



## **Illinois State Board of Education**

### **Strategic Plan 2.1.2: Inclusive Practices Model Policy, Administrative Procedures, and Handbook Notices Toolkit**

**This document is intended for non-regulatory guidance on the subject matter listed above and not a mandatory compliance review provided by Regional Offices of Education.**

**For specific questions, please contact the Illinois State Board of Education.**

**[Dr. Carmen I. Ayala, State Superintendent](#)**

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## Introduction

The Illinois State Board of Education (ISBE) aims to better prepare schools to meet the needs of their dynamic populations, leading to reduced numbers of suspensions and expulsions and to students feeling safer, mentally healthier, and more welcomed at school. As per Strategic Plan Goal 2.1.2, ISBE wishes to support district implementation of policy and guidance to promote students' safety and wellbeing, including non-discrimination and inclusion. The following model policy toolkit was created to provide schools/districts, charter schools, and non-public entities with related guidance and model policy checklists to assist with policy development in alignment with the requirements set forth in School Code and other state and federal legislation to create inclusive, non-discriminatory policies, administrative procedures, and handbook notices.

This document should not be confused with the information related to the ROE Compliance review process.

Please Note: While this toolkit is designed for school boards that do not use the Illinois Association of School Board's Policy Reference Education Subscription Service (PRESS) materials, districts that use PRESS materials for their policies and administrative procedures may find this as a helpful resource. Schools and districts may wish to consult with the Illinois Association of School Boards for additional guidance specific to board policies and administrative procedures. In addition, schools and districts may refer to [School Board Polices Online](#) to review local board policies.

If you have any questions, please feel free to reach out to the Student Care Department at [studentcare@isbe.net](mailto:studentcare@isbe.net).

## Statement of Non-Discrimination Notification Guidance

The Department of Education's (ED) Office for Civil Rights (OCR) enforces several statutes that protect the rights of beneficiaries in programs or activities that receive financial assistance from ED. These laws prohibit discrimination on the basis of race, color, and national origin (Title VI of the Civil Rights Act of 1964), sex (Title IX of the Education Amendments of 1972), disability (Section 504 of the Rehabilitation Act of 1973), and age (Age Discrimination Act of 1975). OCR also has enforcement responsibilities under Title II of the Americans with Disabilities Act, which prohibits state and local governments from discriminating on the basis of disability. In addition, OCR enforces the Boy Scouts of America Equal Access Act, which addresses equal access to meet on school premises or in school facilities for the Boy Scouts of America and other designated youth groups. For additional guidance related to the requirement of [non-discrimination statements](#), visit the [U.S. Department of Education Office of Civil Rights](#).

## Statement of Non-Discrimination Notification<sup>1</sup>

The Illinois State Board of Education believes that all students have the right to participate in school and school-related activities in an environment that is inclusive and free of discrimination. The foundational principles of non-discrimination are grounded in the expectations and requirements set forth by the U.S. Department of Education Office for Civil Rights (OCR). Schools and districts are required to *notify* students, parents, and others that they do not discriminate on the basis of race, color, national origin, sex, disability, and if applicable, that they provide equal access to the Boy Scouts of America and all other designated youth groups.<sup>2 3 4</sup> Schools and districts **may** include additional classifications within the non-discrimination statements.

The regulations implementing Title VI, Title IX, Section 504, the *Age Discrimination Act*, and the *Boy Scouts Act* contain requirements for recipients to issue notices of non-discrimination. (See 34 C.F.R. Sections 100.6(d), 106.9, 104.8, 110.25, and 108.9, respectively.) The Title II regulation also contains a notice requirement that applies to all entities of state or local government, whether or not they receive federal financial assistance. (See 28 C.F.R. Section 35.106.) Additional information related to the requirements is available at <https://www2.ed.gov/about/offices/list/ocr/docs/nondisc.pdf>

### Sample Notice of Non-discrimination <sup>5</sup>

The following sample notice of nondiscrimination meets the *minimum* requirements of the regulations enforced by OCR:

The (Name of Recipient) does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Name and/or Title

Address

Telephone No.

Name and/or Title

Address

Telephone No.

For further information on notice of nondiscrimination, visit <https://ocrcas.ed.gov/contact-ocr> for the address and phone number of the OCR office that serves your area, or call 1-800-421-3481.

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<sup>1</sup> The Statement of nondiscrimination is not required in policy but districts must give notice. Many school districts provide this required notice in their handbooks, posters, letterhead, other print sources, website, etc.

<sup>2</sup> Only public elementary or secondary schools or local or state educational agencies that receive funds made available through the Department of Education **should** include the words “and provides equal access to the Boy Scouts and other designated youth groups.”

<sup>3</sup> For school boards that use IASB PRESS materials, the contents of this notice are addressed in policies 5:10, 5:20, 7:10, 7:20, 7:330, and 8:20.

<sup>4</sup> Some Districts opt to meet this requirement through the development of a board policy specific to, “Student Use of Buildings—Equal Access”

<sup>5</sup> For use when more than one official has been designated to coordinate civil rights compliance.

## Non-Discrimination Statement Checklist

#		✓
1	Does the statement include a statement of non-discrimination that specifies the basis of non-discrimination, <b>including</b> , but not limited to <u>race, color, national origin, sex, disability, and age</u> ? <i>The underlined categories must be included, but schools/districts may choose to include additional information as desired.</i>	
2	Does the statement address equal access to the Boy Scouts and other designated groups to meet on school premises or in school facilities? <sup>6</sup>	
3	Does the statement identify by name or title the employee(s) responsible for coordinating the compliance efforts?	
4	Does the statement provide the address and telephone number of the employee(s) responsible for coordinating the compliance efforts?	
5	Is the statement published in other languages as necessary/required?	
6	Is the statement prominently displayed on the district website and on district publications?	

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<sup>6</sup> Some Districts opt to meet this requirement through the development of a board policy specific to, “Student Use of Buildings—Equal Access”

## Protected Civil Rights Guidance

School policies shall provide protection for students to avoid violation of civil rights. The following list of federal and state laws provide an overview of requirements.

- a. Title II of the Americans with Disabilities Act, [42 U.S.C. § 12101 et seq.](#)
- b. Title IX of the Education Amendments of 1972, [20 U.S.C. § 1681 et seq.](#), excluding Title IX sexual harassment complaints governed by the Board policy that includes the, *Title IX Sexual Harassment Grievance Procedure*
- c. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 791 [et seq.](#)
- d. Title VI of the Civil Rights Act, [42 U.S.C. § 2000d et seq.](#)
- e. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), [42 U.S.C. § 2000e et seq.](#)
- f. Sexual harassment prohibited by the State Officials and Employees Ethics Act, [5 ILCS 430/70-5\(a\)](#); Illinois Human Rights Act, [775 ILCS 5/](#); Title VII of the Civil Rights Act of 1964, [42 U.S.C. § 2000e et seq.](#) (Title IX sexual harassment complaints are addressed under the Board policy that includes, *Title IX Sexual Harassment Grievance Procedure*)
- g. Breastfeeding accommodations for students, [105 ILCS 5/10-20.60](#)
- h. Bullying, [105 ILCS 5/27-23.7](#)
- i. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
- j. Curriculum, instructional materials, and/or programs
- k. Victims' Economic Security and Safety Act, [820 ILCS 180/](#)
- l. Illinois Equal Pay Act of 2003, [820 ILCS 112/](#)
- m. Provision of services to homeless students
- n. Illinois Whistleblower Act, [740 ILCS 174/](#)
- o. Misuse of genetic information prohibited by the Illinois Genetic Information Privacy Act, [410 ILCS 513/](#) and Titles I and II of the Genetic Information Nondiscrimination Act, [42 U.S.C. § 2000ff et seq.](#)
- p. Employee Credit Privacy Act, [820 ILCS 70/](#)

