

Know Your Rights

0. **Withholding Consent to Search.** Students have a Fourth Amendment right to withhold consent to a search. If you agree to be searched, you give up that right. You can lose your right to demand that the search be reasonable when you say “okay” to an official asking to search you. Assemblies at school will be used to instruct students on how to make sure to protect their rights in a civil manner.

1. **Re-engagement after suspension or expulsion.** Schools must create a policy to facilitate the re-engagement of students who have been suspended or expelled from school. *See*, Policy 6013, Suspension and Expulsion of Students.

2. **Release of Directory Information – Waukegan Police Department.** The District releases student name and address information to the Waukegan Police Department to assist officers in maintaining a safe educational and community environment for students, staff and community members. **If you DO NOT want your student’s name and address released, you must return the form located at page 77 of this Handbook.** This opt-out right does not apply to sharing information with law enforcement personnel when a student is at risk of involvement in the juvenile justice system.

3. **Release of Directory Information – School Media/Publications & Student Interviews.** The District releases certain information about students in school media or school related publications such as the school newspaper, yearbooks, District web pages, student activity programs or rosters. The District also from time to time allows third party media or the PTA to photograph or interview students in relationship to District activities, with adult supervision. **If you DO NOT want your child’s information shared, you must return the form located at page 76 of this Handbook.** Further information about the type of information shared is located on the form.

4. **Dress Code.** At no time may a student be *shamed* regarding attire. Clothing choices should be *addressed privately* with the student. In some cases, students may be asked to change to attire that complies with the dress code or take other action to reflect the District’s dress expectations, such as remove a hat.

5. **No student shall be held responsible for another student’s distraction due to attire.**

6. **Up to Three Days Out-of-School Suspensions.**

a. *Documents that the school must provide.* A written decision must include: (1) the specific act of gross disobedience or misconduct, (2) an explanation of the rationale for the duration of the suspension, and (3) notice of the right to review by the Board or a hearing officer appointed by the Board.

b. *Required action by the school.* This suspension may be used only if the student’s continuing presence in the school poses a threat to school safety or a disruption to other students’ learning. **This means that a student cannot be suspended for skipping class, tardiness, or unexcused absences.**

c. *Make-up Work.* Students must be provided an opportunity to make-up any missed work for equivalent academic credit.

7. **Four-Day Out-of-School Suspensions.**

a. *Documents that the school must provide.* A written decision must include: (1) the specific act of gross disobedience or misconduct, (2) an explanation of the rationale for the duration of the suspension, and (3) notice of the right to review by the Board or a hearing officer appointed by the Board. Also, the **school must document** whether other behavioral and disciplinary interventions were attempted or whether the school determined that there were no other appropriate and available interventions.

b. *Required action by the school.* This suspension may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted AND the student’s continuing presence in the school poses a threat to the safety of other students, staff or the school community, OR substantially disrupts, impedes or interferes with the operation of the school. **This means that a student cannot be suspended for four days for missing class or tardiness.**

c. *Make-Up Work.* Students must be provided an opportunity to make-up any missed work for equivalent academic credit.

8. **Five to Ten-Days Out-of-School Suspensions.**

a. *Documents that the school must provide.* All of the documents required for 4-day suspensions are also required for suspensions of 5 to 10days. The school must also document whether appropriate and available support services are to be provided or whether it was determined that there are no appropriate and available services for the student.

b. *Required action by the school.* All of the actions and interventions required for 4-day suspensions are also required for suspensions of 5 to 10-days. **This means that a student cannot be suspended for missing class or tardiness.**

c. *Make-Up Work.* Students must be provided an opportunity to make-up any missed work for equivalent academic credit.

d. *Support Services.* Students who are suspended must be provided with appropriate and available support services during their suspensions.

9. **Expulsions.**

a. *Documents that the school must provide:* A written request to appear at a meeting with a hearing officer appointed by the Board to discuss the student’s behavior, including the time and place for the meeting and the right to bring legal counsel, present evidence, and question witnesses.

