

RESPONSE FORM

PRESS PLUS ISSUE 91, February 2016

Return to The Illinois Association of School Boards, **Attn:** Angie Powell, Policy Consultant

Email: pressplus@iasb.com or **Fax:** 217-528-2831

District Name: OREGON CUSD #220

Date of Adoption: _____

*If date of adoption is different for any of the policies listed below, please note.

Please read carefully and mark one column in each row. Policies not marked in any column will be held for future response.					
Policy Code	Policy Title	Adopted as presented by IASB	Adopted with additional edits (enclosed)	Policy/Option not adopted	Policy Held for Future Response
6:130	Program for the Gifted			X	
6:300	Graduation Requirements	X			
7:150	Agency and Police Interviews	X			
7:190	Student Behavior – <i>Renamed and Rewritten</i>	X			
	<i>Option 1:</i> Prohibit use or possession of cell phones, etc. unless authorized by the Building Principal			X	
	<i>Option 2:</i> Restrict all suspended students from school grounds and school activities; replace “may” with “shall”			X	
	<i>Option 3:</i> Restrict all expelled students from school grounds and school activities; replace “may” with “shall”			X	
7:200	Suspension Procedures – <i>Rewritten</i>	X			
7:210	Expulsion Procedures – <i>Rewritten</i>	X			
7:220	Bus Conduct	X			
7:240	Conduct Code for Participants in Extracurricular Activities	X			
7:305	Student Athlete Concussions and Head Injuries	X			

Other District Materials Enclosed	Yes	No
Changes to other district policies (show edits)		
Newly adopted district policies* (Microsoft Word copy sent via e-mail is required)		
New Collective Bargaining Agreement(s) (Electronic copy preferred)		

***Please note:** While we are happy to add to your policy manual any unique district policies provided by your district from whatever source, we are not able to provide suggested updates to those policies. Your district will be responsible for forwarding any necessary updates along with your response to PRESS Plus Issues. Because certain policy numbers are used for IASB sample policies, districts should use numbers ending in 2, 4, 6, or 8 for locally developed policies on topics not covered by IASB sample policies.

After the Board has taken action on the suggested policy changes, administrators should consult the Update Memo, included in the packet, for suggested changes to administrative procedures and forms accessible via PRESS Online.

CONTACT PERSON: _____

PHONE NUMBER: _____ EMAIL: _____

DRAFT UPDATE

Oregon Community Unit School District #220

6:130

Instruction

Program for the Gifted

The Superintendent or designee shall design an education program for gifted and talented students that is responsive to community needs and is within the budget parameters as set by the board.

Eligibility to participate in the gifted program shall not be conditioned upon race, religion, sex, disability, or any factor other than the student's identification as gifted or talented learner.

~~In order to allow~~The Board of Education ~~to will~~ monitor this policy program's performance by ~~meeting periodically with the Superintendent or designee shall report at least annually or to determine and/or review the indicators and data that evidence whether the status of the District's educational program for gifted program and talented learners is accomplishing its goals and objectives and is otherwise in compliance with this policy.~~

LEGAL REF.: 105 ILCS 5/14A-5 ~~et seq.~~,
23 Ill. Admin. Code Part 227.

ADOPTED: May 21, 2012

Comment [APowell1]: During its 5-year review, this optional policy was amended to provide a method for the board to monitor it.

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DRAFT UPDATE

Oregon Community Unit School District #220

6:300

Instruction

Graduation Requirements

To graduate from high school, unless otherwise exempted, each student is responsible for:

1. Completing all District graduation requirements that are in addition to the State requirements.
2. Completing all courses as provided in the School Code, 105 ILCS 5/27-22.
3. Completing all minimum requirements for graduation as specified by Illinois State Board of Education rule, 23 Ill.Admin.Code §1.440.
4. Passing an examination on patriotism and principles of representative government, proper use of the flag, methods of voting, and the Pledge of Allegiance.
5. Participating in State assessments that are required for graduation by the School Code, 105 ILCS 5/2-3.64a-5(c), unless the student is exempt.

The Superintendent or designee is responsible for:

1. Maintaining a description of all course offerings that comply with the above graduation requirements.
2. Notifying students and their parents/guardians of graduation requirements.
3. Developing the criteria for #4 above.
4. Complying with State law requirements for students who transfer during their senior year because their parent(s)/guardian(s) are on active military duty. This includes making reasonable adjustments to ensure graduation if possible, or efforts to ensure that the original (transferor) school district issues the student a diploma.
5. Taking all other actions needed or necessary to implement this policy.

Comment [AKL1]: The policy and Cross References are amended. Nonsubstantive edits are made to the policy. Students entering the 9th grade in the 2016-17 school year and each year thereafter must complete one semester of civics to graduate. 105 ILCS 5/27-22(c)(5), amended by P.A. 99-434 and P.A. 99-485, delayed the effective date of P.A. 99-434 until 7-1-2016.
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Early Graduation

The Superintendent or designee shall implement procedures for students to graduate early, provided they finish 7 semesters of high school and meet all graduation requirements.

Certificate of Completion

A student with a disability who has an Individualized Education Program prescribing special education, transition planning, transition services, or related services beyond the student's 4 years of high school, qualifies for a certificate of completion after the student has completed 4 years of high school. The student is encouraged to participate in the graduation ceremony of his or her high school graduation class. The Superintendent or designee shall provide timely written notice of this requirement to children with disabilities and their parents/guardians.

Veterans of World War II, the Korean Conflict, or the Vietnam Conflict

Upon application, an honorably discharged veteran of World War II, the Korean Conflict, or the Vietnam Conflict will be awarded a diploma, provided that he or she: (1) resided within an area currently within the District at the time he or she left high school, (2) left high school before graduating in order to serve in the U.S. Armed Forces, and (3) has not received a high school diploma.

DRAFT UPDATE

LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/22-27, 5/27-3, 5/27-22, 5/27-22.10, and 70/
23 Ill.Admin.Code §1.440.

CROSS REF.: 6:30 (Organization of Instruction), 6:310 (High School Credit for Non-District Experiences: Course Substitutions: Re-Entering Students), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

ADOPTED: February 25, 2015

DRAFT UPDATE

Oregon Community Unit School District #220

7:150

Students

Agency and Police Interviews

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

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

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

ADOPTED: May 21, 2012

Comment [AKL1]: The policy and Cross References are updated. The policy is updated in response to subscriber feedback to clarify that superintendents are responsible for developing procedures and implementing this policy. It was also reviewed in light of P.A. 99-456 (eff. 9-15-2016).
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This policy is **rewritten** in response to legislation (P.A. 99-456). Much of the previous policy language remains, but has been reordered. The extent of the updates made our usual PRESS Plus process for showing changes too cumbersome. A redlined version is available in the Committee Worksheets via PRESS Online.

Students

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

Student Behavior (formerly known as Student Discipline)

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 medical cannabis, marijuana, and hashish).
 - 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.

Comment [APowell1]: Once adopted, this policy should be placed in the board's policy manual and used by staff to come into compliance with P.A. 99-456. On the first attendance day of the 2016-2017 school year, this policy will replace the former version, which can be deleted from the policy manual at that time. See the Update Memo for more information.
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Comment [APowell2]: The policy title is changed to refocus the policy on student behavior and reduce its punitive tone. The parent-teacher advisory committee should meet to discuss the changes to this policy necessitated by P.A. 99-456 before the legislation's effective date of 9-15-2016.
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Comment [APowell3]: Goals and objectives are added to give the board a focus for monitoring the policy. This list can be deleted, replaced, or modified by the board.
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Comment [APowell4]: This subhead title was added and the section moved to this new location within the policy to clarify that the district will take disciplinary action only when a student engages in prohibited conduct under the conditions described in this section.
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Comment [APowell5]: New items are added to the list of prohibited student conduct to be thorough. Consult the Board attorney for advice on deleting or modifying any of the items in this section.
Issue 91, February 2016

d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited.

Comment [APowell6]: Contact the board attorney for advice concerning whether to accommodate a student who is a *registered qualifying patient*.
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e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.

f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form.

