

TABLE OF CONTENTS SECTION 7 - STUDENTS

Equity

- 7:10 Equal Educational Opportunities
 - 7:10-AP1 Administrative Procedure - Accommodating Transgender Students or Gender Non-Conforming Students
 - 7:10-AP2 Administrative Procedure – Accommodating Breastfeeding Students
 - 7:10-E Exhibit - Equal Educational Opportunities Within the School Community
- 7:15 Student and Family Privacy Rights
 - 7:15-E Exhibit - Notification to Parents of Family Privacy Rights
- 7:20 Harassment of Students Prohibited
 - 7:20-AP Administrative Procedure - 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
 - 7:40-AP Administrative Procedure - Placement of Nonpublic School Students Transferring Into the District
- 7:50 School Admissions and Student Transfers To and From Non-District Schools
 - 7:50-AP Administrative Procedure - School Admissions and Student Transfers To and From Non-District Schools
- 7:60 Residence
 - 7:60-AP1 Administrative Procedure - Challenging a Student’s Residence Status
 - 7:60-AP2 Administrative Procedure - Establishing Student Residency
 - 7:60-AP2, E1 Exhibit - Letter of Residence from Landlord in Lieu of Lease
 - 7:60-AP2, E2 Exhibit - Letter of Residence to be Used When the Person Seeking to Enroll a Student Is Living with a District Resident
 - 7:60-AP2, E3 Exhibit - Evidence of Non-Parent’s Custody, Control, and Responsibility of a Student

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
- 7:140 Search and Seizure
 - 7:140-AP Administrative Procedure - Use of Metal Detectors for Student Safety
 - 7:140-E Exhibit - Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act

- 7:150 Agency and Police Interviews
 - 7:150-AP Administrative Procedure - Agency and Police Interviews
- 7:160 Student Appearance
- 7:165 School Uniforms
- 7:170 Vandalism
- 7:180 Prevention of and Response to Bullying, Intimidation, and Harassment
 - 7:180-AP1 Administrative Procedure - Prevention, Identification, Investigation, and Response to Bullying
 - 7:180-AP1, E1 Exhibit - Resource Guide for Bullying Prevention
 - 7:180-AP1, E2 Exhibit - Be a Hero by Reporting Bullying
 - 7:180-AP1, E3 Exhibit - Memo to Staff Regarding Bullying
 - 7:180-AP1, E4 Exhibit - Memo to Parents/Guardians Regarding Bullying
 - 7:180-AP1, E5 Exhibit - Report Form for Bullying
 - 7:180-AP1, E6 Exhibit - Interview Form for Bullying Investigation
 - 7:180-AP1, E7 Exhibit - Response to Bullying
- 7:185 Teen Dating Violence Prohibited
 - 7:185-E Exhibit - Memo to Parents/Guardians Regarding Teen Dating Violence
- 7:190 Student Behavior
 - 7:190-AP1 Student Handbook - Hazing Prohibited
 - 7:190-AP2 Student Handbook - Gang Activity Prohibited
 - 7:190-AP3 Administrative Procedure - Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students
 - 7:190-AP4 Administrative Procedure - Use of Isolated Time Out and Physical Restraint
 - 7:190-AP5 Student Handbook - Electronic Devices
 - 7:190-AP6 Administrative Procedure - Guidelines for Investigating Sexting Allegations
 - 7:190-AP7 Administrative Procedure - Student Discipline Guidelines
 - 7:190-AP8 Administrative Procedure - Student Re-Engagement Guidelines
 - 7:190-E1 Exhibit - Aggressive Behavior Reporting Letter and Form
 - 7:190-E2 Exhibit - Student Handbook Checklist
 - 7:190-E3 Exhibit - Memorandum of Understanding
 - 7:190-E4 Exhibit - Acknowledgement of Receiving Student Behavior Policy and Student Conduct Code
- 7:200 Suspension Procedures
 - 7:200-E1 Exhibit - Short Term Out-of-School Suspension (1-3 Days) Reporting Form
 - 7:200-E2 Exhibit - Long Term Out-of-School Suspension (4-10 Days) Reporting Form
- 7:210 Expulsion Procedures
 - 7:210-E1 Exhibit - Notice of Expulsion Hearing
- 7:220 Bus Conduct
 - 7:220-AP Administrative Procedure - Electronic Recordings on School Buses
- 7:230 Misconduct by Students with Disabilities
- 7:240 Conduct Code for Participants in Extracurricular Activities
 - 7:240-AP1 Administrative Procedure - Code of Conduct for Extracurricular Activities
 - 7:240-AP2 Administrative Procedure - Extracurricular Drug and Alcohol Testing Program



7:240-AP2, E1 Exhibit - Consent to Participate in Extracurricular Drug and Alcohol Testing Program

Welfare Services

7:250 Student Support Services

7:250-AP1 Administrative Procedure - Measures to Control the Spread of Head Lice at School

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

7:260 Exemption from Physical Education

7:270 Administering Medicines to Students

7:270-AP1 Administrative Procedure - Dispensing Medication

7:270-AP2 Administrative Procedure - Checklist for District Supply of Undesignated Asthma Medication, Epinephrine Injectors, Opioid Antagonists, and/or Glucagon

7:270-E1 Exhibit - School Medication Authorization Form

7:270-E2 Exhibit - School Medication Authorization Form - Medical Cannabis

7:275 Orders to Forgo Life-Sustaining Treatment

7:280 Communicable and Chronic Infectious Disease

7:280-AP Administrative Procedure - Managing Students with Communicable or Infectious Diseases

7:280-E1 **OPEN**

7:280-E2 Exhibit - Reporting and Exclusion Requirements for Common Communicable Diseases

7:280-E3 Exhibit - Preventing Staphylococcal Infections for Schools

7:285 ~~Food Allergy Management Program~~ *Anaphylaxis Prevention, Response, & Management Program*

7:285-AP Administrative Procedure - Implementing a Food Allergy Management Program

7:290 Suicide and Depression Awareness and Prevention

7:290-AP Administrative Procedure - Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program

Activities

7:300 Extracurricular Athletics

7:300-E1 Exhibit - Agreement to Participate

7:300-E2 Exhibit - Certificate of Physical Fitness for Participation in Athletics

7:300-E3 Exhibit - Authorization for Medical Treatment

7:305 Student Athlete Concussions and Head Injuries

7:305-AP Administrative Procedure - Program for Managing Student Athlete Concussions and Head Injuries

7:310 Restrictions on Publications; Elementary Schools

7:310-AP Administrative Procedure - Guidelines for Student Distribution of Non-School Sponsored Publications; Elementary Schools

7:315 Restrictions on Publications; High Schools

7:315-AP Administrative Procedure - Guidelines for Student Distribution of Non-School Sponsored Publications; High Schools

7:320 **OPEN**

7:325 Student Fundraising Activities

7:325-E Exhibit - Application and Procedures to Involve Students in Fundraising Activities

7:330 Student Use of Buildings - Equal Access

7:330-E Exhibit - Application for Student Groups that Are Not School Sponsored to Request Free Use of School Premises for Meetings

Records

7:340 Student Records

7:340-AP1 Administrative Procedure - School Student Records

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

7:340-AP1, E2 Exhibit - Using a Photograph or Video Recording of a Student

7:340-AP1, E3 Exhibit - Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information

7:340-AP1, E4 Exhibit - Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information

7:340-AP1, E5 Exhibit - Biometric Information Collection Authorization

7:340-AP2 Administrative Procedure - Storage and Destruction of School Student Records

7:340-AP2, E1 Exhibit - Letter Containing Schedule for Destruction of School Student Records



Students

Equal Educational Opportunities

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, immigration status, 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, who also serves as the District's Title IX Coordinator. The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and related grievance procedures.

LEGAL REF.:	20 U.S.C. §1681 <u>et seq.</u> , Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106. 29 U.S.C. §791 <u>et seq.</u> , Rehabilitation Act of 1973. 42 U.S.C. §11431 <u>et seq.</u> , McKinney-Vento Homeless Assistance Act. <u>Good News Club v. Milford Central Sch.</u> , 533 U.S. 98 (2001). Ill. Constitution, Art. I, §18. 105 ILCS 5/3.25b, 5/3.25d(b), 5/10-20.12, 5/10-20.60 (P.A.s 100-29 and 100-163, final citations pending), 5/10-22.5, and 5/27-1. 775 ILCS 5/1-101 <u>et seq.</u> , Illinois Human Rights Act. 775 ILCS 35/5, Religious Freedom Restoration Act. 23 Ill.Admin.Code §1.240 and Part 200.
CROSS REF.:	2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:130 (Student Rights and Responsibilities), 7:160 (Student Appearance), 7:165 (Student Uniforms), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:250 (Student Support Services), 7:330 (Student Use of Buildings - Equal Access), 7:340 (Student Records), 8:20 (Community Use of School Facilities)
ADOPTED:	June 16, 2021



Dimmick Consolidated School District #175

"Where Children Come First"

Superintendent: Mr. Ryan Linnig

SCHOOL MEALS PROGRAM: PROCEDURE FILING COMPLAINTS OF DISCRIMINATION

1. **RIGHT TO FILE A COMPLAINT:** Any person alleging discrimination based on race, color, national origin, sex, age or disability has the right to file a complaint within 180 days of the alleged action.
2. **ACCEPTANCE:** All complaints shall be accepted by the School Food Authority (SFA) and forwarded to the Illinois State Board of Education nutrition services within 5 days.
3. **VERBAL COMPLAINTS:** For those making a verbal complain and refusing to submit a written report regarding the allegations, the individual receiving the verbal complaint will attempt to collect the following information in order to submit the complaint.
 - A. Name, address and contact information
 - B. The location and name of the entity delivering the program service
 - C. The nature of the incident/action that led to the complaint alleging discrimination was a factor
 - D. The basis on which discrimination was alleged (race, color, national origin, sex, age or disability)
 - E. The names and contact information of persons who may have relevant information pertaining to the allegation of discrimination
 - F. The date or dates during which the alleged discriminatory action occurred

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 School Board policy 6:10, *Educational Philosophy and Objectives*, or assist students' career choices. This applies to all surveys, regardless of whether the student answering the questions can be identified and regardless of who created the survey.

Surveys Created by a Third Party

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 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'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 administered pursuant to the District's extracurricular drug and alcohol testing program (see Policy 7:240, *Conduct Code for Participants in Extracurricular Activities*).
4. Is otherwise authorized by Board policy.

Selling or Marketing Students' 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) and or a Social Security identification number.

