGAL REF.: 55 ILCS 80/, Children's Advocacy Center Act.  
325 ILCS 5/, Abused and Neglected Child Reporting Act.  
720 ILCS 5/31-1 et seq., Interference with Public Officers Act.  
725 ILCS 120/, Rights of Crime Victims and Witnesses Act.

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:190 (Student Discipline)

ADOPTED: December 20, 2010

## Students

### Student Appearance

Students' dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. Procedures for handling students who dress or groom inappropriately will be developed by the Superintendent and included in the Student Handbook.

LEGAL REF.: 105 ILCS 5/10-22.25b.  
Oleson by Oleson v. Board of Education, 676 F.Supp. 6 (N.D. Ill. 1987), *aff'd*, 851 F.2d 450 (7th Cir. 1988).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:190 (Student Discipline)

ADOPTED: December 9, 2002

## **Students**

### **Vandalism**

The Board will seek restitution from students and their parent(s)/guardian(s) for vandalism or other student acts which cause damage to school property.

LEGAL REF.: 740 ILCS 115/1 et seq.

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:190 (Student Discipline)

ADOPTED: December 9, 2002

## Students

### Prevention of and Response to Bullying, Intimidation, and Harassment

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important District goals.

Bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic **is prohibited** in each of the following situations:

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the School District or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This paragraph (item #4) applies only when a school administrator or teacher receives a report that bullying through this means has occurred; it does not require staff members to monitor any nonschool-related activity, function, or program.

### Definitions from 105 ILCS 5/27-23.7

*Bullying* includes *cyberbullying* and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
2. Causing a substantially detrimental effect on the student's or students' physical or mental health;
3. Substantially interfering with the student's or students' academic performance; or
4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

*Bullying* may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence,

theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

*Cyberbullying* means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

*Restorative measures* means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school, and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act.

*School personnel* means persons employed by, on contract with, or who volunteer in a school district, including without limitation school and school district administrators, teachers, school counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

#### Bullying Prevention and Response Plan

The Superintendent or designee shall develop and maintain a bullying prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below; each numbered requirement, 1-12, corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12.

1. The District uses the definition of *bullying* as provided in this policy.
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking. Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District named officials or any staff member. The District named officials and all staff members are available for help with a bully or to make a report about bullying. Anonymous

reports are also accepted; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

**Nondiscrimination Coordinator:**

Michael Merritt

Name

598 N Elm Street Gardner IL 60424

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Email

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4. Consistent with federal and State laws and rules governing student privacy rights, the Superintendent or designee shall promptly inform the parent(s)/guardian(s) of every student involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.
5. The Superintendent or designee shall promptly investigate and address reports of bullying, by, among other things:
  - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.
  - b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
  - c. Notifying the Building Principal or school administrator or designee of the reported incident of bullying as soon as possible after the report is received.
  - d. Consistent with federal and State laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building Principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.



The Superintendent or designee shall investigate whether a reported incident of bullying is within the permissible scope of the District's jurisdiction and shall require that the District provide the victim with information regarding services that are available within the District and community, such as counseling, support services, and other programs.

6. The Superintendent or designee shall use interventions to address bullying, that may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.
7. A reprisal or retaliation against any person who reports an act of bullying is **prohibited**. Any person's act of reprisal or retaliation will be subject to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion with regard to students.
8. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, a person who is found to have falsely accused another of bullying, as a means of retaliation, as a means of bullying, or provided false information will be treated as either: (a) *bullying*, (b) student discipline up to and including suspension and/or expulsion, and/or (c) both (a) and (b) for purposes of determining any consequences or other appropriate remedial actions.
9. The District's bullying prevention and response plan is based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. The Superintendent or designee shall post this policy on the District's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty.
11. Pursuant to State law and policy 2:240, *Board Policy Development*, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The Superintendent or designee shall assist the Board with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. This process shall include, without limitation:
  - a. The frequency of victimization;
  - b. Student, staff, and family observations of safety at a school;
  - c. Identification of areas of a school where bullying occurs;
  - d. The types of bullying utilized; and
  - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

- 1) An updated version of the policy with the amendment/modification date included in the reference portion of the policy;

- 2) If no revisions are deemed necessary, a copy of board minutes indicating that the policy was re-evaluated and no changes were deemed to be necessary, or a signed statement from the board; or
- 3) A signed statement from the Board President indicating that the Board re-evaluated the policy and no changes to it were necessary.

The Superintendent or designee must post the information developed as a result of the policy re-evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

12. The Superintendent or designee shall fully implement the Board policies, including without limitation, the following:
  - a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
  - b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
  - c. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
  - d. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
  - e. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
  - f. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
  - g. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
  - h. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
  - i. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material,

including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

LEGAL REF.: 105 ILCS 5/10-20.14, 5/10-22.6(b-20), 5/24-24, and 5/27-23.7.  
405 ILCS 49/, Children's Mental Health Act.  
775 ILCS 5/1-103, Ill. Human Rights Act.  
23 Ill.Admin.Code §1.240 and §1.280.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Food Allergy Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

## Students

### Teen Dating Violence Prohibited

Engaging in teen dating violence that takes place at school, on school property, at school-sponsored activities, or in vehicles used for school-provided transportation is prohibited. For purposes of this policy, the term *teen dating violence* occurs whenever a student who is 13 to 19 years of age uses or threatens to use physical, mental, or emotional abuse to control an individual in the dating relationship; or uses or threatens to use sexual violence in the dating relationship.

The Superintendent or designee shall develop and maintain a program to respond to incidents of teen dating violence that:

1. Fully implements and enforces each of the following Board policies:
  - a. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on the student's actual or perceived characteristics of sex; sexual orientation; gender identity; and gender-related identity or expression (this policy includes more protected statuses).
  - b. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. This policy prohibits students from engaging in bullying, intimidation, and harassment at school, school-related events and electronically. Prohibited conduct includes threats, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.
2. Encourages anyone with information about incidents of teen dating violence to report them to any of the following individuals:
  - a. Any school staff member. School staff shall respond to incidents of teen dating violence by following the District's established procedures for the prevention, identification, investigation, and response to bullying and school violence.
  - b. The Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager identified in policy 7:20, *Harassment of Students Prohibited*.
3. Incorporates age-appropriate instruction in grades 7 through 12, in accordance with the District's comprehensive health education program in Board policy 6:60, *Curriculum Content*. This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.
4. Incorporates education for school staff, as recommended by the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager.
5. Notifies students and parents/guardians of this policy.

Incorporated  
by Reference: 7:180-AP1, (Prevention, Identification, Investigation, and Response to Bullying  
and School Violence)

LEGAL REF.: 105 ILCS 110/3.10.

CROSS REF.: 2:240 (Board Policy Development), 5:100 (Staff Development), 5:230  
(Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student  
Social and Emotional Development), 7:20 (Harassment of Students Prohibited),  
7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment),  
7:190 (Student Discipline), 7:220 (Bus Conduct), 7:230 (Misconduct by Students  
with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular  
Activities)

ADOPTED: April 16, 2015

## **Students**

### **Student Behavior**

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

### **When and Where Conduct Rules Apply**

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

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

### **Prohibited Student Conduct**

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

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes.
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
  - a. Any illegal drug or controlled substance, or cannabis (including marijuana, hashish, and medical cannabis unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*).
  - b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription.
  - c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription.

- d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*.
- e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.
- f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form.
- g. *Look-alike* or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy.
- h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances.

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

- 4. Using, possessing, controlling, or transferring a *weapon* as that term is defined in the **Weapons** section of this policy, or violating the **Weapons** section of this policy.
- 5. Using or possessing an electronic paging device. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Prohibited conduct specifically includes, without limitation, creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person through the use of a computer, electronic communication device, or cellular phone. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered-off and out-of-sight during the regular school day unless: (a) the supervising teacher grants permission; (b) use of the device is provided in a student's individualized education program (IEP); (c) it is used during the student's lunch period, or (d) it is needed in an emergency that threatens the safety of students, staff, or other individuals.

6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.
8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
9. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct.
10. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.
11. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*.
12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.
13. Entering school property or a school facility without proper authorization.
14. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.
15. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants.
16. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member.
17. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia.
18. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
19. Making an explicit threat on an Internet website against a school employee, a student, or any school-related personnel if the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.



20. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Superintendent or designee.
21. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.

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

Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The Superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident. The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

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

#### Disciplinary Measures

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

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property.
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised.
7. After-school study or Saturday study provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs. The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.

9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules.
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*.
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*. A student who has been suspended may also be restricted from being on school grounds and at school activities.
12. Expulsion from school and all school activities for a definite time period not to exceed 2 calendar years in accordance with Board policy 7:210, *Expulsion Procedures*. A student who has been expelled may also be restricted from being on school grounds and at school activities.
13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code.
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), *look-alikes*, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies.

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

Corporal punishment is prohibited. *Corporal punishment* is defined as slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property.

