

INVESTIGATION REPORT FOR ROCHESTER CUSD 3A

Submitted by Merry Rhoades
TUETH KEENEY COOPER MOHAN & JACKSTADT, P.C.
Submitted: October 22, 2024

INTRODUCTION

The Board of Education of the Rochester Community Unit School District No. 3A (Board of Education) retained this Firm to investigate allegations that several members of the Rochester Community Unit School District No. 3a (“District”) football team engaged in behaviors that potentially violated policies, including provisions within the Parent-Student handbook, as adopted by the Board of Education. This document is a report of our findings.

PROCEDURAL BACKGROUND

On Friday, September 27, 2024, Dan Cox, Superintendent of Schools, received a report from a parent regarding “an allegation of hazing that occurred on the high school football team. The incident was reported to have occurred Thursday, 9/26 at a gathering of the players known as “bleachers.” During this gathering, the student-athlete was reported to have been shot with an airsoft gun, leaving welts that broke the skin in some instances.” Based on this report, Board of Education legal counsel, Susan Nicholas, was contacted by Superintendent Cox. An investigation into this incident was assigned to Ms. Jennifer Shaw, Special Education Director. Dr. Kris Kahler, Director of Business Services, assisted Ms. Shaw with conducting the investigation into the allegations made.

A preliminary report, dated October 3, 2024, was prepared by Ms. Shaw and is incorporated in this report, in its entirety. On October 4, 2024, the undersigned was contacted by Board of Education President, Dr. Christie Magoulias, to further investigate this matter. The Board of Education retained the services of TUETH KEENEY COOPER MOHAN & JACKSTADT, P.C. to further review and investigate, as needed, the complaints made. Ms. Rhoades is an attorney with knowledge of K-12 education law, having practiced in this field for more than 35 years. Ms. Rhoades did not know the parties involved, except Superintendent Dan Cox through attendance at professional organization conferences,.

APPLICABLE LAWS AND POLICIES

720 ILCS 5/12C-50. Hazing.

(a) A person commits hazing when he or she **knowingly requires** the **performance of any act** by a **student or other person** in a **school**, college, university, or other educational institution of this State, **for the purpose of induction or admission into any group**, organization, or society **associated or connected with that institution**, if:

- (1) the act is **not sanctioned or authorized by that educational institution**; and
- (2) the act **results in bodily harm to any person**.

(a-1) It is not a defense to a prosecution under subsection (a) that the person against whom the hazing was directed consented to or acquiesced in the hazing. [Amendment effective Jan 1, 2025]

(b) Sentence. Hazing is a Class A misdemeanor, except that hazing that results in death or great bodily harm is a Class 4 felony. (emphasis added).

(Source: P.A. 103-765, eff. 1-1-25.)

Section (a-1), was added when the statute was amended and will be effective starting at the first of the new year. Based on the statute above, to prove criminal hazing it must be shown that a person (1) knowingly (2) required the performance of any act (3) by a student in an Illinois educational institution (4) for the purpose of admission to a group or organization associated with the institution (5) the act is not sanctioned or authorized by the institution and (5) the act results in bodily harm.

720 ILCS 5/12C-50.1

§ 12C-50.1. Failure to report hazing.

(a) For purposes of this Section, “school official” includes any and all paid school administrators, teachers, counselors, support staff, and coaches and any and all volunteer coaches employed by a school, college, university, or other educational institution of this State.

(b) A school official commits failure to report hazing when:

- (1) while fulfilling his or her official responsibilities as a school official, he or she personally observes an act which is not sanctioned or authorized by that educational institution;
- (2) the act results in bodily harm to any person; and
- (3) the school official knowingly fails to report the act to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement.

(c) Sentence. Failure to report hazing is a Class B misdemeanor. If the act which the person failed to report resulted in death or great bodily harm, the offense is a Class A misdemeanor.

(d) It is an affirmative defense to a charge of failure to report hazing under this Section that the person who observed the act had a reasonable apprehension that timely action to stop the act would result in the imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or another in retaliation for reporting.

(e) Nothing in this Section shall be construed to allow prosecution of a person who personally observes the act of hazing and assists with an investigation and any subsequent prosecution of the offender.

720 ILCS 5/12-3

§ 12-3. Battery

(a) A Person commits battery if he or she knowingly without legal justification by any means (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual.

(b) Sentence. Battery is a Class A misdemeanor.

720 ILCS 5/12-1

§ 12-1. Assault.

(a) A person commits an assault when, without lawful authority, he or she knowingly engages in conduct which places another in reasonable apprehension of receiving a battery.

(b) Sentence. Assault is a Class C misdemeanor.

720 ILCS 5/12-2

§ 12-2. Aggravated Assault

(a) Offense based on location of conduct. A person commits aggravated assault when he or she commits an assault against an individual who is on or about a public way, public property, a public place of accommodation or amusement, or a sports venue, or in a church, synagogue, mosque, or other building, structure, or place used for religious worship.

(c) Offense based on use of firearm, device, or motor vehicle. A person commits aggravated assault when, in committing an assault, he or she does any of the following:

(1) Uses a deadly weapon, **an air rifle as defined in Section 24.8-0.1 of this Act**, or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm.

(d) Sentence. Aggravated assault as defined in subdivision (a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(7), (b)(8), (b)(9), (c)(1), (c)(4), or (c)(9) is a Class A misdemeanor, except that aggravated assault as defined in subdivision (b)(4) and (b)(7) is a Class 4 felony if a Category I, Category II, or Category III weapon is used in the commission of the assault. Aggravated assault as defined in subdivision (b)(4.1), (b)(5), (b)(6), (b)(10), (c)(2), (c)(5), (c)(6), or (c)(7) is a Class 4 felony. Aggravated assault as defined in subdivision (c)(3) or (c)(8) is a Class 3 felony.

720 ILCS 5/24.8-0.1

Sec. 24.8-0.1. Definitions. As used in this Article:

"**Air rifle**" means and includes any **air gun, air pistol**, spring gun, spring pistol, B-B gun, paint ball gun, pellet gun or any implement that is not a firearm which impels a breakable paint ball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead or other hard materials **with a force that reasonably is expected to cause bodily harm**.

105 ILCS 5/27-23.7 (excerpt only)

§ 27-23.7. Bullying prevention.

No student shall be subjected to bullying:

(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; or
- (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 a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and does not require a district or school to staff or monitor any nonschool-related activity, function, or program.

(b) In this Section:

“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.

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

* * *

“School personnel” means persons **employed by, on contract with, or who volunteer in a school district**, charter school, or non-public, non-sectarian elementary or secondary school, including without limitation school and **school district administrators, teachers**, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards. (emphasis added).

22.20. Code of Ethics

a) Responsibility to Students

The Illinois educator is committed to creating, promoting and implementing a learning environment that is accessible to each student, enables students to achieve the highest academic potential, and maximizes their ability to succeed in academic and employment settings as a responsible member of society. Illinois educators:

- 1) Embody the Standards for the School Support Personnel Endorsements (23 Ill. Adm. Code 23), the Illinois Professional Teaching Standards ([23 Ill. Adm. Code 24.130](#)), and Standards for Administrative Endorsements (23 Ill. Adm. Code 29), as applicable to the educator, in the learning environment;
- 2) Respect the inherent dignity and worth of each student by assuring that the learning environment is characterized by respect and equal opportunity for each student, regardless of race, color, national origin, sex, sexual orientation, disability, religion, language or socio-economic status;
- 3) Maintain a professional relationship with students at all times;
- 4) Provide a curriculum based on high expectations for each student that addresses individual differences through the design, implementation and adaptation of effective instruction; and
- 5) **Foster in each student the development of attributes that will enhance skills and knowledge necessary to be a contributing member of society.**

b) Responsibility to Self

Illinois educators are committed to establishing high professional standards for their practice and striving to meet these standards through their performance. Illinois educators:

- 1) Assume responsibility and accountability for their performance and continually strive to demonstrate proficiency and understanding of current trends in both content knowledge and professional practice;
- 2) Develop and implement personal and professional goals with attention to professional standards through a process of self-assessment and professional development;
- 3) Represent their professional credentials and qualifications accurately; and
- 4) **Demonstrate a high level of professional judgment.**

c) Responsibility to Colleagues and the Profession

The Illinois educator is committed to collaborating with school and district colleagues and other professionals in the interest of student learning. Illinois educators:

- 1) Collaborate with colleagues in their respective schools and districts to meet local and State educational standards;
- 2) Work together to create a respectful, professional and supportive school climate that allows all educators to maintain their individual professional integrity;
- 3) Seek out and engage in activities that contribute to the ongoing development of the profession;
- 4) Promote participation in educational decision-making processes;
- 5) Encourage promising candidates to enter the education profession; and
- 6) Support the preparation, induction, mentoring and professional development of educators.

d) Responsibility to Parents, Families and Communities

The Illinois educator will collaborate, build trust and respect confidentiality with parents, families and communities to create effective instruction and learning environments for each student.

