

	2

Students

Student Appearance

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

Students

School Uniforms 1 2

Students are encouraged to wear school uniforms to school ³ on all school attendance days, in order to maintain and promote orderly school functions, student safety, and a positive learning environment. ⁴ The Building Principal is authorized to designate days on which this uniform policy is relaxed. ⁵

Each Building Principal shall designate a school-wide uniform after receiving input from school staff members, parents, and interested community members. ⁶ Students may: ⁷

1. Display religious messages on items of clothing to the same extent they are permitted to display other messages;
2. Wear attire that is part of the student's religious practice;
3. Wear or display expressive items, such as a button, as long as such items do not contribute to disruption by substantially interfering with discipline or with the rights of others; and
4. Wear the uniform of a nationally recognized youth organization such as Boy Scouts or Girl Scouts on regular meeting days.

No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform because of:

1. Personal choice, ⁸

¹ State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled.

² School boards may adopt a school uniform policy, provided it is "necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety" (105 ILCS 5/10-22.25b).

³ Alternatively, the board may designate certain individual attendance centers (*Id.*).

⁴ A voluntary school uniform policy permits student to freely choose whether and under what circumstances they will wear the uniform. A voluntary policy allows the district to gauge parental support - something that is vital to the policy's success. In addition, a voluntary policy does not implicate the First Amendment.

Boards may adopt a mandatory-uniform policy, with or without an "opt-out" provision. An opt-out provision allows a student to be excused from the policy because of an objection from the parent(s)/guardian(s) based on cultural, religious, or other reasons. While the constitutionality of a mandatory uniform policy is disputed, the inclusion of an opt-out provision reduces vulnerability to constitutional attack. For districts desiring a mandatory-uniform policy, substitute this provision for the first sentence (eliminate the 2nd sentence if no opt-out provision is wanted):

Students are required to wear school uniforms to school on all attendance days, unless otherwise indicated by the School Principal, in order to maintain and promote orderly school functions, student safety, and a positive learning environment. This policy will be waived for any student whose parent(s)/guardian(s) provide the Board with a signed statement detailing the grounds for the objection.

⁵ Optional; eliminate this sentence if the board wants to enforce the policy every day.

⁶ Boards may allow each school to designate its own uniform or designate a district-wide uniform, as the following alternative provides:

The Superintendent or designee shall designate a district-wide uniform after receiving input from school staff members, parents, and interested community members.

⁷ A uniform policy must accommodate students whose religious beliefs are substantially burdened by a uniform requirement. Religious messages may not be singled out for suppression; they must be subject to the same rules as generally apply to other messages. Further, a policy may not prohibit students from wearing or displaying expressive items, provided such items do not interfere with discipline or the rights of others. *Tinker v. Des Moines Independent School District*, 89 S.Ct. 7 (1969). Thus, for example, gang insignia may be banned, but election campaign buttons may not. For more information, see U.S. Secretary of Education Richard W. Riley's "Religious Expression in Public Schools," Aug. 10, 1995.

In *Littlefield v. Forney School Dist.*, 268 F.3d 275 (5th Cir. 2001), the court upheld a compulsory uniform policy. See also *Canady v. Bossier Parish School Board*, 240 F. 3d 437 (5th Cir 2001); *Phoenix Elementary School District v. Green*, 943 P. 2d 836 (Az.Ct. App. 1997); and *Vines v. Zion School Dist. No. 6*, 2002 WL 58815 (N.D.Ill. 2002).

2. Insufficient time in which to comply with this policy; ⁹
3. Financial hardship; ¹⁰ or
4. Objection by the student's parent(s)/guardian(s) on religious grounds to the student's compliance with this policy or the applicable uniform, if they have provided the Board with a signed statement of objection detailing the grounds for the objection. ¹¹

Any student eligible for reduced or free lunches, or for a waiver of student fees, is eligible for financial assistance toward the purchase of school uniforms. The Superintendent or designee shall develop a procedure for parents/guardians to request financial assistance. ¹²

No student shall be suspended or expelled from school, or receive a lowered academic grade, because of not complying with this policy. Each school shall develop incentives and positive reinforcement measures to encourage full compliance. A conference with the students' parents/guardians may be requested in order to solicit cooperation and support. ¹³

The Building Principal shall communicate information to students and parents/guardians concerning:

1. The uniform's description and its availability;
2. The requirements for jackets and outer garments;
3. Optional articles of attire, if any;
4. Compliance measures to be employed;
5. The availability of financial support and the procedures for applying for assistance;
6. Methods to facilitate recycling of uniforms within the school community; and
7. Notice of uniform sales and lists of competitive prices from vendors of uniform articles.

LEGAL REF: 105 ILCS 5/10-22.25b.
Tinker v. Des Moines Independent School District, 89 S.Ct. 7 (1969).

CROSS REF: 7:160 (Student Appearance), 7:190 (Student Discipline)

⁸ Omit "personal choice" if the district has a mandatory-uniform policy.

⁹ 105 ILCS 5/10-22.25b.

¹⁰ Id.

¹¹ Id. Remove this provision if a mandatory-uniform policy is adopted with a provision allowing the parents/guardians to obtain an opt-out (see footnote 3).