#### Isolated Time Out, Time Out, and Physical Restraint

Neither isolated time out, time out, nor physical restraint shall be used to discipline or punish a student. These methods are only authorized for use as permitted in 105 ILCS 5/10-20.33, State Board of Education rules (23 Ill.Admin.Code §§ 1.280, 1.285), and the District's procedure(s).

#### Weapons

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than two calendar years:

1. A *firearm*, meaning any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code (18 U.S.C. § 921), firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1).
2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including *look-alikes* of any *firearm* as defined above.

The expulsion requirement under either paragraph one or two above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm.

This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area.

#### Re-Engagement of Returning Students

The Superintendent or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit.

#### Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member. Upon receiving such a report, the Building Principal or designee shall immediately notify the local law enforcement agency, Ill. Dept. of State Police (ISP), and any involved student's parent/guardian. *School grounds* includes modes of transportation to school activities and any public way within 1000 feet of the school, as well as school property itself.

#### Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Teachers, other certificated [licensed] educational employees, and other persons providing a related service for or with respect to a student, may use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense or defense of property. Teachers may temporarily remove students from a classroom for disruptive behavior.

The Superintendent, Building Principal, Assistant Building Principal, or Dean of Students is authorized to impose the same disciplinary measures as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to ten consecutive school days, provided the appropriate procedures are followed. The Board may suspend a student from riding the bus in excess of ten school days for safety reasons.

#### Student Handbook

The Superintendent, with input from the parent-teacher advisory committee, shall prepare disciplinary rules implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment.

Incorporated  
by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)

LEGAL REF.: 20 U.S.C. §6081, Pro-Children Act of 1994.  
20 U.S.C. §7961 et seq., Gun Free Schools Act.  
105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10,  
5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/22-33, 5/24-24, 5/26-12, 5/27-23.7, 5/31-  
3, and 110/3.10.  
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.  
410 ILCS 647/, Powdered Caffeine Control and Education Act.  
430 ILCS 66/, Firearm Concealed Carry Act.  
23 Ill.Admin.Code §§ 1.280, 1.285.

CROSS REF.: 2:150 (Committees), 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 7:70 (Attendance and Truancy), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:270 (Administering Medicines to Students), 7:310 (Restrictions on Publications; Elementary Schools), 8:30 (Visitors to and Conduct on School Property)

## **Students**

### **Student Handbook - Gang Activity Prohibited**

Students are prohibited from engaging in gang activity. A *gang* is any group of two or more persons whose purpose includes the commission of illegal acts.

No student shall engage in any gang activity, including but not limited to:

1. Wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that are evidence of membership or affiliation in any gang;
2. Committing any act or omission, or using any speech, either verbal or non-verbal (such as gestures or hand-shakes) showing membership or affiliation in a gang; and
3. Using any speech or committing any act or omission in furtherance of any gang or gang activity, including but not limited to: (a) soliciting others for membership in any gangs, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of school district policies, (d) inciting other students to act with physical violence upon any other person.

Students engaging in any gang-related activity will be subject to one or more of the following disciplinary actions:

- Removal from extracurricular and athletic activities
- Conference with parent(s)/guardian(s)
- Referral to appropriate law enforcement agency
- Suspension for up to 10 days
- Expulsion not to exceed two calendar years

## **Students**

### **Administrative Procedure - Use of Isolated Time Out, Time Out, and Physical Restraint**

This administrative procedure applies to all students. Isolated time out, time out, and physical restraint shall only be used only if the student's behavior presents an imminent danger of serious physical harm to the student or others, and other less restrictive and intrusive measures were tried and proven ineffective in stopping it. The District may not use isolated time out, time out, and physical restraint as discipline or punishment, convenience for staff, retaliation, a substitute for appropriate educational or behavioral support, a routine safety matter, or to prevent property damage in the absence of imminent danger of serious physical harm to the student or others. Any use of isolated time out, time out, and physical restraint by any staff member shall comply with the Ill. State Board of Education (ISBE) rules, Section 1.285, "Requirements for the Use of Isolated Time Out, Time Out, and Physical Restraint."

For further guidance, see ISBE's *Permanent Regulations for the Use of Time Out, Isolated Time Out, and Physical Restraint: Guidance and Frequently Asked Questions*, available at: [www.isbe.net/Pages/Special-Education-Regulations-Legislation.aspx](http://www.isbe.net/Pages/Special-Education-Regulations-Legislation.aspx). **Note:** The special education committee of the Ill. Council of School Attorneys collaborated with ISBE on this guidance in its continuing commitment to help school boards and their districts comply with ISBE requirements.

A written record of each episode of isolated time out, time out, or physical restraint must be created by the Superintendent or designee using the ISBE *Physical Restraint and Time Out* form, available at: [www.isbe.net/Pages/Special-Education-Regulations-Legislation.aspx](http://www.isbe.net/Pages/Special-Education-Regulations-Legislation.aspx).

Isolated time out, time out, and physical restraint are defined as follows:

**Isolated time out** - the involuntary confinement of a student alone in a time out room or other enclosure outside the classroom without a supervising adult in the time out room or enclosure. Isolated time out does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment.

**Time Out** - a behavior management technique for the purposes of calming or de-escalation that involves the involuntary monitored separation of a student from classmates with an adult trained under 23 Ill.Admin.Code 1.285(i) for part of the school day, only for a brief time, in a non-locked setting. Time out does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment.

**Physical restraint** - holding a student or otherwise restricting a student's movements using a specific, planned technique. A physical restraint shall not impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's ability to speak. *Prone physical restraint* is a physical restraint in which a student is held face down on the floor or other surface and physical pressure is applied to the student's body to keep the student in the prone position. *Supine physical restraint* is a physical restraint in which a student is held face up on the floor or other surface and physical pressure is applied to the student's body to keep the student in the supine position. Until

7-1-21, prone and supine physical restraint is prohibited, unless all of the criteria in §1.285(d)(5) are met. Restraint does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to: (1) prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or (2) remove a disruptive student who is unwilling to leave the area voluntarily.

The following also apply:

1. The circumstances under which isolated time out, time out, or physical restraint will be applied are limited to maintaining a safe and orderly learning environment, to the extent necessary to preserve the safety of the student and others. §1.285(j)(1).
2. The ISBE rules are adopted as the District's written procedure to be followed by staff for the use of isolated time out or physical restraint. §1.285(j)(2).
3. Staff members shall inform the Building Principal whenever isolated time out, time out, or physical restraint is used and the Building Principal shall maintain the documentation required according to Section 1.285(j)(3). §1.285(j)(3).
4. The Building Principal shall investigate and evaluate any incident that results in an injury to the affected student, parent/guardian, staff member, or other individual. §1.285(j)(4).
5. The Superintendent or designee shall compile an annual review of the use of isolated time out, time out, or physical restraint. The Building Principal shall report the following information to the Superintendent or designee in order to facilitate the report's compilation: §1.285(j)(5).
  - a. The number of incidents involving the use of these interventions;
  - b. The location and duration of each incident;
  - c. Identification of the staff members who were involved;
  - d. Any injuries or property damage that occurred; and
  - e. The timeliness of parental or guardian notification, timelines of agency notification, and administrative review.

LEGAL REF.: 105 ILCS 5/10-20.33.  
23 Ill.Admin.Code §§1.280 and 1.285.

## **Students**

### **Student Handbook - Electronic Devices**

#### **Electronic Signaling Devices**

Students may not use or possess electronic signaling (paging) devices or two-way radios on school property at any time, unless the Building Principal specifically grants permission.

#### **Cell Phones and Other Electronic Devices**

The possession and use of smartphones, cell phones, and other electronic devices, other than paging devices and two-way radios, are subject to the following rules:

1. They must be kept out of sight and in an inconspicuous location, such as a backpack, purse, or locker.
2. They must be turned **off** during the regular school day unless the supervising teacher grants permission for them to be used or if needed during an emergency.
3. They may not be used in any manner that will cause disruption to the educational environment or will otherwise violate student conduct rules.
4. They may not be used for creating, sending, sharing, viewing, receiving, or possessing *indecent visual depictions* or *non-consensual dissemination of private sexual images* as defined in State law, i.e., *sexting*. Possession is prohibited regardless of whether the depiction violates State law. Any cellular phone or electronic device may be searched upon reasonable suspicion of sexting or other violations of policy. All sexting violations will require school administrators to follow student discipline policies in addition to contacting the police and reporting suspected child abuse or neglect when appropriate.

Electronic study aids may be used during the school day if:

1. Use of the device is provided in the student's IEP, or
2. Permission is received from the student's teacher; e.g., Bring Your Own Technology (BYOT) programs.

Examples of electronic devices that are used as study aids include: devices with audio or video recording, MP3 players, some cellular telephones, smartphones, laptop computers, Chromebooks®, and tablet computers or devices, e.g., iPads®.

