

**IASB POLICY REFERENCE MANUAL
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Students

Equal Educational Opportunities

Equal educational and extracurricular opportunities shall be available for all students without regard to race, color, national origin, sex, religious beliefs, physical and mental handicap or disability, status as homeless, or actual or potential marital or parental status, including pregnancy. Further, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the District remains viewpoint neutral when granting access to school facilities under Board Policy 8:20, *Community Use of School Facilities*. Any student may file a discrimination grievance by using the Uniform Grievance Procedure.

Sex Equity

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

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

Administrative Implementation

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

Students

Student and Family Privacy Rights ^{1 2}

Surveys ³

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

Surveys Created by a Third Party ⁴

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

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

Survey Requesting Personal Information ⁵

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

1. Political affiliations or beliefs of the student or the student's parent/guardian.
2. Mental or psychological problems of the student or the student's family.
3. Behavior or attitudes about sex.
4. Illegal, anti-social, self-incriminating, or demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.

¹ State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content.

² The No Child Left Behind Act of 2001 significantly changed the Protection of Pupil Rights Act, a/k/a/ the Hatch Amendments. The Protection of Pupil Rights Act now requires any school district, "that receives funds under any applicable program [to] develop and adopt policies, in consultation with parents, regarding [statutory privacy rights]." (20 U.S.C. §1232h(c)(1). "Any applicable program" generally refers to any federal program administered by the U.S. Department of Education (20 U.S.C. §1221(c). "Consultation with parents" is not defined; boards are advised, at minimum, to publicize the issue and request public comment during the policy's adoption.

³ This paragraph is not dictated by law. It, however, contains the principles to guide staff and should be carefully considered and re-crafted by each board. Note that IASB sample board policy 6:10, *Educational Philosophy and Objectives*, is very broad and will thus justify surveys covering many subjects. However, it would prohibit the collection of information for marketing or selling (see ¶13 of this policy); this reference must be struck if the board wants the option of selling personal information collected from students, such as in the following:

A survey requesting personal information from students, as well as any other instrument used to collect personal information from students, must have a business, educational, or marketing justification. Another alternative is to strictly restrict the subjects on which students may be surveyed, as in the following:

All surveys requesting information from students, as well as any other instrument used to collect personal information from students, must be for the purpose of monitoring the quality of the District's educational programs or assisting students' career choices.

⁴ Required by 20 U.S.C. §§1232h(c)(1)(A)(i) and 1232h(c)(2)(A)(ii).

⁵ Required by 20 U.S.C. §1232h(c)(1)(B).

6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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

1. Inspect the survey or evaluation upon, and within a reasonable time of, their request, 6 and/or
2. Refuse to allow their child or ward to participate in the activity described above. 7 The school shall not penalize any student whose parent(s)/guardian(s) exercised this option.

Instructional Material 8

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

The term "instructional material" means instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments. 9

Physical Exams or Screenings 10

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

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

1. Is permitted or required by an applicable State law, including physical examinations or screenings that are permitted without parental notification. 11
2. Is administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.). 12
3. Is otherwise authorized by Board policy. 13

⁶ Id.

⁷ 20 U.S.C. §1232h(c)(2)(A)(ii).

⁸ Required by 20 U.S.C. §1232h(c)(1)(C)(i).

⁹ 20 U.S.C. §1232(c)(6)(A).

¹⁰ The Protection of Pupil Rights Act states that student's parent(s)/guardian(s) may refuse to allow their child or ward to participate in "non-emergency, invasive physical examination or screening." (20 U.S.C. §1232h(c)(2)(A)(ii). This does not necessarily mean, however, that schools have authority to conduct invasive physical examinations or screenings of students. In order to avoid misunderstandings, the sample policy prohibits physical examinations and screenings of students as those terms are defined in the policy (and federal law).

A board that wants to retain this option must strike the first sentence and replace it with the following:

A student's parent(s)/guardian(s) may refuse to allow their child or ward to participate in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered by the school and scheduled by the school in advance; and (c) not necessary to protect the immediate health and safety of the student, or of other students.

¹¹ 20 U.S.C. §1232h(c)(4)(B)(ii).

¹² 20 U.S.C. §1232h(c)(5)(ii).

¹³ If a board adopted a drug-testing program for extracurricular participants, that policy should be referenced here and added to this policy's cross-references. (See the optional program in 7:240, *Conduct Code for Participants in Extracurricular Activities*.)

Selling or Marketing Students' Personal Information Is Prohibited 14

No school official or staff member shall market or sell personal information concerning students (or otherwise provide that information to others for that purpose). The term "personal information" means individually identifiable information including: (1) a student or parent's first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) a telephone number, (4) a Social Security identification number or (5) driver's license number or State identification card. 15

The above paragraph does not apply: (1) if the student's parent(s)/guardian(s) have consented; or (2) to the collection, disclosure or, use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: 16

1. College or other postsecondary education recruitment, or military recruitment.
2. Book clubs, magazines, and programs providing access to low-cost literary products.
3. Curriculum and instructional materials used by elementary schools and secondary schools.
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.
5. The sale by students of products or services to raise funds for school-related or education-related activities.
6. Student recognition programs.