## Equal Educational Opportunities Checklist

All School Boards & Charter School Governing Bodies shall:		✓
1	<p><b>Ensure</b> that equal educational and extracurricular opportunities are made available to all students, regardless of</p> <ul style="list-style-type: none"> <li>• Color, race, nationality, religion, sex; sexual orientation, ancestry, age, physical or mental disability, gender identity, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy.</li> </ul>	
2	<p><b>Not knowingly enter into agreements</b> 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.</p>	
3	<p><b>Provide</b> any student with an opportunity file a discrimination grievance by using the Uniform Grievance Procedure.</p>	
	<p><b>Not deny</b> 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 on the basis of sex, sexual orientation, or gender identity.</p>	
4	<p><b>Provide</b> any student an opportunity to file a sex equity complaint by using the Uniform Grievance Procedure.</p>	
5	<p><b>Provide</b> an opportunity to appeal the Board of Education'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).</p>	
6	<p><b>Ensure</b> that the Superintendent appoints a Nondiscrimination Coordinator, who also serves as the District's Title IX Coordinator.</p>	
7	<p>The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and related grievance procedures.</p>	

## Uniform Grievance Procedures Checklist

Schools and districts must maintain a grievance procedure process. A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or its agents have violated his or her rights guaranteed by the state or federal Constitution, state or federal statute, or board policy.

#	Uniform Grievance Procedure Policy	✓
1	Is the policy and process easily <b>located</b> by an individual that wishes to file a grievance?	
2	<p>Does the policy include the <b>16 (sixteen) categories</b> of legislative items (with legal references) a person can grieve?</p> <ul style="list-style-type: none"> <li>q. Title II of the Americans with Disabilities Act, <a href="#">42 U.S.C. § 12101 et seq.</a></li> <li>r. Title IX of the Education Amendments of 1972, <a href="#">20 U.S.C. § 1681 et seq.</a>, excluding Title IX sexual harassment complaints governed by the Board policy that includes the, <i>Title IX Sexual Harassment Grievance Procedure</i></li> <li>s. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 791 <a href="#">et seq.</a></li> <li>t. Title VI of the Civil Rights Act, <a href="#">42 U.S.C. § 2000d et seq.</a></li> <li>u. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), <a href="#">42 U.S.C. § 2000e et seq.</a></li> <li>v. Sexual harassment prohibited by the State Officials and Employees Ethics Act, <a href="#">5 ILCS 430/70-5(a)</a>; Illinois Human Rights Act, <a href="#">775 ILCS 5/</a>; Title VII of the Civil Rights Act of 1964, <a href="#">42 U.S.C. § 2000e et seq.</a> (Title IX sexual harassment complaints are addressed under the Board policy that includes, <i>Title IX Sexual Harassment Grievance Procedure</i>)</li> <li>w. Breastfeeding accommodations for students, <a href="#">105 ILCS 5/10-20.60</a></li> <li>x. Bullying, <a href="#">105 ILCS 5/27-23.7</a></li> <li>y. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children</li> <li>z. Curriculum, instructional materials, and/or programs</li> <li>aa. Victims’ Economic Security and Safety Act, <a href="#">820 ILCS 180/</a></li> <li>bb. Illinois Equal Pay Act of 2003, <a href="#">820 ILCS 112/</a></li> <li>cc. Provision of services to homeless students</li> <li>dd. Illinois Whistleblower Act, <a href="#">740 ILCS 174/</a></li> <li>ee. Misuse of genetic information prohibited by the Illinois Genetic Information Privacy Act, <a href="#">410 ILCS 513/</a> and Titles I and II of the Genetic Information Nondiscrimination Act, <a href="#">42 U.S.C. § 2000ff et seq.</a></li> <li>ff. Employee Credit Privacy Act, <a href="#">820 ILCS 70/</a></li> </ul>	

3	<p>Does the policy include <b>up-to-date</b> contact information for the Title IX Coordinator(s)* and Complaint Manager(s)? Contact information should include:</p> <ul style="list-style-type: none"> <li>a. Name/Title</li> <li>b. Address</li> <li>c. Phone Number</li> <li>d. Email</li> </ul> <p>NOTE: If possible, the Superintendent should appoint two Complaint Managers, one of each gender.</p>	
4	<p>Does the policy include the process to file a complaint?</p>	
5	<p>Does the policy <b>include</b> information on informal resolution?</p> <ul style="list-style-type: none"> <li>a. Complaint Manager will attempt to resolve informally</li> <li>b. Complainant has the right to forgo the informal process.</li> <li>c. Parties must voluntarily agree to informal resolution and may withdraw from informal resolution at any time</li> </ul>	
6	<p>Does the policy <b>include</b> a statement on the Complainant’s right to pursue other remedies, e.g., criminal complaints, civil actions, etc.? If a person wishes to pursue another remedy subject to a complaint under this policy, the district will continue with its investigation.</p>	
7	<p>Does the policy <b>include timely and reasonable</b> deadlines to respond to any filed complaints and that the Nondiscrimination Coordinator, Complaint Manager, or designee will address the complaint promptly and equitably?</p> <ul style="list-style-type: none"> <li>• Does the policy include a statement that all deadlines under this procedure may be extended as deemed appropriate by the administrator responsible for meeting the deadline under this policy?</li> <li>• Does the policy clearly define school business days?</li> </ul>	
8	<p>Does the policy <b>contain</b> a statement that the Coordinator(s) need to consider other applicable policies when investigating complaints?</p> <ul style="list-style-type: none"> <li>• E.g., for any complaint alleging bullying and/or cyberbullying of students, the Complaint Manager shall process and review the complaint according to the bullying prevention policy, in addition to any response required by this policy.</li> </ul>	
9	<p>Does the policy <b>include</b> a statement of confidentiality of the Complainant, including limitations on confidentiality with certain types of complaints that are filed?</p> <p>The complaint and identity of the Complainant will not be disclosed except as:</p> <ul style="list-style-type: none"> <li>a. Required by law or this policy;</li> <li>b. Necessary to fully investigate the complaint; or</li> <li>c. Authorized by the Complainant.</li> </ul> <p>The identity of any student witnesses will not be disclosed except as:</p> <ul style="list-style-type: none"> <li>a. Required by law or any collective bargaining agreement;</li> <li>b. Necessary to fully investigate the complaint; or</li> </ul>	

	c. Authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.	
10	Does the policy <b>describe/summarize</b> the investigative process to include, but not limited to: a. who will investigate the complaint; b. who will keep the parties informed of the process and how often; c. who will keep the Board informed; d. the numbers of days to investigate and issue a report; and e. the standard of proof used in investigation findings;	
11	<u>Does the policy include a clearly <b>defined</b> decision and appeal process? Including:</u> <u>a. Who will issue the decision</u> <u>b. The number of days to issue a decision</u> <u>c. The standard of proof used</u> <u>d. 10 school business day process to appeal to the school board</u> <u>e. 30 school business day process for the school board to make a decision</u> <u>f. 5 school business day for the district to notify the Complainant of the school board’s decision</u>	
12	Does the policy <b>include</b> a section describing the appointment of a Nondiscrimination Coordinator and a Complaint Manager(s) and the applicable contact information?	
13	Does the policy include a list of legal references and cross references to other relevant board policies?	

