

LINCOLN-WAY AREA SPECIAL EDUCATION

PARENT
STUDENT
HANDBOOK
2017–2018

601 Willow St.
Frankfort, IL 60423

www.lwase843.org
815.806.4600

Welcome to the Lincoln-Way Area Special Education Joint Agreement District.

This handbook is designed to provide information for all 843 programs and comprehensively answer any questions concerning programs and policies. It should be used in conjunction with the policies of the school district your child will be attending. This handbook is only a summary of board policies governing the Cooperative and board policies are available to the public at the District Office. Please note that this handbook may be amended during the school year without notice.

Through cooperative efforts from you, the parent(s)/guardian(s), teachers, and administration, we will provide an educational program to meet your child's individual needs and goals.

Please do not hesitate to contact us with questions and/or suggestions.

Lincoln-Way Area Special Education
Joint Agreement District 843
Administrative Staff
815.806.4600

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Mission Statement

Through collaboration with school, home, and the community, Lincoln-Way Area Special Education is committed to support the academic and social expectations of the Lincoln-Way community by providing quality programs and support for the students we serve in a fiscally responsible manner.

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ADAPTED CROSS CATEGORICAL EDUCATION FOR STUDENT SUCCESS (ACCESS) PROGRAM

The Adapted Cross Categorical Education for Student Success (**ACCESS**) program is a full-day cross categorical program for kindergarten through eighth grade students located in age appropriate general education buildings within the Lincoln-Way Area Special Education Cooperative. The **ACCESS** program provides a research based academic and functional curriculum which meets the individual needs of each student. Our goal is to have each student progress according to his/her own abilities. To achieve this goal, school, home and community resources work together to build all aspects of the student's development.

The **ACCESS** program provides individualized instruction rooted in the general education curriculum and enhanced by daily living skills development and realistic learning opportunities. Increased independence is stressed. Instruction is provided in the fundamental learning areas of Language Arts, Math, Social Science, Fine Arts, Physical Education, and Physical Science and is scaffolded to maximize mastery of skills. Students participate with general education peers in lunch, recess, and other classes and activities as appropriate to meet their individual needs.

Speech/language therapy, occupational therapy, physical therapy, hearing itinerant, and/or vision itinerant services are also available to students who are determined to be eligible for the services. In accordance with Illinois service provider best practices, the Cooperative requests an occupational therapy prescription and requires a physical therapy prescription annually **prior** to providing these services.

MACKAY EDUCATION CENTER

The Mackay Education Center offers alternative programming which provides therapeutic and educational services for students through a supportive, yet consistent environment.

The Mackay Education Center staff and its curriculum emphasize communication and teamwork to maintain a consistent and supportive approach in dealing with each student. Intervention methods include behavior modification with positive reinforcement, caring consequences for negative behaviors, and a modeling of positive attitudes. The goal of the programming is to help instill within the students a positive self-image, a good work ethic, and an internal desire to follow rules and accept responsibilities for their actions. High emphasis is placed on self-control, making good choices, having a positive attitude, and mastering academic skills.

There are three options of programming available at the Mackay Education Center. A description of each program follows:

CARE – Choices, Attitude, Responsibility, Excellence

The CARE program is an option that provides academic and social/emotional supports to students who may have difficulty with transitions or who need a higher level of therapeutic support. This program provides instruction by highly qualified special education teachers with the support of social workers and a school psychologist.

BRIDGE– Building Responsible Individuals Driven by Goals in Education

The BRIDGE program is an option that provides academic and social/emotional supports to students at a lesser restrictive level than the CARE program. This program provides instruction by highly qualified special education teachers with the support of social workers and a school psychologist. In this program, the students transition from class to class on a bell schedule. Students may attend classes within their regular high school building for a portion of their day based on maintenance of academic and behavioral standards set by Mackay staff and with the recommendation of the IEP team.

PACT – Personalized Academics, Counseling, and Transition

The PACT program is designed for upperclassmen who find they lack the required credits for high school graduation. This program utilizes an independent, self-directed learning environment and uses a computer-based curriculum for both instructional delivery and student management. Social work support is provided to these students, as well as a transition component for post-secondary skill development. The purpose of this program is to assist students in successfully achieving the necessary credits to receive their high school diploma while preparing them for their post-secondary needs.

The ultimate goal of the Mackay Education Center programs is to assist students in reaching their highest academic and social emotional potential for successful reintegration into regular education programming and/or work environment, and to become positively contributing members of society.

PIONEER GROVE EDUCATIONAL CENTER

The classes at Pioneer Grove Educational Center are designed to meet the unique needs of students from ages 3 to 21. We believe all students can learn. Our goal is to provide the appropriate supports, modifications, and adaptations to assist each student to reach his/her maximum potential in all areas of development: communication, cognition, physical, social and emotional, daily living skills, and independence. We believe that parents/guardians are valuable partners, working with the school, to make a difference in the growth of each student.

The **Adapted Individualized Methods (AIM)** program is a full-day classroom for students who require a significantly structured and adaptive learning environment consisting of communication development through a visual approach, sensory integration, and an applied behavior analysis methodology. Students in these classes range from pre-school through 8th grade. Students in the AIM classes are supported by intensive speech/language therapy, social work and classroom aides.

The **Multi-Needs** program is a full-day classroom for students who have significant cognitive, medical and/or physical needs which require intensive therapy and modifications to the curriculum in order to help each individual reach his or her maximum level of independence in all facets of life. Students in the multi-needs classes are supported by intensive nursing services, augmentative and alternative communication systems. Students in these classes range from age three through 12th grade.

The **Self-Contained Individualized Life Skills Program (SCILS)** is designed for students who require a significantly structured, adaptive and visual learning environment which incorporates the principles of Applied Behavior Analysis, with specific emphasis on natural environment learning and generalization of skills. The students work to develop functional academic skills and independent living skills in order to

function as independently and productively as possible as family members, citizens, and workers and to enjoy fulfilling personal lives. In the SCILS Program, there is an emphasis on functional academics, daily living skills including self-care, life skills, communicational skills, social skills, pre-vocational training and community experiences.

The **Supported Opportunities for Adaptive and Life Skills Readiness (SOAR)** program is designed for students with disabilities whose primary identified needs are to develop functional academic skills and independent living skills in order to function as independently and productively as possible as family members, citizens, and workers, and to enjoy fulfilling personal lives. In the SOAR Program, there is an emphasis on functional academics, daily living skills including self-care, life skills, communication skills, social skills, pre-vocational training and community experiences.

Speech/language therapy, occupational therapy, physical therapy, hearing itinerant, and/or vision itinerant services are also available to students who are determined to be eligible for the services. In accordance with Illinois service provider best practices, the Cooperative requests an occupational therapy prescription and requires a physical therapy prescription annually **prior** to providing these services.

SOCIAL EMOTIONAL LEARNING FOUNDATIONS (SELF) PROGRAM

The Social Emotional Learning Foundations (**SELF**) program is a full day program for kindergarten through eighth grades located in age appropriate general education buildings within the Lincoln-Way Area Special Education Cooperative. This program is designed to meet the needs of students who exhibit emotional and behavioral characteristics that interfere significantly with their ability to progress in the general education classroom/curriculum.

Students placed in the SELF program are supported by intensive social work, psychological, speech and language services, and classroom aide support as needed. The teachers implement the general education curriculum; however, it is individualized based on the student's current levels of performance and academic achievement. The SELF program provides an intense Behavior Management System within each classroom. This system is comprised of levels which afford the students opportunities for reintegration into the general educational environment. Typically students are initially provided with inclusive experiences with general education students in the areas of fine arts, physical education, and other areas as provided by specific buildings. Students are also included in non academic settings such as lunch, recess, field trips, etc., as appropriate.

A student is eligible for placement in the SELF program when he/she exhibits significant emotional/behavioral characteristics which interfere with academic achievement and require intensive emotional and/or behavioral interventions. A recommendation for placement in the SELF program is made by the IEP team and requires each student to have a current Functional Behavior Assessment and Behavior Intervention Plan in place at the time of referral.

Speech/language therapy, occupational therapy, physical therapy, hearing itinerant, and/or vision itinerant services are also available to students who are determined to be eligible for the services. In accordance with Illinois service provider best practices, the Cooperative requests an occupational therapy prescription and requires a physical therapy prescription annually **prior** to providing these services

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GENERAL INFORMATION

School Board policies serve as instruments to guide and provide structure to the decision making process affecting all aspects of the Lincoln-Way Area Special Education Joint Agreement District 843. Governing Board policies are designed to reflect the culture, character, and values of the local community while meeting State and Federal regulations. In the interests of harmony, efficiency, uniformity of interpretations, coordination of effort, and in fairness to all concerned, the Governing Board makes the policy manual available to all who are affected by its policies. A copy is maintained in the District office.

Admission (New Students)

Prior to admission to the program, parent(s)/guardian(s) are asked to submit the following:

To the Parent(s)/Guardian(s) Home District:

1. Verification of residency by an 843 member district:
 - 114 Manhattan
 - 157C Frankfort
 - 159 Mokena
 - 161 Summit Hill
 - 210 Lincoln-Way High School
2. Medical Report (if applicable)
3. Dental Report (if applicable)

To the 843 Coop Office (601 Willow Street, Frankfort, IL)

Personal Data/Transportation Form. A Personal Data/Transportation Form is required for all:

- (1) students attending Pioneer Grove Educational Center, Mackay Education Center, and the Transition House. This form provides the schools with current demographic and emergency contact information.
- (2) students transported by LWASE.

A child will not be transported unless a Personal Data/Transportation Form is on file. **Please remember that if we are transporting your child, the transportation begins the first day of school. The starting date should be listed on your school district calendar and you will receive further details from the Transportation Department closer to the start of the start of the school year.**

Registration

All students attending cooperative level programs register in their resident school district and pay resident district fees. Your child continues to be a student of your resident district and this procedure helps your child continue to feel a part of that district, even though your child may be receiving service from staff of the Lincoln-Way Area Special Education District 843, or in an out-of-cooperative placement.

School Fees

You will be informed by your resident school district of any fees at the time of registration each year, or upon enrollment in the district.

Waiver of Fees

Please contact your resident district regarding their procedure on waiver of school related fees.

Withdrawals/Relocating

Parent(s)/guardian(s) must notify the school as soon as they know that they are moving from their current address. If a parent moves out of the Lincoln-Way area, the parent(s)/guardian(s) should register their child within the new school district so we can facilitate the transfer of the child's records between school districts.

Absences

Regular attendance is essential for success in school. A child who is frequently absent misses instruction and discussion which is difficult, if not impossible to make up. We are aware, however, that at some time during the school year your child may become ill. In the event of an absence due to illness, please call the child's school and, if appropriate, transportation.

Any absence requires a note. Chronic absences will be treated as truanancies and referred to the local truancy officer.

If your child is absent or tardy and the school has received no phone call, then the school will make one phone call to the number you have designated. These phone calls will be made during the morning. The exact time will depend upon the number of unreported absences on a given day, but a reasonable attempt to contact you will be made within two hours from the start of school.

Any child who is absent from school due to the observance of a religious holiday will have the opportunity to make up any school work missed due to the absence.