Examples of electronic devices that are **not** used as study aids include: hand-held electronic games, CD players, MP3 players used for a purpose other than a study aid, global positioning systems (GPS), radios, and cellular telephones (with or without cameras) used for a purpose other than a study aid.

The use of technology as educational material in a curriculum-based program is not a necessity but a privilege, and a student does not have an absolute right to use his or her electronic device while at school. If applicable, using technology as a study aid must always follow the established rules for the BYOT program. Using technology at all other times must always follow the established rules for cell phones and other electronic devices at school.

The School District is not responsible for the loss or theft of any electronic device brought to school.





## Students

### Suspension Procedures

The Superintendent shall implement suspension procedures that provide, at a minimum, for the following:

1. Before a student may be suspended, the student shall be provided a conference during which the charges will be explained and the student will be given an opportunity to respond to the charges.
2. A pre-suspension conference is not required and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. Any suspension shall be reported immediately to the student's parent(s)/guardian(s). A written notice of the suspension shall state the reasons for the suspension, including any school rule that was violated, and a notice to the parent(s)/guardian(s) of their right to a review of the suspension. The School Board must be given a summary of the notice, including the reason for the suspension and the suspension length.
4. Upon request of the parent(s)/guardian(s), a review of the suspension shall be conducted by the Board or a hearing officer appointed by the Board. At the review, the student's parent(s)/guardian(s) may appear and discuss the suspension with the Board or its hearing officer and may be represented by counsel. After presentation of the evidence or receipt of the hearing officer's report, the Board shall take such action as it finds appropriate.

LEGAL REF.: 105 ILCS 5/10-22.6(b).  
Goss v. Lopez, 95 S.Ct. 729 (1975).  
Sieck v. Oak Park River-Forest High School, 807 F.Supp. 73 (N.D. Ill., E.D., 1992).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:190 (Student Discipline)

ADOPTED: December 20, 2010

## Students

### Expulsion Procedures

The Superintendent or designee shall implement expulsion procedures that provide, at a minimum, for the following:

1. Before a student may be expelled, the student and his or her parent(s)/guardian(s) shall be provided a written request to appear at a hearing to determine whether the student should be expelled. The request shall be sent by registered or certified mail, return receipt requested. The request should include:
  - a. The reasons for the proposed expulsion as well as the conduct rule the student is charged with violating.
  - b. The time, date, and place for the hearing.
  - c. A short description of what will happen during the hearing.
  - d. A statement indicating that The School Code allows the School Board to expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case by case basis.
  - e. A request that the student or parent(s)/guardian(s) inform the District if the student will be represented by an attorney and, if so, the attorney's name.
2. Unless the student and parent(s)/guardian(s) indicate that they do not want a hearing or fail to appear at the designated time and place, the hearing will proceed. It shall be conducted by the School Board or a hearing officer appointed by it. If a hearing officer is appointed, he or she shall report to the Board the evidence presented at the hearing and the Board shall take such final action as it finds appropriate.
3. During the expulsion hearing, the Board or hearing officer shall hear evidence concerning whether the student is guilty of the gross disobedience or misconduct as charged. The student and his or her parent(s)/guardian(s) may be represented by counsel, offer evidence, present witnesses, cross-examine witnesses who testified, and otherwise present reasons why the student should not be expelled. After presentation of the evidence or receipt of the hearing officer's report, the Board shall decide the issue of guilt and take such action as it finds appropriate.

LEGAL REF.: 105 ILCS 5/10-22.6(a).  
Goss v. Lopez, 95 S.Ct. 729 (1975).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:190 (Student Discipline), 7:200 (Suspension Procedures), 7:230 (Misconduct by Students with Disabilities)

ADOPTED: June 17, 2013

## Students

### Bus Conduct

All students must follow the District's School Bus Safety Guidelines. The Superintendent, or any designee as permitted in the School Code, is authorized to suspend a student from riding the school bus for up to 10 consecutive school days for engaging in gross disobedience or misconduct, including but not limited to, the following:

1. Prohibited student conduct as defined in School Board policy, 7:190, *Student Discipline*.
2. Willful injury or threat of injury to a bus driver or to another rider.
3. Willful and/or repeated defacement of the bus.
4. Repeated use of profanity.
5. Repeated willful disobedience of a directive from a bus driver or other supervisor.
6. Such other behavior as the Superintendent or designee deems to threaten the safe operation of the bus and/or its occupants.

If a student is suspended from riding the bus for gross disobedience or misconduct on a bus, the School Board may suspend the student from riding the school bus for a period in excess of 10 days for safety reasons. The District's regular suspension procedures shall be used to suspend a student's privilege to ride a school bus.

### Electronic Recordings on School Buses

Electronic visual and audio recordings may be used on school buses to monitor conduct and to promote and maintain a safe environment for students and employees when transportation is provided for any school related activity. Notice of electronic recordings shall be displayed on the exterior of the vehicle's entrance door and front interior bulkhead in compliance with State law and the rules of the Illinois Department of Transportation, Division of Traffic Safety.

Students are prohibited from tampering with electronic recording devices. Students who violate this policy shall be disciplined in accordance with the Board's discipline policy and shall reimburse the School District for any necessary repairs or replacement.

LEGAL REF.: Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.  
105 ILCS 5/10-20.14, 5/10-22.6, and 10/  
720 ILCS 5/14-3(m).  
23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 7:130 (Student Rights and Responsibilities), 7:170 (Vandalism), 7:190 (Student Discipline), 7:200 (Suspension Procedures), 7:340 (Student Records)

ADMIN. PROC.: 4:170-AP3 (School Bus Safety Rules)

ADOPTED: June 17, 2013

## **Students**

### **Administrative Procedure - Electronic Recordings on School Buses**

#### **Review of Electronic Recordings**

Electronic video and audio recordings are viewed to investigate an incident reported by a bus driver, administrator, law enforcement officer working in the District, supervisor, student, or other person. They are also viewed at random.

Viewing and/or listening to electronic video and/or audio recordings is limited to law enforcement officers working in the District and District personnel. These individuals must have, (1) a law enforcement, security, or safety reason, or (2) a need to investigate and/or monitor student or driver conduct. A written log will be kept of those individuals viewing a video recording stating the time, name of individual viewing it, and date the video recording was viewed.

If the content of an electronic recording becomes the subject of a student disciplinary hearing, it will be treated like other evidence in the proceeding.

An electronic video or audio recording may be reused or erased after 14 days unless it is needed for an educational or administrative purpose.

#### **Notice of Electronic Recordings 720 ILCS 5/14-3(m).**

The Eavesdropping Act exempts electronic recordings on school buses from its coverage when transportation is provided for a school activity, provided the School Board adopted a policy authorizing their use. Notice of the adopted policy regarding video and audio recordings shall be: (1) clearly posted on the front door and interior of the school bus, (2) provided to students and parents/guardians, and (3) included in student handbooks and other documents.

## Students

### Misconduct by Students with Disabilities

#### Behavioral Interventions

Behavioral interventions shall be used with students with disabilities to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. The School Board will establish and maintain a committee to develop, implement, and monitor procedures on the use of behavioral interventions for children with disabilities.

#### Discipline of Special Education Students

The District shall comply with the Individuals With Disabilities Education Improvement Act of 2004 and the Illinois State Board of Education's *Special Education* rules when disciplining special education students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of his or her disability.

LEGAL REF.: Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C. §§1412, 1413, and 1415.  
Gun-Free Schools Act, 20 U.S.C. §3351 et seq.  
34 C.F.R. §§300.101, 300.530 - 300.536.  
105 ILCS 5/10-22.6 and 5/14-8.05.  
23 Ill.Admin.Code §226.400.  
Honig v. Doe, 108 S.Ct. 592 (1988).

CROSS REF.: 2:150 (Committees), 6:120 (Education of Children with Disabilities), 7:130 (Student Rights and Responsibilities), 7:190 (Student Discipline), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct)

ADOPTED: June 17, 2013

at school or a school function may be removed from his or her current placement. Such a student shall be placed in an appropriate interim alternative educational setting for no more than 45 days in accordance with the IDEA. The length of time a student with a disability is placed in an alternative educational setting must be the same amount of time that a student without a disability would be subject to discipline.

LEGAL REF.: Individuals With Disabilities Education Act, 20 U.S.C. § 1400 et seq.  
Gun-Free Schools Act, 20 U.S.C. § 3351 et seq.  
34 C.F.R. §§ 300.121(d), 300.519, 300.521, 300.522, 300.523, 300.524, 300.528.  
105 ILCS 5/10-22.6 and 5/14-8.05.  
23 Ill. Admin. Code §§ 226.40, 226.400(a), 226.410, 226.520, and 226.655.  
Honig v. Doe, 108 S.Ct. 592 (1988).