\*As per the [U.S. Department of Education: Office for Civil Rights](#), effective August 14, 2020 schools are required to post on their websites:

1. The contact information for the school’s Title IX Coordinator(s);
2. The school’s non-discrimination policy; and
3. Training materials used to train the school’s Title IX personnel

**The contact information of the Title IX Coordinator should be prominently displayed.**

## **Title IX: Sexual Harassment Guidance**

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance. Sexual harassment of students can be a form of discrimination prohibited by Title IX. For additional guidance, please refer to [U.S. Department of Education Office of Civil Rights](#).

## Title IX Sexual Harassment Grievance Procedure Checklist

School Districts, Local Education Agency, Regional Office of Education, Cooperatives and/or Charter Schools must comply with the following checklist when drafting Title IX Sexual Harassment Grievance Procedures per 20 U.S.C. § 1681 et. seq., Title IX of the Educational Amendments of 1972 and 34 C.F.R. Part 106.

As per the [U.S. Department of Education: Office of Civil Rights](https://www.ed.gov/office-of-civil-rights), effective August 14, 2020 schools are required to post on their websites:

4. The contact information for the school’s Title IX Coordinator(s);
5. The school’s non-discrimination policy; and
6. Training materials used to train the school’s Title IX personnel

The contact information of the Title IX Coordinator should be prominently displayed.

### Title IX Sexual Harassment Prohibited

#		✓
1	Statement that: <ol style="list-style-type: none"> <li>a. Providing an educational and workplace environment free from sexual harassment is an important District goal</li> <li>b. The District does not discriminate on the basis of sex</li> <li>c. Sexual harassment as defined in Title IX is prohibited</li> </ol>	
2	Title IX Sexual Harassment is conduct on the basis of sex that satisfies one of more of the following: <ol style="list-style-type: none"> <li>a. An employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct; or</li> <li>b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational program or activity; or</li> <li>c. “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30).</li> </ol>	
3	Include relevant definitions from 34 C.F.R. § 106.30: 1) Complainant, 2) Education Program or Activity, 3) Formal Title IX Sexual Harassment Complaint, 4) Respondent, and 5) Supportive Measures	

## Title IX Sexual Harassment Prevention and Response

<b>#</b>	The Superintendent or designee will ensure that the District prevents and responds to allegations of Title IX Sexual Harassment as follows:	✓
1	Notifies applicants for employment, students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the District's website and in each handbook made available to such persons	

## Making a Report

<b>#</b>		✓
1	Allow for a report to be made to: <ul style="list-style-type: none"> <li>a. The Title IX Coordinator,</li> <li>b. Nondiscrimination Coordinator,</li> <li>c. Building Principal,</li> <li>d. Assistant Building Principal,</li> <li>e. A Complaint Manager, or</li> <li>f. Any employee with whom the person is comfortable speaking</li> </ul>	
2	The person making the report may choose to report to a person of the same gender	
3	School employees who receive reports of incidents of sexual harassment shall respond by promptly making or forwarding the report to the Title IX Coordinator	
4	Failure to promptly make or forward the report to the Title IX Coordinator may result in discipline up to and including discharge	
5	The Superintendent shall keep this policy current	
6	The Title IX Coordinator's name, office address, email address, and telephone number must be current and included in the policy	

### **Processing and Reviewing a Report or Complaint**

#		✓
1	Title IX Coordinator and/or designee will promptly contact the Complainant to: <ol style="list-style-type: none"> <li>a. discuss the availability of supportive measures;</li> <li>b. consider the Complainant’s wishes with respect to supportive measures;</li> <li>c. inform the Complainant of the availability of supportive measures with or without the filing of Formal Title IX Sexual Harassment Complaint; and</li> <li>d. explain to the Complainant the process for filing a Formal Title IX Sexual Harassment Complaint</li> </ol>	
2	The Title IX Coordinator will analyze the report to identify and determine whether there is another or additional appropriate method for processing and reviewing the report.	
3	The Title IX Coordinator should review all other relevant Board policies to determine if the allegations in the report require further action under any of the other policies	
4	Reports of alleged sexual harassment will be confidential to the greatest extent practicable, subject to the District’s duty to investigate and maintain an education program or activity that is productive, respectful, and free of sexual harassment	

### **Formal Title IX Sexual Harassment Complaint Grievance Process**

#		✓
1	The Title IX Coordinator will investigate any Formal Title IX Sexual Harassment Complaint that is filed or appoint a qualified person to investigate	
2	The Superintendent or designee shall implement procedures to ensure that all Formal Title IX Sexual Harassment Complaints are processed and reviewed according to the Title IX grievance process that fully complies with 34 C.F.R. § 106.45	
3	District’s grievance process shall, at a minimum, include information in rows 4-18:	
4	Treat Complainants and Respondents equitably by: <ol style="list-style-type: none"> <li>a. Providing remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent; and</li> <li>b. Following a grievance process that complies with 34 C.F.R. § 106.45 before the imposition of any disciplinary sanction or other actions that are not supportive measures as defined in 34 C.F.R. § 106.30, against a respondent</li> </ol>	
5	Remedies must be designed to restore or preserve equal access to the recipient’s education program or activity. Remedies do not need to be non-disciplinary or non-punitive and do not need to avoid burdening the respondent (34 CFR Part 106.45(b)(1)(i))	

6	Require an objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.	
7	Credibility determinations may not be based on a person’s status as a Complainant, Respondent, or Witness	
8	Require that any individual designated by the District as a Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process: <ul style="list-style-type: none"> <li>a. Not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent</li> <li>b. Receive training on the definition of sexual harassment, scope of the District’s education program or activity, how to conduct an investigation and grievance process, and how to serve impartially</li> </ul>	
9	Require that any individual designated by the District as an investigator receiving training on issues of relevance to create an investigative report that fairly summarizes relevant evidence	
10	Require that any individual designated by the District as a decision-maker receive training on issues of relevance of questions and evidence, including when questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant	
11	If a live hearing is used, require that any individual designated by the District as a decision-maker receive training on any technology to be used at a live hearing (34 CFR Part 106.45(b)(1)(i)) <sup>7</sup>	
12	Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process	
13	Include reasonably prompt timeframes for conclusion of the grievance process	
14	Describe the range of possible disciplinary sanctions and remedies the District may implement following any determination or responsibility	
15	Base all decisions upon the preponderance of evidence standard or if the school board has chosen it, the clear and convincing evidence standard	
16	Include the procedures and permissible bases for the Complainant and Respondent to appeal	
17	Describe the range of supportive measures available to Complainants and Respondents	
18	Not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege	

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<sup>7</sup> As per IASB, this training is only required if an educational institution opts to have live hearings.

### Enforcement

#		✓
1	Any <b>District employee</b> who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge.	
2	Any <b>third party</b> who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District	
3	Any <b>District student</b> who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with student behavior policies	
4	Any person who knowingly makes a false accusation regarding sexual harassment will likewise be subject to disciplinary action	
5	This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law	

### Retaliation Prohibited

#		✓
1	The District prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy	
2	Claims of retaliation should be reported under the Board’s Uniform Grievance Procedure or other relevant Board policies	
3	Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students	

### Legal References, Cross References, and Policy Date

#		✓
1	Make sure the policy lists relevant legal references, cross references to relevant Board policies, and includes the date the policy was adopted	

## Bullying Prevention Policy Guidance and Resources

Illinois School Code, 105 ILCS 5/27-23.7 requires that all public schools, non-sectarian nonpublic schools, and charter schools are to create and implement policies concerning bullying prevention. These policies must also be reviewed and re-evaluated every two (2) years and be updated to reflect any necessary and appropriate revisions. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following, as applicable:

1. An updated version of the policy with the amendment/modification date included in the reference portion of the policy;
2. If no revisions are deemed necessary, a copy of board minutes clearly indicating that the policy was re-evaluated, and no changes were deemed to be necessary or a signed statement from the board president indicating that the policy was re-evaluated, and no changes were deemed to be necessary.