Conferences

Scheduled parental conferences will be held at least once a year. Please consult your child's school calendar for those dates. These conferences provide an opportunity for mutual planning, exchange of information, evaluation of student progress, and setting goals for future action. Because conferences are held with all parent(s)/guardian(s) and time is limited, your cooperation is appreciated in keeping to the scheduled appointment time.

Additional conferences can be held at the request of either the parent(s)/guardian(s) or teacher. To arrange a conference, please contact your child's teacher or the program supervisor at 815.806.4600.

Field Trips

Periodically, field trips are planned by the teacher to provide educational and learning experiences for the children. Permissions slips will be sent home for all outside school activities. Each child must have a signed permission slip in order to participate in the activity. All permission slips and notes must be returned by the specified date on the permission slip.

Fire, Disaster, and Law Enforcement Drills

The safety of your child is ensured by school safety, fire and disaster drills practiced routinely during the year. These same procedures will be followed in the event of a fire, tornado, storm, school lockdown, or civil defense alert. Every school building has a crisis response plan that is developed through cooperation with local police and fire agencies.

Free or Reduced Price Meals Program

Students from families whose income qualifies them for free or reduced price lunches, according to the federal guidelines, may secure this service. Information explaining the qualifications and application procedures for “Free and Reduced Lunches” can be found on your student’s home school district web site.

Pick-up of Student

To ensure the safety of our students, the following procedures should be used for the pick-up of a student by the parent or guardian.

1. When parent(s)/guardian(s) come to pick up students early, they will need to register in the office upon entering the school.
2. Parent(s)/guardian(s) picking up students at the end of the day must also register in the school office.
3. A student will not be released to anyone except the parent(s)/guardian(s) unless we have a note or telephone call from the parent(s)/guardian(s) stating who has permission to take their child. That person must also register in the office upon entering the school.
4. Notify transportation that you are picking up your child.

Student Insurance

You can contact your school district for information regarding student insurance offered.

Textbook Damage

At the end of the school year, the hardbound textbooks are collected from each student. The teacher will inspect these textbooks for damage or abuse to the extent that the book cannot be used again.

A fine is charged to replace the lost or damaged textbooks. The replacement cost of the textbooks must be paid by the last full day of school. If the fine is not paid by this time, the parent(s)/guardian(s) must come to the Special Education office, 601 Willow Street, Frankfort, to pay the fine.

Child Abuse Policy

State mandate requires all suspected cases of child abuse or neglect to be reported to the Department of Children and Family Services (DCFS). According to the Illinois Abused and Neglected Child Reporting Act, those required to report cases of suspected neglect or abuse include school personnel (teachers, administrators, nurses, social workers, and psychologists).

Abuse includes physical or emotional injury or substantial risk thereof, sex offense, torture, or excessive corporal punishment. Neglect is failing to provide necessary care and support.

DCFS has the sole power to investigate reported child abuse. This power may be delegated to law enforcement agencies. DCFS may investigate in a school by interviewing children, taking photographs, and physically examining the child. Depending on the age and sex of the child, investigation may involve

a joint examination of the child with one of the school personnel or taking the child to a doctor for examination.

Illinois law provides complete immunity for reports made in good faith. The name of the reporters is also kept confidential. There are penalties for willfully failing to report a suspected child abuse, as well as for knowingly transmitting a false report.

If you have any questions regarding reporting procedures, feel free to contact one of the social workers in the Special Education office.

Visitors

PLEASE NOTE: Anyone visiting the building must enter at the school office. Visitors must sign in/out in the office and obtain and wear a visitor badge. Visitors MUST show a picture ID before entering the building.

Parent(s)/guardian(s) wishing to visit or arranging for a designated representative to visit their child's class should call the program supervisor or building principal to set up an appointment. Please be clear as to whether you want to visit just the special education classroom, or if applicable, the regular education classroom(s) your child may also attend. The program supervisor will coordinate the visit(s) with the classroom teacher and, if applicable, the building principal for a visit to any regular classes. Observations are generally limited to one class period, or 40 minutes, whichever is longer.

In order to protect all District 843 students' rights to confidentiality, Parent(s)/guardian(s) and other persons observing classrooms will be required to sign a Classroom Observation Confidentiality Acknowledgement Form.

Section 24-25 of the *Illinois School Code* regarding persons entering a school building is as follows:

Teachers and other employees may request any person entering a public school building or the grounds which are owned or leased by the board and used for school purposes and activities to identify himself and the purpose of his entry. A person who refuses to provide such information is guilty of a petty offense and upon conviction shall be fined not more than \$100.

Integrated Pest Management Notification

Lincoln-Way Area Special Education District #843 complies with the Structural Pest Control Act [Public Act 91-0525 (SB#529)] through the active involvement in an Integrated Pest Management Program. As part of this program the district relies to the greatest extent possible on non-toxic, biological, cultural and mechanical pest management practices as well as the use of natural pest control agents. Chemical and airborne pesticides will be used only when necessary, and as a last resort, with a preference given for products that are the least harmful to human health and the environment. Such chemical and airborne applications will be made only after normal business hours or on weekends to minimize the exposure to any individuals who normally access our buildings. As part of this program, any individual wishing to be placed on a notification list can contact the District #843 Administrative Offices at 815-806-4600, ask for the Administrative Assistant, and let her know you would like to be put on the IPM Notification list for airborne spraying. By providing your name, address, phone number, and the school district buildings you would like to be notified about, the District #843 Administration will attempt to contact you 48 hours in

advance whenever possible, and no less than 24 hours in advance when necessary, of any scheduled airborne or chemical applications being undertaken, or as soon as possible in the event any emergency spraying applications are needed. If you have any questions or need additional information please contact the Director at 815-806-4600.

School Conference and Activity Leave

An employer must grant an employee leave of up to eight (8) total hours during any school year (no more than four (4) hours of which may be taken on any given day) to attend necessary educational and behavior conferences regarding the employee's child if those conferences cannot be scheduled during non-work hours. An employee, however, must have exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave that may be granted to the employee except sick leave and disability leave before the employee is allowed leave under this Act. Employees must make prior arrangements with their employers. The main office shall provide the parent(s)/guardian(s) with documentation of the school visitation. This documentation shall include, but not be limited to, the exact time and date the visitation began and ended.

Parent's Right to Know

As a parent of a student in the Cooperative you have the right to know the following information:

- ◆ The qualifications of the school staff providing instruction to his/her child, and
- ◆ The child's level of achievement in each state academic assessment.

Lincoln-Way Area Special Education is committed to providing quality instruction for all students and does so by employing the most qualified individuals to teach and support each student in the classroom. If you would like to receive any of the information listed above for your child, please contact the Director.

Information Regarding Sex Offenders

Notice that information regarding sex offenders is available to the public pursuant to the Sex Offender Community Notification Law, unless notice otherwise provided during school registration or parent-teacher conferences.

HEALTH AND DENTAL

Administration of Medication at School

Children under a doctor's care and needing to take prescribed medicine during the school day will receive that medication as follows in the Cooperative's policy.

Administering Medicines to Students - Policy 7:270

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

No Cooperative employee shall administer to any student, or supervise a student's self-administration of, any prescription or non-prescription medication (including dietary supplements) until a completed and signed "School Medication Authorization Form" is submitted by the student's parent/guardian. No

student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures.

Nothing in this policy shall prohibit any school employee from providing emergency assistance to students, including administering medication.

The Building Principal shall include this policy in the Student Handbook and shall provide a copy to the parents/guardians of students.

Self-Administration of Medication

A student may possess an epinephrine auto-injector (EpiPen®) and/or medication prescribed for asthma for immediate use at the student's discretion, provided the student's parent/guardian has completed and signed a "School Medication Authorization Form." The Cooperative shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication or epinephrine auto-injector or the storage of any medication by school personnel. A student's parent/guardian must indemnify and hold harmless the Cooperative and its employees and agents, against any claims, except a claim based on willful and wanton conduct, arising out of a student's self-administration of an epinephrine auto-injector and/or medication, or the storage of any medication by school personnel.

School District Supply of Epinephrine Auto-Injectors

The Director or designee shall implement Section 22-30(f) of the School Code and maintain a supply of epinephrine auto-injectors in the name of the Cooperative and provide or administer them as necessary according to State law. This section of the policy is void whenever the Director or designee is, for whatever reason, unable to: (1) obtain for the Cooperative a prescription for school epinephrine auto-injectors and a standing protocol from a physician licensed to practice medicine in all its branches, or (2) fill the Cooperative's prescription for school epinephrine auto-injectors.

Upon implementation of this subsection and Section 22-30(f) of the School Code, the protections from liability and hold harmless provisions as explained in Section 22-30(c) of the School Code apply.

No one, including without limitation parents/guardians of students, should rely on the Cooperative for the availability of an epinephrine auto-injector. This policy does not guarantee the availability of an epinephrine auto-injector; students and their parents/guardians should consult their own physician regarding this medication.

Communicable Disease

All cases of communicable disease must be reported to the school. The school nurse will phone in to the health department all cases of diseases that require reporting when mandated by the Illinois Department of Public Health. Notification of communicable disease in a student's room will be made by the school office as advised by the Illinois Department of Public Health so that the parent(s)/guardian(s) will be on the alert.

Diabetes Management

In order to effectively plan for and manage diabetes in the school setting, parents/guardians are asked to promptly notify the Principal or Supervisor of the program their child attends upon their child being diagnosed with diabetes. After this notification, LWASE staff will work with the parent to secure and implement the student's Diabetes Care Plan. A student who is authorized under their Diabetes Care Plan to self-manage his/her diabetes care shall be permitted, when specified by his/her physician, to do the following:

- (1) Check blood glucose when and wherever needed;
- (2) Administer insulin with the insulin delivery system used by the student;
- (3) Treat hypoglycemia and hyperglycemia and otherwise attend to the care and management of his or her diabetes in the classroom, in any area of the school or school grounds, and at any school-related activity or event in accordance with the diabetes care plan; and
- (4) Possess on his or her person, at all times, the supplies and equipment necessary to monitor and treat diabetes, including, but not limited to glucometers, lancets, test strips, insulin, syringes, insulin pumps, infusion sets, alcohol swabs, a glucagon injection kit, glucose tablets, and food and drink.

End of School Year Medication Removal

At the end of the school year or the end of the medication, procedure and/or treatment regimen, the student's parents/guardians will be responsible for picking up from the school any unused medication.

Enrollment and Exclusion

Any child failing to meet the requirement of the health examination and immunizations as outlined by the *Illinois School Code* and these policies, shall not be permitted to enroll and attend school until proof of health and immunization is provided by the parent(s)/guardian(s) to the resident district health office.

Illness or Injury at School

If your child is not feeling well, it may be best to keep him/her home to prevent the spread of a possible illness.

If your child should become ill at school, the school will contact you or the emergency number provided by you to the school. For injury at school, immediate first aid, if needed, is given and the parent is notified. If the school is unable to notify the parent and the injury is severe, a doctor will be notified. However, this can only be done if the parent has signed the medical release portion of the 843 Personal Data Form/District Level Form.

The parent is expected to arrange for the student's transportation home if the student leaves school before the end of the regular school day.