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. Book clubs, magazines, and programs providing access to low-cost literary products.
2. Curriculum and instructional materials used by elementary schools and secondary schools.
3. 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.
4. The sale by students of products or services to raise funds for school-related or education-related activities.
5. Student recognition programs.

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

Notification of Rights and Procedures

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

1. This policy as well as its availability upon request from the general administration office.
2. How to opt their child 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 parents/guardians at least annually, at the beginning of the school year, and within a reasonable period after any substantive change in this policy.

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

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

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

ADOPTED: August 18, 2021

Students

Harassment of Students Prohibited

No person, including a School 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

The District shall provide an educational environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law. See policies 2:265, *Title IX Sexual Harassment Grievance Procedure*, and 2:260, *Uniform Grievance Procedure*.

Making a Report or Complaint

Students are encouraged to promptly report claims or incidences of bullying, intimidation, harassment, sexual harassment, or any other prohibited conduct to the Nondiscrimination Coordinator, Principal, a Complaint Manager, or any employee with whom the student is comfortable speaking. A student may choose to report to an employee of the student's same gender.

Reports under this policy will be considered a report under Board policy 2:260, *Uniform Grievance Procedure*, and/or Board policy 2:265, *Title IX Sexual Harassment Grievance Procedure*. The Nondiscrimination Coordinator, Title IX Coordinator, and/or Complaint Manager shall process and review the report according to the appropriate grievance procedure. The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

Nondiscrimination Coordinator:

Maggie Alderman (School Counselor)

Name

297 North 33rd Road, LaSalle, IL 61301

Address

malderman@dimmick175.com

Email

815.223.2933

Telephone

Complaint Managers:

Teri Rossman

Name

297 North 33rd Road, LaSalle, IL 61301

Address

trossman@dimnick175.com

Email

815.223.2933

Telephone

Joel Foster

Name

297 North 33rd Road, LaSalle, IL 61301

Address

jfoster@dimnick175.com

Email

815.223.2933

Telephone

The Superintendent shall use reasonable measures to inform staff members and students of this policy by including:

1. For students, age-appropriate information about the contents of this policy in the District's student handbook(s), on the District's website, and, if applicable, in any other areas where policies, rules, and standards of conduct are otherwise posted in each school.
2. For staff members, this policy in the appropriate employee handbook(s), if applicable, and/or in any other areas where policies, rules, and standards of conduct are otherwise made available to staff.

Investigation Process

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

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

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

For any other alleged student harassment that does not require action under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under policies 2:260, *Uniform Grievance Procedure*, and/or 7:190, *Student Behavior*, should be initiated, regardless of whether a written report or complaint is filed.

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

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

Enforcement

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

Retaliation Prohibited

Retaliation against any person for bringing complaints or providing information about harassment is prohibited (see policies 2:260, *Uniform Grievance Procedure*, and 2:265, *Title IX Sexual Harassment Grievance Procedure*).

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

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.105 ILCS 5/10-20.12, 5/10-22.5, 5/10-23.13, 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 Bd. of Educ., 526 U.S. 629 (1999).
Franklin v. Gwinnett Co. Public Schs., 503 U.S. 60 (1992).
Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).
West v. Derby Unified Sch. Dist. No. 260, 206 F.3d 1358 (10th Cir. 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 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 Behavior), 7:240 (Conduct Code for Participants in Extracurricular Activities)

ADOPTED: May 18, 2022

StudentsNonpublic School Students, Including Parochial and Home-Schooled StudentsStudents with a Disability

The District will accept for part-time attendance those students with disabilities who live within the District and are enrolled in nonpublic schools. 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.

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*, as well as administrative procedure 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), 7:30 (Student Assignment)

ADOPTED: January 21, 2013

Students

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

Age

To be eligible for admission, a child must be five years old on or before September 1 of that school term. A child with exceptional needs who qualifies for special education services is eligible for admission at three years of age.

Admission Procedure

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

1. A certified copy of the student's birth certificate. If a birth certificate is not presented, the Superintendent or designee shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified copy of the student's birth certificate. A student will be enrolled without a birth certificate. When a certified copy of the birth certificate is presented, the school shall promptly make a copy for its records, place the copy in the student's temporary record, and return the original to the person enrolling the child. If a person enrolling a student fails to provide a certified copy of the student's birth certificate, the Superintendent or designee shall immediately notify the local law enforcement agency, and shall also notify the person enrolling the student in writing that, unless he or she complies within ten days, the case will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that ten-day period, the Superintendent or designee shall so refer the case. The Superintendent or designee shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content.
2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students*.

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. Students who are children of active duty military personnel transferring will be allowed to enter: (a) the same grade level in which they studied at the school from which they transferred, if the transfer occurs during the District's school year, or (b) the grade level following the last grade completed.

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.

Foster Care Students

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

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 or designee. A student seeking to transfer into the District must serve the entire term of any suspension or expulsion, imposed for any reason by any public or private school, in this or any other state, before being admitted into the School District.

The District may accept foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration.

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

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

LEGAL REF.: Family Educational Rights and Privacy Act, 20 U.S.C. §1232.
 McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.
 Illegal Immigrant and Immigrant Responsibility Act of 1996, 8 U.S.C. §1101.
 Individuals With Disabilities Education Improvement Act, 20 U.S.C. §1400 et seq.
 Rehabilitation Act, Section 504, 29 U.S.C. §794.
 105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-
 2, 5/27-8.1, 10/8.1, 45/, and 70/.
 325 ILCS 50/ and 55/.
 410 ILCS 315/2e.
 20 Ill.Admin.Code Part 1290, Missing Person Birth Records and School
 Registration.
 23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 4:110 (Transportation), 6:30 (Organization of Instruction), 6:110 (Programs for
 Students At Risk of Academic Failure and/or Dropping out of School and
 Graduation Incentives Program), 6:140 (Education of Homeless Children), 6:300
 (Graduation Requirements), 6:310 (High School Credit for Non-District
 Experiences; Course Substitutions; Re-Entering Students), 7:60 (Residence), 7:70
 (Attendance and Truancy), 7:100 (Health, Eye, and Dental Examinations;
 Immunizations; and Exclusion of Students), 7:340 (Student Records)

ADOPTED: February 22, 2017

Students

Residence

Resident Students

Only students who are residents of the District may attend Dimmick School 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. If the District knows the current address of the child's natural or adoptive parent, the District shall request in writing that the person complete a signed statement or Power of Attorney stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency.

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

Parent(s)/guardian(s) who are non-residents but are employed by the District may enroll their child(ren) in the District subject to the following:

1. The School Board has an approved waiver by the Illinois General Assembly permitting such non-resident student admission.
2. The parent(s)/guardian(s) pay the tuition fee indicated in the approved waiver.
3. The parent(s)/guardian(s) sign the Parent-Employee Agreement form.
4. The student will attend on a year-to-year basis. Approval for any one year is not authorization to attend a following year.
5. The student will be accepted only if there is sufficient room.
6. 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, provided both the Superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.
2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and non-resident pupils of charitable institutions.
3. According to an intergovernmental agreement.
4. Whenever any State or federal law or a court order mandates the acceptance of a non-resident student.

Homeless Children

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

Challenging a Student's Residence Status

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a non-resident of the District for whom tuition is required to be charged, he or she on behalf of the School Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall 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.
105 ILCS 5/10-20.12a, 5/10-20.12b, and 5/10-22.5.
105 ILCS 45/ and 70/.
23 Ill.Admin.Code §1.240.
Israel S. by Owens v. Board of Educ. of Oak Park and River Forest High School Dist.
200, 601 N.E.2d 1264 (Ill.App.1, 1992).
Joel R. v. Board of Education of Manheim School District 83, 686 N.E.2d 650
(Ill.App.1, 1997).
Kraut v. Rachford, 366 N.E.2d 497 (Ill.App.1, 1977).

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

ADOPTED: OCTOBER 19, 2015

Students

Attendance and Truancy

Compulsory School Attendance

This policy applies to individuals who have custody or control of a child: age six (on or before September 1) or who is enrolled in kindergarten through 8th grade in the district regardless of age.

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

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 as determined by the Board, voting pursuant to policy 7:90, *Release During School Hours* (10 ILCS 5/7-42 and 5/17-15), other circumstances that cause reasonable concern to the parent/guardian for the student's mental, emotional, or physical health or safety, or other reason as approved by the Superintendent or designee.

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 in grades 6 through 8 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran.
2. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings.
3. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification.
4. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in 105 ILCS 5/26-2a.
5. A description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem.
6. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, or information about community agency services. See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.

7. Reasonable efforts to provide ongoing professional development to teachers, administrators, Board members, school counselor, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement.
8. A process to request the assistance and resources of outside agencies, such as, the truancy officer of the Regional Office of Education, if truancy continues after supportive services have been offered.
9. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truancy officers, 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.
10. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student.
11. 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, Juvenile Court Act of 1987.
23 Ill.Admin.Code §§1.242 and 1.290.

CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:90 (Release During School Hours), 7:190 (Student Behavior), 7:340 (Student Records)

ADOPTED: May 28, 2021

Students**Release Time for Religious Instruction/Observance**

A student shall be released from school, as an excused absence, to observe a religious holiday or for religious instruction. The student's parent/guardian must give written notice to the Building Principal at least 5 calendar days before the student's anticipated absence(s). This notice 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 religious reasons and include a list of religious holidays on which a student shall be excused from school attendance, how teachers are notified of a student's impending absence, and the State law requirement that teachers provide the student with an equivalent opportunity to make up any examination, study, or work requirement.

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

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

ADOPTED: January 21, 2013

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: January 21, 2013

Students

Health, Eye, and Dental Examinations; Immunizations; and 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 an exemption or extension applies, the 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 after October 15 of the current school year 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.

Until June 30, 2015, a student transferring from out-of-state who does not have the required proof of immunizations by October 15 may attend classes only if he or she has proof that an appointment for the required vaccinations is scheduled with a party authorized to submit proof of the required vaccinations. If the required proof of vaccination is not submitted within 30 days after the student is permitted to attend classes, the student may no longer attend classes until proof of the vaccinations is properly submitted.

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 and 45/1-20.
410 ILCS 45/7.1 and 315/2e.
23 Ill.Admin.Code §1.530.
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: September 25, 2013

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: January 21, 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

The Superintendent or designee shall notify students and their parents/guardians of each of the following in accordance with the Right to Privacy in the School Setting Act, 105 ILCS 75/:

1. School officials may not request or require a student or his or her parent/guardian to provide a password or other related account information to gain access to the student's account or profile on a social networking website.
2. School officials may conduct an investigation or require a student to cooperate in an investigation if there is specific information about activity on the student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to allow school officials to make a factual determination.

