The following Board Policies have been changed by IASB Press. They remain unchanged on our website and are attached:

#### Personnel

5:220 Substitute Teachers

Change: Policy as a whole to include short term substitute language.

#### Students

7:90 Release During School Hours

Change: Policy as a whole.

## 7:160 Student Appearance

Change: Legal Reference and Cross Reference Notes.

#### 7:170 Vandalism

Change: No Changes

### 7:280 Communicable and Chronic Infectious Disease

Change: Minimal wording in the last sentence and Legal References.

#### 7:300 Extracurricular Athletics

Change: Three additional points added and some minimal wording has changed; many more Cross References now appear. \*District change regarding bullet number 4 (accident insurance). Omit bullet number 6 as it does not exist in District 24.

#### Community Relations

#### 8:30 Visitors and Conduct on School Property

Change: Bullet number 8, bullet number 10 has changed to bullet number 11. Bullet number 10 addresses Ashley's Law. Changes in Legal and Cross Reference Notes.

#### 8:80 Gifts to the District

Change: Policy as a whole.

#### 8:95 Parental Involvement

Change: Minimal wording. Changes in Cross Reference with addition of Admin Procedures.

Section 5 - Personnel

**Professional Personnel** 

Policy 5:220

### Substitute Teachers

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold either a valid teaching or substitute certificate and may teach in the place of a certified teacher who is under contract with the Board. There is no limit on the number of days that a substitute teacher may teach in the District during the school year. However there is a limit on the number of days that a substitute teacher may teach for any one certified teacher under contract with the District in the same school year. The following limitations apply:

- 1. A substitute teacher holding a substitute certificate may teach only for a period not to exceed 90 school days.
- 2. A teacher holding a valid early childhood, elementary, high school, or special certificate may teach only for a period not to exceed 120 school days.

The Teachers' Retirement System (TRS) in Illinois limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 100 paid days or 500 paid hours in any school year, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.

The School Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits.

**Emergency Situations** 

A substitute teacher may teach when no certified teacher is under contract with the Board if the District has an emergency situation as defined in State law. During an emergency situation, a substitute teacher is limited to 30 calendar days of employment per each vacant position. The Superintendent will notify the appropriate Regional Office of Education within 5 business days after the employment of a substitute teacher in an emergency situation.

LEGAL REF.: 105 ILCS 5/21-9, 5/21B-20(3), and 24-5.

23 III.Admin.Code §1.790.

CROSS REF.: 5:30 (Hiring Process and Criteria)

# **Professional Personnel**

### **Substitute Teachers** 1

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold either a valid teaching or substitute license or short-term substitute license and may teach in the place of a licensed teacher who is under contract with the Board.2 There is no limit on the number of days that a substitute teacher may teach in the District during the school year, except as follows: 3

- A substitute teacher holding a substitute license may teach for any one licensed teacher under contract with the District only for a period not to exceed 90 paid school days in any one school term.
- 2. A teacher holding a Professional Educator License4 or Educator License with Stipulations5 may teach for any one licensed teacher under contract with the District only for a period not to exceed 120 paid school days.
- 3. A short-term substitute teacher holding a short-term substitute teaching license may teach for any one licensed teacher under contract with the District only for a period not to exceed five consecutive school days. 6

The Illinois Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 120 paid days or 600 paid hours in each school year, but not more than 100 paid days in the same classroom. Beginning July 1, 2020, a substitute teacher who is a TRS annuitant may substitute teach for a period not to exceed 100 paid days or 500 paid hours in

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

<sup>1</sup> State law controls this policy's content. Policy 5:30, *Hiring Process and Criteria*, contains the requirements for preemployment investigations, e.g., a finger-print based criminal history records check. See also 5:30-AP2, *Administrative Procedure - Investigations*. Each board may require new substitute teacher employees to furnish evidence of physical fitness to perform duties assigned and must require new substitute teacher employees to furnish evidence of freedom from communicable disease. 105 ILCS 5/24-5(b-5), added by P.A. 100-855. Evidence may consist of a physical examination, which must be performed within 90 days before the time it is presented to the board, and the substitute teacher bears the cost of the physical examination. <u>Id</u>. A new or existing substitute teacher may also be subject to additional health examinations as required by the Ill. Dept. of Public Health or by order of a local public health official. <u>Id</u>.

<sup>2 23</sup> Ill.Admin.Code §1.790(a)(2), added by 41 Ill.Reg. 6924, requires that any individual who serves as a substitute teacher for driver's education be endorsed for driver's education pursuant to 23 Ill.Admin.Code §25.100(k), amended at 42 Ill.Reg. 8884.

<sup>3</sup> Substitute teaching licenses are governed by 105 ILCS 5/21B-20(3), amended by P.A. 100-596; 23 Ill.Admin.Code §1.790, amended at 42 Ill.Reg. 11551; and 23 Ill.Admin.Code §25.520, amended at 42 Ill.Reg. 8930.

<sup>4</sup> Professional educator licenses are governed by 105 ILCS 5/21B-20(1) and 23 III.Admin.Code Part 25, amended at 42 III.Reg. 8830.

<sup>5</sup> Educator licenses with stipulations are governed by 105 ILCS 5/21B-20(2), amended by P.A. 100-596, and 23 III.Admin.Code Part 25, amended at 42 III.Reg. 8830. 105 ILCS 5/21B-20(2)(E), amended by P.A. 100-13, permits an individual who holds a valid career and technical educator endorsement on an Educator License with Stipulations but who does not hold a bachelor's degree to substitute teach in career and technical education classrooms. Similarly, 105 ILCS 5/21B-20(2)(F), amended by P.A. 100-13, permits an individual who holds a provisional or part-time provisional career and technical educator endorsement on an Educator License with Stipulations but who does not hold a bachelor's degree to substitute teach in career and technical education classrooms.

<sup>6 105</sup> ILCS 5/21B-20(4), added by P.A. 100-596. Districts may not hire a short-term substitute teacher for teacher absences lasting six or more days. <u>Id</u>.

any school year, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists. 7

The School Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits. 8

#### **Short-Term Substitute Teachers 9**

A short-term substitute teacher must hold a valid short-term substitute teaching license and have completed the District's short-term substitute teacher training program. 10 Short-term substitutes may teach no more than five consecutive school days for each licensed teacher who is under contract with the Board. 11

### **Emergency Situations 12**

A substitute teacher may teach when no licensed teacher is under contract with the Board if the District has an emergency situation as defined in State law. During an emergency situation, a substitute teacher is limited to 30 calendar days of employment per each vacant position. The Superintendent shall notify the appropriate Regional Office of Education within five business days after the employment of a substitute teacher in an emergency situation.