Physical, Dental, and Vision Examinations

Students entering early childhood, as well as students entering kindergarten, sixth and ninth grades, must submit the following: (i) proof of a health examination, and (ii) proof of the required immunizations prescribed by the Illinois Department of Public Health as required under Section 27-8.1 of the *Illinois School Code*.

These examinations are due by October 15. Children who have not fulfilled these requirements will not be allowed to enter school until these exams are complete.

Certificate of Religious Exemption to Required Immunizations and/or Examinations Form

Who may use this form:

- Parents or legal guardians who are requesting a religious exemption to immunizations or examinations must use the *Certificate of Religious Exemption to Required Immunizations and/or Examinations Form* for students entering kindergarten, sixth, or ninth grades.
- A separate form must be used for each child with a religious exemption enrolled to enter any public, charter, private or parochial preschool, kindergarten, elementary or secondary school.

- This form may not be used for exemptions from immunizations and/or examination for personal or philosophical reasons. Illinois law does not allow for such exemptions.

For further information, please visit the Illinois Department of Public Health (IDPH) website at www.dph.illinois.gov.

Within 30 days of entrance into the district all new students must present evidence of a previous health exam and required immunizations, or submit a new physical and/or immunizations to be in compliance with Illinois law. Any student not presenting such evidence will be excluded from school until the required documentation is submitted. Students entering from out-of-state or out-of-country must present a physical exam dated no more than one year prior to entry into an Illinois school.

For all children entering kindergarten, 2nd, and 6th grades, dental exams are required by *Illinois School Code* prior to May 15th of the given school year. Dental exams are good for 18 months prior to the deadline date.

All children enrolling in kindergarten in a public school and any student enrolling for the first time in school shall have an eye examination. Each child is to present proof of having received an eye examination within the previous year before October 15 of the school year. If the child fails to present proof by October 15, the school may hold the child's report card. This requirement may be waived for children who show an undue burden or lack of access to a physician who provides eye examinations or an optometrist.

Vision and Hearing Screening

Vision and hearing screening will be conducted in accordance with the Child Vision and Hearing Test Act *410 ILCS 27-8.1*. This act states that vision and hearing screening shall be provided annually for all preschool children three years of age or older and all school age children who are in special education classes. In accordance with the rules and regulations of the Illinois Department of Public Health "a vision screening is not a substitute for a complete vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months" *105.ILCS27.8.1*. In lieu of the hearing screening services, a completed and signed report form, indicating that the child has had an ear examination by a physician and an audiological evaluation by an audiologist within the previous 12 months is acceptable. The purpose of the screenings is to separate those children who do not have vision or hearing problems from those who are suspect for vision or hearing impairment and are in need of further evaluation by a health care professional. The parent or legal guardian of a student may object to hearing and vision screening tests on religious grounds by submitting a written statement to the school district.

NONDISCRIMINATION

District #843 adheres to a policy against discrimination on the basis of color, race, nationality, religion, sex, sexual orientation, ancestry, age, marital status, physical or mental disability (including mental, psychological or developmental disability including any autism spectrum disorders), immigration status, gender identity, order of protection status, military status, status of being homeless, or unfavorable discharge from military service.

District 843 will provide disability driven accommodations at parent conferences, school programs, and school board meetings.

Homeless students are not segregated or stigmatized in District 843 classes and services.

Equal Educational Opportunities – Sex Equity – Policy 7:10

Equal educational and extracurricular opportunities shall be available for all students without regard to race, color, national origin, sex, sexual orientation, ancestry, age, religious beliefs, physical or mental disability, gender identity, status as homeless, or actual or potential marital or parental status, including pregnancy. Further, the Cooperative will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the Cooperative remains viewpoint neutral when granting access to school facilities under Governing Board policy 8:20, Community Use of School Facilities. Any student may file a discrimination grievance by using Governing Board policy 2:260, Uniform Grievance Procedure.

Sex Equity

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

Any student may file a sex equity complaint by using Governing Board Policy 2:260, Uniform Grievance Procedure. A student may appeal the Governing Board’s resolution of the complaint to the Regional Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8).

Harassment – Policy 7:20

It is the policy of Lincoln-Way Area Special Education Joint Agreement District 843 to maintain a learning environment that is free from harassment. No person, including a Cooperative employee or agent, or student, shall harass, intimidate or bully another student on the basis of actual or perceived: race; color; nationality; sex, sexual orientation; gender identity; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. The Cooperative will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student’s educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

Sexual Harassment Prohibited

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

1. Denies or limits the provision of educational aid, benefits, services, or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
 - a. Substantially interfering with a student's educational environment;
 - b. Creating an intimidating, hostile, or offensive educational environment;
 - c. Depriving a student of educational aid, benefits, services, or treatment; or
 - d. Making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. Examples of sexual violence include, but are not limited to rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Making a Complaint; Enforcement

Students are encouraged to report claims or incidences of bullying, harassment, sexual harassment, or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager. A student may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined.

Resulting Action

Any Cooperative employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any Cooperative student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the discipline policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

HOME OR HOSPITAL INSTRUCTION

Eligibility

Home or hospital services consist of appropriate educational services which are provided by the school district to a student in his or her home or in a hospital in accordance with the special education rules as listed in the *23 Illinois Adm. Code 226*. These services are provided to any student who, in the opinion of a licensed medical physician, will be absent from school and confined to a hospital or home for more than two consecutive weeks, causing the student to miss substantial portions of his or her educational program.

Application for Home/Hospital Instruction

To make application for this service, a parent should call the Special Education office (815.806.4600) for an Application for Home/Hospital Instruction form.

After the parent and the student's physician have completed the form, it should be returned to the school principal, as noted on the application. Arrangements to provide for home/hospital instruction will be made for an eligible student through the student's district of residence.

STUDENT CONDUCT

Students enrolled in District 843 programs are expected to comply with the following student conduct rules and policies. In addition, students located in District 843 programs that are housed in the Cooperative's member districts are also expected to act in accordance with the student conduct guidelines of the school in which they attend.

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 the 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.

STUDENT BEHAVIOR – Policy 7:190

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 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, 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. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. 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 out-of-sight during the regular school day unless: (a) the supervising teacher grants permission; (b) use of the device is provided in a student's individualized education program (IEP); (c) it is used during the student's lunch period, or (d) it is needed in an emergency that threatens the safety of students, staff, or other individuals.
- 6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
- 7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.
- 8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.

9. 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, bullying using a school computer or a school computer network, or other comparable conduct.
10. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.
11. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*.
12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.
13. Entering school property or a school facility without proper authorization.
14. 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.
15. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants.
16. 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.
17. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia.
18. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
19. Making an explicit threat on an Internet website 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.
20. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Director or designee.
21. 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 Director 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 or Saturday 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 may 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 if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), “look-alikes,” 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 2 calendar years:

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

The expulsion requirement under either paragraph 1 or 2 above may be modified by the Director, and the Director’s determination may be modified by the Board on a case-by-case basis. The Director 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 Director 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 Director, Building Principal, Assistant Building Principal, or Dean of Students is authorized to impose the same disciplinary measures as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to 10 consecutive school days, provided the appropriate procedures are followed. The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons.

Student Handbook

The Director, with input from the parent-teacher advisory 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.

Bullying (see also Harassment) Policy 7:180

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important Cooperative goals.

Bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic **is prohibited** in each of the following situations:

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the Cooperative or school if the bullying causes a substantial

disruption to the educational process or orderly operation of a school. This paragraph (item #4) applies only when a school administrator or teacher receives a report that bullying through this means has occurred; it does not require staff members to monitor any nonschool-related activity, function, or program.

Definitions from Section 27-23.7 of the School Code (105 ILCS 5/27-23.7)

Bullying includes *cyber-bullying* and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

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

Cyber-bullying means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyber-bullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyber-bullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

Restorative measures means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.

School personnel means persons employed by, on contract with, or who volunteer in a school district, including without limitation school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

Bullying Prevention and Response Plan

The Director or designee shall develop and maintain a bullying prevention and response plan that advances the Cooperative's goals of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below; each number requirement, 1-12 corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12.

1. The Cooperative uses the definition of *bullying* as provided in this policy
2. Bullying is contrary to State law and the policy of the Cooperative. However, nothing in the Cooperative's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Cooperative's Complaint Manager or any staff member with whom the student is comfortable speaking. Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the Cooperative's Complaint Manager or any staff member. Anonymous reports are also accepted.

Complaint Manager:

Name: Director
Address: 601 Willow St., Frankfort, IL 60423
Email: lwase@lwase843.org
Phone: 815-806-4600

4. Consistent with federal and State laws and rules governing student privacy rights, the Director or designee shall promptly inform the parent(s)/guardian(s) of every student involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.
5. The Director or designee shall promptly investigate and address reports of bullying, by, among other things:
 - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.
 - b. Involve appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
 - c. Notifying the school administrator or designee of the reported incident of bullying as soon as possible after the report is received.
 - d. Consistent with federal and State laws and rules governing student privacy rights, providing parent(s)/guardian(s) of the student who are parties to the investigation information about the investigation and an opportunity to meet with the school

administrator or his/her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

The Director or designee shall investigate whether a reported incident of bullying is within the permissible scope of the Cooperative's jurisdiction and shall require that the Cooperative provide the victim with information regarding services that are available within the Cooperative and community, such as counseling, support services, and other programs.

6. The Cooperative or designee shall use interventions to address bullying that may include, but are not limited to school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.
7. A reprisal or retaliation against any person who reports an act of bullying is **prohibited**. A student's act of reprisal or retaliation will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
8. A student will not be punished for reporting bullying or supplying information, even if the Cooperative's investigation concludes that no bullying occurred. However, knowingly making a false accusation or providing knowingly false information will be treated as *bullying* for the purposes of determining any consequences or other appropriate remedial actions.
9. The Cooperative's bullying prevention and response plan must be based on the engagement of a range of school stakeholders, including students and parent(s)/guardian(s).
10. The Director or designee shall post this policy on the Cooperative's internet website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must also be distributed annually to parent(s)/guardian(s), students, and school personnel, including new employees when hired.
11. The Director or designee shall assist the Governing Board with its evaluation and assessment of this policy's outcomes and effectiveness. This process shall include, without limitation:
 - a. The frequency of victimization;
 - b. Student, staff, and family observations of safety at a school;
 - c. Identification of areas of a school where bullying occurs;
 - d. The types of bullying utilized; and
 - e. Bystander intervention or participation.The evaluation process may use relevant data and information that the Cooperative already collects for other purposes. The Director or designee must post the information developed as a result of the policy evaluation on the Cooperative's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parent(s)/guardian(s), and students.

12. The Director or designee shall fully implement the Governing Board policies.

Maintenance of Discipline

The teacher in the classroom shall, where it is humanly possible, handle disciplinary cases in his/her own classroom. Parent(s)/guardian(s) may be called to help with discipline problems. If the problem persists, the Director of Special Education or his/her designee will meet with the parent(s)/guardian(s) to discuss possible solutions to the problems. If it becomes apparent that temporary suspension of the student will be necessary, the law as set forth by the *Illinois School Code* will be followed.