¹² Id. State law requires the board to establish "criteria and procedures under which the school board will accommodate the needs of or otherwise provide appropriate resources to assist a student from an indigent family."

¹³ For those boards choosing a mandatory-uniform policy with no opt-out provision, replace this entire paragraph with the following:

Each school shall develop incentives and positive reinforcement measures to encourage full compliance. Disciplinary action may be taken for failure to comply with this policy. Before initiating disciplinary action, a conference with the parent(s)/guardian(s) shall be requested in order to solicit cooperation and support.

Students

Vandalism

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

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

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

Students

Preventing Bullying, Intimidation, and Harassment

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors is an important District goal. The Superintendent or designee shall develop and maintain a program that:

1. Fully implements and enforces each of the following Board policies:
 - a. 7:190, *Student Discipline*. This policy prohibits students from engaging in hazing or any kind of aggressive behavior that does physical or psychological harm to another or any urging of other students to engage in such conduct; prohibited conduct includes any use of violence, force, noise, coercion, threats, intimidation, fear, harassment, bullying, hazing, or other comparable conduct.
 - b. 7:310, *Restrictions on Publications and Written or Electronic Material*. This policy prohibits students from: (i) accessing and/or distributing at school any written or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (ii) creating and/or distributing written or electronic material, including Internet material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.
 - c. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing or intimidating a student based upon a student's sex, color, race, religion, creed, ancestry, national origin, physical or mental disability, sexual orientation, or other protected group status.

Full implementation of the above policies includes: (a) conducting a prompt and thorough investigation of alleged incidents of bullying, intimidation, or harassing behavior, (b) providing each student who violates one or more of these policies with appropriate consequences and remedial action, and (c) protecting students against retaliation for reporting such conduct.

2. Examines the appropriate steps to understand and rectify conditions that foster bullying, intimidation, and harassment; this contemplates taking action to eliminate or prevent these disruptive behaviors beyond traditional punitive disciplinary actions.
3. Includes bullying prevention and character instruction in all grades in accordance with State law and Board policy 6:60, *Curriculum Content*. This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.
4. Fully informs staff members of the District's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes: (a) communicating the District's expectation – and the State law requirement – that teachers and other certificated employees maintain discipline, and (b) establishing a process for staff members to fulfill their obligation to report alleged acts of bullying, intimidation, harassment, and other acts of actual or threatened violence.

5. Encourages all members of the school community, including students, parents, volunteers, and visitors, to report alleged acts of bullying, intimidation, harassment, and other acts of actual or threatened violence.
6. Actively involves students' parents/guardians in the remediation of the behavior(s) of concern. This includes ensuring that all parents/guardians are notified, as required by State law, whenever their child engages in aggressive behavior.
7. Communicates the District's expectation that all students conduct themselves with a proper regard for the rights and welfare of other students. This includes a process for commending or acknowledging students for demonstrating appropriate behavior.
8. Annually communicates this policy to students and their parents/guardians. This includes annually disseminating information to all students and parents/guardians explaining the serious disruption caused by bullying, intimidation, or harassment and that these behaviors will be taken seriously and are not acceptable in any form.
9. Engages in ongoing monitoring that includes collecting and analyzing appropriate data on the nature and extent of bullying in the District's schools and, after identifying appropriate indicators, assesses the effectiveness of the various strategies, programs, and procedures and reports the results of this assessment to the Board along with recommendations to enhance effectiveness.
10. Complies with State and federal law and is in alignment with Board policies. This includes prompting the Board to update the policy beginning every 2 years after its initial adoption and filing this policy with the Illinois State Board of Education after the Board adopts or updates it.

LEGAL REF.: 405 ILS 49/1 *et seq.*
105 ILCS 5/10-20.14, 5/24-24, and 5/27-23.7.
23 Ill.Admin.Code §1.280.

CROSS REF.: 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:190 (Student Discipline), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:310 (Restrictions on Publications and Written or Electronic Material)

Students

Student Discipline ¹

Prohibited Student Conduct ²

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

1. Using, possessing, distributing, purchasing, or selling tobacco materials. ³
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. ⁴ Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, or selling:
 - a. Any illegal drug, controlled substance, or cannabis (including marijuana and hashish). ⁵
 - b. Any anabolic steroid unless being administered in accordance with a physician's or licensed practitioner's prescription. ⁶
 - c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription. ⁷
 - d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions.
 - e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.
 - f. "Look-alike" or counterfeit drugs, including a substance not containing an illegal drug or controlled substance, but one: (a) that a student believes to be, or represents to be, an illegal drug or controlled substance; or (b) about which a student engaged in behavior that

¹ All districts must have a policy on student discipline, including corporal punishment (105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280). Teachers and other certificated employees must maintain discipline (105 ILCS 5/24-24). Given the unique concerns facing school officials, school disciplinary codes are not required to be drafted as narrowly or with the same precisions as criminal statutes. Bethel School Dist. v. Fraser, 106 S.Ct. 3159 (1986).

² Boards for elementary districts may customize the items listed as *prohibited student conduct* that clearly will not apply to their students.

³ Federal law prohibits smoking within schools by anyone (Pro-Children Act of 1994, 20 U.S.C. §6081). Districts that fail to comply risk a civil penalty of up to \$1,000 per violation per day. See policy 8:30, *Visitors to and Conduct on School Property*, for more information.

