

# West Aurora District 129



**2018-2019**

**Rights and Responsibilities**



## 2018-2019 Student Rights and Responsibilities

All students are entitled to enjoy the rights provided to them by the United States and Illinois Constitutions and the laws for persons of their age and maturity and within a school setting. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or expectations will be subject to behavioral and/or disciplinary interventions.

The purpose of this Rights and Responsibilities Code ("Code") is to let students, parents/guardians, school personnel and all other citizens know the expectations for responsible student behavior in the District. This Code will be distributed, implemented, enforced, and is always open for review or change by the District.

### INTRODUCTION

Getting an education in a public school is both a privilege and a right. The Board of Education ("Board"), District employees, parents/guardians and all residents of the District must create an academic, emotional and physical setting that will encourage learning. It is the students' responsibility to help make the best teaching-learning situation for themselves and others. The District believes that rights and responsibilities must work together.

The Board upholds the Constitutional rights of students and believes:

- the parent/guardian and student are most responsible for the behavior of the student.
- the Board must do all it can to promote and enforce responsible student behavior.
- every student should know the expectations for responsible behavior and the behavioral and disciplinary interventions that may result if these expectations are not met.
- rights have limitations and carry responsibilities.

The Board authorizes the Superintendent and District administrative staff to promote, implement and enforce this Code.

### ARTICLE I General Guidelines for Conduct

#### A. GENERAL STUDENT RIGHTS

All students have the general right to:

- be free from discrimination on the basis of race, color, nationality, immigration status, sex, sexual orientation, religion, ancestry, age, physical or mental disability, gender identity, status of being homeless, order of protection status, or actual or potential marital or parental status, including pregnancy
- attend a school in a safe and secure setting that promotes learning
- the freedom of speech and the non-disruptive gathering of people
- be advised of the standards of acceptable and unacceptable behavior
- due process
- take part in decisions affecting their schools and District through a student government made up of representatives selected from and by the entire student body
- voluntarily engage in individually-initiated, non-disruptive prayer. The right to pray is consistent with the Free Exercise and Establishment Clauses of the United States and Illinois Constitutions, and shall not be sponsored, promoted, or endorsed in any manner by the school or any school employee

#### B. GENERAL STUDENT RESPONSIBILITIES

There are general responsibilities that go along with attending the District. A student in this District is expected to:

- know and follow the school expectations and regulations.
- respect the rights of every District employee and student.
- speak and write in a manner that is not libelous, slanderous, obscene, discriminatory or unjustly damaging to others.
- be dressed and groomed in a way that meets reasonable standards of health and safety.
- be on time and present in assigned classes with necessary materials.
- behave in ways that do not interfere with the education of others.
- maintain the best possible level of work in his/her classes.
- strive to meet District goals and objectives and perform at the expected levels for his/her grade.
- respect the authority of District administration, teachers, student services, security and other staff to maintain reasonable behavior at all times during school activities.



## C. RIGHTS AND RESPONSIBILITIES IN SPECIFIC AREAS

### 1. Enrollment Requirements

Parent(s)/guardian(s) of students enrolling in the District for the first time must present:

- a. a certified original copy of the student's birth certificate within 30 days of enrollment or other reliable proof, as determined by the Department, of the child's identity and age and an affidavit explaining the inability to produce a copy of the birth certificate. Other reliable proof of the child's identity and age shall include a passport, visa or other governmental documentation of the child's identity. Failure to provide an original birth certificate or other reliable proof warrants the school district to notify the local law enforcement agency.
- b. proof of residence, as required by Board Policy 7.060, *Residence*
  - Photo identification of the parent/guardian including but not limited to: a valid state ID, driver's license, passport, a photo identification card from a foreign country, are accepted for enrollment and residency purposes.
- c. Proof of disease immunization or detection and the required physical examination, as required by State law and Board Policy 7.100, *Health and Dental Examinations, Immunizations, and Exclusion of Students*.

#### McKinney-Vento Homeless Education Act

Any student who meets the homeless criteria shall be immediately enrolled, even if the student or student's parent/guardian is unable to produce records normally required for enrollment. School and National School Lunch fees associated with a homeless student's enrollment should also immediately be waived upon identification/registration. Board Policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure govern the enrollment of homeless students.

### 2. District Transportation

- a. The District will provide free transportation for all District students who reside:
  - a distance of one-and-one-half (1.5) miles or more from their assigned schools; or
  - within one-and-one-half (1.5) miles of their assigned school, but for whom walking would constitute a serious safety hazard due to vehicular traffic as determined by Illinois Department of Transportation standards or rail crossing, and adequate public transportation is not available.

A student's parent(s)/guardian(s) may file a petition with the Board requesting transportation due to the existence of a serious safety hazard.

Free transportation services and vehicle adaptation will be made for a special education student if included in the student's individualized educational plan (IEP).

Transportation will be provided in accordance with the McKinney-Vento Homeless Education Act and the Every Student Succeeds Act.

#### b. School Bus Safety Expectations:

- Arrive at the bus stop five (5) minutes before the designated pick-up time.  
Be safe. Stand at least five (5) feet from the bus/street until it comes to a complete stop. Do not board the bus until the driver signals you to do so. Use the handrails and board the bus in a single file and orderly fashion.
  - Find the first seat available. Sit facing forward with your feet on the floor. Keep your hands, arms, head, and personal items inside the bus at all times. Keep personal items and clutter out of the aisle.
  - Do not eat or drink on the bus.
  - Be courteous to the driver and other passengers. Talk in a quiet voice. Remain silent at railroad crossings.
  - Remain in your seat until the bus comes to a complete stop. After exiting, always cross the street in front of the bus. Never walk alongside the bus, crawl under the bus, or attempt to re-enter the bus after exiting.
  - Students must ride their assigned route. Students wishing to ride home with a peer will not be permitted if it is not the student's assigned bus route.
  - Using or possessing a cellular telephone, video/audio recording device or other electronic device (including but not limited to computers, smartphone and tablets) in any manner that jeopardizes the safe travel of the school bus or violates the rights of others is prohibited.
  - Follow driver directions. Drivers reserve the right to give direct instructions to student(s) in order to preserve the safe and secure transportation of the student(s).
- c. All students must follow the District's School Bus Safety Expectations. The District is authorized to suspend a student from riding the school bus for up to 10 consecutive school days for engaging in gross disobedience or misconduct, including but not limited to:
    - prohibited student conduct as defined in Board Policy 7.190, *Student Discipline*.
    - willful injury or threat of injury to a bus driver or another rider.
    - willful defacement of the bus.
    - use of profanity, slanderous, or obscene language that is unjustly damaging to others.
    - willful disobedience of a directive from a bus driver or another supervisor.



Such other behavior as the Superintendent or designee deems to threaten the safe operation of the bus and/or its occupants. If a student is suspended from riding the bus for gross disobedience or misconduct on a bus, the Board may suspend the student from riding the school bus for a period in excess of 10 school days for safety reasons. Students suspended from the bus who do not have alternate transportation to school shall have the opportunity to make up work for equivalent academic credit. It is the responsibility of the student's parent/guardian to notify school officials that a student suspended from the bus does not have alternate transportation to school and it is the parent/guardian's responsibility to request homework.