Under no circumstances may a school official or staff member provide a student's "personal information" to a business organization or financial institution that issues credit or debit cards. 17

Notification of Rights and Procedures 18

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

1. This policy as well as its availability upon request from the general administration office.
2. How to opt their child or ward out of participation in activities as provided in this policy.
3. The approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled. 19
4. How to request access to any survey or other material described in this policy.

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

The rights provided to parents/guardians in this policy transfer to the student when the student turns 18 years old, or is an emancipated minor. 20

14 The Children's Privacy Protection and Parental Empowerment Act, P.A. 93-462, prohibits the sale of personal information concerning a child under the age of 16, with a few exceptions, unless the parent(s)/guardian(s) have consented. Federal law [20 U.S.C. §1232h(c)(1)(E)] is similar but not identical. In order to effectuate both laws, the sample policy prohibits the sale or marketing of "personal information" unless the parents/guardians have consented.

15 20 U.S.C. §1232(c)(6)(E); Children's Privacy Protection and Parental Empowerment Act, P.A. 93-462.

16 *Id.*

17 105 ILCS 5/10-20.37, as added by P.A. 93-549.

18 The details in this section are specified in and required by 20 U.S.C. §1232h(c)(2). This information should be in the student handbook.

19 If the board chose to keep the option of marketing personal information received from students and/or conducting physical exams, add the following to this list as appropriate: "collection of personal information from students for marketing and physical examinations or screenings."

LEGAL REF.: Protection of Pupil Rights, 20 U.S.C. §1232h.
Children's Privacy Protection and Parental Empowerment Act, P.A. 93-462.
105 ILCS 5/10-20.37.

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

20 20 U.S.C. §1232h(c)(5)(B).

Students

Harassment of Students Prohibited ¹

Bullying, Intimidation, and Harassment Prohibited

No person, including a District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; nationality; sex; sexual orientation; gender identity; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above. ²

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 this subject matter be covered by policy and controls this policy's content. Each district must have a policy on bullying (105 ILCS 5/27-23.7, amended by P.A. 96-952); see 7:180, *Preventing Bullying, Intimidation, and Harassment*.

This policy's list of protected classifications is identical to the list in 7:180, *Preventing Bullying, Intimidation, and Harassment*. The protected classifications are found in 105 ILCS 5/27-23.7(a), as amended by P.A. 96-952; 775 ILCS 5/1-103; and 23 Ill.Admin.Code §1.240. The bullying statute also includes *unfavorable discharge from military service* (105 ILCS 5/27-23.7(1), amended by P.A. 96-952); it is not included because of its irrelevance to students in K-12.

The list of protected classifications in sample policy 7:10, *Equal Educational Opportunities*, is different – it does not contain the classifications that are exclusively identified in the bullying statute (105 ILCS 5/27-23.7).

The Ill. Human Rights Act and an ISBE rule prohibit schools from discriminating against students on the basis of *sexual orientation* and *gender identity* (775 ILCS 5/5-101(11); 23 Ill.Admin.Code §1.240). *Sexual orientation* is defined as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth," (775 ILCS 5/1-103(O-1)). *Gender identity* is included in the definition of sexual orientation in the Act. The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms (775 ILCS 5/5-103). 775 ILCS 5/1-102(A), amended by P.A. 96-447, added *order of protection status* to its list of protected categories. The Ill. Human Rights Act's jurisdiction is specifically limited to: (1) failing to enroll an individual, (2) denying access to facilities, goods, or services, or (3) failing to take corrective action to stop severe or pervasive harassment of an individual (775 ILCS 5/5-102.2, added by P.A. 96-814).

² This list of examples of prohibited conduct is optional. While hate speech is not specifically mentioned in this paragraph, any hate speech used to harass or intimidate is banned. Hate speech without accompanying misconduct may be prohibited in response to actual incidences when hate speech interfered with the educational environment. *West v. Derby Unified Sch. Dist.*, 206 F.3d 1358 (10th Cir. 2000).

Sexual Harassment Prohibited

Sexual harassment of students is prohibited. ³ Any person, including a district employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

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

The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities.

Making a Complaint; Enforcement

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

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

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

³ Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance (20 U.S.C. §1681). The sample policy's definition of sexual harassment does not distinguish between welcome and unwelcome behaviors - each is prohibited if it has a result described in sub-paragraph 1 or 2. See Mary M. v. North Lawrence Community School Corp., 131 F.3d 1220 (7th Cir., 1997) (An eighth grade student did not need to show that a school employee's sexual advances were *unwelcome* in order to prove sexual harassment.).