Policies should be sent via email to [bullyingpolicy@isbe.net](mailto:bullyingpolicy@isbe.net) no later than **September 30 of each year**. If you have any questions contact the Student Care Department by calling (217) 785-5585. For a breakdown of the statute and a detailed list of what the policy should encompass, you can reference [Bullying Prevention Policy Requirements and Guidance](#) .

### **Intended Purpose of Document:**

The purpose of this communication is to provide updates for the 2019-20 school year in regards to bullying policies, the content of those policies and procedures/timelines for submission to the Illinois State Board of Education. Questions regarding the applicability, development, and maintenance of bullying policies or this document can be directed to [bullyingpolicy@isbe.net](mailto:bullyingpolicy@isbe.net).

### **Background**

Under 105 ILCS 5/27- 23.7, all public school districts, non-sectarian nonpublic schools, and charter schools in Illinois are required to develop and implement policies concerning bullying prevention. The policies are required to be updated every two (2) years and filed with the Illinois State Board of Education—including each revision. Additionally, state statute specifically requires certain content and components to be included in a bullying policy, which is outlined in this document.

A. Bullying" includes "cyber-bullying" and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following: (1) placing the student or students in reasonable fear of harm to the student's or students' person or property; (2) causing a substantially detrimental effect on the student's or students' physical or mental health; (3) substantially interfering with the student's or students' academic performance; or (4) substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

1) Bullying, as defined in 105 ILCS 5/27- 23.7, may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

2) Cyberbullying, as defined in 105 ILCS 5/27- 23.7, is bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio,

electromagnetic system, photoelectronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications.

"Cyberbullying" includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying in this Section. "Cyberbullying" also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of bullying in [105 ILCS 5/27- 23.7(b)].

i. Prohibition on Cyberbullying. Bullying is prohibited through the transmission of information from a computer that is accessed at a non-school-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and does not require a district or school to staff or monitor any non-school-related activity, function, or program. ii. The Process to Determine if an Incident is Within the Scope of the Policy. 105 ILCS 5/27- 23.7 also requires that a district's bullying policy or implementing procedure shall include a process to investigate whether a reported act of bullying is within the permissible scope of the district's or school's jurisdiction. Also, shall require that the district or school provide the victim with information regarding services that are available within the district and community; such as counseling, support services, and other programs.

### **Content Requirements for Bullying Policies**

Under [105 ILCS 5/27- 23.7](#), each public school district, charter school, and non- sectarian nonpublic school must formally adopt a policy on bullying that includes at least all of the following components and criteria:

A. Defines "bullying," including "cyberbullying," as any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

- 1) Placing the student or students in reasonable fear of harm to the student's or students' person or property;
- 2) Causing a substantially detrimental effect on the student's or students' physical or mental health;
- 3) Substantially interfering with the student's or students' academic performance; or
- 4) Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

B. States that bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

C. Includes a statement that bullying is contrary to State law and the policy of the school district.

D. Includes procedures for promptly reporting bullying, including but not limited to, identifying and providing the school e-mail address (if applicable) and school telephone number for the staff person or persons responsible for receiving such reports and a procedure for anonymous reporting.

E. Consistent with federal and state laws and rules governing student privacy rights includes procedures or promptly informing parents or guardians of all students involved in the alleged incident of bullying and discussing, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.

F. Contains procedures for promptly investigating and addressing reports of bullying, including the following:

1) Making all reasonable efforts to complete the investigation within ten (10) school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the investigation about the reported incident of bullying.

2) Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.

3) Notifying the principal or school administrator or his or her designee of the report of the incident of bullying as soon as possible after the report is received.

4) Consistent with Federal and State laws and rules governing student privacy rights and providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the school administrator or designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

G. Includes the interventions that can be taken to address bullying, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.

H. Includes a statement prohibiting reprisal or retaliation against any person who reports an act of bullying and the consequences and appropriate remedial actions for a person who engages in reprisal or retaliation.

I. Includes consequences and appropriate remedial actions for a person found to have falsely accused another of bullying as a means of retaliation or as a means of bullying.

J. Contains a policy evaluation process to assess the outcomes and effectiveness of the policy that includes, but is not limited to, factors such as:

1) The frequency of victimization.

2) Student, staff, and family observations of safety at a school.

3) Identification of areas of a school where bullying occurs.

4) The types of bullying that are common or occurring.

5) Bystander intervention or participation.

6) The information developed as part of the evaluation process must be posted on the district website. If the internet website is not available, the information must be provided to school administrators, school board members, school personnel, parents, guardians, and students.

K. The bullying policy aligns with the other policies of the school board.

L. The policy or implementing procedure shall include a process to investigate whether a reported act of bullying is within the permissible scope of the district's or school's jurisdiction. Furthermore, it shall require that the district or school provide the victim with information regarding services that are available within the district and community, such as counseling, support services, and other programs.

### **Development, Notification, and Posting**

Each policy on bullying adopted by must:

A. Be based on engagement with a range of school stakeholders, including students and parents or guardians.

B. Where applicable, be posted where other policies, rules, or standards of conduct are posted in the school.

C. Be posted on the district or school website.

D. Be included in the school handbook.

E. Be distributed annually to parents, guardians, students, and school personnel, including new employees when hired

### **Reevaluation and Submission to the Illinois State Board of Education**

Policies must be filed with ISBE by September 30 each year, public school districts that do not have an appropriate policy in place will not be considered to be out of compliance with the law. Policies must also be reviewed and re-evaluated every two (2) years and be updated to reflect any necessary and appropriate revisions. Acceptable documentation to satisfy the re-evaluated policy submission includes one of the following, as applicable:

- I. An updated version of the policy with the amendment/modification date included in the reference portion of the policy;
- II. II. If no revisions are deemed necessary, a copy of board minutes indicating that the policy was reevaluated and no changes were deemed to be necessary, or a signed statement from the board president indicating that the policy was re-evaluated and no changes were deemed to be necessary.

Initial policies in conformance with those above must be sent via email to [bullyingpolicy@isbe.net](mailto:bullyingpolicy@isbe.net) no later than September 30 each year.

Questions or concerns may be directed to the Illinois State Board of Education by calling 217-782-5270 or by email at [bullyingpolicy@isbe.net](mailto:bullyingpolicy@isbe.net).

**Additional resources and other information is available on the bullying prevention [page](#).**

## Bullying Prevention Policy Checklist

[105 ILCS 5/27- 23.7](#)

As per the requirements set forth in [105 ILCS 5/27- 23.7](#), school districts, charter schools, and non-public, non-sectarian elementary or secondary schools should educate students, parents, and school district, charter school or non-public, non-sectarian elementary or secondary personnel about what behaviors constitute prohibited bullying. In addition, as per School Code each identified entity shall create, maintain, and implement a bullying prevention policy. The policy must be filed with the Illinois State Board of Education for review. \* Upon receipt, ISBE will notify the school district of approval status or the need for revisions to meet the requirement of the law.