- d. Electronic visual and audio recordings may be used on school buses to monitor conduct and to promote and maintain a safe environment for students and employees when transportation is provided for any school-related activity. Notice of electronic recordings shall be displayed on the exterior of the vehicle's entrance door in compliance with State law and the expectations of the Illinois Department of Transportation, Division of Traffic Safety. Students are prohibited from tampering with electronic recording devices. Students who violate this policy shall be disciplined in accordance with the Board's discipline policy and restitution to the District for any necessary repairs or replacements may be invoked.

### 3. Attendance

- a. School attendance is the responsibility of students and their parent(s)/guardian(s). A parent/guardian who has custody of a student between the ages of 7 and 17 years of age is required to see that the student attends the assigned public school in the District for the whole school session unless the student:
  - attends an approved private or parochial school
  - is found by a doctor or psychiatrist to be physically or mentally unable to attend a regular school program
  - is temporarily excused for good reason by the building administration
  - is employed (the job must be covered under the Child Labor Law and meet the consent of the Superintendent of the Regional Office of Education)

Absences that total ten percent (10%) or more of school days of the most recent academic school year, including absences with and without valid cause, including out-of-school suspensions, for an enrolled student, are defined as chronic absenteeism and requires school districts to collect and review the data and determine needed resources to engage chronically absent students and their families.

- b. Absences from school will be considered excused or unexcused as follows:

#### Excused

- personal illness
- serious family emergency
- death in the family
- attendance at religious classes and/or holidays that were approved beforehand
- medical and dental appointments documented by qualified medical personnel
- district transportation failures
- prearranged absences approved by building administration
- students in grades 6 – 12 who sound "Taps" at a military honors funeral for a deceased veteran

#### Unexcused

- cutting class or an unauthorized absence from a classroom or other assigned area
- personal appointments
- other avoidable absences
- parent(s)/guardian(s)' failure to provide an acceptable reason for the absence

- c. If a student's absence is unexcused, it will be recorded as truant. If the student is a habitual truant, action may be taken against the parent(s)/guardian(s) of the student. A habitual truant is defined as a student subject to compulsory school attendance who is absent without valid cause from such attendance for five (5) percent or more of the previous 180 regular attendance days. A note from a qualified medical professional may be required for each health-related absence if requested by school administration.
- d. The Superintendent or designee shall direct the appropriate District personnel to develop procedures to be used with a student who is truant. The following support services may be offered to a student who is truant:
  - parent-teacher conferences
  - counseling services
  - truants' alternative and optional education program
  - alternative school placement
  - community agency services





- remediation program (Such remediation program for a student 17 years or older includes assessment and support services)

If these supportive services prove ineffective and the behavior persists, building administration will solicit the resources of the Kane County Regional Office of Education.

- Any person who induces or attempts to induce any student to be absent from school unlawfully, or who knowingly employs or harbors, while school is in session, any student absent unlawfully from school for three (3) consecutive school days, is guilty of a Class C misdemeanor.
- If a student is absent for more than 15 consecutive school days and after multiple documented attempts have been made to contact the parent/guardian, with no response, the District will notify the parent/guardian by letter, at the last known address, that their student will be withdrawn from school for non-attendance. Parents/guardians wishing to re-enroll their student should contact the registration office.
- Students aged 17 years or older who are absent without valid cause for 20% or more of the attendance days for two consecutive semesters may be denied enrollment the following semester.
- Students aged 17 years or older who fail to meet minimum academic standards for two consecutive semesters may be denied enrollment the following semester. Failure to meet minimum academic standards is defined as a student who receives a grade point average of less than a 1.0 average.

#### 4. Corporal Punishment

The Illinois School Code permits teachers to use reasonable force to maintain the safety of students, personnel and other persons in the school, or for the purpose of self-defense or defense of school property. Board policy prohibits corporal punishment including the intentional infliction of bodily harm, slapping, paddling or prolonged maintenance of students in physically painful positions.

#### 5. Dress and Grooming

Students' clothing must be worn as it was intended to be worn. The dress and grooming of a student are the responsibilities of the student and his/her parent(s)/guardian(s). Student dress or attire that school authorities deem contrary to acceptable health and safety standards, or causes a disruption of the educational process or school environment, is prohibited. Students' dress or attire must conform to the following minimum standards:

- hats, head coverings (except for religious purposes), outerwear and gloves must be removed upon entering the school building.
- shirts allowing a visible midriff or navel, mesh shirts, halter-tops, tube tops, thin-strapped tank tops, spaghetti strap dresses, short shorts, short skirts, clothing items that allow undergarments to be exposed, and beachwear are prohibited.
- clothing or tattoos that display inappropriate, sexual, offensive or suggestive slogans, language, or images that depict violent scenes or gang identifiers, or that reference drugs or alcohol is prohibited.
- slippers and footwear that may damage the flooring are not permitted.

#### 6. Administration of Medication and Concussion Protocols

Students should not take medication during school hours or school-related activities unless it is necessary to a student's health and well-being. When a student's licensed health care provider and parent/guardian believe that it is necessary for the student to take medication during school hours or school-related activities, the parent/guardian must request that the school dispense the medication to the student and otherwise follow the District's procedures on dispensing medication.

No District employee shall administer to any student, or supervise a student's self-administration of, any prescription or non-prescription medication until the student's parent/guardian submits a completed and signed "School Medication Authorization Form". No student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures. The District may request annually from parents or guardians of students an Asthma Action Plan, Diabetes Care Plan, Allergy Plan, Seizure Plan or other documentation when applicable.

A parent/guardian must bring any medications that are to be administered to a student at school to the school office. Prescriptions must be in original packaging and a doctor's note must be on file in order for the medication to be given at school. Students are not permitted to self-carry medications to school unless permitted as described below.

##### Self-Administration of Medication

A student may possess an epinephrine auto-injector (EpiPen®) and/or medication prescribed for asthma for immediate use at the student's discretion, and a student may possess medication prescribed for diabetes for self-management in accordance with the student's diabetes care plan, provided the student's parent/guardian has completed, signed and



submitted a "School Medication Authorization Form." The District shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication or epinephrine auto-injector or the storage of any medication by school personnel. A student's parent/guardian must indemnify and hold harmless the District and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of a student's self-administration of an epinephrine auto-injector and/or medication, or the storage of any medication by school personnel. For the safety of others, students are responsible for ensuring the safe disposal of used supplies or materials from the self-administered medication and related medical supplies.

Other situations, as authorized on a case-by-case basis by the building principal and nurse, may warrant self-carry of prescription medication.

District employees are not prohibited from providing emergency assistance to students, including administering medication.

#### Administration of an Undesignated Epinephrine Auto-Injector or Opioid Antagonist

A school nurse or trained personnel may:

- provide an undesignated epinephrine auto-injector to a student for self-administration only or any personnel authorized under a student's Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 to administer to the student, that meets the student's prescription on file.
- administer an undesignated epinephrine auto-injector that meets the prescription on file to any student who has an Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 that authorizes the use of an epinephrine auto-injector.
- administer an undesignated epinephrine auto-injector to any person that the school nurse or trained personnel in good faith believes is having an anaphylactic reaction.
- administer an opioid antagonist to any person that the school nurse or trained personnel in good faith believes is having an opioid overdose.

