

Operational Services

Safety 1

Safety Program

All District operations, including the education program, shall be conducted in a manner that will promote the safety of everyone on District property or at a District event. ²

The Superintendent or designee shall develop and implement a comprehensive safety and crisis plan incorporating both avoidance and management guidelines. ³ The comprehensive safety and crisis plan shall specifically include provisions for: injury prevention; bomb threats, weapons, and explosives on campus; school safety drill program; ⁴ tornado protection; instruction in safe bus riding practices;⁵ emergency aid; post-crisis management; and, responding to medical emergencies at an indoor and outdoor physical fitness facility. ⁶ During each academic year, each school building that houses school children must conduct a minimum of: ⁷

1. Three school evacuation drills,
2. One bus evacuation drill, and
3. One severe weather and shelter-in-place drill.

The Superintendent or appropriate designee must conduct a law enforcement drill in one of the District's school buildings during the academic year. Any appropriate local law enforcement agency

¹ State or federal law requires a policy on some aspects of this policy and controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

² This simple end statement should be discussed (what effect or impact will this district statement have on the students and the community?) and altered accordingly before board adoption.

³ See administrative procedure 4:170-API, *Comprehensive Safety and Crisis Program*.

⁴ See the School Safety Drill Act, 105 ILCS 128/.

⁵ Required by 105 ILCS 128/20(b) and 105 ILCS 5/10-20.14 for all students.

⁶ The Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/, amended by P.A. 95-712, broadened the definition of physical fitness facility to include outdoor facilities. Entities operating a "physical fitness facility must adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public." Administrative procedures, consistent with the Ill. Dept. of Public Health rules (77 Ill.Admin.Code Part 527), must support this policy in order to comply with the law.

A school with a physical fitness facility must ensure that there is a trained AED user on staff during staffed business hours (210 ILCS 74/15 (b), amended by P.A. 96-748). "During staffed business hours" is not well defined and may change based upon the school's various circumstances. "Physical fitness facility" excludes any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the school (210 ILCS 74/5.25, amended by P.A. 96-873). Schools with an outdoor physical fitness facility must have an AED on site and a trained AED user available only during activities or events sponsored and conducted or supervised by a person or persons employed by the school (210 ILCS 74/15(b-15), amended by P.A. 96-873). There is no longer a requirement for a person supervising an activity at an outdoor physical fitness facility to bring an AED along if there is no building within 300 feet of the outdoor physical fitness facility (*Id.* at (b-10), amended by P.A. 96-1268). However, when there is a building within 300 feet of the outdoor facility where an event or activity is being conducted, an AED must still be housed within that building and the building must provide unimpeded and open access to the housed AED along with marked directions to it (*Id.*). Consult the board attorney about AED issues and how to manage compliance with the Act and its implementing rules.

Insert the following language if a board wants to define "physical fitness facility" in the policy:

The term "physical fitness facility" excludes any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the school.

⁷ Required by the School Safety Drill Act, 105 ILCS 128/. 105 ILCS 5/2-3.12 authorizes fire officials to conduct routine fire safety checks, provided written notice is given to the principal requesting to schedule a mutually agreed upon time. No more than 2 routine inspections may be made in a calendar year.

may conduct and participate in this law enforcement drill. **8** The law enforcement drill must be conducted according to the District's comprehensive safety and crisis plan and it may be conducted on days and times that students are not present in the building. **9**

In the event of an emergency that threatens the safety of any person or property, students and staff are encouraged to use any available cellular telephone. **10**

Convicted Child Sex Offender and Notification Laws **11**

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender meets either of the following two exceptions:

1. The offender is a parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or
2. The offender received permission to be present from the School Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Superintendent, or designee who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity. **12**

8 A law enforcement drill is not mandatory for every school building that houses school children; 105 ILCS 128/20(c), amended by P.A. 95-1015, does not contain the same language in 105 ILCS 128/20 (a), (b), and (d) that requires during each academic year, school evacuation, bus evacuation, and severe weather and shelter-in-place drills shall be conducted at *each school building that houses school children*. 105 ILCS 128/20(c) requires the appropriate local law enforcement agency to contact the appropriate school administrator during each calendar year and the school district must have at least one law enforcement drill in one of its buildings during each academic year.

9 105 ILCS 128/20 (c); footnote 3 *supra*.