Comment [APowell7]: This is a catch-all provision concerning substances that may pose a health risk or disruption.
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g. "Look-alike" or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy.

Comment [APowell8]: The Powdered Caffeine Control and Education Act states: "No person may sell, offer for sale, give away, or provide free samples of powdered pure caffeine to any person under age 18 located within the State or to any person under age 18 making the purchase from within the State." A limited exception exists 410 ILCS 647/20, added by P.A. 99-50.
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h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances.

Comment [APowell9]: The prohibition concerning "look-alike" or counterfeit drugs is expanded to include any substance that a student believes to be, or represents to be, a substance prohibited by the policy, even if the substance is not prohibited. This edit will apply, for example, if a student represents a powdered vitamin to be pure caffeine – pure caffeine is prohibited on campus even though it is a legal substance.
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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.

Comment [APowell10]: Contact the board attorney for advice concerning whether to accommodate a student who is a *registered qualifying patient*.
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4. Using, possessing, controlling, or transferring a "weapon" as that term is defined in the Weapons section of this policy, or violating the Weapons section of this policy.

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

Comment [APowell11]: 105 ILCS 5/10-21.10 prohibits student possession of electronic paging devices, but State law leaves to local boards the discretion whether to prohibit student possession of cellular phones (105 ILCS 5/10-20.28).

6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.

OPTION 1:
To prohibit use or possession unless authorized by the Building Principal replace #5 with the following: Using or possessing a cellular telephone, electronic signaling device, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.
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7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.

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

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

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

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

Disciplinary Measures

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

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

Comment [APowell12]:

The practice of suspending or expelling a student based on the number of accumulated disciplinary infractions may be illegal under 105 ILCS 5/10-22.6, amended by P.A. 99-456, eff. 9-15-2016. This includes a system of assigning points to specific infractions and then tallying the points a student receives over a period of time to determine a disciplinary exclusion from school. Contact the board attorney before using such a system.
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Comment [APowell13]: 105 ILCS 5/10-22.6(b-5), amended by P.A. 99-456, eff. 9-15-2016. According to subsection c-5, "[s]chool districts must make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, and developmentally appropriate disciplinary methods that promote positive and healthy school climates." 105 ILCS 5/10-22.6(c-5), added by P.A. 99-456, eff. 9-15-2016.
Issue 91, February 2016

Comment [APowell14]: A new provision prohibits school personnel from advising or encouraging students to drop out voluntarily due to behavioral or academic difficulties. 105 ILCS 5/10-22.6(h), added by P.A. 99-456.
Issue 91, February 2016

Comment [APowell15]: The disciplinary measures have been re-ordered from least severe to most severe to be more reader-friendly. The disciplinary measures listed are a range of options that will not always be applicable in every case.
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Comment [APowell16]: Restitution is permitted, but assessing a fine is prohibited by (105 ILCS 5/10-22.6(i), added by P.A. 99-456, eff. 9-15-2016).
Issue 91, February 2016

Comment [APowell17]: The 5-day limit on in-school suspensions is removed to add flexibility to its use.
Issue 91, February 2016

Comment [APowell18]: Consult the board attorney for advice concerning confiscated devices. There is no binding ill. court decision regarding school personnel seizing and retaining a student's property. The Supreme Court of Arkansas held that a teacher and principal did not violate a student's state or federal rights when they confiscated and retained a student's cell phone for 2 weeks for violating school rules on cell phones. *Koch v. Adams*, 361 S.W.3d 817 (Ark. 2010).
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Comment [APowell19]: This sentence is optional.
OPTION 2: Restrict all suspended students from school grounds and school activities by replacing "may also be" with "shall also be."
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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.

School staff members shall not use isolated time out and physical restraints other than as permitted in Section 10-20.33 of the School Code, State Board of Education rules, and procedures developed by the Superintendent. Neither isolated time out nor physical restraints shall be used to discipline or punish a student.

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 2 calendar years:

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

The expulsion requirement under either paragraph 1 or 2 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.

Comment [APowell20]: This sentence is optional.

OPTION 3:

Restrict all expelled students from school grounds and school activities by replacing "may also be" with "shall also be."

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Comment [APowell21]: Contact the board attorney regarding the necessary due process procedures before imposing a disciplinary transfer to an alternative school. An Ill. appellate court stated incidentally in a decision, without establishing precedent, that placement in an alternative school is tantamount to an expulsion.

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Comment [APowell22]: The new legislation explicitly forbids zero tolerance policies. It provides, however, an exception for zero tolerance policies established by state or federal law. This includes zero tolerance laws for bringing weapons to school. See the Update Memo for more information.

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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.

Comment [APowell23]: Required by 105 ILCS 5/10-22.6(b-25), amended by P.A. 99-456, eff. 9-15-16. See 7-190-AP8, *Student Re-Engagement Guidelines*.
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Comment [APowell24]: A goal for re-engagement is optional.
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Comment [APowell25]: Schools must permit students who were suspended to make up work for equivalent academic credit (105 ILCS 5/10-22.6(b-30), amended by P.A. 99-456, eff. 9-15-2016).
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Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member. Upon receiving such a report, the Building Principal or designee shall immediately notify the local law enforcement agency, State Police, 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 10 consecutive school days, provided the appropriate procedures are followed. The Board may suspend a student from riding the bus in excess of 10 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 and Physical Restraint)

LEGAL REF.: Gun-Free Schools Act, 20 U.S.C. §7151 et seq.
Pro-Children Act of 1994, 20 U.S.C. §6081.
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.
410 ILCS 647/, Powdered Caffeine Control and Education Act.
430 ILCS 66/, Firearm Concealed Carry Act.
105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10,
5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/24-24, 5/26-12, 5/27-23.7, 5/31-3, and
110/3.10.
23 Ill.Admin.Code §1.280.

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

ADOPTED:

Students

Exhibit - Memorandum of Understanding

Memoranda of Understanding (MOUs) vary by community. This exhibit contains two sample MOUs in two subheads: **General Law Enforcement Memorandum of Understanding (MOU)** and **School Resource Officer (SRO) Memorandum of Understanding (MOU)**.¹ Depending upon the needs in the District, each MOU is designed to stand alone or be combined into one MOU.

Use these sample MOUs to develop the District's MOU with (1) assistance from the Board Attorney, (2) careful attention to the footnotes, which provide instructions, information, best practice considerations, and other resources, (3) alignment of their sample language to the District's or its individual school building's local conditions and student discipline needs, (4) careful attention to [INSERT] the requested information and fill boxes and blanks with the information indicated in the final MOU, (5) deletions of all sample language not used from the final MOU, (6) deletions of all footnotes from the final MOU.

General Law Enforcement Memorandum of Understanding (MOU)

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E. Identified Needs for Services to Maintain the Educational Environment	M. General Provisions
F. Annual Evaluation of MOU; Renewal; Termination	1. Scope of Agreement
G. Record Sharing	2. Amendment
H. Reciprocal Reporting of Criminal Offenses Committed by Students	3. Assignment
	4. Notices
	5. Governing Law
	6. Non-Waiver of Breach
	7. Severability
	8. Enforcement

A. Introduction

In consideration of the mutual promises, terms, and conditions set forth in the sections below, and for other good and valuable consideration, the receipt and sufficiency of which is hereby expressly acknowledged, ² this Memorandum of Understanding (MOU) is entered into by [INSERT District's name] (District) and [INSERT Local Law Enforcement Agency's name] (LLEA) on the [INSERT DATES ____ day of ____, 20__].

The District and LLEA agree that they may enter into and participate in joint programs and intergovernmental agreements with units of local government and other school districts to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance (Ill. Constitution, Art. VII, Sec. 10, 5 ILCS 220/1 *et seq.*, and Board Policy 1:20, *District Organization, Operations, and Cooperative Agreements*).

The footnotes should be removed before the material is used.

¹ Consult the Board Attorney about developing these sample MOU(s). Neither sample is meant to replace existing MOU(s) that the District may have with any Local Law Enforcement Agency (LLEA), but they may be helpful in reviewing any existing MOU(s). The District may have several **General MOU** agreements with multiple LLEAs. This MOU

² See fn 1, and specifically discuss posting this as a contract on the District's website pursuant to 105 ILCS 5/10-20.44.

