

## General Personnel

### Administrative Procedure - Parent/Guardian Notification of Sexual Misconduct <sup>1</sup>

When a District employee, contractor, or agent<sup>2</sup> is alleged to have engaged in *sexual misconduct* as defined in 105 ILCS 5/22-85.5(c) with a student, the District must first provide notice to the student and then provide written notice to the student's parents/guardians.

Following the District's investigation of the alleged sexual misconduct, additional notice must be provided when the Board takes any action relating to the employment of the alleged perpetrator, including whether employment was terminated or whether the Board accepted the employee's resignation. Notice of formal Board action must first be provided to the student and then written notice must be provided to the student's parents/guardians.

The only time student notification is not required before parental notification is when a District employee or agent deems it necessary to address an imminent risk of serious physical injury or death of a student or another person, including the victim. If notification is not given to the student first, then it must be given as soon as practicable and without delay following parental notification.

These parent/guardian notification procedures do not apply if the student's parent/guardian is the alleged perpetrator of sexual misconduct, and/or if the student is at least 18 years of age or emancipated.

**Sexual misconduct** - 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: 1) a sexual or romantic invitation, 2) dating or soliciting a date, 3) engaging in sexualized or romantic dialog, 4) making sexually suggestive comments that are directed toward or with a student, 5) self-disclosure or physical exposure of a sexual, romantic, or erotic nature, 6) a sexual, indecent, romantic, or erotic contact with the student. 105 ILCS 5/22-85.5(c), added by P.A. 102-676.

#### Notification of Alleged Sexual Misconduct

Actor	Action
Superintendent or Building Principal	<p>Upon learning that a District employee, contractor, or agent is alleged to have engaged in sexual misconduct with a student:</p> <p style="padding-left: 40px;">Verifies that the allegation has been reported to the Ill. Dept. of Children and Family Services (DCFS) in accordance with Board policy 5:90, <i>Abused and Neglected Child Reporting</i>.</p> <p style="padding-left: 40px;">Immediately coordinates any necessary notifications to the student's parents/guardians with DCFS, the applicable school resource</p>

The footnotes should be removed before the material is used.

<sup>1</sup> 105 ILCS 5/22-85.10, added by P.A. 102-702, eff. 7-1-23. This procedure cites the minimum requirements of State law. Modify this procedure based upon the District's specific implementation needs.

<sup>2</sup> Depending upon the facts, agents may also include student teachers and interns. Consult the board attorney as needed for guidance.

Actor	Action
	<p>officer, and/or local law enforcement which includes the local State's Attorney's Office. <sup>3</sup></p> <p>Notifies the District's Nondiscrimination Coordinator<sup>4</sup> of the reported alleged sexual misconduct.</p>
Nondiscrimination Coordinator	<p>Upon being notified of the reported alleged sexual misconduct by the Superintendent or Building Principal, shall:</p> <p>Determine whether the alleged sexual misconduct is also being investigated by the Ill. Dept. of Children and Family Services (DCFS) and/or law enforcement.</p> <p>Open and conduct an investigation into the alleged incident of sexual misconduct in accordance with policy 7:20, <i>Harassment of Students Prohibited</i>.</p> <p>Considering any DCFS and/or law enforcement investigation(s), identify the appropriate time frame for notifying the student and the student's parents/guardians of the alleged sexual misconduct. 105 ILCS 5/22-85.10(a)(1), added by P.A. 102-702, eff. 7-1-23.</p> <p><b>Note:</b> Notification must be provided as soon as feasible after the District becomes aware of the alleged sexual misconduct, subject to the requirements of 105 ILCS 5/22-85(f) restricting interviews of a student who is a victim of an alleged incident of sexual abuse. <u>Id.</u> at (a)(4). See 5:90-AP1, <i>Coordination with Children's Advocacy Center</i>.</p>
Nondiscrimination Coordinator, School Counselor, and/or a staff member trained in child development	<p>Notifies the student, in a developmentally appropriate manner, with a staff member present who is trained in child development or is one the student trusts, that a District employee, contractor, or agent is alleged to have engaged in sexual misconduct with the student. Notice will include:</p> <ol style="list-style-type: none"> <li>1. That notice will be given to the student's parent(s)/guardian(s) (105 ILCS 5/22-85.10(a)(2)(A), added by P.A. 102-702, eff. 7-1-23);</li> <li>2. What information will be included in the notice to parent(s)/guardian(s) (<u>Id.</u> at (a)(2)(B));</li> <li>3. Any District and community-based counseling options for students affected by grooming behaviors identified by the Student Support Committee (see the <b><i>Erin's Law Counseling Options, Assistance, and Intervention</i></b> subhead of policy 7:250, <i>Student Support Services</i>);</li> </ol>

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<sup>3</sup> This sentence implements optional language from sample policy 5:90, *Abused and Neglected Child Reporting*, and should be deleted if the board's adopted policy does not contain it.