10 Cell phone use is addressed in 105 ILCS 5/10-20.28 (allows boards to regulate student use of cell phones; also see 7:190, *Student Discipline*) and 625 ILCS 5/12-610.1(e), amended by P.A. 96-131 (prohibits wireless telephone use at any time while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes). 625 ILCS 5/12-813.1, amended by P.A. 96-1066, provides four exceptions that allow a driver to use a cell phone while operating a bus: (1) in an emergency situation to communicate with an emergency response operator; a hospital; a physician's office or health clinic; an ambulance service; a fire department, fire district, or fire company; or a police department; (2) in the event of a "mechanical breakdown or other mechanical problem;" (3) to communicate with school authorities about bus operation or the safety of a passenger on the bus; and (4) when the bus is parked. However, under no circumstances may the cell phone be used for anything else including personal use (625 ILCS 5/12-813.1, amended by P.A. 96-1066). See policy 4:110, *Transportation*, for a more detailed discussion of two-way radios and cellular telephone use.

11 Four laws are relevant to this section:

Paragraphs 1-3 contain the requirements in the Criminal Code, 720 ILCS 5/11-9.3, regulating a child sex offender's presence on school property;

Paragraph 4 concerns the Sex Offender Community Notification Law, 730 ILCS 152/101 *et seq.*, and Child Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105;

Paragraph 5 contains the requirements in The School Code concerning mandatory criminal history records check on those contractors' employees who have a "direct, daily contact with students," (105 ILCS 5/10-21.9(f). Sample policy 5:30, *Hiring Process and Criteria*, and administrative procedure 5:30-AP2, *Investigations*, address the criminal offenses listed at 105 ILCS 5/21-23a. Being convicted of one will disqualify an individual from school district employment (105 ILCS 5/10-21.9, amended by P.A. 96-431).

An Illinois federal court denied a father's request to enjoin a school's policy that prohibited him, as a child sex offender, from attending his children's school activities in Doe v. Paris Union School Dist., No. 05-2249, 2006 WL 44304 (C.D.Ill., 2006).

If a student is a sex offender, the Superintendent or designee shall develop guidelines for managing his or her presence in school. **13**

The Superintendent shall develop procedures for the distribution and use of information from law enforcement officials under the Sex Offender Community Notification Law and the Child Murderer and Violent Offender Against Youth Community Notification Law. The Superintendent or designee shall serve as the District contact person for purposes of these laws. **14** The Superintendent and Building Principal shall manage a process for schools to notify the parents/guardians during school registration that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law. **15** This notification must occur during school registration and at other times as the Superintendent or Building Principal determines advisable.

All contracts with the School District that may involve an employee or agent of the contractor having any contact, direct or indirect, with a student, shall contain the following: **16**

12 720 ILCS 5/11-9.3. The statute assigns the child sex offender the “duty to remain under the direct supervision of a school official.” In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child’s vicinity. See also policy 8:30, *Visitors to and Conduct on School Property*.

13 Aside from rumor and notoriety, there are 3 ways that school officials may learn that an enrolled student is a sex offender or a violent offender against youth, that is:

1. By being informed by the student or the student’s parent/guardian.
2. Through the Illinois State Police Sex Offender Database, www.isp.state.il.us/sor. A juvenile sex offender is listed there after the juvenile becomes 17 years old and will be listed for the remaining registration period (730 ILCS 150/2). The database is updated daily and allows searching by name, city, county, zip code, compliance status, or any combination thereof.
3. By receiving notification from a law enforcement agency that a juvenile sex offender or juvenile violent offender against youth is enrolled in a school. The law enforcement agency having jurisdiction to register the juvenile must provide a copy of the offender registration form to the building principal and guidance counselor designated by the principal; the school must keep the registration form separately from the student’s school records (730 ILCS 152/121).

If a sex offender is enrolled in a school, guidelines for managing the sex offender’s presence in school should be prepared. The components will depend on the situation but generally should include asking the parent/guardian of a sex offender below the age of 17 years for permission to share the information with certain staff for the protection of both the student and other students. In addition, the guidelines should include a supervision plan providing supervision for the student during all aspects of his or her school day. Finally, the guidelines must respect the privacy of juvenile records and comply with the Ill. School Student Records Act, 105 ILCS 10/. The board attorney should be consulted.

14 Law enforcement officials must notify school districts of the names, addresses, and offenses of registered offenders residing in their respective jurisdictions who have committed sex offenses and violent offenses against youth (see footnote 9). These laws are silent with regard to what, if anything, districts do with the information. The Sex Offender Community Notification Law, however, provides immunity for “any person who provides, or fails to provide, information relevant to the procedures set forth in this Law,” (730 ILCS 152/130).

Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person and boards may wish to have a contact person from each building. See administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*, for sample implementing procedures.