Illinois educators:

- 1) Aspire to understand and respect the values and traditions of the diversity represented in the community and in their learning environments;
- 2) Encourage and advocate for fair and equal educational opportunities for each student;
- 3) Develop and maintain professional relationships with parents, families and communities;
- 4) Promote collaboration and support student learning through regular and meaningful communication with parents, families and communities; and
- 5) Cooperate with community agencies that provide resources and services to enhance the learning environment.

e) Responsibility to the Illinois State Board of Education

Illinois educators are committed to compliance with the School Code [105 ILCS 5] and its implementing regulations, and to State and federal laws and regulations relevant to their profession. Illinois educators:

- 1) Provide accurate communication to the Illinois State Board of Education concerning all educator licensure matters;
- 2) Maintain appropriate educator licensure for employment; and
- 3) Comply with State and federal laws and regulations.

Board of Education Policy 7:180 (Prevention and Response to Bullying, Intimidation and Harassment) (Attachment 1).

Board of Education Policy 7:190 (Student Behavior) (Attachment 2)

Board of Education Policy 7:20 (Harassment of Students Prohibited) (Attachment 3)

Board of Education Policy 7:10 (Equal Educational Opportunities) (Attachment 4)

Board of Education Policy 7:240 (Code of Conduct for Participants in Extracurricular Activities) (Attachment 5)

Board of Education Policy 2:260 (Uniform Grievance Procedure) (Attachment 6)

Board of Education Policy 5:120 (Employee Ethics; Code of Professional Conduct; Conflict of Interest) (Attachment 7)

Board of Education Policy 6:250 (Community Resource Persons and Volunteers) (Attachment 8)

Administrative Procedure to Policy 5:120 (Employee Conduct Standards) (Attachment 9)

INVESTIGATION PROCESS

We collected and reviewed documentation provided by the assigned District investigator. This included all interview notes. In total, there were 74 students and 19 coaches that were interviewed by the District investigators. Additional research was conducted regarding possible violations of law, whether criminal or civil, based on the information provided in the statements.

To minimize additional witness interviews, there were phone conferences with Ms. Jennifer Shaw and Mr. Kris Kahler. Additional information not contained in the interview notes was provided. Notes were made by this investigator regarding key information provided.

The next step was to analyze the information provided, to include a break down and analysis of student statements regarding presence at and/or participation in the bleachers activity. Coaches statements were also reviewed and analyzed.

It was determined that further student interviews would not likely assist in the resolution of this matter. It was, however, determined that additional investigation would be needed. To expedite the investigatory process, it was decided that the additional interviews of coaching staff would be conducted by Mr. Kris Kahler. It was also decided that Merry Rhoades would obtain additional information from Superintendent Dan Cox and head football coach Derek Leonard.

Additional information requested from the coach staff was provided to Dr. Kahler. He was further advised to reach out to the undersigned if he had additional questions. It would then be decided whether additional questioning was needed. Dr. Kahler interviewed Jeff Reed, high school principal on Wednesday, October 9, 2024. He then interviewed Assistant Principal David Hawkins, Assistant Principal Matt Lauber, HS Athletic Director JR Boudouris, football coach McGhghy on Thursday, October 9, 2024. Ms. Rhoades interviewed Superintendent Dan Cox on Wednesday, October 9, 2024, via zoom. An in-person interview of head coach Derek Leonard took place on Friday, October 11, 2024, at the District's administrative offices. Ms. Rhoades discussed this matter further with head coach Derek Leonard on October 16, 2024, to obtain his recommendation regarding consequences to be imposed for actions identified in this Report.

FINDINGS

I. Facts

A. On Thursday evenings during football season, a group of varsity football players met on the high school football field for a meeting referred to as "bleachers."

B. The investigation could not determine when "bleachers" first started. For those coaches knowledgeable about this Thursday meeting, it was understood that the group met at individual student's houses. It was not determined if, during this time, it was referred to as "bleachers." At some unknown time this meeting was transitioned to the high school football field. Several coaches, specifically Matt Swainey (2010-2013), Mike Guenter (2011), and Tyler Mazzini (2014) reported being involved in "bleachers" as students. It was universally described by these coaches as being a weekly leadership meeting. The most consequential event was the smashing of a pumpkin on Halloween week.

C. Based on interviews of coaches and administrators, the following knew about "bleachers" occurring on Thursday evenings: Tyson Corley, Steve Bueker, Matt Swainey, Mike Guenter, Tyler Mazzini, Andrew McGhghy, Derek Leonard and J.R. Bourdouris.

D. The initial intent of "bleachers" was for the players to gather, without coaches being present, to discuss any issues or concerns about the next game. While some reports stated that this initially started at an individual's house, at some time, the meeting was transitioned to the high school football field. There is 24-hour access to the football field through the concession stand gate. This gate is left open for members of the public to walk the track. Dr. Kahler reports that he is oftentimes at work at 5:00 a.m. and individuals are walking the track at that time. No one reports the field lights ever being on during "bleachers." The

preponderance of the facts support that all bleacher activities occurred after dark. It is not known when a physical component of “bleachers” started.

E. Senior 17 reported that “bleachers” has happened since his sophomore year in high school (2022-2023). Senior 12 stated that he was aware of individuals bringing airsoft guns when he was a sophomore. (2022-2023).

F. On September 26, 2024, sophomore students lined up along the fence near the shot-put area. The sophomores were not required to remove shirts, although some of the sophomores did remove their shirts. The sophomores were then shot in the back by the upperclassmen football players. It was reported that airsoft guns and CO2 air pistols were used.

G. There were 22 senior varsity football players interviewed. Of the 22 senior varsity football players interviewed, 19 had no knowledge of airsoft guns and/or CO2 air pistols being used, 1 stated “no comment” and 2 acknowledged that this happened. Senior 17 stated that he does attend “bleachers” every Thursday and has participated in this since his sophomore year.

H. There were 19 junior varsity players interviewed. Of the 19 players, only Junior 1 reported that it happened during the 2023-2024 school year. Junior 10 stated that he was not shot. Junior 15 said that he heard about it. All other juniors reported that they were not aware of students being shot by airsoft guns or CO2 air pistols.

I. It was further reported that during “bleachers” there was an activity called “fight club” or “fight night” or “wrestle-offs.” The upperclassmen would pair sophomores and have them wrestle until one was pinned. No injuries were reported from this activity. For purposes of this report, this activity is referred to as “fight club.”

J. Of the 22 senior varsity football players interviewed, only Senior 17 reported that “fight club” has happened this year. Senior 4, along with Senior 17 reported that it has happened in the past. Senior 15 had no comment.

K. Of the 19 junior varsity players interviewed, no junior reported knowledge of “fight club.”

L. It was reported that the upperclassmen urinated on or around the visiting team’s bleachers.

M. Of the 22 senior players interviewed, Senior 17 reported that urinating in the bleacher area had happened in the past. No other senior reported knowledge of urinating on the football field area.

N. Of the 19 junior players interviewed, no one reported knowledge of urinating in the bleacher area.

O. Of the 22 senior football players interviewed, Players 16, 17 and 19 reported that urinating around the bleacher area has happened. It was reported that this was done by upperclassmen. It is unclear from the senior football players if this has happened this year or previous years.

P. Of the 19 junior players interviewed, Junior 17 stated that he did not know what it was.

Q. A report was also received about the holding of a “cookie race.” The underclassmen would lower their pants to their ankles and place a cookie between their buttocks. It is not known if underwear were still worn. The underclassmen would then race against each other. The loser(s) would then have to eat their own cookie.

R. Of the 22 senior players interviewed, three (3) seniors acknowledged that it occurred. No senior stated that it happened this year.

S. Of the 19 junior players interviewed, one student reported hearing about it. All other students denied knowing about it.

