

**INTERGOVERNMENTAL AGREEMENT  
BY AND BETWEEN  
THE BOARD OF EDUCATION OF PARK RIDGE-NILES COMMUNITY  
CONSOLIDATED SCHOOL DISTRICT NO. 64  
AND  
THE VILLAGE OF NILES  
FOR A SCHOOL RESOURCE OFFICER PROGRAM**

THIS INTERGOVERNMENTAL AGREEMENT is made by and between the Board of Education of Park Ridge-Niles Community Consolidated School District No. 64, Cook County, Illinois (“Board” or “District”) and the Village of Niles, an Illinois Municipal Corporation (“Village”) (collectively, the “Parties”).

**WITNESSETH:**

**WHEREAS**, the Board operates Emerson Middle School (“School”), located at 8101 North Cumberland Avenue, Niles, Illinois 60714, which is within the Village’s jurisdiction; and

**WHEREAS**, the Village operates the Niles Police Department (“Police Department”), which provides police services within the Village’s jurisdiction; and

**WHEREAS**, Article VII, Section 10 of the 1970 Constitution of the State of Illinois and the *Intergovernmental Cooperation Act* (5 ILCS 220/1 *et seq.*), provides that units of local government and school districts may contract with one another to perform any activity authorized by law; and

**WHEREAS**, the Village and the Board are public agencies pursuant to Section 2 of the *Intergovernmental Cooperation Act*, (5 ILCS 220/2); and

**WHEREAS**, the Board desires to have the services of one of the Village’s police officers to perform the duties of a School Resource Officer (“SRO”) at the School; and

**WHEREAS**, the Village and the Board have determined it to be in the best interests of both Parties to enter into this Agreement.

**NOW THEREFORE**, in consideration of the mutual promises, covenants, conditions, and other valuable consideration, the receipt and sufficiency whereof is herein acknowledged, the parties hereto agree as follows:

1. **Incorporation of Recitals.** The recitals set forth above are hereby incorporated into and made a part of this Agreement.

2. **Term.** This Agreement shall commence on the date of the last party to execute this Agreement and shall continue in full effect until June 30, 2018. The District or the Village may terminate this Agreement prior to its expiration for its convenience by providing the other party at least sixty (60) days’ advanced written notice of its intent to terminate.

**3. Assignment and Selection of the SRO.** The Village shall assign one police officer to act as an SRO at the School. To select the police officer, the Village shall provide the Superintendent of the District (or his/her designee) with a list of its police officers who meet the minimum qualifications set forth in Exhibit A, which is attached hereto and incorporated herein by reference. The Superintendent may request to conduct interviews with the qualified officers. The Superintendent (or his/her designee) and the Chief of Police (or his/her designee) will then mutually select the police officer who will serve as the SRO. The Superintendent (or his/her designee) shall be entitled to hold interviews of the eligible police officers. At any time during the term of this Agreement, the Village shall replace the SRO with another police officer who meets the criteria set forth in this Agreement, if 1) the District provides the Village with a written request setting forth the rationale for the requested replacement or 2) the Village provides the District with written notice that the Village has internal reasons with replacing the officer.

**4. Employment of the SRO.** The SRO shall remain an employee of the Village and shall be subject to the administration, supervision, and control of the Village, except as such administration, supervision and control are subject to the terms and conditions of this Agreement. The Village shall at all times be considered the SRO's employer and the Village shall retain direction and control of the work and conduct of the SRO and shall be solely responsible for payment and provision to the SRO of salary and any other benefits, including overtime, to which the SRO is entitled as an employee of the Village. The Village is responsible for making necessary tax and other withholdings from the SRO's pay, and for making all necessary tax and other employment-related payments and filings. The Village shall also maintain payroll, attendance, and performance evaluation records of the SRO. The SRO shall be covered by the Village's worker's compensation insurance.

Because the SRO is an employee of the Village, the Village, in its sole discretion, shall have the power and authority to hire, discharge and discipline the SRO. With regard to disciplinary actions related to services provided under this Agreement, the Village shall consult with the Board on such disciplinary actions; however, the Village shall have the sole discretion and power to discipline the SRO.