When a school nurse or trained personnel administers an undesignated epinephrine auto-injector to a person whom the school nurse or trained personnel in good faith believes is having an anaphylactic reaction, or administers an opioid antagonist to a person whom the school nurse or trained personnel in good faith believes is having an opioid overdose, notwithstanding the lack of notice to the parents or guardians of the pupil or the absence of the parents' or guardians' signed statement acknowledging no liability, except for willful and wanton conduct, the school district, public school, or nonpublic school and its employees and agents, and a physician, a physician assistant, or an advanced practice nurse providing standing protocol or prescription for undesignated epinephrine auto-injectors or the use of an opioid antagonist, shall incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the use of an undesignated epinephrine auto-injector or the use of an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice nurse.

#### Student Concussions

Students who exhibit signs and symptoms, or behaviors consistent with a concussion or head injury must be removed from participation or competition at that time. Such students will not be allowed to return to play unless cleared by a physician, physician assistant, certified athletic trainer, or advanced practice nurse. Students who have experienced concussions will be supported by the District in accordance with the school's Return-to-Play and Return-to-Learn protocols. Parents/guardians should notify the building principal and nurse if they are aware that their student has suffered a concussion. See Board Policy, 7.305 Student Athlete Concussions and Head Injuries.

### **7. Student Records**

- a. A student's school records are confidential, and information from them will not be released other than as provided by law. State and federal law gives parent(s)/guardian(s) and eligible students certain rights with respect to their student records. These rights are to:
  1. inspect and copy the student's education records within 15 school days after the day the school receives a request for access. There may be a charge for copies, not to exceed \$.35 per page. This fee will be waived for those unable to afford such cost.
  2. request the amendment of the student's education records that the parent/guardian or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under state and federal law.
  3. request removal from the student's academic transcript of one or more scores received on college entrance examinations through the submission of a written request stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be removed.
  4. provide written consent before the school discloses personally identifiable information ("PII") from the student's education records, except to the extent that state and federal law authorize disclosure without consent.



The District may disclose PII from the education records of a student without obtaining prior written consent of the parent(s)/guardian(s) or the eligible student:

- to other school officials, including teachers, within the District whom the school has determined to have legitimate educational interests
- to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer
- to persons authorized or required by state or federal law to gain such access, as provided in the regulations
- to appropriate officials in connection with a health or safety emergency
- to comply with a judicial order or lawfully issued subpoena
- information the District has designated as "directory information" (see below)

Any release of information other than specified above requires the prior, specific, dated, written consent of the parent/guardian or eligible student. A record of any release of information shall be made and kept as part of the student's school record.

5. copy any student school record that is proposed to be destroyed or deleted.
6. prohibit the release of directory information concerning the student.
7. request that military recruiters or institutions of higher learning not be granted access to the name, address, and telephone numbers of a secondary school student without prior written consent.
8. file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with requirements of the Family Educational Rights and Privacy Act (FERPA). The Family Policy Compliance Office (FPCO) administers FERPA, the Protection of Pupil Rights Amendment (PPRA) and provisions of the Elementary and Secondary Education Act (ESEA) that require local educational agencies that receive ESEA funds to provide military recruiters with contact information on students unless their parents opt out of the disclosure. You may contact The United States Department of Education can be contacted at the following address:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, D.C. 20202-4605

- b. Permanent records shall consist of basic, identifying, personal information necessary to a school in the education of a student.
  - students' and parent(s)/guardian(s)' names and addresses
  - birth date and place
  - gender
  - attendance record
  - accident reports and health records
  - proof of release of permanent record information
  - academic transcript—including grades, class rank, grade level achieved and scores on college entrance examinations

In addition, permanent record information may include:

- honors and awards received
- information concerning participation in school-sponsored activities

- c. Temporary records consist of all information not required in the students' permanent records.
  - family background information
  - aptitude information
  - psychological evaluations
  - achievement test results
  - disciplinary information
  - special education files
  - any verified information from non-educational agencies or persons
  - proof of release of temporary record information
- d. Permanent records will be maintained for 60 years after the student has withdrawn from school or has graduated. Temporary records will be maintained for five (5) years after the student has withdrawn from school. The school shall notify the parent(s)/guardian(s) and the students of the destruction schedule for the student permanent record and the student temporary record, and of the right to request a copy of such records prior to destruction. After five (5) years, Special Education records may be transferred to the custody of the parent(s)/guardian(s) or the student, if the student



has succeeded to the rights of the parent/guardian. The further usefulness of these records will be explained if requested.

- e. "Directory Information" may be released to the general public unless a parent/guardian or eligible student informs the District in writing within ten (10) school days after publication of this Notice that such directory information with respect to his/her student shall not be released. Directory information includes the following:

- student's full legal name and address
- parent's names
- the image and/or likeness of a student in pictures, yearbooks, programs, videotape, film or another medium for informational or news-related purposes, and participation in extracurricular activities such as athletics, musicals or drama performances
- dates of attendance
- major field of study
- height and weight of athletic team members
- degrees, honors and awards received

If a parent/guardian or eligible student does not want directory information released, he/she must provide written notice to the Building Principal indicating what types of directory information he/she does not want released. The Principal must receive the written notice no later than the first day of school or within 30 days of receiving the annual notice.

- f. Both parent(s)/guardian(s) have a right to see the school records of their student unless there is a certified copy of a court order on file at the school that specifically denies access to school records. Questions about these rights should be directed to the school office.
- g. No person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit, or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the exercise of any right secured under state law.

#### 8. School Fees

- a. Full use of educational services and academic credit will not be refused because a parent/guardian cannot pay for materials or other school fees. Fee waiver applications are available from both the school and administration office. The application must be completed and approved before the responsibility to pay fees is waived. The general income guideline for determination will be qualification for the federal National School Lunch Program.
- b. The District shall also waive school registration fees for students determined by the District to be protected under the McKinney-Vento Homeless Education Act.
- c. The District is not responsible for providing food to students whose parent(s)/guardian(s) have not completed a fee waiver application and have not been approved for participation in the National School Lunch Program.
- d. The parent/guardian is legally responsible for school fees, not the student. Any action taken by the school to collect these fees will be taken against the parent/guardian.
- e. In the event that a family is denied an income-based waiver, they may appeal for a waiver based on hardship to the district's finance office.
- f. Participation in some activities is a privilege and not a right. Student fees must be paid in full or enrolled in a District established payment plan to participate in some extracurricular activities. These activities include, but are not limited to:
- athletics
  - homecoming, prom, eighth-grade dance
  - parking permits
  - graduation and promotion ceremonies
  - receipt of official transcripts

*See Board Policy 4.140, Waiver of Student Fees.*

#### 9. Discrimination and Sex Equity

Equal educational and extracurricular opportunities shall be available for all students without regard to: race, color, nationality, immigration status, sex, sexual orientation, religion, ancestry, age, physical or mental disability, gender identity, status of being homeless, order of protection status, or actual or potential marital or parental status, including pregnancy. *See Board Policy 7.010.*

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





Furthermore, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of any protected status. The District remains neutral when granting access to school facilities under Board Policy 8.020, *Community Use of School Facilities*.