- T. The investigation does not include a similar analysis for the sophomore and freshman varsity players. The investigator has a concern about retaliation if individual statements similar to those provided with respect to juniors and seniors are provided.
- U. There are 25 sophomores on the varsity roster. There are reports that 10 sophomores attended “bleachers” on September 26, 2024, and were shot with CO2 air pistols and/or air soft guns. These sophomore students were lined up against the fence by the shot-put area. Shirts were not required to be removed; however, some students did elect to remove their shirts. Some students had small marks, bruising, or scabs.
- V. Several of the sophomores did report being present on “fight night.” The juniors and seniors decide who will “fight” that night. One “fight night” reportedly occurred on September 19, 2024. It is unclear if the “cookie race” took place during the 2024-2025 school year.
- W. No students were willing to identify the upperclassmen that organized “bleachers”, that used the airsoft guns or CO2 air pistols, had students engage in “fight clubs”, had urinated on public property, or had sophomores participate in “cookie races.”
- X. All coaching staff interviewed denied knowledge about students being shot with airsoft guns or CO2 air pistols, students participating in “fight club” or upperclassmen urinating on or around the visiting team’s bleachers. One coach did hear over the summer that there were cookie races. It was not fully explained to him what occurred.
- Y. During his tenure as head football coach, Derek Leonard has only benched 1 student. [REDACTED]
[REDACTED] He suspected that other students were involved; however, there was no consequences for the other students because he had no information of their involvement.
- Z. Coach Leonard stated that his rules are simple – “don’t disrespect yourself, your family or your team.” There are no other rules, except those contained in the District’s handbooks. He is not in favor of having written team rules.
- AA. Coach Leonard stated that he was aware of “bleachers” but had not overheard any discussion about “bleachers” or any activities occurring during “bleachers.”
- BB. Coach Leonard reported that other coaches were aware of the tradition of “bleachers” as they had children participate in football. No coaches informed him as to any knowledge they had about the activities occurring during “bleachers.”
- CC. Coach Leonard's general philosophy is “win as a team and lose as a team.”
- DD. There are no team captains, nor are there individual awards given out at the awards banquet. Seniors are, however, recognized individually.
- EE. Coach Leonard offers player training on appropriate conduct. A former player, Sean Robinson, talked with the team last year. Ken Leonard talked about hazing and incidents he had worked through as a coach. A conduct talk is provided by Mr. Ken Leonard every Monday for approximately 30 minutes. Football players have a Sunday community service obligation where one Sunday during the summer, football players go into the community to help others with needed chores.
- FF. Coach Leonard cannot recall any student leaving the team because the student did not feel accepted by either the coaches or other players. After the start of the season, he only recalls one student leaving the team. That student left to be able to work a part-time job.
- GG. Coach Leonard has provided an admonishment to his players regarding expected conduct, including any form of retaliation against those students making a complaint.

II. Analysis

A. Hazing

Criminal Law Analysis

To be considered hazing, as defined under the Criminal Code, it must be shown that a person (1) knowingly (2) required the performance of any act (3) by a student in an Illinois educational institution (4) for the purpose of admission to a group or organization associated with the institution (5) the act is not sanctioned or authorized by the institution and (5) the act results in bodily harm.

Under the facts of this investigation, it would be difficult to show that the activities were for the purposes of *induction or admission* into the football team or varsity team – or this separate bleachers group. The members in question were already admitted to the team and the other players had no authority to remove the other players or determine who would be on the varsity team. However, it would seem, at least part of the events, were a form of initiation ritual onto the varsity team or to be a part of this bleachers group. It could be argued that it is not required that the students performing the hazing have actual authority to determine who joins the group, but rather acted as if they had such authority. In *Bogenberger v. Pi Kappa Alpha Corporation, Inc.* the court found non-fraternity-member hazing participants owed a duty of care by interpreting the Illinois hazing statute. Defendant's argued they could not be subject to the hazing statute because they were non-members and could not *require* the pledges perform the hazing acts – in essence, they could not admit the pledges. However, the Supreme Court found that the non-members could be liable because the statute did not make any exclusions for non-members. We can foresee the court applying similar logic to the situation at hand.

Another issue is whether the activities performed were actually for induction or admission. Since the members of the team were already on the team, it could be arguable that the hazed students were not inducted or admitted. However, it could also plausibly be argued that induction or initiation can occur after a member has been officially informed of their admission. In *Hankins v. Alpha Kappa Alpha Sorority, Inc.*, the court (federal court) found Plaintiff had sufficiently pled its case of negligence, even though at least part of the hazing occurred after the pledge's admission and was considered, a post-initiation process. It appears that the courts are mainly concerned with whether the actions were a condition of affiliation and the timing is not a factor. In other words, for a sense of belonging and acceptance by the junior and senior varsity football players.

We are not recommending that criminal charges be pursued against any student athlete. Our rationale and analysis is further set forth below.

Board of Education Policy 7:190

The administrative procedure to Policy 7:190 provides:

Soliciting, encouraging, aiding, or engaging in hazing, no matter when or where it occurs, is prohibited. *Hazing* means any **intentional, knowing, or reckless** act directed to or required of a student for the purpose of being **initiated into, affiliating with, holding office in, or maintaining membership** in *any group*, organization, club, or athletic team whose members are or include

other students. Students engaging in hazing will be subject to one or more of the following disciplinary actions:

1. Removal from the extracurricular activities,
2. conference with parents/guardians,
3. and/or Referral to appropriate law enforcement agency.

Students engaging in hazing **that endangers the mental or physical health or safety** of another person may also be subject to:

1. Suspension for up to 10 days,
2. and/or Expulsion for the remainder of the school term.

It could be argued that team members were required to attend "bleachers" and perform the acts in question to affiliate with the group of students present at "bleachers." The threshold question appears to be a low bar: Were the students performing the acts as a condition of being affiliated with the rest of the varsity football team or the "bleachers" group (policy and the statute provides that it can be any group)? Were there consequences, whether expressed or understood, if the hazing acts were not performed by a member?

There are no facts provided that students participated in bleachers to gain acceptance of the more veteran peers. To the contrary, there are no facts that the students that chose not to participate in bleachers were not treated differently than others that chose not to participate.

Employee Obligation to Report Incidents of Hazing

The Illinois Criminal Code places a mandatory obligation on employees and volunteers to report incidents of hazing that **are personally observed an act not sanctioned by the District**. There are no facts that any employee or volunteer personally observed what occurred at bleachers.

B. Bullying

After reviewing the facts obtained through this investigation, the actions of students, particularly those junior and senior students that attended "bleachers" did engage in bullying, as defined in both Illinois law and pursuant to Board of Education policy.

Illinois Law – 105 ILCS 5/27-23.7

Section 27-23.7 of the Illinois School Code defines bullying as,

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

- (1) placing the student or students in **reasonable fear of harm to the student's or students' person or property;**
- (2) causing a **substantially detrimental effect on the student's or students' physical or mental health; . . .”**

Board of Education Policy 7:180 and 7:190

As required by Section 27-23.7 of the Illinois School Code, the Board of Education has adopted the required policies which strictly prohibit any form of bullying, whether during a school-sponsored event or otherwise on school property. Further, Policy 7:190 expressly prohibits “any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other student to engage in such conduct.” Bullying is prohibited on school grounds, whether before during or after school hours. The Board of Education Policy is substantially included in the 2024-2025 Student Handbook, pages 29-30.

Airsoft Guns/CO2 Air Pistols

There is no question that, on September 26, 2024, certain varsity football players gathered at the high school football field, after dark. At some point during this gathering, sophomore football players lined up against the fence near the shot-put area. The sophomore players were provided an option to either keep their shirts on or otherwise remove shirts. The junior and senior players present, and who had been “shot” in prior years were then able to shoot the air soft guns or CO2 air pistols at the sophomore players backs. Instances of physical harm on sophomore students were noticeable.

Engaging in this type of activity meets the definition of bullying under both Illinois law and Board of Education policy.

Fight Night, Fight Club, Wrestle-Off

On occasion, and during “bleachers,” students would engage in an activity that is referred to as “fight night”, “fight club,” or “wrestle-off.” Two new players were selected by returning players to wrestle until one of the players was pinned. This would then be watched by the remaining players.

It is not known when this occurred during the 2024-2025 school year; however, there are reports that this happened this school year. We find those reports creditable.

Engaging in this type of activity meets the definition of bullying under both Illinois law and Board of Education policy.

Cookie Races

New varsity players engaged in an activity referred to as “cookie races.” The new varsity players were to lower pants (it is not known if this includes underwear) to the ankles, place a cookie between their buttocks and then race fellow players. The player(s) that lost their race was then to eat the cookie. There was no requirement that a player eat a cookie that was in another player’s buttocks.

While it is not known a specific date when this occurred, the uncontradicted facts support a finding that this occurred during the 2024-2025 school year.