Consult the board attorney to ensure the non-discrimination coordinator and complaint managers are trained to appropriately respond to allegations of discrimination based upon sexual violence under Title IX's sexual harassment umbrella. The U.S. Dept. of Education has issued guidance indicating that while acts of sexual violence are crimes, they may also be discrimination under Title IX. Many attorneys agree these guidance documents are a "heads-up" to schools to ensure appropriate responses and training. The guidance documents highlight appropriate responses to sexual violence under Title IX. See 1/n 3 in policy 2:260, Uniform Grievance Procedure for a listing and links to these documents.

School districts are liable for damage awards for an employee's sexual harassment of a student in limited situations. Liability occurs only when a district official who, at a minimum, has authority to institute corrective action, has actual notice of and is deliberately indifferent to the employee's misconduct. Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998). Schools are liable in student-to-student sexual harassment cases when school agents are deliberately indifferent to sexual harassment, of which they have actual knowledge, that is so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school. Davis v. Monroe County Board of Education, 119 S.Ct. 1661 (1999). The Ill. Dept. of Human Rights now has jurisdiction over allegations that a school failed to take corrective action to stop severe or pervasive harassment of an individual based upon a protected category (775 ILCS 5/5-102.2).

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. ⁴ At least one of these individuals will be female, and at least one will be male.

Nondiscrimination Coordinator:

Lisa Miller

Name

300 South West Street

Address

Cambridge, IL 61238

309-937-2144

Telephone

Complaint Managers:

Robert Reagan

Name

300 South West Street

Address

Cambridge, IL 61238

309-937-2051

Telephone

Shelly Capps

Name

312 South West Street

Address

Cambridge, IL 61238

309-937-2028

Telephone

The Superintendent shall use reasonable measures to inform staff members and students of this policy, such as, by including it in the appropriate handbooks. ⁵

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

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

⁴ Title IX regulations require districts to identify the person, address, and telephone number of the individual responsible for coordinating the district's compliance efforts. Each district must communicate its bullying policy to students and their parents/guardians (105 ILCS 5/27-23.7); see 7:180, *Preventing Bullying, Intimidation, and Harassment*.

⁵ In addition to notifying students of the Uniform Grievance Procedure, a district must notify them of the person(s) designated to coordinate the district's compliance with Title IX (34 C.F.R. Part 106.8(a)). A comprehensive student handbook can provide required notices, along with other important information to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and school board.

- LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments.
34 C.F.R. Part 106.
105 ILCS 5/10-20.12, 10-22.5, 5/27-1, and 5/27-23.7.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
23 Ill.Admin.Code §1.240 and Part 200.
Davis v. Monroe County Board of Education, 119 S.Ct. 1661 (1999).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998).
West v. Derby Unified School District No. 260, 206 F.3d 1358 (10th Cir., 2000).
- CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited),
7:10 (Equal Educational Opportunities), 7:180 (Preventing Bullying,
Intimidation, and Harassment), 7:190 (Student Discipline)

Students

Student Assignment and Intra-District Transfer

Attendance Areas

The School District is divided into school attendance areas. The Superintendent will review the boundary lines annually and recommend any changes to the School Board. The Superintendent or designee shall maintain a map of the District showing current school attendance areas. Students living in a given school attendance area will be assigned to that school. Homeless children shall be assigned according to Board policy 6:140, *Education of Homeless Children*.

Class Assignments

The Building Principal shall assign students to classes.

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

CROSS REF.: 4:170 (Safety), 6:15 (School Accountability), 6:30 (Organization of Instruction), 6:140 (Education of Homeless Children)

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Students

Nonpublic School Students, Including Parochial and Home-Schooled Students

Part-Time Attendance

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

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

Students With a Disability

The District will accept for part-time attendance those students with disabilities who live within the District and are enrolled in non-public schools. Requests must be submitted by the student's parent(s)/guardian(s). Special educational services shall be provided to such students as soon as possible after identification, evaluation, and placement procedures provided by State law, but no later than the beginning of the next school semester following the completion of such procedures. Transportation for such students shall be provided only if required in the child's individualized educational program on the basis of the child's disabling condition or as the special education program location may require.

Extracurricular Activities

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

Assignment When Enrolling Full-Time in a District School

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

A student who, after receiving instruction in a non-recognized or non-accredited school, enrolls in the District will: (1) be assigned to a grade level according to academic proficiency, and/or (2) be awarded academic credits from the District if the student demonstrates appropriate academic proficiency to the school administration. Any portion of a student's transcript relating to such instruction will not be considered for placement on the honor roll or computation in class rank.