Suspension – Policy 7:200

In-School Suspension

The Superintendent or designee is authorized to maintain an in-school suspension program. The program shall include, at a minimum, each of the following:

1. Before assigning a student to in-school suspension, the charges will be explained and the student will be given an opportunity to respond to the charges.
2. Students are supervised by licensed school personnel.
3. Students are given the opportunity to complete classroom work during the in-school suspension for equivalent academic credit.

Out-of-School Suspension

The Superintendent or designee shall implement 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. An attempted phone call to the student's parent(s)/guardian(s).
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 an 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 Director 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.

Behavioral Interventions for Students with Disabilities

Purpose

It is the purpose of this policy to establish the process for the Lincoln-Way Area Special Education Joint Agreement District 843 to comply with School Code requirements on the use of behavioral interventions for students with disabilities.

Behavioral interventions shall be used by teachers and administrators to promote and strengthen desirable adaptive student behaviors and reduce identified inappropriate behaviors. A fundamental principle is that positive, nonaversive interventions designed to develop and strengthen desirable student behaviors should be used whenever possible.

While positive approaches alone will not always succeed in managing inappropriate behavior, the use of more restrictive behavior interventions should be considered to be temporary and approached with utmost caution.

Development of Procedures

The Lincoln-Way Area Special Education Joint Agreement District 843 Director is authorized to develop procedures on the use of behavioral interventions for students with disabilities receiving special education

and related services. The procedures will promote the use of positive behavioral interventions and include, but not be limited to, the following components:

- A. procedures for the development of behavioral management plans for students with disabilities having significant behavioral and/or emotional needs and for such students requiring restrictive interventions,
- B. procedures for the documentation of emergency use of restrictive interventions,
- C. procedures for parent involvement,
- D. procedures for training and professional development, and
- E. provisions requiring consideration of a student's physical freedom, social interaction, and the right to placement in the LRE and confirming that behavioral intervention be administered in a manner that respects human dignity and personal privacy.

The Illinois State Board of Education document on the use of behavioral interventions for students with disabilities will be used as a guideline.

Behavioral Intervention Committee

District 843 has established a committee on behavioral interventions for students with disabilities. The committee shall be composed of special education teachers, parent(s)/guardian(s) of students with disabilities, administrators, psychologists, and social workers. This committee shall be involved in developing procedural guidelines for the implementation of behavioral interventions for students with disabilities and shall review and provide input to the procedures by the Lincoln-Way Area Special Education Joint Agreement District 843 Director.

The policy and procedures will be provided to parents or guardians, upon request, within 15 days after the policy has been amended or adopted, or at a time the IEP is first implemented for the student.

Parent(s)guardian(s) of children with disabilities having an IEP are hereby informed that they can request a copy of this policy and its procedures.

Attacks on School Personnel – 105 ILCS 5/10-21.7

The *Illinois School Code* states the following in regard to aggressiveness toward school personnel:

Upon receipt of a written complaint from any school personnel, the superintendent shall report all incidents of battery committed against teachers, teacher personnel, administrative personnel, or educational support personnel to the local law enforcement authorities immediately after the occurrence of the attack and to the Department of State Police's Illinois Uniform Crime Reporting Program no later than three (3) days after the occurrence of the attack. The State Board of Education shall receive monthly as well as annual statistical compilations of attacks on school personnel from the Department of State Police through the Illinois Uniform Crime Reporting Program.

(Source: P.A. 85-1420; 91-491, § 5.)

Telecommunication Devices

Students will be allowed to bring cell phones to and from school, but the expectation is that phones (iPods/iPads, electronic notebooks, Kindles, and all other electronic devices) will be powered off and put away out of sight prior to entering the building. Phones are to remain kept out of sight and not to be used throughout the school day. If a staff member sees a student using a phone for any unauthorized purpose during the school day, the device will be secured until the end of the day and returned to the student at the end of the day. There will be an additional consequence in the form of a classroom or CIBS based re-direct, lunch detention, and/or parent contact/request for parent conference depending on the number of the infraction and the student response to the infraction.

The Cooperative is not responsible for the loss or theft of any electronic device brought to school.

Suicide and Depression Awareness and Prevention – Policy 7:290

Youth suicide impacts the safety of the school environment. It also affects the school community, diminishing the ability of surviving students to learn and the school's ability to educate. Suicide and depression awareness and prevention are important Board goals.

Suicide and Depression Awareness and Prevention Program

The Director or designee shall develop, implement, and maintain a suicide and depression awareness and prevention program (Program) that advances the Board's goals of increasing awareness and prevention of depression and suicide. This program must be consistent with the requirements of Ann Marie's Law listed below; each listed requirement, 1-6, corresponds with the list of required policy components in the School Code Section 5/2-3.163(c)(2)-(7). The Program shall include:

1. Protocols for administering youth suicide awareness and prevention education to students and staff.
 - a. For students, implementation will incorporate Board policy 6:60, *Curriculum Content*, which implements 105 ILCS 5.2-3.139 and 105 ILCS 5/27-7 (requiring education for students to develop a sound mind and a healthy body).
 - b. For staff, implementation will incorporate Board policy 5:100, *Staff Development*, and teacher's institutes under 105 ILCS 5/3-14.8 (requiring coverage of the warning signs of suicidal behavior).
2. Procedures for methods of suicide prevention with the goal of early identification and referral of students possibly at risk of suicide.
 - a. For students in grades 7 through 12, implementation shall incorporate the training required by 105 ILCS 5/10-22.39 for school guidance counselors, teachers, school social workers, and other school personnel who work with students to identify the warning signs of suicidal behavior in adolescents and teens along with appropriate intervention and referral techniques, including methods of prevention, procedures for early identification, and referral of students at risk of suicide.
 - b. For all students, implementation shall incorporate Illinois State Board of Education (ISBE)-recommended guidelines and educational materials for staff training and professional development, along with ISBE-recommended resources for students containing age-appropriate educational materials on youth suicide and awareness, if available pursuant to Ann Marie's Law on ISBE's website.
3. Methods of intervention, including procedures that address an emotional or mental health safety plan for use during the school day and at school-sponsored events for a student identified as being

at increased risk of suicide. Implementation will incorporate paragraph number 2, above, along with:

- a. Board policy 6:65, *Student Social and Emotional Development*, implementing the goals and benchmarks of the Ill. Learning Standards and 405 ILCS 49/15(b) (requiring student social and emotional development in the District's educational program);
 - b. Board policy 7:250, *Student Support Services*, implementing the Children's Mental Health Act of 2003, 405 ILCS 49/ (requiring protocols for responding to students with social, emotional, or mental health issues that impact learning ability); and
 - c. State and/or federal resources that address emotional or mental health safety plans for students who are possibly at an increased risk for suicide, if available on the ISBE's website pursuant to Ann Marie's Law.
4. Methods of responding to a student or staff suicide or suicide attempt. Implementation of this requirement shall incorporate building-level Student Support Committee(s) established through Board policy 7:250, *Student Support Services*.
 5. Reporting procedures. Implementation of this requirement shall incorporate Board policy 7:250, *Student Support Services*, in addition to other State and/or federal resources that address reporting procedures.
 6. A process to incorporate ISBE-recommend resources on youth suicide awareness and prevention programs, including current contact information for such programs in the District's Suicide and Depression Awareness and Prevention Program.

Illinois Suicide Prevention Strategic Planning Committee

The Director or designee shall attempt to develop a relationship between the District and the Illinois Suicide Prevention Strategic Planning Committee, the Illinois Suicide Prevention Coalition Alliance, and/or a community mental health agency. The purpose of the relationship is to discuss how to incorporate the goals and objectives of the Illinois Suicide Prevention Strategic Plan into the District's Suicide Prevention and Depression Awareness Program.

Monitoring

The Board will review and update this policy pursuant to Ann Marie's Law and Board policy 2:240, *Board Policy Development*.

Information to Staff, Parents/Guardians, and Students

The Director shall inform each school district employee about this policy and ensure its posting on the District's website. The Director or designee shall provide a copy of this policy to the parent or legal guardian of each student enrolled in the District.

Implementation

This policy shall be implemented in a manner consistent with State and federal laws, including the Children's Mental Health Act of 2003, 405 ILCS 49/, Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/, and the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

The District, Board, and its staff are protected from liability by the Local Governmental and Governmental Employees Tort Immunity Act. Services provided pursuant to this policy: (1) do not replace the care of a physician licensed to practice medicine in all of its branches or a licensed medical practitioner or professional trained in suicide prevention, assessments and counseling services, (2) are

strictly limited to the available resources within the District, (3) do not extend beyond the school day and/or school-sponsored events, and (4) cannot guarantee or ensure the safety of a student or the student body.

TRANSPORTATION POLICIES

The Lincoln-Way Area Special Education Joint Agreement 843 is committed to transporting students SAFELY AND EFFICIENTLY. Below are the regulations which must be observed to ensure a quality transportation program.

Special Service Bus Rules

1. The Lincoln-Way 843 Transportation Office is open from 6:00 a.m. to 4:30 p.m. Telephone messages can be left at any time at (815) 485-7611.
2. All students are expected to be picked up and delivered at their homes. However, we realize that in some cases an alternate pick up or drop off site may be necessary. This is possible when arrangements are made directly with the Supervisor of Transportation (815.485.7611). Students shall be picked up at only one address. The student will be picked up at that address every morning. However, the student may be dropped off at a different address in the afternoon, but the same address every day.
3. If you are securing child care services, services need to be secured in the attendance area of the student. Any exceptions must be pre-approved by your home district's administration in conjunction with the transportation supervisor.
4. Be sure your student is always ready and waiting for the scheduled pick up. The buses will be on a close schedule. All drivers will wait only three minutes at each stop. Your student should be coming out the door as the bus stops in front of the house. On the mornings when there is snow on the streets, students should be ready five minutes earlier.
5. When the parent(s)/guardian(s) or the student(s) do not respond to the arrival of the bus on three consecutive occasions, the Lincoln-Way Transportation Supervisor is authorized to temporarily stop transportation. It is the parent(s)/guardian(s) responsibility to call the Lincoln-Way Transportation Supervisor (815.485.7611) to resume transportation.
6. All students must enter and exit the bus through the proper door.
7. All students are required to stay in his/her seat and use, when required, the safety belts.
8. Parent(s)/guardian(s) are responsible to secure and unsecure his/her student in his/her booster seat, car seat, or safety vest. The bus driver is to remain in his/her seat.

9. There is to be no eating or drinking while traveling in the buses.
10. Parent(s)/guardian(s) are responsible to make arrangements to receive students as the bus brings them home from school. Following are guidelines that will apply to your individual student.

Elementary, Middle School, and Multi-Need Students in District 843 Programs

Parents of students attending 843 programs are responsible for making arrangements to have a parent/guardian at home to receive the student(s) unless stipulated in the student's IEP. If no one is at the door to receive the student(s), he/she will be returned to the school where the student attends. The principal, who is most familiar with the student, will receive the student until the parent/guardian arrives to pick up their child.

Martin P. Mackay Education Center Students

All students attending the Martin P. Mackay Education Center will be transported home and no parent/guardian need be present at the home when the bus arrives, unless it is so stipulated in the student's IEP.