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

<sup>7 40</sup> ILCS 5/16-118, amended by P.A. 100-596 (specifying permissible paid days and hours for TRS annuitants), and 16-150.1, amended by P.A. 100-743 (TRS annuitants may return to teaching in a subject shortage area until 6-30-19). Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center."

**<sup>8</sup>** If a board provides substitute teachers other benefits, it may consider listing them here.

<sup>9 105</sup> ILCS 5/21B-20(4), added by P.A. 100-596, governs Short-Term Substitute Teaching Licenses, which may be issued from 7-1-18 until 6-30-23. Short-Term Substitute Teaching Licenses are not eligible for endorsements. <u>Id.</u> Applicants for a Short-Term Substitute Teaching License must hold an associate's degree or have completed at least 60 credit hours from a regionally accredited institution of higher education. Individuals who have had their Professional Educator License or Educator License with Stipulations suspended or revoked are not eligible to be short-term substitutes. <u>Id.</u> Short-term substitutes may not be hired for teacher absences lasting six or more days. <u>Id.</u> 105 ILCS 5/21B-20(4) repeals on 7-1-23.

<sup>10 105</sup> ILCS 5/10-20.67 (final citation pending), added by P.A. 100-596, requires boards to conduct this training. This requirement provides an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for a short-term substitute teacher training program that provides individuals who hold a Short-Term Substitute Teaching License with information on curriculum, classroom management techniques, school safety, and district and building operations. See also 5:220-AP, Substitute Teachers, and f/n 3 in 5:220-AP. These expectations will be most effective when they reflect local conditions and circumstances. Training and curriculum for a short-term substitute teacher training program may be subjects of mandatory collective bargaining, therefore consulting with the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing new programs for staff without first offering to negotiate them with the applicable exclusive bargaining representative.

School boards may choose to also offer this training program to individuals who hold a Substitute Teaching License and/or substitute teachers holding a Professional Educator License. This provision repeals on 7-1-23.

<sup>11</sup> See f/n 6.

<sup>12 105</sup> ILCS 5/21B-20(3). An *emergency situation* is defined as one where an unforeseen vacancy has occurred and (i) a teacher is unable to fulfill his or her contractual duties, or (ii) the district's teacher capacity needs exceed previous indications and the district is actively engaged in advertising to hire a fully licensed teacher for the vacant position.

Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

LEGAL REF.: 105 ILCS 5/10-20.67 (P.A. 100-596, final citation pending), 5/21B-20(2), 5/21B-

20(3), and 5/21B-20(4).

23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teaching

License).

CROSS REF.: 5:30 (Hiring Process and Criteria)

# **Professional Personnel**

### **Substitute Teachers**

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold either a valid teaching or substitute license or short-term substitute license and may teach in the place of a licensed teacher who is under contract with the Board. There is no limit on the number of days that a substitute teacher may teach in the District during the school year, except as follows:

- A substitute teacher holding a substitute license may teach for any one licensed teacher under contract with the District only for a period not to exceed 90 paid school days in any one school term.
- 2. A teacher holding a Professional Educator License or Educator License with Stipulations may teach for any one licensed teacher under contract with the District only for a period not to exceed 120 paid school days.
- A short-term substitute teacher holding a short-term substitute teaching license may teach for any one licensed teacher under contract with the District only for a period not to exceed five consecutive school days.

The Illinois Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 120 paid days or 600 paid hours in each school year, but not more than 100 paid days in the same classroom. Beginning July 1, 2020, a substitute teacher who is a TRS annuitant may substitute teach for a period not to exceed 100 paid days or 500 paid hours in any school year, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.

The School Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits.

#### Short-Term Substitute Teachers

A short-term substitute teacher must hold a valid short-term substitute teaching license and have completed the District's short-term substitute teacher training program. Short-term substitutes may teach no more than five consecutive school days for each licensed teacher who is under contract with the Board.

#### **Emergency Situations**

A substitute teacher may teach when no licensed teacher is under contract with the Board if the District has an emergency situation as defined in State law. During an emergency situation, a substitute teacher is limited to 30 calendar days of employment per each vacant position. The Superintendent shall notify the appropriate Regional Office of Education within five business days after the employment of a substitute teacher in an emergency situation.

LEGAL REF.: 105 ILCS 5/10-20.67 (P.A. 100-596, final citation pending), 5/21B-20(2), 5/21B-

20(3), and 5/21B-20(4).

23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teaching

License).

CROSS REF.: 5:30 (Hiring Process and Criteria)

Adopted: November 25, 2019

Section 7 - Students

Edit Page

#### **Attendance**

Policy 7:90

# **Release During School Hours**

Teachers may not release students from school at other than the regular dismissal times without prior approval of the Building Principal. No student will be released from school to any person other than the custodial parent(s)/guardian(s) without the written or oral permission of the custodial parent(s)/guardian(s).

ADOPTED:

May 20, 2002

August 2015 7:90

# **Students**

### Release During School Hours 1

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

#### Early Dismissal Announcement

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

CROSS REF.: 4:170 (Safety)

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

<sup>1</sup> This sample policy and its contents are discretionary with each school board. Sample PRESS policy 4:170, *Safety*, authorizes the Superintendent to close school(s) in the event of hazardous weather or other emergency that threatens the safety of students, staff members, or school property.

Planning for unforeseen early dismissals furthers a positive parent-school relationship and reduces the possibility of unsupervised children. According to this sample policy's introductory section, the school does not need prior parental consent before releasing students for an early dismissal even when it is unforeseen. The second section, however, requires the superintendent or designee to use *reasonable efforts* to announce an early dismissal. The *reasonable efforts* could be satisfied, for example, by a website posting, telephone chain notification, or recorded message on the school's telephone.

August 2015 7:90

# **Students**

# **Release During School Hours**

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

#### Early Dismissal Announcement

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

CROSS REF.: 4:170 (Safety)

Adopted: November 25, 2019

#### Section 7 - Students

Edit Page

## **Rights and Responsibilities**

Policy 7:160

# **Student Appearance**

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

LEGAL REF.:

105 ILCS 5/10-22.25b.

Oleson by Oleson v. Board of Education, 676 F.Supp. 6 (N.D. III. 1987), aff'd, 851

F.2d 450 (7th Cir. 1988).

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

ADOPTED: May 20, 2002

July 2017 7:160

# **Students**

#### Student Appearance 1

A student's appearance, including dress and grooming, must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. Procedures for handling students who dress or groom inappropriately will be developed by the Superintendent and included in the *Student Handbook(s)*. 2

LEGAL REF.: 105 ILCS 5/10-22.25b.