### Bullying Policy Bi-Annual (Every 2 Year) Requirements

#		✓
1	<b>Include</b> a statement that bullying, intimidation, and harassment are detrimental to the learning environment for both the student and the educator and all students deserve equal access to a safe, non-hostile learning environment for academic success.	
2	<b>State</b> that bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is <b>prohibited</b> in each of the following situations: <ul style="list-style-type: none"> <li>a. During any school-sponsored education program or activity.</li> <li>b. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.</li> <li>c. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.</li> <li>d. Through the transmission of information from a computer that is accessed at a non-school-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and it does not require a district or school to staff or monitor any non-school-related activity, function, or program.</li> </ul>	

3	<p><b>Define</b> “bullying,” including “cyberbullying,” as any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:</p> <ul style="list-style-type: none"> <li>a. Placing the student or students in reasonable fear of harm to the student's or students' person or property;</li> <li>b. Causing a substantially detrimental effect on the student's or students' physical or mental health;</li> <li>c. Substantially interfering with the student's or students' academic performance; or d. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.</li> </ul>	
4	<p><b>State</b> that bullying may take various forms as detailed under 105 ILCS 5/27-23.7, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.</p>	
5	<p>Be <b>posted</b> on the district website and/or provided to school administrators, school board members, school personnel, parents, guardians, and students</p>	
6	<p><b>Include</b> a statement that bullying is contrary to state law and the policy of the school or school district.</p>	
7	<p><b>Address</b> privacy and procedures consistent with federal and state laws and rules governing student privacy rights includes procedures or promptly informing parents or guardians of all students involved in the alleged incident of bullying and discussing, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.</p>	
8	<p><b>Include</b> procedures for <b>prompt</b> investigating and addressing reports of bullying, including the following:</p> <ul style="list-style-type: none"> <li>a. Making all reasonable efforts to complete the investigation within ten (10) school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the investigation about the reported incident of bullying.</li> <li>b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.</li> <li>c. Notifying the principal or school administrator or his or her designee of the report of the incident of bullying as soon as possible after the report is received.</li> <li>d. Consistent with Federal and State laws and rules governing student privacy rights and providing parents/guardians of the students who are parties to the investigation information about the investigation and an</li> </ul>	

	<p>opportunity to meet with the school administrator or designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.</p>	
10	<p>Include the <b>interventions</b> that can be taken to address bullying, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.</p>	
11	<p>Include a statement <b>prohibiting</b> reprisal or retaliation against any person who reports an act of bullying and the consequences and appropriate remedial actions for a person who engages in reprisal or retaliation.</p>	
12	<p><b>Include</b> a policy evaluation process to assess the outcomes and effectiveness of the policy that includes, but is not limited to, factors such as:</p> <ul style="list-style-type: none"> <li>a.) The frequency of victimization.</li> <li>b.) Student, staff, and family observations of safety at a school.</li> <li>c.) Identification of areas of a school where bullying occurs.</li> <li>d.) The types of bullying that are common or occurring.</li> <li>e.) Bystander intervention or participation.</li> </ul> <p>The information developed as part of the evaluation process must be posted on the district website. If the internet website is not available, the information must be provided to school administrators, school board members, school personnel, parents, guardians, and students.</p>	
13	<p><b>Include</b> a process to investigate whether a reported act of bullying is within the permissible scope of the district's or school's jurisdiction. Furthermore, it shall require that the district or school provide the victim with information regarding services that are available within the district and community, such as counseling, support services, and other programs.</p>	
14	<p><b>Include</b> the requirements for development, notification, and posting:</p> <p>Each policy on bullying adopted by must:</p> <ul style="list-style-type: none"> <li>a. Be based on engagement with a range of school stakeholders, including students and parents or guardians.</li> <li>b. Where applicable, be posted where other policies, rules, or standards of conduct are posted in the school.</li> <li>c. Be posted <b>prominently</b> on the district or school website</li> <li>d. Be included in the school handbook.</li> <li>e. Be distributed <b>annually</b> to parents, guardians, students, and school personnel, including new employees when hired.</li> </ul>	

\*Every two (2) years, schools are required to review and re-evaluate their bullying policy, make any necessary and appropriate revisions, and file the updated policy with ISBE. This can be demonstrated by an updated version of the policy with the amendment/modification date included in the reference portion of the policy; if no revisions are deemed necessary, a copy of board minutes indicating that the policy was reevaluated and no changes were deemed to be necessary, or a signed statement from the board president indicating that the policy was re-evaluated and no changes were deemed to be necessary. The date should be clearly identified to ensure compliance with the 2-year review period.

## Harassment of Students Prohibited Checklist

No person, including a School District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national origin; military status; unfavorable discharge status from military service; sex; sexual orientation; gender identity; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic.

### General

#		✓
1	Statement that: <ol style="list-style-type: none"> <li>1. prohibits harassment of students under the following provisions:</li> <li>2. the District does not tolerate harassment</li> </ol>	
2	Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin.	
	Title IX of the Education Amendments of 1972 prohibits sex discrimination and sexual harassment. <i>Sexual harassment enforcement will be included under other Board policies that include the Title IX Sexual Harassment Grievance Procedure.</i>	
	Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability.	

### Making a Report or Complaint

#		✓
1	Encourage prompt reporting to any of the following: <ol style="list-style-type: none"> <li>1) Nondiscrimination Coordinator,</li> <li>2) Building Principal,</li> <li>3) Assistant Building Principal,</li> <li>4) Dean of Students,</li> <li>5) A Complaint Manager, or</li> <li>6) Any employee with whom the student is comfortable speaking.</li> </ol>	
2	The person making the report may choose to report to a person of the same gender.	
3	Reports under this policy will be processed and reviewed according to the appropriate grievance procedure as determined by the Board's Uniform Grievance Policy and/or Title IX Sexual Harassment Grievance Procedure.	
4	The Superintendent shall keep this policy current.	
5	The Nondiscrimination Coordinator's name, office address, email address, and telephone number must be current and included in the policy.	

6	The Complaint Manager's name, office address, email address, and telephone number must be current and included in the policy.	
7	The Superintendent shall inform students of this policy by including age-appropriate information about the contents of this policy: <ul style="list-style-type: none"> <li>1) in the District's student handbook(s),</li> <li>2) on the District's website, and</li> <li>3) anywhere that policies, rules, and standards of conduct are posted.</li> </ul>	
8	The Superintendent shall inform staff of this policy by including this policy: <ul style="list-style-type: none"> <li>1) in the appropriate employee handbook(s), and</li> <li>2) anywhere that policies, rules, and standards of conduct are posted.</li> </ul>	

### Investigation Process

#		✓
1	School employees who receive a report or complaint must respond by promptly forwarding the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager.	
2	Failure to promptly forward the report to the Nondiscrimination Coordinator or a Complaint Manager may result in discipline up to and including discharge.	
	The Nondiscrimination Coordinator or designee shall consider whether action under any other Board policies should be initiated depending on the nature of the complaint or report.	
3	Reports of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an education program or activity that is productive, respectful, and free of unlawful discrimination, including harassment.	
4	It is encouraged that the District address the investigation process within the written policy.	

### Enforcement

#		✓
1	Any <b>District employee</b> who is determined, at the conclusion of the grievance process, to have engaged in harassment, will be subject to disciplinary action up to and including discharge.	
2	Any <b>third party</b> who is determined, at the conclusion of the grievance process, to have engaged in harassment, will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District.	
3	Any <b>District student</b> who is determined, at the conclusion of the grievance process, to have engaged in harassment, will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with student behavior policies.	
4	Any person who knowingly makes a false accusation regarding sexual harassment will likewise be subject to disciplinary action	

### **Retaliation Prohibited**

#		✓
1	The District prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy.	
2	Claims of retaliation should be reported under the Board's Uniform Grievance Procedure or other relevant Board policies.	
3	Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.	