Any student may file a discrimination or sex equity complaint by using Board Policy 2.260, *Uniform Grievance Procedure*. The District 129 Nondiscrimination Coordinators are Dr. Michael Smith, Executive Director of Human Resources, 630-301-5027 and Mrs. Marti Neahrng, Director of Student Services, 630-301-5029.

#### 10. Bullying, Intimidation and Harassment Prohibited

Bullying, including cyber-bullying, is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward another person that has or can be reasonably predicted to:

1. place a person in reasonable fear of harm to their person or property;
2. cause a substantially detrimental effect on a person's physical or mental health;
3. substantially interfere with a student's academic performance; and/or
4. substantially interfere with a student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

In other words, bullying consists of intentionally aggressive behavior, repeated over time that involves an imbalance of power. Cyberbullying is bullying inflicted through the use of computers, cell phones, and other electronic devices. No person, including a District employee or agent, or student, shall harass, intimidate or bully a student based upon the basis of actual or perceived: race, color, national origin, sex, sexual orientation, gender-related identity or expressions, ancestry, religion, age, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, any other protected characteristic, or association with a person or group with one or more of the aforementioned actual or perceived characteristics.

The District will not tolerate harassing, intimidating conduct, or bullying (including cyber-bullying) whether verbal, physical, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above. *See Board Policy 7.180.*

The District will not tolerate harassing, intimidating conduct, or bullying (including cyber-bullying) whether verbal, physical, or visual, of a staff member by a student or parent/guardian when the harassing, intimidating or bullying conduct interferes with, disrupts, or adversely affects the school environment, school operations, school property or an educational function, or is reasonably forecasted to cause such interference, disruption or adverse impact. This prohibited harassment, intimidation, or bullying may include, but is not limited to, conduct that may reasonably be considered: a) a threat or attempted intimidation of a staff member; or b) endanger the health or safety of students, staff. A staff member who believes he or she is a victim of harassment, intimidation, or bullying, is encouraged to discuss the matter with his or her building principal or assistant principal. The staff member may also report a concern to the District 129 Nondiscrimination Coordinators, Dr. Michael Smith, Executive Director of Human Resources, 630-301-5027 and Mrs. Marti Neahrng, Director of Student Services, 630-301-5029.

#### Sexual Harassment Prohibited

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

- denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or
- has the purpose or effect of:
  - substantially interfering with a student's educational environment.
  - creating an intimidating, hostile, or offensive educational environment.
  - depriving a student of educational aid, benefits, services, or treatment.
  - making submission to or rejection of such conduct the basis for academic decisions affecting a student.

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

#### Making a Complaint: Enforcement

Students who believe they are victims of harassment, intimidation, bullying and/or sexual harassment or have witnessed such conduct, are encouraged to discuss the matter with District 129's Nondiscrimination Coordinators, Dr. Michael Smith,



Executive Director of Human Resources, 630-301-5027 and Mrs. Marti Neahring, Director of Student Services, 630-301-5029. Students may also discuss the matter with the Building Principal, Assistant Principal, or Dean of Students. A student may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined.

**11. Teen Dating Violence**

Teen Dating Violence: Engaging in teen dating violence that takes place at school, on school property, at school-sponsored activities, or in vehicles used for school-provided transportation is prohibited. The term teen dating violence occurs whenever a student who is 13 to 19 years of age uses or threatens to use physical, mental, or emotional abuse to control an individual in the dating relationship; or uses or threatens to use sexual violence in the dating relationship. See *Board Policy 7.185*.

**12. Disability Accommodations**

Individuals with disabilities will be provided an opportunity to participate in all school-sponsored services, programs, or activities. Individuals with disabilities should notify the District or building administration if they have a disability that will require special assistance or accommodations. This notification should occur as far in advance as possible of the school-sponsored function, program, or meeting.

**13. Special Education**

The District shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the District, as required by the Individuals with Disabilities Education Act ("IDEA") and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The term "children with disabilities," as used in this policy, means children between ages 3 to their 22nd birthday for whom it is determined, through definitions and procedures described in the Illinois State Board of Education's Special Education Administrative Expectations, that special education services are needed.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

Students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided by the Illinois State Board of Education's Special Education Administrative Expectations. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and development of an educational plan. This system shall include notice, an opportunity for the student's parent(s)/guardian(s) to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardian(s), and representation by counsel, and a review procedure.

**14. Alternative Learning Opportunities**

The Superintendent or designee shall develop, maintain, and supervise a program for students at risk of academic failure or dropping out of school. The program shall include education and support services addressing individual learning styles, career development, and social needs, and may include:

- parent-teacher conferences
- counseling services
- psychological testing
- truants' alternative and optional education program
- alternative school placement
- community agency services
- alternative learning opportunities program, in conformity with the Alternative Learning Opportunities Law, as it may be amended from time-to-time
- graduation incentives program
- remediation program

**15. Sex and Violent Offender Against Youth Community Notification**

State law requires that all school districts provide parents/guardians with information about sex offenders and violent offenders against youth. You may find the Illinois Sex Offender Registry on the Illinois State Police's website at <http://www.isp.state.il.us/sor/>. You may find the Illinois Statewide Child Murderer and Violent Offender Against Youth Registry on the Illinois State Police's website at <http://www.isp.state.il.us/cmvo/>.

**16. Student Expression**

- a. A student has the right to say or write what he/she believes on political and social issues.
- b. School officials may reasonably control the time and place of speeches, gathering of groups and distribution of written materials.



- c. Students must respect the opinions and feelings of others when using their freedom of speech and encourage all viewpoints to be expressed.
- d. Students must take responsibility for what they say, as they may be subject to lawsuits for libel (publishing a false statement that is damaging to a person's reputation), slander (making a false spoken statement that is damaging to a person's reputation), and/or obscenity.
- e. Student newspapers and other District-approved publications including web-based media are not a public forum, and student opinions may be subject to revision by administration.
- f. A statement made on or off campus, including through social media, which interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function may be subject to disciplinary action.

#### **17. Married and/or Pregnant Students**

- a. Married and/or pregnant students may receive all education services and join in all programs and activities of the school under the same expectations as other students, as long as their physical or mental condition allows them to do so.
- b. Pregnant students may make other choices to the regular school program in agreement with the local school staff, significant other, and parent(s)/guardian(s), and with the written consent of the pregnant student's physician. Other choices might include home tutoring, adult evening classes or other alternative learning opportunities.
- c. Breastfeeding students shall be provided reasonable accommodations on a school campus to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding.

#### **18. Search and Seizure**

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

- a. School authorities may inspect and search school property and equipment owned or controlled by the school (such as, lockers, desks, and parking lots), as well as personal effects left there by a student, without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there.
- b. School authorities may search a student and/or the student's personal effects in the student's possession (such as, purses, wallets, book bags, lunch boxes, etc.) when there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating either the law or the District's expectations and regulations. The search itself must be conducted in a manner that is reasonably related to its objective and not excessively intrusive in light of the student's age and sex, and the nature of the infraction.
- c. The contents of a student's cell phone, another electronic device, or social media accounts may be searched in the event school officials have a reasonable suspicion that the device/account has been used in violation of school expectations and regulations and that a search of its contents will disclose evidence of such a violation.
- d. If a search produces evidence that the student has violated or is violating either the law or the District's policies or expectations, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

#### **19. Access to Students**

- a. No person other than the parent/guardian or school personnel will have permission to visit the student at school or remove the student from school unless: 1) such person has the consent of the parent/guardian 2) pursuant to a court order 3) such person has a warrant to arrest the student 4) seeing the student is clearly for the student's welfare. In the event of any questions arise, the Building Principal or designee will make the decision.
- b. The Superintendent or designee must approve any out-of-district research projects that ask for information involving students in the District. If a student, identified by name, is involved in a research project, written permission by the parent(s)/guardian(s) and the student will be needed before the student can participate. Surveys created by a third party may also be inspected prior to distributing/administering them to students. Requests to inspect such materials should be directed to the Building Principal.