CROSS REF.: 2:150 (Committees), 6:120 (Special Education), 7:130 (Student Rights And Responsibilities), 7:190 (Student Discipline), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct)

ADOPTED: December 9, 2002

## Students

### Conduct Code for Participants in Extracurricular Activities

The Superintendent or designee, using input from coaches and sponsors of extracurricular activities, shall develop a conduct code for all participants in extracurricular activities consistent with School Board policy. The conduct code shall: (1) require participants in extracurricular activities to conduct themselves as good citizens and exemplars of their school at all times, including after school, on days when school is not in session, and whether on and off school property, and (2) notify participants that failure to abide by it could result in removal from the activity. The conduct code shall be reviewed by the Building Principal periodically at his or her discretion and presented to the Board.

All coaches and sponsors of extracurricular activities shall annually review the rules of conduct with participants and provide participants with a copy. In addition, coaches and sponsors of interscholastic athletic programs shall provide instruction on steroid abuse prevention to students in grades 7 through 12 participating in these programs.

### Extracurricular Drug and Alcohol Testing Program

The District maintains an extracurricular drug and alcohol testing program in order to foster the health, safety, and welfare of its students. Participation in extracurricular activities is a privilege and participants need to be exemplars. The program promotes healthy and drug-free participation.

Each student and his or her parent(s)/guardian(s) must consent to random drug and alcohol testing in order to participate in any extracurricular activity. Failure to sign the District's "Random Drug and Alcohol Testing Consent" form will result in non-participation.

If a test is "positive," the student will not participate in extracurricular activities until after a "follow-up" test is requested by the Building Principal or designee and the results are reported. The Building Principal or designee will request a "follow-up" test after such an interval of time that the substance previously found would normally be eliminated from the body. If this "follow-up" test is negative, the student will be allowed to resume extracurricular activities. If a "positive" result is obtained from the "follow-up" test, or any later test, the same previous procedure shall be followed.

The Superintendent or designee shall develop procedures to implement this policy. No student shall be expelled or suspended from school as a result of any verified positive test conducted under this program other than when independent reasonable suspicion of drug and/or alcohol usage exists. This program does not affect the District policies, practices, or rights to search or test any student who at the time exhibits cause for reasonable suspicion of drug and/or alcohol use.

### Performance Enhancing Drug Testing

State law requires the Illinois High School Association (IHSA) to prohibit a student from participating in an athletic competition sponsored or sanctioned by IHSA unless the student has agreed, (a) not to use any performance-enhancing substances on IHSA's current banned drug list, and (b) to submit to random testing for these substances in the student's body if the student is in high school. In addition, the student's parent/guardian must sign a statement for IHSA containing specific acknowledgments including that the student, if in high school, may be subject to random performance-enhancing substance testing and that violating the laws regulating the use of performance-enhancing substances is a crime.

IHSA, with oversight from the Illinois Department of Public Health, administers a performance-enhancing substance testing program under which high school participants in athletic competition sponsored or sanctioned by IHSA are tested at multiple times throughout the athletic season for the presence in their bodies of performance-enhancing substances on the IHSA's banned drug list.



LEGAL REF.: Board of Education of Independent School Dist. No. 92 v. Earls, 122 S.Ct. 2559 (2002).  
Clements v. Board of Education of Decatur, 478 N.E.2d 1209 (Ill.App.4, 1985).  
Kevin Jordan v. O'Fallon THSD 203, 706 N.E.2d 137 (Ill.App.5, 1999).  
Todd v. Rush County Schools, 133 F.3d 984 (7th Cir., 1998).  
Veronia School Dist. 475 v. Acton, 515 U.S. 646 (1995).  
105 ILCS 5/24-24, 5/27-23.3, 25/2.

CROSS REF.: 5:280 (Duties and Qualifications), 6:190 (Extracurricular and Co-Curricular Activities), 7:190 (Student Discipline), 7:300 (Extracurricular Athletics)

ADOPTED: December 20, 2010

## **Students**

### **Administrative Procedure - Code of Conduct for Extracurricular Activities**

This Code of Conduct applies to all school-sponsored activities that are neither part of an academic class nor otherwise carry credit or a grade. Sponsors shall create a roster of students who are members or participants in an extracurricular activity and maintain attendance records.

The goal of the extracurricular program is to provide opportunities for students to pursue interests and develop life skills beyond the classroom. An additional goal of the athletic program is to develop the physical skills of student athletes, which will allow them to compete to the best of their ability within the School Board policies and the by-laws of any association of which the school is a member.

Members must conduct themselves at all times, including after school and on days school is not in session, as good citizens and exemplars of their school - they must behave in ways that are consistent with good sportsmanship, leadership, and appropriate moral conduct. They are expected to demonstrate good citizenship and exemplary conduct in the classroom, in the community, and during all facets of the activity.

The Code of Conduct below describes the expectations and goals of the extracurricular and athletic programs. This Code does not contain a complete list of inappropriate behaviors for students in extracurricular activities and athletics. This Code of Conduct will be enforced 365 days a year, 24 hours a day. A student may be excluded from activities or competition while the school is conducting an investigation regarding that student's conduct.

Students and their parents/guardians are encouraged to seek assistance from the student assistance program regarding alcohol or other drug problems. Family-referrals or self-referrals will be taken into consideration in determining consequences for Code of Conduct violations.

### **Code of Conduct**

A student participating in an activity or athletic program will be subject to disciplinary action if he or she violates this Code of Conduct for Extracurricular Activities. Violations will be treated cumulatively, with disciplinary penalties increasing with subsequent violations.

#### **The student shall not:**

1. Violate the District's policies or procedures on student discipline;
2. Use a beverage containing alcohol (except for religious purposes);
3. Use tobacco in any form;
4. Use, possess, buy, sell, barter, or distribute any illegal substance (including mood-altering and performance enhancing drugs or chemicals) or paraphernalia;
5. Use, possess, buy, sell, barter, or distribute any object that is or could be considered a weapon or any item that is a "look alike" weapon. This prohibition does not prohibit legal use of weapons in cooking and in sports, such as archery, martial arts practice, target shooting, hunting, and skeet;
6. Attend a party or other gathering and/or ride in a vehicle where alcoholic beverages and/or controlled substances are being consumed by minors;
7. Act in an unsportsmanlike manner;
8. Vandalize or steal;
9. Haze other students;

10. Violate the written rules for the activity or sport;
11. Behave in a manner that is detrimental to the good of the group or school;
12. Be insubordinate or disrespectful toward the activity's sponsors or team's coaching staff;
13. Falsify any information contained on any permit or permission form required by the activity or sport.

#### Due Process Procedures

Students who are accused of violating the Code of Conduct for Extracurricular Activities are entitled to the following due process:

1. The student should be advised of the disciplinary infraction with which he or she is being charged.
2. The student shall be entitled to a hearing before an appropriate administrator.
3. The student will be able to respond to any charges leveled against him or her.
4. The student may provide any additional information he or she wishes for the administrator to consider.
5. The administrator, with the help of other staff members if needed, may interview material witnesses or others with evidence concerning the case.
6. If the administrator finds, after reviewing the evidence, that the violation occurred, he or she will impose sanctions on the student, as follows:
  - a. Sanctions for violations other than drug and alcohol will be based on the nature of the offense and the number of offenses, and may include suspension from all activities or sports for one of the time periods described below:
    - A specified period of time or percentage of events, competitions, or practices
    - The remainder of the season or for the next season
    - The remainder of the student's high school career
  - b. Sanctions for alcohol and other drug violations will be based on the following:

#### First violation

- Use, possession, buying, selling, bartering, or distributing: A suspension of one third of the total number of performances, activities, or competitions or the remainder of the season, whichever is shorter. This penalty will be reduced if the student successfully completes a school-approved chemical awareness program.
- Attendance at a party or riding in a vehicle where alcoholic beverages and/or controlled substances are being consumed: A suspension of one sixth of the total number of performances, activities or competitions, or the remainder of the season, whichever is shorter.
- The student will be required to practice with the group, regardless of the violation (unless suspended or expelled from school).

#### Second violation

- Use, possession, buying, selling, bartering, or distributing: A suspension of 12 weeks or 1 season, including suspension from all performances, activities, or competitions during this period. To participate again in any activities, the student must successfully participate in and complete a school-approved alcohol and other drug abuse assessment and follow all recommendations from that assessment.

- Attendance at a party or riding in a vehicle where alcoholic beverages and/or controlled substances are being consumed: A suspension of one third of the season and all extracurricular group performances, activities, or competitions during this period.
- The student may be required to practice with the group (unless suspended or expelled from school).

Third violation

- Use, possession, buying, selling, bartering, or distributing: A suspension from extracurricular activities for the remainder of the student's high school career.
- Attendance at a party or riding in a vehicle where alcoholic beverages and/or controlled substances are being consumed: A suspension of one calendar year from the date of the suspension, including all extracurricular activities during this period.

7. The administrator will make a written report of his or her decision and rationale. The student may appeal the decision to the Building Principal.

All students remain subject to the Board's student discipline policy and/or the school's student handbook and the disciplinary measures listed in them.