Comment [APowell1]: The exhibit implements P.A. 99-456 (eff. 9-15-2016), which states that "school districts are encouraged to create memoranda of understanding with local law enforcement agencies that clearly define law enforcement's role in schools, in accordance with Section 10-22.6 of this [the School] Code."

It is meant to assist school districts in developing an MOU if they do not already have one, but it must be developed with the assistance of the board's attorney to align the sample MOU terms with local conditions. It is not meant to replace any existing MOUs, but it may be used to audit them for continuous improvement and align them with best practices. An editable Microsoft Word version may be accessed and downloaded via PRESS Online.

This exhibit is not included on the Issue 91 Response Form, however, once developed with the assistance of the board attorney, it may be added to the board policy manual by selecting "Newly adopted district policies" on the response form and submitting it electronically in Microsoft Word format.

Issue 91, February 2016

The District is organized and operates as follows: **3**

--

The LLEA is organized and operates as follows: **4**

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The District and LLEA further agree to the following sections:

B. Definitions/Acronyms 5

Memorandum of Understanding (MOU) - Defines a local law enforcement agency's role in schools and describes the respective duties of a school district and local law enforcement agencies (105 ILCS 5/10-20.14(b) amended by P.A. 99-456, eff. 9-15-2016, encourages school districts to create memoranda of understanding (MOU) with law enforcement agencies). Its purpose is to prevent confusion, decrease conflict, and promote school safety.

Leadership Team (Team) - A group of designated key staff members from each party. These individuals will be responsible for the implementation of the MOU. They will communicate directly with the each other about MOU issues.

Local Law Enforcement Agency (LLEA) - A police department or State's Attorney's Office within the District's boundaries.

Police Officer - A police officer employed by the LLEA but who is not specifically assigned to the District or any of its buildings.

School Resource Officer (SRO) - A police officer who is assigned to the District or any of its buildings through an intergovernmental agreement or a memorandum of understanding with the LLEA.

C. MOU Leadership Team (Team)

The following individuals are designated for the MOU Team as described in Section B, above.

District Staff: **6**

--

LLEA Staff: **7**

--

D. District Authority Over the Educational Environment 8

The District has identified the need for a partnership with LLEA. LLEA will partner with District school officials to manage disruptive student behavior and discipline issues. Collaboration between the District and LLEA and respect for the important role each party holds in connection with our community's youth

The footnotes should be removed before the material is used.

3 Use the Board's statement from policy 1:20, *District Organization, Operations, and Cooperative Agreements*. Delete this statement if the Board does not have a statement or does not want to include it in the MOU.

4 Delete this statement if the local law enforcement agency does not have or provide a statement.

5 Amend these definitions to align with the local community.

6 Individuals for the District may include principals, teachers, school-employed mental health professionals, instruction/curriculum professionals, and a staff member skilled in data collection analysis.

7 Individuals for the LLEA may include employees who have demonstrated interest and/or training in challenges specific to schools.

8 105 ILCS 5/10-20.14(b), amended by P.A. 99-456, eff. 9-15-16. See f/n 1. Defining parameters helps prevent school buildings from becoming unintended extensions of the LLEA. Discuss how the case law on this concept applies to the District and the MOU terms and insert any recommendations. See also the Ill. Council of School Attorneys' *Guidelines for Interview of Students*, which is available at:

www.iasb.com/law/ICSAGuidelinesforinterviewsofStudents2015.pdf.

are essential to the success of the mission of both parties. Where it is necessary for LLEA to be present on school property, its employees will conduct themselves according to accepted legal practices, always recognizing the responsibility and authority of the District's officials to manage the educational environment and work with them to minimize any impact its actions might have upon that environment.

Both parties recognize that disciplining students may often be better left for District officials to manage, especially in light of 105 ILCS 5/10-20.14(b), amended by P.A. 99-456, eff. 9-15-16. If a student in the District is recommended for prosecution in a court of law, the Team conferences about the most appropriate form of discipline for the student. Final discretion regarding whether to charge an individual with an ordinance, criminal, or traffic violation lies with the LLEA.

E. Identified Needs for Services to Maintain the Educational Environment ⁹

LLEA's activities shall align to the District's identified needs for creating and maintaining its educational environment. All services rendered by LLEA for the District shall seek to implement a partnership that creates effective and positive school student discipline that (a) functions in concert with efforts to address school safety and climate; (b) includes more than punitive measures, e.g., restorative discipline; (c) is clear, consistent, and equitable; and (d) reinforces positive behaviors.

1. The District's identified needs for services from LLEA are each of the following:

- a. When requested, assistance with conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the District for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search produces evidence that the student has violated or is violating either the law, local ordinance, or the District's policies or rules, such evidence may be seized by school authorities and turned over to law enforcement authorities, and disciplinary action may be taken. 105 ILCS 5/10-22.6 and 10-22.10a.
- b. Utilization by Building Principals of proper law enforcement agency resources when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol. 105 ILCS 5/10-21.4a.
- c. Cooperation with the parent-teacher advisory committee to develop policy guideline procedures that establish and maintain a reciprocal reporting system between the District applicable local law enforcement agencies regarding criminal offenses committed by students. 105 ILCS 5/10-20.14 and see Board Policy 2:150, *Committees*.
- d. Immediate required reporting to local law enforcement authorities by the superintendent of batteries committed against teachers, teacher personnel, administrative personnel or educational support personnel. 105 ILCS 5/10-21.7.
- e. Immediate required notification by the Building Principal or his or her designee to a local law enforcement agency upon receiving a report that any person has been observed in possession of a firearm on school grounds, other than a law enforcement official engaged in the conduct of his or her official duties. 105 ILCS 5/10-27.1A.
- f. Upon receipt of a report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property, immediate required notification by the Superintendent or designee to the local law enforcement authorities of all such firearm-related incidents occurring in a school or on school property. 105 ILCS 5/10-27.1A.
- g. Upon receipt of a report from any school personnel regarding a verified incident involving drugs in a school or on school owned or leased property, immediate required reporting by the Superintendent or designee to the local law enforcement authorities of all such drug-related incidents occurring in a school or on school property. 105 ILCS 5/10-27.1B.

The footnotes should be removed before the material is used.

⁹ This section lists communications and reports that are required or authorized by the School Code to be exchanged between the District and its LLEAs. Discuss local conditions within the District to determine other services that may be needed from the LLEA to maintain ideal educational environments. School climate surveys may also provide data to determine these needs.

- h. Implementation of other sections of the School Code that authorize the District to work with LLEA for the purposes of keeping schools safe and providing education or training.
- i. Based upon locally based District outcomes, the District has identified these additional needs: 10

- 2. The LLEA has identified partnership needs from the District, which include each of the following:
 - a. Sharing required reports to applicable Building Principals whenever a child enrolled in the District is detained for proceedings under the Juvenile Court Act of 1987 (705 ILCS 405/), or for any criminal offense or any violation of a municipal or county ordinance (105 ILCS 5/22-20). The report shall include the basis for detaining the child, circumstances surrounding the events that led to the child's detention, and status of proceedings. The report shall be updated as appropriate to notify the Building Principal of developments and the disposition of the matter. Building Principals shall keep this information separate from the official school record of the student and ensure that it does not become part of the official school record of the student. Such information shall not be a public record and will be used solely by the appropriate school official or officials that the Building Principal determines have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. 105 ILCS 5/22-20.
 - b. In accordance with administrative procedure 7:190-AP3, *Reciprocal Reporting of Criminal Offenses Committed by Students*, transmitting law enforcement records concerning a minor enrolled in any District school who has been arrested or taken into custody for certain offenses. 705 ILCS 405/1-7(A)(8)(A) and 5-905(1)(h)(A) and see *Section H., Reciprocal Reporting*, below.
 - c. Based upon locally-based LLEA outcomes, the LLEA has identified these additional needs:

F. Annual Evaluation of MOU; Renewal; Termination

The parties will periodically review the MOU for relevancy, monitor its terms for effectiveness, and consider whether any modifications are required. This review may align with the School Board's annual policy review and monitoring calendar. The MOU will remain in effect and automatically renew from year to year unless terminated. Any party may terminate its participation in this MOU upon thirty (30) days prior written notice to the other(s).