#### **20. Tobacco and Smoking**

All District schools and properties are tobacco and smoke-free. No persons may use tobacco materials (including chewing tobacco, electronic cigarettes/vaping, and hookahs/hookah products) on District property at any time, including during extracurricular activities and events.



**21. Re-enrollment of Students**

Students age seventeen (17) years or older who have dropped out of school or cannot graduate before their twenty-first birthday because of a lack of credits shall be denied re-enrollment. Academic counseling shall be provided to such students to direct them to alternative education programs.

**22. School Visitation Rights Act**

Employed parent(s)/guardian(s) unable to meet with educators because of a work conflict, may be entitled to an allotment of time from their employers to attend necessary educational or behavioral conferences at their student's school. Additional information may be obtained from the school office.

**23. Right to Request Personnel Information**

Parent(s)/guardian(s) have the right to request information regarding the professional qualifications of any teacher who is instructing their student. Information regarding the following may be requested:

- Whether or not the teacher has met state certification requirements
- Whether or not the teacher is teaching under emergency or provisional status
- The bachelor's degree major of the teacher, any other certification or degrees held by the teacher and the subject area of the certification or degrees
- If services are being provided by paraprofessionals and, if so, their qualifications

Requests for information should be sent to District 129, Human Resources Department, 1877 W. Downer Place, Aurora, IL 60506.

**24. Right to Inspect Particular Instructional Materials**

Parent(s)/guardian(s) have the right to inspect any instructional material used as part of their student's educational curriculum.

**25. Unsafe School Choice Option**

Parent(s)/guardian(s) of students who have been the victims of a violent crime at a Title I school or who attend "persistently dangerous schools" as determined by the state, will be offered school choice. Contact the office of the Superintendent for additional information.

**26. Service Reimbursement**

Schools may be reimbursed for some services performed for students receiving Medicaid. This will not reduce the amount of Medicaid reimbursement the parent/guardian will receive, but will generate extra monies that can be used for District students.

**27. Limited English Proficient Students**

a. As required by the Every Student Succeeds Act in section 1112(e)(3) the District will inform the parent/guardian of a limited English proficient student identified for participation or participating in a language instruction educational program (as determined under part C of Title III of Every Student Succeeds Act:

- the reasons for their student being identified.
- their student's level of English proficiency.
- the instructional method used.
- how their student's program will meet their student's needs.
- how the program will help the student to learn English.
- exit requirements for the program to meet the objectives of any limited English proficiency.
- for a child with a disability pursuant to the Individuals with Disabilities Education Act, how the program meets the student's objectives in his IEP.
- information regarding parental rights including:
  - the right that parents have to have their child immediately removed from such program upon their request.
  - the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available.
  - assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

b. As required by Every Student Succeeds Act section §1112(e)(3)(B), the District must notify the parents of a student identified as English learners during the school year of the student's eligibility to receive English language services to the student's parents during the first two (2) weeks of the student being placed in a language instruction educational program.

c. As required by Every Student Succeeds Act sections §1112(e)(3)(C) the District has implemented an effective means of outreach to parent(s)/guardian(s) of limited English proficient students to inform them how they can be involved in their student's education and be active participants in assisting their students to: attain English proficiency, achieve at high levels in core academic subjects and meet the challenging state academic achievement and content standards.



In addition, the outreach includes holding and sending notice of opportunities for regular meetings to formulate and respond to parent/guardian recommendations.

**28. McKinney-Vento: Education of Homeless Children and Youth**

- a. As required by the McKinney-Vento Homeless Education Assistance Improvement Act section 722(e)(3)(C), the District will provide a parent/guardian written notice at the time their homeless child or youth seeks enrollment in school, and at least twice annually while the child or youth is enrolled in such school. In the case of an unaccompanied youth, the youth will receive the notification. The notification shall be signed by the parent/guardian, sets the general rights provided under this subtitle, includes contact information for the local liaison for homeless children and youths, and specifically states:
  - the choice of schools that homeless children and youths are eligible to attend.
  - that no homeless child or youth is required to attend a separate school for homeless children or youth.
  - that homeless children and youth shall be provided comparable services including transportation services, educational services and meals through school meals programs.
  - that homeless children and youth should not be stigmatized by school personnel.
- b. As required by Every Student Succeeds Act the McKinney-Vento Homeless Education Assistance Improvement Act section 722(g)(2), in the case of an unaccompanied homeless youth, the District shall ensure that the homeless liaison assists in placement or enrollment decisions, considers the views of such unaccompanied youth and provides notice to such youth of the right to appeal.
- c. As required by Every Student Succeeds Act the McKinney-Vento Homeless Education Assistance Improvement Act section 722(g), the District shall ensure that public notice of the educational rights of homeless children and youth is disseminated in places where such children and youth receive services such as schools, family shelters and soup kitchens in a manner and form understandable to the parents and guardians of homeless children and youth, and unaccompanied youth.

**29. Student Privacy**

- a. As required by Every Student Succeeds Act, the District has adopted student privacy policies and provides notice of the adoption or continued use of such policies directly to the parent(s)/guardian(s) of District students. The District provides such notice at the beginning of the school year and within a reasonable period of time after any substantive policy change and offers an opportunity for the parent/guardian to opt the student out.
- b. As required by Every Student Succeeds Act, the Board adopted and uses policies regarding student privacy, parental access to information and administration of certain physical examinations to minors. *(Copies of those policies are available upon request. See policy, 7.015)*

**30. Assessments**

Students must participate in assessments mandated by the Every Student Succeeds Act and by the State of Illinois or the District. Parents may refuse testing of such assessments, where applicable and consistent with Illinois and Federal requirements. Assessments required by the ESSA, the State of Illinois or the District include: teacher created classroom assessments, Performance Series, the Cognitive Abilities Test, the SAT Suite of Assessments, the Illinois Snapshots of Early Literacy, Accessing Comprehension and Communication in English from State to State, Dynamic Learning Maps, the Illinois Science Assessment and the Partnership for Assessment of Readiness for College and Careers.

**31. Acceptable Use of Electronic Networks**

**Safe. Responsible. Respectful.**

All use of electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behavior by users. However, some specific examples are provided. **The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or legal action.**

Terms and Conditions

**Acceptable Use** - Access to the District's electronic network must be: (a) for the purpose of education or research, and be consistent with the District's educational objectives, or (b) for legitimate business use.

**Privileges** - The use of the District's electronic network is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The system administrator or building administration will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. His or her decision is final.