ADOPTED: December 20, 2010

## **Students**

### **Student Support Services**

The following student support services may be provided by the School District:

1. Health services supervised by a qualified nurse. The Superintendent or designee may implement procedures to further a healthy school environment and prevent or reduce the spread of disease.
2. Educational and psychological testing services and the services of a psychologist as needed. In all cases, written permission to administer a psychological examination must be obtained from a student's parent(s)/guardian(s). The results will be given to the parent(s)/guardian(s), with interpretation, as well as to the appropriate professional staff.
3. The services of a social worker. A student's parent(s)/guardian(s) must consent to regular or continuing services from a social worker.
4. Guidance and counseling services.

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

This policy shall be implemented in a manner consistent with State and federal laws, including the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

LEGAL REF.: Children's Mental Health Act of 2003, 405 ILCS 49/  
Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/.

CROSS REF.: 6:65 (Student Social and Emotional Development), 6:270 (Guidance and Counseling Program), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:280 (Communicable and Chronic Infectious Diseases), 7:340 (Student Records)

ADOPTED: April 16, 2015

## **Students**

### **Administrative Procedure – Protocol for Responding to Students with Social, Emotional, or Mental Health Problems**

#### **Student Support Committee**

The Superintendent/Principal shall annually appoint a building-level student Support Committee that shall have the tasks described in this Administrative Procedure. Committee members must be school staff members who are qualified by professional licensing or experience to address issues concerning students who may have social, emotional, or mental health problems. As needed on a case-by-case basis, the Student Support Committee may request the involvement of the Superintendent/Principal, relevant teachers, and the parents/guardians. Records produced and shared among Committee members may be subject to laws governing student records. Confidential information given by a student to a therapist is governed by the Mental Health and Development Disabilities Confidentiality Act, 740 ILCS 110/1 et seq.

#### **Referrals**

Staff members should refer a student suspected of having social, emotional, or mental health problems to the building-level Student Support Committee. The Student Support Committee will review information about a referred student, including prior interventions, and suggest appropriate steps for a referral and follow-up. The Student Support Committee may offer strategies to a referred student's classroom teachers and parents/guardians about ways they can manage, address, and /or enhance the student's social and emotional development and mental health. In addition, the student Support Committee may recommend coordinated educational, social work, school counseling, and/or student assistance services within the school as well as referrals to outside agencies.

Referrals under this procedure are unrelated to the special education evaluation process and do not trigger the District's timeline for evaluations. However, the use of these procedures shall not circumvent the special education process.

#### **School Counseling, Social Work, and Psychological Services**

The Student Support Committee may request school counselors, social workers, psychologists, and school nurses to provide support and consultation to teachers and school staff about strategies to promote the social and emotional development and mental health of all students. They may also be requested to provide screening and early detection approaches to identify students with social, emotional, and mental health problems.

Written permission from the parent/guardian is required for any on-going social work and psychological services. "On-going" is defined as more than 5 contacts in which the student received these services. Written consent may be obtained through an IEP or other designated form. That consent does not entitle parents/guardians to know the contents of all that is discussed. School counselors, social workers, and psychologists will inform parents/guardians of all issues that pose a health and/or safety risk; they will inform the Superintendent/Principal of any health or safety risks that are present in the school.

LEGAL REF: Children's Mental Health Act of 2003, 405 ILCS 49/1 et seq.

DATED: August 16, 2004

## **Students**

### **Exemption From Physical Activity**

A child may be exempted from some or all physical activities when the appropriate excuses are submitted to the school by parent(s)/guardian(s) or by a person licensed under the Medical Practice Act.

Alternative activities and/or units of instruction will be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act, prevents their participation in the physical education courses.

LEGAL REF.: 105 ILCS 5/27-6.  
23 Ill. Admin. Code § 1.420(p).

CROSS REF.: 6:60 (Curriculum Content)

ADOPTED: December 9, 2002

## **Students**

### **Administering Medicines To Students**

Students should not take medication during school hours or during school-related activities unless it is necessary for a student's health and well-being. When a student's licensed health care provider and parent(s)/guardian(s) believe that it is necessary for the student to take a medication during school hours, they must request that the school dispense the medication to their child/ward and otherwise follow the District's procedures on dispensing medication.

No School District employee shall administer to any student, or supervise a student's self-administration of, any prescription or non-prescription medication until a completed and signed "School Medication Authorization Form" is submitted by the student's parent(s)/guardian(s). No student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures. A student may possess medication prescribed for asthma for immediate use at the student's discretion, provided the student's parent(s)/guardian(s) have completed and signed a "School Medication Authorization Form." The School District shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication or the medication's storage by school personnel. Parent(s)/guardian(s) must indemnify and hold harmless the School District and its employees and agents, against any claims, except a claim based on willful and wanton conduct, arising out of a student's self-administration of medication or the storage of the medication by school personnel.

Nothing in this policy shall prohibit any school employee from providing emergency assistance to students.

The Building Principal shall include this policy in the Student Handbook and shall provide a copy to the parent(s)/guardian(s) of students.

LEGAL REF.: 105 ILCS 5/10-20.14b, 5/10-22.21b, and 5/22-30.

ADOPTED: December 9, 2002



StudentsAdministrative Procedure - Dispensing Medication

Actor	Action
Parents/Guardians	<p>Ask the child's physician, dentist, or other health care provider who has authority to prescribe medications if a medication, either prescription or non-prescription, must be administered during the school day. <i>Medications</i> includes an epinephrine auto-injector (<i>EpiPen</i>®) and asthma inhaler medication.</p> <p><b>For a student with diabetes:</b> The parent(s)/guardian(s) are responsible to share the health care provider's instructions. When the student is at school, the student's diabetes will be managed according to a diabetes care plan, if one exists, and not this Procedure. See Care of Students with Diabetes Act, 105 ILCS 5/10-22.21b, added by P.A. 96-1485.</p> <p>If so, ask the health care provider to complete a "School Medicine Authorization Form." <b>This form must be completed and given to the school before the school will store or dispense any medication and before your child may possess asthma medication or an epinephrine auto-injector.</b></p> <p>If a student is on a medication indefinitely, the parent/guardian must file a new "School Medication Authorization Form" every year.</p> <p>Bring the medication to the school office. If the medicine is for asthma or is an epinephrine auto-injector, a student may keep possession of it for immediate use at the student's discretion: (1) while in school, (2) while at a school-sponsored activity, (3) while under the supervision of school personnel, or (4) before or after normal school activities, such as while in before-school or after-school care on school-operated property (105 ILCS 5/22-30, amended by P.A. 96-1460).</p> <p>For asthma inhalers, provide the prescription label. Bring other prescription medications to the school in the original package or appropriately labeled container. The container shall display:</p> <ul style="list-style-type: none"> <li>Student's name</li> <li>Prescription number</li> <li>Medication name and dosage</li> <li>Administration route and/or other direction</li> <li>Dates to be taken</li> <li>Licensed prescriber's name</li> <li>Pharmacy name, address, and phone number</li> </ul> <p>Bring non-prescription medications to school in the manufacturer's original container with the label indicating the ingredients and the student's name affixed.</p> <p>At the end of the treatment regime, remove any unused medication from</p>

Actor	Action
	the school.
School Office Personnel	<p>Provide a copy of these procedures, as well as a "School Medication Authorization Form," to inquiring parents/guardians.</p> <p>Whenever a parent/guardian brings medication for a student to the office, summon the school nurse.</p> <p>If the school nurse is unavailable, accept the medication, provided the parent/guardian submits a completed "School Medication Authorization Form" and the medication is packaged in the appropriate container.</p> <p>Put the medication in the appropriate locked drawer or cabinet. Tell the school nurse about the medication as soon as possible.</p>
School Nurse (certificated school nurse or non-certificated registered professional nurse)	<p>Ensure that a parent/guardian who brings medication for his or her child has complied with the parent/guardian's responsibilities as described in this administrative procedure.</p> <p>In conjunction with the licensed prescriber and parent/guardian, identify circumstances, if any, in which the student may self-administer the medication and/or carry the medication. A student will be permitted to carry and self-administer medication for asthma or an epinephrine auto-injector.</p> <p>Store the medication in a locked drawer or cabinet. A student may keep possession of medication for asthma or an epinephrine auto-injector. Medications requiring refrigeration should be refrigerated in a secure area.</p> <p>Plan with the student the time(s) the student should come to the nurse's office to receive medications.</p> <p>Document each dose of the medication in the student's individual health record. Documentation shall include date, time, dosage, route, and the signature of the person administering the medication or supervising the student in self-administration.</p> <p>Assess effectiveness and side effects as required by the licensed prescriber. Provide written feedback to the licensed prescriber and the parent/guardian as requested by the licensed prescriber.</p> <p>Document whenever the medication is not administered as ordered along with the reasons.</p> <p>If the parent/guardian does not pick up the medication by the end of the school year, discard the medication in the presence of a witness.</p>
Building Principal	<p>Supervise the use of these procedures.</p> <p>Perform any duties described for school office personnel, as needed.</p> <p>Perform any duties described for school nurses, as needed, or delegate those duties to appropriate staff members. No staff member shall be required to administer medications to students, except school nurses, non-certificated and registered professional nurses, and administrators.</p> <p>Make arrangements, in conjunction with the parent/guardian, supervising</p>

Actor	Action
	teachers, and/or bus drivers for the student to receive needed medication while on a field trip. Unless these arrangements can be made, the student must forego the field trip.