G. Record Sharing 11

Both parties recognize the privacy protections of federal and State law in the disclosure of student records. When sharing information, State and federal laws regarding *school student records* apply. See the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99 and the Illinois School Student Records Act, 105 ILCS 10/; 23Ill.Admin.Code Part 375. The applicable federal and/or State law shall control, and the District may refuse disclosure requests by LLEA without a warrant or subpoena/court order. The SRO and LLEA's officers shall at all times recognize and comply with the confidentiality of student and education records and may only seek such records in accordance with the requirements of the District's Policy 7:340, *Student Records*.

The footnotes should be removed before the material is used.

10 Use school climate surveys and other information to identify additional needs from the LLEA, which may include, but not be limited to requiring the LLEA to:

- Cooperate with building principals and staff to coordinate and develop delinquency prevention programs, anti-crime programs and/or school emergency plans or other safety-related plans, and
- Explain the LLEA's role in society.

For more discussion about identifying and developing additional needs, see the discussion in f/n 27.

11 For Sections G – L, see f/n 1 and ensure that the language for these sections aligns to local conditions. These sections may duly apply to an SRO-specific agreement. See f/n 25 for instructions to add them to the sample *School Resource Officer (SRO) MOU* below.

School student records may only be released to the LLEA by the Building Principal. Information kept by law enforcement professionals working in a school is not considered a *school student record*. See 105 ILCS 10/2. Information derived from reports of law enforcement to principals regarding students detained for proceedings are not considered a *school student record*. 105 ILCS 5/22-20. The *school student records* definition and 7:340-API, *School Student Records* are incorporated into this agreement.

Within its standard operating procedures, the LLEA will include training for its officers about these laws, along with information about how to access the District's policies and procedures for school student records. For general guidance both parties will refer to *Answers to FAQs Responding to a Subpoena* (Illinois Council of School Attorneys, Revised January 2015) at: www.iasb.com/law/ICSAFAQRespondingtoSubpoena2015.pdf.

H. Reciprocal Reporting of Criminal Offenses Committed by Students 12

As outlined in Section E.2.b., above, the District and LLEA's officers shall at all times recognize and comply with (a) the School Code requirements for a reciprocal reporting system regarding criminal offenses committed by students (105 ILCS 5/10-20.14), and (b) the Juvenile Court Act of 1987 and the School Code's requirements for the management and sharing of law enforcement records and other information about students who have contact with LLEA.

The District's administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students* is incorporated into this MOU.

Nothing in this MOU is intended to impose upon any party a duty to report information to any other party that is not otherwise required by law. This MOU shall not be interpreted as making an obligation of a party mandatory that is otherwise discretionary under the law or vice versa. No party to this MOU waives any defenses or immunities it otherwise has under the law, including without limitation any immunities under the Sections 2-204 or 2-205 of the Local Governmental and Governmental Employees Tort Immunity Act or the State Employee Indemnification Act, 5 ILCS 350/1.

I. Live Feeds

The District will provide access to its live feeds to one or more of its buildings in the event of a health or safety emergency. Access is strictly to allow LLEA tactical forces to become familiar with current conditions that underlie the health or safety emergency in the District's building(s). 13

J. Cell Phone/Electronic Device Searches 14

The established procedures between the parties for searching cell phones/electronic devices must be followed. Both parties agree that cell phone/electronic device searches involve Fourth Amendment search and seizure issues and the federal Stored Communication Act (SCA) (18 U.S.C. §2701) issues. Generally

The footnotes should be removed before the material is used.

12 *Id.* Replace this section with a reference to any existing reciprocal reporting agreements already in place.

Important: exiting reciprocal reporting agreement(s) may be a part of a larger countywide agreement(s).

13 *Id.* Considerations to discuss with the Board Attorney for this section may include, but are not limited to:

1. Which parties have authority to activate a live feed?
2. If police are given authority to activate, what is the standard for activation? Is it upon request of the Superintendent or an emergency 911 call reporting a crime in progress at the school?
3. How and when is the live feed tested?
4. When and what are the requirements for testing the live feed?
5. Will the Superintendent have the right to review the activation logs to ensure that the live feed is/was being activated in accordance with the MOU terms?

14 *Id.* See the following publications to develop more detailed researched-based local procedures for this section:

Searching and Seizing Computers and Obtaining Electronic Evidence Manual (Sept. 2009), Chapter 3, The Stored Communication Act, available at:

<https://www.justice.gov/sites/default/files/criminal-ccips/legacy/2015/01/14/ssmanual2009.pdf>

Orin S. Kerr, *A User's Guide to the Stored Communications Act, and a Legislator's Guide to Amending It*, George Washington Law Review (Aug. 2004), available at:

courses.ischool.berkeley.edu/i205/s10/readings/week10/kerr-storedcomm.pdf

asking for permission, calling the parents to come and search the phone, or getting a warrant solves this issue. Investigations of sexting allegations shall follow administrative procedure, 7:190-AP6, *Guidelines for Investigating Sexting Allegations*, which is incorporated into this agreement.

K. Agency and Police Interviews

Board Policy 7:150, *Agency and Police Interviews* and administrative procedure 7:150-AP, *Agency and Police Interviews* are incorporated into this MOU and must be followed at all times.

Within its standard operating procedures, LLEA will include training for its officers about this policy and procedure, along with information about how to access the District's policies and procedures. **15**

L. Body-Worn Cameras (BWCs)

All parties agree that any use of BWCs by officers must be subject to and in compliance with federal, state, and local regulations regarding the use and operation of them. The LLEA shall use its best efforts to notify the District at least two weeks before its officers assigned to the District are to begin use of BWCs, and it will provide written information and training to the Building Principals and assistant principals of the schools in which the officers may enter. Training shall include the objectives and procedures for the use of BWCs in public and in schools. Every officer equipped with a BWC shall be trained in the operation of the equipment prior to its use. To maximize the effectiveness of the BWC and the integrity of the video documentation, officers shall adhere to the objectives and procedures outlined in this MOU and the LLEA's General Operations Orders or similar policies when they utilize BWCs. LLEA may, if not otherwise prohibited by law, provide to the District copies of any such filming of students, parents, employees, or others upon school property, upon request for such copies by the District, as a law enforcement record. In the event that the LLEA receives advice that providing a copy of such videos is prohibited, the LLEA agrees to utilize its best efforts to facilitate the availability of its officer(s) that made the video to testify, upon request by the District, in any school disciplinary hearing concerning his/her/their knowledge of the facts and circumstances of the videoed incident. Any such film or video taken by, and kept in the possession of LLEA's officers may be considered *law enforcement records* under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. sec. 1232g and 34 C.F.R. Sec. 99.8 and Ill. School Student Records Act (ISSRA), 105 ILCS 10/2(d). Any copy of such film or video, if permitted by law to be provided to the District, may become an *educational record* of the District. The LLEA's officers shall at all times recognize and comply with the confidentiality of student and education records and may only seek such records in accordance with the requirements of Board Policy 7:340, *Student Records*, which is incorporated into the terms of this MOU.

M. General Provisions 16 17

1. Scope of Agreement

Nothing in this MOU is intended to impose upon any party a duty to report information to any other party that is not otherwise required by law. This MOU shall not be interpreted as making an obligation of a party mandatory that is otherwise discretionary under the law or vice versa. No party to this MOU waives any defenses or immunities it otherwise has under the law, including without limitation any immunities under Sections 2-204 and/or 2-205 of the Local Governmental and Governmental Employees Tort Immunity Act or the State Employee Indemnification Act. 5 ILCS 350/1.

The footnotes should be removed before the material is used.

15 The following optional sentence may be added: "For general guidance, both parties will refer to Ill. Council of School Attorneys' *Guidelines for Interview of Students*, which is available at: www.iasb.com/law/ILCSAGuidelinesforInterviewofStudents2015.pdf."