Tinker v. Des Moines Independent School Dist., 89 S.Ct. 733 (1969).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:165 (School Uniform), 7:190

(Student Behavior)

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

1 State or federal law controls this policy's content. 105 ILCS 5/10-22.25b specifically authorizes a school board to adopt a school uniform or dress code policy. There are hundreds of decisions on dress codes and uniform policies, making it imperative that a board contact its attorney for assistance in applying the law to specific fact situations.

Generally, if a student's dress has sufficient communicative content, it will warrant First Amendment protection. If protected, a school's ability to regulate the dress will be analyzed according to <u>Tinker v. Des Moines Independent School District</u>, 89 S.Ct. 733 (1969) – it may be regulated only if it would substantially disrupt school operations or interfere with the right of others. In Brandt v. <u>Board of Educ. of City of Chicago</u>, 2006 WL 623651 (N.D.III., 2006), *earlier decision*, 326 F.Supp.2d 916 (N.D.III., 2004), an Illinois federal court upheld a school's authority to punish students for wearing t-shirts portraying a one-handed boy; the court said: "A school need not tolerate student speech that is inconsistent with the school's basic educational mission even though the First Amendment would protect similar speech or expressive conduct outside of the school setting. This holding is suspect after the Seventh Circuit decision in <u>Zamecnik v. Indian Prairie School Dist.</u> #204, 636 F.3d 874 (7th Cir. 2011). There the court held that the school district violated students' free speech rights by forbidding them from wearing during school hours a T-shirt saying "Be Happy, Not Gay."

A school may regulate student dress that does not have sufficient communicative content to receive free speech protection, provided the regulation is not arbitrary or excessive. Although many courts have ruled similarly with respect to grooming, e.g., hair length, and non-earring piercings, the Seventh Circuit, the federal appellate court that governs Illinois, has struck down school regulations governing hair length and earrings (See Breen v. Kahl, 419 F.2d 1034 (7th Cir., 1969); Crews v. Clones, 432 F.2d 1259 (7th Cir., 1970) (exclusion of long-haired student from class constituted denial of equal protection to male students); Arnold v. Carpenter, 459 F.2d 939 (7th Cir., 1972); Holsapple v. Woods, 500 F.2d 49 (7th Cir., 1974) (limitation of ruling recognized by Hayden ex rel. v. Greensburg Community School Corp., 743 F.3d 569 (7th Cir., 2014) (recognizing school's right to set policy); Olesen by Olesen v. Board of Educ. Dist. 228, 676 F.Supp. 820, 822 (N.D.III.1987) (male students have a liberty interest in wearing an earring to school). But see Blau v. Fort Thomas Public Sch. Dist., 401 F.3d 381 (6th Cir. 2005) (upheld a Kentucky middle school's student dress code that prohibited visible body piercing other than ears). A school's uniform policy was upheld in Alwood v. Clark and Belleville Township High School Dist. 201, 2005 WL 2001317 (S.D.III., 2005).

2 A comprehensive Student Handbook can provide notice to parents and students of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The Handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board.

Members of the Ill. Principals Assoc. may subscribe to the IPA's Model Student Handbook Service. While this service is not a handbook *per se*, it provides principals with quick, user-friendly access to model student handbook provisions that are attorney drafted and fully aligned with IASB's policy services. For more information, see:

www.ilprincipals.org/resources/model-student-handbook. See also 7:190-E2, Student Handbook Checklist.

July 2017 7:160

# **Students**

# **Student Appearance**

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

LEGAL REF.: 105 ILCS 5/10-22.25b.

Tinker v. Des Moines Independent School Dist., 89 S.Ct. 733 (1969).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:165 (School Uniform), 7:190

(Student Behavior)

Adopted: November 25, 2019

# Section 7 - Students

Edit Page

# **Rights and Responsibilities**

Policy 7:170

# **Vandalism**

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

LEGAL REF.:

740 ILCS 115/1 et seq.

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

ADOPTED: May 20, 2002

June 2019 7:170

# **Students**

### Vandalism<sub>1</sub>

The School Board will seek restitution from students and their parents/guardians for vandalism or other student acts that cause damage to school property. 2

LEGAL REF.: 740 ILCS 115/.

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

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

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

<sup>2</sup> The Parental Responsibility Law makes parents/guardians of unemancipated minors who are 11 through 18 years of age liable for actual damages. Parents/guardians may be liable up to \$20,000 for the first act or occurrence of a willful or malicious act. If a pattern or practice of willful or malicious acts by a minor is found by a court to exist for another separate act or occurrence, parents/guardians may be liable up to \$30,000. 740 ILCS 115/5.

June 2019 7:170

# **Students**

# **Vandalism**

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

LEGAL REF.: 740 ILCS 115/.

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

Adopted: November 25, 2019

Section 7 - Students

Edit Page

### **Welfare Services**

Policy 7:280

# **Communicable and Chronic Infectious Disease**

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

LEGAL REF.:

105 ILCS 5/10-21.11. 410 ILCS 315/2a.

77 III. Admin Code 690.100 <u>et seq</u>.

Individuals With Disabilities Education Act, 20 U.S.C. § 1400 et seq.

Rehabilitation Act, Section 504, 29 U.S.C. § 794(a).

ADOPTED: May 20, 2002

July 2016 7:280

# **Students**

### **Communicable and Chronic Infectious Disease 1**

A student with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the School Board's policies. The Superintendent will develop procedures to safeguard these rights while managing health and safety concerns.

LEGAL REF.: 105 ILCS 5/10-21.11.

410 ILCS 315/2a.

23 Ill.Admin.Code §§ 1.610 and 226.300.

77 Ill.Admin.Code Part 690.

Individuals With Disabilities Education Act, 20 U.S.C. §1400 et seq.

Rehabilitation Act, Section 504, 29 U.S.C. §794(a).

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

<sup>1 105</sup> ILCS 5/10-21.11 requires all districts to have a policy on the appropriate manner of managing children with chronic infectious diseases. State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled in that competing interests (protecting the afflicted student's rights while protecting the health and safety of the student body) have not been completely resolved.

<sup>2</sup> A student with a contagious disease is probably a *handicapped individual* under Section 504 of the Rehabilitation Act (29 U.S.C. §794(a). See <u>School Board of Nassau Co. v. Arline</u>, 107 S.Ct. 1123 (1987) (teacher with tuberculosis was handicapped under section 504); <u>Thomas v. Atascadero Unified School District</u>, 662 F.Supp. 376 (C.D. Cal., 1986) (a child with AIDS was a *handicapped person* under Section 504; <u>District 27 Community School Board v. Board of Education of the City of New York</u>, 502 N.Y.S.2d 325 (1986).

Students with contagious diseases may also qualify for special education under the Individuals With Disabilities Education Act (20 U.S.C. §1400 et seq.) Each school district, independently or in cooperation with other districts, must provide a comprehensive program of special education that meets the needs of children ages 3 to 21 with exceptional characteristics as identified in State law, specifically including physical or health impairments (105 ILCS 5/14).