LEGAL REF.: 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: March 21, 2016

Students

Agency and Police Interviews

The Superintendent shall develop procedures to manage requests by agency officials or police officers to interview students at school. Procedures will:

1. Recognize individual student rights and privacy,
2. Recognize the potential impact an interview may have on an individual student,
3. Minimize potential disruption,
4. Foster a cooperative relationship with public agencies and law enforcement, and
5. Comply with State law including, but not limited to, ensuring that before a law enforcement officer, school resource officer, or other school security person detains and questions on school grounds a student under 18 years of age who is suspected of committing a criminal act, the Superintendent or designee will:
 - a. Notify or attempt to notify the student's parent/guardian and document the time and manner in writing;
 - b. Make reasonable efforts to ensure the student's parent/guardian is present during questioning or, if they are not present, ensure that school employees (including, but not limited to, a school social worker, psychologist, nurse, counselor, or any other mental health professional) are present during the questioning; and
 - c. If practicable, make reasonable efforts to ensure a trained law enforcement officer to promote safe interactions and communications with the student is present during questioning.

LEGAL REF.: 105 ILCS 5/10-20.64, 5/22-88.
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.: 5:90 (Abused and Neglected Child Reporting), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:190 (Student Behavior)

ADOPTED: January 18, 2023

Students

Administrative Procedure - Agency and Police Interviews

The Ill. Council of School Attorneys with participation from the DuPage County State's Attorney's Office and Regional Superintendent of Schools developed *Guidelines for Interviews of Students at School by Law Enforcement Authorities* to assist law enforcement authorities and school officials in determining when it is appropriate for law enforcement authorities or the Ill. Dept. of Children and Family Services to interview students while the students are at school or participating in school-related activities. The document is available on the Illinois Association of School Boards website: www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf.



Guidelines for Interviews of Students at School by Law Enforcement Authorities

Revised September 2020

Published by a
Committee of the Illinois Council of School Attorneys¹

Cooperation between school districts and the various law enforcement agencies in a community is vital to school safety and the administration of justice. To these ends, school districts and law enforcement agencies shall cooperate with each other, within the confines of the law and consistent with their respective legal responsibilities.

The DuPage County State’s Attorney’s Office and Regional Superintendent of Schools participated in the original development of these guidelines to assist law enforcement authorities and school officials in determining when it is appropriate for law enforcement authorities to interview students while the students are at school or participating in school related activities. Special thanks to Tejas N. Shah of Barnes & Thornburg LLP for his work supplementing these guidelines with regard to Immigration and Customs Enforcement (ICE) activities. The goal of these guidelines is to provide law enforcement authorities, police liaison officers, and school administrators with specific guidance on interviewing students in the school setting, and to foster a cooperative relationship between all parties involved. These guidelines also include a section on the interview and examination of students at school by the Illinois Department of Children and Family Services (DCFS).

These guidelines should be supplemented with continued training to ensure that both students’ rights and law enforcement’s need for effective investigation are protected. School officials are encouraged to consult board legal counsel as may be needed to factor local considerations into the guidelines and to provide local law enforcement agencies in their jurisdiction with copies of their finalized guidelines to promote effective cooperation in implementing them.

Nothing contained in the Guidelines is intended to be taken as legal advice, nor is the document intended to be an exhaustive treatise on the topic. If you have questions, please contact IASB General Counsel Kimberly A. Small at 630/629-3776 ext. 1226 or IASB Assistant General Counsel Maryam T. Brotine at 630/629-3776 ext. 1219 or IASB Assistant General Counsel Debra H. Jacobson at 630/629-3776 ext. 1211.

I. School Officials’ *In Loco Parentis* Authority over Matters Relating to School Discipline

In all matters relating to the discipline in and conduct of the schools and the school children, school administrators, teachers, and other certificated/licensed educational employees stand in the relation of parents and guardians (*in loco parentis*) to the students.² *In loco parentis* status also applies to other persons providing a related service for a student, whether or not they are a certificated/licensed employee of the school. It also extends to non-disciplinary matters and to all activities connected with the school program, including athletic and extracurricular programs.³ School officials’ *in loco parentis* status over students for school discipline purposes does not automatically mean that they “stand in the place” of a student(s)’ parent(s) and/or guardian(s) to allow law enforcement to question students at school for law enforcement purposes.

Nor, as discussed below, can school officials who are carrying out searches and other disciplinary functions to advance school policies claim a parent’s immunity from restrictions of the U.S. Constitution’s Fourth Amendment protection against unreasonable searches and seizures.⁴

II. Search and Seizure of Students by School Police Liaison Officers or School Resource Officers (SROs)

Under controlling U.S. Supreme Court precedent, schoolchildren can have legitimate expectations of privacy in their persons and in personal possessions they bring to school. *New Jersey v. T.L.O.*, 105 S.Ct. 733 (1985). However, because the school has a legitimate need to maintain an environment conducive to learning, the Court recognized that the school setting requires some easing of the restrictions to which searches by public school officials are

ordinarily subject. Therefore, the Court held that school officials do not need a warrant before searching a student, and the legality of such a search is based upon a standard of “reasonableness” or reasonable suspicion rather than probable cause.⁵

Although the U.S. Supreme Court in *T.L.O.* clearly relaxed the Fourth Amendment standard for school officials acting alone, the Supreme Court has not yet ruled on what standard should be used to determine the legality of searches which school officials conduct in concert with or at the request of law enforcement agencies. Many lower courts have considered this issue, and the guidelines set out in the next paragraph are based on those rulings.

When a search or seizure is initiated and conducted by school officials alone, or when police involvement is minimal, the *T.L.O.* reasonableness standard is applied. The reasonableness standard also applies to a search or seizure conducted by a school resource officer (SRO) on his or her own initiative (not at the direction of a law enforcement agency) to further educationally related (non-criminal) purposes, such as safety of students or maintaining order and discipline in schools.⁶ Where “outside” police officers initiate the search or seizure of a student for investigative purposes, probable cause and warrant requirements will be applied.

III. Interviews of Students by School Officials

Although school officials are charged with maintaining order and discipline in their schools, they are generally not acting as law enforcement agents and thus, are not required to administer *Miranda* warnings before questioning students.⁷ When a school official is not acting under the direction of the police, *Miranda* does not apply.

When acting under the direction of the police, the school official may need to seek permission from a parent or guardian before questioning a student as explained below and *Miranda* requirements may apply. When *Miranda* requirements do apply, law enforcement agents not school officials, should administer the *Miranda* warnings. In fact, State law requires that a law enforcement officer, State’s Attorney, juvenile officer, or other public official or employee administer *Miranda* warnings, followed by specific questions, to minors under 18 years of age prior to custodial interrogations.⁸

IV. Interviews of Students for Non-Law Enforcement Purposes by School Resource Officers (SROs) or Other School Security Personnel

When acting on their own initiative and authority to further a proper educational environment at the school, or at the request of school personnel to further a school response to student misconduct, to promote school interventions, or school discipline (as opposed to acting for law enforcement purposes), SROs or other school security personnel who are investigating a school related incident or any incident which may have potential consequences for the safety of the students or employees at the school may interview students on school grounds without obtaining permission from parents/guardians.⁹

Examples of incidents which may have potential consequences for the safety of students or employees at the school include the following:

- Fights between students that may result in retaliation at school
- Threats made by a student against another student or employee at the school
- Gang related offenses such as assault, battery, and intimidation
- Possessing or distributing drugs or weapons while on school property
- Smoking or vaping on school property
- Hazing of another student on school property
- Being in unauthorized areas of the school building/property
- Sexual harassment, sexual assault, teen dating violence on school property

No interview can be conducted or continued by an SRO or other school security personnel on school grounds if the student being interviewed is under 18 years of age and suspected of criminal conduct, unless the SRO or other school security personnel complies with the required procedures described in Section VI, below.

V. Interviews of Students for Law Enforcement Purposes by Law Enforcement Authorities (Including School Resource Officers (SROs) or Other School Security Personnel) on School Property

Law enforcement authorities (including SROs or other school security personnel) do not have inherent authority to interview students on school property for law enforcement purposes. School administrators have the discretion

to determine whether or not to allow law enforcement authorities to interview a student on school property. When a law enforcement authority seeks or is requested by school administrators to interview a student on school property for law enforcement purposes, the following procedures shall apply:

1. The law enforcement agent shall, upon arrival at the school, contact the building principal or other designated school official, identify or confirm the student sought to be interviewed, and identify or confirm the reason(s) for the interview.
2. Unless the school has initiated the request for the interview, the school principal or designee shall make a written record of the law enforcement agent's request, including presentation of any legal process such as subpoenas, warrants, or court orders.
3. The school principal or designee shall verify the identity of the law enforcement agent, if not known by the school principal or designee, by checking and photocopying the agent's picture identification card, unless the authority is in uniform.
4. If the school principal or designee permits the law enforcement agent to interview the student on school property, the law enforcement agent must comply with the following procedures:
 - a. School officials should attempt to contact a student's parents/guardians and document the time and manner in writing.
 - b. If the student refuses to speak to law enforcement authorities, the interview may not proceed on school property.
 - c. If the parent/guardian conditions consent on being present, then absent exigent circumstances, the interview should be delayed until the parent/guardian arrives at the site. Examples of exigent circumstances include:
 - There is a risk that delay in proceeding with the interview may pose imminent danger to the health or safety of students, school employees, or other persons in the community.
 - The student's parent(s)/guardian(s) are suspected of serious criminal activity or of co-involvement with the student in criminal activity.
 - Law enforcement authorities need to act promptly to prevent destruction of evidence of a serious crime, or flight from the jurisdiction by a person suspected of serious criminal activity.
 - d. If the school principal or designee determines it is appropriate for law enforcement authorities to interview the student at school without the presence or permission of a parent/guardian, the school principal or designee should ask the student if he or she wants the school principal or other school personnel to remain in the room with the law enforcement agent and the student during the interview.¹⁰
 - e. School officials should document in writing and take notes of all interviews of students by a law enforcement agent held in their presence.
 - f. Absent an emergency or circumstances justifying other action, all interviews of students should be conducted in private to avoid disrupting school, protect the student's privacy, and preserve the integrity of the investigation.

These requirements do not limit the authority of law enforcement authorities to make lawful arrests on school grounds.

Absent the exigent circumstances described in Section V(4)(c), above (e.g., preventing destruction of evidence of a serious crime or preventing flight from the jurisdiction by a student suspected of serious criminal activity), interviews of students by law enforcement authorities about matters unrelated to school should generally be conducted off school grounds after school hours.