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

Students

School Admissions and Student Transfers To and From Non-District Schools 1

Age [Elementary or Unit Districts only]

To be eligible for admission, a child must be 5 years old on or before September 1 of that school term. 2 Children who enter first grade must be 6 years of age on or before September 1 of that school year. 3 A child with exceptional needs who qualifies for special education services is eligible for admission at 3 years of age. 4

Parents/guardians may request early admission for a child. 5 The Superintendent or designee shall assess the child's readiness to attend school and make the decision accordingly.

Admission Procedure

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

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

1. A certified copy of the student's birth certificate. Upon the failure of a person enrolling a student to provide a copy of the student's birth certificate, the Building Principal shall immediately notify the local law enforcement agency and shall also notify the person enrolling the student in writing that, unless he or she complies within 10 days, the case shall be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, the Principal shall so refer the case. The Principal shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content. 6
2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health Examinations, Immunizations, and Exclusion of Students*. 7

1 State law requires some of the subject matter contained in this sample policy to be covered by policy and controls this policy's content. Boards must adopt a policy on school admissions (105 ILCS 5/10-21.2) and restricting a student from transferring from another school while under a suspension or expulsion from that school (105 ILCS 5/10-22.6).

2 105 ILCS 5/10-20.12. The district may, however, establish a kindergarten for children between the ages of 4 and 6 years old (105 ILCS 5/10-20.19a and 5/10-22.18). Any child between the ages of 7 and 17 must attend public or private school, with certain exceptions allowed for physical and mental disability, lawful employment, or other reasons as specified by statute (105 ILCS 5/26-1 as amended by P.A. 93-858.).

3 Optional.

4 105 ILCS 5/14-1.02 and 5/14-1.03a; 23 Ill.Admin.Code §§1.450(d) and 226.120. Note that after a child is determined to be eligible for special education services, the child must be placed in the appropriate program no later than the beginning of the next school semester (105 ILCS 5/14-8.02(b)).

5 105 ILCS 5/10-20.12. Districts that do not permit early admission should omit this paragraph.

6 Missing Children Records Act (325 ILCS 50/) and the Missing Children Registration Law (325 ILCS 55/). A birth certificate is the only acceptable proof of the child's identity (20 Ill.Admin.Code §1290.60(a)).

A district must also "flag" a student's record on notification by the State police of the student's disappearance and report to the State police any request for a "flagged" student record.

7 Each school must maintain records for each student that reflect compliance with the examination and immunization required by 105 ILCS 5/27-8.1 (23 Ill.Admin.Code §1.530(a)). A Tuberculosis skin test is required if the student lives in an area designated by the Dept. of Public Health as having a high incidence of Tuberculosis.

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required for enrollment. ⁸ Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

Student Transfers To and From Non-District Schools ⁹

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

⁸ Required by 105 ILCS 45/1-1 *et seq.* and the McKinney Homeless Assistance Act, 42 U.S.C. §11431 *et seq.*, as amended by the No Child Left Behind Act. See §11432(g)(3)(C)(i).

⁹ 105 ILCS 5/2-3.13a, as amended by P.A. 93-859, requires each transferor (original) school to keep documentation of transfers in the student's record. An ISBE rule provides: "If within 150 days after a student leaves a school, that school or school district has not received a request for the student's record, or been presented with other documentation that the student has enrolled in another school, then the student shall be counted in the school's or school district's calculation of its annual dropout rate," (23 Ill.Admin.Code §375.70(d)).

105 ILCS 5/10-22.6 requires boards to adopt a policy restricting a student from transferring from another school while under a suspension or expulsion from that school. A board has 2 basic options: under option one, it may comply with the minimum requirements of State law by refusing to allow a student transferring from any public school to attend classes until the period of any suspension or expulsion has expired when the penalty was for: (1) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act, (2) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or (3) battering a staff member of the school. Under option two, a board may require a student who was suspended or expelled for any reason from any public or private school in this or any other state to complete the entire term of the suspension or expulsion before being admitted to the school district. The sample policy uses the second, more simple, more comprehensive alternative. Under either option, however, a board may allow placement of the student in an alternative school program established under Article 13A for the remainder of the suspension or expulsion, as reflected in the following optional addition:

Upon the Superintendent or designee's recommendation, the Board may allow a student who was suspended or expelled from any public or private school to be placed in an alternative school program established under Article 13A of The School Code for the remainder of the suspension or expulsion.