Decisions to place a student in a class outside regular classes due to infectious disease must be based on medical evaluations indicating a need to protect the health and safety of others. <u>Community High School District 155 v. Denz</u>, 463 N.E.2d 998 (Ill.App.2, 1984).

Cases involving contagious diseases are highly fact-specific. Generally, the appropriate treatment of a student depends on the severity of the disease and the risk of infecting others, but in all cases, the board attorney should be consulted.

July 2016 7:280

# **Students**

# **Communicable and Chronic Infectious Disease**

A student with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the School Board's policies. The Superintendent will develop procedures to safeguard these rights while managing health and safety concerns.

LEGAL REF.: 105 ILCS 5/10-21.11.

410 ILCS 315/2a.

23 Ill.Admin.Code §§ 1.610 and 226.300.

77 Ill.Admin.Code Part 690.

Individuals With Disabilities Education Act, 20 U.S.C. §1400 et seq.

Rehabilitation Act, Section 504, 29 U.S.C. §794(a).

Adopted: November 25, 2019

Section 7 - Students

Edit Page

#### **Activities**

Policy 7:300

## **Extracurricular Athletics**

Student participation in school-sponsored extracurricular athletic activities is contingent upon the following:

1. The student must meet the academic criteria set forth in the Board policy on Extracurricular and Co-Curricular Activities.

2. Written permission must be given by the parent(s)/guardian(s) for the student's participation, giving the District full waiver of responsibility of the risks involved. 3. A physical examination of the student must be conducted by a physician and an

accompanying written statement assuring that the student's health status allows

for active athletic participation must be submitted to the District.

4. The student must show proof of accident insurance coverage either by a policy purchased through the District-approved insurance plan or a parent(s)/guardian(s) written statement that the student is covered under a family insurance plan.

The Superintendent or designee shall maintain the necessary records to ensure student compliance with this policy.

LEGAL REF .:

105 ILCS 5/10-20.30.

23 III. Admin. Code § 1.530(b).

CROSS REF.: 4:170 (Safety), 6:190 (Extracurricular and Co-Curricular Activities), 7:240

(Conduct Code for Participants in Extracurricular Activities)

ADOPTED: May 20, 2002 October 2016 7:300

# **Students**

### **Extracurricular Athletics**

Student participation in school-sponsored extracurricular athletic activities is contingent upon the following:

- 1. The student must meet the academic criteria set forth in Board policy 6:190, *Extracurricular and Co-Curricular Activities*.
- 2. A parent/guardian of the student must provide written permission for the student's participation, giving the District full waiver of responsibility of the risks involved.
- 3. The student must present a current certificate of physical fitness issued by a licensed physician, an advanced practice nurse, or a physician assistant. The *Pre-Participation Physical Examination Form*, offered by the Illinois High School Association and the Illinois Elementary School Association, is the preferred certificate of physical fitness.
- 4. All students who participate in a school sponsored extracurricular activity has accident insurance through the District-approved insurance plan, which is covered by the District.
- 5. The student must agree to follow all conduct rules and the coaches' instructions.
- 6. The student and his or her parent(s)/guardian(s) must: (a) comply with the eligibility rules of, and complete any forms required by, any sponsoring association (such as, the Illinois Elementary School Association, the Illinois High School Association, or the Southern Illinois Junior High School Athletic Association), and (b) complete all forms required by the District including, without limitation, signing an acknowledgment of receiving information about the Board's concussion policy 7:305, Student Athlete Concussions and Head Injuries.

The Superintendent or designee (1) is authorized to impose additional requirements for a student to participate in extracurricular athletics, provided the requirement(s) comply with Board policy 7:10, *Equal Educational Opportunities*, and (2) shall maintain the necessary records to ensure student compliance with this policy.

LEGAL REF.: 105 ILCS 5/10-20.30, 5/10-20.54, 5/22-80, and 25/2.

23 Ill.Admin.Code §1.530(b).

CROSS REF.: 4:100 (Insurance Management), 4:170 (Safety), 6:190 (Extracurricular and Co-

Curricular Activities), 7:10 (Equal Educational Opportunities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:305 (Student Athlete

Concussions and Head Injuries), 7:340 (Student Records)

Adopted: November 25, 2019

October 2016 7:300

# **Extracurricular Athletics**

# **Students**

Student participation in school-sponsored extracurricular athletic activities is contingent upon the following:

- 1. The student must meet the academic criteria set forth in Board policy 6:190, *Extracurricular and Co-Curricular Activities*. 1
- 2. A parent/guardian of the student must provide written permission for the student's participation, giving the District full waiver of responsibility of the risks involved. 2
- 3. The student must present a current certificate of physical fitness issued by a licensed physician, an advanced practice nurse, or a physician assistant. The *Pre-Participation Physical Examination Form*, offered by the Illinois High School Association and the Illinois Elementary School Association, is the preferred certificate of physical fitness. 3
- 4. The student must show proof of accident insurance coverage either by a policy purchased through the District-approved insurance plan or a parent(s)/guardian(s) written statement that the student is covered under a family insurance plan. 4
- 5. The student must agree to follow all conduct rules and the coaches' instructions.

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

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

A comprehensive Student Handbook can provide notice to parents and students of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The building principal usually develops the Handbook, subject to review and approval by the superintendent and board.

Each board in a district that maintains any of grades 9 through 12 must have a *no pass-no play* policy (105 ILCS 5/10-20.30). See policy 6:190, *Extracurricular and Co-Curricular Activities*, for complete details.

For purposes of clarity, the IASB uses a curricular-extracurricular dichotomy. All classes are included in the category *curricular* as well as what was formally known as *co-curricular*, e.g., band and choral performances that are a required part of the class. The category *extracurricular* includes all school-sponsored activities that are not a part of a student's educational program as reflected in the student's class schedule. Examples include football, cheerleading, French club, Key Club, and student government. Note that extracurricular activities may be curriculum-related or non-curriculum-related for purposes of determining access to school facilities under the federal Equal Access Act. See sample IASB policy 7:330, *Student Use of Buildings - Equal Access*.

2 At a minimum, schools should: (1) fully inform and warn students and their parent(s)/guardian(s) of risks inherent in a sport, (2) assist their understanding and appreciation of these risks, and (3) document the school's efforts. See 7:300-E1, Agreement to Participate. This form's provision concerning waiver of liability and hold harmless should be reviewed with the board attorney. The district may not be able to waive gross negligence or recklessness on its part, but the waiver language in the form serves to alert the student and his/her parent(s)/guardian(s) to the seriousness of potential injuries.