16 If the District uses the same LLEA for school resource officer (SRO) services, and it wants its SRO MOU(s) referenced in this General MOU:

1. Change section **M. General Provisions** to: **N. General Provisions**, and
2. Insert the following:

M. School Resource Officer (SRO) Terms

The District's School Resource Officer (SRO) MOU dated [INSERT DATES ____ day of ____, 20__] is incorporated into this agreement.

17 This section **M. General Provisions** includes general best practice terms for intergovernmental agreements. **Note:** If the optional section discussed in f/n 16 was added, this becomes section N.

2. Amendment

No change or modification of this MOU shall be valid unless it is in writing and is signed by all parties.

3. Assignment

No party to this MOU may assign it or its rights or obligations.

4. Notices

All notices required pursuant to this MOU shall be in writing and sent by U.S. certified mail, postage prepaid, return receipt requested or by overnight express delivery to the address of the party set forth below or as otherwise directed in writing by such party or as provided under applicable state law. Notice is deemed given three (3) days after being deposited in the U.S. Mail for certified mail delivery or one (1) day after being deposited with an overnight express delivery courier for delivery to the correct address.

5. Governing Law

This MOU shall be construed in accordance with and pursuant to the laws of the State of Illinois.

6. Non-Waiver of Breach

The failure of any party to insist upon strict performance of any of the terms or conditions of this MOU shall not be construed to be a waiver of such term or condition or any subsequent breach of it.

7. Severability

The invalidity or unenforceability of any particular provision of this MOU shall not affect the other provisions of it, and it shall be construed in all respects as if such invalid or unenforceable provision were omitted.

8. Enforcement

No party to this MOU shall be liable for any negligent or wrongful acts, either by omission or commission, chargeable to the other party. This MOU shall not be construed to create a duty owed by any party to any third party. The District and LLEA agree that the exclusive claims or remedies for breach of this MOU are limited to an action for specific performance or mandamus action or termination of the MOU. Each party waives any and all other claims and remedies, direct or indirect, by way of subrogation or otherwise, that it may have against the other party arising out of the performance or non-performance of any provision of this MOU.

Board President

Date

Authorized Signatory for LLEA

Date

School Resource Officer (SRO) Memorandum of Understanding (MOU) 18

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D. District Authority over the Educational Environment	
E. Funding; Payment for SROs; Chain of Command; Extra Duties/Projects	

A. Introduction

[INSERT Section A from General MOU here.]

B. Definitions/Acronyms

[INSERT Section B from General MOU here.]

C. MOU Leadership Team

[INSERT Section C from General MOU here.]

D. District Authority Over the Educational Environment

[INSERT Section D from General MOU, above. End Section D with this sentence: "The LLEA recognizes that assigning SROs to District buildings is not a substitute for effective student discipline policies."]

E. Funding; Payment for SROs; Chain of Command 19

1. **Funding.** Members of the Leadership Team (Team) will negotiate the terms for funding including any grant funding that is available. Any terms tied to grant funding, such as data collection include: 20

2. **Payment for SROs.** The Team has agreed that the District shall compensate LLEA for the SROs in 10 equal installments commencing on August 15th of each fiscal year in the following amounts:

3. **Chain of Command.** The Team shall develop a local, District-specific chain of command for the placement of SROs in school buildings. Each District administrator responsible for supervising and evaluating the SRO in his/her/their assigned building(s) shall be included in an individual SRO's District-specific chain of command. 21

F. Ongoing Training of SROs 22

Both parties agree that training is critical to the success of this partnership. The LLEA's assigned SROs (as defined in Section H below) will receive minimum in-service training and certification requirements as would normally apply to all other certified officers of LLEA through LLEA and/or local State's attorney

The footnotes should be removed before the material is used.

18 See f/n 1. This section does not replace any existing SRO MOU agreements that the District may have. SRO terms must always be specifically aligned with the buildings in which the SROs will be assigned; therefore, SRO MOU agreements generally work best as a stand-alone agreement.

19 See f/ns 1 & 2.

20 Delete this language if grant funding does not apply.

21 The District may have several SRO District chains of command based upon local conditions.

22 See f/n 1. Ongoing training is a best practice that SRO MOUs should address for both parties. Modify the language to match the District's practices.

offices. In addition, an ongoing District training calendar shall be developed for assigned SROs and District officials.

Trainings will consist of updates from the District's School Board Attorney on current laws and difficult issues such as search and seizure, questioning, and requests for student records. In addition, trainings will delineate legal authority for when assigned SROs will be acting at the direction of a District official (reasonableness) or at the direction of LLEA (probable cause).

Other LLEA employees that are not SROs but have frequent contact with District buildings will be encouraged to attend any of these trainings.

All trainings, when possible, must occur during school breaks or at times that would least impact the District and should include: (1) emerging education issues, (2) state law training requirements, (3) mental health awareness training, (4) restorative justice (if applicable), and (5) record sharing.

G. SRO Selection Process; Qualifications 23

1. **Selection Process.** The Team shall develop formal screening criteria based upon the following *Office of Community Oriented Policing Services (COPS)* characteristics: (1) likes kids – wants to, and is able to, work with kids; (2) has the right demeanor and people skills, including being calm, patient, approachable, and “able to put up gracefully with guff from kids;” (3) has experience as a patrol officer or road deputy; (4) has above-average integrity; (5) demonstrated willingness to work hard, be dependable and on time, be self-directed, and has the ability to teach. Other formal screening criteria shall include:

In addition, the Team shall designate the appropriate school officials in buildings to be assigned an SRO to provide input to LLEA on SRO applicants for open SRO positions, such as reviewing applications and memoranda of interest provided by candidates, sitting in on interviews of candidates and/or rating of applicants.

2. **SRO Qualifications.** The SRO must possess, at minimum, 48 hours of National Association of School Resource Officer (NASRO) training, along with the following other qualifications:

H. SRO Employer; Assignments; Mentoring & Outreach; Supervision; Performance Evaluations; Conflict Resolution; Termination/Replacement; Extra Duties/Projects 24 25 26

1. **Employer.** SROs are employed by LLEA. The District does not employ any SROs that are assigned in any of its buildings. The District is not considered a joint employer of SROs for purposes of the Fair

The footnotes should be removed before the material is used.

²³ See f/n 1. Restated from U.S. Department of Justice's *Office of Community Oriented Policing Service (COPS) publication, A Guide to Developing, Maintaining, and Succeeding with Your School Resource Officer (SRO) Program*, written by Peter Finn, Meg Townsend, Michal Shively, and Tom Rich, and available at: http://www.popcenter.org/Responses/school_police/PDFs/Finn_et_al_2005.pdf

²⁴ *Id.* and see f/n 1. Replace this section with any existing intergovernmental agreement(s) or MOU(s) terms. Questions to answer while memorializing assignments in the MOU include:

- Will the SRO be a full-time or part-time assignment? A full-time SRO contract usually requires the SRO to be present during the times that students are on campus and would follow the District's calendar. A part-time SRO contract would generally require the SRO to be present during certain hours of the school day when students are on campus.
- Will the District have an SRO at each school within the District?
- Will the SROs only be assigned to high schools?

²⁵ See f/n 1 & 11. If the District wants sections G – L from the **General MOU** in its SRO MOU, add them here and adjust the alphanumeric lettering.

Do not use this option or the f/n 26 option below if the District uses the same LLEA for SRO services (see f/n 16).

²⁶ *Id.* If the District wants section **M. General Provisions** (see f/n 17) from the **General MOU**, insert it here and adjust the alphanumeric numbering.

Labor Standards Act (FLSA). The SRO remains covered by the LLEA's insurance and continues to enjoy the immunities specific to his or her employment with LLEA. Section D, *District Authority Over the Educational Environment*, above shall apply to the District's specific responsibilities for supervision and performance evaluations of assigned SROs while in District school buildings as their duties pertain to fulfilling the identified needs and goals of a District building.

2. **Assignments.** For purposes of this section, SRO means a sworn police officer of LLEA who has been assigned to a District building pursuant to this MOU. SROs shall be assigned to District buildings by the LLEA with input from the MOU Leadership Team. Staffing issues at LLEA may take precedence to the assignment of an SRO to the District.