<sup>4</sup> Throughout this procedure "Nondiscrimination Coordinator" may be replaced with Title IX Coordinator or designee, Complaint Manager, School Resource Officer, or the title of any other school personnel leading the school's investigation into the alleged sexual misconduct.

Actor	Action
	<ol style="list-style-type: none"> <li>If the student is 12 years of age or older, any available counseling services under 105 ILCS 5/3-550 (105 ILCS 5/22-85.10(a)(2)(C), added by P.A. 102-702, eff. 7-1-23);<sup>5</sup> and</li> <li>Beginning 7-1-25, any available resources for the student within the school and community in accordance with 105 ILCS 5/26A, including the name and contact information of the District's domestic and sexual violence and parenting resource coordinator under 105 ILCS 5/26A-35 (<u>Id.</u> at (a)(2)(C), (D)).</li> </ol>
Nondiscrimination Coordinator	<p>After the student notification, notifies parent(s)/guardian(s) in writing of:</p> <ol style="list-style-type: none"> <li>The alleged sexual misconduct (<u>Id.</u> at (a)(3)(A));</li> <li>Any District and community-based counseling options for students affected by grooming behaviors identified by the Student Support Committee (see the <b><i>Erin's Law Counseling Options, Assistance, and Intervention</i></b> subhead of policy 7:250, <i>Student Support Services</i>); and</li> <li>Beginning 7-1-25, any available resources for the student within the school and community in accordance with 105 ILCS 5/26A, including the name and contact information of the District's domestic and sexual violence and parenting resource coordinator under 105 ILCS 5/26A-35 ((105 ILCS 5/22-85.10(a)(3)(B), added by P.A. 102-702).</li> </ol>

#### Notification of Board Action

Actor	Action
Superintendent and Nondiscrimination Coordinator	<p>As soon as feasible after the Board takes any action relating to the employment of the alleged perpetrator, notifies the student, in a developmentally appropriate manner, of:</p> <ol style="list-style-type: none"> <li>The fact that notice will be given to the student's parent(s)/guardian(s) (<u>Id.</u> at (b)(2)(A));</li> <li>Information that will be included in the notice to parents/guardians (<u>Id.</u> at (b)(2)(B));</li> <li>Any District and community-based counseling options for students affected by grooming behaviors identified by the Student Support Committee (see the <b><i>Erin's Law Counseling Options, Assistance, and Intervention</i></b> subhead of policy 7:250, <i>Student Support Services</i>);</li> <li>If the student is 12 years of age or older, any available counseling services under 405 ILCS 5/3-550 (105 ILCS 5/22-85.10(b)(2)(C), added by P.A. 102-702, eff. 7-1-23); and</li> </ol>

The footnotes should be removed before the material is used.

<sup>5</sup> See f/n 7 in sample policy 7:250, *Student Support Services*, for information regarding counseling services under 405 ILCS 5/3-550.

Actor	Action
	<p>5. Beginning 7-1-25, any available resources for the student within the school and community in accordance with 105 ILCS 5/26A, including the name and contact information of the District's domestic and sexual violence and parenting resource coordinator under 105 ILCS 5/26A-35 (105 ILCS 5/22-85.10(b)(2)(C), (D), added by P.A. 102-702).</p> <p>If the student is no longer enrolled when the Board takes action, written notice may be sent to the last known address in the student's file. <u>Id.</u> at (b)(5).</p>
Superintendent	<p>After the student notification, notifies parent(s)/guardian(s), in writing of:</p> <ol style="list-style-type: none"> <li>1. The Board's action (<u>Id.</u> at (b)(3)(A));</li> <li>2. Whether a report concerning the alleged sexual misconduct was or will be submitted to the State Superintendent of Education and the Regional Superintendent<sup>6</sup> pursuant to 105 ILCS 5/10-21.9 (<u>Id.</u> at (b)(3)(B));</li> <li>3. Any District and community-based counseling options for students affected by grooming behaviors identified by the Student Support Committee (see the <i><b>Erin's Law Counseling Options, Assistance, and Intervention</b></i> subhead of policy 7:250, <i>Student Support Services</i>); and</li> <li>4. Beginning 7-1-25, any available resources for the student within the school and community in accordance with 105 ILCS 5/26A, including the name and contact information of the District's domestic and sexual violence and parenting resource coordinator under 105 ILCS 5/26A-35 (105 ILCS 5/22-85.10(b)(3)(C), added by P.A. 102-702).</li> </ol> <p>If the student is no longer enrolled when the Board takes action, written notice may be sent to the last known address in the student's file. <u>Id.</u> at (b)(5).</p>

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<sup>6</sup> Alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."