3 Students participating in interscholastic athletics must have an annual physical exam (23 Ill.Admin.Code §1.530(b)). IHSA by-law 2.150 requires schools to have on file for each student participating in interscholastic athletics a certificate of physical fitness issued by a licensed physician, physician assistant, or nurse practitioner not more than 395 days preceding any date of participation; a form is available on the IHSA website at: <a href="ihsa.org/Resources/DownloadCenter.aspx">ihsa.org/Resources/DownloadCenter.aspx</a>.

4 This item ensures that students are covered by insurance for medical expenses up to \$50,000 (before the district's catastrophic accident insurance kicks in) and that students who are not covered by the district's catastrophic insurance are otherwise covered by insurance.

105 ILCS 5/22-15 requires (with limited exceptions) each school district having grades 9-12 to maintain catastrophic insurance coverage for student athletes who sustain an accidental injury while participating in interscholastic athletic events sanctioned by IHSA that results in medical expenses in excess of \$50,000. A district maintaining grades K-8 may, but is not required to, provide accident and/or health insurance on a group or individual basis for students injured while participating in any school-sponsored athletic activity. For more information, see 4:100, *Insurance Management*.

- 6. The student and his or her parent(s)/guardian(s) must provide written consent to random drug and alcohol testing pursuant to the Extracurricular Drug and Alcohol Testing Program. 5
- 7. The student and his or her parent(s)/guardian(s) must: (a) comply with the eligibility rules of, and complete any forms required by, any sponsoring association (such as, the Illinois Elementary School Association, the Illinois High School Association, or the Southern Illinois Junior High School Athletic Association),6 and (b) complete all forms required by the District including, without limitation, signing an acknowledgment of receiving information about the Board's concussion policy 7:305, Student Athlete Concussions and Head Injuries. 7

The Superintendent or designee (1) is authorized to impose additional requirements for a student to participate in extracurricular athletics, provided the requirement(s) comply with Board policy 7:10, *Equal Educational Opportunities*, and (2) shall maintain the necessary records to ensure student compliance with this policy.

LEGAL REF.: 105 ILCS 5/10-20.30, 5/10-20.54, 5/22-80, and 25/2.

23 Ill.Admin.Code §1.530(b).

CROSS REF.: 4:100 (Insurance Management), 4:170 (Safety), 6:190 (Extracurricular and Co-

Curricular Activities), 7:10 (Equal Educational Opportunities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:305 (Student Athlete

Concussions and Head Injuries), 7:340 (Student Records)

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

<sup>5</sup> Optional; delete if the district does not have such a program. Be sure this provision is consistent with policy 7:240, *Conduct Code for Participants in Extracurricular Activites*, and 7:240-AP2, *Administrative Procedure - Extracurricular Drug and Alcohol Testing Program*. The Seventh Circuit upheld the constitutionality of a high school's random drug testing program for students involved in extracurricular activities in Todd v. Rush County Schools, 133 F.3d 984 (7th Cir., 1998).

<sup>6</sup> Participants in an IHSA-sponsored or sanctioned athletic event are subject to testing for banned substances. For a list of banned substances, the testing program, and other related resources, see the IHSA Sports Medicine website, www.ihsa.org/Resources/SportsMedicine/PerformanceEnhancingDrugsSteroidEducation.aspx.

<sup>7</sup> A district must include information concerning the board's concussion policy in any agreement, contract, code, or other written instrument that the district requires a student athlete and his or her parent(s) or guardian(s) to sign before participating in practice or interscholastic competition (105 ILCS 5/10-20.54 and 23 Ill.Admin.Code §1.530(b)). The form 7:300-E1, *Agreement to Participate*, contains the requirements in this policy. In addition, the student and student's parent/guardian must sign a form approved by IHSA acknowledging receiving and reading written information on concussions (105 ILCS 5/22-80(e), added by P.A. 99-245 and amended by P.A. 99-486.)

The IHSA website contains many helpful resources, e.g.:

IHSA Sports Medicine Acknowledgement & Consent Form (Concussion, PES, Asthma Medication) (consent form)

IHSÁ.org/Resources/SportsMedicine/PerformanceEnhancingDrugsSteroidEducation/IHSAPerformanceEnhancing SubstancePolicy.aspx (performance-enhancing drugs)

<sup>3. &</sup>lt;u>IHSA.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx</u> (concussions)

Concussion information is available from the Ill. Elementary School Assoc. at: www.iesa.org/activities/concussion.asp.

### Section 8 - Community Relations

Edit Page

# **Community Relations**

Policy 8:30

# **Visitors to and Conduct on School Property**

The following definitions apply to this policy:

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

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

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

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

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

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

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

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

### Convicted Child Sex Offender

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

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

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

#### **Exclusive Bargaining Representative Agent**

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

#### **Enforcement**

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

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

#### <u>Procedures to Deny Future Admission to School Events or Meetings</u>

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

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

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 730 N.E.2d 96 (Ill.App.4, 2000).

Pro-Children Act of 1994, 20 U.S.C. §7181 etseq.

105 ILCS 5/10-20.5b, 5/24-24, and 5/24-25.

410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.

430 ILCS 66/, Firearm Concealed Carry Act.

720 ILCS 5/11-9.3.

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

ADOPTED: JUNE 18, 2018

October 2019 8:30

# **Community Relations**

# Visitors to and Conduct on School Property 1

The following definitions apply to this policy:

**School property** - District and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. 2

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

All visitors to school property are required to report to the Building Principal's office and receive permission to remain on school property. All visitors must sign a visitors' log, show identification, and wear a visitor's badge. When leaving the school, visitors must return their badge. On those occasions when large groups of parents/guardians, friends, and/or community members are invited onto school property or when community members are attending Board meetings, visitors are not required to sign in but must follow school officials' instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution. 3

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

Requests to access a school building, facility, and/or educational program, or to interview personnel or a student for purposes of assessing the student's special education needs, should be made at the appropriate building. Access shall be facilitated according to guidelines from the Superintendent or designee. 4

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

<sup>1</sup> State or federal law controls this policy's content. Boards may make and enforce reasonable rules of conduct and sportsmanship for school events and deny future admission to school events to violators for up to one year provided a notice and hearing are given. 105 ILCS 5/24-24. See f/n 20 below.

This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

<sup>2</sup> School-sponsored or school-sanctioned events or activities aligns with the text of 105 ILCS 5/27-23.7(a).

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

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

Option 1: The Superintendent or designee may post certain school facilities for the community's use on non-school days when they are not being used for school purposes.

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

<sup>4 105</sup> ILCS 5/14-8.02(g-5). See administrative procedure 6:120-AP2, Access to Classrooms and Personnel, and exhibit 6:120-AP2, E1, Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes.