LEGAL REF.: 105 ILCS 5/10-20.14b, 5/10-22.21b, and 5/22-30.

## Students

### Administrative Procedure - Checklist for District Supply of Epinephrine Auto-Injectors

- ☐ The Superintendent, school nurse, and/or other necessary school officials should consult the Board Attorney to develop a plan to implement Section 22-30)(f) of the School Code.
- ☐ Obtain a prescription in the District's name and a standing protocol for a supply of epinephrine auto-injectors pursuant to 105 ILCS 5/22-30(f).
- ☐ Designate a locked, secure location(s) for the supply of epinephrine auto-injectors ("supply") pursuant to 105 ILCS 5/22-30(f).
- ☐ Develop a method for maintaining an inventory of the supply.  
The inventory should list the expiration dates.
- ☐ Identify procedures for a log or other recordkeeping of the provision, or administration of epinephrine auto-injectors from the supply.
- ☐ Develop procedures to implement the prescribing physician's standing protocol for the provision, or administration of the supply, including calling 911 and noting any instructions given by Emergency Management Services.
- ☐ Determine how the District will identify the student populations whose parents/guardians:
  1. Have not completed and signed a "School Medication Authorization Form," or
  2. Have not provided an epinephrine auto-injector to a student for use at school, even though they have completed the School Medication Authorization Form.
- ☐ Determine when the school nurse will provide or administer the supply to students.  
The School Code allows the school nurse to:
  1. Provide an epinephrine auto-injector that meets the prescription on file in the "School Medication Authorization Form" to:
    - a. Any student whose parent/guardian has not provided an epinephrine auto-injector for him or her to use at school, or
    - b. Any personnel authorized under the student's Individual Health Care Action Plan, Food Allergy Emergency Action Plan and Treatment Authorization Form, or Section 504 Plan to administer an epinephrine auto-injector to the student (105 ILCS 5/22-30(b-5), amended by P.A. 97-361). *Any personnel authorized* under these plans is limited to a school nurse, registered nurse, or a properly trained administrator in accordance with Section 10-22.21b of the School Code.
  2. Administer an epinephrine auto-injector to any student that the school nurse in good faith believes is having an anaphylactic reaction even though the parent/guardian has not completed and signed a *School Medication Authorization Form* or otherwise granted permission to administer the epinephrine auto-injector (105 ILCS 5/22-30(b-10), amended by P.A. 97-361).
- ☐ Assess how to manage requests from parents/guardians who wish to *opt-out* of the supply being available to their child.

The School Code does not provide a mechanism for a student or his or her parent/guardian to "opt-out" of the administration of the District's supply of epinephrine auto-injectors when a nurse in good faith professionally believes a student is having an anaphylactic reaction. While there may be religious, health, or other reasons that a student's parent/guardian may wish to "opt-out" of the administration of an epinephrine auto-injector to their child, the law does not provide a way for parents/guardians to do so. Management of this issue should be discussed with the Board Attorney. For additional guidance on this issue, see policy 7:275, *Orders to Forego Life-Sustaining Treatment*.

- ☐ Determine how to notify all parents/guardians about how the supply may be provided or administered to students.

If the District maintains a supply, it must notify parents/guardians of the protections from liability granted to it and the prescribing physician by 105 ILCS 5/22-30(c). There are two groups of parents/guardians that the District must notify: (1) parents/guardians of students who have previously signed a *School Medication Authorization Form*, and (2) parents/guardians of all students.

For parents/guardians who have previously signed the *School Medication Authorization Form*, 105 ILCS 5/22-30(c) requires the District to provide additional notice that the physician providing the standing protocol and prescription for the District's supply of epinephrine auto-injectors is protected from liability, except for willful or wanton conduct arising from the use of an epinephrine auto-injector regardless of whether authorization was given by the student, parent/guardian, or student's physician. Discuss with the Board Attorney whether to amend the District's form(s) to include this language.

For parents/guardians of all students, 105 ILCS 5/22-30(c) requires parents/guardians to be informed that: (1) the District maintains a supply of epinephrine, and (2) the District and the prescribing physician are protected from liability when the school nurse administers epinephrine from the supply to any student when the school nurse in good faith professionally believes the student is having an anaphylactic reaction. There are several methods to inform parent/guardians of this information, e.g., receipt of handbook signature, or see 7:270 E, *School Medication Authorization Form*. Discuss with the Board Attorney the method that works best for the District.

- ☐ Develop a system for notifying the parents/guardians of students who received an injection of epinephrine from the District's supply, either through self-administration or from the school nurse.

105 ILCS 5/22-30 is silent regarding this notification to parents/guardians. However, other existing protocols will already require this important notification. Further, it is a best practice. Notification and proper documentation can provide useful information for examining and evaluating risks as well as defending a lawsuit. The standing protocol from the prescribing physician may require completion of his or her designated forms. Determine the best method for notification of parents/guardians with the Board Attorney.

**Students****Exhibit - School Medication Authorization Form**

*To be completed by the child's parent(s)/guardian(s). A new form must be completed every school year. Keep in the school nurse's office or, in the absence of a school nurse, the Building Principal's office.*

Student's Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Emergency Phone: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Teacher: \_\_\_\_\_

*To be completed by the student's physician, physician assistant, or advanced practice RN (Note: for asthma inhalers only, use the "Asthma Inhalers" section below):*

Physician's Printed Name: \_\_\_\_\_

Office Address: \_\_\_\_\_

Office Phone: \_\_\_\_\_ Emergency Phone: \_\_\_\_\_

Medication name: \_\_\_\_\_

Purpose: \_\_\_\_\_

Dosage: \_\_\_\_\_ Frequency: \_\_\_\_\_

Time medication is to be administered or under what circumstances: \_\_\_\_\_

Prescription date: \_\_\_\_\_ Order date: \_\_\_\_\_ Discontinuation date: \_\_\_\_\_

Diagnosis requiring medication: \_\_\_\_\_

Is it necessary for this medication to be administered during the school day? ☐ Yes ☐ No

Expected side effects, if any: \_\_\_\_\_

Time interval for re-evaluation: \_\_\_\_\_

Other medications student is receiving: \_\_\_\_\_

Physician's signature

Date

**Asthma Inhalers**

*Parent(s)/Guardian(s) please attach prescription label here:*

***For only parents/guardians of students who need to carry asthma medication or an epinephrine auto-injector:***

I authorize the School District and its employees and agents, to allow my child or ward to carry and self-administer his or her asthma inhaler and/or use his or her epinephrine auto-injector: (1) while in school, (2) while at a school-sponsored activity, (3) while under the supervision of school personnel, or (4) before or after normal school activities, such as while in before-school or after-school care on school-operated property. Illinois law requires the School District to inform parent(s)/guardian(s) that it, and its employees and agents, incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication or epinephrine auto-injector (105 ILCS 5/22-30). ***If you agree please initial:*** \_\_\_\_\_

Parent/Guardian

***For all parents/guardians:***

By signing below, I agree that I am primarily responsible for administering medication to my child. However, in the event that I am unable to do so or in the event of a medical emergency, I hereby authorize the School District and its employees and agents, in my behalf, to administer or to attempt to administer to my child (or to allow my child to *self-administer* pursuant to State law, while under the supervision of the employees and agents of the School District), lawfully prescribed medication in the manner described above. **I acknowledge that it may be necessary for the administration of medications to my child to be performed by an individual other than a school nurse and specifically consent to such practices, and**

I agree to indemnify and hold harmless the School District and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the administration or the child's self-administration of medication.

\_\_\_\_\_  
Parent/Guardian printed name

Address (if different from Student's above): \_\_\_\_\_

Phone: \_\_\_\_\_ Emergency Phone: \_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian signature

\_\_\_\_\_  
Date

## **Students**

### **Orders to Forgo Life-Sustaining Treatment**

Written orders from parent(s)/guardian(s) to forgo life-sustaining treatment for their child or ward must be signed by the child's physician and given to the Building Principal or Superintendent. This policy shall be interpreted in accordance with the Illinois Health Care Surrogate Act (755 ILCS 40/1 et seq.).

Whenever an order to forgo life-sustaining treatment is received, the Superintendent shall convene a multi-disciplinary team that includes the child's parent(s)/guardian(s) and physician, as well as school personnel designated by the Superintendent. The team shall determine specific interventions to be used by school staff members in the event the child suffers a life-threatening episode at school or a school event. The District personnel shall convey orders to forgo life-sustaining treatment to the appropriate emergency or healthcare provider.