**5. Compensation.** The Board agrees to pay the Village at a rate of Forty-Six Dollars and Two Cents (\$46.02) per hour for each hour worked by an SRO at the School. The total annual cost paid by the District is estimated to be Thirteen Thousand Dollars (\$13,000). On a monthly basis, the Village shall send the District's Chief School Business Official an invoice for the amount owed by the District for the prior month, which invoice shall provide the amounts due in detail. The District shall pay the amounts due in accordance with the *Local Government Prompt Payment Act* (50 ILCS 505/1 *et seq.*).

**6. SRO Work Schedule.** The SRO shall wear his/her Police Department issued uniform and provide services at the School three (3) days per week, for approximately four (4) hours on two of the days, and for approximately two (2) hours on the third day, on dates and time that are mutually agreed upon in writing by the Parties. Any adjustment to the SRO's schedule shall be subject to the agreement of the Village and the District. If, for any reason, the SRO is absent on a day that he/she is assigned to work at the School, the Village shall assign another

police officer who meets the qualifications listed on Exhibit A to temporarily perform the SRO duties, at no additional cost to the District.

7. **Duties of the SRO.** The SRO shall only perform the duties described on Exhibit B, which is attached hereto and incorporated herein by reference. The Village shall provide each SRO with a copy of this Agreement, including Exhibit B, and shall require the SRO to provide a signed acknowledgement that he/she has received and reviewed this Agreement. Upon request, the Village shall provide the District with a copy of said signed acknowledgement.

8. **Program Review.** Prior to June 30, 2018, the Parties will meet to review the SRO program at the School and discuss the Parties' intent for the following school year. The Village shall cooperate with the District to prepare a report for the Board's review, with a recommendation to keep, modify, or terminate the SRO program.

9. **Compliance with Board Policies and Procedure.** The SRO shall comply with applicable Board policies (such as 7:190 Student Behavior, which is attached hereto as Exhibit C) and procedures, as well as the annual Student-Parent Handbook (Chapter 6 of said Handbook is attached hereto as Exhibit D), in the course of his/her duties, and any other operating procedures that are agreed upon by the Parties. The District shall provide the SRO with the aforementioned policies, procedures and handbooks.

10. **Compliance with Laws.** The Parties shall comply with all applicable laws, ordinances, rules, regulations and codes in performing their respective obligations hereunder.

11. **Access to Records.**

a. **District Records.** The Parties acknowledge and agree that all student, personnel, medical, and District-related business records generated by District employees or students shall be the property of the District. The Parties agree to comply with all state and federal laws, including, but not limited to, the *Illinois School Student Records Act* (105 ILCS 10/1 *et seq.*), the *Illinois Mental Health and Developmental Disabilities Confidentiality Act* (740 ILCS 110/1 *et seq.*), the federal *Family Educational Rights and Privacy Act* (20 U.S.C. § 1232g; 34 C.F.R. Part 99), *Health Insurance Portability and Accountability Act of 1996* (45 C.F.R. Parts 160 and 164), the *Illinois Personnel Records Review Act* (820 ILCS 40/1 *et seq.*), and all rules and regulations governing the release of student, personnel, and medical records. To the extent the SRO has access to student records to perform his/her duties, he/she shall not divulge such records to any person or entity who is not a party to this Agreement without the District's consent or as otherwise permitted or required by law. Notwithstanding the termination of this Agreement for any reason, the confidentiality provisions of this paragraph will continue in full force and effect following such termination.

b. **Village Records.** The Parties acknowledge and agree that all records generated by the SRO in connection with the performance of services under this Agreement shall be the property of the Village and may constitute law enforcement records. In accordance with law, all records generated and maintained solely by the SRO and the Village shall not constitute student records.

c. Other Applicable Agreements. This Agreement shall be interpreted in conjunction with other applicable agreements in effect between the District and the Village, including the Intergovernmental Agreement for the Reciprocal Reporting of Criminal Offenses Committed by Students, which is attached hereto as Exhibit E.

**12. Insurance.** Each Party shall keep in force at all times during the term of this Agreement, Commercial General Liability Insurance, on an occurrence basis, with limits of not less than \$3,000,000 per occurrence and in the aggregate. Within seven (7) days of the last Party's execution of this Agreement, each Party shall furnish to the other a certificate of the insurance evidencing the insurance required under this Agreement. Each party may satisfy the insurance obligations under this Paragraph by utilizing excess or umbrella insurance. For purposes of this Paragraph, insurance may be provided through a self-insured intergovernmental risk pool or agency. Each Party shall name the other party's Indemnitees (as defined in Paragraph 13) as additional insureds on all insurance required hereunder. To the fullest extent permitted by each insurance policy and without invalidating any coverage thereunder, the Parties waive any right of subrogation that they or any of their agents may have against any of the other Party's Indemnitees.