**Unacceptable Use** - The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:





- a. using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any State or federal law.
- b. unauthorized downloading of software, regardless of whether it is copyrighted or de-virused.
- c. downloading of copyrighted material for other than personal use.
- d. using the network for private financial or commercial gain.
- e. wastefully using resources, such as file space.
- f. hacking or gaining unauthorized access to files, resources, or entities.
- g. invading the privacy of individuals, that includes the unauthorized disclosure, dissemination, and use of information about anyone that is of a personal nature including a photograph.
- h. using another user's account or password without his/her consent.
- i. posting material authored or created by another without his/her consent.
- j. posting anonymous messages.
- k. using the network for commercial or private advertising.
- l. accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material.
- m. using the network while access privileges are suspended or revoked.
- n. attempting to subvert or render inoperable computer networks via Denial of Service attacks or other attempts to render the district's network inoperable via malicious software or network tools.
- o. plugging unauthorized network devices into the district's wired network ports.

**Network Etiquette** - The user is expected to abide by the generally accepted expectations of network etiquette. These include, but are not limited to, the following:

- a. Do not become abusive in messages to others.
- b. Use appropriate language. Do not swear, or use vulgarities or any other inappropriate language.
- c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
- d. Recognize that email is not private. Systems administrators and District officials have access to all email. Messages relating to or in support of illegal activities may be reported to the authorities.
- e. Do not use the network in any way that would disrupt its use by other users.
- f. Consider all communications and information accessible via the network to be part of a public domain.

**No Warranties** - The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

**Indemnification** - The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of these procedures.

**Security** - Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building administrator. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual's account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.

**Vandalism** - Vandalism will result in cancellation of privileges and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes, but is not limited to, the uploading or creation of computer viruses. Vandalism also includes physically damaging district-owned technology devices. The District may collect restitution for damages.

**Telephone Charges** - The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.

**Copyright Web Publishing Expectations** - Copyright law and District policy prohibit the re-publishing of text or graphics found on the web, District administered social media sites, District websites, or file servers without explicit written permission.

- a. For each re-publication (on a website or file server) of a graphic or a text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the web address of the original source.
- b. Students and staff engaged in producing web pages must provide library media specialists with email or hard copy permissions before the web pages are published. Printed evidence of the status of "public domain" documents must be provided.
- c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the website displaying the material may not be considered a source of permission.



- d. The fair use expectations governing student reports in classrooms are less stringent and permit limited use of graphics and text.
- e. Student work may only be published if there is written permission from both the parent/guardian and student.

**Use of Email** - The District's email system, and its constituent software, hardware, and data files are owned and controlled by the District. The District provides email to aid students and staff members in fulfilling their duties and responsibilities and as an education tool.

- a. The District reserves the right to access and disclose the contents of any account on its system, without prior notice or permission from the account's user. Unauthorized access by any student or staff member to an email account is strictly prohibited.
- b. Each person should use the same degree of care in drafting an email message as would be put into a written memorandum or document. Nothing should be transmitted in an email message that would be inappropriate in a letter or memorandum.
- c. Electronic messages transmitted via the District's Internet gateway carry with them an identification of the user's Internet *domain*. This domain is a registered name and identifies the author as being with the District. Great care should be taken, therefore, in the composition of such messages and how such messages might reflect on the name and reputation of the District. Users will be held personally responsible for the content of any and all email messages transmitted to external recipients.
- d. Any message received from an unknown sender via the Internet should either be immediately deleted or forwarded to the system administrator. Downloading any file attached to any Internet-based message is prohibited unless the user is certain of that message's authenticity and the nature of the file so transmitted. In no case, should users' open attachments or follow internet links to unfamiliar addresses. Doing so puts the District's computer network and equipment in danger of being infected with malware.
- e. Use of the District's email system constitutes consent to these regulations.

#### Internet Safety

Internet access is limited to only those *acceptable uses* as detailed in these procedures. Internet safety is almost assured if users will not engage in *unacceptable uses*, as detailed in these procedures, and otherwise follow these procedures.

Staff members shall supervise students while students are using District Internet access to ensure that the students abide by the *Terms and Conditions* for Internet access contained in these procedures.

Each District issued electronic device with Internet access has a filtering device that blocks entry to visual depictions that are: 1) obscene 2) pornographic 3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee.

The system administrator and building administration shall monitor student Internet access.

#### **D. DELEGATION OF AUTHORITY**

- 1. The Superintendent or designee may develop, make known and enforce other expectations of conduct. These expectations will follow Board policy.
- 2. In cooperation with the Aurora Police Department, a school resource officer—an employee of the City of Aurora—is assigned to serve at West Aurora High School, Herget, Jefferson, and Washington Middle Schools. The school resource officer also serves other schools in the District as needed. The responsibility of the school resource officer is not to enforce discipline but rather to be involved in activities that could be potentially unlawful.

#### **E. MULTI-TIERED SYSTEM OF SUPPORTS (MTSS)**

The social and emotional learning of District students is supported through a Multi-Tiered System of Supports (MTSS) so all students can achieve academic, social, and emotional success in a nurturing and safe environment. MTSS is a proactive systemic approach to establishing the behavioral supports and social culture needed for all students in a school to achieve social, emotional, and academic success. MTSS applies evidence-based programs, practices and strategies for all students to increase academic performance, improve safety, decrease problem behavior, and establish a positive school culture. MTSS is based on a Response to Intervention model – it applies a three-tiered system of support, and a problem-solving process to enhance the capacity of schools to effectively educate all students.

- MTSS provides more intensive supports for students not responding adequately to a universal system of support.
- MTSS provides systems for schools to design, implement, and evaluate effective school-wide, classroom, non-classroom, and children-specific intervention plans.
- Data-based decision-making is a hallmark of MTSS, allowing successes to be easily shared with all relevant stakeholders.

### **ARTICLE II Gross Disobedience or Misconduct**

The general expectations place the responsibility for good student behavior on the student. This applies to all District activities, whether on or off school grounds, including District parking lots. The laws of the State of Illinois permit a student to be suspended or

expelled for gross disobedience or misconduct. Prior to using out-of-school suspensions or expulsions, school officials shall consider using forms of non-exclusionary discipline.

For purposes of this section, 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.

#### A. JURISDICTION

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

1. on, or within sight of, school grounds before, during, or after school hours.
2. off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school.
3. traveling to or from school or a school activity, function, or event.
4. anywhere, including but not limited to virtual environments, 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.

#### B. PROHIBITED STUDENT CONDUCT

District 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 (including electronic cigarettes/vaping and hookahs/hookah products).
2. using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence of an alcoholic beverage or any beverage containing alcohol 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 drugs and substances as described below:
  - a. any illegal drug, controlled substance, or cannabis (including marijuana and hashish).
  - b. any anabolic steroid unless administered in accordance with a physician's or licensed practitioner's prescription.
  - c. 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 or licensed practitioner's instructions.
  - d. 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
  - 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 would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug or controlled substance.
  - g. drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body (b) grow, process, store, or conceal cannabis or controlled substances.
  - h. 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.
  - a. A student, who uses, possesses, controls, or transfers a weapon, or any other object that can reasonably be considered, or looks like, a weapon, may be expelled for one calendar year, but no more than two (2) calendar



years. The Superintendent may modify the recommended expulsion period, and the Board may modify the Superintendent's recommendation, on a case-by-case basis.