LEGAL REF.: 755 ILCS 40/1 et seq.  
Cruzan v. Director, Missouri Department of Health, 497 U.S. 261 (1990).  
In re: C.A., a minor, 603 N.E.2d 1171 (Il. App. 1 Dist., 1992).

ADOPTED: December 9, 2002



## **Students**

### **Communicable and Chronic Infectious Disease**

A student with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the District's policies. The Superintendent will develop procedures for communicable and chronic infectious diseases for the Board's consideration.

LEGAL REF.: 105 ILCS 5/10-21.11.  
410 ILCS 315/2a.  
77 Ill. Admin Code 690.100 et seq.  
Individuals With Disabilities Education Act, 20 U.S.C. § 1400 et seq.  
Rehabilitation Act, Section 504, 29 U.S.C. § 794(a).

ADOPTED: December 9, 2002

## Students

### Food Allergy Management Program

School attendance may increase a student's risk of exposure to allergens that could trigger a food-allergic reaction. A food allergy is an adverse reaction to a food protein mediated by the immune system which immediately reacts causing the release of histamine and other inflammatory chemicals and mediators. While it is not possible for the District to completely eliminate the risks of exposure to allergens when a student is at school, a Food Allergy Management Program using a cooperative effort among students' families, staff members, and students helps the District reduce these risks and provide accommodations and proper treatment for allergic reactions.

The Superintendent or designee shall develop and implement a Food Allergy Management Program that:

1. Fully implements the following goals established in The School Code: (a) identifying students with food allergies, (b) preventing exposure to known allergens, (c) responding to allergic reactions with prompt recognition of symptoms and treatment, and (d) educating and training all staff about management of students with food allergies, including administration of medication with an auto-injector, and providing an in-service training program for staff who work with students that is conducted by a person with expertise in anaphylactic reactions and management.
2. Follows and references the applicable best practices specific to the District's needs in the joint State Board of Education and Ill. Dept. of Public Health publication *Guidelines for Managing Life-Threatening Food Allergies in Schools*, available at:  
[www.isbe.net/nutrition/pdf/food\\_allergy\\_guidelines.pdf](http://www.isbe.net/nutrition/pdf/food_allergy_guidelines.pdf).
3. Complies with State and federal law and is in alignment with Board policies.

LEGAL REF.: 105 ILCS 5/2-3.149 and 5/10-22.39.  
*Guidelines for Managing Life-Threatening Food Allergies in Schools (Guidelines)*, jointly published by the State Board of Education and Ill. Dept. of Public Health.

CROSS REF.: 4:110 (Transportation), 4:120 (Food Services), 4:170 (Safety), 5:100 (Staff Development Program), 6:120 (Education of Children with Disabilities), 6:240 (Field Trips), 7:250 (Student Support Services), 7:270 (Administering Medicines to Students), 8:100, (Relations with Other Organizations and Agencies)

ADOPTED: December 20, 2010

## Students

### Student Athlete Concussions and Head Injuries

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

1. Comply with the concussion protocols, policies, and by-laws of the Illinois High School Association, including its *Protocol for NFHS Concussion Playing Rules* and its *Return to Play Policy*. These specifically require that:
  - a. A student athlete who exhibits signs, symptoms, or behaviors consistent with a concussion in a practice or game shall be removed from participation or competition at that time.
  - b. A student athlete who has been removed from an interscholastic contest for a possible concussion or head injury may not return to that contest unless cleared to do so by a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer.
  - c. If not cleared to return to that contest, a student athlete may not return to play or practice until the student athlete has provided his or her school with written clearance from a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer working in conjunction with a physician licensed to practice medicine in all its branches in Illinois.
2. Inform student athletes and their parents/guardians about this policy in the *Agreement to Participate* or other written instrument that a student athlete and his or her parent/guardian must sign before the student is allowed to participate in a practice or interscholastic competition.
3. Provide coaches and student athletes and their parents/guardians with educational materials from the Illinois High School Association regarding the nature and risk of concussions and head injuries, including the risks inherent in continuing to play after a concussion or head injury.
4. Include a requirement for staff members to notify the parent/guardian of a student who exhibits symptoms consistent with that of a concussion.

LEGAL REF.: 105 ILCS 5/10-20.53.

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

ADOPTED: December 19, 2011

## Students

### Publications

#### 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. 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 and Web Sites

Students are prohibited from accessing and/or distributing at school any written or electronic material, including material from the Internet:

1. that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities;
2. that violates the rights of others, including but not limited to material that is libelous, invades the privacy of others, or infringes on a copyright;
3. that 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, or contains indecent and vulgar language;
4. that is primarily intended for the immediate solicitation of funds; or
5. that, in kindergarten through eighth grade, 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 outside source as long as the material to be distributed or accessed is primarily prepared by students.

The distribution of non-school-sponsored written material 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 material is endorsed by the School District.

Accessing or distributing "at school" 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.

LEGAL REF.: Hazelwood v. Kuhlmeier, 108 S.Ct. 562 (1988).  
Hedges v. Wauconda Community Unit School Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

CROSS REF.: 6:235 (Access to Electronic Networks)

ADOPTED: December 9, 2002

## **Students**

### **Student Fund-Raising Activities**

Only the following organizations may solicit students on school grounds during school hours or during any school activity to engage in fund-raising activities:

1. School-sponsored student organizations; and
2. Parent organizations and booster clubs that are recognized pursuant to policy 8:90, *Parent Organizations and Booster Clubs*.

The Superintendent's implementing procedures shall provide that:

1. Fund-raising efforts shall not conflict with instructional activities or programs.
2. Fund-raising efforts must be voluntary.
3. Student safety is paramount and door-to-door solicitations are prohibited.
4. For school-sponsored student organizations, a school staff member must supervise the fund-raising activities and the student activity funds treasurer must safeguard the financial accounts.
5. The fund-raising efforts must be to support the organization's purposes and/or activities, the general welfare, a charitable cause, or the educational experiences of students generally.
6. The funds shall be used to the maximum extent possible for the designated purpose.
7. Any fund-raising efforts that solicit donor messages for incorporation into school property (e.g., tiles or bricks) or placement upon school property (e.g., posters or placards) must:
  - a. Develop viewpoint neutral guidelines for the creation of messages;
  - b. Inform potential donors that all messages are subject to review and approval, and that messages that do not meet the established guidelines must be resubmitted or the donation will be returned; and
  - c. Place a disclaimer on all fundraising information and near the completed donor messages that all messages are "solely the expression of the individual donors and not an endorsement of any message's content by the District."

LEGAL REF.: 105 ILCS 5/10-20.19(3).

CROSS REF.: 4:90 (Activity Funds), 8:80 (Gifts to the District), 8:90 (Parent Organizations and Booster Clubs)

ADOPTED: December 20, 2010

## Students

### Student Records

School student records are confidential and information from them shall not be released other than as provided by law. Any record that contains personally identifiable information or other information that would link the document to an individual student is a school student record if maintained by the District, except: (1) records that are kept in the sole possession of a school staff member, are destroyed not later than the student's graduation or permanent withdrawal, and are not accessible or revealed to any other person except a temporary substitute teacher, and (2) records kept by law enforcement officials working in the school.

State and federal law grant students and parent(s)/guardian(s) certain rights, including the right to inspect, copy, and challenge school 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. The District may release directory information as permitted by law, but parent(s)/guardian(s) shall have the right to object to the release of information regarding their child. However, 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 students' parent(s)/guardian(s).

The Superintendent shall implement this policy with administrative procedures. The Superintendent shall also designate a *records custodian* who shall maintain student records. The Superintendent or designee shall inform staff members of this policy, and shall inform students and their parent(s)/guardian(s) of it, as well as their rights regarding student school records.

LEGAL REF.: Owasso I.S.D. No. I-011 v. Falvo, 122 S.Ct. 934 (2002).  
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232; 34 C.F.R. Part 99.  
105 ILCS 5/14-1.01 et seq. and 10/1 et seq.  
50 ILCS 205/7.  
23 Ill. Admin. Code §§ 226 and 375.

ADOPTED: December 9, 2002

## Students

### Administrative Procedure - School Student Records

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

#### 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 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. 23 Ill.Admin.Code §375.10.
4. Electronic recordings made on school buses, as defined in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3. 23 Ill.Admin.Code §375.10.

#### **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 prevent unauthorized access to or dissemination of school student records. 105 ILCS 10/4(a)&(b).
2. Reviews student temporary records at least every 4 years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and correct inaccurate 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. Sec. 9528 of the No Child Left Behind, 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 and only 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. Academic transcripts, including grades, class rank, graduation date, grade level achieved, scores on college entrance examinations, and the unique student identifier assigned and used by ISBE's Student Information System (23 Ill.Admin.Code §1.75.)
3. Attendance record
4. Health record, defined by ISBE rule as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code"
5. Record of release of permanent record information that contains the information listed in the subsection on **Record of Release**, below
6. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12)

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, 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 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 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. 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 indicating otherwise:
  - a. Divorced or separated parents/guardians are both permitted to inspect and copy the student's school student records otherwise.
  - b. The Building Principal shall send copies of the documents listed below to both 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 was issued. 750 ILCS 60/214(b)(15). See **Orders of Protection**, below.
5. Access shall not be granted the parent(s)/guardian(s) or the student 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, 1975, 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, educational or administrative need is shown. Access in such cases is limited to the satisfaction of that need. 105 ILCS 10/6(a)(2). Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest. 105 ILCS 10/6(a)(2).
2. Access will be granted, without parental/guardian consent or notification, to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent/guardian can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. 105 ILCS 10/6(a)(4).
3. 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.