Foreign Students [High School or Unit Districts only] 10

The District accepts foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration. Exchange students on a J-1 visa are not required to pay tuition. 11

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

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

10 Generally, a citizen of a foreign country who wishes to enter the U.S. must first obtain either: (1) a nonimmigrant visa (for temporary stay for tourism, medical treatment, business, temporary work, or study), or (2) an immigrant visa for permanent residence. Common visas presented by foreign students are:

1. J-1 nonimmigrant visas for participants in educational and cultural exchange programs designated by the U.S. Department of State, Exchange Visitor Program, and Designation Staff. These students are enrolled provided they otherwise qualify for admission.
2. F-1 nonimmigrant student visa. F-1 visas are not issued for attendance at an elementary or middle school (K-8). Before obtaining an F-1 student visa, the individual must submit evidence that the school district has been reimbursed for the unsubsidized per capita cost of the education. These students are enrolled provided they otherwise qualify for admission. However, attendance at U.S. public high schools cannot exceed a total of 12 months.
3. B-2 visitor nonimmigrant visas. There is disagreement over whether these students must be enrolled tuition free. Their "visitor" visa is evidence of non-resident status. Call INS or the district's attorney for guidance.
4. The qualified school-age child of an alien who holds another type of visa (i.e., A, E, H, I, L, etc.), other than a visitor visa. These students are enrolled provided they otherwise qualify for admission. Likewise, dependents of foreign nationals on long-term visas are enrolled provided they otherwise qualify for admission.
5. No immigration documentation. *Plyler v. Doe*, 102 S.Ct. 2382 (1982). A school cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. Thus, undocumented aliens are enrolled, provided they otherwise qualify for admission.
6. Immigrant visa. These students are enrolled provided they otherwise qualify for admission.

The Student and Exchange Visitor Information System (SEVIS) is an Internet-based system that provides tracking and monitoring, with access to accurate and current information on nonimmigrant students (F and M visas) and exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). See §641, Illegal Immigration Reform and Immigrant Responsibility Act. Section 641 is an exception to the Family Educational Rights and Privacy Act. See 8 C.F.R. §214.1(h). SEVIS enables schools and program sponsors to transmit electronic information and event notifications, via the Internet, to the INS and Department of State throughout a student's or exchange visitor's stay. SEVIS will provide system alerts, event notifications, and reports to the end-user schools and programs, as well as for INS and DOS offices.

According to federal regulations, students who apply for F-1, M-1, F-3, or M-3 visas must pay a \$100 fee, and students who apply for J-1 visas must pay a \$35 fee, to the Department of Homeland Security. The regulations describe when and how the fee is to be paid, who is exempt from the fee, and the consequences for failure to pay (8 C.F.R. Parts 103, 214, and 299).

IMPORTANT: Admitting students on an F-1 visa may require the district to admit students transferring from another district under NCLBA's school choice provisions. See policy 7:60, *Residence*.

11 State law allows, but does not require, boards to waive nonresident tuition for these students (105 ILCS 5/10-22.5a).

12 Exchange students on F-1 visas must pay the full-unsubsidized public education costs before entering the U.S. (8 U.S.C. §1101). Boards may not waive the fee.

Re-enrollment 13 [*High School or Unit Districts only*]

Re-enrollment shall be denied to any individual 19 years of age or above who has dropped out of school and who could not earn sufficient credits during the normal school year(s) to graduate before his or her 21st birthday. However, at the Superintendent's or designee's discretion and depending on program availability, the individual may be enrolled in a graduation incentives program established under 105 ILCS 5/26-16 or an alternative learning opportunities program established under 105 ILCS 5/13B-1 (see 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*). Before being denied re-enrollment, the District will offer the individual due process as required in cases of expulsion under policy 7:210, *Expulsion Procedures*. A person denied re-enrollment will be offered counseling and be directed to alternative educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma. This section does not apply to students eligible for special education under the Individuals with Disabilities in Education Act or accommodation plans under the Americans with Disabilities Act.

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

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

13 105 ILCS 5/26-2(b), as amended by P.A. 93-803, eff. 7-23-04; P.A. 93-858, eff. 1-1-05; P.A. 93-1079, eff. 1-21-05. The requirements in this section are provided in State law, that is: (1) it is mandatory that a district deny reenrollment as provided in this section, (2) it is permissive whether to enroll the individual in a district graduation incentives program or alternative learning opportunities program (although depending on circumstances, a student below the age of 20 may be entitled to enroll in a graduation incentives program), (3) it is mandatory to provide due process before denying reenrollment, (4) it is mandatory to offer the individual who is denied re-enrollment counseling and to direct that person to alternative educational programs, and (5) it is mandatory to that this section not apply to students eligible for special education.

105 ILCS 5/26-2(c), as amended by P.A. 93-858, allows a school district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. PRESS will not distribute a sample policy concerning this legislation until ISBE promulgates rules implementing it as required.

Students

Residence ¹

Resident Students

Only students who are residents of the District may attend a District school without a tuition charge, except as otherwise provided below or in State law. ² A student's residence is the same as the person who has legal custody of the student.