### **Legal References, Cross References, and Policy Date**

#		✓
1	Make sure the policy lists relevant legal references, cross references to relevant Board policies, and includes the date the policy was adopted	

## Discipline Expulsions Prohibited: Birth-Age 5 Guidance and Resources

Research suggests that school expulsion and suspension practices are associated with negative educational, health, and developmental outcomes for children; for additional information on [P.A. 100-0105](#) visit the [Governor's Office for Early Childhood Development](#). School boards that use PRESS materials should consult an IASB policy consultant related to the need for Birth – Age 5 materials.

## Discipline Expulsions Prohibited Checklist: Birth – Age 5<sup>8</sup>

[Public Act 100-0105](#)

In accordance with the requirements set forth in [Public Act 100-0105](#), early care and education (ECE), providers are prohibited from expelling young children (0-5) from their programs because of a child’s behavior. This requirement applies to the following early childhood programs: school-and community-based programs receiving Early Childhood Block Grant funds, licensed child care providers serving children ages 0-5, and Head Start and early Head Start programs. If it becomes ultimately necessary to remove a child, providers can work with the family on a “planned transition” to a more appropriate setting for the well-being of the child or his or her peers and staff. School boards that use PRESS materials should consult an IASB policy consultant related to the need for Birth – Age 5 materials.

### General

#	All Early Childhood Programs Shall:	✓
1	<b>Ensure</b> that the goals of any disciplinary action by state-funded or state-licensed early childhood programs shall always include the well-being of all children.	
2	<b>Prohibit</b> expulsion. Planned transitions to settings that are able to better meet a child’s needs are not considered expulsion and shall follow the requirements as per <a href="#">Public Act 100-0105</a> .	
3	<b>Safeguard</b> changes to services for children with an individualized education program or individualized family service plan. Any changes shall be in alignment with the federal Individuals with Disabilities Education Act.	
4	<b>Engage</b> children experiencing difficulties as well as others in the classrooms and prohibit the behavior-related removal (expulsions) of young children from early care and education settings <b>without</b> prior 1) documentation, (2) intervention and (3) planned transitions.	
5	<b>Ensure</b> early childhood professionals receive training, technical assistance, and professional development <b>support</b> to respond to the social-emotional needs of young children.	
6	<b>Ensure</b> that early childhood professional have the <b>resources</b> needed to support children’s social and emotional health and to address challenging behaviors.	
	<p>Early childhood programs may <b>utilize</b> and the State Board of Education, the Department of Human Services, and the Department of Children and Family Service shall <b>recommend</b> training, technical support, and professional development resources to improve the ability of early childhood program staff to:</p> <ol style="list-style-type: none"> <li>1. promote social-emotional development and behavioral health;</li> <li>2. address challenging behaviors; and</li> <li>3. understand trauma and trauma-informed care, cultural competence, family engagement with diverse populations, the impact of implicit bias on adult behavior, and the use of reflective practice techniques.</li> </ol>	

<sup>8</sup> School boards that use PRESS materials should consult an IASB policy consultant related to the need for Birth – Age 5 materials

	Supports shall include the availability of resources to contract with infant and early childhood mental health consultants.	
7	<p><b>Report</b> on an annual basis to the Illinois State Board of Education the:</p> <ol style="list-style-type: none"> <li>total number of children served in the program year;</li> <li>total number of children who left the program in the program year;</li> <li>number of planned transitions to another program due to children’s behavior disaggregated by race, gender, disability, language, class/group size, teacher-child ratio, and length of program day;</li> <li>number of temporary removals of a child from attendance in group settings due to a serious threat disaggregated by race, gender, disability, language, class/group size, teacher-child ratio, and length of program day; and</li> <li>hours of infant/early childhood mental health consultant contact with program leaders, staff, and families over the program year.</li> </ol>	

**Addressing Persistent and Serious Challenging Behaviors**

#	In the <b>event</b> of persistent and serious challenging behavior the ECE shall:	✓
1	<p><b>Document</b> steps taken to ensure that the child can participate in the program safely, including:</p> <ul style="list-style-type: none"> <li>observations of initial and ongoing challenging behaviors;</li> <li>strategies for remediation and intervention plans to address the behaviors; and</li> <li>communication with the parent(s) or legal guardian(s), including participation of the parent(s) or legal guardian(s) in planning and decision-making.</li> </ul>	
2	<p>The early childhood program shall, with the required <b>consent</b> of the parent(s) or legal guardian(s), utilize a range of community <b>resources</b>, if available and deemed necessary, including, but not limited to:</p> <ul style="list-style-type: none"> <li>developmental screenings;</li> <li>referrals to programs and services administered by a local education agency or early intervention agency under Parts B and C of the federal Individuals with Disabilities Education Act; and</li> <li>consultation with infant and early childhood mental health consultants and the child’s health care provider.</li> </ul>	
3	The early childhood program shall <b>document</b> all attempts to engage resources, as well as the parent(s) or legal guardian(s) participation and consent attempted/obtained.	
4	The early childhood program shall <b>ensure</b> that communication with the parent(s) or legal guardian(s) be conducted in a culturally and linguistically competent manner.	
5	If all available interventions and supports, as recommended by qualified professionals, have been <b>exhausted</b> , and the program determines in its professional judgement that transitioning to another program is necessary, staff, with parent(s) or legal guardian(s) permission, a transition plan shall be created.	
6	The current and pending programs shall <b>create</b> a transition plan designed to ensure continuity of services and comprehensive development of the child.	

7	A parent(s) or legal guardian(s) may voluntarily <b>withdraw</b> his or her child from an early childhood program. Programs should <b>request</b> and keep on file a written statement from the parent(s) or legal guardian(s) indicating the decision to withdraw his or her child.	
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### Removal for Serious Threat

#		✓
1	In the event that a child is a serious safety threat to self or others or behaviors identified in 105 ILCS 5/10-22.6(d), he or she may be removed temporarily from group settings.	
2	Temporary removal of students from group settings <b>shall</b> trigger processes detailed in rows 1-6 of the previous chart.	
3	The child <b>shall</b> be placed back in the group setting as soon as possible.	

### Resources

#### **Illinois Pyramid Model State Leadership Team - Office of Early Childhood Development**

The Illinois Pyramid Model focuses on common vision for social-emotional development across all state-wide training efforts create a cohesive and effective approach to addressing all levels of need of very young children, including those with challenging behaviors and special needs that align with Illinois' Social-Emotional Early Learning Standards.

The Illinois Pyramid Model recognizes that the Pyramid Model conceptual framework emphasizes strong relationships, support for social competence, and the prevention of challenging behaviors, and is congruent with its social-emotional foundations for infants, toddlers, and preschool-age children. The Illinois SLT collaborates with the [Pyramid Model Consortium](#) to train Illinois early childhood professionals across the state in professional development systems that work together to strengthen interagency collaboration at the state and local levels.

By using the Pyramid Model framework, programs will become confident in their social emotional practices, reduce challenging behaviors, and reduce suspensions and eliminate expulsions. Additional information on the Illinois Pyramid Model is available [here](#).

The Governor's Office of Early Childhood Development, in collaboration with the Illinois Pyramid Model State Leadership Team, created the [Social-Emotional Toolkit](#) which provides a collection of collected resources, with a focus on wellness, resilience, and reflective leadership, to help manage stressors and to promote wellness and self-care. Furthermore, the toolkit provides resources to assist with connecting with families and caregivers, resources to assist families and caregivers, and available training opportunities.