⁴ Alcoholic beverages are defined in 235 ILCS 5/1-3.01 to 3.05.

⁵ Controlled substance is defined in 720 ILCS 570/102; cannabis is defined in 720 ILCS 550/3. Either spelling, "marihuana" or "marijuana," is correct; however, "marijuana" is more common.

⁶ Anabolic steroid is defined in 720 ILCS 570/102.

⁷ 105 ILCS 25/1.5, added by P.A. 96-132, requires IHSA to prohibit a student from participating in an IHSA-sponsored athletic competition unless the student has agreed not to use any performance-enhancing substances on IHSA's current banned drug list and to submit to performance-enhancing substance testing. See policy 7:240, *Conduct Code for Participants in Extracurricular Activities*.

would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug or controlled substance. ⁸

- g. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances. ⁹

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

4. Using, possessing, controlling, or transferring a “weapon” as that term is defined in the *Weapons* section of this policy, or violating the *Weapons* section of this policy. ¹⁰
5. Using or possessing an electronic paging device. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered-off and out-of-sight during the regular school day unless: (a) the supervising teacher grants permission; (b) use of the device is provided in a student’s individualized education program (IEP); or (c) it is needed in an emergency that threatens the safety of students, staff, or other individuals. ¹¹
6. Using or possessing a laser pointer unless under a staff member’s direct supervision and in the context of instruction.
7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member’s request to stop, present school identification, or submit to a search.
8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, and wrongfully obtaining test copies or scores.

⁸ “Look-alike” and counterfeit substances are defined in 720 ILCS 570/102. “Look-alike” drugs should be defined; an unpublished Ill. Court of Appeals decision in 2000 found a board policy prohibiting possession of “look-alikes” to have vagueness problems.

⁹ Drug paraphernalia is defined in 720 ILCS 600/2.

¹⁰ This language is broader than the *Weapons* section of this policy. The *Weapons* section contains the statutorily required punishment for “a student who is determined to have brought” a weapon to school along with the statutory definition of *weapon* (105 ILCS 5/10-22.6, amended by P.A. 96-633). The language in item #4 is broader because it prohibits “using, possessing, controlling, or transferring” a weapon in addition to violating the *Weapons* section.

¹¹ 105 ILCS 5/10-21.10 prohibits student possession of electronic paging devices, but State law leaves to local boards the discretion whether to prohibit student possession of cellular phones (105 ILCS 5/10-20.28). Camera phones are now common and their misuse could seriously invade a student’s privacy. A board wanting a sweeping prohibition may use the following alternative for item 5:

Using or possessing a cellular telephone, electronic signaling device, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.

Operating transmitters designed to jam or block wireless communications violates the federal Communications Act of 1934 (47 U.S.C. §§301, 302a, and 333). Fines for a first offense can range as high as \$11,000 for each violation or imprisonment for up to one year, and the device may also be seized by the U.S. government. 47 U.S.C. §§501-510.

Making a video recording or live video transmission of another person without their consent in a restroom, locker room, or changing room is a felony (720 ILCS 5/26-4, added by P.A. 95-265).

9. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to another or any urging of other students to engage in such conduct. ¹² Prohibited conduct includes any use of violence, force, noise, coercion, threats, intimidation, fear, harassment, hazing, or other comparable conduct. ¹³
10. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.
11. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants. ¹⁴
12. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member. ¹⁵
13. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia. ¹⁶
14. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, and hazing.
15. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. ¹⁷

¹² 105 ILCS 5/10-20.14 requires boards, in consultation with their parent-teacher advisory committees and other community-based organizations, to include provisions in their student discipline policy to address aggressive behavior, including bullying. Implementing procedures must include a method for informing parents/guardians when their child or ward engaged in aggressive behavior as well as early intervention procedures based upon available community and district resources. See 7:190-E, *Aggressive Behavior Reporting Letter and Form*.

A person commits a felony hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, sexual orientation, disability, or national origin of another person, he or she commits assault or battery (720 ILCS 5/12-7.1). The penalty is heightened when the offense is committed in a school or administrative facility.

¹³ All districts must have a policy on bullying (105 ILCS 5/27-23.7(d), amended by P.A. 95-349). See policy 7:180, *Preventing Bullying, Intimidation, and Harassment*.

A trial court's order enjoining a student's expulsion for committing aggressive behavior was overturned in Wilson ex rel. Geiger v. Hinsdale Elementary School Dist. 181, 810 N.E.2d 637 (Ill.App.2, 2004). The board expelled an 11-year-old student for bringing 2 CDs to school containing a song entitled, "Gonna Kill Mrs. Cox's Baby." Mrs. Cox was the student's pregnant science teacher. The student was expelled for the remainder of the school year for violating the district's policy prohibiting aggressive behavior. The Court of Appeals reversed the trial court's temporary restraining order (that had stopped the penalty's imposition until after a trial) finding that the student had violated school rules subjecting him to exclusion and that the penalty was not unreasonable, arbitrary, capricious, or oppressive. The district's policy prohibiting aggressive behavior was substantially identical to the PRESS policy.