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

- 1. Strike, injure, threaten, harass, or intimidate a staff member, Board member, sports official or coach, or any other person. 5
- 2. Behave in an unsportsmanlike manner, or use vulgar or obscene language.
- 3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device. 6
- 4. Damage or threaten to damage another's property. 7
- 5. Damage or deface school property. 8
- 6. Violate any Illinois law, 9 or town or county ordinance.
- 7. Smoke or otherwise use tobacco products. 10
- 8. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug. 11
- 9. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectible, regardless of when and/or where the use occurred. 12
- 10. Use or possess medical cannabis, unless he or she has complied with policy 7:270, *Administering Medicines to Students*, implementing *Ashley's Law.* 13

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

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

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

**<sup>6</sup>** With one exception, a license to carry a firearm does not permit an individual to carry a concealed firearm on or into any building, real property, and or parking area under the control of an elementary or secondary school, or any bus paid for in whole or part with public funds. 430 ILCS 66/65(a), amended by P.A. 99-29. The following optional provision adds that exception, which is a restatement of 430 ILCS 66/65(b), amended by P.A. 99-29, to the text in number 3:

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

<sup>7</sup> See e.g., 720 ILCS 5/2-19.5, 5/16-1, 5/18-1, 5/19-1,21-1, and 5/21-1.3 (property damage penalties).

<sup>8</sup> See e.g., 720 ILCS 5/21-1.01, 21-1.3.

<sup>9</sup> See e.g., 720 ILCS 5/11-9.3 (presence within school zone by child sex offenders prohibited), 5/11-14(prostitution), 5/11-15(repealed), and 5/11-18(patronizing a prostitute); 720 ILCS 5/21-11 (soliciting students to commit illegal act).

<sup>10</sup> Required by 105 ILCS 5/10-20.5b and 410 ILCS 82/1 et seq. Federal law prohibits smoking inside schools (20 U.S.C. §6083); districts failing to comply with the federal no-smoking ban risk a civil penalty of up to \$1000 per violation per day.

<sup>11</sup> See 720 ILCS 570/407 (delivery of controlled substance on or within 1000 feet of a school) and 410 ILCS 705, added by P.A. 101-27. See also the discussion in f/ns 5 and 6 of policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*; this statement must be consistent with employee working conditions and employee conduct standards (see 5:120-AP2, *Employee Conduct Standards*).

<sup>12</sup> Each board and superintendent may want to engage in a conversation regarding how the district might partner with local law enforcement to enforce this policy and the penalties available under the Cannabis Regulation Tax Act, e.g., posting signs barring community members from bringing in weapons, alcohol, cannabis, tobacco, etc. Signage reminding visitors of the policy may make it easier for staff and/or local law enforcement to enforce.

- 11. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner). 14
- 12. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Board.
- 13. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized District employee's directive. 15
- 14. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding. 16
- 15. Violate other District policies or regulations, or a directive from an authorized security officer or District employee.
- 16. Engage in any conduct that interferes with, disrupts, or adversely affects the District or a School function.

#### Convicted Child Sex Offender 17

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

1. A parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or

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

13 Managing cannabis on district property and the school setting presents many unsettled and complex legal issues. To legally use medical cannabis in Illinois, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Pro

Remember that Ashley's Law requires the designated caregiver to remove the product from the school premises or the school bus after administering it to the student, so as a result, policy 7:270, Administering Medicines to Students, requires immediate removal of medical cannabis infused products after administering them to the student (see f/n 25 of that policy for further discussions).

- 14 See e.g., 720 ILCS 5/21.2-1 et seq. (interference with a public institution of education).
- 15 See e.g., 625 ILCS 5/11-605 (special speed limit zones). 625 ILCS 5/12-610.1(e), prohibits wireless telephone use while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes.
- 16 The pivotal question in a negligence case is whether the defendant acted reasonably. A ban on roller-blading demonstrates that the district took reasonable steps to reduce the risk of injury.
- 17 720 ILCS 5/11-9.3. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child's vicinity. See also the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105); policy 4:170, Safety; and administrative procedure 4:175-AP1, Criminal Offender Notification Laws; Screening.

2. Has permission to be present from the Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

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

### Exclusive Bargaining Representative Agent 18

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

### **Enforcement**

Any staff member may request identification from any person on school property; refusal to provide such information is a criminal act.19 The Building Principal or designee shall seek the immediate removal of any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from school property. The person is also subject to being denied admission to school events or meetings for up to one calendar year. 20

#### Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board. The Superintendent may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a hearing notice, delivered or sent by certified mail with return receipt requested, at least ten days before the Board hearing date. The hearing notice must contain: 21

18 105 ILCS 5/24-24 and 24-25. If a provision contained in a collective bargaining agreement addresses this issue, it will supersede this policy for those covered employees. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement." For employees not covered, the policy should reflect the board's current practice. *Duty-free time* is used to provide a district with discretion about whether preparation time, etc. may be used.

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

19 Id.

20 See Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000) (board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting); Jordan ex rel. Edwards v. O'Fallon Tp. High School Dist., 302 Ill.App.3d 1070 (5th Dist. 1999) (105 ILCS 5/24-24 did not give a high school athlete the right, under the due process clause, to a notice and hearing before he could be suspended from participating in interscholastic athletics; the statute expands the schools' authority to ban people from attending school events for breaching conduct and sportsmanship code).

21 Id. For ease of administration, this text is broader than 105 ILCS 5/24-24, requiring a hearing for both school events and meetings. The court in Nuding (see f/n 20, above) did not specifically answer whether a board meeting qualified as a school event under 105 ILCS 5/24-24, but upheld the board's right to enforce conduct rules at its meetings under 105 ILCS 5/10-20 5

For boards that wish to narrow the policy text to mirror 105 ILCS 5/24-24, delete the following text from the subhead and the first sentence of the policy:

Procedures to Deny Future Admission to School Events-or Meetings

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

- 1. The date, time, and place of the Board hearing;
- 2. A description of the prohibited conduct;
- 3. The proposed time period that admission to school events will be denied; and
- 4. Instructions on how to waive a hearing. 22

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000).

20 U.S.C. §7181 et seg., Pro-Children Act of 1994.

105 ILCS 5/10-20.5b, 5/22-33, 5/24-24, 5/24-25, and 5/27-23.7(a). 410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.

430 ILCS 66/, Firearm Concealed Carry Act. 410 ILCS 705/, Cannabis Tax and Regulation Act.

720 ILCS 5/11-9.3.

CROSS REF.: 4:170 (Safety), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco,

and Cannabis Prohibition), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Behavior), 7:270

(Administering Medicines to Students), 8:20 (Community Use of School

Facilities)

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

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board.