15 State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/101 *et seq.* In an effort to keep this policy aligned with good governance practices, the responsibility is given to the superintendent and building principal to manage. While State law allows the notification to be made during registration *or* parent-teacher conferences, the sample policy makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

16 105 ILCS 5/10-21.9(f) requires a criminal history background investigation to be performed on those contractors’ employees who have a “direct, daily contact with students.” State law places the same restrictions on contractors’ employees that it does on district employees. Board policy should address these issues:

- Who performs the background checks? It is virtually impossible to screen all contractors’ employees. Thus, a contractor should warrant that none of its employees who may have contact with a student at school has committed an offense that would prohibit district employment.

The contractor shall not send to any school building or school property any employee or agent who would be prohibited from being employed by the District due to a conviction of a crime listed in 105 ILCS 5/10-21.9, or who is listed in the Statewide Sex Offender Registry or the Statewide Violent Offender Against Youth Database. The contractor shall obtain a fingerprint-based criminal history records check before sending any employee or agent to any school building or school property. Additionally, at least quarterly, the contractor shall check if an employee or agent is listed on the Statewide Sex Offender Registry or the Statewide Violent Offender Against Youth Database.

Unsafe School Choice Option 17

The unsafe school choice option allows students to transfer to another District school or to a public charter school within the District. The unsafe school choice option is available to:

1. All students attending a persistently dangerous school, as defined by State law and identified by the Illinois State Board of Education.
2. Any student who is a victim of a violent criminal offense, as defined by 725 ILCS 120/3, that occurred on school grounds during regular school hours or during a school-sponsored event.

The Superintendent or designee shall develop procedures to implement the unsafe school choice option.

Student Insurance 18

The Board shall annually designate a company to offer student accident insurance coverage. The Board does not endorse the plan nor recommend that parents/guardians secure the coverage, and any contract is between the parents/guardians and the company. Students participating in athletics, cheerleading, or pompons must have school accident insurance unless the parents/guardians state in writing that the student is covered under a family health insurance plan.

Emergency Closing

The Superintendent is authorized to close the schools in the event of hazardous weather or other emergencies that threaten the safety of students, staff members, or school property. **19**

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- On whom are the checks performed? State law requires the check on those who have a “direct, daily contact with students.” The sample policy is more comprehensive by requiring checks for any contractor’s employee who may work in any school building or on school property - after all, the burden is on the contractor to do the checking.
 - How is compliance assured? This sample policy requires the inclusion of a clause in district contracts prohibiting the use of any sex offender on school property.

See administrative procedure 5:30-AP2, *Investigations*.

17 A policy provision is required on this topic (105 ILCS 5/10-21.3a). See also 20 U.S.C. §7912. ISBE maintains a list of persistently dangerous schools. Districts having only one school or attendance center may substitute the following provision for this paragraph:

The unsafe school choice option provided in State law permits students to transfer to another school within the district in certain situations. This transfer option is unavailable in this District because the District has only one school or attendance center. A student who would otherwise have qualified for the choice option, or such a student’s parent/guardian, may request special accommodations from the Superintendent or designee.”

18 This subhead is optional. 105 ILCS 5/22-15 allows districts to purchase insurance on athletes. A form on which parents/guardians check-off whether they want school accident insurance or already have the student covered by other health insurance will suffice for purposes of this policy. Requiring students participating in athletics to have accident insurance is a best practice because: (1) waivers of liability do not prevent a student from bringing suit, and (2) waivers of liability are not favored by Illinois courts.

- LEGAL REF.: 105 ILCS 5/10-20.28, 5/10-21.3a, 5/10-21.9, and 128/
210 ILCS 74/
625 ILCS 5/12-813.1.
720 ILCS 5/11-9.3.
730 ILCS 152/101 et seq.
- CROSS REF.: 5:30 (Hiring Process and Criteria), 6:190 (Extracurricular and Co-Curricular Activities), 6:250 (Community Resource Persons and Volunteers), 7:220 (Bus Conduct), 7:300 (Extracurricular Athletics), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)
- ADMIN. PROC.: 4:170-AP2 (Criminal Offender Notification Laws), 4:170-AP3 (School Bus Safety Rules), 4:170-AP6 (Responding to Medical Emergencies Occurring at Physical Fitness Facilities), 5:30-AP2 (Investigations)

19 When adverse weather conditions force a school's closing or a delayed start, the district may count a partial day of attendance as a full day for State aid purposes, provided: (1) at least one hour of instruction was provided, and (2) the superintendent provides the Regional Superintendent or the Suburban Cook County Intermediate Service Center, whichever is appropriate, with a written report in support of the partial day within 30 days (105 ILCS 5/18-12, amended by P.A. 96-734). P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to the Intermediate Service Center for the area.