## Student Discipline: K-12 Guidance and Resources

### SCHOOL CODE RESTRICTIONS ON SUSPENSION AND EXPULSION

Formerly known as Senate Bill 100, [Public Act 99-0456](#) amends several provisions of the Illinois School Code in efforts to reduce exclusionary discipline practices by school districts. Sponsored by [Senator Kimberly A. Lightford](#), this legislation is the culmination of the statewide efforts of student groups, parents, educators, administrators, community organizations, legislators, and other stakeholders. [P.A. 99-0456](#) took effect on September 16, 2016.

### DATA REPORTING REQUIREMENTS

Districts must continue to provide ISBE with data on the total number of suspensions, expulsions, and removals to alternative settings as previously required pursuant to [P.A. 98-1102](#).

Data will continue to be collected and housed by ISBE at [Data Analysis – Expulsions, Suspensions, and Truants by District](#).

Beginning in the 2017-2018 school year, ISBE will analyze the data collected over 3 consecutive school years, starting with the 2014-2015 school year, and identify any district in the top 20% for suspensions, expulsions, and removals to alternative settings. ISBE will require that each of these identified districts develop a plan identifying strategies to reduce exclusionary discipline rates and/or disproportionality.

### RESOURCES

- School Discipline
  - [Transforming School Discipline Collaborative \(TSDC\) Self-Assessment Checklist](#) 
  - [Transforming School Discipline Collaborative \(TSDC\) Sample Code](#) 
- Alternative Discipline Techniques: Restorative Justice
  - Evidence Review
    - Illinois Criminal Justice Information Authority - [An Inventory and Examination of Restorative Justice Practices for Youth in Illinois](#)  (2013) – (see Appendix B: Inventory of Illinois restorative justice programs)
  - [Illinois Balanced and Restorative Justice](#)
  - [Transforming School Discipline Collaborative \(TSDC\) Restorative Justice Toolkit](#)
- Culturally Responsible Practices
  - [ISBE Learning Supports webpages](#)
    - [Culturally Sensitive/Responsive Teaching](#)

### Federal Guidance

- U.S. Department of Education
  - [Guiding Principles: A Resource Guide for Improving School Climate and Discipline](#) 
  - [Directory of Federal School Climate and Discipline Resources](#) 

- o [Rethinking Discipline webpage](#)

## Student Discipline: K-12 Policy Checklist

[PA 099-0456](#)

In accordance with the requirements set forth in [PA 099-0456](#), school boards or the governing body of a charter school shall ensure student discipline policies are aligned to **limit** and **reduce** the number and duration of expulsions and suspensions to the greatest extent practicable with the use of disciplinary interventions and consequences.

### Student Suspension/Expulsion Reductions

#	All School Boards & Charter School Governing Bodies:	✓
1	Shall <b>limit</b> the number and duration of expulsions and suspensions to the greatest extent practicable with the use of disciplinary interventions and consequences.	
2	Should <b>consider</b> alternative forms of non-exclusionary discipline measures before the use of suspension/expulsion and when using only use for legitimate educational purposes.	
3	Shall <b>not institute</b> zero-tolerance policies by which students are suspended for particular behaviors.	
4	Shall adopt policies to <b>allow</b> , when not otherwise required, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools only after behavioral and disciplinary interventions have been exhausted and the student’s continuing presence in school would either: <ol style="list-style-type: none"> <li>1. Pose a threat to the safety of other students, staff or members of the school community; or</li> <li>2. Substantially disrupt, impede, or interfere with the operation of the school.*</li> </ol>	
5	Shall <b>make</b> a reasonable effort to resolve school safety concerns using student behavioral and disciplinary interventions with documentation of which interventions were used or if it was determined that interventions were not feasible.	
6	Shall <b>create</b> policies to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting.	
7	Shall <b>make</b> reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.	
8	Shall <b>invite</b> the Department of Human Services to consult with the board when there is evidence that mental illness may be the cause for suspension or expulsion.	
9	Shall <b>not encourage</b> students to drop out voluntarily due to behavioral or academic difficulties.	

10	Shall <b>not issue</b> monetary fines to students or parents/guardians for damages, stolen or lost property.	
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\*For purposes of subsection (b-20) of PA 099-0456:

- The determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials.
- "Threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials.

### Student Discipline Policy Requirements

#	All School Boards & Charter School Governing Bodies:	✓
1	Shall <b>establish and maintain</b> a parent-teacher advisory committee.	
2	Shall, with the parent-teacher advisory committee, <b>create</b> policy guidelines on discipline and school searches, including school bus safety procedures, that fulfill the requirements of federal and state laws with special requirements for pupils with disabilities.	
3	Shall provide a copy of the District policy to the parent(s)/guardian(s) of each student within 15 days after the start of the school year or within 15 days after starting classes, for students who transfer into the district.	
4	Shall require that all schools inform students of the contents of the policy.	
5	Must, with the parent teacher advisory committee, <b>annually review</b> pupil discipline policies, the implementation of those policies, and any other factors related to the safety of their schools, pupils, and staff.	
6	Shall, with the parent-teacher advisory committee, <b>establish and maintain</b> a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students.	
7	Are <b>encouraged to create</b> memoranda of understanding with local law enforcement agencies that clearly define law enforcement's role in schools.	
8	Must, with the parent-teacher advisory committee and other community-based organizations, <b>include provisions</b> to address students who have demonstrated behaviors that put them at risk for aggressive behavior. These provisions <b>must</b> include procedures for notifying parent(s)/guardian(s) of early intervention procedures based upon available community-based and district resources.	
9	Shall <b>adopt</b> a policy to authorize the superintendent, principal, assistant principal, or dean of students to suspend students guilty of gross disobedience or misconduct, or to suspend students of gross disobedience or misconduct on the school bus from riding the school bus.	
10	May <b>include</b> suspension and expulsion from school and all school activities and prohibition from being present on school grounds.	
11	May <b>adopt</b> a policy requiring students who are suspended or expelled from another public or private institution in Illinois or any other state to complete the entire term of the suspension or expulsion in an alternative school program, unless there is a threat to the safety of students or staff in the alternative program.	

12	Shall not, unless otherwise required by federal law or <a href="#">PA 099-0456</a> , <b>institute</b> zero-tolerance policies, requiring school officials to suspend or expel for particular behaviors.	
13	Shall <b>provide</b> ISBE with data on the total number of suspensions, expulsions, and removals to alternative settings as previously required pursuant to <a href="#">Public Act 98-1102</a> .	