4. 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.
5. 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).
6. 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 the student's parent(s)/guardian(s). 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 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 #6 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 shall be deemed to have received the required written notice. The Building Principal shall respond to the order no earlier than 5 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. No parent/guardian or student shall be precluded from copying information because of financial hardship. 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, 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(e).

**K. 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.

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 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: 23 Ill.Admin.Code §§375.75(i).

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

The 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.

**L. Directory Information** 23 Ill.Admin.Code §375.80

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:

1. Name
2. Address
3. Gender
4. Grade level
5. Birth date and place

6. Parents'/guardians' names, addresses, electronic mail addresses, and telephone numbers
7. 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
8. Academic awards, degrees, and honors
9. Information in relation to school-sponsored activities, organizations, and athletics
10. Major field of study
11. 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*.

#### **M. 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 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 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 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 37.

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 Records

*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 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:

7. 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)
8. Academic transcripts, including grades, class rank, graduation date, grade level achieved, scores on college entrance examinations, and the unique student identifier assigned and used by the Illinois State Board of Education's Student Information System
9. Attendance record
10. 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"
11. 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
12. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12)

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

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

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

3. **The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that the FERPA or 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.

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

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. The temporary record is maintained for at least 5 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 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 years or upon a student's change in attendance centers, whichever occurs first.

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

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

Name

Address

Gender

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.

6. **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 parents/guardians, or student who is 18 years of age or older, request that the information not be disclosed without prior written consent. If you wish to exercise this option, notify the Building Principal where your student is enrolled for further instructions.

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

8. **The right to file a complaint with the U.S. 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

## Students

### Exhibit - Using a Photograph or Video Recording of a Student

*Distribute to parent(s)/guardian(s) at the time they register a child for school and/or annually at the beginning of the school year. Return to the Building Principal to be kept in the student's temporary record.*

Student \_\_\_\_\_

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

#### Pictures of Unnamed Students

Students may occasionally appear in photographs and video recordings taken by school staff members, other students, or other individuals authorized by the Building Principal. The school may use these pictures, without identifying the student, in various publications, including the school yearbook, school newspaper, and school website. No consent or notice is needed or will be given before the school uses pictures of unnamed students taken while they are at school or a school-related activity.

#### Pictures of Named Students

Sometimes the school may want to identify a student in a school picture. For example, school officials want to acknowledge those students who participate in a school activity or deserve special recognition.

In order for the school to publish a picture with a student identified by name, one of the student's parents or guardians must sign the consent below. Please complete and sign this form to allow the school to publish and otherwise use photographs and video recordings, with your child identified, while he or she is enrolled in this school.

**I grant consent to the School District to identify a picture of my child, by full name and/or the school he or she attends, in any school sponsored material, publication, video recording, or website. This consent is valid for the entire time my child is enrolled in the District. I may revoke this consent at any time by notifying the Building Principal.**

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

\_\_\_\_\_  
Parent/Guardian signature

\_\_\_\_\_  
Date

#### Pictures of Students Taken By Non-School Agencies

While the school limits access to school buildings by outside photographers, it has no control over news media or other entities that may publish a picture of a named or unnamed student. School staff members will not, however, identify a student for an outside photographer.

## Students

### Administrative Procedure - Storage and Destruction of School Student Records

This procedure should be used with 7:340-AP1, *Administrative Procedure - School Student Records*, which is annotated with citations to controlling statutes.

Actor	Action
<p>Superintendent or Designee</p>	<p>Develop and implement a process to systematically digitize or microfilm school student records.</p> <p>Any public record may be reproduced in a microfilm or digitized electronic format and the paper version destroyed, provided: (a) the records are reproduced on "a durable medium that accurately and legibly reproduces the original record in all details," and "that does not permit additions, deletions, or changes to the original document images;" and (b) the Local Records Commission is notified when the original record is disposed of and also when the reproduced record is disposed of. Local Records Act, 50 ILCS 205/7.</p> <p>Use this web link to the Illinois Secretary State's publication, <a href="#"><u>Guidelines for Using Electronic Records</u></a>.</p> <p>Develop and implement a uniform process for storing school student records to ensure that:</p> <ol style="list-style-type: none"> <li>1. Each student's permanent record will be kept for 60 years after the student transfers, withdraws, or graduates.</li> <li>2. Each student's temporary record will be kept for 5 years after the student transfers, withdraws, or graduates.</li> </ol> <p>Submit to the Local Records Commission a schedule for continuing authority to destroy school student records after the expiration of the applicable period.</p>
<p>Official Records Custodian for each School (usually the Building Principal)</p>	<p>Send any material for a student transferring into the District that is neither a permanent or temporary record to the parent/guardian, or student who is 18 years of age or older, with the indication that the District does not include that material in school student records.</p> <p>Store student school records according to the uniform process developed by the Superintendent or designee.</p>

Actor	Action
	<p>Transfer school student records as follows:</p> <ol style="list-style-type: none"> <li>1. For a student transferring within the District, send originals of all permanent and temporary records.</li> <li>2. For a student transferring to an out-of-District elementary or secondary school, follow the section in 7:340-AP1, <i>Administrative Procedure - School Student Records</i>, on <b>Transmission of Records for Transfer Students</b>. Send a copy and retain the original of all permanent and temporary records and notify the Special Education Department of the transfer.</li> </ol> <p>Provide a destruction schedule notice to the parents/guardians of students who transferred, graduated, or withdrew, or students who are 18 years of age or older. See 7:340-AP2, E1, <i>Exhibit - Letter Containing Schedule for Destruction of School Student Records</i>. Retain a copy for the school's record.</p> <p>Authorize and/or order the destruction of District records after ensuring that the following steps have been performed:</p> <ol style="list-style-type: none"> <li>4. The Local Records Commission approved a schedule for continuing authority to destroy school student records after the expiration of the applicable period.</li> <li>5. Any record is retained and removed from the disposal list if it is or may be evidence in litigation, or is otherwise subject to a <i>litigation hold</i>.</li> <li>6. A Local Records Disposal Certificate was sent to the Local Records Commission, Illinois State Archives, 60 days before the disposal date and an approved copy was returned. Section 4000.40(b) of the rules of the Downstate Local Records Commission and Section 4500.40(b) of the rules of the Cook County Local Records Commission.</li> </ol>
<p><b>Links to Web-based Record Management Resources:</b></p> <p><a href="#">Cook County Local Records Commission Meetings</a></p> <p><a href="#">Cook County Local Records Commission Rules (44 Ill Admin Code Title PART 4500)</a></p> <p><a href="#">Downstate Local Records Commission Meetings</a></p> <p><a href="#">Rules of the Downstate Local Records Commission (44 Ill Admin Code Title PART 4000)</a></p> <p><a href="#">Filmed Records Certification Act (50 ILCS 210)</a></p> <p><a href="#">Filmed Records Destruction Act (50 ILCS 215)</a></p>	

Actor	Action
	<u>Illinois School Student Records Act (105 ILCS 10)</u>
	<u>Local Records Act (50 ILCS ACT 205)</u>
	<u>Local Records Disposal Certificate</u>

## Students

### Exhibit - Letter Containing Schedule for Destruction of School Student Records

*Store in the school's or Building Principal's office.*

Student's Name: \_\_\_\_\_

Parent's Name: \_\_\_\_\_

School: \_\_\_\_\_

This notice contains the destruction schedule for your or your student's school records as required by rule of the Illinois State Board of Education, Section 375.40(c).

As you or your student is permanently withdrawing, transferring, or graduating from this School District, you are notified of the schedule below for destruction of the school records. This schedule complies with the Illinois School Student Records Act, 105 ILCS 10/4(e) and (f), requirements that (1) temporary records be retained for at least 5 years after a student's transfer, withdrawal, or graduation, and (2) permanent records be retained for at least 60 years after a student's transfer, withdrawal, or graduation. The parent(s)/guardian(s), or the student if he or she is at least 18 years of age at the time of the request, may request a copy of a record at any time prior to the date of destruction listed below.

Temporary records will be destroyed no earlier than: \_\_\_\_\_  
(Date)

Permanent records will be destroyed no earlier than: \_\_\_\_\_  
(Date)

☐ Mailed or ☐ Hand delivered on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ to the above named parent(s)/guardian(s), or the student if he or she is at least 18 years of age.

Sincerely,

Building Principal