Engaging in this type of activity meets the definition of bullying under both Illinois law and Board of Education policy.

C. Coaching Staff Awareness of “Bleachers” and activities occurring during “Bleachers”

It is the finding of this investigator that some coaches, although not all coaches, were aware of the practice of the varsity football players to meet on Thursday evening. Several mentioned that this may occur after “pasta night” or following a freshman football game, if it were held at home. It is also a finding of this investigator that, while the coaches knew of the gathering, there was not a complete understanding of what was occurring at these gatherings. With respect to some coaches interviewed, it was their assumption that it was an opportunity for the players to hang out as a group, or it was a motivational meeting led by the seniors. All coaches denied any knowledge of the use of air soft guns or CO2 air pistols, fight night, cookie races, or urinating on bleachers. At most, one player did report to a coach about cookie night that happened during the 2023-2024 school year. It was not conveyed to the coach that the student was required to run with his pants down. This coach did not report this incident to any other coaches or the administration.

This investigator is troubled by the lack of follow-up with players regarding what was occurring on these Thursday night gatherings. At no point did a coach ask questions about the Thursday night gatherings or otherwise provide guidance about positive team building exercises that could be used. In part, this investigator had the sense that the coaches did not want to know what was happening at these Thursday night gatherings.

Head Coach Derek Leonard expressed a desire to see that this type of activity stop. In follow-up with Mr. Leonard, he stated that he would like to see the following: (1) education for coaches and players on bullying, harassment and hazing; (2) require that all on-campus activities must have supervision of a board approved paid coach; and (3) establish and provide opportunities for students to participate in community service activities. This investigator is concerned that this does not go far enough. This investigator, in her recommendations, includes a statement that students that have been determined to have engaged in this conduct not participate in football related activities and have school consequences imposed. This would be based on the nature and seriousness of the infraction. If the coach is not willing to implement a policy requiring students not be allowed to participate in football activities, that this be addressed in handbooks.

The lack of imposing consequences to players, except for providing community service opportunities is concerning. This responsibility lies with the head coach. As such, the Board of Education may want to consider sidelining Coach Derek Leonard for the Friday, October 25, 2024 football game.

III. Acts occurring on school property in violation of the Criminal Code

Based on the facts presented, certain criminal acts occurred on school property. This investigator considers that the offense of battery was committed when students used airsoft guns and/or CO2 air pistols when students were shot in the back. There were reports of bodily injury as a result of these acts. The offense is a Class A Misdemeanor. Consent is not a recognized defense to this crime.

The offense of assault also likely occurred. More specifically, aggravated assault. Because air rifles (as defined in Section 24.8-0.1) were used on public property, it raises the offense to aggravated assault.

There is also an offense of carrying or discharging air rifles on public streets. This offense can be charged when a person “discharges any air rifle from or across any street, sidewalk, road, highway or public land or any public place except on a safely constructed target range.” Because this happened at a public place, this could also be considered a criminal offense.

IV. Retaliation

Section 27-23.7 of the Illinois School Code, as well as Board of Education policy, prohibit any form of retaliation for reporting incidences of bullying and/or hazing. This investigator is very concerned about possible retaliation for making the report. Requests have been made asking that individuals reporting misconduct not be identified. This investigator has taken efforts, within this report to try to protect those requests.

It is, however, important that all coaching staff be directed, both verbally and in writing, that if any form of inappropriate behavior by a football player towards another football player is observed by the coach, or a report is made, that it is immediately to be brought to the attention of the head coach and the high school principal. Coaches should further be warned that the failure to make such a report will be met with disciplinary consequences, up to and including termination from continuing to be involved in the football program or other extracurricular activity within the District.

Similarly, it is equally important that a similar admonishment be provided by the head coach, **to all players**, that any retaliation will be met with both school consequences as well as coach implemented consequences, up to and including dismissal from the football team. It is important that both the high school administration and head coach will impose discipline, even if that means that a key player is benched for a game.

V. Recommendations

This investigator recommends that the Head Coach, Administration and Board of Education consider the following actions.

A. Board of Education

- Extracurricular Handbooks be revised to specifically address inappropriate conduct during extracurricular activities. For example, listing bullying and retaliation for making a report of inappropriate conduct by a player as a Level IV offense. There needs to be an explicit provision that a student be removed from the extracurricular/athletic activity if certain conduct is engaged in. This includes engaging in criminal activities, hazing and any activity that did cause or could cause serious bodily injury on school property or a school related organization or event.
- Before taking action to hire a person for an extracurricular position, that it has before it the role that the individual is to play. It is this investigator’s concern that, with respect to the football program at least, there are not clearly defined responsibilities of each coach. It is anticipated that this same concern may exist for other extracurricular or athletic teams within the District.
- Action is required before any volunteer is permitted to be designated as a “coach.” This should also be clearly identified that the individual is serving as a volunteer and is not to receive any compensation from any source, including booster clubs or similar organizations,

except for ordinary expenses such as meals and the like. Any reimbursement would be made in accordance with existing Board of Education policy.

- Consider sidelining head coach Derek Leonard for the October 25, 2024 varsity football game.
- To the extent the identify of students having the air soft guns or CO2 air pistols on school property become known, that the high school administration be directed to impose school related consequences and the students be removed from football activities for the remainder of the 2024-2025 season, at a minimum.

B. Administrative team

- Work, in conjunction with the head football coach, and other coaches as mutually agreed to between the administration and the head football coach, to develop a coaches training program on maintaining a successful program, while setting high ethical and moral standards for players, as well as those within the coaching ranks. It is recommended that this training occur by an individual or organization outside of the District.
- While the football program is a priority at this time, a similar format as used in the preceding paragraph should also be offered to all other athletic/extracurricular programs within the District.
- If a report of inappropriate conduct is made by a participant in an extracurricular/athletic activity that it be investigated. If appropriate, disciplinary consequences occur. This should happen whether or not the individual is a key player/participant in the activity.

C. Head coach

- Require the reporting, to the administration, any report or observation of retaliation towards any student believed to have made the report to the administration regarding what occurred at bleachers. If it is determined that the student engaged in retaliation, the student will be removed from football related activities, at a minimum, the remainder of the 2024 football season.
- At the beginning of the season, and throughout the season, as appropriate, discuss with players the importance of conducting themselves at the highest standard, both on and off the field. If the head coach is informed that a student is not conducting himself appropriately, consequences **are** imposed – no exceptions.
- Create an environment that exemplifies those actions, such as those that have occurred during “Bleachers,” **will not be tolerated under any circumstances.**
- Develop, with the assistance as appropriate by administration or other coaches, specific coaching duties. These duties should be identified in a document that is to be shared with the administration. This will be required before the Board of Education will approve the hiring of any person to the coaching staff.
- Provide guidance and direction about expected conduct away from football activities. If certain misconduct occurs outside of football activities and such misconduct is reported, consequences are to be applied.
- Develop team rules and distribute those to the players at the start of each football season.
- Impose disciplinary consequences on players. There were significant violations of the law and school policy. It is also troubling the responses to interview questions of students. While some students acknowledged attending “bleachers” these same students stated that nothing happened. These were not truthful statements. It is recommended that the head

coach take a leadership role in the appropriate consequences for students. It is further recommended that these consequences be discussed with the administration before imposing the same. While this investigator understands and appreciates the concerns about maintaining a winning football team, it cannot be win at all costs. When players hurt or otherwise intimidate fellow players, consequences are needed. It is the coach that needs to take that leadership role.

- Implement Coach Leonard's suggestion that all on-campus activities must have supervision of board approved paid coach.

In the administration's report, it was recommended that all football players be required to participate in community service. Coach Leonard will make community service days available for students. The Board of Education should consider imposing additional community unit service for students. This investigator recommends that it be between 5 and 10 hours. Failure to complete the hours by the end of the school year will lead to no participation in football related activities for one (1) month, to include the 2025 football season. This investigator sees no meaningful way to impose this consequence on seniors given that the season will be ending soon.

Respectfully submitted,



Merry C. Rhoades
**TUETH KEENEY COOPER
MOHAN & JACKSTADT, P.C**

ADDENDUM

Since the release of this report to the Board of Education, this investigator was informed about concerns with the way that this was handled by the administration. In response, please refer to the complete text of 105 ILCS 5/27-23.7 and Board of Education Policies 7:20, 7:180 and 7:190.

STUDENTS

7:180 Prevention of and Response to Bullying, Intimidation, and Harassment

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 District goals.

Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, physical appearance, socioeconomic status, academic status, pregnancy, parenting status, homelessness, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, order of protection status, 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 School District 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 [105 ILCS 5/27-23.7](#)

Bullying includes *cyberbullying* 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.

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

Cyberbullying 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. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

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, (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, and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act.

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 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 Superintendent or designee shall develop and maintain a bullying prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below.

1. The District uses the definition of *bullying* as provided in this policy.
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District'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 Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, a 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 District named officials or any staff member. The District named officials and all staff members are available for help with a bully or to make a report about bullying. Anonymous reports are also accepted; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

Nondiscrimination Coordinator:

Jennifer Shaw

4 Rocket Dr.,
Rochester, IL 63563

jshaw@rochester3a.net

Title IX Coordinator:

Suzanne Keller

4 Rocket Dr.,
Rochester, IL 63563

skeller@rochester3a.net

(217) 498-6210

(217) 498-6210

Complaint Managers:

Suzanne Keller

Kristopher Kahler

4 Rocket Dr.,
Rochester, IL 63563

4 Rocket Dr.,
Rochester, IL 63563

skeller@rochester3a.net

kkahler@rochester3a.net

(217) 498-6210

(217) 498-6210

Anonymous reporting phone numbers: 800-4-1-VOICE, x. 359 or 800-418-6423, x. 359

Text: 66746, TIPS or www.safeschoolhelpline.com

4. Consistent with federal and State laws and rules governing student privacy rights, the parents/guardians of all students involved in an alleged incident of bullying will be notified of such, along with threats, suggestions, or instances of self-harm determined to be the result of bullying, within 24 hours after the school's administration is made aware of the student's involvement in the incident. As appropriate, the school's administration shall also discuss the availability of social work services, counseling, school psychological services, other interventions, and restorative measures. The school shall make diligent efforts to notify a parent or legal guardian, utilizing all contact information the school has available or that can be reasonably obtained within the 24-hour period.
5. The Superintendent 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. Involving 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 Building Principal or 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 parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building Principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

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

6. The Superintendent 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**. Any person's act of reprisal or retaliation will be subject to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion with regard to students.
8. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, a person who is found to have falsely accused another of bullying, as a means of retaliation, as a means of bullying, or provided false information will be treated as either: (a) *bullying*, (b) student discipline up to and including suspension and/or expulsion, and/or (c) both (a) and (b) for purposes of determining any consequences or other appropriate remedial actions.
9. The District's bullying prevention and response plan is based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. The Superintendent or designee shall post this policy on the District's publicly accessible 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 be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty.
11. Pursuant to State law and Board policy 2:240, *Board Policy Development*, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The Superintendent or designee shall assist the Board with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. 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 District already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

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

The Superintendent or designee must post the information developed as a result of the policy re-evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

12. The Superintendent or designee shall fully implement the Board policies, including without limitation, the following:
- a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
 - b. 2:265, *Title IX Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
 - c. 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*. Any person may use this policy to complain about discrimination or harassment on the basis of race, color, or national origin in violation of Title VI of the Civil Rights Act of 1964 and/or the Illinois Human Rights Act.
 - d. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
 - e. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
 - f. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
 - g. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
 - h. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
 - i. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
 - j. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

LEGAL REF.:

[105 ILCS 5/10-20.14](#), [5/10-22.6\(b-20\)](#), [5/24-24](#), and [5/27-23.7](#).

[405 ILCS 49/](#), Children's Mental Health Act.

[775 ILCS 5/1-103](#), Ill. Human Rights Act.

[23 Ill.Admin.Code §§1.240](#), [1.280](#), and [1.295](#).

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks),

7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Anaphylaxis Prevention, Response, and Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

Adopted: June 17, 2024

Rochester CUSD 3A

STUDENTS

7:190 Student Behavior

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

When and Where Conduct Rules Apply

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

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

Prohibited Student Conduct

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

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 marijuana, hashish, and medical cannabis unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*).
 - 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 unless the student is authorized to be administered a medical cannabis infused

product under *Ashley's Law*

- 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 or silenced 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, using a writing service and/or generative artificial intelligence technology in place of original work unless specifically authorized by staff, 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 Board of Education 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 Superintendent 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 Superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the

incident. The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

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

Disciplinary Measures

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

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

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property.
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised.
7. After-school study 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 shall 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 two calendar years in accordance with Board policy 7:210, *Expulsion Procedures*. A student who has been expelled shall 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](#).
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), *look-alikes*, 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.

Isolated Time Out, Time Out, and Physical Restraint

Neither isolated time out, time out, nor physical restraint shall be used to discipline or punish a student. These methods are only authorized for use as permitted in [105 ILCS 5/10-20.33](#), State Board of Education rules ([23 Ill.Admin.Code §§ 1.280, 1.285](#)), and the District's procedure(s).

Weapons

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

1. A *firearm*, meaning any gun, rifle, shotgun, 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 ([430ILCS65/](#)), or firearm as defined in Section 24-1 of the Criminal Code of 2012 ([720 ILCS 5/24-1](#)).
2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including *look-alikes* of any *firearm* as defined above.

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

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

Re-Engagement of Returning Students

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

Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was

involved in a drug-related incident, or (3) observes a battery committed against any staff member or is subject to a battery. *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.

Upon receiving a report of (1), above, the Building Principal or designee shall immediately notify local law enforcement. In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Superintendent or designee and any involved student's parent/guardian.

Upon receiving a report on any of the above (1)-(3), the Superintendent or designee shall immediately notify local law enforcement. The Superintendent or designee shall also report incidents involving battery against staff members to the Ill. State Board of Education through its web-based School Incident Reporting System as they occur during the year and no later than August 1 for the preceding school year.

Delegation of Authority

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

The Superintendent, Building Principal, or Assistant Building Principal 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 Superintendent, 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.

Incorporated

by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)

LEGAL REF.:

[20 U.S.C. §7971](#), Pro-Children Act of 2004.

[20 U.S.C. §7961](#) *et seq.*, Gun Free Schools Act.

[105 ILCS 5/10-20.5b](#), [5/10-20.14](#), [5/10-20.28](#), [5/10-20.36](#), [5/10-21.7](#), [5/10-21.10](#), [5/10-22.6](#), [5/10-27.1A](#), [5/10-27.1B](#), [5/22-33](#), [5/24-24](#), [5/26-12](#), [5/27-23.7](#), and [5/31-3](#).

[105 ILCS 110/3.10](#), Critical Health Problems and Comprehensive Health Education Act.

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

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

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

[23 Ill.Admin.Code §§1.280, 1.285.](#)

CROSS REF.: 2:150 (Committees), 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 7:70 (Attendance and Truancy), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:270 (Administering Medicines to Students), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:30 (Visitors to and Conduct on School Property)

Adopted: January 17, 2024

Rochester CUSD 3A

STUDENTS

7:20 Harassment of Students Prohibited

No person, including a School District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national origin; military status; unfavorable discharge status from military service; sex; sexual orientation; gender identity; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; physical appearance; socioeconomic status; academic status; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, 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

The District shall provide an educational environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law. See Board policies 2:265, *Title IX Grievance Procedure*, and 2:260, *Uniform Grievance Procedure*.

Making a Report or Complaint

Students are encouraged to promptly report claims or incidences of bullying, intimidation, harassment, sexual harassment, or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, a Complaint Manager, or any employee with whom the student is comfortable speaking. A student may choose to report to an employee of the student's same gender.

Reports under this policy will be considered a report under Board policy 2:260, *Uniform Grievance Procedure*, and/or Board policy 2:265, *Title IX Grievance Procedure*. The Nondiscrimination Coordinator, Title IX Coordinator, and/or Complaint Manager shall process and review the report according to the appropriate grievance procedure. The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers.

Nondiscrimination Coordinator:

Jennifer Shaw

4 Rocket Dr.,
Rochester, IL 63563

jshaw@rochester3a.net

(217) 498-6210

Title IX Coordinator:

Suzanne Keller

4 Rocket Dr.,
Rochester, IL 63563

skeller@rochester3a.net

(217) 498-6210

Complaint Managers:

Suzanne Keller

Kristopher Kahler

4 Rocket Dr.,
Rochester, IL 63563

4 Rocket Dr.,
Rochester, IL 63563

skeller@rochester3a.net

kkahler@rochester3a.net

(217) 498-6210

(217) 498-6210

The Superintendent shall use reasonable measures to inform staff members and students of this policy by including:

1. For students, age-appropriate information about the contents of this policy in the District's student handbook(s), on the District's website, and, if applicable, in any other areas where policies, rules, and standards of conduct are otherwise posted in each school.
2. For staff members, this policy in the appropriate employee handbook(s), if applicable, and/or in any other areas where policies, rules, and standards of conduct are otherwise made available to staff.