See also Gendelman v. Glenbrook North High School and Northfield Township School District 225, 2003 WL 21209880 (N.D.Ill., 2003)(student suspensions for hazing were upheld).

¹⁴ 105 ILCS 5/26-2a, 5/26-9, and 5/26-12. See policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*, and 7:70, *Attendance and Truancy*.

¹⁵ State law requires schools to suspend or expel any student who engages in this activity (105 ILCS 5/31-3).

¹⁶ See Kelly v. Board of Educ. of McHenry Community High School Dist. 156, 2007 WL 114300 (N.D.Ill., 2007)(upheld student's expulsion for drawing gang symbols while at school; testimony that the danger posed by gang signs and the presence of gangs at school supported the board's insistence on strict enforcement of board policy prohibiting gang related behavior and made expulsion a proper remedy). Significantly, the General Assembly recognized in 105 ILCS 5/27-23.7(a), amended by P.A. 95-198, that "[g]iven the higher rates of criminal offending among gang members, as well as the availability of increasingly lethal weapons, the level of criminal activity by gang members has taken on new importance for law enforcement agencies, schools, the community, and prevention efforts."

740 ILCS 147/15 *et seq.* allows a school district to bring a civil suit against a gang, gang officers, or gang members for losses it suffers due to their criminal activity.

¹⁷ A catchall provision, e.g., this one, gives staff members authority to respond to unforeseen situations.

be appropriate and reasonably related to the seriousness of the misconduct and the employee's record. Any applicable provision in a contract, bargaining agreement, or State law will control the disciplinary process.

For purposes of this policy, the term “possession” includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student’s person; (b) contained in another item belonging to, or under the control of, the student, such as in the student’s clothing, backpack, or automobile; (c) in a school’s student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event. 18

Efforts, including the use of early intervention and progressive discipline, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or physiological harm to someone else. The Superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident. 19 The failure to provide such notification does not limit the Board’s authority to impose discipline, including suspension or expulsion, for such behavior.

No disciplinary action shall be taken against any student that is based totally or in part on the refusal of the student’s parent/guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. 20

The grounds for disciplinary action, including those described more thoroughly later in this policy, apply whenever the student’s conduct is reasonably related to school or school activities, including, but not limited to: 21

1. On, or within sight of, school grounds before, during, or after school hours or at any time;
2. Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;

If the board adopts a mandatory uniform policy (see 7:165, *School Uniforms*), add the following item to the list as number 16: “Failing to comply with the mandatory uniform policy, but only after repeated attempts to secure compliance, such as conferences with parents/guardians, have been unsuccessful.”

18 “Possession” should be defined to avoid vagueness problems.

19 See footnote 9.

20 Mandated by 105 ILCS 5/10-20.36, amended by P.A. 95-331.

21 A school’s power over students does not cease when students leave the campus. However, Illinois statutes do not describe when a school may suspend or expel a student. Thus, board policy must provide a jurisdictional statement telling students and staff the circumstances under which the district will take disciplinary action. Rules taking jurisdiction of off-campus misconduct generally survive the test of reasonableness if they are limited to situations having a direct nexus to the school. Jurisdictional rules in board policy should generally be as broad as possible in order to give staff members authority to respond to unforeseen situations. However, a countervailing interest concerns liability for off-campus student injuries, i.e., the greater the jurisdiction a district is willing to impose, the greater the scope of liability it may be assuming. Ultimately, a decision whether to discipline for off-campus misconduct requires a factual inquiry to determine the degree of nexus and impact on the school. There are many decisions on disciplining a student for off-campus misconduct; for examples, see: Morse v. Frederick, 127 S.Ct. 2618 (2007) (held school’s compelling interest in stopping student drug abuse allows schools to prohibit student speech that maybe reasonably regarded as promoting illegal drug use). Boucher v. School District of Greenfield, 134 F.3d 821 (7th Cir., 1998)(upheld expulsion for off-campus speech – an article explaining how to hack into the school’s computers); Giles v. Brookville Area School District, 669 A.2d 1079 (Pa. Commw. 1995)(upheld expulsion for selling marijuana to another student off-campus where negotiations took place on campus); J.S. v. Bethlehem Area School District, 807 A.2d 847 (Pa. 2002)(suspension upheld for posting on a private web site derogatory, offensive, and threatening statements directed toward a teacher); Wisnieski v. Board of Education of Weedsport Cent. School District, 494 F3d 34 (2nd Cir. 2007), (upheld suspension for off-campus speech - an instant message icon illustrating a pistol firing a bullet at teacher’s head with words “kill Mr. Vandermolen.”); Doe v. Pulaski County Special School, 306 F.3d 616 (8th Cir., 2002) (vacated holding in Doe v. Pulaski County Special School, 263 F.3d 833 (8th Cir., 2001), holding that the school board did not violate the student’s First Amendment rights when it expelled him for writing a letter at home referring to killing his girlfriend).

Note that the law is different regarding participants in athletics and extracurricular activities. See policy 7:240, *Conduct Code for Participants in Extracurricular Activities*.