**13. Mutual Indemnification.** The District shall indemnify and hold the Village and its officers, agents, and employees ("Village Indemnitees") harmless from any and all liabilities, losses, costs, demands, damages, actions or causes of action, including reasonable attorney's fees arising out of, proximately caused by or incurred by reason of any of negligent acts or omissions of the District and its employees related to this Agreement; subject, however, to any defenses or limitations of liability permitted under the *Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1 et seq.)*, or otherwise provided by law.

The Village shall indemnify, defend and hold the District, its individual Board member, agents, and employees ("District Indemnitees") harmless of and from any and all liabilities, losses, costs, demands, damages, actions or causes of action, including reasonable attorneys' fees arising out of, proximately caused by or incurred by reasons of any negligent act or omission by the SRO, or breach of this Agreement; subject, however, to any defenses or limitations of liability permitted under the *Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1 et seq.)*, or otherwise provided by law.

**14. Notices.** Any notices required under this Agreement may be sent to the respective parties at the following respective addresses:

To the Board:

Park Ridge-Niles Community Consolidated School District No. 64  
164 South Prospect Avenue  
Park Ridge, Illinois 60068  
Attn: Superintendent

With a copy to:

Kerry Burnet Pipal  
Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP  
3030 Salt Creek Lane, Ste. 202  
Arlington Heights, IL 60005

To the Village:

Niles Police Department  
7000 Touhy Avenue  
Niles, IL 60714  
Attn: Chief of Police

With a copy to:

Village of Niles  
D. Danielle Grcic  
1000 Civic Center Drive  
Niles, Illinois 60714

or at such other addresses as the parties may indicate in writing to the other either by personal delivery, courier, overnight delivery with proof of delivery, or by registered mail, return receipt requested, with proof of delivery thereof. Mailed notices shall be deemed effective on the day of deposit; all other notices shall be effective when delivered.

**15. Complete Understanding and Amendments.** This Agreement sets forth all the terms and conditions, and agreements and understandings between the Parties relative to the subject matter hereof. No modifications, amendments, or waiver of any provision hereto shall be valid and binding unless in writing and signed by all Parties.

**16. Successors and Assigns.** This Agreement shall be binding upon, apply and inure to the benefit of each Party and their respective legal representatives, successors and assigns.

**17. Governing Law.** This Agreement and the rights and responsibilities of the parties hereto shall be interpreted and enforced in accordance with the laws of the State of Illinois.

**18. Authority to Execute.** Each signatory hereto represents and warrants that he/she has the proper and necessary corporate authority to execute this Agreement and bind his/her entity to the terms and conditions of this Agreement.

**19. Waiver.** The failure of either party to demand strict performance of the terms and conditions of this Agreement on any one occasion shall not be deemed a waiver to demand strict performance on any future occasion.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals all as of the day and year first written above.

**VILLAGE OF NILES, an Illinois Municipal Corporation**

**BOARD OF EDUCATION OF PARK  
RIDGE-NILES COMMUNITY  
CONSOLIDATED SCHOOL DISTRICT  
NO. 64, COOK COUNTY, ILLINOIS**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Its:** \_\_\_\_\_

**Its:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**ATTEST:**

**ATTEST:**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Its:**

**Its: Secretary**

**Dated:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

## **EXHIBIT A**

### **QUALIFICATIONS OF THE SRO**

The SRO must, at a minimum, possess the following qualifications:

1. Be a certified police officer with the Police Department;
2. Have at least five (5) years of experience working as a police officer with the Police Department;
3. Have experience working with youths;
4. Have completed training regarding the duties and responsibilities of a school resource officer;
5. Have strong verbal, written, and interpersonal skills, including public speaking;
6. Be able to function as a strong role model for students in the District; and
7. Possess an even temperament and set a good example for students.

## **EXHIBIT B**

### **DUTIES AND RESPONSIBILITIES OF THE SRO**

The SRO shall perform the following duties and responsibilities to the best of his/her skill and ability. He/she shall perform police duties as assigned by the Police Department during periods when school is not in session and when not otherwise assigned to school activities. The SRO will communicate and coordinate his/her duties and responsibilities with the School principal (or in the absence of the School principal, the School administrator who is acting as principal).