FIRST READING

b. *Documents that the School Board must provide after a hearing:* The School Board's decision must: (1) detail the specific reasons why removing the student from the school is in the school's best interest; (2) provide a rationale with respect to the specific duration of time for the expulsion; and (3) document whether other behavioral and disciplinary interventions were attempted or whether the school determined that there were no other appropriate and available interventions.

c. *Required action by the school.* Schools may expel a student only if other appropriate and available behavioral and disciplinary interventions have been exhausted OR expulsion is required by State or federal law AND the student's continuing presence in school poses a threat to the safety of other students, staff, or the school community; OR substantially disrupts, impedes or interferes with the operation of the school.

d. *Support Services.* A school may refer expelled students to appropriate and available support services during the time the student is expelled.

10. **Alternative School Assignment Arising from Misconduct.**

a. *Documents that the school must provide:* All of the documents required for a suspension or an expulsion, whichever applies.

b. *Required action by the school.* This school assignment may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted AND the student's continuing presence in the school poses a threat to the safety of other students, staff or the school community, OR substantially disrupts, impedes or interferes with the operation of the school.

11. **Student Records - Challenges.** Parents generally shall have the *right to challenge any entry*, exclusive of grades, in the **school records on the basis of accuracy, relevance, or propriety**. Also, challenges to suspension or expulsion records may not occur at the time of a school transfer. To make such a challenge and to receive a copy of the procedure involved, parents may contact the building principal.

12. **Student Records – Access.** Parents have a right to inspect and copy, or to authorize in writing the inspection and duplication of, student record information relevant to the student. This right transfers to the student once the student reaches the age of 18, unless a legal guardian has been appointed for the student, or the student graduates, marries or joins the military. Parents of students who qualify as dependents, per the IRS rules, may still have access to student record information once parental rights transfer to the student, but they do not have authority to release or challenge the records.

13. **Delegated Educational Decision Maker.** Students with disabilities who reach the age of 18 may delegate an adult to make educational decisions for them if they do not have a legal guardian appointed by the courts. Additional information and the required form may be requested from the student's case manager.

14. **Student Records – Student Access.** Any student has the right to inspect and copy his, her, or their permanent record.

15. **Transcripts – College Entrance Exam Scores.** Parents may request in writing the removal of one or more scores received on college entrance examinations from the student's academic transcript.

16. **Searches by School Officials.** See, Policy 6040, Student Discipline.

a. *School Grounds/Property.* School officials may search school grounds and property, including desks, lockers, busses, vehicles, and unattended personal property of students, at any time while on school grounds/property or at school related activities.

b. *Students.* Searches of students or property in their possession may occur when the school official has reasonable cause to believe the search will result in evidence of reported misconduct in which the student is involved. Student searches generally will be conducted by school administrators. A search must stop once the specific suspicion has been dispelled. **Students must refuse consent to preserve the right to demand that the school have a reasonable cause to conduct the search. Tell the person conducting the search that you wish that person to record and document that you do not agree to the search if you wish to preserve your right.**

c. *Assistance of SRO's or Law Enforcement.* School Resource Officers (SRO) or local law enforcement personnel may be requested to assist school administrators with searches involving reasonable suspicion of drugs, weapons or other dangerous substance or materials or when there is an articulable safety concern associated with an intended search. School Resource Officers, additionally, may initiate searches when acting in furtherance of ensuring a proper and safe educational environment consistent with the school's rules. Reasonable and individualized suspicion is required for such searches to take place. By comparison, searches by SROs or law enforcement personnel initiated by SRO's or law enforcement personnel for a law enforcement purpose generally require probable cause and a search warrant.

The Handbook contains additional information on these topics and others as well as individuals whom you may contact if you have questions.

CIVIL AND LEGAL RIGHTS

DUE PROCESS RIGHTS OF STUDENTS

Individual rights granted by the CONSTITUTION of the United States are granted to all people regardless of race; color; gender; sexual orientation; gender identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; actual or potential marital or parental status, including pregnancy, or any other legally protected. Students have rights as individuals, although they may not be as extensive on campus or school property or at school related activities as their rights off campus. School