According to the Civil No Contact Order Act, a judge may order a student who has committed non-consensual sexual contact against another student, or who has aided and abetted such an act, to transfer to another school; the parents/guardians are responsible for transportation and other costs associated with the transfer (740 ILCS 22/213, added by P.A. 96-311, eff. 1-1-10). The school district is not a party to a petition for a Civil No Contact order, and will probably not be notified before it is issued. School officials should immediately seek the board attorney’s advice on managing such the order.

3. Traveling to or from school or a school activity, function, or event; or
4. Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. ²²

Disciplinary Measures ²³

Disciplinary measures may include: ²⁴

1. Disciplinary conference.
2. Withholding of privileges.
3. Seizure of contraband.
4. Suspension from school and all school activities for up to 10 days, provided that appropriate procedures are followed. ²⁵ A suspended student is prohibited from being on school grounds.
5. Suspension of bus riding privileges, provided that appropriate procedures are followed. ²⁶
6. Expulsion from school and all school-sponsored activities and events for a definite time period not to exceed 2 calendar years, provided that the appropriate procedures are followed. ²⁷ An expelled student is prohibited from being on school grounds. ²⁸
7. Notifying juvenile authorities or other law enforcement whenever the conduct involves illegal drugs (controlled substances), "look-alikes," alcohol, or weapons.
8. Notifying parents/guardians.
9. Temporary removal from the classroom.

²² Suspending or expelling a student for off-campus misconduct is problematic when the school's jurisdiction is premised on nothing more than "the student's presence at school may reasonably be considered to create an interference with school purposes or an educational function." If possible, other grounds for jurisdiction should be added. The factual context will determine jurisdiction. Even when there is no other jurisdictional ground, if the nature of the conduct is particularly troublesome, a detrimental impact on the school can be inferred. See Doe v. Superintendent of Schools of Stoughton, 767 N.E.2d 1054 (Mass., 2002)(suspension for off-campus commission of a felony was upheld).

²³ Aside from procedural due process protection, students have a constitutional substantive due process right. This right protects them from an abuse of government power which "shocks the conscience." While the scope of substantive due process is very limited, it is available to students who believe they were subject to arbitrary and excessive discipline. Generally, however, school officials need not fear being found guilty of a substantive due process violation. Federal courts are loath to second-guess school officials.

An example of the judicial reluctance to interfere is Tun v. Whitticker, 398 F.3d 899 (7th Cir., 2005). A student named Brandon brought a substantive due process claim against the school for expelling him without evidence of wrongdoing. Brandon and three others were expelled for allowing nude pictures of themselves to be taken in the school shower. After Brandon appealed using the school's procedures, the expulsion was rescinded and his record expunged of any reference to the incident. Brandon, however, brought a federal court action alleging that his substantive due process rights were violated. While the Court believed that school officials overreacted to boys "just horsing around," it did not believe the expulsion amounted to a substantive due process violation - it fell short of the required "shocks the conscience" standard.

²⁴ Most school attorneys advise against using a grade reduction as a disciplinary measure. One case upheld the application of such a policy. Knight v. Board of Education, 348 N.E.2d 299 (Ill.App. 4, 1976). Another case, however, found unconstitutional, a grade reduction policy requiring 9-week grades to be reduced 4% for each day of a suspension. Smith v. School City of Hobart, 811 F.Supp. 391 (N.D.Ind., 1993).

²⁵ 105 ILCS 5/10-22.6. The next sentence is optional.

²⁶ Id.

²⁷ 105 ILCS 5/10-22.6. The Indiana Supreme Court upheld a policy to deny semester credit to a student expelled anytime during the semester. South Gibson School Board v. Sollman, 768 N.E.2d 437 (Ind. 2002). An optional provision, such as the following, should first be discussed with the board's attorney before adoption:

Unless the Building Principal determines otherwise, a student expelled anytime during a semester will be denied credit for the semester regardless of whether the student had completed sufficient course work to earn a passing grade before being expelled.

²⁸ Optional (105 ILCS 5/10-22.6).

10. In-school suspension for a period not to exceed 5 school days. The Building Principal or designee shall ensure that the student is properly supervised. ²⁹
11. After-school study or Saturday study ³⁰ provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
12. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs. ³¹ The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure giving the student and/or parent/guardian the choice.

A student who is subject to suspension or expulsion may be eligible for transfer to an alternative school program. ³²

Corporal punishment shall not be used. Corporal punishment is defined as slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property. ³³

Weapons ³⁴

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than 2 calendar years:

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

The expulsion requirement under either paragraph 1 or 2 above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm. ³⁵

²⁹ State law does not cover in-school suspensions. Generally, an educational program must be included in an in-school suspension; otherwise, it may become a regular suspension with procedural requirements.

³⁰ Teachers may not be required to teach on Saturdays (105 ILCS 5/24-2).

³¹ Optional. See Herndon v. Chapel Hill-Carrboro City Bd., 89 F.3d 174 (C.A. 4, 1996)(upheld policy requiring students to complete community service in order to graduate).

³² 105 ILCS 5/10-22.6.

³³ This paragraph paraphrases 105 ILCS 5/24-24.

³⁴ This section restates 105 ILCS 5/10-22.6, amended by P.A. 96-633. See also the Gun-Free Schools Act, 20 U.S.C. §7151 *et seq.* This section contains the statutorily required punishment for bringing a weapon to school along with the statutory definition of *weapon* (105 ILCS 5/10-22.6, amended by P.A. 96-633). Item #4 in the **Prohibited Student Conduct** section is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the *Weapons* section.