Consult the board attorney before deleting the above text, especially if the board has put the current text into practice and now plans to narrow it. This issue involves a balancing of a board's interest in the orderly transaction of its public business and the efficiency of its meetings against an individual's: (a) statutory rights attend meetings and/or comment to and ask questions of the board (105 ILCS 5/10-16 and 5 ILCS 120/2.06(g)) and (b) constitutional freedoms and rights of speech, the press, assembly, and to petition the government (U.S. Constitution, First Amendment and Ill. Constitution, Art. I, §§ 1, 2, 4, and 5).

If a violator is a student, the hearing should be held in a closed meeting. 5 ILCS 120/2(c)(9).

If, however, the violator is not a student, the hearing must be held in an open session.

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

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October 2019 8:30

# **Community Relations**

# Visitors to and Conduct on School Property

The following definitions apply to this policy:

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

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

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

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

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

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

- 1. Strike, injure, threaten, harass, or intimidate a staff member, Board member, sports official or coach, or any other person.
- 2. Behave in an unsportsmanlike manner, or use vulgar or obscene language.
- 3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device.
- 4. Damage or threaten to damage another's property.
- 5. Damage or deface school property.
- 6. Violate any Illinois law, or town or county ordinance.
- 7. Smoke or otherwise use tobacco products.
- 8. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug.
- 9. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectible, regardless of when and/or where the use occurred.
- 10. Use or possess medical cannabis, unless he or she has complied with policy 7:270, *Administering Medicines to Students*, implementing *Ashley's Law*.

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

#### Convicted Child Sex Offender

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

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

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

#### Exclusive Bargaining Representative Agent

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

#### Enforcement

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

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

### Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board. The Superintendent may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a

hearing notice, delivered or sent by certified mail with return receipt requested, at least ten days before the Board hearing date. The hearing notice must contain:

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

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000).

20 U.S.C. §7181 et seq., Pro-Children Act of 1994.

105 ILCS 5/10-20.5b, 5/22-33, 5/24-24, 5/24-25, and 5/27-23.7(a). 410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.

430 ILCS 66/, Firearm Concealed Carry Act. 410 ILCS 705/, Cannabis Tax and Regulation Act.

720 ILCS 5/11-9.3.

CROSS REF.: 4:170 (Safety), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco,

and Cannabis Prohibition), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Behavior), 7:270

(Administering Medicines to Students), 8:20 (Community Use of School

Facilities)

# Section 8 - Community Relations

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# **Community Relations**

Policy 8:80

# Gifts to the District

The Board of Education accepts gifts from any education foundation or other entity or individual, provided the gift can be used in a manner compatible with the Board's educational objectives and policies. While the Board encourages unrestricted gifts, donations to fund specific projects are acceptable if the project is approved by the Board. All gifts received become the School District's property.

LEGAL REF.:

105 ILCS 5/16-1.

ADOPTED: May 20, 2002

August 2015 8:80

# **Community Relations**

#### Gifts to the District 1

The School Board appreciates gifts from any education foundation, 2 other entities, or individuals. All gifts must adhere to each of the following:

- 1. Be accepted by the Board or, if less than \$500.00 in value, the Superintendent or designee. 3 Individuals should obtain a pre-acceptance commitment before identifying the District, any school, or school program or activity as a beneficiary in any fundraising attempt, including without limitation, any Internet fundraising attempt. 4
- 2. Be given without a stated purpose or with a purpose deemed by the party with authority to accept the gift to be compatible with the Board's educational objectives and policies.
- 3. Be consistent with the District's mandate to provide equal educational and extracurricular opportunities to all students in the District as provided in Board policy 7:10, Equal Educational Opportunities. State and federal laws require the District to provide equal treatment for members of both sexes to educational programing, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities, 5
- 4. Permit the District to maintain resource equity among its learning centers. 6
- 5. Be viewpoint neutral. The Superintendent or designee shall manage a process for the review and approval of donations involving the incorporation of messages into or placing messages upon school property. 7

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

<sup>1</sup> State and federal law control this policy's content. 105 ILCS 5/16-1 grants authority to school boards to accept and manage gifts. Specifying the criteria for gifts in the board policy provides important information to potential donors and promotes a common understanding, uniform treatment, and adherence to legal requirements. The statute provides that any gift to a school district or attendance center becomes the district property to be "held, managed, improved, invested or disposed of by such board in such manner as the board, in its discretion, sees fit...." According to this statute, when a donor expresses an intention that a gift be used for a certain purpose, the board must "promote and carry into effect" that intention until the "board determines in its discretion that it is no longer possible, practical or prudent to do so."

<sup>2</sup> An education foundation can be an effective tool for collecting and donating financial and non-financial resources to a school district. An education foundation is a separate entity from the school district. In order to be exempt from federal income taxes and allow donors to deduct their donations, it must be organized as a tax-exempt organization, such as, under Section 501(c)(3) of the Internal Revenue Code.

<sup>3</sup> The board may remove or amend in any way the value of a gift that the superintendent or designee is permitted to

<sup>4</sup> Well-intentioned people can raise funds in a variety of ways, e.g., putting donation jars in retail establishments, 50/50 drawings, and websites designed for fundraising like GoFundMe. Addressing fundraising by individuals in policy allows the board to manage donations and minimize liability in a manner consistent with its policies and legal requirements.

<sup>5 20</sup> U.S.C. §1681 et seq., Title IX of the Education Amendments implemented by 34 C.F.R. Part 106; 23 Ill.Admin.Code §200.40. See the April 2015 Title IX Resource Guide - U.S. Department of Education and the Office for Civil Rights at www.ed.gov/ocr.

<sup>6</sup> See 6:210, Instructional Materials.

6. Comply with all laws applicable to the District including, without limitation, the Americans with Disabilities Act, the Prevailing Wage Act, the Health/Life Safety Code for Public Schools, and all applicable procurement and bidding requirements.

The District will provide equal treatment to all individuals and entities seeking to donate money or a gift. Upon acceptance, all gifts become the District's property. The acceptance of a gift is not an endorsement by the Board, District, or school of any product, service, activity, or program. The method of recognition is determined by the party accepting the gift. 8

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Education Amendments implemented by

34 C.F.R. Part 106.

105 ILCS 5/16-1.

23 Ill.Admin.Code §200.40.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building

Programs), 6:10 (Educational Philosophy and Objectives), 6:210 (Instructional

Materials), 7:10 (Equal Educational Opportunities)

<sup>7</sup> The U.S. Constitution's Free Speech, Establishment, and Equal Protection Clauses may be triggered when a donation comes with a message. Contact the board attorney for assistance. The second sentence is optional. Soliciting or receiving donor messages raises many complex legal and practical issues. As a general rule, school officials can avoid constitutional issues by reviewing donor messages according to uniform rules that do not discriminate against groups or individuals on the basis of their viewpoints. For more detailed explanations of viewpoint-neutrality and forum issues, see f/n 1 in policy 8:20, Community Use of School Facilities and f/n 1 in policy 8:25, Advertising and Distributing Materials in Schools Provided by Non-School Related Entities.