- a. **SRO Work Hours, Uniform, and Visibility on Campus.** The SRO shall remain on school grounds during normal school hours, except when necessary to attend a law enforcement emergency, to attend any meetings or trainings described in this MOU, or on limited occasions to attend to official law enforcement business off campus. With the exception of emergency situations out of the SRO's control, the SRO shall give the SRO Supervisor and Building Principal(s) reasonable advanced notice of any times when the SRO is not expected to be on campus during normal school hours, and LLEA may provide a replacement SRO to the extent possible.

The SRO shall wear the official law enforcement uniform or other apparel issued by the LLEA at all times while serving on District property. The SRO shall make best efforts to maintain high visibility at all times when practical and safe to do so, especially in areas where incidents of crime or violence are most likely to occur.

The SRO shall, whenever possible and in accordance with guidance from the Building Principal or designee, participate in or attend school functions during the SRO's regular duty hours in order to assure the peaceful operation of school-related programs.

- b. **Student Search Assistance.** When requested, assistance with conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the District for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search produces evidence that the student has violated or is violating the law, local ordinance, or the District's policies or rules, such evidence may be seized by school authorities and/or turned over to law enforcement authorities, and disciplinary action may be taken. 105 ILCS 5/10-22.6 and 10-22.10a.
- c. **Administrative Hearings.** Contingent upon pre-approval by the LLEA, the SROs will attend suspension review and/or expulsion hearings upon the request of school officials or the Superintendent. The SRO will be prepared to provide testimony on any actions that were taken by the SRO and any personally observed conduct witnessed by the SRO.

- d. **Goal Setting for Services in District. 27**

3. **Mentoring & Outreach.** The SRO shall conduct himself or herself as a role model at all times and in all facets of the job; shall seek to establish a strong rapport with staff, faculty, students, parents and

The footnotes should be removed before the material is used.

- 27 These may be identical to the **General MOU** terms in f/n 10. List whether the SRO will additionally:

- Assume any instructional responsibilities for short-term programs
- Provide individual mentoring to students, and become familiar with local youth-related service providers

Other questions to answer include whether the District wants a "law enforcement/safety officer," a problem solver and liaison to community resources, or both? Defining these roles helps to establish a successful relationship.

The following publication, *U.S. Departments of Education and Justice Release School Discipline Guidance Package to Enhance School Climate and Improve School Discipline Policies/Practices*, may be helpful for the District to identify and develop specific needs, goals and/or services from its LLEA. It is available at: www.ed.gov/news/press-releases/us-departments-education-and-justice-release-school-discipline-guidance-package-enhance-school-climate-and-improve-school-discipline-policiespractices.

other members of the school community; and shall encourage students to develop positive attitudes toward the school, education, law enforcement officers, and good citizenship in general.

4. **Supervision.** With input from the LLEA and/or the MOU Team, the District will assign school officials to supervise SROs in District buildings based upon the individual SRO's needs, School Board policies, available local resources, specific school building needs, and geographical realities. Both parties expect excellence from SROs and commit to frequent communication between supervising school officials and the SROs assigned to their buildings. The SRO and his or her supervising District official shall meet both formally and informally on a regular basis to discuss issues, duties, and responsibilities.
5. **Performance Evaluations.** An instrument for SRO performance evaluations in the school setting shall be agreed upon by the assigned SRO and the District's official supervising the SRO. Both parties recognize that a performance evaluation instrument for an SRO should incorporate data results from the District's school climate assessments, if available.
6. **Conflict Resolution.** If the District's expectation of excellence is not being met by an SRO, the supervising District official will report unresolved concerns to the SRO's direct law enforcement supervisor at LLEA sooner rather than later. Addressing issues promptly helps increase understanding and minimize potential negative impact on the school environment. If that method of communication does not solve the conflict, the Team has agreed to the following formal conflict resolution process between the District and LLEA:

7. **Termination/Replacement of SROs.** When paragraph 6, *Conflict Resolution*, above, has not been successful, the District may request that the SRO be removed from his or her assignment and replaced with another SRO from LLEA. If a replacement is not immediately available, the District reserves the right to terminate the SRO's assignment in a specific building until a replacement is available.
8. **Extra Duties/Projects.** The Team has negotiated the below terms for special projects and/or extra duties:

Board President

Date

Authorized Signatory for LLEA

Date

Incorporated
by reference:

1:20 (District Organization, Operations, and Cooperative Agreements), 2:150 (Committees), 7:150-AP (Agency and Police Interviews), 7:190 (Student Behavior), 7:190-AP3 (Use of Isolated Time Out and Physical Restraint), 7:190-AP6 (Guidelines for Investigating Sexting Allegations), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:340 (Student Records), 7:340-AP1 (School Student Records)

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

This policy is **rewritten** in response to legislation (P.A. 99-456). The footnotes are included to explain the details of the Act, but will be removed when the board adopts the policy.

February 2016

7:200

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 ¹

In-School Suspension ²

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: ³

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

Comment [AKL1]: Two new subheads are added: **In-School Suspension** and **Out-of-School Suspension**. In-school suspensions are not covered by statute and implementation of that subhead will require assistance of the board attorney to align the policy with the district's practices. Out-of-school suspensions are now governed by P.A. 99-456 (eff. 9-15-2016).
Issue 91, February 2016

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

¹ State law requires districts to have a policy on student discipline (105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280). State or federal law controls this policy's content. For information about administering student discipline, see the U.S. Dept. of Education's and the U.S. Dept. of Justice's 2014 jointly released school discipline package, *Guiding Principles*, at: www2.ed.gov/policy/gen/guid/school-discipline/faq.pdf.

Boards may authorize *by policy* the superintendent, building principal, assistant building principal, or dean of students to suspend students guilty of gross disobedience or misconduct from school, including all school functions (105 ILCS 5/10-22.6(b)). See 7:190, *Student Discipline*, for such an authorization.

² In-school suspensions are not covered by statute. Contact the board attorney for advice concerning amending this section.

³ Suspension procedures are required by State law (105 ILCS 5/10-22.6). The right to attend school is a property right protected by the due process clause of the U.S. Constitution. *Goss v. Lopez*, 95 S.Ct. 729 (1975). Imposing a short deprivation of this property right by suspending a student for 10 or fewer days requires only minimal due process. The student must be generally informed of the reasons for the possible suspension, and be permitted to tell his/her version of the story. Making a decision to suspend before the hearing violates the basic due process requirement that the hearing be meaningful. *Sieck v. Oak Park-River Forest High School*, 807 F.Supp. 73 (N.D. Ill., E.D., 1992).

105 ILCS 5/10-22.6(b) allows a student who is suspended in excess of 20 school days to be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of the School Code. A student cannot be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

Consult the board attorney for assistance if a suspension will exceed 10 consecutive school days. Subsection 10-22.6(b) uses the phrase "is suspended in excess of 20 school days" even though a 20-consecutive day suspension should be treated as an expulsion. *Goss v. Lopez*, 95 S.Ct. 729 (1975). For further discussion, see f/n 40 in policy 7:190, *Student Behavior*.

7:200

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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;⁵
 - 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,⁶ and

Comment [AKL2]: The most significant edits required by P.A. 99-456 (eff. 9-15-2016) were made to these notice provisions. These changes also correspond with 7:200-E1, *Short Term Out-of-School Suspension (1-3 Days) Reporting Form* and 7:200-E2, *Long Term Out-of-School Suspension (4-10 Days) Reporting Form*. Please access these documents using the district's PRESS Online service, and refer to the Update Memo for more detailed information concerning the difference between short-term and long-term suspensions.
Issue 91, February 2016

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

⁴ 105 ILCS 5/10-22.6, amended by P.A. 99-456, eff. 9-15-2016.

Consult the board attorney (1) about the specific documentation required in this portion of the notice, and (2) to ensure that 7:200-E1, *Short Term Out-of-School Suspension (1-3 Days) Reporting Form* and 7:200-E2, *Long Term Out-of-School Suspension (4-10 Days) Reporting Form* reflect the exact practices that the district will use to implement this requirement.

⁵ Required by 105 ILCS 5/10-22.6(b-30).