Privately Placed Students

Parents of students attending private placements are responsible for making arrangements to have a parent/guardian at home to receive the student(s), unless it is so stipulated in the student's IEP. If no one is at the door to receive the student(s), he/she will be returned to the **District Office** of the student(s)' home school district. If this occurs, YOU are responsible to make arrangements to have your child picked up.

PLEASE NOTE: After the second occurrence of not being at your residence to receive your student(s), your student(s) will be suspended from transportation. Further violations will include additional transportation suspension. When a parent/guardian/emergency contact cannot be found, a possible call to the local police or Department of Children and Family Services (DCFS) will be made.

11. If there is a change of address and/or telephone number, notify the Lincoln-Way Area Special Education Administrative office (815.806.4600), the Lincoln-Way Transportation office (815.485.7611), and the student's school immediately.
12. When a student does not ride the bus to school, but is taken to school by the parent/guardian, due to over sleeping, etc., it is the parent(s)/guardian(s) responsibility to call the Lincoln-Way Transportation office (815.485.7611) and let them know the student arrived at school and the student will ride the Lincoln-Way Transportation bus home. Likewise, if a student is picked up from school in the afternoon due to illness or another reason, please notify the Lincoln-Way Transportation office (815.485.7611).
13. **Minor Violations of Rules on the Bus**
Students with three write-ups or bus referrals from the bus driver within a nine-week period may receive a one-day suspension from the bus on the third write-up. The nine-week period will

begin from the date of the first write-up. Since the suspension is not from the program, parent(s)/guardian(s) will be responsible for providing transportation to and from school on the day(s) of the suspension. If a student is suspended from the school bus and does not have alternate transportation, the student will be given the opportunity to make up work for equivalent academic credit. It is the parent(s)/guardian(s) responsibility to notify the school that the student does not have alternate transportation.

Martin P. Mackay Education Center Students

Bus write-ups for Mackay students will result in a loss of points on the daily point chart, and could result in placement on a re-direct, a placement in the Mackay CIBS program, or a school suspension, depending on the extent of the rule infraction. In addition, Lincoln-Way Area Special Education's bus suspension policy will also be utilized for Mackay students.

14. **Major Violations of the Rules of the Bus**

A student's behavior which is determined to be such that it endangers his/her safety, the safety of others on the bus, or which is inhibiting the driver from performing his/her duties will be dealt with individually by immediate suspension from bus transportation. The length of suspension will be determined by the seriousness of each case and the ability of the particular student to resume bus transportation without further incident. A student may be suspended from the bus in excess of ten school days for safety reasons. Again, since suspension is only from bus service, parent(s)/guardian(s) will be responsible for transporting their student to and from school on the day(s) of the suspension.

In all cases, determination of the seriousness of the violations and the length of a suspension for a major violation will be made by the student's school district of residence administration, the Lincoln-Way Area Special Education Administration, and the Lincoln-Way Transportation Supervisor. Failure of the student to be in school on a day when only bus service has been suspended constitutes an unexcused absence and will be dealt with as such.

If necessary, or when requested, a hearing will be conducted by the Lincoln-Way Area Special Education Director. Prior written, reasonable notice will be given to the parent(s)/guardian(s) of the time and place of the hearing.

- a) The notice will also state the nature of the student's offensive conduct which led to the action with notification that the hearing could possibly result in a two to ten day suspension from riding the bus.
- b) A copy of the notice to the parent(s)/guardian(s) will also be sent to the student's school district of residence.
- c) In attendance at the hearing will be the Lincoln-Way Area Special Education Director, who will act as the hearing officer, the student, the parent(s)/guardian(s) of the student, the bus driver, and a Lincoln-Way Transportation representative. The superintendent, or designee, of the student's school district of residence may also be in attendance.

Illness of Students

In the event of illness, the parent(s)/guardian(s) are responsible to do the following:

- 1.) Call the Lincoln-Way District 843 Transportation office (815.485.7611) by 6:00 a.m. to cancel the trip for each day your student is not riding. Inform the Lincoln-Way District 843 Transportation supervisor of *your student's name and the bus number*.
- 2.) Remember to notify the principal before school starts in the morning.
- 3.) When students are going to be absent for an extended period of time (one week or more), parent(s)/guardian(s) should call the Transportation office (815.485.7611) to temporarily stop transportation in order to conserve energy. It is the responsibility of the parent(s)/guardian(s) to again call the transportation office (815.485.7611) to resume transportation.
- 4.) Again, please remember to notify the principal and classroom teacher of an extended absence period.
- 5.) **IMPORTANT!!** In instances where a student becomes ill at school, the parent(s)/guardian(s) will be notified and asked to take their student home. Bus service is not available for this purpose.

Emergency Closing of Schools

Keeping families informed is a top priority at Lincoln-Way Area Special Education. That is why the Cooperative utilizes the Blackboard Connect Notification Service. Blackboard Connect allows the Cooperative to send a telephone or e-mail message to parents, providing important information about school emergencies. We use Blackboard Connect to notify parents of school delays or cancellations due to inclement weather or other incidents that may force the Cooperative to close or adjust the instructional day. In the event of an emergency at school, you can have peace of mind knowing that you will be informed immediately by phone.

The successful delivery of information is dependent upon accurate contact information for each student, so please make certain that your student's school has your most current phone numbers. If this information changes during the year, please let us know immediately.

What you need to know about receiving calls sent through Blackboard Connect:

- Caller ID will display LWASE for announcements regarding the closing or delayed start of school.
- Be sure to say "Hello" when you answer the phone. The technology must hear a voice to deliver.
- Blackboard Connect will leave a message on any answering machine or voicemail.

We are very pleased to incorporate Blackboard Connect as a tool to enhance parent communication.

Information regarding the closing of any of the Lincoln-Way Area Special Education schools, including the Pioneer Grove Educational Center and Martin P. Mackay Education Center, will also be found on the Lincoln-Way Area Special Education website:

www.lwase843.org

Provision When District 843 Suspends IEP Designated Transportation

District 843 is responsible for providing transportation to certain special education students in accordance with the service listed on that student's IEP. If, for some reason, it is not possible for District 843 to

provide such transportation on a specific day basis, i.e., first and/or last day of the regular school year, because of various scheduling and safety reasons, the following will occur:

- 1.) The parent(s)/guardian(s) of the student will be notified of this situation in writing as far in advance of the day of occurrence as possible.
- 2.) If the parent(s)/guardian(s) choose to transport their child to and from school on that day, they may request reimbursement for their mileage costs or other reasonable cost to the parent for transporting. Mileage cost will be equal to IRS allowable cost on the day of transportation.
- 3.) The request for reimbursement shall be made in writing to the:

Director of Special Education
Lincoln-Way Area Special Education
601 Willow Street
Frankfort, IL 60423

- 4.) This request should include the actual mileage to and from the student's home and school, or if other transportation was provided, a receipt for the cost of the other transportation.

Whenever there are questions concerning the transportation service, please call the Lincoln-Way District 843 Transportation office (815.485.7611), or the Lincoln-Way Area Special Education Administration office (815.806.4600).

Regular Service Transportation Policies

Students eligible for district general education bus transportation services are expected to follow all district bus rules, procedures, and consequences for riding the district bus. When suspension from general education transportation is warranted as a behavior intervention, the school process for student suspension shall be followed. Written notification of the incident leading to the suspension shall be provided to the parent. This notice shall include the right of the parent to request a hearing concerning the suspension.

In the event a student loses district bus privileges for an aggregate of 5 days, an IEP staffing shall be convened to discuss the student's behavior, current bus behavior management plan, and continued appropriateness for general education transportation services.

Electronic Recordings on School Buses - District 843 Policy 7:220

Electronic visual and audio recordings may be used on school buses to monitor conduct and to promote and maintain a safe environment for students and employees when transportation is provided for any school related activity. Notice of electronic recordings shall be displayed on the exterior of the vehicle's entrance door and front interior bulkhead in compliance with State law and the rules of the Illinois Department of Transportation, Division of Traffic Safety.

Students are prohibited from tampering with electronic recording devices. Students who violate this policy shall be disciplined in accordance with the Board's discipline policy and shall reimburse the Cooperative for any necessary repairs or replacement.

EXPLANATION OF PROCEDURAL SAFEGUARDS

Available to Parents/Guardians of Students with Disabilities

As the parent/guardian of a student or adult student with a disability who is receiving or may be eligible to receive special education and related service, you have rights which are safeguarded by state and federal law. The rights to which you are entitled are listed below. A full explanation of these rights is available from your child's school district. Please review this document carefully and contact the district if you have questions or need additional clarification regarding your child's services or the procedural safeguards available to you.

The notice of your procedural safeguards must be made available to you only one time a year, except that a copy also must be given upon an initial request for an evaluation, a receipt of the first written complaint or first due process complaint to the Illinois State Board of Education, upon a disciplinary removal that constitutes a change in placement, or upon request.

Additional information regarding your rights is available on the ISBE website: www.isbe.net/spec-ed/ in a document entitled, "Parent's Guide - The Educational Rights and Responsibilities: Understanding Special Education in Illinois."

PRIOR WRITTEN NOTICE

The local district is required to provide you with prior written notice:

- When the district proposes to initiate or change the identification, evaluation, educational placement or the provision of a free, appropriate public education to your child; or
- When the district refuses to initiate or change the identification, evaluation, educational placement or the provision of a free, appropriate public education to your child; or
- One year prior to your child reaching the age of majority (18 years of age). All educational rights transfer from parent(s)/guardian(s) to the student unless determined otherwise.

The written notice must be provided at least 10 days prior to the proposed or refused action and must include:

- A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take action, and a description of any other options the district considered and the reasons why those options were rejected;
- A description of each evaluation procedure, test, record or report the district used as a basis for the proposed or refused action;
- A description of any other factors which are relevant to the district's proposal or refusal;
- A statement that you have due process rights and, if the notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained; and
- Sources for you to contact to obtain assistance in understanding your due process rights.

The notice must be written in language understandable to the general public and provided in the native language or other mode of communication used by you, unless it is clearly not feasible. If your native language or other mode of communication is not a written language, the local district shall take steps to ensure that: (a) the notice is translated orally or by other means to you in your native language or other mode of communication, (b) that you understand the content of the notice, and (c) that there is written evidence that these requirements have been met.

PARENTAL CONSENT

Your informed consent indicates that you were given all the relevant information in your native language or other mode of communication. It also indicates that you understand and agree in writing to the activity. The local district must obtain your informed consent (using state-mandated forms) in the following instances:

- Initial Evaluation - Conducting an initial evaluation to determine eligibility for special education services,
- Initial Services/Placement - Initially providing special education and related services to your child, or
- Reevaluation - Reevaluating your child.

Other consents which are not part of these mandated forms include consent to access insurance benefits, consent to use the IFSP in place of an IEP, and consent to release your child's records. Additionally, a local school district may not require your consent as a condition of any benefit to you or your child except for the services or activity for which consent is required.

If your child is a ward of the state and does not reside with you, the district shall make reasonable efforts to obtain your informed consent for an initial evaluation. However, the district shall not be required to obtain your informed consent, if despite reasonable efforts to do so, the agency cannot discover your whereabouts; your rights have been terminated in accordance with Illinois law; or, your rights to make education decisions have been removed by a judge in accordance with Illinois law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

Your consent is not required before your school district reviews existing data as part of an evaluation or reevaluation or before your school district administers a test or other evaluation that is administered to all children, unless before that test or evaluation, consent is required from the parents of all children.