#### Education Responsibilities

1. Work collaboratively with the School's administrators and staff to plan and schedule appropriate lessons to students in areas such as drug and alcohol prevention, online safety, cyber bullying, Healthy Living Month, Red Ribbon Week and Second Step/Social-Emotional Learning, civil rights and legal topics, as approved by the School principal.
2. Provide training for the School's staff on topics of interest and importance to the staff related to the officer's expertise, as approved by the School principal.
3. Encourage open dialogue to provide students with a voice regarding issues that impact the School and the community.

#### Resource Responsibilities

1. Establish positive rapport with all students.
2. Serve as a positive role model.
3. Be available to students, staff, parents, School and community organizations as a resource.
4. Consult with the School's administrators and staff on strategies for dealing with behaviorally at-risk students, as requested and directed by the School principal.
5. Work collaboratively with the School's administrators and PTO to arrange and participate in parent/community education as needed.
6. Serve as liaison between the School and the Police Department.
7. Maintain office hours for consultation with staff and students as needed.
8. Provide a safe environment for students to discuss at-risk behaviors.
9. Serve as a resource for Building Crisis Teams when schedule permits.

#### Security Responsibilities

1. Maintain a high level of visibility during arrival, lunch, passing periods and departure as schedule permits.
2. Follow building and district behavior policies.
3. Meet with building administrators to advise them of potential situations occurring or that are rumored to occur at or on school grounds.

The SRO will keep an activity log documenting his/her education, resource and security activities, which will be available to the District upon request. The SRO will provide a summary of the activity log that will become part of the end-of-year report provided to the Board of Education. The District may, at its option, communicate updates about the SRO pilot program to parents and the larger School community via social media, newsletter, or other means of communication.

The duties and responsibilities enumerated in this Exhibit B are exhaustive, and the SRO shall not perform any duties or responsibilities while on School property, including but not limited to, searches and interviews of students, without the School principal's (or in the absence of the School principal, the School administrator who is acting as principal) consent and at the School principal's (or in the absence of the School principal, the School administrator who is acting as principal) direction.

**DISTINGUISHING DISCIPLINARY MISCONDUCT TO BE HANDLED BY SCHOOL OFFICIALS FROM CRIMINAL OFFENSES TO BE HANDLED BY POLICE DEPARTMENT:**

The Parties acknowledge that police officers are responsible for criminal law issues, not school discipline issues. Thus, absent a real and immediate threat to student, teacher, or public safety, incidents involving public order offenses including disorderly conduct; disturbance/disruption of the School or public assembly; trespass; loitering; profanity; and fighting that does not involve physical injury or a weapon, shall be considered school discipline issues to be solely handled by School officials, rather than criminal law issues warranting formal law enforcement intervention (e.g., issuance of a criminal citation, ticket, or summons, filing of a delinquency petition, referral to a probation officer, or actual arrest). If the SRO becomes aware of a student discipline issue, he/she shall refer the issue to the School principal or assistant principal.

Moreover, students shall not be arrested at the School, except where the child poses a real and immediate threat to student, teacher, or public safety; or a judicial warrant specifically directs the arrest of the student at the School; in all other instances the execution of an arrest warrant shall be undertaken at a location other than the School. Further, the School principal or assistant principal shall be consulted prior to an arrest of a student where practicable and the student's parent or guardian shall be notified of a child's arrest as soon as practicable.

**EXHIBIT C**

**BOARD POLICY 7:190 STUDENT BEHAVIOR**

## 7:190 Student Behavior

The goals and objectives of this policy are to provide effective discipline practices that: (1) ensure the safety and dignity of students and staff; (2) maintain a positive, weapons-free, and drug-free learning environment; (3) keep school property and the property of others secure; (4) address the causes of a student's misbehavior and provide opportunities for all individuals involved in an incident to participate in its resolution; and (5) teach students positive behavioral skills to become independent, self-disciplined citizens in the school community and society.

### When and Where Conduct Rules Apply

A student is subject to disciplinary action for engaging in *prohibited student conduct*, as described in the section with that name below, whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

- On, or within sight of, school grounds before, during, or after school hours or at any time;
- Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;
- Traveling to or from school or a school activity, function, or event; or
- Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.