⁶ 105 ILCS 5/10-22.6(b-15), amended by P.A. 99-456, eff. 9-15-2016 explains that "threat to school safety or a disruption to other students' learning opportunities" shall be determined by the school board or its designee on a case-by-case basis. **Consult the board attorney for specific advice regarding the application of these statutory terms in this context (see f/n 8, below).**

⁷ 105 ILCS 5/10-22.6(b-20), amended by P.A. 99-456, eff. 9-15-2016. School officials are granted the sole authority to determine on a case-by-case basis: (1) whether "appropriate and available behavioral and disciplinary interventions have been exhausted," and (2) whether "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." Consult the board attorney to request specific training for school officials to apply these statutory terms in this context (see f/n 5 above).

- 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.
- iii. For a suspension of 5 or more school days, the information listed in section 4.c.ii., above, along with 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. ⁹
- 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. ¹⁰ 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. ¹¹ 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 (c) in number 4, above. ¹²

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)

Please compare this version with the district's current version of policy 7:200. Custom language from the current version may be added; however, before adding custom language that may alter any of the items in these lists, confer with the board attorney.

⁸ While school officials have discretion to determine the length of suspensions, they must resolve threats, address disruptions, and minimize the length of student exclusions to the greatest extent practicable (105 ILCS 5/10-22.6(b-20), amended by P.A. 99-456, eff. 9-15-2016). **Consult the board attorney about the practical implementation of documenting other appropriate and available interventions for the student.**

Last, the law also requires school districts to make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, and developmentally appropriate disciplinary methods that promote positive and healthy school climates (105 ILCS 5/10-22.6(c-5), amended by P.A. 99-456, eff. 9-15-2016).

⁹ 105 ILCS 5/10-22.6(b-25), amended by P.A. 99-456, eff. 9-15-2016.

¹⁰ A board may hear student disciplinary cases in a meeting closed to the public (5 ILCS 120/2(c)(9)).

¹¹ 105 ILCS 5/10-22.6(c).

¹² 105 ILCS 5/10-22.6(b), amended by P.A. 99-456, eff. 9-15-2016.

This policy is **rewritten** in response to legislation (P.A. 99-456). The footnotes are included to explain the details of the Act, but they will be removed when the board adopts the policy.

February 2016

7:210

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 ¹

The Superintendent or designee shall implement expulsion procedures that provide, at a minimum, for the following: ²

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. ³ The request shall: ⁴
 - 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 Board of Education 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. ⁵ 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

Comment [APowell1]: A sample notice (7:210-E1, *Notice of Expulsion Hearing*) is available using the district's PRESS Online service. Refer to the Update Memo for more detailed information concerning these requirements.

Issue 91, February 2016

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

¹ State or federal law requires districts to have a policy on student discipline (105 ILCS 5/10-20.14; 23 Ill. Admin. Code §1.280). State or federal law controls this policy's content. The discipline of special education students must comply with the Individuals With Disabilities Education Improvement Act of 2004 and the Illinois State Board of Education's Special Education rules. See 7:230, *Misconduct by Students with Disabilities*.

² Expulsion procedures are required by State law (105 ILCS 5/10-22.6(a)). The right to attend school is a property right protected by the due process clause of the U.S. Constitution. *Goss v. Lopez*, 95 S.Ct. 729 (1975). Thus, an expulsion of more than 10 days requires due process including, but not limited to, notice of the charges, an opportunity to hear the evidence in support of the charges, an opportunity to refute them, and a decision by an impartial decision maker based on the evidence presented. The adequacy of an expulsion hearing is frequently challenged; the board attorney should be consulted as every due process analysis will be highly fact specific. See *fn 9, infra*.

³ 105 ILCS 5/10-22.6(a). Whenever the term "registered mail" is used in the School Code, it shall be deemed to authorize the use of either registered mail or certified mail, return receipt requested (105 ILCS 5/1-3.5).

⁴ *Id.* Items a and b address due process, which includes the right to receive a notice with enough detail and with enough time to prepare a defense. Item c details the requirements pertaining to expulsions throughout 105 ILCS 5/10-22.6, amended by P.A. 99-456, eff. 9-15-2016. Items d through f are optional best practice inclusions. **Consult the board attorney about the specific documentation required in this portion of the notice to ensure the district's practice matches the policy language.**

⁵ A board may hear student disciplinary cases in a meeting closed to the public (5 ILCS 120/2(c)(9)).

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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. ⁶

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. ⁷ 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: ⁸
 - a. Detail the specific reason why removing the student from his or her learning environment is in the best interest of the school. ⁹
 - b. Provide a rationale for the specific duration of the recommended expulsion. ¹⁰
 - 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. ¹¹
 - 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. ¹²

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

⁶ 105 ILCS 5/10-22.6(c).

⁷ A student's opportunity to offer evidence, present witnesses, cross-examine witnesses, and otherwise present reasons why the student should not be expelled generally outweighs a district's interest in not providing the student these opportunities. See, Camlin v. Beecher Comm. Sch. Dist., 791 N.E.2d 127 (Ill.App. 3d Dist. 2003) and Colquitt v. Rich Twp H. S. Dist., 699 N.E.2d 1109 (Ill.App. 1st Dist. 1998). Determining whether denying these opportunities would violate a student's right to due process requires a careful analysis of the facts and federal case law. See Brown v. Plainfield Dist., 500 F. Supp.2d 996 (N.D. Ill. 2007) and Coronado v. Valleyview Sch. Dist., 2008 WL 3316022 (7th Cir. 2008).

⁸ Consult the board attorney to request specific training for school officials to apply these statutory terms in the context of expulsions. See 7:210-E1, *Notice of Expulsion Hearing*. The law gives school officials discretion while also requiring them to resolve threats, address disruptions, and minimize the length of student exclusions to the greatest extent practicable (105 ILCS 5/10-22.6(b-20), amended by P.A. 99-456, eff. 9-15-2016). Yet, the law also requires school districts to make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resources offices, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, and developmentally appropriate disciplinary methods that promote positive and healthy school climates (105 ILCS 5/10-22.6(c-5), amended by P.A. 99-456, eff. 9-15-2016).

⁹ 105 ILCS 5/10-22.6(a).

¹⁰ *Id.*

¹¹ 105 ILCS 5/10-22.6(b-20), amended by P.A. 99-456, eff. 9-15-2016 requires and grants school officials the sole authority to determine on a case-by-case basis: (1) whether "appropriate and available behavioral and disciplinary interventions have been exhausted," and (2) whether "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."

¹² *Id.*

5. Upon expulsion, the District may refer the student to appropriate and available support services. ¹³

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)

Please compare this version with the district's current version of policy 7:210. Custom language from the current version may be added; however, before adding custom language that may alter any of the items in these lists, confer with the board attorney.

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

¹³ 105 ILCS 5/10-22.6(b-25). **Consult the board attorney about transfers to an alternative program pursuant to Article 13A of the School Code.** See Leak v. Board of Education of Rich Township High School District 227, 2015 IL App (1st) 143202, requiring *obiter dictum* that before school officials transfer students to alternative schools for extended periods of time, they must provide students with a meaningful opportunity to be heard.

DRAFT UPDATE

Oregon Community Unit School District #220

7:220

Students

Bus Conduct

All students must follow the District's *School Bus Safety* ~~Guidelines~~ *Rules*.

School Bus Suspensions

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 Board of Education policy, 7:190, *Student Discipline Behavior*.
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 Board of Education 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.

Academic Credit for Missed Classes During School Bus Suspension

A student suspended from riding the bus who does not have alternate transportation to school shall have the opportunity to complete or make up work for equivalent academic credit. It shall be the responsibility of the student's parent or guardian to notify the school that the student does not have alternate transportation.

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.

Comment [AKL1]: The policy and Cross References are amended to comply with P.A. 99-456 (eff. 9-15-2016). Two new subheads are added: **School Bus Suspensions and Academic Credit for Missed Classes During School Bus Suspension.**

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Comment [AKL2]: Attorneys disagree whether P.A. 99-456, eff. 9-15-16, applies to school bus suspensions; this sentence applies the law to school bus suspensions. 7:200, *Suspension Procedure*, satisfies the procedural requirements in 105 ILCS 5/10-22.6(b). Delete this sentence only at the direction of the board attorney.