A person asserting legal custody over a student, who is not the child's natural or adoptive parent, shall complete a signed statement, stating: (a) that he or she has assumed and exercises legal responsibility for the child, (b) the reason the child lives with him or her, other than to receive an education in the District, and (c) that he or she exercises full control over the child regarding daily educational and medical decisions in case of emergency. In addition, the child's natural or adoptive parent, if available, shall complete a signed statement or Power of Attorney stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency. ³

A student whose family moves out of the District during the school year will be permitted to attend school for the remainder of the year without payment of tuition. ⁴

When a student's change of residence is due to the military service obligation of the student's legal custodian, the student's residence is deemed to be unchanged for the duration of the custodian's military service obligation if the student's custodian made a written request. The District, however, is not responsible for the student's transportation to or from school. ⁵

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within 60 days after the time of initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition. ⁶

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

² 105 ILCS 5/10-20.12b. In certain cases, no tuition may be charged for non-resident children placed by DCFS with a foster parent or childcare facility (*Id.*). When special education services are provided, "resident district" is determined by 105 ILCS 5/14-1.11 and 14-1.11a.

³ *Id.* In order to establish residence, a school district may not require a parent to transfer custody/guardianship to the person with whom the child is living. *Israel S. by Owens v. Board of Education of Oak Park and River Forest High School Dist. 200*, 601 N.E.2d 1264 (Ill.App. 1992). *See also: Joel R. v. Board of Education of Manheim School Dist. 83*, 686 N.E.2d 650 (Ill.App., 1997).

⁴ 105 ILCS 5/10-20.12a.

⁵ 105 ILCS 5/10-20.12b(a-5), as amended by P.A. 94-309.

⁶ 105 ILCS 5/10-22.5a. Military personnel must provide proof that the child will be living within the district within 60 days after the date of initial enrollment. Proof of residency may include postmarked mail addressed to the military personnel and sent to an address located within the district, a lease agreement for occupancy of a residence located within the district, or proof of ownership of a residence located within the district.

2. The student will be accepted only if there is sufficient room.
3. The student's parent(s)/guardian(s) will be charged the maximum amount of tuition as allowed by State law. ⁸
4. The student's parent(s)/guardian(s) will be responsible for transportation to and from school.

Admission of Non-Resident Students Pursuant to an Agreement or Order ⁹

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

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

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required to establish residency. ¹⁰ Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

Challenging a Student's Residence Status ¹¹

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

⁸ 105 ILCS 5/10-20.12a specifies a formula for calculating the maximum amount a district can charge non-resident students. Districts may charge less.

⁹ If a board intends to reject any invitation to accept non-resident students under NCLBA's school choice, it should seek its attorney's opinion before entering into any agreement described in this section. The agreement described in #1 is optional (105 ILCS 5/10-22.5a) and districts are not required to enter into such agreements nor to alter existing transportation services due to the attendance of such non-resident students. The agreement described in #2 is optional (105 ILCS 5/10-22.5a); districts should be sure it is consistent with 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. An example of an agreement described in #3 is one to accept non-resident students under the NCLBA's school choice provisions; entering into such an agreement is optional.

¹⁰ Required by 105 ILCS 45/1-1 et seq. and the McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq., as amended by the NCLBA. See §11432 (g)(3)(C)(i).

¹¹ Id. See 7:60-AP for sample procedures implementing this paragraph.

Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall be given by certified mail, return receipt requested. The person who enrolled the student may challenge this determination and request a hearing as provided by The School Code, 105 ILCS 5/10-20.12b.

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

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

Students

Attendance and Truancy ¹

Compulsory School Attendance ²

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

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness, observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student, other circumstances that cause reasonable concern to the parent/guardian for the student's safety or health, or other reason as approved by the Superintendent or designee. ³

Absenteeism and Truancy Program

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

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 boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/26-13 requires a policy on supportive services and available resources for truants. 23 Ill.Admin.Code §1.290 requires the same plus contains a definition of *valid cause* for absence.

² 105 ILCS 5/26-2 addresses enrolled students below age 7 or over age 17. The amendment requires any persons having custody or control of a child who is enrolled in grades kindergarten through 12 in the public school to cause the child to attend school.

105 ILCS 5/26-1 contains the compulsory school age exemptions. Each listed exception is specifically included in the statute, except the reference to *home school*. See policy 7:40, *Nonpublic School Students, Including Parochial and Home-Schooled Students*, regarding assigning students who enroll from a non-public school. See policy 6:150, *Home and Hospital Instruction*, regarding providing instruction to a pregnant student who is medically unable to attend school.

³ These reasons are in 105 ILCS 5/26-2a, amended by P.A. 97-218, except that "other reason as approved by the Superintendent" was added. ISBE rule requires that the absenteeism and truancy policy defines valid causes for absence (23 Ill.Admin.Code §1.290). P.A. 97-218 changed the definition of *chronic or habitual truant*, which is now "a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days." P.A. 97-975 replaced the Juvenile Court Act's definition of *chronic truant* with a reference to the definition in Sec. 26-2a of the School Code.