### Prohibited Student Conduct

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

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes.
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
  - a. Any illegal drug or controlled substance, or cannabis (including medical cannabis, marijuana, and hashish).
  - b. Any anabolic steroid unless it is being 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's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited.
  - d. 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.
  - e. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form.
  - f. "Look-alike" or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; 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, controlled substance, or other substance that is prohibited by this policy.
  - g. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances.

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

4. Using, possessing, controlling, or transferring a "weapon" as that term is defined in the Weapons section of this policy, or violating the Weapons section of this policy.
5. Using or possessing an electronic paging device.
6. Using a cellular telephone, audio and/or video recording device, personal digital assistant (PDA), or other wearable technology in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Prohibited conduct specifically includes, without limitation, creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person through the use of a computer, electronic communication device, or cellular phone. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept

powered-off and in their lockers 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) it is needed in an emergency that threatens the safety of students, staff, or other individuals.

7. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
8. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.
9. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
10. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying, (as described in Board policy [7:180](#), *Prevention of and Response to Bullying, Intimidation, and Harassment*), bullying using a school computer or a school computer network, or other comparable conduct.
11. Engaging in any sexual activity, including without limitation, public display of affection, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the expression of gender or sexual orientation or preference.
12. Teen dating violence, as described in Board policy [7:185](#), *Teen Dating Violence Prohibited*.
13. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.
14. Entering school property or a school facility without proper authorization.
15. In the absence of a reasonable belief that an emergency exists, calling emergency responders (*such as calling 911*); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.
16. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants.
17. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member.
18. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia.
19. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
20. Making an explicit threat on an Internet social media site against a school employee, a student, or any school-related personnel if the Internet website 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 because of his or her duties or employment status or status as a student inside the school.
21. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Superintendent or designee.
22. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.

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

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

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

### Disciplinary Measures

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary discipline before using out-of-school suspensions or expulsions. School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties. Potential disciplinary measures include, without limitation, any of the following:

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property.
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised.
7. After-school study provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs. The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules.
10. Suspension of bus riding privileges in accordance with Board policy [7:220](#), *Bus Conduct*.
11. Out-of-school suspension from school and all school activities in accordance with Board policy [7:200](#), *Suspension Procedures*. A student who has been suspended will also be restricted from being on school grounds and at school activities.
12. Expulsion from school and all school activities for a definite time period not to exceed 2 calendar years in accordance with Board policy [7:210](#), *Expulsion Procedures*. A student who has been expelled may also be restricted from being on school grounds and at school activities.
13. Transfer to an alternative program for disciplinary purposes upon written agreement with the student's parent(s) or following a Board of Education hearing.
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), "look-alike" drugs or weapons, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies.

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available, and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion.

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

### Weapons

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

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

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

This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area.

### Re-Engagement of Returning Students

The Superintendent or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit.

## Required Notices

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

## Delegation of Authority

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

The Superintendent, Building Principal or Assistant Building Principal, or designee is authorized to impose the same disciplinary measures as teachers. In addition, provided the appropriate procedures are followed, the Superintendent, Building Principal, or Assistant Principal or designee may issue in-school suspensions; may issue out-of-school suspensions to students guilty of gross disobedience or misconduct (including all school functions) for up to ten consecutive school days; and may suspend students from riding the school bus for up to ten consecutive school days. The Board may suspend a student from riding the bus in excess of ten school days for safety reasons.

## Student Handbook

The Superintendent, with input from the PTO/A Presidents committee, shall prepare disciplinary rules implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment. Students and their parents/guardians must acknowledge receipt of the student handbook in some form upon receipt of the handbook.

## LEGAL REF.:

Gun-Free Schools Act, [20 U.S.C. §7151 et seq.](#)

Pro-Children Act of 1994, [20 U.S.C. §6081.](#)

[410 ILCS 130/](#), Compassionate Use of Medical Cannabis Pilot Program.

[410 ILCS 647/](#), Powdered Caffeine Control and Education Act.

[430 ILCS 66/](#), Firearm Concealed Carry Act.

[105 ILCS 5/10-20.5b](#), [5/10-20.14](#), [5/10-20.28](#), [5/10-20.36](#), [5/10-21.7](#), [5/10-21.10](#), [5/10-22.6](#), [5/10-27.1A](#), [5/10-27.1B](#), [5/24-24](#), [5/26-12](#), [5/27-23.7](#), [5/31-3](#), and [110/3.10](#).