Investigation Process

Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator, Title IX Coordinator, or a Complaint Manager. Any employee who fails to promptly comply may be disciplined, up to and including discharge.

Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an educational environment that is productive, respectful, and free of unlawful discrimination, including harassment.

For any report or complaint alleging sexual harassment that, if true, would implicate Title IX of the Education Amendments of 1972 ([20 U.S.C. §1681](#) *et seq.*), the Title IX Coordinator or designee shall consider whether action under Board policy 2:265, *Title IX Grievance Procedure*, should be initiated.

For any report or complaint alleging harassment on the basis of race, color, or national origin, the Nondiscrimination Coordinator or a Complaint Manager or designee shall investigate under Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*.

For any other alleged student harassment that does not require action under Board policies 2:265, *Title IX Grievance Procedure*, or 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under Board policies 2:260, *Uniform Grievance Procedure*, and/or 7:190, *Student Behavior*, should be initiated, regardless of whether a written report or complaint is filed.

Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in [720 ILCS 5/11-9.1A\(b\)](#), that is alleged to have been perpetrated by school personnel, including a school vendor

or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to Board policy 5:90, *Abused and Neglected Child Reporting*. In addition to reporting the suspected abuse, the complaint shall also be processed under Board policy 2:265, *Title IX Grievance Procedure*, or Board policy 2:260, *Uniform Grievance Procedure*.

Enforcement

Any District 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 third party who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District 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 behavior policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action.

Retaliation Prohibited

Retaliation against any person for bringing complaints or providing information about harassment is prohibited (see Board policies 2:260, *Uniform Grievance Procedure*, 2:265, *Title IX Grievance Procedure*, and 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*).

Students should report allegations of retaliation to the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

LEGAL REF.:

[20 U.S.C. §1681](#) *et seq.*, Title IX of the Educational Amendments of 1972; [34 C.F.R. Part 106](#).

[29 U.S.C. §791](#) *et seq.*, Rehabilitation Act of 1973; [34 C.F.R. Part 104](#).

[42 U.S.C. §2000d](#), Title VI of the Civil Rights Act of 1964; [34 C.F.R. Part 100](#).

[105 ILCS 5/10-20.12](#), [5/10-22.5](#), [5/10-23.13](#), [5/27-1](#), and [5/27-23.7](#).

[775 ILCS 5/1-101](#) *et seq.*, Illinois Human Rights Act.

[23 Ill.Admin.Code §1.240](#) and [Part 200](#).

[Davis v. Monroe County Bd. of Educ.](#), 526 U.S. 629 (1999).

[Franklin v. Gwinnett Co. Public Schs.](#), 503 U.S. 60 (1992).

[Gebser v. Lago Vista Independent Sch. Dist.](#), 524 U.S. 274 (1998).

West v. Derby Unified Sch. Dist. No. 260, 206 F.3d 1358 (10th Cir. 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 4:165

(Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:240 (Conduct Code for Participants in Extracurricular Activities)

Adopted: June 17, 2024

Rochester CUSD 3A

STUDENTS

7:10 Equal Educational Opportunities

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy. Further, the District 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 District remains viewpoint neutral when granting access to school facilities under Board policy 8:20, *Community Use of School Facilities*. Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure*, or in the case of discrimination on the basis of race, color, or national origin, Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*.

Sex Equity

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

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance Procedure*. A student may appeal the 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](#)).

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator and a Title IX Coordinator. The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and related grievance procedures.

LEGAL REF.:

[20 U.S.C. §1681](#) *et seq.*, Title IX of the Education Amendments of 1972; [34 C.F.R. Part 106](#).

[29 U.S.C. §791](#) *et seq.*, Rehabilitation Act of 1973; [34 C.F.R. Part 104](#).

[42 U.S.C. §2000d](#), Title VI of the Civil Rights Act of 1964; [34 C.F.R. Part 100](#).

[42 U.S.C. §11431](#) *et seq.*, McKinney-Vento Homeless Assistance Act.

[Good News Club v. Milford Central Sch.](#), 533 U.S. 98 (2001).

[Ill. Constitution, Art. I](#), §18.

[105 ILCS 5/3.25b](#), [5/3.25d\(b\)](#), [5/10-20.12](#), [5/10-20.60](#), [5/10-20.63](#), [5/10-22.5](#), and [5/27-1](#).

[775 ILCS 5/1-101](#) *et seq.*, Illinois Human Rights Act.

[775 ILCS 35/5](#), Religious Freedom Restoration Act.

[23 Ill.Admin.Code §1.240](#) and [Part 200](#).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:130 (Student Rights and Responsibilities), 7:160 (Student Appearance), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:250 (Student Support Services), 7:330 (Student Use of Buildings - Equal Access), 7:340 (Student Records), 8:20 (Community Use of School Facilities)

Adopted: June 17, 2024

Rochester CUSD 3A

Equal Educational Opportunities

7:10-E Exhibit - Equal Educational Opportunities Within the School Community

The School District welcomes diversity in its schools. Board policy 7:10, *Equal Educational Opportunities* cites the many civil rights laws that guarantee equal education opportunities to all students. In addition, the policies below address the equal educational opportunities, health, safety, and general welfare of students within the District. These policies are not a complete list, and depending on the factual context, another policy not specifically listed may apply:

1. 2:260, *Uniform Grievance Procedure*, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The District Complaint Manager shall address the complaint promptly and equitably.
2. 2:265, *Title IX Grievance Procedure*, contains the process that must be followed for complaints of Title IX harassment.
3. 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*, prohibits any person from discriminating against or harassing a student based on race, color, or national origin.
4. 6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into the District's curriculum and other educational programs.
5. 7:10, *Equal Educational Opportunities*, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.
6. 7:20, *Harassment of Students Prohibited*, prohibits any person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy including, among other protected statuses, sex, sexual orientation, and gender identity.
7. 7:130, *Student Rights and Responsibilities*, recognizes that all students are entitled to rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.
8. 7:160, *Student Appearance*, prohibits students from dressing or grooming in such a way as to disrupt the educational process, interfere with a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. It recognizes that students have the right to wear hairstyles historically associated with race, ethnicity, or hair texture, and to wear or accessorize the student's graduation attire with items associated with the student's cultural, ethnic, or religious identity, or other characteristic protected by State law.
9. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for the District's bullying prevention program.
10. 7:250, *Student Support Services*, directs the Superintendent to develop protocols for responding to students' social, emotional, or mental health needs that impact learning.
11. 7:330, *Student Use of Buildings - Equal Access*, grants student-initiated groups or clubs the free use of school premises for their meetings, under specified conditions.
12. 7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

DATED : June 17, 2024

STUDENTS

7:240 Conduct Code for Participants in Extracurricular Activities

The Activities and Athletic Director, using input from coaches and sponsors of extracurricular activities, shall develop a conduct code for all participants in extracurricular activities consistent with Board of Education policy. The conduct code shall: (1) require participants in extracurricular activities to conduct themselves as good citizens and exemplars of their school at all times, including after school, on days when school is not in session, and whether on or off school property; (2) emphasize that hazing and bullying activities are strictly prohibited; and (3) notify participants that failure to abide by it could result in discipline, up to and including removal from the activity. Participants who violate the conduct code will be allowed to give an explanation before being progressively disciplined. The conduct code shall be reviewed by the Building Principal periodically at his or her discretion and presented to the Board.

Participants in extracurricular activities must abide by the conduct code for the activity and Board policy 7:190, *Student Behavior*. All coaches and sponsors of extracurricular activities shall annually review the conduct code with participants and provide participants with a copy. In addition, coaches and sponsors of interscholastic athletic programs shall provide instruction on steroid abuse prevention to students in grades 7 through 12 participating in these programs.

Performance Enhancing Drug Testing of High School Student Athletes

The Illinois High School Association (IHSA) prohibits participants in an athletic activity sponsored or sanctioned by IHSA from ingesting or otherwise using any performance enhancing substance on its banned substance list, without a written prescription and medical documentation provided by a licensed physician who evaluated the student-athlete for a legitimate medical condition. IHSA administers a performance-enhancing substance testing program. Under this program, student athletes are subject to random drug testing for the presence in their bodies of performance-enhancing substances on the IHSA's banned substance list. In addition to being penalized by IHSA, a student may be disciplined according to Board policy 7:190, *Student Behavior*.