VI. Interviews of Students Suspected of Criminal Conduct by Law Enforcement Authorities (Including School Resource Officers (SRO) or Other School Security Personnel) on School Property

As noted above in Section V, school administrators have the discretion to determine whether or not to allow law enforcement authorities to conduct an interview on school property with a student who is suspected of criminal conduct. If school administrators allow such an interview, they should follow Section V(1), (2), (3), (4)(b), (4)(e), and 4(f), above. In addition, a law enforcement authority (including SROs or other school security personnel) who

wants to interview a student under age 18 who is suspected of criminal conduct, on school property during regular school hours (when school is in session and students are present), must:

1. Notify or attempt to notify the student's parent/guardian and document the time and manner in writing;
2. Make reasonable efforts to ensure the student's parent/guardian is present during the questioning or, if they are not present, ensure that school personnel (including, but not limited to, a school social worker, psychologist, nurse, guidance counselor, or any other mental health professional) are present during the questioning; and
3. If practicable, make reasonable efforts to ensure a law enforcement officer, trained in promoting safe interactions and communications with youth is present during questioning.¹¹

The law enforcement authority is responsible for his/her own compliance with these requirements. However, for SROs or other security personnel, best practice is for school administrators to ensure and verify compliance before allowing the interview of the student.

These requirements apply regardless of whether the suspected criminal conduct is school related or non-school related.

These requirements do not apply to circumstances that would cause a reasonable person to believe that urgent and immediate action is necessary to: (1) prevent bodily harm or injury to the student or any other person; (2) apprehend an armed or fleeing suspect; (3) prevent the destruction of evidence; or (4) address an emergency or other dangerous situation.

These requirements do not limit the authority of law enforcement authorities to make lawful arrests on school grounds.

If a law enforcement authority (including SROs or other school security personnel) wants to interview a student age 18 or older who is suspected of criminal conduct, school administrators should require that the interview be conducted at the police department, unless exigent circumstances exist.

In the event of a custodial interrogation of a student who is the subject of a criminal investigation, or if an interview changes into one where the student becomes a suspect or the subject of a criminal investigation, a student is protected by the Fifth Amendment right against self-incrimination and may have a right to an attorney even when there is a subpoena, warrant or court order.

VII. Attempts to Interview Students at School by ICE

Because schools are "sensitive locations" under Immigration and Customs Enforcement (ICE) policy¹², ICE has stated that agents will generally not seek to enforce immigration laws on school grounds other than requesting records or conducting compliance review, *i.e.* for the Student and Exchange Visitor Program (SEVIS). This would apply only to schools enrolled with SEVIS for the purpose of accepting F-1 or M-1 students.

ICE has stated that other immigration enforcement activities (e.g., detention or apprehension, arrest, interview, searches, or surveillance of individuals) should generally be avoided at sensitive locations, and require either prior supervisory approval or the presence of exigent circumstances.¹³ Exigent circumstances exist when, for example:

- The enforcement action involves a national security or terrorism matter.
- There is an imminent risk of death, violence, or physical harm to any person or property.
- The enforcement action involves the immediate arrest or pursuit of a dangerous felon.
- There is an imminent risk of destruction of evidence material to an ongoing criminal case.¹⁴

Although the sensitive locations policy is subject to change by ICE, ICE stated in March 2017 that the policy remains effective.¹⁵

The extent of a school's cooperation or non-cooperation with ICE is a decision best left to its respective school board. In the event that ICE agents request to interview students on school grounds (be it under the "exigent circumstances" noted above or not), schools might either:

1. Document the agents contact information, inform them that someone will be in contact shortly, and immediately contact the school board's attorney. DO NOT confirm the student is in attendance, release student information, or make the student available for an interview on the spot.¹⁶; or
2. Treat ICE requests to interview students at school in the same manner as it would permit law enforcement to interview students, as provided in Part V(B), above.

Whether permitting ICE agents to interview a student on school property or to conduct other immigration enforcement activities at school might violate the Supreme Court's guidance in *Plyler v. Doe* is an issue that has not been addressed by the courts.

VIII. Arrest and Removal of Students from School

A. By Law Enforcement Authorities, Excluding ICE Agents

School officials must cooperate with law enforcement authorities when law enforcement authorities deem it necessary to arrest a student on school property. Law enforcement agents are authorized to arrest a student based upon a warrant or without a warrant if they determine there is probable cause to believe that the individual has committed a crime.

A law enforcement agent who arrests a student at school should take the student into custody in a manner which minimizes both disruption to the school and embarrassment to the student.

Upon the arrest of a student, the law enforcement agent should immediately make a reasonable attempt to notify the student's parent or guardian of the arrest and of the location to which the student will be taken.¹⁷

In addition to the law enforcement agent's reasonable attempt to notify the student's parent/guardian, school officials shall also promptly notify or attempt to notify the parent/guardian of any student arrested at school, unless the parent/guardian was present at school with the student when the student was arrested.

Note: Public Act 100-463 created the Illinois TRUST Act which prohibits law enforcement agencies and officials from enforcing federal civil immigration laws. Under Section 15(b), law enforcement cannot arrest a person based solely on the individual's citizenship or immigration status.

B. By ICE Agents

As noted above, the extent of a school's cooperation or non-cooperation with ICE is a decision best left to its respective school board. There are legal bases for arguing both that school officials *should* and *should not* cooperate with ICE attempts to arrest students at school. For information purposes, both arguments are set forth below.

Cooperation Argument

School officials should cooperate with ICE when its agents deem it necessary to arrest a student on school property. The Immigration and Nationality Act authorizes ICE agents to arrest individuals:

- Based upon an arrest warrant;¹⁸ or
- Without a warrant if they determine there is:
 - Reason to believe (probable cause) that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States; and
 - The person is likely to escape before a warrant can be obtained.¹⁹

Non-Cooperation Argument

Some courts that have addressed the issue of the standard which must be met to justify a detention based on suspected immigration violations have concluded that probable cause would be required.²⁰ Moreover, to the extent ICE agents are arresting an undocumented individual for a criminal purpose, a school is a place where there is a reasonable expectation of privacy. Therefore, only a criminal arrest warrant, signed by a judge that authorizes both a search and the detainer of the student, will allow ICE agents to enter a school without permission to arrest a student.

Criminal arrest warrants are issued by judges after they have determined that probable cause exists. In contrast, ICE warrants are civil warrants issued by immigration officials pursuant to 8 C.F.R. §287.5(c) without any probable cause determination, thus they are referred to as *administrative warrants*. "However, administrative warrants may not be used by INS to justify the seizure of persons." *Illinois Migrant Council v. Pilliod*, 531 F.Supp. 1011, 1020 (N.D. IL. 1982). Federal district courts have also ruled that arrests made based on ICE administrative warrants were essentially warrantless arrests. See *El Badrawi v. DHS*, 579 F. Supp. 2d 249 at 275-276 (D. Conn. 2008).

In the event that ICE agents attempt to arrest a student on school property, immediately contact the school board's attorney.

An ICE agent who arrests a student at school should take the student into custody in a manner which minimizes disruption to the school and embarrassment to the student.

Upon the arrest of a student, the ICE agent should immediately make a reasonable attempt to notify the student's parent or guardian of the arrest and of the location to which the student will be taken.

In addition to the ICE agent's reasonable attempt to notify the student's parent/guardian, school officials shall also promptly notify or attempt to notify the parent/guardian of any student arrested at school, unless the parent/guardian was present at school with the student when the student was arrested.

IX. Sharing of Information

State law requires a reciprocal reporting system between school districts and local law enforcement agencies regarding criminal offenses committed by students.²¹

If ICE requests information for the purposes of conducting a compliance review, such as circumstances where the school is registered with SEVIS, or if agents present a subpoena or a court order, then the school must comply. If a subpoena or court order for student records is presented, contact legal counsel for assistance in complying with it.²²

Schools have limited authority to release student record information in an emergency, without parent/guardian 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.²³ Otherwise, schools are not required to share information and must not share information protected under the Family Educational Rights and Privacy Act (FERPA) or the Illinois School Student Records Act (ISSRA).

This includes information regarding students' immigration status. Illinois State Board of Education regulation 23 Ill.Admin.Code §1.240 provides that "no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (Plyler v. Doe, 457 U.S. 202 (1982))." Based on this, schools cannot report undocumented students to immigration authorities, as this would effectively deny students access to school.

X. Interviews and Examinations of Students at School by DCFS²⁴

School employees shall cooperate with the Illinois Department of Children and Family Services (DCFS) in identifying child abuse or neglect.²⁵

A. Interviews

If DCFS employees or local law enforcement authorities seek to interview at school a student suspected of being abused or neglected, they shall make a request to the building principal or to the principal's designee.

1. The school district should provide DCFS investigators and local law enforcement authorities reasonable access (without a court order) to a suspected victim of child abuse or neglect for the purpose of interviewing the student at school. The principal or designee may insist upon his or her presence during the interview and condition the requested interview of the student at school on the principal's or designee's presence during the interview.²⁶
2. An interview of the student at school shall be allowed upon presentation of a court order. If the interview takes place based upon a court order, the principal or designee shall request a copy of the order. The presence of the principal or designee at the in-school interview shall be at the discretion of the DCFS employee(s) or law enforcement authorities.
3. After the interview has been conducted, the principal or designee may notify the student's parent/guardian when appropriate (generally when the parent/guardian is not the subject of the investigation), of the fact that an interview was conducted, but may not disclose any information about the interview.

Coordination with Children's Advocacy Centers (CACs) Upon Referral by DCFS

Children's Advocacy Centers (CACs) are child-focused, trauma-informed, facility-based programs that provide a multi-disciplinary, comprehensive response to child abuse. Illinois CACs are organized and operate under the Children's Advocacy Center Act.²⁷ CACs are accredited based on standards set by the National Children's Alliance.²⁸ See www.nationalchildrensalliance.org/. When DCFS accepts a report of child abuse for investigation, it may refer the matter to the local CAC.