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified. ⁴
2. A process to telephone, within 2 hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification. ⁵
3. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in the School Code, Section 26-2a.
4. Methods for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information. ⁶
5. The identification of supportive services that may be offered to truant or chronically truant students, including parent-teacher conferences, student and/or family counseling, or information about community agency services. ⁷ See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.
6. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered. ⁸
7. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records. ⁹

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

⁴ Any child "necessarily and lawfully employed" may be exempted from attendance by the superintendent "on certification of the facts by and the recommendation of the school board" (105 ILCS 5/26-1). The policy's language serves to delegate this "certification of the facts" to the superintendent or designee. The following option allows a board to consider and include specific criteria in the policy:

A student may be excused, at the Superintendent's discretion, when: (1) the student has a last period study hall, (2) the parent/guardian provides written permission, (3) the student's employer provides written verification of employment, (4) the student provides evidence of a valid work permit, or (5) other reason deemed justifiable by the Superintendent.

Child Labor laws include: 29 C.F.R. Part 570 (minimum age standards, occupations, conditions, etc.); 820 ILCS 205/ (child labor laws); 56 Ill.Admin.Code Part 250 (child labor regulations).

⁵ This notification is required by 105 ILCS 5/26-3b.

⁶ Each district must have a policy describing diagnostic procedures to identify the cause(s) of absenteeism and supportive services and available resources for truants and chronic truants (105 ILCS 5/26-13; 23 Ill.Admin.Code §1.290).

⁷ 23 Ill.Admin.Code §1.290. The School Code references to dropout prevention include: 105 ILCS 5/26-3a (regional superintendent activities and annual report); 105 ILCS 5/10-20.25a (annual report by boards); and 105 ILCS 5/1A-4(E) (State Board of Education report).

⁸ Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center." Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.

⁹ 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services (705 ILCS 405/3-33.5).

8. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a chronic truant for his or her truancy unless available supportive services and other school resources have been provided to the student. ¹⁰
9. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. ¹¹

[For high school and unit districts only]

10. A process for a 17 year old resident to participate in the District's various programs and resources for truants. ¹² The student must provide documentation of his/her dropout status for the previous 6 months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in 7:50, *Students School Admissions and Student Transfers To and From Non-District Schools*.
11. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum academic or attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. ¹³

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

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions

Counties and municipalities may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 10 years of age, on the parent or custodian (55 ILCS 5/5-1078.2 and 65 ILCS 5/11-5-9). Such local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 55 ILCS 5/5-1078.2 and 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as (i) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (ii) *juvenile authorities* within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Ill. School Student Records Act (*Id.*). **A superintendent should consult with the board attorney before disclosing school student records to non-district entities.** See 7:340-AP, *Student Records* for a sample procedure for release of such records to juvenile authorities.

¹⁰ 105 ILCS 5/26-12 prohibits punitive action "unless available supportive services and other school resources have been provided to the student."

¹¹ 105 ILCS 5/26-3a requires the district to "establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship."

This statute also requires the "clerk or secretary" of the board to quarterly report to the regional superintendent and Secretary of State the identity of students who were removed from the regular attendance roll, exclusive of transferees, because they were expelled; have withdrawn; left school; withdrew due to extraordinary circumstances; have re-enrolled in school since their names were removed from the attendance rolls; were certified to be chronic or habitual truants; or were previously certified as chronic or habitual truants who have resumed regular school attendance. The statute provides that the status of a driver's license or instructional permit will be jeopardized for a student who is the subject of this notification because of non-attendance unless the non-attendance is due to extraordinary circumstances as determined by the local district. State Superintendent Koch announced in his *Weekly Message*, 8-28-07, www.isbe.net/board/archivemessages/message_082807.pdf, p.2, that ISBE is delaying implementing this statute based upon legal guidance from the U.S. Department of Education's Family Policy Compliance Office that its implementation would violate the Federal Education Rights and Privacy Act.

¹² A district must allow this participation; the length of the drop-out period and the documentation requirement contained in the next sentence are permissive (105 ILCS 5/26-14).

¹³ Optional, but provided in 105 ILCS 5/26-2(c); ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

and Student Transfers To and From Non-District Schools), 7:60 (Residence),
7:80 (Release Time for Religious Instruction/Observance), 7:190 (Student
Discipline), 7:340 (Student Records)

Students

Release Time for Religious Instruction/Observance

A student shall be released from school, as an excused absence, to observe a religious holiday or for religious instruction. The student's parent/guardian must give written notice to the Building Principal at least 5 calendar days before the student's anticipated absence(s). This notice shall satisfy the District's requirement for a written excuse when the student returns to school.

