

## School Board

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### Section 7 - Students

#### Rights and Responsibilities

[Policy 7:220](#)

#### Bus Conduct

All students must follow the District's School Bus Safety Guidelines. The Superintendent, or any designee as permitted in The School Code, is authorized to suspend a student from riding the school bus for up to 10 consecutive school days for engaging in gross disobedience or misconduct, including but not limited to, the following:

1. Prohibited student conduct as defined in School Board policy, 7:190, Student Discipline.
2. Willful injury or threat of injury to a bus driver or to another rider.
3. Willful and/or repeated defacement of the bus.
4. Repeated use of profanity.
5. Repeated willful disobedience of a directive from a bus driver or other supervisor.
6. Such other behavior as the Superintendent or designee deems to threaten the safe operation of the bus and/or its occupants.

If a student is suspended from riding the bus for gross disobedience or misconduct on a bus, the School Board may suspend the student from riding the school bus for period in excess of 10 days for safety reasons. The District's regular suspension procedures shall be used to suspend a student's privilege to ride a school bus.

#### Electronic Recordings on School Buses

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

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

The content of the electronic recordings are student records and are subject to District policy and procedure concerning school student records; such recordings are exempt from the Eavesdropping Act. Only those people with a legitimate educational or administrative purpose may view and/or listen to the electronic video and/or audio recordings. If the content of an electronic recording becomes the subject of a student disciplinary hearing, it will be treated like other evidence in the proceeding.

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**MILLBURN DISTRICT 24**

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**LEGAL REF.:**      *Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.105 ILCS 5/10-20.14, 5/10-22.6, and 10/1 et seq. 720 ILCS 5/14-3(m).*

**CROSS REF.:**      *4:110 (Transportation), 4:170 (Safety), 7:130 (Student Rights and Responsibilities), 7:170 (Vandalism), 7:190 (Student Discipline), 7:200 (Suspension Procedures), 7:340 (Student Records)*

**ADMIN.PROC.:**      *4:170-AP3 (School Bus Safety Rules)*

**ADOPTED:**              *October 19, 2009*



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School Websites

## Students

### Bus Conduct <sup>1</sup>

All students must follow the District's School Bus Safety Guidelines. The Superintendent, or any designee as permitted in the School Code, is authorized to suspend a student from riding the school bus for up to 10 consecutive school days for engaging in gross disobedience or misconduct, including but not limited to, the following:

1. Prohibited student conduct as defined in School Board policy, 7:190, *Student Discipline*.
2. Willful injury or threat of injury to a bus driver or to another rider.
3. Willful and/or repeated defacement of the bus.
4. Repeated use of profanity.
5. Repeated willful disobedience of a directive from a bus driver or other supervisor.
6. Such other behavior as the Superintendent or designee deems to threaten the safe operation of the bus and/or its occupants.

If a student is suspended from riding the bus for gross disobedience or misconduct on a bus, the School Board may suspend the student from riding the school bus for a period in excess of 10 days for safety reasons. The District's regular suspension procedures shall be used to suspend a student's privilege to ride a school bus. <sup>2</sup>

### Electronic Recordings on School Buses <sup>3</sup>

Electronic visual and audio recordings may be used on school buses to monitor conduct and to promote and maintain a safe environment for students and employees when transportation is provided

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**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> All districts must have a policy on student discipline (105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280). State law requires the parent-teacher advisory committee, in cooperation with school bus personnel, to develop with the board, school bus safety procedures (105 ILCS 5/10-20.14(c)). See 4:110-AP3, *School Bus Safety Rules*.

<sup>2</sup> 7:200, *Suspension Procedure*, satisfies the procedural requirements in 105 ILCS 5/10-22.6(b).

<sup>3</sup> This section is optional; it contains the statutory prerequisites for districts that want to use electronic audio and visual recording devices on school buses (720 ILCS 5/14-3(m)). These required prerequisites are contained in an exception to the criminal eavesdropping statute that prohibits recording a conversation without the consent of all parties. Two Ill. Supreme Court decisions declared the criminal eavesdropping statute to be unconstitutionally overbroad in violation of the first amendment. *People v. Melongo*, 6 N.E.3d 120 (2014), and *People v. Clark*, 6 N.E.3d 154 (2014). The enforceability of the statute containing exceptions to a crime that no longer exists is questionable until the General Assembly amends the criminal eavesdropping statute to correct its deficiency.

Anticipating that the criminal eavesdropping statute will be legislatively corrected, districts may wish to continue following the requirements in the statutory exceptions. These require (1) the school board to adopt a policy authorizing electronic recordings, and (2) the district to provide notice as provided in the sample policy.

The board should consult with the board attorney concerning the status of video and/or audio recordings that were made on school buses. Confusion surrounds whether or not videotapes are *education records* for purposes of the federal Family Education Rights and Privacy Act (FERPA) and/or *school student records* as defined in the Ill. School Student Records Act (105 ILCS 10/). The Ill. State Board of Education (ISBE) considerably reduced the confusion by stating in its rule that *school student records* do not include video or other electronic recordings "created at least in part for law enforcement or security or safety reasons or purposes," (23 Ill.Admin.Code §375.10). ISBE rules also specify that: (1) electronic recordings made on school buses, as defined in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3, are not *school student records*, (*Id.*) and (2) no image on a school security recording may be designated as directory information (23 Ill.Admin.Code §375.80). This treatment exempts school bus videos from the multiple requirements in the Ill. School Student Records Act. However, when responding to a request under the Freedom of Information Act for recordings on school buses, a district will need to find an exemption other than the recording is a *school student record*.

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

LEGAL REF.: Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.  
105 ILCS 5/10-20.14, 5/10-22.6, and 10/  
720 ILCS 5/14-3(m).  
23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 7:130 (Student Rights and Responsibilities), 7:170 (Vandalism), 7:190 (Student Discipline), 7:200 (Suspension Procedures), 7:340 (Student Records)

ADMIN. PROC.: 4:110-AP3 (School Bus Safety Rules)