Most school districts are located within a county served by an accredited CAC. For a map of accredited CACs, and to identify a CAC that may serve the school district, see www.childrensadvocacycentersofillinois.org/about/map. If a school employee in such a school district reports an *alleged incident of sexual abuse*²⁹ of a

student to DCFS and DCFS accepts the report for investigation, then DCFS will refer the matter to the local CAC. The school district must coordinate with the CAC and must refrain from interviewing the student about the *alleged incident of sexual abuse* until after the CAC completes its *forensic interview*³⁰ of the student.³¹ The school district may, however, request information from the student or the student's parent/guardian to ensure his or her safety and well-being at school.³²

B. Examinations and Photographs

If DCFS employees or law enforcement authorities seek to physically examine or photograph at school a student suspected of being abused or neglected, they shall make a request to the principal or the principal's designee and inform him or her of DCFS's intent to secure photographs during the interview.³³

1. The principal or designee may grant the request (without a court order) if he or she believes there is a reasonable explanation for conducting the examination at school. The principal's decision as to whether or not to grant the request shall take into consideration the sex of the student and of the examiner; the age, maturity and sensitivities of the student, including the student's willingness to be examined and/or photographed; and the location of the trauma and its seriousness. The presence of the principal or designee at the examination and photographing shall be at the discretion of the DCFS or law enforcement agent. If the principal or designee is present during the examination or photographing, they shall not participate in the examination or photographing of the student.
2. Examination or photographing of the student at school shall be allowed upon presentation of a court order or administrative subpoena. The presence of the principal or designee at the photographing or examination shall be at the discretion of the DCFS employee or law enforcement agent. If the principal or designee is present at the examination or photographing, he or she shall not participate in the examination or photographing of the student. If the examination or photographing takes place based upon a court order, the principal or designee shall request a copy of the order.
3. The principal or principal's designee may notify the student's parent/guardian of the fact of the examination or photographing session after it has occurred, but shall not otherwise disclose information about the occurrence.

C. Temporary Custody / Temporary Protective Custody

If law enforcement authorities assume temporary custody of a student at school pursuant to the Juvenile Court Act, or if a local law enforcement agent or a DCFS employee assumes temporary protective custody pursuant to the Illinois Abused and Neglected Child Reporting Act, the principal or principal's designee shall request that the DCFS or law enforcement agent: (1) sign an appropriate document memorializing that fact, before assuming custody; or (2) provide permission for the school official to create a copy of the documentation presented authorizing the temporary custody of the student.

XI. Judicial Proceedings, Court Orders and Subpoenas

School employees shall testify fully in any judicial proceeding and shall comply with State and federal law when served with court orders and subpoenas. A subpoena for student records requires consultation with the school board's attorney to ensure compliance with both federal and State student records laws³⁴

Legal References

People v. Dilworth, 169 Ill. 2d 195 (1996).

People v. Klein, 355 Ill.App.3d 770 (3d Dist. 2005).

People v. Pankhurst, 365 Ill.App.3d 248 (2d Dist. 2006).

U.S. v. Hollingsworth, 495 F.3d 795 (7th Cir. 2007).

Miranda v. Arizona, 86 S.Ct. 1602 (1966).

New Jersey v. T.L.O., 105 S.Ct. 733 (1985).

J.D.B. v. North Carolina, 131 S.Ct. 2394 (2011).

Plyler v. Doe, 102 S.Ct. 2382 (1982).

¹ The following attorneys are members of this committee: Cynthia M. Baasten, Engler Callaway Baasten & Sraga, LLC; Maryam T. Bro-tine, Illinois Association of School Boards; Luis Rodriguez, Engler, Callaway Baasten & Sraga, LLC; Kimberly A. Small, Illinois Association of School Boards; Zaria Udeh, Robbins Schwartz; Scott F. Uhler, Klein, Thorpe and Jenkins, Ltd.; George A. Wagner, Klein, Thorpe and Jenkins, Ltd. The 2020 ICOSA Executive Committee provided peer review.

² 105 ILCS 5/24-24 states that school employees shall maintain discipline and “stand in the relationship of parents and guardians to the pupils.”

³ Id. Courts generally cite this common law doctrine that originated in William Blackstone’s *Commentaries on the Laws of England* 441 (1769). They reason that even in schools with few or no disciplinary problems, a State still has a substantial interest in maintaining a proper educational environment for the schoolchildren entrusted to its custody and tutelage, through close supervision of students.

⁴ School officials must be aware they are not protected from liability for violations of students’ federal constitutional rights (see e.g., *People v. Pruitt*, 278 Ill.App.3d 194(1st Dist. 1996), appeal denied 167 Ill.2d 564, and *Picha v. Wielgos*, 410 F.Supp.1214 (N.D. IL. 1976).

⁵ A school search is reasonable if (1) the search was justified at its inception because school officials had grounds to suspect it would turn up evidence that the student has violated the law or school rules, and (2) the scope of the search was reasonably related to the circumstances that justified conducting the search in the first instance. See *New Jersey v. T.L.O.*, 105 S.Ct. 733 (1985).

The Illinois General Assembly found as a matter of public policy that students have no reasonable expectation of privacy in places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school as well as students’ personal effects left in those places and areas. 105 ILCS 5/10/22.6(e). This section of The School Code states broadly that school officials may inspect and search students’ personal effects, without a search warrant or notice to or consent of the student. However, school officials should use caution when relying upon the above statute as a basis for a warrantless search of students’ personal effects. School officials would be on safer ground basing such searches upon the established standard of “reasonableness” as outlined in *New Jersey v. T.L.O.*, 105 S.Ct. 733 (1985).

⁶ U.S. Const. amend. IV. On January 8, 2014, the U.S. Depts. of Education and Justice issued a *Dear Colleague Letter* (Letter) on the Nondiscriminatory Administration of School Discipline, at www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html. The Letter discusses the obligation of public elementary and secondary schools to administer student discipline without discriminating on the basis of race, color, or national origin. It identifies the “appropriate use of law enforcement” as an important element in this process but urges schools to “clearly define and document roles and areas of responsibility of school resource officers (SROs) and law enforcement personnel” in written agreements. It also directs school officials to “ensure that school personnel understand that they, rather than SROs and other law enforcement personnel, are responsible for administering routine student discipline.”

⁷ In an effort to ensure that any waiver of constitutional rights to remain silent and to consult with an attorney is a knowing and voluntary waiver, law enforcement agents must give *Miranda* warnings to criminal suspects in police custody before questioning suspects about their possible involvement in a crime, with certain exceptions. See *Miranda v. Arizona*, 86 S.Ct. 1602 (1966). *Miranda* warnings are not required if questioning occurs under circumstances that do not amount to the suspect’s being in “custody.”

An Illinois appellate court has held that school officials’ questioning of a student about illegal acts- even if the questioning is prompted by a police investigation – is not “custodial,” provided the school officials are legitimately concerned about the student’s suspected misconduct because of their role as school administrators, and they are not acting as agents of the police when questioning the student. See *People v. Pankhurst*, 848 N.E. 2d 628 (2d Dist. 2006).

A child suspect’s age is relevant (although not dispositive) in a *Miranda* custody analysis when the child’s age is known to the law enforcement agent at the time of questioning, or would have been objectively apparent to a reasonable law enforcement agent and a reasonable child of that age would perceive that he or she was not free to leave. See *J.D.B. v. North Carolina*, 131 S.Ct. 2394 (2011).

⁸ 705 ILCS 405/5-401.5; 725 ILCS 5/103-2.1. The specific questions that a law enforcement officer, State’s Attorney, juvenile officer, or other public official or employee must ask the minor are “do you want to have a lawyer?” and “do you want to talk to me?” 705 ILCS 405/5-401.5(a-5)(2)(A), (B).

⁹ Some school districts may wish to develop an agreed procedure for the SRO to follow before interviewing individual students at the request of school personnel. For example, a district might specify that: “Before interviewing a student one-on-one in an office or other private setting at school, the SRO will discuss the purpose of the interview with the building principal, and they will decide jointly whether the SRO should conduct the interview alone, or instead in the presence of the building principal or his/her designee.”

¹⁰ School officials sitting in on law enforcement interviews at school should follow the local procedures developed in consultation with the board’s legal counsel. These procedures are often developed in conjunction with local agency and police interview policies and procedures.

¹¹ 105 ILCS 5/22-85(b)(4) (final citation pending), added by P.A. 101-478. A trained law enforcement officer is someone who: (1) received training in youth investigations approved or is certified by his/her law enforcement agency as a school resource officer per 50 ILCS 705/10.22, or (2) is a juvenile police officer per 705 ILCS 405/1-3(17).

¹² Memorandum from John Morton, Director, U.S. Immigration and Customs Enforcement, “Enforcement Actions at or Focused on Sensitive Locations” 10029.2 (October 24, 2011). See also *Sensitive Locations FAQs*, at: www.ice.gov/ero/enforcement/sensitive-loc.

¹³ Enforcement actions are apprehensions, arrests, interviews, or searches, and, for purposes of immigration enforcement only, surveillance. *Id.*

¹⁴ October 24, 2011 ICE Memorandum.

¹⁵ www.ice.gov/doclib/sevis/pdf/tcm1703-05.pdf

¹⁶ Negron, Jr., F. M., Carter, T., Burns, T., and Patterson, J. (2017, October 27) LIFTING THE LAMP, A Legal Guide to Serving Undocumented Students in Public Schools, nsba.org/-/media/NSBA/File/legal-lifting-the-lamp-beside-the-schoolhouse-door-guide.pdf.

¹⁷ 705 ILCS 405/2-6, 3-8, 4-5, and 5-405.

¹⁸ 8 C.F.R. §287.5(e)(2).

¹⁹ 8 U.S.C. §1357; 8 C.F.R. §287.8(c).

²⁰ See Kagan, Michael, "Immigration Law's Looming Fourth Amendment Problem" (2015). *Scholarly Works*. 913. <http://scholars.law.unlv.edu/facpub/913>

²¹ 105 ILCS 5/10-20.14(b). There are several other statutes that discuss and/or require communication back and forth between school administrators and law enforcement authorities:

A. 705 ILCS 405/1-7(A)(8) and 405/5-905(1)(h) address law enforcement authorities' reporting capabilities to schools under reciprocal reporting agreements, etc.