LEGAL REF.:

[Mahanoy Area Sch. Dist. v. B.L.](#), 141 S.Ct. 2038 (2021).

[Bd. of Educ. of Independent Sch. Dist. No. 92 v. Earls](#), 536 U.S. 822 (2002).

[Vernonia Sch. Dist. 475 v. Acton](#), 515 U.S. 646 (1995).

Clements v. Bd. of Educ. of Decatur, 133 Ill.App.3d 531 (4th Dist. 1985).

Kevin Jordan v. O'Fallon THSD 203, 302 Ill.App.3d 1070 (5th Dist. 1999).

Todd v. Rush County Schs., 133 F.3d 984 (7th Cir. 1998).

[105 ILCS 5/24-24](#), [5/27-23.3](#), and [25/2](#).

CROSS REF.: 5:280 (Duties and Qualifications), 6:190 (Extracurricular and Co-Curricular Activities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:300 (Extracurricular Athletics)

Adopted: February 28, 2022

Rochester CUSD 3A

BOARD OF EDUCATION

2:260 Uniform Grievance Procedure

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the Board of Education, its employees, or its agents have violated his or her rights guaranteed by the [State](#) or federal [Constitution](#), State or federal statute, or Board policy, or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act, [42 U.S.C. §12101 et seq.](#)
2. Title IX of the Education Amendments of 1972, [20 U.S.C. §1681 et seq.](#), excluding Title IX sexual harassment complaints governed by Board policy 2:265, *Title IX*
3. Section 504 of the Rehabilitation Act of 1973, [29 U.S.C. §791 et seq.](#)
4. Discrimination and/or harassment on the basis of race, color, or national origin prohibited by the Illinois Human Rights Act, [775 ILCS 5/](#); Title VI of the Civil Rights Act of 1964, [42 U.S.C. §2000d et seq.](#); and/or Title VII of the Civil Rights Act of 1964, [42 U.S.C. §2000e et seq.](#) (see Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*)
5. Title VII of the Civil Rights Act of 1964, [42 U.S.C. §2000e et seq.](#) (see also number 4, above, for discrimination and/or harassment on the basis of race, color, or national origin)
6. Sexual harassment prohibited by the State Officials and Employees Ethics Act, [5 ILCS 430/70-5\(a\)](#); Illinois Human Rights Act, [775 ILCS 5/](#); and Title VII of the Civil Rights Act of 1964, [42 U.S.C. §2000e et seq.](#) (Title IX sexual harassment complaints are addressed under Board policy 2:265, *Title IX Grievance Procedure*)
7. Breastfeeding accommodations for students, [105 ILCS 5/10-20.60](#)
8. Bullying, [105 ILCS 5/27-23.7](#)
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
10. Curriculum, instructional materials, and/or programs
11. Victims' Economic Security and Safety Act, [820 ILCS 180/](#)
12. Illinois Equal Pay Act of 2003, [820 ILCS 112/](#)
13. Provision of services to homeless students
14. Illinois Whistleblower Act, [740 ILCS 174/](#)
15. Misuse of genetic information prohibited by the Illinois Genetic Information Privacy Act, [410 ILCS 513/](#); and Titles I and II of the Genetic Information Nondiscrimination Act, [42 U.S.C. §2000ff et seq.](#)
16. Employee Credit Privacy Act, [820 ILCS 70/](#)

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to this grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable resolution of a complaint filed under this policy shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

Deadlines

All deadlines under this policy may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, *school business days* means days on which the District's main office is open.

Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For any complaint alleging bullying and/or cyberbullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy.

Investigation Process

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parents/guardians that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law, this policy, or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law, this policy, or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this policy about the status of the investigation. Within 30 school business days after the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time.

The Superintendent will keep the Board informed of all complaints.

If a complaint contains allegations involving the Superintendent or Board member(s), the written report shall be filed directly with the Board, which will make a decision in accordance with paragraph four of the following section of this policy.

Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the accused by registered mail, return receipt requested, and/or personal delivery as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board.

Within 30 school business days after an appeal of the Superintendent's decision, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within five school business days after the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

For complaints containing allegations involving the Superintendent or Board member(s), within 30 school business days after receiving the Complaint Manager's or outside investigator's report, the Board shall mail its written decision to the Complainant and the accused by registered mail, return receipt requested, and/or personal delivery as well as to the Complaint Manager. This policy shall not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

Appointing a Nondiscrimination Coordinator and Complaint Managers

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others.

The Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX.

The Superintendent shall appoint at least one Complaint Manager to administer this policy. If possible, the Superintendent will appoint two Complaint Managers, each of a different gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

Nondiscrimination Coordinator:

Jennifer Shaw

4 Rocket Dr.,
Rochester, IL 63563

jshaw@rochester3a.net

Title IX Coordinator:

Suzanne Keller

4 Rocket Dr.,
Rochester, IL 63563

skeller@rochester3a.net

(217) 498-6210

(217) 498-6210

Complaint Managers:

Suzanne Keller

Kristopher Kahler

4 Rocket Dr.,
Rochester, IL 63563

4 Rocket Dr.,
Rochester, IL 63563

skeller@rochester3a.net

kkahler@rochester3a.net

(217) 498-6210

(217) 498-6210

LEGAL REF.:

[8 U.S.C. §1324a](#) *et seq.*, Immigration Reform and Control Act.

[20 U.S.C. §1232g](#), Family Education Rights Privacy Act.

[20 U.S.C. §1400](#), The Individuals with Disabilities Education Act.

[20 U.S.C. §1681](#) *et seq.*, Title IX of the Education Amendments; [34 C.F.R. Part 106](#).

[29 U.S.C. §206](#)(d), Equal Pay Act.

[29 U.S.C. §621](#) *et seq.*, Age Discrimination in Employment Act.

[29 U.S.C. §791](#) *et seq.*, Rehabilitation Act of 1973.

[29 U.S.C. §2612](#), Family and Medical Leave Act.

[42 U.S.C. §2000d](#) *et seq.*, Title VI of the Civil Rights Act of 1964.

[42 U.S.C. §2000e](#) *et seq.*, Title VII of the Civil Rights Act of 1964.

[42 U.S.C. §2000ff](#) *et seq.*, Genetic Information Nondiscrimination Act.

[42 U.S.C. §11431](#) *et seq.*, McKinney-Vento Homeless Assistance Act.

[42 U.S.C. §12101](#) *et seq.*, Americans With Disabilities Act.

[105 ILCS 5/2-3.8](#), [5/3-10](#), [5/10-20](#), [5/10-20.5](#), [5/10-20.7a](#), [5/10-20.60](#), [5/10-20.69](#), [5/10-20.75](#), [5/10-22.5](#), [5/22-19](#), [5/22-95](#) (final citation pending), [5/24-4](#), [5/27-1](#), [5/27-23.7](#), and [45/1-15](#).

[5 ILCS 415/10](#)(a)(2), Government Severance Pay Act.

[5 ILCS 430/70-5\(a\)](#), State Officials and Employees Ethics Act.

[410 ILCS 513/](#), Ill. Genetic Information Privacy Act.

[740 ILCS 174/](#), Whistleblower Act.

[740 ILCS 175/](#), Ill. False Claims Act.

[775 ILCS 5/](#), Ill. Human Rights Act.

[820 ILCS 180/](#), Victims' Economic Security and Safety Act; [56 Ill.Admin.Code Part 280](#).

[820 ILCS 112/](#), Equal Pay Act of 2003.

[820 ILCS 70/](#), Employee Credit Privacy Act.

[23 Ill.Admin.Code §§1.240, 200.40, 226.50](#), and [226.570](#).

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 6:120 (Education of Children with Disabilities), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:70 (Accommodating Individuals with Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and Concerns)

Adopted: June 17, 2024

Rochester CUSD 3A

General Personnel

5:120 Employee Ethics; Code of Professional Conduct; and Conflict of Interest

All District employees are expected to maintain high standards in their job performance, demonstrate integrity and honesty, be considerate and cooperative, and maintain professional and appropriate relationships with students, parents/guardians, staff members, and others.

The Superintendent or designee shall provide this policy to all District employees and students and/or parents/guardians in their respective handbooks, and ensure its posting on the District's website, if any.