[23 Ill.Admin.Code §1.280.](#)

CROSS REF.: [2:150](#) (Committees), [2:240](#) (Board Policy Development), [5:230](#) (Maintaining Student Discipline), [6:110](#) (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), [7:70](#) (Attendance and Truancy), [7:130](#) (Student Rights and Responsibilities), [7:140](#) (Search and Seizure), [7:150](#) (Agency and Police Interviews), [7:160](#) (Student Appearance), [7:170](#) (Vandalism), [7:180](#) (Prevention of and Response to Bullying, Intimidation, and Harassment), [7:185](#) (Teen Dating Violence Prohibited), [7:200](#) (Suspension Procedures), [7:210](#) (Expulsion Procedures), [7:220](#) (Bus Conduct), [7:230](#) (Misconduct by Students with Disabilities), [7:240](#) (Conduct Code for Participants in Extracurricular Activities), [7:270](#) (Administering Medicines to Students), [7:310](#) (Restrictions on Publications), [8:30](#) (Visitors to and Conduct on School Property)

ADOPTED: October 27, 1997

REVISED: August 24, 1998, April 12, 1999, December 13, 1999, October 23, 2000, June 11, 2001, January 14, 2002, September 9, 2002, May 24, 2004, June 25, 2007, September 24, 2007, January 28, 2008, May 11, 2009, December 14, 2009, November 15, 2010, June 11, 2012, June 24, 2013, May 19, 2014, August 22, 2016, September 18, 2017

**EXHIBIT D**

**CHAPTER 6 OF STUDENT-PARENT HANDBOOK**

# Chapter 6

## Student Behavior

### Social-Emotional Learning

Meeting the academic as well as social-emotional health needs of all students is an important objective within the 2020 Vision Strategic Plan. District 64 helps students develop awareness and the skills needed to be respectful and caring members of their homes, schools, and communities. Our efforts are aligned with the State of Illinois social-emotional learning standards, and include reinforcing the traits of respect and responsibility in our preschool/elementary students and in developing self-awareness, self-motivation and social skills for middle school students.

Each school has a program that includes instruction in these skills and concepts at times when they occur naturally in the curriculum. Teachers and staff determine how to best incorporate these into the curriculum and culture at each school. Life skills related to behavior are taught in the classroom through natural connections to the curriculum in all subjects as well as in every part of the school environment.

To reinforce these expectations, each school has developed an acronym that reflects its building's culture and has created a program to recognize exemplary behavior. School acronyms are shown on the individual roster pages.

### Student Behavior

The goals and objectives of Board policy 7:190, *Student Behavior*, are to provide effective discipline practices that:

- Ensure the safety and dignity of students and staff
- Maintain a positive, weapons-free, and drug-free learning environment
- Keep school property and the property of others secure
- Address the causes of a student's misbehavior and provide opportunities for all individuals involved in an incident to participate in its resolution, and
- Teach students positive behavioral skills to become independent, self-disciplined citizens in the school community and society.

### When and Where Conduct Rules Apply

A student is subject to disciplinary action for engaging in prohibited student conduct, as described in the section with that name below, 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 or at any time;
2. Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;
3. Traveling to or from school or a school activity, function, or event; or
4. Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.

### Prohibited Student Conduct

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

**Emerson Middle School  
Students**

Additional guidelines are found  
in the Student Planner.



**Cell phones and other  
electronic devices are to be  
powered off and kept in the  
student's locker during the  
school day. "Smart" watches  
are included in this policy,  
and also must be kept in the  
student's locker during the  
school day.**

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes.
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling or offering for sale:
  - a. Any illegal drug or controlled substance, or cannabis (including medical cannabis, marijuana and hashish).
  - b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription.
  - c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription.
  - d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited.
  - 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. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form.
  - g. "Look-alike" or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; 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, or other substance that is prohibited by this policy.
  - h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances.

Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.
4. Using, possessing, controlling, or transferring a "weapon" as that term is defined in the Weapons section of this policy, or violating the Weapons section of this policy.
5. Using or possessing an electronic paging device.
6. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other wearable technology in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Prohibited conduct specifically includes, without limitation, creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person through the use of a computer, electronic communication device, or cellular phone. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered-off and in their lockers during the regular school day unless: (a) the supervising teacher grants

permission; (b) use of the device is provided in a student's individualized education program (IEP); or (c) it is needed in an emergency that threatens the safety of students, staff, or other individuals.

7. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
8. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a legal search.
9. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
10. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying (as described in Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*), bullying using a school computer or a school computer network, or other comparable conduct.
11. Engaging in any sexual activity, including without limitation, public display of affection (PDA), offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the expression of gender or sexual orientation or preference.
12. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*.
13. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.
14. Entering school property or a school facility without proper authorization.
15. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.
16. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants.
17. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member.
18. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia.
19. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
20. Making an explicit threat on an Internet social media site against a school employee, a student, or any school-related personnel if the Internet website 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 because of his or her duties or employment status or status as a student inside the school.
21. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Superintendent or designee.
22. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a

**Passwords to students' accounts on social networking websites**

According to the Right to Privacy in the School Setting Act, District 64 may not request or require a student to provide a password or other related account information in order to gain access to the student's account or profile on a social networking website. District 64 may conduct an investigation or require a student to cooperate in an investigation if there is specific information about activity on a student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to make a factual determination.

threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.

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

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

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

## Disciplinary Measures

### Search Policy & Procedure

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. Though permission is not necessary, in the event a search is necessary, an attempt will be made to inform parents, as referenced in Board policy 7:140.

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary discipline before using out-of-school suspensions or expulsions. School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.

Potential disciplinary measures include, without limitation, any of the following:

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property.
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised.
7. After-school study provided the student’s parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure may be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs. The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules.
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*.
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*. A student who has been suspended will also be restricted from being on school grounds and at school activities.
12. Expulsion from school and all school activities for a definite time period not to exceed 2 calendar years in accordance with Board policy 7:210, *Expulsion*

*Procedures.* A student who has been expelled may also be restricted from being on school grounds and at school activities.

13. Transfer to an alternative program for disciplinary purposes upon written agreement with the student's parent(s) or following a Board of Education hearing.
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), "look-alikes" drugs or weapons, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies.

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

**Board Policy 7:170**

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available, and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion.

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

## Weapons

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school may be expelled for a period of at least one calendar year, but not more than two calendar years: 1. A firearm, meaning any gun, rifle, shotgun, weapon or "look-alikes" as defined by Section 921 of Title 18 of the United States Code (18 USC 921), firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1). 2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look-alikes" of any firearm as defined above.

The expulsion requirement under either paragraph 1 or 2 above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm. This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area.

## Re-Engagement of Returning Students

The Superintendent or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit.

## Required Notices

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

## Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Only the School Board may expel a student. This authority may not be delegated. Teachers, other certificated [licensed] educational employees, and other persons providing a related service for or with respect to a student, may use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense or defense of property. Teachers may temporarily remove students from a classroom for disruptive behavior.

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

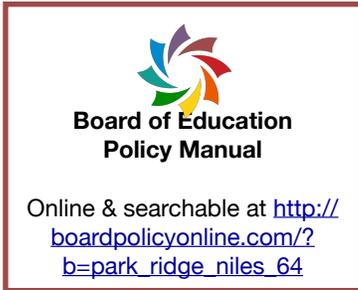
## Student Handbook

The Superintendent, with input from the PTO/A Presidents committee, shall prepare disciplinary rules implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval. A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment.

## Out-of-School Suspension

According to Board policy 7:200, the Superintendent or designee shall implement out-of-school suspension procedures that provide, at a minimum, for each of the following:

1. A conference during which the charges will be explained and the student will be given an opportunity to respond to the charges before he or she may be suspended.
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. A phone call to the student's parent(s)/guardian(s) is made.
4. A written notice of the suspension to the parent(s)/guardian(s) and the student, which shall: (a) Provide notice to the parent(s)/guardian(s) of their child's right to a review of the suspension; (b) Include information about the opportunity to make up work missed during the suspension for equivalent academic credit; (c) Detail the specific act of gross disobedience or misconduct resulting in the decision to suspend; (d) Provide rationale or an explanation of how the chosen number of suspension days will address the threat or disruption posed by the student or his or her act of gross disobedience or misconduct; and (e) Depending upon the length of the out-of-school suspension, include the following applicable information: (i) For a suspension of 3 school days or less, an explanation that the student's continuing presence in school would either pose: a) A threat to school safety, or b) A disruption to other students' learning opportunities. (ii) For a suspension of 4 or more school days, an explanation: a) That other appropriate and available behavioral and disciplinary interventions have been exhausted, b) As to whether school officials attempted other interventions or determined that no other interventions were available for the student, and c) That the student's continuing presence in school would either: i) Pose a threat to the safety of other students, staff, or members of the school community, or ii) Substantially disrupt, impede, or interfere with the operation of the school. (iii) For a suspension of 5 or more school days, the information listed in section 4.e.ii above, along with documentation by the Superintendent or designee determining what, if any, appropriate and available support services will be provided to the student during the length of his or her suspension.
5. A summary of the notice, including the reason for the suspension and the suspension length, must be given to the Board by the Superintendent or designee.
6. 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. Whenever there is evidence that mental illness may be the cause for the suspension, the Superintendent or designee shall invite a representative from the Department of Human Services to consult with the Board. After presentation of the evidence or receipt of the hearing officer's report, the Board shall take such action as it finds appropriate. If the suspension is upheld, the Board's written suspension decision shall specifically detail items (a) and (e) in number 4, above.