B. 105 ILCS 5/22-20 also requires law enforcement authorities (and other entities) to report to public school principals when a student is detained for proceedings under the Juvenile Court Act, or for any criminal offense, including illegal gang activity, or any violation of a municipal or county ordinance." The information derived from such reports must be kept separate from the student's official school record, shall not be a public record, and shall be used solely by appropriate school officials whom the school has determined to have a legitimate educational or safety interest to aid in the student's proper rehabilitation or to protect the safety of students and employees. *Id.*

C. Building principals must also communicate with law enforcement authorities pursuant to several State law requirements. They include, but are not limited to:

1. Utilizing the resources of law enforcement agencies when the safety and welfare of students and teacher are threatened by illegal use of drugs and alcohol, illegal use or possession of weapons, or by illegal gang activities (105 ILCS 5/10-21.4a);
2. Reporting to local law enforcement authorities a person on school grounds possessing a firearm (105 ILCS 5/10-27.1A(b));
3. Reporting to local law enforcement and Ill. State Police (ISP) a written complaint of a battery against staff (105 ILCS 5/10-21.7(b));
4. Reporting to local law enforcement and ISP verified drug-related incidents (105 ILCS 5/10-27.1B(b));
5. Reporting to local law enforcement authorities a student who committed a criminal offense (105 ILCS 5/10-20.14(b));
6. Reporting to local law enforcement hazing that results in death or great bodily harm to any person (720 ILCS 5/12C-50.1);
7. Reporting to the municipal police department, or the office of the county sheriff of the municipality or county where the school is located, that a drug violation occurred on school property, including any conveyance used to transport students, or within 1000 feet of the school (105 ILCS 127/2);
8. Reporting to local law enforcement if a student's parent/guardian fails to provide a certified copy of the student's birth certificate or other reliable proof of the child's identity and age within 30 days of enrolling the student (325 ILCS 50/5 and 325 ILCS 55/5); and
9. Reporting to ISP that a student or other person poses a clear and present danger to himself, herself, or others (430 ILCS 66/105 and 405 ILCS 5/6-103.3) for consideration of this information by ISP in determining whether the person should be issued a firearm concealed carry license. It is not clear how the last requirement can be reconciled with federal (FERPA) confidentiality protections for student education records, when such records are the source of a school administrator's "clear and present danger" determination.

²² See **Answers to FAQs Responding to a Subpoena (January 2015)**, at: www.iasb.com/iasb/media/documents/icsafaqrespondingtoa-subpoena2015.pdf.

²³ 20 U.S.C. §1232g(b)(f); 34 C.F.R. §§99.31(a)(10) and 99.36; 105 ILCS 10/6(a)(7); 23 Ill.Admin.Code §375.60. Any such release requires parent/guardian notification, no later than the next school day after the release, of: the date of the release; the person, agency, or organization receiving the information; and the purpose of the release. Factors to be considered in determining whether emergency release is appropriate include:

- The seriousness of the threat to the health or safety of the student or other individuals;
- The need for the requested records to meet the emergency;
- Whether the individuals to whom the requested 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.

Following any such release, the school or school district must make a record of the nature of the threat that formed the basis for the disclosure and the parties to whom the school or district disclosed the information. 23 Ill.Admin.Code §375.60.

²⁴ The U.S. Supreme Court vacated a part of a Ninth Circuit ruling requiring a child protective services worker to obtain a warrant before conducting an in-school interview of a student to confirm whether the student was a victim and/or a witness of child abuse. See *Camreta v. Greene*, 131 S.Ct. 2020 (2011). Illinois is part of the Seventh Circuit, which has concluded that the "strictures of the probable cause or the warrant requirement" [are] inapplicable in these situations. *Darryl H. v. Coler*, 801 F.2d 893, 901 (7th Cir. 1986).

²⁵ The Abused and Neglected Child Reporting Act (ANCRA, 325 ILCS 5/) requires *education personnel* to immediately report or cause a report to be made to DCFS when they have reasonable cause to believe a child known to them in their professional or official capacities may be abused or neglected; *education personnel* includes school personnel (including administrators and certified and non-certified school employees) and educational advocates assigned to a child in accordance with the School Code. 325 ILCS 5/4(a)(4). Abuse and neglect are defined in 325 ILCS 5/3.

²⁶ See footnote 9, *supra*.

²⁷ 55 ILCS 80/.

²⁸ 55 ILCS 80/2.5.

²⁹ An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity. 105 ILCS 5/22-85(b) (final citation pending), added by P.A. 101-531.

³⁰ A *forensic interview* is an interview between a trained forensic interviewer, as defined by National Children's Alliance standards, and a child in which the interviewer obtains information from children in an unbiased and fact finding manner that is developmentally appropriate and culturally sensitive to support accurate and fair decision making by the multidisciplinary team in the criminal justice and child protection systems. 55 ILCS 80/2.5.

³¹ 105 ILCS 5/22-85(f) (final citation pending), added by P.A. 101-531.

³² *Id.*

³³ 89 Ill. Admin. Code § 300.110.

³⁴ See the Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. §1232g) and the Illinois School Student Records Act (ISSRA, 105 ILCS 10/). Both laws differ in many respects. ISSRA requires a school board to adopt a policy and procedures implementing it and specifying the content of school records. Releasing confidential information given by a student to a therapist is governed by the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/). Information kept by law enforcement professionals working in a school are not "school student records" (105 ILCS 10/2(d)). See *Answers to FAQs Responding to a Subpoena* (January 2015), at www.iasb.com/iasb/media/documents/issafaqrespondingtosubpoena2015.pdf.

© 2020 Illinois Council of School Attorneys. All rights reserved.

Students

Student Appearance

A student's appearance, including dress and hygiene, must not disrupt the educational process or compromise standards of health and safety. The District does not prohibit hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists. Students who disrupt the educational process or compromise standards of health and safety must modify their appearance. Procedures for guiding student appearance will be developed by the Superintendent and included in the *Student Handbook(s)*.

LEGAL REF.: 105 ILCS 5/2-3.25 and 5/10-22.25b.
Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503 (1969).

CROSS REF.: 7:10 (Equal Educational Opportunities), 7:130 (Student Rights and Responsibilities), 7:165 (School Uniforms), 7:190 (Student Behavior)

ADOPTED: January 18, 2023

Students

Vandalism

The School Board will seek restitution from students and their parents/guardians for vandalism or other student acts that cause damage to school property.

LEGAL REF.: 740 ILCS 115/.

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

ADOPTED: October 23, 1996

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, 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:

Maggie Alderman (School Counselor)

Name

297 North 33rd Road, LaSalle, IL 61301

Address

malderman@dimnick175.com

Email

815.223.2933

Telephone

Complaint Managers:

Teri Rossman (Principal)

Name

297 North 33rd Road, LaSalle, IL 61301

Address

trossman@dimnick175.com

Email

815.223.2933

Telephone

Joel Foster

Name

297 North 33rd Road, LaSalle, IL 61301

Address

jfoster@dimnick175.com

Email

815.223.2933

Telephone

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*. This policy prohibits 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)

ADOPTED: May 18, 2022

Students

Exhibit - Resource Guide for Bullying Prevention

General Resources

ISBE's *School Bullying Prevention Task Force Report*:

www.isbe.net/Documents/sbptf_report_030111.pdf

Resources section of the website managed by the U.S. Department of Health & Human Services:

www.stopbullying.gov

Bullying in Schools - Cops – U.S. Department of Justice:

https://cops.usdoj.gov/html/cd_rom/solution_gang_crime/pubs/BullyinginSchools.pdf

Restorative Discipline Resources

Positive Behavior Intervention & Supports (PBIS):

www.pbis.org/school/default.aspx

Social and Emotional Learning Standards:

www.isbe.net/Pages/Social-Emotional-Learning-Standards.aspx

Dignity in Schools:

<http://dignityinschools.org/take-action/model-school-code/>

Illinois Balanced and Restorative Justice:

www.ibarj.org

Conditions for Development and Learning; Data Collection Resources

Centers for Disease Control and Prevention (CDC)'s *Measuring Bullying Victimization, Perpetration, and Bystander Experiences: A Compendium of Assessment Tools*:

<https://www.cdc.gov/violenceprevention/pdf/bullycompendium-a.pdf>

Safe Supportive Learning's School Climate Measurement Compendium:

<https://safesupportivelearning.ed.gov/index.php?id=133>

PBIS:

www.pbis.org/school/default.aspx

CDC's *Youth Violence: Measuring Violence-Related Attitudes, Behaviors, and Influences Among Youths: A Compendium of Assessment Tools - Second Edition*:

https://www.cdc.gov/violenceprevention/pdf/yv_compendium.pdf

CDC's *Intimate Partner Violence and Sexual Violence Victimization Assessment Instruments for Use in Healthcare Settings, Version 1*:

<https://www.cdc.gov/violenceprevention/pdf/ipv/ipvandsvscreening.pdf>

World Health Organization Information Series on School Health's *Document 10, Creating an Environment for Emotional and Social Well-Being*:

www.who.int/school_youth_health/media/en/sch_childfriendly_03_v2.pdf

Rachel's Challenge:

<https://rachelschallenge.org>

Students

Exhibit - Be a Hero by Reporting Bullying

Who reports?	YOU, if you have information about bullying, harassment, and/or a threat of one of these actions. It doesn't matter whether you are the target of bullying or think someone is being bullied, please report it!
What do I report?	<p>Any activity that targets someone to be hurt. Bullying, harassment, and threats take many forms. One thing they have in common – someone is targeted to be hurt. Examples of these hurtful behaviors include unwanted teasing, intimidation, physical violence, humiliation, spreading false rumors, social exclusion, or theft or destruction of property.</p> <p>Bullying, harassment, and threats may occur almost anywhere students go – in school buildings, on school grounds or busses, at bus stops, for example. Bullying or harassing may also occur using social networking sites or cell phones.</p>
When should I report?	As soon as possible.
Where or how do I report?	<p>Tell any school staff member. You may do this in person, by phone, or by email. You may be asked to complete 7:180-AP1, E5, <i>Report Form for Bullying</i>.</p> <p>You may make an anonymous tip.</p>
Why should I report?	Fear and abuse have no place in our school. Be a hero and report bullying. If you are being bullied, a report will help you and other students who may also be targeted for bullying.
What will happen after I report?	<p>An Administrator will:</p> <ol style="list-style-type: none"> 1. Acknowledge and review your report. 2. Treat your report with privacy and respect its sensitive nature. 3. Investigate your report. The school will not bring students who bully and those they bully into the same room to confront each other. All interviews will be private. 4. Take appropriate action that may include increased monitoring and supervision, restructuring schedules, additional resources, and disciplinary action for conduct code violations, among others. 5. Provide you with feedback, if appropriate.

Students

Exhibit - Report Form for Bullying

To be completed by the bullying target, witness, or person with information about an incident of bullying and submitted to the Building Principal's office. Make readily accessible via website(s) and other publicized designated areas in schools.

Please print and check appropriate boxes.