When preparing for a due process hearing, a principal needs to use the applicable State and federal law definitions of "firearm"—not just The School Code. Analyzing the student's circumstances on a case-by-case basis may avoid a judicial finding that an expulsion is too severe. See Washington v. Smith, 618 N.E.2d 561 (Ill.App., 1993).

³⁵ Optional.

Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member. ³⁶ Upon receiving such a report, the Building Principal or designee shall immediately notify the local law enforcement agency, State Police, and any involved student's parent/guardian. ³⁷ "School grounds" includes modes of transportation to school activities and any public way within 1000 feet of the school, as well as school property itself.

Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Teachers, other certificated educational employees, and other persons providing a related service for or with respect to a student, may use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense or defense of property. ³⁸ Teachers may temporarily remove students from a classroom for disruptive behavior. ³⁹

The Superintendent, Building Principal, Assistant Building Principal, or Dean of Students is authorized to impose the same disciplinary measures as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to 10 consecutive school days, provided the appropriate procedures are followed. ⁴⁰ The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons. ⁴¹

Student Handbook

The Superintendent, with input from the parent-teacher advisory committee, ⁴² shall prepare disciplinary rules implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

³⁶ 105 ILCS 5/10-27.1A, 5/10-27.1B, and 5/10-21.7. "School grounds" includes the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground. To satisfy the reporting requirement, ISBE created the School Incident Reporting System (SIRS), a web-based application on IWAS for schools to report incidents electronically. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.

³⁷ *Id.* State law imposes this duty to report firearm possession only on school officials; this duty may be also imposed on volunteers and community members. Only staff members, however, are vulnerable to committing a petty offense for their failure to report, and only staff members are protected from civil or criminal liability that might arise as a result of making a report (although the liability potential for anyone making a report is remote).

The building principal must notify the student's parents/guardians only when the alleged offense is firearm possession. The policy expands this notification duty; a board disinclined to do this should substitute the following sentence:

Upon receiving such a report, the Building Principal or designee shall immediately notify the applicable local law enforcement agency, State Police, and, if a student is reportedly in possession of a firearm, also the student's parents/guardians.

³⁸ Required by 105 ILCS 5/24-24 and 23 Ill.Admin.Code §1.280.

³⁹ *Id.*

⁴⁰ Required by 105 ILCS 5/10-22.6.

⁴¹ *Id.*

⁴² The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline. See policy 2:150, *Committees*. This policy's dissemination requirements are from 105 ILCS 5/10-20.14.

A comprehensive student handbook can provide notice 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.

Actor	Action
	<p>its branches in Illinois or a certified athletic trainer.</p> <p>3. If not cleared to return to that contest, a student athlete may not return to play or practice until the student athlete has provided his or her school with written clearance from a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer working in conjunction with a physician licensed to practice medicine in all its branches in Illinois.</p> <p>Learn concussion symptoms and danger signs. Available at: www.ihsa.org/Resources/SportsMedicine/ConcussionManagement/CoachingResources.aspx.</p> <p>Understand before the season begins how to respond if a student athlete exhibits signs, symptoms, or behaviors consistent with a concussion (e.g., loss of consciousness, headache, dizziness, confusion, or balance problems) in a practice or game.</p> <p>Do not assess a head injury; instead, take the student athlete out of play and seek the advice of a health care professional.</p> <p>Inform the student athlete's parent/guardian about a possible concussion and give the parent/guardian a fact sheet on concussion. Available at: www.ihsa.org/Resources/SportsMedicine/ConcussionManagement/ParentGuardianResources.aspx.</p>

Students

Restrictions on Publications and Written or Electronic Material

School-Sponsored Publications and Web Sites

School-sponsored publications, productions, and web sites are part of the curriculum and are not a public forum for general student use. School authorities may edit or delete material that is inconsistent with the District's educational mission.

All school-sponsored communications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated.

The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

Non-School Sponsored Publications and Web Sites Accessed or Distributed At School

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

1. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities;
2. Violates the rights of others, including but not limited to material that is libelous, invades the privacy of others, or infringes on a copyright;
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, or contains indecent and vulgar language;
4. Is primarily intended for the immediate solicitation of funds; or
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. Nothing herein shall be interpreted to prevent the inclusion of material from outside sources or the citation to such sources as long as the material to be distributed or accessed is primarily prepared by students.

The distribution of non-school-sponsored written material shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the material is endorsed by the School District.

Accessing or distributing "at school" includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school.

Student-Created or Distributed Written or Electronic Material Including Blogs

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing written or electronic material, including Internet material and blogs, that causes

substantial disruption to school operations or interferes with the rights of other students or staff members.

LEGAL REF.: Hazelwood v. Kuhlmeier, 108 S.Ct. 562 (1988).
Hedges v. Wauconda Community Unit School Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 89 S.Ct. 733 (1969).