ABSENCE OF PARENTAL CONSENT

Certain conditions are applicable if you refuse to provide consent for the following:

- Initial Evaluation - If you do not provide consent for an initial evaluation or fail to respond to a request to provide consent, the district may, but is not required to, pursue having an initial evaluation conducted using mediation and/or due process hearing procedures.

If a due process hearing is held, a hearing officer may order the school district to proceed in conducting an initial evaluation without your consent. This is subject to your right to appeal the

decision and to have your child remain in his/her present educational placement pending the outcome of any administrative or judicial proceeding.

- Initial Services/Placement – If you refuse to provide consent for the initial provision of special education and/or related services, the district will not provide these services. Furthermore, the district may not pursue mediation or due process procedures in order to obtain a ruling that services may be provided.

In the event that you refuse to consent to the initial provision of special education and/or related services, the district will not be considered to be in violation of its requirement to make a free appropriate public education (FAPE) available to your child. Nor is the district required to convene a meeting to develop an IEP for your child.

- Reevaluation – If you refuse to provide consent for a reevaluation, the school district may, but is not required to, pursue override procedures through mediation or a due process hearing. However, the school district may pursue the reevaluation if it made reasonable efforts to obtain your consent and you failed to respond. If the school district chooses not to pursue such procedures, the school district is not in violation of providing a free appropriate public education to your child.

REVOCAION OF CONSENT

If your child is currently receiving special education and related services, you have the right to revoke your consent for such services at any time. You may revoke consent either orally or in writing. Within 10 calendar days after the School District's receipt of oral or written revocation of consent, the School District will provide the Parent with prior written notice at which time all IEP services shall cease. The School District will promptly inform all staff members whose activities are affected by the revocation.

Once services have ceased, your child will be considered a general education student. All rights and responsibilities previously held by your child (as described in this document), including special education disciplinary protections, will also cease.

NOTE: The effect of your revocation will result in a complete termination of all special education and related services to your child. However, if you are in a disagreement with the type or amount of services your child is receiving, but believe that your child should continue to receive special education and related services, please review the sections, "Complaint Resolution", "Mediation", and "Due Process Hearing" for a discussion of your rights in the case of a disagreement over services.

PARENT PARTICIPATION IN MEETINGS

You must be afforded the opportunity to participate in meetings regarding the identification, evaluation, eligibility, reevaluation, and educational placement of your child. In order to ensure your participation, the school district must provide you with ten day written notice of the meeting. The notice must inform you of the purpose and a mutually agreeable place and time for the meeting and who will be in attendance. The notice for the IEP meeting must also include a statement that you have the right to invite individuals with special knowledge or expertise about your child to attend the IEP meeting with you.

As a parent, you are an important member of your child's IEP team and are encouraged to be involved in meetings where decisions are made regarding the educational placement of your child. However, if you

cannot attend the meeting, the school district must use other methods to ensure your participation, including individual or conference telephone calls. Decisions about your child's services and placement can be made by the IEP team even if you do not attend the meeting, but the district must maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting that includes things such as detailed telephone calls made or attempted and the results of those calls, copies of correspondence sent to you and any responses received, or detailed records of visits made to your home or workplace and the results of those visits.

For a child beginning at age 14½, or younger if determined appropriate by the IEP team, the notice must indicate that one purpose of the meeting will be the development of a statement of the transition service needs of your child and that the school district will invite your child to the meeting and indicate any other agency that will be invited to send a representative to the meeting. The district must take whatever action is necessary to ensure that you and your child understand the proceedings at a meeting, which may include arranging for an interpreter if you or your child is deaf or your native language is not English.

The IEP team must meet at least once a year and must have an IEP for your child in effect by the beginning of each school year. After the annual meeting, you and the school may agree not to convene an IEP meeting for the purpose of amending your child's IEP, and instead may amend or modify the IEP through a written document. The IEP team members must be informed of the changes. At any time, you may request an IEP meeting to be held at a time convenient for both you and the school.

EVALUATION PROCEDURES

Your school district must use a variety of evaluation tools and strategies when conducting an evaluation of your child. The evaluation must assess your child in all areas related to the suspected disability. The school district must use technically sound instruments and procedures that are not biased against your child because of race, culture, language, or disability. The materials and procedures must be provided and administered in the language and form most likely to provide accurate information on what your child knows and can do.

Initial Evaluation

Either you or the school district may initiate a request for an initial evaluation of your child. If it is determined that an evaluation is necessary, the district must complete the evaluation within 60 school days of receiving your written consent.

The evaluation must be conducted by a team of qualified individuals and include your input. Your child will not be determined to be a child with a disability if lack of appropriate instruction in reading, math, or limited English proficiency are judged to be determinant factors.

Reevaluation

At least every three years after the initial evaluation, the school must reevaluate your child, unless you and the school agree a reevaluation is unnecessary.

Independent Educational Evaluation

An *independent educational evaluation* means an evaluation conducted by a qualified person who is chosen by you and is not employed by your school district.

You have the right to obtain an independent educational evaluation at public expense if you disagree with an evaluation obtained by the local district. When you request the school district pay for an independent educational evaluation, the school must either pay for it or request a due process hearing without unnecessary delay to show that its evaluation is appropriate. The school district may ask you why you object to its evaluation, but cannot unreasonably delay or deny the evaluation by requiring you to explain your disagreement.

If the district agrees to pay for the independent educational evaluation, it must provide to you, upon your request, information about where an independent educational evaluation may be obtained. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the district uses when it initiates an evaluation.

If the district initiates a due process hearing and the hearing officer orders an evaluation, the cost of the evaluation must be at public expense. If the final decision of the hearing officer is that the district's evaluation is appropriate, you still have the right to an independent educational evaluation, but at your own expense.

If you obtain an independent educational evaluation at private expense, the results of the evaluation must be considered by the district in any decision made with respect to the provision of a free, appropriate public education for your child. You may also present the independent educational evaluation as evidence in a due process hearing.

PRIVATE SCHOOL PLACEMENTS

This section describes your child's rights when you voluntarily place him/her in a private school/facility.

Private School Placements When FAPE is Not an Issue

All children with disabilities residing in the State, who are in need of special education and related services, including children attending private schools, must be located, identified, and evaluated. This process, called *Child Find*, is the responsibility of the public school district where your child's private or home school is located. If your child is determined eligible for special education services, *Child Find* includes the right to a three-year reevaluation. The rights described in this document related to identification and evaluation apply even when you place your child in a private school/facility.

However, when you choose to place your child with a disability in a private school, your child does not have a right to receive any of the special education or related services he or she would receive if enrolled in the public school. Some special education services may be available to your child while enrolled in the private school, but the type and amount will be limited by how the public school where your child's private school is located decides to serve private school students. The school's decision is made after consulting with representatives of private schools and a representative group of parents of private school children with disabilities. The school determines how to use the limited federal funds that are designated for private school services. If a public school elects to provide any type of service to your child, then a *services plan* must be developed. The services plan includes goals and those elements of a traditional IEP that are appropriate for your child and the services to be provided.

Private School Placements When FAPE Is an Issue

If you enroll your child in a nonpublic elementary or secondary school due to your belief that a free, appropriate public education was not being provided, the following may be applicable:

- A court or hearing officer may require the district to reimburse you for the cost of that enrollment if it is found that the district did not make a free, appropriate public education available in a timely manner prior to that enrollment.

The amount of reimbursement awarded by the hearing officer may be reduced or denied:

- If, at the most recent IEP meeting you attended prior to the removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the district, including stating your concerns and intent to enroll your child in a nonpublic school or facility;
- If 10 business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, you did not give notice to the district of the information mentioned above;
- If prior to your removal of your child from the public school, the school district informed you of its intent to evaluate your child but you did not make him/her available for such evaluation; or
- Upon a judicial finding of unreasonableness with respect to actions taken by you.

The cost of reimbursement may **not** be reduced or denied for failure to provide such notice if:

- A parent/guardian cannot read and write in English;
- Compliance with the notice requirements would likely result in physical or serious emotional harm to your child;
- The school prevented you from providing such notice; or
- You were not made aware of the notice requirement mentioned above.

DISCIPLINE OF STUDENTS WITH DISABILITIES

If your child's behavior impedes his/her learning or the learning of others, strategies including positive behavioral interventions and supports, must be considered in the development of your child's IEP.

Short Term Removals (10 Days or Less at a Time)

If your child violates the student code of conduct, school personnel may remove him/her from the current placement for ten (10) days or less in a school year. The school district is not required to provide educational services during these removals unless services are provided to students without disabilities under similar circumstances.

Long Term Removals

Removals totaling ten (10) days or more in a school year may or may not constitute a change in placement, depending upon the pattern of those removals and based on factors such as the length of each

removal, the total amount of time your child is removed in a school year and the length of time between each removal.

Once the disciplinary removals total more than 10 school days, the school district must continue to provide educational services. School personnel, in consultation with at least one of your child's teachers, must determine the extent to which services are needed so as to enable your child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the IEP during the removals.

Disciplinary removals beyond a total of ten school days during the school year may be considered a change in placement by school officials. If this occurs, the school district must notify you of its decision and provide you with a copy of the procedural safeguards on the same day that the decision to remove is made. School personnel, in consultation with at least one of your child's teachers, must determine the extent to which services are needed during the period of removal. Your child shall receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur. Additionally, an IEP meeting must be convened as soon as possible, but no later than ten (10) school days after the decision to remove in order to conduct a manifestation determination review.

Manifestation Determination Review (MDR)

When conducting a manifestation determination review, the IEP team shall consider all relevant information in your child's file, including your child's IEP, staff observations, and any relevant information supplied by you. The IEP team determines:

- If the behavior was caused by or had a direct and substantial relationship to your child's disability, or
- If the behavior was the direct result of the school district's failure to implement your child's IEP. If the team determines that either of the above statements is applicable, then your child's behavior must be considered a manifestation of his/her disability.

A. Manifestation of the Disability

Upon determination that the behavior was a manifestation of your child's disability, the IEP team shall:

- Conduct a functional behavioral assessment and implement a behavioral intervention plan, provided that the school district had not already conducted such an assessment prior to the determination of the behavior that resulted in change of placement,
- In the situation where a behavioral intervention plan is in place, review the behavioral intervention plan and/or modify the plan as necessary to address the behavior; and
- Return your child to the placement from which he/she was removed, unless you and the school district agree to a change of placement, except when the student has been removed to an interim alternative education setting for drugs, weapons and/or serious bodily injury (see below for more information on interim alternative educational setting).

B. Not a Manifestation of the Disability

If it is determined that the behavior of your child was not related to his/her disability, pertinent disciplinary procedures may be applied in the same manner they would be for students without disabilities—**except** that students with disabilities must continue to receive a free appropriate public education if removed for more than 10 school days in that school year.

If the local district initiates pertinent disciplinary procedures that apply to all students, the district must ensure that special education and disciplinary records of your child are transmitted for consideration by the person(s) making the final determination about the action.