Name: _____ Date: _____

Student Parent Staff Other _____

Indicate here if you prefer to remain anonymous. Yes No

Are you the target of the bullying that you are reporting? Yes No

Date of incident: _____ Time of incident: _____

Person(s) being reported as targets of bullying:

Name: _____ Student Staff

Name: _____ Student Staff

Name: _____ Student Staff

Person(s) being reported as aggressors engaged in bullying:

Name: _____ Student Staff Other

Name: _____ Student Staff Other

Name: _____ Student Staff Other

Person(s) who witnessed the bullying:

Name: _____ Student Staff Other

Name: _____ Student Staff Other

Name: _____ Student Staff Other

Was the incident based on any of these characteristics? (Check all that apply.)

- Race
- Sex
- Pregnancy
- Age
- Mental disability
- Marital status
- Associated with person/group with one or more of the above actual or perceived characteristics
- Other _____
- I do not know.
- Color
- Sexual orientation
- Gender-related expression
- Religion
- Order of protection status
- Parental status
- Nationality
- Gender identity
- Ancestry
- Physical disability
- Homeless status

Student(s) were targeted for bullying in the following way(s): (Check all that apply.)

- Electronic devices (e.g., internet, social media platforms, text, email, cyberbullying, etc.)
- Written communication (e.g., handwritten notes, other written documents, email, etc.)
- Physical act or conduct (e.g., pushing, hitting, destruction of property, stalking, etc.)
- Verbal act or conduct (e.g., rumors, lies, name-calling, using derogatory slurs, etc.)
- Social (e.g., purposeful exclusion, causing psychological harm, etc.)
- Items depicting implied hatred or prejudice were worn, possessed or displayed
- Other (*please explain*): _____

Student(s) were targeted for bullying in the following place(s): (Check all that apply.)

- | | |
|--------------------------------------|--|
| <input type="checkbox"/> Classroom | <input type="checkbox"/> Locker room |
| <input type="checkbox"/> Hallway | <input type="checkbox"/> Extracurricular activity |
| <input type="checkbox"/> Cafeteria | <input type="checkbox"/> Bus |
| <input type="checkbox"/> Restroom | <input type="checkbox"/> Bus stop |
| <input type="checkbox"/> Gym | <input type="checkbox"/> School or related activity or event |
| <input type="checkbox"/> Other _____ | |

Please tell us about the incident in your own words. Use as much detail as possible - what time did the incident(s) take place, who witnessed it, what was said, what types of interactions occurred (physical, written, social, electronic, etc.)

The above information is true and accurate to the best of my knowledge.

Signature: _____ Date: _____

Students

Exhibit - Interview Form for Bullying Investigation

To be completed by the Building Principal or designee to obtain information about a bullying report. Use this form as a coversheet for each person interviewed during the investigation.

Name of person interviewed: _____ Date: _____

Name of interviewer: _____ Title: _____

Instructions for Interviewer

1. Protect the identity of the student who reports. Begin a prompt, thorough and impartial investigation by interviewing witnesses separately in a private location with a school colleague present (not the school resource officer). Use the **Questions** section below to guide your notes while you interview the person listed above. Attach to 7:180-AP1, E7, *Response to Bullying*.
2. Make your notes on a separate document and attach them to this form.
3. Review and preserve any videos, photos, screenshots or other physical evidence and label it.
4. File this form, notes, and any other evidence provided in a designated investigation and response folder.
5. Use this form to complete 7:180-AP1, E7, *Response to Bullying*.
6. Create a *Basic Facts* section, i.e., who, what, where, when, why and how.
7. Record the actions and behavior that were experienced or observed (follow-up with leading questions to complete the description of what happened and its consequences, if necessary).
8. Include open-ended questions. For example, ask "How are you feeling?" "How has what happened affected you?"

Questions

1. Has this happened before?
2. Do you fear for your safety? How? Where (at school, home, or both places)?
3. Do you fear that harm would come to any of your personal property? How?
4. Age appropriately ask whether the target's health (physical, emotional, and/or mental) has been affected. How (seen by a doctor, missing school)?
5. Has your academic performance been affected? How (increase in tardiness/absences, grades going down, missed assignments)?
6. Have you quit or modified attendance in any extracurricular activities?
7. Have you changed any of your usual routines at school (using different hallway, skipping lunch in lunchroom or using different lunch period, taking different route to school, etc.)?
8. Why do you think this behavior is happening?
9. What will help make you feel safe?

Students

Exhibit - Response to Bullying

To be completed by the Building Principal and attached as a coversheet for the school office's designated bullying report investigation and response folder. Place a copy of the completed coversheet only (not attachments) in each listed student's temporary school student record. Redact all student names other than the student's name for which the record pertains.

Investigator: _____ Title: _____

Investigation

File an interview form for each party interviewed in the designated investigation and response folder.

Check here to indicate that all interview forms have been properly completed and filed.

Target: _____ Date: _____

Aggressor: _____ Date: _____

Witnesses: _____ Date: _____

_____ Date: _____

_____ Date: _____

Are there any prior documented incidents by the aggressor identified above? Yes No (Attach information)

If yes, have incidents involved target or target group previously? Yes No

Findings

Bullying Other: _____

Aggressor motivated by protected characteristics listed in policy 7:20, *Harassment of Students Prohibited*.

Bullying Investigation Response

Response and Plan for Target (Check all that apply and include descriptions.)

Contact parent/guardian: _____ Date: _____

Circle contact method: Phone Email Letter In-person Other: _____

Safety plan: _____

Increase staff supervision: _____

Education: _____

Minimize contact with aggressor: _____

District resources: (Student Services/IDEA/504) _____

Other: _____

Target follow-up scheduled date: _____ Date and initial completed: _____

Parent/guardian follow-up date: _____ Date and initial completed: _____

Circle contact method: Phone Email Letter In-person Other: _____

Provide parent/guardian with copies of Board policy 2:260 and 7:180. Date: _____

Response and Plan for Aggressor (Check all that apply and include descriptions.)

- Contact parent/guardian: _____ Date: _____
Circle contact method: Phone Email Letter In-person Other: _____
- 7:190-E1, *Aggressive Behavior Reporting Letter and Form* sent Date: _____
- Provide parent/guardian with copies of Board policy 2:260 and 7:180 Date: _____

Restorative Responses

- Safety plan: _____
- Increase staff supervision: _____
- Education: _____
- Non-District affiliated psychological services: _____
- Alternative school assignment: _____
- Minimize contact with target: _____
- District resources (Student Services/IDEA/504): _____
- Other: _____

Punitive Responses

- Loss of privileges: _____
- Detention: _____
- Suspension: _____
- Expulsion: _____
- Community agency service: _____
- Reciprocal Reporting Act utilized: Yes No _____
- Report to School Resource Officer/Law Enforcement: _____
- Other: _____

Aggressor follow-up date: _____ Date and initial completed: _____

Circle contact method: Phone Email Letter In-person Other: _____

Parent/guardian follow-up date: _____ Date and initial completed: _____

Circle contact method: Phone Email Letter In-person Other: _____

- Contact District complaint manager: _____ Date: _____
- Target response implementation: _____
- Aggressor response implementation: _____
- Systemic culture/climate intervention: _____
- Referral to address needs for ideal conditions for developmental learning: _____
- Other: _____

Submit reports to: Building Principal (if not the investigator) Date: _____

Superintendent Date: _____

Signature of investigator: _____ Date: _____

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, or a Complaint Manager identified in policy *7:20, Harassment of Students Prohibited*.
3. Incorporates age-appropriate instruction in grades 7 through 8, 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.

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: February 16, 2016

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.

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*.
 - d. 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.

- e. 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.
- f. *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.
- g. 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 or silenced 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.

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.

1. 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.
2. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*.
3. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.
4. Entering school property or a school facility without proper authorization.

5. 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.
6. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants.
7. 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.
8. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia
9. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
10. 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.
11. 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.
12. 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.¹ 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

1. 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: 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 two 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).

Use of physical restraint, time out, and isolated time out will be limited to instances in which the student's behavior pose an "imminent danger of serious physical harm." Supine restraint (or any other mechanical, chemical, and prone restraint) may only be used if the student's behavior presents an imminent danger of serious physical harm to the student or to others, other less restrictive measures have been tried and proven to be ineffective in stopping the imminent danger, there is no medical contraindication to its use on the student, and the staff members applying the technique have been trained in accordance with 23IAC 1.285(i).

Any room used for a time out or isolated time out must meet the following requirements:

1. Must not have a door with a lock,
2. The door must not be obstructed with anything that would prevent the door from opening,
3. The room must not be a confining space such as a closet or a box, and
4. The room must be a room in which the student is able to be continually observed.

Students in isolated time out must not be denied medication, the use of the restroom, and food or liquid at the time it is customarily served.

The school must make a reasonable attempt to notify the student's parent or guardian on the same day the physical restraint, time out, or isolated time out is applied. Within one business day after any use of physical restraint, time out, or isolated time out, the school district shall send the form to the student's parents or guardian. No later than two business days after any use of physical restraint, time out, or isolated time out, the school district shall submit information about the incident to the State Superintendent via the Student Information System.

A student's parent or guardian must be given the opportunity to have a meeting with school personnel to discuss any incident that occurs. The meeting must be held within two school days of the parent/guardian request. Only a parent or guardian can request to extend the meeting timeline. The meeting must include one staff member who was involved in the event and one staff member who was not involved in the event. At the meeting the parent/guardian must be given the opportunity to discuss the following:

1. The incident leading up to the physical restraint, isolated time out, or time out,
2. Actions taken by school personnel prior to putting the student in a physical restraint, isolated time out, or time out,
3. What occurred during the physical restraint, isolated time out, or time out,
4. Any actions that were taken after the physical restraint, isolated time out, or time out.

An entity may not exclude a student from school because the meeting has not taken place or the parent/guardian did not attend the meeting. If the parent/guardian does not meet with school staff, the following guidelines must be followed:

1. A summary of the meeting and any agreements or conclusions reached at the meeting must be documented in writing and become a part of the student's record. Copies of such documents must be provided to the parent/guardian even if they did not attend the meeting.
2. If a parent/guardian does not request a meeting within 10 days of being notified about the incident or if the parent/guardian fails to attend the meeting, the school must record that information and document it in the student's school record.

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 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, and 5/31-3.
105 ILCS 110/3.10, Critical Health Problems and Comprehensive Health Education Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.
410 ILCS 647/, Powdered Caffeine Control and Education Act.
430 ILCS 66/, Firearm Concealed Carry Act.
23 Ill.Admin.Code §§ 1.280, 1.285.