A publicized procedure for reviewing donor messages according to pre-established viewpoint-neutral guidelines may limit misunderstandings or disputes with donors or other members of the public. Each board may want to discuss with the superintendent what expectations exist based upon the scope and scale of the donor message project, so that the superintendent can manage the expectations in the procedure. Consult the board attorney to assist with this process. Lastly, posting disclaimers informing members of the public that the donor messages incorporated into school property or placed upon school property are the personal expressions of individual donors and not the district's may avoid Establishment Clause arguments. For a more detailed discussion of the issues pertaining to excluding donor messages on school property and implementing procedures to review donor messages, see f/n 3 in policy 7:325, Student Fundraising Activities.

**<sup>8</sup>** Examples of ways to recognize a gift include a letter of appreciation, mentioning the gift on the district or school website or publication, a shout-out at a public event, and a recognition plaque.

August 2015 8:80

# **Community Relations**

### Gifts to the District

The School Board appreciates gifts from any education foundation, other entities, or individuals. All gifts must adhere to each of the following:

- 1. Be accepted by the Board or, if less than \$500.00 in value, the Superintendent or designee. Individuals should obtain a pre-acceptance commitment before identifying the District, any school, or school program or activity as a beneficiary in any fundraising attempt, including without limitation, any Internet fundraising attempt.
- 2. Be given without a stated purpose or with a purpose deemed by the party with authority to accept the gift to be compatible with the Board's educational objectives and policies.
- 3. Be consistent with the District's mandate to provide equal educational and extracurricular opportunities to all students in the District as provided in Board policy 7:10, *Equal Educational Opportunities*. State and federal laws require the District to provide equal treatment for members of both sexes to educational programing, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities.
- 4. Permit the District to maintain resource equity among its learning centers.
- 5. Be viewpoint neutral. The Superintendent or designee shall manage a process for the review and approval of donations involving the incorporation of messages into or placing messages upon school property.
- 6. Comply with all laws applicable to the District including, without limitation, the Americans with Disabilities Act, the Prevailing Wage Act, the Health/Life Safety Code for Public Schools, and all applicable procurement and bidding requirements.

The District will provide equal treatment to all individuals and entities seeking to donate money or a gift. Upon acceptance, all gifts become the District's property. The acceptance of a gift is not an endorsement by the Board, District, or school of any product, service, activity, or program. The method of recognition is determined by the party accepting the gift.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Education Amendments implemented by

34 C.F.R. Part 106. 105 ILCS 5/16-1.

23 Ill.Admin.Code §200.40.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building

Programs), 6:10 (Educational Philosophy and Objectives), 6:210 (Instructional

Materials), 7:10 (Equal Educational Opportunities)

Adopted: November 25, 2019

# Section 8 - Community Relations

Edit Page

## **Community Relations**

Policy 8:95

### **Parental Involvement**

In order to assure collaborative relationships between students' families and the Board of Education and District personnel, and to enable parent(s)/guardian(s) to become active partners in education, the Superintendent shall develop administrative procedures to:

- 1. Keep parent(s)/guardian(s) thoroughly informed about their child's school and education.
- 2. Encourage involvement in their child's school and education.
- 3. Establish effective two-way communication between all families and the Board of Education and District personnel.
- 4. Seek input from parent(s)/guardian(s) on significant school-related issues.
- 5. Inform parents/guardians on how they can assist their children's learning.

CROSS REF.: 6:250 (Community Resource Persons and Volunteers), 8:90 (Parent

Organizations)

ADOPTED: May 20, 2002

# **Community Relations**

#### Parental Involvement 1

In order to assure collaborative relationships between students' families and the District, and to enable parents/guardians to become active partners in their children's education, the Superintendent2 shall:

- 1. Keep parents/guardians thoroughly informed about their child's school and education.
- 2. Encourage parents/guardians to be involved in their child's school and education.
- 3. Establish effective two-way communication between parents/guardians and the District.
- 4. Seek input from parents/guardians on significant school-related issues.
- 5. Inform parents/guardians on how they can assist their children's learning.

The Superintendent shall periodically report to the School Board on the implementation of this policy.

CROSS REF.: 6:170 (Title I Programs), 6:250 (Community Resource Persons and Volunteers),

8:10 (Connection with the Community), 8:90 (Parent Organizations and Booster

Clubs)

ADMIN. PROC.: 6:170-AP1, E1 (District-Level Parent and Family Engagement Compact), 6:170-

AP1, E2 (School-Level Parent and Family Engagement Compact)

On the first Monday in October of each year, students' parents/guardians are invited to attend class with their children and meet with teachers and administrators during the school day.

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

<sup>1</sup> A board may allow the district to participate and implement a *Bring Your Parents to School Day* the first Monday in October of each year. 105 ILCS 5/10-20.55. Its purpose is to promote parental involvement and student success. Consult the board attorney for advice before implementing this law. It may be an item upon which collective bargaining may be required. Any policy that impacts wages, hours, or terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Boards may also want to consider the impact *Bring Your Parents to School Day* may have upon students' instructional time how the implementation of this day will impact school safety and security. See policy 4:170, *Safety* and its implementing procedures.

If a board choses to implement this day, insert the following optional subhead as the second paragraph and add the Legal Reference before the Cross Reference:

Bring Your Parents to School Day

The following Legal Reference must also be inserted into the policy: "105 ILCS 5/10-20.55."

<sup>2</sup> The default text of this policy does not use "or designee" because it is important and the board likely wants to monitor it.

# **Community Relations**

### **Parental Involvement**

In order to assure collaborative relationships between students' families and the District, and to enable parents/guardians to become active partners in their children's education, the Superintendent shall:

- 1. Keep parents/guardians thoroughly informed about their child's school and education.
- 2. Encourage parents/guardians to be involved in their child's school and education.
- 3. Establish effective two-way communication between parents/guardians and the District.
- 4. Seek input from parents/guardians on significant school-related issues.
- 5. Inform parents/guardians on how they can assist their children's learning.

The Superintendent shall periodically report to the School Board on the implementation of this policy.

CROSS REF.: 6:170 (Title I Programs), 6:250 (Community Resource Persons and Volunteers),

8:10 (Connection with the Community), 8:90 (Parent Organizations and Booster

Clubs)

ADMIN. PROC.: 6:170-AP1, E1 (District-Level Parent and Family Engagement Compact), 6:170-

AP1, E2 (School-Level Parent and Family Engagement Compact)

Adopted: November 25, 2019