Expedited Due Process Hearing

If you disagree with any decision regarding disciplinary placement or the manifestation determination review, you have the right to request an expedited due process hearing. The local district or ISBE must arrange for an expedited hearing when you make a request in writing.

Additionally, if the school district believes that maintaining your child in his or her current placement is substantially likely to result in injury to your child or to others, the school may request an expedited due process hearing to change your child's placement to an interim alternative educational setting. The hearing officer may order the placement even if your child's behaviors are a manifestation of his or her disability.

The expedited hearing must occur within 20 school days of the date the hearing is request and must result in a determination within 10 school days after the hearing.

Interim Alternative Educational Setting (IAES)

An interim alternative educational setting is a different location where educational services are provided for a specific time period for disciplinary reasons. This setting will be determined by the IEP team and must be selected so as to enable your child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications including those described in the current IEP that will enable him or her to meet IEP goals. The alternative setting must also include services and accommodations to address the behavior which resulted in the removal.

School personnel may remove your child from his/her current education placement to an interim alternative educational setting without your consent if he/she:

- Carries a weapon to school or to a school function,
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school or at a school function, and/or
- Has inflicted serious bodily injury upon another person while at school or at a school function.

Removal to an interim alternative educational setting shall not be more than 45 school days without regard to whether the behavior is determined to be a manifestation of his/her disability.

If you disagree with the decision and request an expedited due process hearing to challenge the decision, your child will remain in the interim alternative educational setting during the pendency of the hearing unless you and the school district agree otherwise or until the 45 school day time period expires. A school

district may seek subsequent expedited hearings and alternative placements if after the first 45 school day term has expired the school district believes your child is still dangerous.

Protections for Students Not Yet Eligible for Special Education and Related Service

If your child has not been found eligible for special education but the district has knowledge that your child is disabled before a behavior occurred for which disciplinary action is being taken, you may assert the same protections in discipline afforded to a student with a disability.

The school district is considered to have knowledge of a disability if:

- you have expressed concerns in writing (or orally if a parent/guardian cannot read or write) that your child needs special education and related services,
- your child's behavior or school performance shows the need for special education,
- you have requested an evaluation to determine if your child needs special education, or
- one of your child's teachers or other district staff has made a request for special education services to the special education director or other appropriate district personnel.

The school district is not considered to have knowledge of a disability if:

- you have not allowed an evaluation of your child,
- you have refused services,
- an evaluation was conducted and it was determined that your child does not have a disability, or
- it was determined that an evaluation was not needed and you were informed in writing of the determination.

If, prior to taking disciplinary action against a student, the local district had no knowledge that the student was a student with a disability, the student may be subjected to the same disciplinary procedures as those applied to students without disabilities who engaged in comparable behaviors.

An evaluation requested during the time period in which the student is subjected to disciplinary procedures must be conducted in an expedited manner. However, the student must remain in the educational placement determined by school authorities pending results of the evaluation. If the student is determined to be a student with a disability based on the evaluation, the local district must provide appropriate special education and related services.

Referral to and Action by Law Enforcement and Judicial Authorities

Local districts or other agencies are not prohibited from reporting a crime committed by a student with a disability to appropriate authorities. In addition, state law enforcement and judicial authorities are not prevented from exercising their responsibilities regarding the application of federal and state law to crimes committed by a student with a disability.

Local districts or other agencies reporting a crime committed by a student with a disability must ensure that copies of the special education and disciplinary records of the student are transmitted to the appropriate authorities for their consideration.

COMPLAINT RESOLUTION

Concerns with respect to any matter relating to the identification, evaluation or educational placement of a student or the provision of a free, appropriate public education to a student should be directed to the local school district.

You may file a signed, written complaint with the ISBE, alleging that the rights of your child or several children with disabilities have been violated. The following information must be included in a formal complaint:

- A statement alleging the violation(s) and the facts on which the statement is based.
- The names and addresses of the involved students and schools of attendance.
- The signature and contact information for the complainant.
- A proposed resolution for the problem.

The complaint must allege that the violation occurred not more than one year prior to the date on which the complaint is received. Upon receipt of a valid complaint, the ISBE will:

- Give you an opportunity to submit additional information regarding the allegations.
- Provide the district with the opportunity to offer a proposal to resolve the complaint and offer to engage the parent in mediation or alternative means of dispute resolution.
- Review all relevant information and make a determination as to whether the district violated a special education requirement.
- Issue a written decision which addresses each allegation and includes findings of fact and conclusions, the reasons for the ISBE's decisions and orders for any correction actions.

These actions will be conducted within a 60-day timeline, unless that time limit is extended under exceptional circumstances or if you and the district engage in another method of dispute resolution, such as mediation.

If a complaint is filed involving one or more issues that are also the subject of a due process hearing, those portions of the complaint will be held in abeyance pending the completion of the hearing. In addition, if an issue has been previously decided in a due process hearing involving the same parties, the decision from the hearing will be binding and that issue will not be investigated through the complaint process.

MEDIATION

Illinois' mediation service is designed as a means of resolving disagreements regarding the appropriateness of special education and related services to children. You may request mediation whether

or not there is a pending due process hearing, but mediation cannot be used to delay or deny a due process hearing. Both you and the school district must *voluntarily* agree to participate in the mediation process. This service is administered and supervised by the ISBE and is provided at no cost to either you or the school district.

The mediation will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and is knowledgeable in laws and regulations relating to the provision of special education and related services. The mediator is an impartial third party and has no authority to force any action by either party.

The number of participants shall generally be limited to three persons per party. You may bring an attorney, advocate, interpreter, and other relevant parties. All discussions that occur during the mediation process shall be confidential and may not be used as evidence in *any subsequent due process hearing or civil proceeding*.

You will not be asked to abandon basic beliefs about your child's ability during mediation; rather you will be asked to: (a) consider alternatives which could be included in your child's program, (b) listen to the concerns expressed by the other party, and (c) be realistic about your child's capabilities and the local district's obligations and resources.

If you resolve a dispute through the mediation process, an agreement will be written and signed by both you and a representative of the school district who has the authority to bind such agreement. Mediation agreements are legally binding and enforceable in any state court of competent jurisdiction or in a district court of the United States.

Efforts to mediate the disagreement will not be admissible as evidence at any subsequent administrative or civil proceeding except for the purpose of noting the mediation which did occur and the terms of any written agreement(s) which were reached as a result of mediation. The mediator may not be called as a witness at *any subsequent administrative or civil proceeding*.

If you wish to request mediation services or to learn more about the mediation system, you may contact the Division of Special Education Services, Illinois State Board of Education, at 217/782-5589 or toll-free for parents at 866/262-6663.

DUE PROCESS HEARING

Requests for a Due Process Hearing

In addition to the use of mediation and the state complaint procedures, you also have the right to request an impartial due process hearing. A due process hearing is a legal process in which a hearing officer gathers evidence and hears testimony from both you and the school district in order to make a legally binding decision. Either you or the school district may initiate a due process hearing regarding the district's proposal or refusal to initiate or change the identification, evaluation, or educational placement of a student or the district's provision of a free, appropriate public education.

A request for a hearing must be made in writing to the superintendent of the district in which you and your child reside and must include the following information:

- The name and address of the student;

- The name of the school attended;
- A description of the nature of the problem about which you are complaining that relates to the proposed initiation or change, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the parent at the time.

Within 5 school days of receipt of the request for a hearing, the district will contact ISBE by certified mail to request the appointment of an impartial due process hearing officer. A model form for requesting a due process hearing shall be made available upon request.

Within 5 calendar days of filing your hearing request with the district, you are permitted the right to file an amended hearing request that may cover issues that were not raised in your initial hearing request. After 5 calendar days, you will only be allowed to file an amended hearing request with the agreement of the district, or with the authorization of the hearing officer. If you file an amended hearing request that raises issues other than issues in your initial hearing request, you will be required to restart all hearing timelines and potentially complete new resolution sessions and prehearing conferences (see below).

Resolution Meetings

Prior to the impartial due process hearing, the district will convene a meeting with you and relevant members of the IEP Team who have specific knowledge of the facts identified in the request for a due process hearing. The purpose of the resolution meeting is for you to discuss your request for the hearing and the facts that form the basis of the request so that the school district has the opportunity to resolve the dispute.

The resolution meeting shall:

- Be conducted within 15 days of receiving the district's notice of the request for a due process hearing;
- Include a representative of the district who has decision-making authority;
- Not include district attorney unless you are also accompanied by an attorney;
- Allow you to discuss your request for a due process hearing.

You and the district may mutually agree in writing to waive the resolution meeting or agree in writing to use the mediation process as described above. Please note that you may use mediation at a later date if the resolution session proves unsuccessful.

If a resolution is reached, the parties must execute a legally binding agreement that is signed by both you and a representative of the district who has the authority to bind the district. The signed agreement is normally enforceable in any State court of competent jurisdiction or in a district court of the United States. However, either party may void such agreement within three (3) business days of signing the agreement by providing notice of the intent to void the agreement in writing to the other party.

If the school district has not resolved the request for due process hearing to your satisfaction within thirty (30) days of the receipt of the request, the due process hearing will continue. The due process hearing timelines will begin at the expiration of the 30 day period.

Except where you and the school district have jointly agreed to waive the resolution meeting or to use mediation and where you have filed the request for due process hearing, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held. In rare instances, a hearing officer could dismiss your hearing request if it is determined that you have intentionally hindered the district's ability to conduct the resolution session.

Appointment of an Impartial Due Process Hearing Officer

An impartial hearing officer will be appointed by ISBE to conduct the hearing. The hearing officer cannot be an employee of any agency involved in the education or care of your child and cannot have any personal or professional interest that would conflict with objectivity in the hearing.

A party to a due process hearing will be permitted one substitution of a hearing officer as a matter of right. A request for a substitute hearing officer must be made in writing to ISBE within 5 days after you receive notification of the hearing officer's appointment. In the event that you and the district submit written requests on the same day and these are received simultaneously, ISBE will consider the substitution to have been at the request of the party initially requesting the hearing. The right of the other party to a substitution will be absolutely protected. When a party to the hearing submits a proper request for substitution, ISBE will select and appoint another hearing officer at random within 3 days.

When the appointed hearing officer is unavailable or removes himself/herself before the parties are notified of his/her appointment, ISBE will appoint a new hearing officer.

Pre-hearing Conference

If you and the district are unable to reach an agreement through the resolution process, the due process hearing requirements shall proceed. Unless a permissible extension of time is granted by the hearing officer, a hearing decision must be rendered within 45 days after the close of the resolution session process described above. Prior to conducting the hearing, the hearing officer must conduct a prehearing conference with the parties.

Within 5 days after receiving written notification by ISBE, the appointed hearing officer must contact the parties to determine a time and place to convene the pre-hearing conference. The prehearing conference may be conducted by telephone or in-person at the discretion of the hearing officer in consultation with the both you and the district. At the prehearing conference, you, as well as the district, will be expected to disclose the following:

- 1) The issues believed to be in dispute at the hearing;
- 2) The witnesses that may be called at hearing;
- 3) The list of documents that may be submitted to present the case at hearing.