## Expulsion

According to Board policy 7:210, the Superintendent or designee shall implement expulsion procedures that provide, at a minimum, for the following:

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) include the time, date, and place for the hearing; b) briefly describe what will happen during the hearing; c) detail the specific act of gross disobedience or misconduct resulting in the decision to recommend expulsion; d) list the student's prior suspension(s); e) state that the School Code allows the School Board to expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case by case basis; f) ask that the student or parent(s)/guardian(s) or attorney inform the Superintendent or Board Attorney if the student will be represented by an attorney and, if so, the attorney's name and contact information.
2. Unless the student and parent(s)/guardian(s) indicate that they do not want a hearing or fail to appear at the designated time and place, the hearing will proceed. It shall be conducted by Board approved hearing officer. The hearing officer shall report to the Board the evidence presented at the hearing and the Board shall take such final

action as it finds appropriate. Whenever there is evidence that mental illness may be the cause for the recommended expulsion, the Superintendent or designee shall invite a representative from the Department of Human Services to consult with the Board.

3. 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. School officials must provide: (1) testimony of any other interventions attempted and exhausted or of their determination that no other appropriate and available interventions were available for the student, and (2) evidence of the threat or substantial disruption to the educational environment would make it difficult to educate students posed by the student. The student and his or her parent(s)/ guardian(s) may be represented by counsel, offer evidence, present witnesses, cross examine witnesses who testified, 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.
4. In determining the length of the student's expulsion, the Board also shall consider: a) the egregiousness of the student's conduct; b) the history of the student's past conduct; c) the likelihood that such conduct will affect the delivery of education for other students; d) the severity of the punishment; and e) the student's best interests.
5. If the Board acts to expel the student, its 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, as well as the rationale for any suspension that preceded the expulsion; c) Document how school officials determined that all 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 how 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; e) Document whether available and appropriate support services were offered or provided during the suspension and, if they were not offered or provided, document that none were available.
6. Upon expulsion, the District may refer the student to appropriate and available support services.

## **Restrictions on Publications**

### **School-Sponsored Publications and Websites**

School-sponsored publications, productions, and websites are part of the curriculum and are not a public forum for general student use. School authorities may edit or delete material that is inconsistent with the District's educational mission. All school-sponsored communications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated. The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

### **Non-School Sponsored Publications Accessed or Distributed On-Campus**

For purposes of this section and the following section, a publication includes, without limitation: (1) written or electronic print material, and (2) audio-visual material, on any medium including electromagnetic media (e.g., images, MP3 files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, CD-ROM, etc.) or on-line (e.g., any website, social networking site, database for information retrieval, etc.), or (3)

information or material on electronic devices (e.g., data or voice messages delivered by cell phones, tablets, and other hand-held devices).

Creating, distributing and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the School District.

Students are prohibited from creating, distributing and/or accessing at school any publication that:

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

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

#### **Non-School Sponsored Publications Accessed or Distributed Off-Campus**

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

#### **Bullying and Cyberbullying**

The Superintendent or designee shall treat behavior that is *bullying* and/or *cyberbullying* according to Board policy 7:180 (*Prevention of and Response to Bullying, Intimidation, and Harassment*) in addition to any response required by this policy 7:310.

**EXHIBIT E**

**INTERGOVERNMENTAL AGREEMENT FOR THE RECIPROCAL REPORTING OF  
CRIMINAL OFFENSES COMMITTED BY STUDENTS**

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