Professional and Appropriate Conduct

Professional and appropriate employee conduct are important Board goals that impact the quality of a safe learning environment and the school community, increasing students' ability to learn and the District's ability to educate. To protect students from sexual misconduct by employees, and employees from the appearance of impropriety, State law also recognizes the importance for District employees to constantly maintain professional and appropriate relationships with students by following established expectations and guidelines for employee-student boundaries. Many breaches of employee-student boundaries do not rise to the level of criminal behavior but do pose a potential risk to student safety and impact the quality of a safe learning environment. Repeated violations of employee-student boundaries may indicate the grooming of a student for sexual abuse. As bystanders, employees may know of concerning behaviors that no one else is aware of, so their training on: (1) preventing, recognizing, reporting, and responding to child sexual abuse and grooming behavior; (2) this policy; and (3) federal and state reporting requirements is essential to maintaining the Board's goal of professional and appropriate conduct.

The Superintendent or designee shall identify employee conduct standards that define appropriate employee-student boundaries, provide training about them, and monitor the District's employees for violations of employee-student boundaries. The employee conduct standards will require that, at a minimum:

1. Employees who are governed by the *Code of Ethics for Illinois Educators*, adopted by the Ill. State Board of Education (ISBE), will comply with its incorporation by reference into this policy.
2. Employees are trained on educator ethics, child abuse, grooming behaviors, and employee-student boundary violations as required by law and policies 2:265, *Title IX Grievance Procedure*; 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:90, *Abused and Neglected Child Reporting*; and 5:100, *Staff Development Program*.
3. Employees maintain professional relationships with students, including maintaining employee-student boundaries based upon students' ages, grade levels, and developmental levels and following District-established guidelines for specific situations, including but not limited to:
 - a. Transporting a student;
 - b. Taking or possessing a photo or video of a student; and
 - c. Meeting with a student or contacting a student outside the employee's professional role.
4. Employees report prohibited behaviors and/or boundary violations pursuant to Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*.
5. Discipline up to and including dismissal will occur for any employee who violates an employee

conduct standard or engages in any of the following:

- a. Violates expectations and guidelines for employee-student boundaries.
- b. Sexually harasses a student.
- c. Willfully or negligently fails to follow reporting requirements of the Abused and Neglected Child Reporting Act ([325 ILCS 5/](#)), Title IX of the Education Amendments of 1972 ([20 U.S.C. §1681 et seq.](#)), or the Elementary and Secondary Education Act ([20 U.S.C. § 7926](#)).
- d. Engages in *grooming* as defined in [720 ILCS 5/11-25](#).
- e. Engages in grooming behaviors. Prohibited grooming behaviors include, at a minimum, *sexual misconduct*. *Sexual misconduct* is any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee with direct contact with a student, that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include, but are not limited to:
 - i. A sexual or romantic invitation.
 - ii. Dating or soliciting a date.
 - iii. Engaging in sexualized or romantic dialog.
 - iv. Making sexually suggestive comments that are directed toward or with a student.
 - v. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
 - vi. A sexual, indecent, romantic, or erotic contact with the student.

Statement of Economic Interests

The following employees must file a *Statement of Economic Interests* as required by the Ill. Governmental Ethics Act:

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts, including collective bargaining agreement(s), in the amount of \$1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and
7. Any employee in a position that requires an administrative or a chief school business official endorsement.

Ethics and Gift Ban

Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees. Students shall not be used in any manner for promoting a political candidate or issue.

Prohibited Interests; Conflict of Interest; and Limitation of Authority

In accordance with [105 ILCS 5/22-5](#), "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of instructional materials listed with ISBE and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District

nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) ([30 ILCS 708/](#)) when the employee has a real or apparent conflict of interest. A conflict of interest arises when an employee or any of the following individuals has a financial or other interest in or a tangible benefit from the entity selected for the contract:

1. A member of the employee's immediate family;
2. An employee's partner; or
3. An entity that employs or is about to employ the employee or one of the individuals listed in one or two above.

Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or subcontracts. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

Guidance Counselor Gift Ban

Guidance counselors are prohibited from intentionally soliciting or accepting any gift from a *prohibited source* or any gift that would be in violation of any federal or State statute or rule. For guidance counselors, a *prohibited source* is any person who is (1) employed by an institution of higher education, or (2) an agent or spouse of or an immediate family member living with a person employed by an institution of higher education. This prohibition does not apply to:

1. Opportunities, benefits, and services available on the same conditions as for the general public.
2. Anything for which the guidance counselor pays market value.
3. A gift from a relative.
4. Anything provided by an individual on the basis of a personal friendship, unless the guidance counselor believes that it was provided due to the official position or employment of the guidance counselor and not due to the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the guidance counselor must consider the circumstances in which the gift was offered, including any of the following:
 - a. The history of the relationship between the individual giving the gift and the guidance counselor, including any previous exchange of gifts between those individuals.
 - b. Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.
 - c. Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift also, at the same time, gave the same or a similar gift to other school district employees.
5. Bequests, inheritances, or other transfers at death.
6. Any item(s) during any calendar year having a cumulative total value of less than \$100.
7. Promotional materials, including, but not limited to, pens, pencils, banners, posters, and pennants.

A guidance counselor does not violate this prohibition if he or she promptly returns the gift to the prohibited source or donates the gift or an amount equal to its value to a 501(c)(3) tax-exempt charity.

Outside Employment

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

Incorporated

by reference: 5:120-E (Code of Ethics for Ill. Educators)

LEGAL REF.:

[U.S. Constitution, First Amendment.](#)

[2 C.F.R. §200.318\(c\)\(1\).](#)

[5 ILCS 420/4A-101](#), Ill. Governmental Ethics Act.

[5 ILCS 430/](#), State Officials and Employee Ethics Act.

[30 ILCS 708/](#), Grant Accountability and Transparency Act.

[50 ILCS 135/](#), Local Governmental Employees Political Rights Act.

[105 ILCS 5/10-22.39](#), [5/10-23.13](#), [5/22-5](#), [5/22-85.5](#), and [5/22-93](#).

[325 ILCS 5/](#), Abused and Neglected Child Reporting Act.

[720 ILCS 5/11-25](#), Criminal Code of 2012.

[775 ILCS 5/5A-102](#), Ill. Human Rights Act.

[23 Ill.Admin.Code Part 22](#), Code of Ethics for Ill. Educators.

[Pickering v. Board of Township H.S. Dist. 205](#), 391 U.S. 563 (1968).

[Garcetti v. Ceballos](#), 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Grievance Procedure), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 7:20 (Harassment of Students Prohibited)

Adopted: January 18, 2023

Rochester CUSD 3A

INSTRUCTION

6:250 Community Resource Persons and Volunteers

The Board of Education encourages the use of resource persons and volunteers to: (1) increase students' educational attainment; (2) provide enrichment experiences for students; (3) increase the effective utilization of staff time and skills; (4) give more individual attention to students; and (5) promote greater community involvement.

Resource persons and volunteers may be used:

1. For non-teaching duties not requiring instructional judgment or evaluation of students;
2. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (such as computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities;
3. To assist with academic programs under a licensed teacher's immediate supervision;
4. To assist in times of violence or other traumatic incidents within the District by providing crisis intervention services to lessen the effects of emotional trauma on staff, students, and the community, provided the volunteer meets the qualifications established by the Ill. School Crisis Assistance Team Steering Committee;
5. As a guest lecturer or resource person under a licensed teacher's direction and with the administration's approval; or
6. As supervisors, chaperones, or sponsors for non-academic school activities.

The Superintendent shall follow Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, to establish procedures for securing and screening resource persons and volunteers. A person who is a *sex offender*, as defined by the Sex Offender Registration Act, or a *violent offender against youth*, as defined in the Murderer and Violent Offender Against Youth Registration Act, is prohibited from being a resource person or volunteer. All volunteer coaches must comply with the requirement to report hazing in policy 5:90, *Abused and Neglected Child Reporting*.

LEGAL REF.:

[105 ILCS 5/10-22.34](#), [5/10-22.34a](#), and [5/10-22.34b](#).

[720 ILCS 5/12C-50.1](#), Failure to Report Hazing.

[730 ILCS 150/1](#) *et seq.*, Sex Offender Registration Act.

[730 ILCS 152/101](#) *et seq.*, Sex Offender Community Notification Law.

[730 ILCS 154/75](#) *et seq.*, Murderer and Violent Offender Against Youth Community Notification Law.

[730 ILCS 154/101](#) *et seq.*, Murderer and Violent Offender Against Youth Registration Act.

CROSS REF.: 4:170 (Safety), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting), 5:280 (Duties and Qualifications), 8:30 (Visitors to and Conduct on School Property), 8:95 (Parental Involvement)

Adopted: January 18, 2023

Rochester CUSD 3A