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

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

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

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Students

Release During School Hours

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

CROSS REF.: 4:170 (Safety)

Students

Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students ¹

Required Health Examinations and Immunizations

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

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

As required by State law:

1. Health examinations must be performed by a physician licensed to practice medicine in all of its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician authorizing the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the performance of health examinations by a supervising physician. ⁴
2. A diabetes screening must be included as a required part of each health examination; diabetes testing is not required. ⁵
3. Before admission and in conjunction with required physical examinations, parents/guardians of children between the ages of 6 months and 6 years must provide a statement from a physician that their child was "risk-assessed" or screened for lead poisoning. ⁶
4. The Department of Public Health will provide all female students entering sixth grade and their parents/guardians information about the link between human papilloma virus (HPV) and cervical cancer and the availability of the HPV vaccine. ⁷

Unless the student is homeless, failure to comply with the above requirements by October 15 of the current school year will result in the student's exclusion from school until the required health forms are presented to the District. New students who register mid-term shall have 30 days following registration to comply with the health examination and immunization regulations. ⁸ If a medical reason prevents a student from receiving a required immunization by October 15, the student must

¹ State or federal law controls this policy's content. The policy restates 105 ILCS 5/27-8.1. Immunization requirements are found in 77 Ill.Admin.Code §665.240. A Tuberculosis skin test is required if the student lives in an area designated by the Dept. of Public Health as having a high incidence of Tuberculosis.

² 105 ILCS 5/27-8.1; 77 Ill.Admin.Code §665.140 *et seq.* For the 2008-2009 school year only, a health examination conducted from August 2006 through September 2007 (for a child who was entering fifth grade for the 2007-2008 school year) was deemed to meet the requirements of 105 ILCS 5/27-8.1.

³ 77 Ill.Admin.Code §665.140. If grade levels are not assigned, examinations must be completed within one year prior to the school year in which the child reaches the ages of 5, 11, and 15 (*Id.*).

⁴ 105 ILCS 5/27-8.1; 77 Ill.Admin.Code §665.130 *et seq.*

⁵ 105 ILCS 5/27-8.1; 77 Ill.Admin.Code §665.700 *et seq.*

⁶ Required by 410 ILCS 45/7.1. Physicians are required to screen children over 6 years of age for lead poisoning when, in the physician's judgment, a child is at risk (410 ILCS 45/6.2).

⁷ This sentence restates the requirement in the Communicable Disease Prevention Act regarding cervical cancer prevention (410 ILCS 315/2e). It requires IDPH to adopt emergency rules to the extent necessary to administer its responsibilities under this provision.

⁸ This provision is a matter of local discretion.

present, by October 15, an immunization schedule and a statement of the medical reasons causing the delay. The schedule and statement of medical reasons must be signed by the physician, advanced practice nurse, physician assistant, or local health department responsible for administering the immunizations. ⁹

Eye Examination 10

Parents/guardians are encouraged to have their children undergo an eye examination whenever health examinations are required. ¹¹

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

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

Dental Examination 12

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

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

Exemptions 13

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

1. Religious or medical grounds if the student's parents/guardians present to the Superintendent a signed statement explaining the objection;

⁹ 105 ILCS 5/27-8.1(5) requires compliance by October 15 unless a district establishes an earlier date with 60 days notice. During a student's exclusion from school for non-compliance with this policy, the student's parents/guardians shall be considered in violation of 105 ILCS 5/26-1 and subject to any penalty imposed by 105 ILCS 5/26-10, as provided in 105 ILCS 5/27-8.1.

¹⁰ Required by 105 ILCS 5/27-8.1(1.10) and (2). The IDPH's rules are published at 77 Ill.Admin.Code §665.610 et seq. 77 Ill.Admin.Code §665.150 and 630 prescribe the statewide eye examination report form. It is available at: www.idph.state.il.us/HealthWellness/EyeExamReport.pdf or 77 Ill.Admin.Code §665, Appendix A.

¹¹ While 105 ILCS 5/27-8.1 requires eye examinations for students entering kindergarten or an Illinois school for the first time, it still encourages parent(s)/guardian(s) to have their children undergo eye examinations at the same points in time as their required health examinations. The IDPH must require that individuals conducting vision screenings give a child's parent/guardian a written notification stating:

Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months.

¹² Required by 105 ILCS 5/27-8.1(1.5). The IDPH's rules are published at 77 Ill.Admin.Code §665.410 et seq. 77 Ill.Admin.Code §665.150 and 430 prescribe the statewide dental examination report form. It is available at: www.idph.state.il.us/HealthWellness/oralHlth/DentalExamProof.pdf.

¹³ Id. and 105 ILCS 5/27-8.1(1.10).

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

Homeless Child

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce immunization and health records normally required for enrollment. ¹⁴ School Board policy 6:140, *Education of Homeless Children*, governs the enrollment of homeless children.

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

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

¹⁴ Required by the McKinney Homeless Assistance Act, 42 U.S.C. §1142(g)(3)(C)(i).
7:100

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Students

Student Rights and Responsibilities

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

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Students

Search and Seizure

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

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

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

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

Students

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

When feasible, the search should be conducted as follows:

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

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

Seizure of Property

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

Students

Agency and Police Interviews

All requests by agency or police officials to interview a student shall be handled according to procedures developed by the Superintendent.