- b. A "weapon" means: 1) any gun, rifle, shotgun, a weapon as defined by Section 921 of Title 18, United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Act, or use of a weapon as defined in Section 24-1 of the Criminal Code; 2) any other object if used or attempted to be used to cause bodily harm, including but not limited to, knives, razor blades, brass knuckles, billy clubs; or 3) "look-alikes" of any weapon as defined above. Any item, such as a baseball bat, pipe, bottle, lock, stick, pencil, and pen, pepper spray is considered to be a weapon if used or attempted to be used to cause bodily harm.
  - c. 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.
5. using or possessing a cellular telephone, video/audio recording device, or other electronic device (including but not limited to computers, smartphone, tablets and wrist worn two-way communication devices) in any manner that disrupts the educational environment or violates the rights of others, including but not limited to:
    - a. using the device to take inappropriate photographs of others in locker rooms or bathrooms.
    - b. for the purpose of engaging in academic dishonesty
    - c. otherwise violate student conduct expectations

Unless otherwise banned under this policy or by the building administration all non-school issued electronic devices must be kept silenced and out-of-sight during the regular school day unless:

- a. the supervising teacher grants permission.
  - b. use of the device is provided in a student's individualized education program (IEP).
  - c. is in needed in an emergency that threatens the safety of students, staff, or other individuals. Student may be in possession of cellular phones during after-school hours
6. using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
  7. disobeying expectations of student conduct, including, but not limited to horseplay, physical fighting, and verbal confrontations) or directives from staff members and school officials.
  8. engaging in academic dishonesty, including, but not limited to, cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, and wrongfully obtaining test copies or scores.
  9. engaging in hazing or any kind of bullying, including cyber-bullying, (see definitions of bullying and cyberbullying in Article I number 10) or 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, hazing, or other comparable conduct. A student may report an incident of bullying to the Building Principal and/or as provided in Article I, number 10.
  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 7.070 regarding truancy control will be used with chronic and habitual truants.
  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.
    - d. soliciting any other person to join, promise to join, or be pledged to become a member.
  13. being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia.
  14. violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, trespassing, hazing and setting false alarms (i.e. fire alarm pulls, bomb threat and 911 calls from within the school building).



15. making an explicit threat on an Internet-based website or app against a school employee, a student, or any school-related personnel if the Internet-based website and/or app through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual or school community.
16. engaging in any activity, on or off campus, including but not limited to making an explicit threat on an Internet-based website or app, at any time, against a school employee, a student, or any school-related personnel, 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. violating the District's "Acceptable Use of Network and Technology Resource Procedures".

**C. MISCONDUCT BY STUDENTS WITH DISABILITIES**

1. Behavioral interventions shall be used with students with disabilities (as defined by Article 14 of the School Code) to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. The District will establish and maintain a committee to develop, implement, and monitor procedures on the use of behavioral interventions for students with disabilities.
2. The District shall comply with the provisions of the Individuals with Disabilities Education Act ("IDEA") and the Illinois State Board of Education's Special Education Administrative expectations when disciplining special education students. Special education students shall be subject to the District's standard discipline code, including consequences, provided that the District's standard discipline code is administered consistent with the IDEA and the Illinois State Board of Education's Special Education Administrative expectations.

No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of his or her disability. Any special education student whose gross disobedience or misconduct is not a manifestation of his or her disability may be expelled pursuant to the expulsion procedures, except that such disabled student shall continue to receive educational services as provided in the Individuals with Disabilities Education Act during such period of expulsion.

**ARTICLE III**

**Behavioral and Disciplinary Interventions and Consequences**

The District recognizes its responsibility to provide a quality education for students. This quality education requires a climate conducive to learning. In order to produce that type of climate, the Board further recognizes that it has an obligation to provide order and discipline in the schools and to do all within its power to avoid disruptions of the educational process.

The procedures outlined in the following sections are designed to make students aware of the types of behaviors upon which the school will act, and types of behavioral and disciplinary interventions and consequences that might be expected as a result of these behaviors. Violations that occur in school, on school grounds, to and from school, on school buses or at school activities are subject to behavioral and disciplinary action. Violations occurring off school grounds that interfere with, disrupt, or adversely affect the school environment, school operations or an educational function may also be subject to behavioral and disciplinary interventions and consequences.

**A. BEHAVIORAL AND DISCIPLINARY INTERVENTIONS AND CONSEQUENCES**

The District employs a universal system of supports designed to promote academic, social, and emotional success for all students in a nurturing and safe environment. In addition, for students who have not responded to the universal system of support, the District has designed and implemented an MTSS system which is a proactive systemic approach to establishing the behavioral supports and social culture needed for all students in a school to achieve social, emotional, and academic success. Students who engage in misconduct, despite these systems of support, will receive behavioral and disciplinary interventions and consequences to address the misconduct. Not all behavioral and disciplinary interventions and consequences are appropriate to address an act of misconduct. Determination of the appropriate behavioral and disciplinary interventions and consequences shall be made on a case by case basis. The severity of behavioral and disciplinary interventions and consequences will be proportionate to the misconduct and will be designed to improve behavior. Our procedures are designed to involve the student, teacher, parent(s)/guardian(s), counselor, school administrators, Superintendent, and/or Board in the process. The following behavioral and disciplinary interventions are available:

1. **Universal Systems of Supports** are the core programs and strategies provided to all students within the school building to promote successful student outcomes and prevent school failure.
2. **Conferences** are used to discuss concerns and possible solutions. Staff members, students or parent(s)/guardian(s) may request a conference.