Issue 91, February 2016

Comment [AKL3]: The Academic Credit for Missed Classes During School Bus Suspension subhead and the first sentence of its text are required by P.A. 99-456 (eff. 9-15-2016).

Issue 91, February 2016

DRAFT UPDATE

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 Behavior), 7:200
(Suspension Procedures), 7:230 (Misconduct by Students with Disabilities),
7:340 (Student Records)

ADOPTED: ~~August 20, 2012~~

DRAFT UPDATE

Oregon Community Unit School District #220

7:240

Students

Conduct Code for Participants in Extracurricular Activities

The Superintendent or designee, using input from coaches and sponsors of extracurricular activities, shall develop a conduct code for all participants in extracurricular activities consistent with Board of Education policy. The conduct code shall: (1) require participants in extracurricular activities to conduct themselves as good citizens and exemplars of their school at all times, including after school, on days when school is not in session, and whether on or off school property; (2) emphasize that hazing and bullying activities are strictly prohibited; and (3) notify participants that failure to abide by it could result in removal from the activity. The conduct code shall be reviewed by the Building Principal periodically at his or her discretion and presented to the Board.

Participants in extracurricular activities must abide by the conduct code for the activity and Board policy 7:190, *Student Behavior*. All coaches and sponsors of extracurricular activities shall annually review the rules of conduct code with participants and provide participants with a copy. In addition, coaches and sponsors of interscholastic athletic programs shall provide instruction on steroid abuse prevention to students in grades 7 through 12 participating in these programs.

Comment [AKL1]: The policy now specifically requires participants in extracurricular activities to abide by the conduct code for the activity and Board policy 7:190, *Student Behavior*. This articulates a requirement that was previously implied to add clarity.
Issue 91, February 2016

Extracurricular Drug and Alcohol Testing Program

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

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

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

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

Performance Enhancing Drug Testing of High School Student Athletes

~~State law requires~~The Illinois High School Association (IHSA) ~~to prohibit a student from participating in~~prohibits participants in an athletic competition activity sponsored or sanctioned by IHSA unless the student has agreed, (a) not to use from ingesting or otherwise using any performance enhancing substance on its banned substance list, without a written prescription and medical documentation provided by a licensed physician who evaluated the student-athlete for a legitimate medical condition, s on IHSA's current banned drug list, and (b) to submit to random testing for these substances in the student's body if the student is in high school. In addition, the student's parent/guardian must sign a statement for IHSA containing specific acknowledgments including that

Comment [AKL2]: The section on Performance Enhancing Drug Testing of High School Student Athletes is revised to delete a reference to a now repealed State law. It continues to require participants to follow IHSA's rules prohibiting the use of performance-enhancing substances on its banned substance list. A new sentence clarifies that a student who violates the IHSA rule may also be disciplined according to Board policy 7:190, *Student Behavior*.
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the student, if in high school, may be subject to random performance-enhancing substance testing and that violating the laws regulating the use of performance-enhancing substances is a crime. IHSA, with oversight from the Illinois Department of Public Health, IHSA administers a performance-enhancing substance testing program, under which high school participants in athletic competition sponsored or sanctioned by IHSA are tested at multiple times throughout the athletic season. Under this program, student athletes are subject to random drug testing for the presence in their bodies of performance-enhancing substances on the IHSA's banned drug list substance list. In addition to being penalized by IHSA, a student may be disciplined according to Board policy 7:190, *Student Behavior*.

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

CROSS REF.: 5:280 (Duties and Qualifications), 6:190 (Extracurricular and Co-Curricular Activities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Discipline Behavior), 7:300 (Extracurricular Athletics)

ADOPTED: September 15, 2014

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Oregon Community Unit School District #220

7:305

Students

Student Athlete Concussions and Head Injuries

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

1. Prepare for the full implementation of the Youth Sports Concussion Safety Act, that provides, without limitation, each of the following:
 - a. The Board must appoint or approve members of a Concussion Oversight Team for the District.
 - b. The Concussion Oversight Team shall establish each of the following based on peer-reviewed scientific evidence consistent with guidelines from the Centers for Disease Control and Prevention:
 - i. A return-to-play protocol governing a student's return to interscholastic athletics practice or competition following a force of impact believed to have caused a concussion. The Superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol.
 - ii. A return-to-learn protocol governing a student's return to the classroom following a force of impact believed to have caused a concussion. The Superintendent or designee shall supervise the person responsible for compliance with the return-to-learn protocol.
 - c. Each student and the student's parent/guardian shall be required to sign a concussion information receipt form each school year before participating in an interscholastic athletic activity.
 - d. A student shall be removed from an interscholastic athletic practice or competition immediately if any of the following individuals believes that the student sustained a concussion during the practice and/or competition: a coach, a physician, a game official, an athletic trainer, the student's parent/guardian, the student, or any other person deemed appropriate under the return-to-play protocol.
 - e. A student who was removed from interscholastic athletic practice or competition shall be allowed to return only after all statutory prerequisites are completed, including without limitation, the return-to-play and return-to-learn protocols developed by the Concussion Oversight Team. An athletic team coach or assistant coach may not authorize a student's return-to-play or return-to-learn.
 - f. The following individuals must complete concussion training as specified in the Youth Sports Concussion Safety Act: all coaches or assistant coaches (whether volunteer or a district employee) of interscholastic athletic activities; nurses who serve on the Concussion Oversight Team; athletic trainers; game officials of interscholastic athletic activities; and physicians who serve on the Concussion Oversight Team.
 - g. The Board shall approve school-specific emergency action plans for interscholastic athletic activities to address the serious injuries and acute medical conditions in which a student's condition may deteriorate rapidly.

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2. Comply with the concussion protocols, policies, and by-laws of the Illinois High School Association, including its *Protocol for NFHS Concussion Playing Rules* and its *Return to Play Policy*. These specifically require that:
 - a. A student athlete who exhibits signs, symptoms, or behaviors consistent with a concussion in a practice or game shall be removed from participation or competition at that time.
 - b. A student athlete who has been removed from an interscholastic contest for a possible concussion or head injury may not return to that contest unless cleared to do so by a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer.
 - c. If not cleared to return to that contest, a student athlete may not return to play or practice until the student athlete has provided his or her school with written clearance from a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer working in conjunction with a physician licensed to practice medicine in all its branches in Illinois.
3. Require that all high school coaching personnel, including the head and assistant coaches, and athletic directors obtain online concussion certification by completing online concussion awareness training in accordance with 105 ILCS 25/1.15.
4. Require all student athletes to view the Illinois High School Association's video about concussions.
5. Inform student athletes and their parents/guardians about this policy in the *Agreement to Participate* or other written instrument that a student athlete and his or her parent/guardian must sign before the student is allowed to participate in a practice or interscholastic competition.
6. Provide coaches and student athletes and their parents/guardians with educational materials from the Illinois High School Association regarding the nature and risk of concussions and head injuries, including the risks inherent in continuing to play after a concussion or head injury.
7. Include a requirement for staff members to notify the parent/guardian of a student who exhibits symptoms consistent with that of a concussion.

LEGAL REF.: ~~105 ILCS 5/10-20.54.~~
105 ILCS 5/22-80 added by P.A. 99-245; if approved by the House and signed by the Governor, SB219 will extend the effective date to the 2016-2017 school year.
105 ILCS 25/1.15.

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

ADOPTED: December 14, 2015

Comment [AKL1]: Trailer legislation (P.A. 99-486) amended the Youth Sports Concussion Safety Act, 105 ILCS 5/22-80, added by P.A. 99-245. The trailer legislation (P.A. 99-486) delays the compliance deadline until the beginning of the 2016-2017 school year. The reference to the trailer bill's status from the Legal References is removed.

105 ILCS 5/10-20.54 was repealed by P.A. 99-245. It required each school board to adopt a policy regarding student athlete concussions and head injuries. School districts should be guided by it until they fully comply with the Youth Sports Concussion Safety Act.
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