### Student Suspension Process

#	All School Authorized Personnel who suspend pupils guilty of gross disobedience or misconduct, including gross disobedience or misconduct on the school bus:	✓
1	Shall <b>immediately</b> report suspension to the parent(s)/guardian(s). At the time of suspension, an attempted phone call to the parent(s)/guardian(s) shall be made.	
2	Shall provide a <b>written</b> notice to the parent(s)/guardian(s) to include: <ul style="list-style-type: none"> <li>a. a full statement of the reasons for suspension</li> <li>b. a notice of their right to a review</li> </ul> <p><b>May</b> also include in the report:</p> <ul style="list-style-type: none"> <li>c. information about an opportunity to make up work missed during the suspension for equivalent academic credit;</li> <li>d. a rationale for the length of the suspension</li> </ul>	
	Shall, at the <b>request</b> of the parent(s) or guardian(s), review the suspension action.	
4	Shall <b>provide</b> a written suspension decision that details the specific act(s) of gross disobedience or misconduct and a rationale for the duration of the suspension.	
7	Use out-of-school suspensions of 3 days or less only if the student’s continuing presence in school would pose a threat to school safety or be a disruption to other students’ learning opportunities.* School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent possible.	
8	Shall <b>provide</b> “appropriate and available support services” to students who are suspended out-of-school for more than 4 days. “Appropriate and available support services” will be determined by school authorities and the written suspension decision shall document whether such services are to be provided or whether it was determined that there are no such appropriate and available services.	
9	<b>May</b> suspend a student for no more than 10 days if: <ul style="list-style-type: none"> <li>1. That student has made an explicit threat on an Internet website against a school employee, student, or any school-related personnel;</li> <li>2. The Internet website was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made; and</li> </ul>	

	3. The threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties, employment status, or status as a student inside the school.	
10	May <b>suspend</b> a student from the school bus for a period longer than 10 days for safety reasons.	
11	May <b>allow</b> students suspended for more than 20 days to immediately be transferred to an alternative program. The transfer cannot be denied because of the suspension unless the transfer would cause a threat to the safety or staff in the alternative program.	
12	Shall <b>suspend</b> in a manner consistent with the Federal Individuals with Disabilities Education Act.	
13	Shall <b>allow</b> suspended students (including bus suspensions) an opportunity to make up missed work if shared by the parent(s)/guardian(s).	

\*For purposes of subsection (b-15) of PA 099-0456:

- “Threat of school safety or a disruption to other students’ learning opportunities” shall be determined on a case-by-case basis by the school board or its designee.

### Student Expulsion Process

#	<b>All School Authorized Personnel who suspend pupils guilty of gross disobedience or misconduct, including gross disobedience or misconduct on the school bus:</b>	✓
1	Shall <b>not</b> expel a student for more than two calendar years and shall determine on case-by-case basis.	
2	Shall <b>expel</b> in a manner consistent with the Federal Individuals with Disabilities Education Act.	
3	<p>Before a student is expelled, the school shall <b>request</b> by registered or certified mail, parent(s)/guardian(s) to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. The written request shall include:</p> <ol style="list-style-type: none"> <li>a. the time,</li> <li>b. place, and</li> <li>c. purpose of the meeting.</li> </ol> <p><b>May</b> also include in the written request the following information:</p> <ol style="list-style-type: none"> <li>a. a brief description of what will happen during the meeting;</li> <li>b. details of the specific act and the specific reasons why removing the student from the learning environment is in the best interest of the school, and a rationale for the specific duration of the expulsion;</li> <li>c. list any prior suspension(s);</li> <li>d. request contact information for the student or parent(s)/guardian(s) representative or attorney, if applicable.</li> </ol>	
4	<p><b>Shall</b> provide at the meeting with the parent(s)/guardian(s) the reasons for dismissal and the date on which the expulsion is effective.</p> <p><b>May</b> provide policy that details the hearing procedure and any requirements, such as:</p>	

	<ul style="list-style-type: none"> <li>a. In the event a hearing officer is appointed, he/she shall report a written summary to the board;</li> <li>b. The Superintendent or designee shall invite a representative from the Department of Human Services if the recommended expulsion is due to mental illness;</li> <li>c. Details of the hearing procedure, including but not limited to: <ul style="list-style-type: none"> <li>i. the Board or hearing officer will hear evidence of the student’s gross disobedience or misconduct;</li> <li>ii. documentation of attempted and exhausted behavioral/disciplinary interventions</li> <li>iii. student or parent(s)/guardian(s) may be represented by an attorney</li> </ul> </li> </ul>	
5	<b>Shall</b> provide a written expulsion decision that details the specific reason(s) why removing the student from the learning environment is in the best interest of the school and the rationale for the duration of the expulsion.	
6	<b>May</b> immediately transfer an expelled student to an alternative program. The transfer <b>must not</b> be denied because of the expulsion, except when the transfer would cause a threat to the safety of students or staff in the alternative program.	
7	<p><b>May</b> expel, for not less than one year but not more than two calendar years, a student who brings one of the following items to school, any school-sponsored activity or event, or an activity that bears a reasonable relationship to school:</p> <ul style="list-style-type: none"> <li>a. firearm,</li> <li>b. knife,</li> <li>c. brass knuckles or other knuckle weapon regardless of its composition,</li> <li>d. a billy club, or</li> <li>e. any other object if used or attempted to be used to cause bodily harm, including "look alikes" of any firearm*</li> </ul> <p>Expulsion period for bringing a firearm* may be modified by the Superintendent, and the Superintendent’s determination may be modified by the Board on a case-by-case basis.</p> <p>Expulsion requirement for categories be may be modified by the Superintendent, and the superintendent's determination may be modified by the Board on a case-by-case basis</p>	
8	<p>The Board <b>may</b> suspend or, by regulation, authorize the Superintendent, Principal, Assistant Principal, or Dean of Students to expel a student for no more than 2 calendar years, as determined on a case-by-case basis, if:</p> <ul style="list-style-type: none"> <li>1. That student has made an explicit threat on an Internet website against a school employee, student, or any school-related personnel;</li> <li>2. The Internet website was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made; and</li> </ul>	

	3. The threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties, employment status, or status as a student inside the school.	
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\* “Firearm” means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Care Act, or firearm as defined in Section 24-1 of the Criminal Code of 2012.

### School Searches

#	All School Authorized Personnel:	✓
1	<p>May <b>inspect</b> and <b>search</b> places and areas such as lockers, desks, parking lots, and other school property owned or controlled by the school as well as personal effects left in those places and areas by students. There is no requirement that:</p> <ol style="list-style-type: none"> <li>1. notice be provided to the student,</li> <li>2. the student provide consent, or</li> <li>3. a search warrant be obtained</li> </ol>	
3	<p>May request assistance of law enforcement officials when searching for illegal drugs, weapons, or other illegal or dangerous substances or materials in any of the following locations:</p> <ol style="list-style-type: none"> <li>1. Lockers,</li> <li>2. Desks</li> <li>3. Parking lots, and</li> <li>4. Other school property and equipment owned or controlled by the school.</li> </ol>	
4	<p>May <b>seize</b> items discovered during a search that are evidence a student has violated or is violating the law, local ordinance, or school policies or rules. Disciplinary action may be taken as well.</p>	
6	<p><b>May</b> consider the following when conducting searches:</p> <ol style="list-style-type: none"> <li>1. conduct the search outside the view of others (including students) to ensure student privacy;</li> <li>2. conduct the search in the presence of a school administrator or adult witness; and</li> <li>3. have a certified employee or contracted authority (i.e. police officer/school resource officer/etc.) of the same sex as the student conduct the search.</li> </ol>	

## Supporting Transgender, Nonbinary and Gender Nonconforming Students

Education is a fundamental right of each and every student in Illinois. However, structural, social or implicit barriers may exist for students that are transgender, nonbinary or gender nonconforming. Schools and districts may seek to support ALL students in Illinois schools by referring to guidance and resources at [ISBE.net](https://www.isbe.net).

### Non-Regulatory Guidance

This non-regulatory guidance is designed to (a) provide a description of the legal rights of transgender, nonbinary and gender nonconforming students; and (b) offer best practices, technical assistance and support to districts and schools.

### Sample District Policy and Administrative Procedures

This document provides support for districts in establishing or amending policy and administrative procedures with respect to transgender, nonbinary and gender nonconforming students.

Additional technical assistance is available by emailing [supportallstudents@isbe.net](mailto:supportallstudents@isbe.net).