CROSS REF.:

2:150 (Committees), 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 7:70 (Attendance and Truancy), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:270 (Administering Medicines to Students), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:30 (Visitors to and Conduct on School Property)

ADOPTED:

August 17, 2022

Students

Administrative Procedure - Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students

State law requires a reciprocal reporting system between the School District and local law enforcement agencies regarding criminal offenses committed by students (105 ILCS 5/10-20.14). The Juvenile Court Act of 1987 and the School Code set requirements for the management and sharing of law enforcement records and other information about students if they have contact with local law enforcement. Implementation of reciprocal reporting procedures relies heavily on the District's parent-teacher advisory committee and Building Principals, in cooperation with local law enforcement agencies (105 ILCS 5/10-20.14). The parent-teacher advisory committee is a School Board committee and, thus, is subject to the Open Meetings Act (5 ILCS 120/1.02). Local implementation of reciprocal reporting procedures may be modified based upon the District's and local law enforcement's specific implementation needs.

Guidelines for Reports from the District to Local Law Enforcement

When sharing information, school officials should be aware of State and federal laws regarding *school student records* (Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99; Illinois School Student Records Act, 105 ILCS 10/). Information kept by law enforcement professionals working in a school is not considered a *school student record* (105 ILCS 10/2). Also, law enforcement records maintained by law enforcement agencies are not considered a *school student record* (105 ILCS 5/22-20, amended by P.A. 97-1104, eff. 1-1-2013). For more detailed information about *school student records* and its definition, see 7:340-AP1, *School Student Records*.

1. The Building Principal and/or the Police Department School Liaison Officer will arrange meetings as needed between school officials and individuals representing law enforcement to share information. While not required by State law, meetings may enhance a cooperative relationship between the school and local law enforcement agencies. The following people should be invited to these meetings: dean, building principal, guidance counselor, State's Attorney, juvenile probation officer, and police department school liaison officer.
2. The Building Principal and the Police Department School Liaison Officer will share information with the appropriate law enforcement agencies regarding the arrest of a student who is less than 17 years of age and is enrolled in the Building Principal's school when the arrest was for any offense listed in the Juvenile Court Act of 1987. 105 ILCS 5/10-20.14.
 - a. The reporter should identify the student by name and describe the circumstances of the alleged criminal activity. If the information is a *school student record*, local law enforcement officials must certify in writing that they will not disclose it to any other party except as provided by State law without the prior written consent of the student's parent/guardian. See administrative procedure 7:340-AP1, *School Student Records*, Section H. The *written certification requirement* is at 105 ILCS 10/6(6.5) and 20 U.S.C. §1232g(b)(1)(E)(ii)(II).
 - b. The report should be made as soon as possible after the Liaison Officer or Building Principal reasonably suspects that a student is involved in such activity.

- c. The Building Principal's duty to report such activity arises only when the activity occurs on school property or off school grounds at a school-related function.

Guidelines for Reporting from Local Law Enforcement to the District

The information shared with the District from law enforcement agencies and the confidentiality of shared law enforcement records are managed under 105 ILCS 5/22-20 and 705 ILCS 405/1-7, amended by P.A. 97-1104, eff. 1-1-2013. These laws require the Building Principal to maintain all information and records that the District receives from local law enforcement separate from a student's official *school student record*. Unless otherwise indicated, the information received from local law enforcement may only be used by school staff having a legitimate educational or safety interest in the information to support (1) the proper rehabilitation of the student, and/or (2) the protection and safety of students and employees in the school.

1. The State's Attorney shall provide to the Building Principal a copy of any delinquency dispositional order concerning any student regardless of age where the crime would be a felony if committed by an adult, or was a Class A misdemeanor in violation of Article 24-1, 24-3, 24-3.1, or 24.5 of the Criminal Code (weapon offenses). Access to this information is limited to only the Building Principal, the Superintendent, and any guidance counselor designated by either administrator. 705 ILCS 405/1-8(F).
2. Local law enforcement may disclose the identity of a victim of aggravated battery, battery, attempted first degree murder, or another non-sexual violent offense to appropriate school officials if the presiding judge of the juvenile court approves the disclosure to prevent foreseeable violence. 705 ILCS 405/5-905(2.5).
3. Local law enforcement may transmit records relating to a minor who is arrested or taken into custody before his or her 17th birthday only if law enforcement believes that there is imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds. 705 ILCS 405/1-7(A)(8) and 405/5-905(h), amended by P.A. 97-1104. For an example of relevancy and implementation of this type of law enforcement information in a school building, see 4:170-AP7, *Targeted School Violence Prevention Program*.
4. Local law enforcement agencies and all courts must report to the Building Principal the fact that a student enrolled in the building has been detained for proceedings under the Juvenile Court Act of 1987 or for any crime or violation of a municipal or county ordinance. 105 ILCS 5/22-20, amended by P.A. 97-1104.
5. Local law enforcement may allow the Building Principal or appropriate school official(s) to inspect and copy law enforcement records concerning a minor enrolled in the school who has been arrested or taken into custody for violating the following Ill. laws: Article 24 of the Criminal Code of 1961 (dangerous weapons); Ill. Controlled Substances Act; Cannabis Control Act; forcible felonies defined at Section 2-8 of the Criminal Code of 1961; Methamphetamine Control and Community Protection Act; Section 1-2 of the Harassing and Obscene Communications Act; Hazing Act; or Article 12 of the Criminal Code of 1961 (bodily harm); or Article 25 of the Criminal Code of 1961 (mob action and related offenses). 705 ILCS 405/1-7(A)(8)(A) and 405/5-905(h)(A), amended by P.A. 97-1104.
6. Local law enforcement shall provide a copy of all arrest records, and the State's Attorney shall provide a copy of all conviction records, to the Building Principal if the record involves a student who is arrested or taken into custody *after* his or her 17th birthday.
7. Local law enforcement may disclose only *oral information* about a minor who is the subject of a current police investigation that is directly related to school safety. 705 ILCS 405/5-905(h), amended

by P.A. 97-1104. For an example of relevancy and implementation of this type of law enforcement information in a school building, see 4:170-AP7, *Targeted School Violence Prevention Program*.

8. Local law enforcement and the State's Attorney may share or disclose information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders. 705 ILCS 405/1-8(G).

LEGAL REF.: 105 ILCS 5/10-20.14 and 5/22-20.
705 ILCS 405/1-7, 1-8(F), 1-8(G), and 5-905.

CROSS REF.: 2:150 (Committees), 4:170-AP7 (Targeted School Violence Prevention Program),
7:150 (Agency and Police Interviews), 7:340-AP1 (School Student Records)

Students

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

Suspension Procedures

In-School Suspension

The Superintendent or designee is authorized to maintain an in-school suspension program. The program shall include, at a minimum, each of the following:

1. Before assigning a student to in-school suspension, the charges will be explained and the student will be given an opportunity to respond to the charges.
2. Students are supervised by licensed school personnel.
3. Students are given the opportunity to complete classroom work during the in-school suspension for equivalent academic credit.

Out-of-School Suspension

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

1. A conference during which the charges will be explained and the student will be given an opportunity to respond to the charges before he or she may be suspended.
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. An attempted phone call to the student's parent(s)/guardian(s).
4. A written notice of the suspension to the parent(s)/guardian(s) and the student, which shall:
 - a. Provide notice to the parent(s)/guardian(s) of their child's right to a review of the suspension;
 - b. Include information about an opportunity to make up work missed during the suspension for equivalent academic credit;
 - c. Detail the specific act of gross disobedience or misconduct resulting in the decision to suspend;
 - d. Provide rationale or an explanation of how the chosen number of suspension days will address the threat or disruption posed by the student or his or her act of gross disobedience or misconduct; and
 - e. Depending upon the length of the out-of-school suspension, include the following applicable information:
 - i. For a suspension of 3 school days or less, an explanation that the student's continuing presence in school would either pose:
 - a) A threat to school safety, or
 - b) A disruption to other students' learning opportunities.
 - ii. For a suspension of 4 or more school days, an explanation:
 - a) That other appropriate and available behavioral and disciplinary interventions have been exhausted,
 - b) As to whether school officials attempted other interventions or determined that no other interventions were available for the student, and
 - c) That the student's continuing presence in school would either:

- i) Pose a threat to the safety of other students, staff, or members of the school community, or
 - ii) Substantially disrupt, impede, or interfere with the operation of the school.
 - d) documentation by the Superintendent or designee determining what, if any, appropriate and available support services will be provided to the student during the length of his or her suspension.
- 5. A summary of the notice, including the reason for the suspension and the suspension length, must be given to the Board by the Superintendent or designee.
- 6. 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. Whenever there is evidence that mental illness may be the cause for the suspension, the Superintendent or designee shall invite a representative from the Department of Human Services to consult with the Board. After presentation of the evidence or receipt of the hearing officer's report, the Board shall take such action as it finds appropriate. If the suspension is upheld, the Board's written suspension decision shall specifically detail items (a) and (e) in number 4, above.

LEGAL REF.: 105 ILCS 5/10-22.6.
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.: 5:100 (Staff Development), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:220 (Bus Conduct)

ADOPTED: June 20, 2016

Students

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

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 shall:
 - a. Include the time, date, and place for the hearing.
 - b. Briefly describe what will happen during the hearing.
 - c. Detail the specific act of gross disobedience or misconduct resulting in the decision to recommend expulsion.
 - d. List the student's prior suspension(s).
 - e. State 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.
 - f. Ask that the student or parent(s)/guardian(s) or attorney inform the Superintendent or Board Attorney if the student will be represented by an attorney and, if so, the attorney's name and contact information.
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 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. Whenever there is evidence that mental illness may be the cause for the recommended expulsion, the Superintendent or designee shall invite a representative from the Dept. of Human Services to consult with the Board.
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. School officials must provide: (1) testimony of any other interventions attempted and exhausted or of their determination that no other appropriate and available interventions were available for the student, and (2) evidence of the threat or disruption posed by the student. 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.
4. If the Board acts to expel the student, its written expulsion decision shall:
 - a. Detail the specific reason why removing the student from his or her learning environment is in the best interest of the school.
 - b. Provide a rationale for the specific duration of the recommended expulsion.
 - c. Document how school officials determined that all behavioral and disciplinary interventions have been exhausted by specifying which interventions were attempted or whether school

officials determined that no other appropriate and available interventions existed for the student.

- d. Document how the student's continuing presence in school would (1) pose a threat to the safety of other students, staff, or members of the school community, or (2) substantially disrupt, impede, or interfere with the operation of the school.

5. Upon expulsion, the District may refer the student to appropriate and available support services.

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

CROSS REF.: 5:100 (Staff Development); 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:200 (Suspension Procedures), 7:230 (Misconduct by Students with Disabilities)

ADOPTED: June 20, 2016

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)

ADOPTED: AUGUST 17, 2015