Please note that if you raise issues at the prehearing conference that were not included in your hearing request, you may be required to submit an amended hearing request and to complete a new resolution

session and prehearing conference at a later date. An amended hearing request may also result in a delay of the hearing. (See above, “Requesting a Due Process Hearing”.)

At the conclusion of the prehearing conference, the hearing officer must prepare a report of the conference and enter it into the hearing record. The report must include, but need not be limited to:

- The issues, the order of presentation, and any scheduling accommodations that have been made for the parties or witnesses;
- A determination of the relevance and materiality of documents or witnesses, if raised by a party or the hearing officer; and
- A listing of the stipulated (or agreed) facts as discussed during the pre-hearing conference.

Rights Prior to the Hearing

You have the right to:

- Be accompanied and advised by counsel and by individuals with special knowledge with respect to the problems of students with disabilities;
- Inspect and review all school records pertaining to the student and obtain copies of any such records;
- Have access to the district’s list of independent evaluators and obtain an independent evaluation of the student at your own expense;
- Be advised at least 5 days prior to the hearing of any evidence to be introduced;
- Compel the attendance of any local school district employee at the hearing, or any other person who may have information relevant to the needs, abilities, proposed program, or the status of the student;
- Request that an interpreter be available during the hearing;
- Maintain the placement and eligibility status of the student until the completion of all administrative and judicial proceedings; and
- Request an expedited hearing to change the placement of your child or if you disagree with the district’s manifestation determination or the district’s removal of the student to an interim alternative educational setting.

Rights During the Hearing

You have the right to:

- Have a fair, impartial, and orderly hearing;
- Have the opportunity to present evidence, testimony, and arguments necessary to support and/or clarify the issue in dispute;
- Close the hearing to the public;
- Have your child present at the hearing;

- Confront and cross-examine witnesses; and
- Prohibit the introduction of evidence not disclosed at least 5 days prior to the hearing.

The Hearing

ISBE and the hearing officer must ensure that a hearing is held within 45 days after receipt of a request for a hearing, unless the hearing officer grants a specific time extension at the request of either party. Within 10 days after the conclusion of the hearing, the hearing officer must issue a written decision which sets forth the issues in dispute, findings of fact based upon the evidence and testimony presented, and the hearing officer's conclusions of law and orders. The hearing officer must make a determination about all issues raised in the hearing request (unless settled by the parties prior to hearing) as well as the overall determination of whether the district has provided the student a free appropriate public education based on the facts of the case.

Expedited Hearings

As described above (see "Discipline of Students with Disabilities") an expedited hearing may be requested when you have a disagreement about the district's decision to remove your child from the current educational placement due to disciplinary issues. Expedited hearings have a number of similarities with, but several major differences from, regular due process hearings. The principal differences with regular due hearings are the following:

- The resolution session must be convened within seven (7) calendar days of the filing of the expedited hearing request;
- The hearing must be conducted within 20 school days of the filing of the hearing request;
- The hearing decision must be rendered within 10 school days of the close of the hearing;
- No substitution of the appointed hearing officer may be requested.

Request for Clarification

After a decision is issued, the hearing officer will retain jurisdiction over the case for the sole purpose of considering a request by either party for clarification of the final decision. You may request clarification of the final decision, by submitting the request in writing to the hearing officer within 5 days after receipt of the decision. The request for clarification must specify the portions of the decision for which you seek clarification. A copy must be mailed to all parties involved in the hearing and to ISBE. The hearing officer must issue a clarification of the specified portion of the decision or issue a denial of the request in writing within 10 days of receipt of the request.

Appealing the Decision

Following a due process hearing, a party dissatisfied with the hearing officer's final order has the right to initiate a civil action. Civil action can be brought in any State court of competent jurisdiction, or a United States District Court within 120 days after a copy of the decision is mailed to the parties. Procedures for filing such actions are available from the office of the clerk for the court in which the filing is to be made.

Stay of Placement

During a pending due process hearing or any judicial proceeding, your child must remain in his/her present educational placement with the eligibility status and special education and related services that were provided at the time of the filing of the hearing request. However, if the district changed the student's placement in response to a disciplinary incident and this placement is subject to an expedited hearing, the district's new placement will be maintained pending the final decision in the expedited hearing. (Please see above, "Discipline of Students with Disabilities.")

Award of Attorneys' Fees

In any action or proceeding brought under the Individuals with Disabilities Education Act, a court of competent jurisdiction may award reasonable attorneys' fees. Attorneys fees are fees incurred by your attorney (this does not include an unlicensed advocate or other non-attorney representative) in connection with his or her representation of your interests in the due process hearing proceedings. A court may award such fees:

- To the parent or guardian of a student with disabilities who is the prevailing party;
- To the prevailing party who is a State educational agency or district against the attorney of a parent who files a complaint or subsequent case of action that is frivolous, unreasonable, or without foundation;
- To a prevailing State educational agency or district against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay or to needlessly increase the cost of litigation.

Fees awarded shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. Attorney fees may be reduced by the court based on a number of factors including unreasonable rates charged, unnecessarily protracted proceedings, or the existence of a settlement agreement between the parties. You are urged to discuss these matters with your attorney.

EDUCATIONAL SURROGATE PARENTS

A local school district must make reasonable attempts to contact the parent of a child who has been referred for, or is in need of, special education and related services. If the parent cannot be identified or located or the child is a ward of the state residing in a residential facility, an educational surrogate parent must be appointed by ISBE to ensure the educational rights of the child are protected. If the child is a ward of the state, a surrogate parent may alternatively be appointed by the judge overseeing the child's care. In the case of an unaccompanied homeless student, the district will appoint a surrogate parent. A child residing in a foster home or relative caretaker setting no longer requires the appointment of an educational surrogate parent. The foster parent or relative caretaker will represent the educational needs of each child placed in his/her home.

If your school appointed you to be a surrogate parent, all of the rights explained in this document belong to you. You may not be an employee of a public agency which is involved in the education or care of the child, may have no conflict of interest with the child, and must have the knowledge and skills necessary to ensure adequate representation of the child. If you are an employee of a residential facility, you may be

selected as an educational surrogate parent for a child residing in that facility if that facility only provides non-educational care for the child.

As an educational surrogate parent, you may represent the child in all matters relating to the identification, evaluation, educational placement and the provision of a free, appropriate public education.

EDUCATIONAL RECORDS

A local district is responsible for protecting the confidentiality of your child's educational records. As a parent, you have a right to inspect and review any educational records relating to your child which are collected, maintained or used by the district. The district shall comply with a request to review the educational record without unnecessary delay and before any meeting relating to the identification, evaluation, or placement of the student and, in no case, more than 15 school days after the request has been made. The right to inspect and review educational records includes:

- The right to a response from the school district to reasonable requests for explanations and interpretations of the records;
- The right to have your representative inspect and review the records; and
- The right to request that the school district provide copies of education records if failure to provide those copies would effectively prevent you from exercising your right to inspect and review the records at a location where they are normally maintained.

A local school district may presume that you have authority to inspect and review records relating to your child unless the school district has been advised that you do not have the authority under applicable state law governing such matters as guardianship, separation and divorce.

If any education record includes information on more than one student, you will be allowed to review only the information relating to your child or to be informed of that specific information.

A local school district must provide you, upon request, a list of the types and locations of the educational records collected, maintained or used by the district.

Fees for Searching, Retrieving, and Copying Records

A local school district may not charge a fee to search for or retrieve information. However, a local school district may charge a fee of not more than \$.35 per page of the record which is copied if the fee does not effectively prevent you from exercising your right to inspect and review those records.

Record of Access

A district may only release information with your consent unless otherwise allowed by state or federal law. A local school district must keep a record of parties obtaining access to educational records collected, maintained or used (except for parents and authorized employees of the local district), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Amendment of Records at Parent's Request

If you believe that information in your child's records are inaccurate or misleading or violates your child's rights, you may ask the school district to amend the record. The local school district must decide whether to amend the information within 15 school days from the date of receipt of your request. If the district refuses to amend the information in accordance with the request, it must inform you of the refusal and advise you of your right to a records hearing as set forth below.

The school district must, upon request, provide you with an opportunity for a records hearing to challenge information in your child's records. This is not a due process hearing and is not held before a hearing officer appointed by ISBE; rather it is a hearing held at the local level.

If, as the result of a records hearing, it is decided that the information is inaccurate, misleading or violates your child's rights, the school district must amend the information and inform you in writing that it has done so.

If, as a result of the records hearing, it is decided that the information is not inaccurate, misleading or violates your child's rights, the school district must inform you of your right to place a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school district. Any explanation placed in the records of your child must be maintained by the school district as part of your child's records for as long as the record or contested portion is maintained by the school district. If the records are disclosed by the district to any party, the explanation must also be disclosed.

TRANSFER OF PARENTAL RIGHTS

At the age of 18, your child becomes an adult student. All of the parental rights discussed in this document will transfer to him/her at that time, unless the school district is notified otherwise. You will share the right to receive all of the required prior written notices and the school will provide these notices to both you and your child.

On or before your child's 17th birthday, the IEP must include a statement that you and your child were informed that these rights will transfer at the 18th birthday. Additionally, at this meeting you will receive a *Delegation of Rights to Make Educational Decisions* form.

Your child may decide to use this form to delegate you or another individual to represent his/her educational interests upon his or her reaching the age of majority. This form must then be presented to the local school district.

The Delegation of Rights form must identify the individual designated to represent your child's educational rights and include both the individual's signature as well as your child's signature (or by other means, such as audio or video format compatible with his/her disability). Your child may terminate the Delegation of Rights at any time and begin making his/her own educational decisions. The Delegation of Rights will remain in effect for one year after signing it and may be renewed annually.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

FERPA is a federal law that protects the privacy interests of students. It affords the parents the right to access and amend their children's education records, and gives them some control over the disclosure of the information in these records. FERPA generally prevents an education agency or institution from

sharing student records, or personally identifiable information in these records, without the written consent of a parent.

Notification of Rights for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students” certain rights with respect to the student’s educational records. These rights are:

1. The right to inspect and review the student’s educational records within 45 days of the day the School receives a request for access.
Parents or eligible students should submit to the School principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student’s educational records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should write the School principal (or appropriate school official), clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to privacy of personally identifiable information in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the School discloses educational records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer. (NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.)

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520

Notice for Directory Information

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Lincoln-Way Area Special Education, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child’s education records. However, Lincoln-Way Area Special Education may disclose appropriately designated “directory information” without written consent, unless you have advised the Cooperative to the contrary in accordance with Cooperative procedures. The primary purpose of directory information is to allow Lincoln-Way Area Special Education to include this type of information from your child’s education records in certain school publications. Examples include:

- ◆ A playbill, showing your student’s role in a drama production;
- ◆ The annual yearbook;
- ◆ Honor roll or other recognition lists;
- ◆ Graduation programs; and
- ◆ Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories—names, addresses and telephone listings—unless parents have advised the LEA that they do not want their student’s information disclosed without their prior written consent.¹

Illinois State Board of Education
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¹ These laws are: Section 9528 of the elementary and Secondary Education Act (20 U.S.C. § 7908), as amended, and 10 U.S.C. § 503©, as amended.