3. **Reinforcement Tools** provide a student with positive feedback on regular intervals, monitored by building specific checklists, resulting in positive reward.
4. **Check-in-Check-Out (CICO)** is a scheduled, positive interaction between staff members and students designed to increase a student's ability to self-monitor his or her behavior. The approach utilizes a daily progress monitoring tool.
5. **Check and Connect** is an extension of the CICO intervention. This intervention model is an individualized approach in which a student's specific target behaviors are progress monitored. Skill deficit instruction is part of student-staff check-ins.
6. **Social-Emotional Groups and Counseling Groups** are intervention groups created in response to student-specific skill deficit areas. The purpose of group sessions is to teach and foster the development of deficit skills in a controlled environment. Progress monitoring is used to track student progress and skill development.
7. **Second Step** is a research-based social emotional learning curriculum that teaches students to strengthen the following specific skills: empathy, recognize and manage emotions, communicate, cooperate, control impulses and solve problems.
8. **Social Academic Instructional Group (SAIG)** is a small group instruction setting that targets skills which have been identified as necessary to demonstrate the universal expectations of the school environment. SAIGs meet consistently for a designated length of time. SAIGs utilize progress monitoring to determine the acquisition of skills taught. SAIGs can assist with identifying areas of future intervention.
9. **General Education Behavior Intervention Plan** is an intervention that identifies an individual student's target behaviors. These target behaviors have been identified as adversely impacting the academic setting or the student's academic or social-emotional progress. Based upon the target behaviors, responses and supports are identified and used consistently amongst all staff who interact with the student. Progress monitoring methods are identified as part of a BIP. A BIP has a designated duration for implementation.
10. **Peer Mediation** is a peer-led conflict resolution intervention in which disputing students of similar age work to resolve a conflict in a controlled environment. The outcome of a peer mediation is an agreed upon written or verbal commitment between the two disputing parties.
11. **Restorative Conferences and Practices** are an approach to resolve harm within a community in an effort to promote reconciliation, repair, and the rebuilding of relationships. This approach offers involved parties an opportunity to understand others' perspectives, foster accountability of behaviors, and facilitate neutrality and positive relationships. This intervention reestablishes constructive relationships among peers, as well as students/staff, preserving the safety and dignity of all.
12. **Behavior Contracts** are established for students who have had continuing behavioral concerns. The student and parent(s)/guardian(s) are invited to a school conference to discuss the student's inability to conform to school expectations.
13. **Detention** is a temporary detainment before school, after school, or during lunch. Teachers and office staff are to give parent(s)/guardian(s) a one-day notice for detention assignments.
14. **Saturday School** is held at school on specified Saturday mornings. This program may be assigned for serious acts of misconduct that do not pose a threat to individuals or the educational environment, or to students that fail to comply with other in-school behavioral and disciplinary interventions and consequences. Parent(s)/guardian(s) are responsible for their student's attendance. Students who fail to follow the expectations may receive further behavioral and disciplinary interventions and consequences.
15. **Social Probation** is a means to withhold extracurricular events (sporting events, dances, field trips, etc.) from a student for a determined amount of time. This determination is made by the administration when a student is demonstrating an inability to follow school expectations, is making poor academic choices, or disregarding attendance policies.
16. **Social Suspension** is the temporary exclusion of a student from District-sponsored extracurricular activities for a determined amount of time. This determination is made by school administration. During a social suspension, students are not allowed to attend or participate in school activities on or off school grounds.
17. **Bus Suspension** is the temporary removal of a student from District-provided transportation for a period up to 10 days, but can be extended due to safety concerns. This penalty is designed to discourage acts of student misconduct that could pose a threat to the safety of students or staff in a moving vehicle or while traveling to and from school or school sponsored activities.
18. **In-School Intervention (ISI)** may be assigned to students by an administrator for a portion of a school day up to multiple days for serious acts of misconduct. Students who misbehave in ISI may receive further behavioral and disciplinary interventions and consequences.
19. **Out-of-School Suspension (OSS)** is the temporary exclusion of a student from school by an administrator for a period not to exceed 10 consecutive school days. During a suspension, suspended students are not allowed on any District 129 school



grounds nor may they attend or participate in any District 129 school activities on or off school grounds. Suspended students will be given the opportunity to make up work for equivalent academic credit.

20. **Reinstatement Conference** is the process in which an administrator arranges to meet with the student and/or parent upon return to school after an out-of-school suspension.
21. **Alternative Educational Placement or Setting** is a means, at the administration's discretion, to place a disruptive student in a District-approved educational program in lieu of a recommendation for possible expulsion.
22. **Success Academy** is the District 129's secondary alternative education site. SUCCESS Academy is comprised of two programs; the Regional Safe Schools Program (RSSP) and the Alternative Learning Opportunities Program (ALOP), which are run in collaboration with the Kane County Regional Office of Education. A referral to SUCCESS Academy may be made if a 6<sup>th</sup>-12<sup>th</sup> grade student's home building has exhausted all efforts to change poor social, behavioral or academic behaviors. *See also Alternative Education Placement.*
23. **Expulsion** is the exclusion of the student from school for a period of more than 10 days and up to two (2) calendar years.

#### B. SUSPENSION PROCEDURES

1. Before a student may be suspended, the student shall be provided a conference during which the charges will be explained, and the student will be given an opportunity to respond to the charges.
2. A pre-suspension conference is not required, and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. Any suspension shall be reported immediately to the student's parent(s)/guardian(s). A written notice of the suspension shall be provided to the student's parent(s)/guardian(s).
  - a. For suspensions of three (3) or fewer school days, the written suspension notice shall:
    - i. Detail the specific act of gross disobedience or misconduct resulting in the decision to suspend
    - ii. List the duration of the suspension, including the specific dates of suspension
    - iii. Advise the student of his ability to complete make up school work for equivalent academic credit
    - iv. Notify parent(s)/guardian(s) of their right to a review of the suspension
  - b. For suspensions of four (4) or more school days, the written suspension notice shall:
    - i. Detail the specific act of gross disobedience or misconduct resulting in the decision to suspend
    - ii. List the duration of the suspension, including the specific dates of suspension
    - iii. Advise the student of his ability to complete make up school work for equivalent academic credit
    - vi. Notify parent(s)/guardian(s) of their right to a review of the suspension
  - c. For suspensions of five (5) or more school days, the written suspension notice shall include all of the items noted in 3(b), above, and shall also document whether appropriate and available support services are to be provided to the student during the suspension or whether it was determined that there are no such appropriate and available services.

The School Board must be given a summary of the notice, including the reason for the suspension and the suspension length.

4. Upon request of the parent(s)/guardian(s), a review of the suspension shall be conducted by the Board or a hearing officer appointed by the Board. At the review, the student's parent(s)/guardian(s) may appear and discuss the suspension with the Board or its hearing officer and may be represented by counsel. After presentation of the evidence or receipt of the hearing officer's report, the Board shall take such action as it finds appropriate.

#### C. EXPULSION PROCEDURES

1. Before a student may be expelled, the student and his or her parent(s)/guardian(s) shall be provided a written request to appear at a hearing to determine whether the student should be expelled. The request shall be sent by registered or certified mail, return receipt requested. The request shall:
  - a. Detail the specific act of gross disobedience or misconduct resulting the decision to recommend expulsion
  - b. Advise the parent/guardian of the proposed duration of the recommended expulsion
  - c. Include the time, date, and place for the hearing



- d. Include a short description of what will happen during the hearing
  - e. Include a statement indicating that the *School Code* allows the Board to expel a student for a definite period of time not to exceed two (2) calendar years, as determined on a case-by-case basis
  - f. Request that the student or parent(s)/guardian(s) inform the District if the student will be represented by an attorney and, if so, the attorney's name
2. The Board shall conduct the hearing or a Board appointed hearing. If a hearing officer is appointed, he or she shall submit his or her report to the Director of Student Services. The Director of Student Services shall then share the hearing officer's report with the Board. The report includes evidence presented at the hearing. The Board shall then take such final action as it finds appropriate.

During the expulsion hearing, the Board or hearing officer shall hear evidence concerning whether the student is guilty of the gross disobedience or misconduct as charged. The student and his or her parent(s)/guardian(s) may be represented by counsel, offer evidence, present witnesses, cross-examine witnesses who testify, and otherwise present reasons why the student should not be expelled. After presentation of the evidence, or receipt of the hearing officer's report, the Board shall decide the issue of guilt and take such action as it finds appropriate.

If the Board acts to expel the student, the written expulsion decision shall:

- a. Detail the specific reason why removing the student from his or her learning environment is in the best interest of the school.
- b. Provide a rationale for the specific duration of the recommended expulsion.
- c. Document that school officials determined that all appropriate and available behavioral and disciplinary interventions have been exhausted by specifying which interventions were attempted or whether school officials determined that no other appropriate and available interventions existed for the student.
- d. Document that the student's continuing presence in school would (1) pose a threat to the safety of other students, staff, or members of the school community, or (2) substantially disrupt, impede, or interfere with the operation of the school.