CROSS REF.: 6:235 (Access to Electronic Networks), 8:25 (Advertising and Distributing Materials in School Provided by Non-School Related Entities)

Students

Student Fund-Raising Activities 1

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

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

The Superintendent's implementing procedures shall provide that:

1. Fund-raising efforts shall not conflict with instructional activities or programs.
2. Fund-raising efforts must be voluntary.
3. Student safety is paramount and door-to-door solicitations are prohibited.
4. For school-sponsored student organizations, a school staff member must supervise the fund-raising activities and the student activity funds treasurer must safeguard the financial accounts.
5. The fund-raising efforts must be to support the organization's purposes and/or activities, the general welfare, a charitable cause, or the educational experiences of students generally.
6. The funds shall be used to the maximum extent possible for the designated purpose. 2

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

CROSS REF.: 4:90 (Student Activity Fund Management), 8:90 (Parent Organizations and Booster Clubs)

¹ State or federal law requires this subject matter be covered by policy. 105 ILCS 5/10-20.19 requires districts to have rules governing fund-raising. State law, however, does not provide details concerning this policy's content.

² This paragraph is optional and may be amended. Its purpose is to establish basic guidance to the superintendent arising out of the board's accountability to the community.

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Students

Student Use of Buildings - Equal Access ¹

Student groups, clubs, or organizations that are not school sponsored or directed may meet on school premises provided their meeting fulfills all of the following conditions: ²

1. The meeting is held during those noninstructional times identified by the Superintendent or designee for noncurricular student groups, clubs, or organizations to meet. "Noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. "Noncurricular student groups" are those student groups, clubs, or organizations that do not directly relate to the curriculum. ³
2. The meeting is student-initiated, meaning that the request is made by a student(s).
3. Attendance at the meeting is voluntary.
4. The school will not sponsor the meeting.
5. School employees are present at religious meetings only in a non-participatory capacity.

¹ This sample policy should be adopted by districts with secondary school(s) that wish to establish or already have a "limited open forum" as that term is defined in the Equal Access Act and quoted below.

The Equal Access Act requires a secondary school to grant fair opportunity or "equal access" to students who wish to conduct a meeting within a *limited open forum* without regard to the religious, political, philosophical, or other content of the speech at such a meeting (emphasis added). A secondary school has a *limited open forum* whenever it "grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time." (20 U.S.C. § 4071(a)). Thus, the Act's equal access obligation is triggered even if a school allows only one "noncurriculum related" group to meet.

The Equal Access Act's requirements may be avoided by closing the forum, i.e., by refusing to permit any noncurriculum related groups to use its facilities (thereby creating a closed forum). Creating a closed forum is difficult, however, because of the very expansive interpretation given "noncurriculum related" by the U.S. Supreme Court.

"Noncurriculum related student group" is any student group that does not directly relate to the body of courses offered by the school. Board of Education of Westside Community School Dist. v. Mergens, 110 S.Ct. 2356 (1990). School officials cannot avoid triggering the Act's equal access requirements by tying the purposes of the student clubs it wants to allow to some broadly defined educational goal. Likewise, it does not matter whether the school sponsors, recognizes, or supports the student group – the Act's equal access requirements will be triggered whenever any student group is allowed to meet that is unrelated to the curriculum. Conversely, the Mergens Court said that a student group directly relates to a school's curriculum only if:

1. The group's subject matter is actually taught, or will soon be taught, in a regularly offered course;
2. The group's subject matter concerns a body of courses as a whole; or
3. Participation in the group is required for a particular course or results in academic credit.

Determining whether a particular student group is "noncurriculum related" is a very fact-sensitive inquiry.

A school violates the Equal Access Act by allowing some student groups to meet on campus but refusing similar access to gay-lesbian clubs. Colin v. Orange Unified School Dist., 83 F.Supp.2d 1135 (C.D. Cal. 2000). Note the U.S. Supreme Court refused to apply N.J.'s public accommodation law to the Boy Scouts because forcing the Boy Scouts to accept a homosexual as a member would violate the Scouts' freedom of expressive association. Boy Scouts of America v. Dale, 120 S.Ct. 2093 (2000).

² All of the listed conditions are from the Equal Access Act, except for #9 and #10.

³ 20 U.S.C. § 4072.

6. The meeting and/or any activities during the meeting do not materially or substantially interfere with the orderly conduct of educational activities.
7. Non-school persons do not direct, conduct, control, or regularly attend the meetings.
8. The school retains its authority to maintain order and discipline. ⁴
9. All noncurriculum related student groups that are not District sponsored receive substantially the same treatment. ⁵
10. The Superintendent or designee approves the meeting or series of meetings.

The Superintendent or designee shall develop administrative procedures to implement this policy.

LEGAL REF.: Equal Access Act, 20 U.S.C. § 4071 *et seq.*
Board of Education of Westside Community School Dist. v. Mergens, 496 U.S. 226, 110 S.Ct. 2356, 110 L.Ed.2d 191 (1990).
Gernetzke v. Kenosha Unified School Dist. No. 1, 274 F.3d 464 (7th Cir. 2001),
cert. denied, 122 S.Ct. 1606.

CROSS REF.: 7:10 (Equal Education Opportunities), 8:20 (Community Use of School Facilities)

⁴ In response to a school's invitation for all student groups to paint murals in the school hallway, a Bible club sought to include a large cross. The school principal forbid the cross in order to avoid conflicts among students – there was evidence the student body contained Satanic and neo-Nazi adherents. The principal's decision was insulated from liability under the Equal Access Act by the Act's provision that "nothing in [the Act] shall be construed to limit the authority of the school ... to maintain order and discipline on school premises." Gernetzke v. Kenosha Unified School Dist. No. 1, 274 F.3d 464 (7th Cir. 2001), *cert. denied*, 122 S.Ct. 1606.

⁵ The Ninth Circuit Court of Appeals found that a school district violated the Equal Access Act and the student's First Amendment rights by denying her Bible club the same rights and benefits as other student clubs. Prince v. Jacoby, 303 F.3d 1074 (9th Cir. 2002). Nothing in the decision suggests that the school was required to "sponsor" the Bible club and financially support it. However, the board voluntarily gave "associated student body" clubs certain benefits that were denied the plaintiff's religious club. Thus, the district unlawfully treated one noncurriculum related student club differently from another noncurriculum related student club.

Students

Student Records 1 2

School student records are confidential and information from them shall not be released other than as provided by law. ³ Any record that contains personally identifiable information or other information that would link the document to an individual student is a school student record if maintained by the District, except: (1) records that are kept in the sole possession of a school staff member, are destroyed not later than the student's graduation or permanent withdrawal, and are not accessible or revealed to any other person except a temporary substitute teacher, and (2) records kept by law enforcement officials working in the school. ⁴

State and federal law grant students and parent(s)/guardian(s) certain rights, including the right to inspect, copy, and challenge school records. The information contained in school student records shall be kept current, accurate, clear and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. ⁵ The District may release directory information as permitted by law, but parent(s)/guardian(s) shall have the right to object to the release of information regarding their child. ⁶ However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to, or the consent of, the students' parent(s)/guardian(s). ⁷

The Superintendent shall implement this policy with administrative procedures. The Superintendent shall also designate a *records custodian* who shall maintain student records. ⁸ The Superintendent or

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

² Both federal (Family Education Rights and Privacy Act, 20 U.S.C. §1232g and State (Illinois School Student Records Act, 105 ILCS 10/1 *et seq.*) laws govern student school records. These laws differ in many respects. State law requires school boards to adopt policy and procedures implementing the Student Records Act and specifying the content of school records (23 Ill. Admin. Code §§375.100 and 226.135). The release of confidential information given by a student to a therapist (e.g., school counselor or psychologist) is not included in this policy but is governed by the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/1 *et seq.* Information kept by law enforcement professionals working in a school are not "school student records" (105 ILCS 10/2).

³ A plethora of statutory and decisional law protects student records. Under no circumstances may a school official provide a student's "personal information" to a business organization or financial institution that issues credit or debit cards (105 ILCS 5/10-20.37, as added by P.A. 93-549). 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. Allowing students to grade each other's papers does not violate FERPA; such student work is not a "school record" until it is recorded by the teacher. *Owasso I.S.D. No. I-011 v. Falvo*, 122 S.Ct. 934 (2002). Student records are *per se* prohibited from disclosure; a district is under no obligation to redact them. *Chicago Tribune Co. v. Chicago Bd. of Ed.*, 773 N.E.2d 674 (Ill.App. 1 Dist. 2002).

⁴ 20 U.S.C. §1232g(a)(4)(A); 34 C.F.R. §99.3; 105 ILCS 10/2(d).

⁵ This statement must be included in the board's policy (23 Ill. Admin. Code §226.135).

⁶ This paragraph is required if the board wants to allow school officials to release student directory information (20 U.S.C. §1232g, 23 Ill. Admin. Code §375.80, and 34 C.F.R. §99.6(a)(4)).

⁷ 20 U.S.C. §1232g(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001.

⁸ Required by 105 ILCS 10/4(a).

designee shall inform staff members of this policy, and shall inform students and their parent(s)/guardian(s) of it, as well as their rights regarding student school records. ⁹

LEGAL REF.: Chicago Tribune Co. v. Chicago Bd. of Ed., 773 N.E.2d 674 (Ill.App. 1 Dist. 2002).

Owasso I.S.D. No. I-011 v. Falvo, 122 S.Ct. 934 (2002).

Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.

Children's Privacy Protection and Parental Empowerment Act, P.A. 93-462

105 ILCS 5/10-20.37, 5/14-1.01 et seq., and 10/1 et seq.

50 ILCS 205/7.

23 Ill. Admin. Code §§226 and 375.

CROSS REF.: 7:15 (Student and Family Privacy Rights)

ADMIN PROC.: 7:15-E (Exhibit - Notification to Parents of Family Privacy Rights), 7:340-AP (Administrative Procedure - Student Records), 7:340-E (Exhibit - Notification of Rights Concerning a Student's School Records)

⁹ Both State and federal law require districts to notify students and parents of their rights concerning school records (105 ILCS 10/3, 23 Ill. Admin. Code §375.30, and 34 C.F.R. §99.7). Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the Building Principal, but should be reviewed and approved by the superintendent and board. Faculty handbooks may contain working conditions and be subject to mandatory collective bargaining. See *Exhibit - Notification of Rights Concerning Student's School Records*, 7:340-E and *Administrative Procedure - School Records*, 7:340-AP.